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Vaisakha 10, 1885 (Saka)

LOK SABHA DEBATES

(Fourth Session)



(Vol. XVIII contains Nos. 51—61)

LOK SABHA SECRETARIAT
NEW DELHI

ONE RUPEE (INLAND)

FOUR SHILLINGS (FOREIGN)

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*The sign + marked above the name of a Member indicates that the Question was actually asked on the floor of the House by that Member.

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LOK SABHA

Tuesday, April 30, 1963/Vaisakha 10,
1885 (Saka)

The Lok Sabha met at Eleven of the
? Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Foreign Ships for Transportation of
Coal

- *1087. { Shri Subodh Hansda:
Shri S. C. Samanta:
Shri B. K. Das:
Shri M. L. Dwivedi:

Will the Minister of Transport and
Communications be pleased to state:

(a) whether it is a fact that foreign
ships were chartered for carrying coal
from Calcutta to South Indian ports
before the emergency;

(b) if so, whether it was profitable
to charter such ships;

(c) whether the freight was paid in
Indian currency or foreign currency;
and

(d) whether chartering of such
ships has been discontinued?

The Minister of Shipping in the
Ministry of Transport and Communi-
cations (Shri Raj Bahadur): (a) Yes,
Sir.

(b) It was profitable to shipowners
to perform trip charters and it made
no difference to consumers since they
paid the normal coastal freight rates
499(Ai) LSD—1

irrespective of whether coal was car-
ried in owned vessels or in chartered
vessels.

(c) Freight was paid to Indian ship-
owners, who were the charterers, in
Indian currency and foreign exchange
was released to them for payment of
charter-hire.

(d) Yes, Sir.

Shri Subodh Hansda: May I know if
the freight rate was almost equal and
may I understand that there is short-
age of transport vessels in our country
for the transport of coal by coastal
shipping?

Shri Raj Bahadur: There was some
shortage. We had to allow charters.
We have discontinued these now. We
are not having any more.

Shri Subodh Hansda: May I know
whether the Government have laid
down any conditions regarding the
payment of freight rate to the foreign
owners of shipping companies, how
that amount is utilised, and whether
it is utilised in this country or it is
allowed to go outside?

Shri Raj Bahadur: They are foreign
ships. They are paid charter hire.
They take away the charter hire.
There is no question of its being uti-
lised here.

Shri S. C. Samanta: The hon. Minis-
ter said that charter of foreign vessels
has been discontinued. May I know
whether the dry cargo vessels that
are with us are sufficient and, if so,
what is their number?

Shri Raj Bahadur: The number that
is available with us is in the vicinity
of 46 vessels owned by Indian ship-
ping companies for this purpose.

Shri Sham Lal Saraf: May I know if transport of coal by ships has been dovetailed with transport otherwise by railway and other vehicles and, if so, whether this process will continue and if so, how long?

Shri Raj Bahadur: It was with a view to relieve the transport needs that an additional 1 million tons of coal was allotted to Indian coastal shipping for movement along the coast from Calcutta to other places on the coast. This is continuing and the quantity required to be transported has been transported almost fully. We hope that this will continue because this has been found to be useful.

Shri Kapur Singh: May I know whether it is true that the recommendations of the Shipping Policy Committee, 1935 to the effect that 100 per cent of coastal shipping should be reserved for Indian ships, were accepted by the Government after Independence and if so, what GRT tonnage has been added by way of our Coastal shipping since, and how much does it fall short of our actual requirements?

Shri Raj Bahadur: It will be a very long question. I will try to answer, if permitted.

Mr. Speaker: It is too wide a question so far as this is concerned.

Shri Kapur Singh: Let him answer the first part.

Shri Raj Bahadur: It is true that we accepted the recommendations of the Shipping Policy Committee. Coastal shipping was reserved for National shipping companies. We have tried to build up coastal shipping since then. It is now in the vicinity of a little over 3,75,000 tons. So far as coal movement is concerned, now we have got the required number of ships to carry 2 million tons of coal.

Shri Hem Barua: May I know if it is a fact that the Nagendra Singh Committee appointed by the Government has suggested the acquiring of

12 vessels for the transport of coal and, if so, may I know what is the reaction of the Government to this suggestion and whether they have taken measures to see this implemented?

Shri Raj Bahadur: Implementation will take time. This committee was appointed specifically to go into the question of replacement of old vessels, vessels which may have to be scrapped. In pursuance of the recommendations of the Committee it is now suggested that we should have vessels which would be 10,000 tons DWT which are capable of entering into the port of Calcutta fully loaded. It means, they will have to have a draft of 22 or 23 feet only. This particular recommendation is being examined. We are taking steps to find out from Vizag and other ship-building yards whether they can undertake this ship.

सामुदायिक विकास

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- *१०८८. {
- श्रीमती सावित्री निगम :
 - श्री स० ला० द्विवेदी :
 - श्री स० चं० सामन्त :
 - श्री योगेन्द्र झा :
 - श्री भागवत झा आजाद :
 - श्री भक्त दर्शन :
 - श्री विभूति मिश्र :

क्या सामुदायिक विकास तथा सहकार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि प्रापातकाल की घोषणा के बाद सामुदायिक विकास के लिये आवृत्ति धनराशि में कटौती की गई है ;

(ख) यदि हां, तो इस कटौती का किन मदों पर असर पड़ेगा ; और

(ग) क्या इस कटौती से कृषि पर कोई बुरा असर पड़ने की संभावना है ?

सामुदायिक विकास तथा सहकार मन्त्रालय में उपमन्त्री (श्री श्याम धर मिश्र) :

(क) आपातकाल की घोषणा के बाद सामुदायिक विकास कार्यक्रम के लिये निधि-नियतन में केन्द्रीय स्तर पर कोई कमी नहीं की गई। बल्कि कार्यक्रम में इस प्रकार परिवर्तन किया गया है कि कृषि उत्पादन को अति उच्च प्राथमिकता दी जा सके, जिसके लिये गैर-कृषि और गैर-औद्योगिक मदों के अन्तर्गत बचत करके निधि मुलभ की जानी थी। कुछेक राज्य अपने सीमित साधनों के कारण १९६३-६४ के लिये सामुदायिक विकास कार्यक्रम हेतु पूरी धन-राशि की व्यवस्था न कर सके।

(ख) जिन मदों के खर्च में कमी की जायेगी वे कार्यालय के फुटकर खर्च, इमारतों का निर्माण, जपों की खरीद और सुविधा-कार्यक्रम हैं, किन्तु सामाजिक सेवायें जो पहले से स्थापित की जा चुकी हैं उनका देखभाल जारी रहेगा और पाने के पानों की सुविधा की व्यवस्था ज्यों की त्यों रहेगी।

(ग) जी नहीं।

[(a) No reduction in the allotment for the Community Development Programme was effected at the Central level following the declaration of the Emergency. The programme was, however, reoriented so as to accord very high priority to agricultural production, to which funds were required to be diverted by effecting savings under non-agricultural and non-industrial items. Certain States did not find it possible to make full provision for the Community Development Programme for 1963-64, on account of their limited resources.

(b) The items in which there would be reduction in expenditure would be office contingencies, construction of buildings, purchase of jeeps and amenities programme, subject to maintenance of social services already

established and provision of drinking water supply.

(c) No, Sir.]

Shrimati Savitri Nigam: May I know whether there has been any shortfall in the various States, and if the answer be in the affirmative, what those States are?

Shri Shyam Dhar Misra: As I have stated in the main reply, there has been shortfall in certain States, and they are about seven or eight in number. In Punjab, Gujarat, West Bengal, Madhya Pradesh, Orissa, Mysore and Punjab there has been shortfall.

Shrimati Savitri Nigam: The hon. Minister has just now mentioned that there has been economy in non-essential expenditure. May I know the total amount saved by economising and whether all that amount has been spent on the agricultural sector?

Shri Shyam Dhar Misra: There is no question of saving there. That saving will go to the agricultural production programme. The decision has been taken that each block that is newly started in 1963-64 will get an additional amount of Rs. 1 lakh, and that will be from out of the saving on the items which I have just mentioned.

श्री भागवत झा यादव : आपातकाल की स्थिति के कारण जो रीप्रोरियटेशन किया गया है क्या इस मिलामिले में इस बात पर विचार किया गया कि सामुदायिक विकास खंडों को जो राशि मालाना तय की गई है उन में से अधिकतम खर्च नहीं हो पाया है, क्या इसके कारण उस में कुछ अधिक सुपरवाइजर्स का होना या या यह कि सुपरवाइजर्स की कमी थी, यदि हां, तो क्या सरकार उसको बढ़ाना चाहती है ?

श्री श्याम धर मिश्र : इस में सन्, १९६३-६४ का सवाल तो उठता ही नहीं है। जहां तक सन् ६२-६३ का सवाल है उसमें कम्प्युनिटी डेवलपमेंट के लिये जो ऐलाटमेंट्स किया गया था उसमें कुल खर्च हो चुका है। उस में सुपरवाइजर्स का कोई सवाल नहीं है। उसके कुछ और ही कारण हो सकते हैं।

श्री भक्त दर्शन : माननीय मंत्री जो ने बतलाया है कि ६ या ७ राज्यों में कर्मा की गई है, मैं यह जानना चाहता हूँ कि और राज्यों में कर्मा क्यों नहीं की गई और सारे देश भर के लिये एक सी यूनिफार्म नाति क्यों नहीं निर्धारित की गई है ?

श्री श्याम धर मिश्र : मैं ने यह कहा कि प्लानिंग कमिशन ने और यहां के मंत्रालय ने कर्मा करने की कोई व्यवस्था या इस तरह का कोई प्रस्ताव नहीं किया था। कुछ राज्य सरकारों के जिन के कि नाम भी मैं ने दिये, चूँकि उनकी फंडामेंटल दिक्कतें हैं, इसलिये उन्होंने स्वतः इस को कम कर दिया लेकिन फिर भी उन्होंने कहा है कि एग्रिकलचरल उत्पादन का प्रोग्राम मफर नहीं करने पायेगा और उसकी वजह से उस पर कोई ठेस नहीं पहुंचेगा। कोई युनिफार्म व्यवस्था इसलिये नहीं हो सकी है क्योंकि हर एक राज्य का बजट एलोकेशन अलग अलग होता है, एक दूसरे से भिन्न होता है। जहां तक एग्रिकलचरल प्रोडक्शन के प्रोग्राम का संबंध है उसको बढ़ाने के लिये उन पर जोर दिया जाता है लेकिन इस बारे में अन्तिम निर्णय करना स्वतः राज्य सरकारों पर निर्भर करता है।

श्री विभूति मिश्र : खाद्य तथा कृषि मंत्रालय में राज्य मंत्री डा० राम सुभग सिंह यह बराबर कहते रहते हैं कि जो बोर्डर ऐरियाज है, जैसे असम और नेपाल से भिन्ना हुआ बिहार का प्रदेश, ऐसे बोर्डर ऐरियाज

में खेती की पैदावार बढ़ाने के बारे में ज्यादा ध्यान दिया जायगा। बा० डी० अज० वर्गरेह जैसा कि कहते हैं कि इमरजेंसी का वजह से इस के लिये पैसे में कमी कर दी गई है तो क्या इस के लिये सरकार यह निर्देश देगी कि ऐसे बोर्डर ऐरियाज में खेती के काम के लिये जो खर्चा है उसमें जरा भी कमी नहीं की जायगी ?

श्री श्याम धर मिश्र : ठीक यही आदेश है कि बोर्डर ऐरियाज में सभी प्रोग्राम्स मजबूत किये जायें। अब जहां तक असम और उत्तर प्रदेश का सवाल है जोकि बोर्डर ऐरियाज हैं उनमें कोई कर्मा नहीं कां गई है केवल एक बिहार स्टेट है जहां कि इस संबंध में थोड़ी कमी कर दी गई है।

Shri Manan: In order to ensure increased agricultural production, has the Ministry thought it advisable to curtail the powers of the BDOs to interfere with the agricultural extension officers?

Shri Shyam Dhar Misra: The power of the BDO has already been curtailed to the extent that there is a panchayat samiti now presided over by the President and there is not only an advisory committee but an effective body to guide not only the BDOs but all extension officers. Therefore, the BDO by himself cannot interfere in the working of the extension officers.

श्री सरजू पाण्डेय : अभी माननीय मंत्री जी ने बताया है कि आने वाले सालों में नई जोंपों को खरब नहीं होगी। मैं यह जानना चाहता हूँ कि जो पुराने जोंपे इस्तेमाल हो रहे हैं, आर्थिक रूप से बचत करने के लिये क्या सरकार उनके इस्तेमाल पर कोई प्रतिबन्ध लगाने का विचार कर रही है।

श्री श्याम धर मिश्र : यहां से राज्य सरकारों को सुझाव दिया गया है कि विभिन्न ब्लॉक्स में जो जोंपे मौजूद हैं, उनको डिस्ट्रिक्ट

लेवल पर पुल किया जाये और जिस ब्लाक में जरूरत हो, वहां पर जीप दी जाये। इस के अतिरिक्त जहां पर सिविलियन या डिफेंस कामों के लिये जरूरत हो, वहां भी दी जाये।

श्री यशपाल सिंह : मैं यह जानना चाहता हूँ कि कम्प्यूनिटी डेवेलपमेंट के मातहत जो विजेज वालन्टियर फोंस का प्रोग्राम चल रहा था, उस पर इस कटौती का क्या असर पड़ेगा।

श्री श्याम धर मिश्र : उस पर कुछ असर नहीं पड़ेगा, क्योंकि उस पर कोई विशेष खर्च नहीं होने वाला है।

श्री काशी राम गुप्त : क्या मंत्री महोदय को इस बात का पता है कि राजस्थान में ब्लाक एक्स्टेंशन आफिसर हटाये जा रहे हैं और उद्योगों को भी ग्रामों में बढ़ाने के बजाये घटाया जा रहा है ?

अध्यक्ष महोदय : यह सवाल कम्प्यूनिटी डेवेलपमेंट के बारे में है। इस बारे में एक एक स्टेट में जाना कठिन है।

डा० गोविन्द दास : क्या सरकार यह जानती है कि विकास खंडों में कुटीर-उद्योग भी एक प्रमुख चीज हैं और उन कुटीर-उद्योगों का अभी तक कोई विकास नहीं हो रहा है ? क्या उन के लिये सस्ती बिजली प्राप्त हो सकती है, ताकि विकास-खंडों में कुटीर-उद्योग चलाये जा सकें ?

श्री श्याम धर मिश्र : यह प्रश्न अवश्य बटिल है। हम ने इस प्रश्न को प्लानिंग कमीशन और मिनिस्ट्री आफ पावर से टेक अप किया है और हम इस बात को कोशिश कर रहे हैं कि कुटीर उद्योगों और ग्रामोद्योगों के लिये सस्ती बिजला दिलाई जा सके।

New Civil Airport at Delhi

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*1089. { **Shri Sidheshwar Prasad:**
Shri Subodh Hansda:
Shri A. V. Raghavan:
Shri Pottekkatt:

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

(a) whether the site of the new Civil Airport at Delhi has been finalised; and

(b) the location thereof and the estimated cost of this project and when the construction will start?

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): (a) The proposal for constructing a new Civil Airport at Delhi has been held in abeyance for the present.

(b) Does not arise.

श्री सिद्धेश्वर प्रसाद : चूंकि दिल्ली में एक नया सिविल एयरपोर्ट बनाने का मुद्दा बहुत दिनों से सरकार के सामने है और आपात काल की वजह से उस को थोड़ी देर के लिये स्थगित कर दिया गया है, इसलिये दिल्ली में जो वर्तमान एयरोड्रोम हैं, क्या उनके विस्तार का कोई सवाल सरकार के सामने है ?

Mr. Speaker: He is asking about expansion of the present aerodromes.

Shri Mohiuddin: Yes, Sir. They will be expanded as and when necessary.

Shrimati Savitri Nigam: What are the reasons why the proposal has been kept in abeyance? Is there any possibility of it being taken up again?

Shri Mohiuddin: That question can be taken up any time, but still there are various technical and financial difficulties due to which it has been kept in abeyance.

Shri Subodh Hansda: May I know whether this proposal will be kept in abeyance for the duration of the emergency only and will be taken up later? If so, will the airport be designed to handle modern jet aircraft?

Shri Mohiuddin: I could not follow.

Mr. Speaker: He asks whether this is kept in abeyance only for the emergency period or for some other period.

Shri Mohiuddin: No, Sir, not for the emergency.

Shri A. V. Raghavan: Are Government aware of the difficulties experienced by civil airlines due to the merging of the military and civil airports at Palam?

Shri Mohiuddin: We are fully aware of it, and necessary steps are taken to see that there is minimum danger to military or civil aircraft.

Shri S. M. Banerjee: What are the schemes pending before Government for the expansion of the present aerodromes at Palam and Safdarjang in Delhi, and what is the amount sanctioned for it?

Shri Mohiuddin: The present scheme for Palam is that the construction of a terminal building is under consideration. Perhaps the hon. Member knows that only a year ago a new runway of about 9,000 feet was constructed.

Mr. Speaker: He wanted to know the amount sanctioned for it.

Shri Mohiuddin: No, Sir. That amount is not with me.

Dr. K. L. Rao: May I know whether it is not essential to have a separate airport for civilian needs and whether by keeping it in abeyance the technical difficulties can be overcome at all?

Shri Mohiuddin: For the time being that is exactly the thinking, that the technical difficulties should be overcome by communication system, radar and so on.

Purchases by Air India

*1090. **Dr. L. M. Singhvi:** Will the Minister of Transport and Communications be pleased to state:

(a) whether Air India pays any commissions on its purchases abroad to any firm;

(b) if so, the total commission paid during the last five years and whether anyone connected with Air India in any manner has also any interest in the firm receiving commissions; and

(c) if so, the name of the firm and the names of persons who are connected with Air India and have interest in aforesaid firm?

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): (a) to (c). The Air India pay commission on their purchases of spares, stores and equipment in U.S.A. to M/s. Tata Incorporated, New York, who are their purchasing Agents in that country. No commission is, however, paid on the purchase of aircraft which is done by the Corporation directly. The total commission paid by Air India during the five years—1957-58 to 1961-62 was Rs. 18.85 lakhs.

As the purchasing agents are a Tata concern, the Chairman of Air India—Shri J. R. D. Tata—is interested in the firm of purchasing Agents.

Dr. L. M. Singhvi: Has the Government examined the propriety or otherwise of permitting such commissions to be paid to those who happen to be actively associated with the management and running of Air India itself? Is it not completely contrary to the general notion that we have that a person interested in a company should not be allowed to derive such benefits?

Shri Mohiuddin: The Companies Act lays down that if any director is interested in any proposal, he will abstain from the consideration of that proposal, and that is very strictly practised. It is not a new thing. It is practised in many companies.

Dr. L. M. Singhvi: What is the organisational set-up for Air India's purchases abroad? Have Government thought of rationalising it and making it beneficial to Air India itself rather than to the commission agents?

Shri Mohiuddin: It has been examined more than once, and it has been found that this is the most economical system by which the purchases can be made efficiently and supplies made quickly as is required for an air line.

Shri Heda: Apart from the legality of the question, did Government ever take into consideration the propriety or otherwise of the procedure that is being followed, namely the Chairman being interested in the purchasing agency.

Shri Mohiuddin: That is a law which is laid down in the Companies Act, and Government allows it. . . .

Shri Morarka: The propriety is not laid down in the Companies Act.

Shri Mohiuddin: The question is about a matter which is permitted by law.

Dr. L. M. Singhvi: The question is whether it is proper, not about its validity.

Shri Hem Barua: The moral aspect of it.

Shri Bhagwat Jha Azad: Not legal propriety or otherwise.

Shri Ranga: May I know whether Government have ever considered the need or the possibility of getting this particular question examined by the Public Accounts Committee or the Estimates Committee?

Shri Mohiuddin: The Estimates Committee had examined this question, and they had made certain recommendations, to which a reply has been sent to them.

Shri Ranga: May I know if those recommendations were accepted?

Shri Mohiuddin: As far as I remember, the question was examined on the basis of the recommendations of the Estimates Committee whether a separate organisation can be set up, and it was found that a separate organisation for Air India would be more costly.

Shri Ramanathan Chettiar: Has it come to the notice of the Government that an Indian national has been paid by the manufacturers of Boeing in the United States certain commission on the purchase of Boeings and was it applied even to the recent purchase of one Boeing in the United States and, if so, what is the amount of commission that has been paid by the manufacturers to the Indian national who, I understand, has got some connection with the Tatas Ltd., Bombay?

Shri Mohiuddin: I am not aware of any commission about this. I have stated that the purchase of Boeing aircraft is done directly by the Corporation with the manufacturers.

Shri Ramanathan Chettiar: Sir, I am rising on a point of order.

Mr. Speaker: There is no point of order here.

Shri Ramanathan Chettiar: Mr. Speaker, there is some point. Last time I put this very question when the hon. Dr. Subbarayan was the Minister of Transport and Communications and the Speaker at that time was kind enough to direct the Minister to have enquiries made. After enquiries were made it was found that certain commission was paid and they said they would make further enquiries. That is why I have advisedly drawn the attention of the hon. Deputy Minister to this question but he has given an evasive answer. (Interruptions.)

Mr. Speaker: I said there was no point of order but he has insisted there was a point of order.

Shri Kashi Ram Gupta: What is the percentage of the Commission and what is the basis of fixing the same?

Shri Mohiuddin: In 1962-63 the commission was fixed at 3½ per cent on the first 3.50 million dollars and 2½ per cent on the balance.

Shri Hem Barua: The hon. Deputy Minister said that this system is working well and economy is being effected. Is it not a fact that the commission agent who makes the purchase gets to the tune of Rs. 18 lakhs for the purchase and he happens to be the Chairman of the Air India International? How can the Minister say that economy is effected through this process, through this system of commission agent while the Chairman reaps a very rich harvest?

Shri Mohiuddin: What I stated was that if another organisation were to be set up, it will be more costly and in five years more than Rs. 18 lakhs will have to be spent on it.

Shri U. M. Trivedi: Will the Government consider the proposal to remove this Chairman forthwith from service to prevent the scandal being broadcast all over?

Mr. Speaker: Order, order; this is not asking for information.

Shri Surendranath Dwivedy: Is it not a fact that when the Estimates Committee examined this question they found out that the present purchasing agency system was quite unsatisfactory and improper and they recommended a separate body for this purpose?

Shri Mohiuddin: I have stated that they did make a recommendation that an alternative system might be

examined and we found that it was not practicable.

Shri Tyagi: To make the question quite clear, may I know if the Chairman has in any way directly or indirectly benefited by the commission received in any way?

Shri Mohiuddin: It is an incorporated body which is called Tata Incorporated and it is operating in America not only for Air India purposes but for the purchase of equipment and spares for so many other organisations. (*An Hon. Member:* You are his biggest customer) No, no. Not necessarily. I am not aware of what customers there may be. They have got a very big organisation for the purchase of so many other articles.

Shri Tyagi: I do not want to know about the purchases. I want to know specifically whether he is benefited directly or indirectly. (*Interruptions.*) I want to know whether there is any financial benefit drawn by him.

Mr. Speaker: Is the hon. Minister aware of any financial benefit going to the Chairman himself?

Shri Mohiuddin: As far as the Chairman of the Air Corporation is concerned, no benefit comes to him. (*Interruption.*)

Shri Surendranath Dwivedy: It is not the question of the Corporation. It is the question of purchasing organisation. The question is whether the Chairman is benefited by this organisation.

Shri Tyagi: He says he is not benefited. (*Interruption.*)

Several Hon. Members rose—

Mr. Speaker: Order, order. The information that hon. Members require is this: The hon. Minister has said that this purchasing machinery that is there is connected with the Tatas—they have some connection. Hon. Members want to know whether the Chairman gets any bene-

fit out of that purchasing machinery, or firm or whatever it is.

Shri Mohiuddin: It is one of the organisations of Tatas. I am not aware what are their connections and this corporation operates in U.S.A.

Dr. L. M. Singhvi: Sir, on a point of order. The hon. Minister said that he has examined the question of propriety and validity. He says he is not aware as to whether, actually speaking, the Chairman of the Air India International derives any personal benefit or not. If he is not aware of it, how could he possibly have investigated into the question of propriety? It is certainly contradictory.

Shri Hem Barua: Sir, it is for your consideration. I put him that question in a very straightforward way, whether the Chairman has benefited to the tune of Rs. 18 lakhs in one single purchase. He said he is benefited. Afterwards he has been changing his position.

Mr. Speaker: He did not hear him properly. Rs. 18 lakhs is the whole commission that has been taken by that commission agency during the last five years. That was what I could understand.

Shri Hem Barua: It is the Chairman who is connected with that.

Mr. Speaker: No; it is not so.

Shri Jaipal Singh: If I have understood the hon. Minister correctly, the position is in two parts. In the matter of the purchase of aircraft the corporation benefits directly, but when it comes to the purchase of spare parts it is handed over to the agency. He said that it was more economical, more expeditious and the like. If that is the case, may I know why, in the case of the Indian Airlines Corporation, the same procedure is not followed?

Shri Mohiuddin: The Indian Airlines Corporation's purchases are not large in U.S.A. except for Dakotas; some purchases are made either directly or through the agency. (Interruption).

Mr. Speaker: Next question.

Shri Hem Barua: These are lame excuses.

Dr. L. M. Singhvi: We want a discussion on it.

Mr. Speaker: Hon. Members can have some other course. We have spent 10 minutes on it.

Provision for Corporation

***1092. Shrimati Renuka Barkataki:** Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether it is a fact that Planning Commission has requested the State Governments to provide during 1963-64, 25 per cent of the Third Plan provision for Co-operation; and

(b) if so, the reaction of State Governments thereto?

The Deputy Minister in the Ministry of Community Development and Co-operation (Shri Shyam Dhar Misra): (a) Yes, in a communication dated 3rd October, 1962.

(b) As a result of the discussion with the state governments the outlay approved for co-operation for all the States works out to about 18 per cent of the third plan provision.

Shrimati Renuka Barkataki: May I know if there is any other provision besides this 25 per cent Plan allocation for the year 1963-64?

Shri Shyam Dhar Misra: I do not know what other provisions there can be, because 25 per cent is the suggestion made by the Planning Commission to the States; as against 25 per cent the allocation was 18 per cent.

Shri Man Sinh P. Patel: In view of the allocation for the next year, may I know whether the total outlay of the third Five Year Plan will be definitely spent for Co-operation?

Shri Shyam Dhar Misra: In view of this reduction we cannot be sure that the total provision for the third Plan will be spent. We are trying to stress on the State Governments, and the Planning Commission also is trying to persuade them. We cannot be sure. If these trends continue, there may be shortfalls.

Shri P. Venkatasubbaiah: May I know whether this will include also the States' participation in share capital in the various co-operative institutions?

Shri Shyam Dhar Misra: Yes, Sir. To some extent it does, but to the extent the Reserve Bank takes share capital in the societies, it does not.

श्री विभूति मिश्र : यह जो सेंटर और स्टेट्स दोनों के कोऑपरेशन से कोऑपरेटिव को बढ़ाया जा रहा है तो क्या यह भी हिदायत दी गई है कि कोऑपरेटिव से कम से कम कितना सूद लिया जायेगा ?

श्री श्याम धर मिश्र : जी हां, इस प्रकार की हिदायत है, और हमें लोगों को कोशिश होता है कि ६ से लेकर ८ परसेंट तक सूद अगर किसानों से लिया जाय तो अच्छा होगा और करंभ करीब हर जगह इसका पालन किया जाता है। केवल एक या दो राज्य ऐसे हैं जहां ६ या १० परसेंट लिया जाता है।

Shri Tyagi: Is there a blanket ban of 25 per cent cut and its diversion towards the co-operative schemes? May I know whether it has been recommended irrespective of the importance of various basic projects which the State Governments have undertaken?

Shri Shyam Dhar Misra: No, Sir; there are definitely competing priorities. Co-operation is now developing as a sector in our economy. Therefore, the Planning Commission thought that they should stress upon this, because this has been accepted as an instrument of our national policy. Therefore, they requested the State Government to provide 25 per cent of the third Plan allocation. Probably Mr. Tyagi is saying there is a cut of 25 per cent, because between 25 per cent and 18 per cent, there may be a difference of 25 per cent. It is, of course, our desire and wish to make the maximum possible provision for co-operation, but competing priorities like irrigation, power and various other things are also there.

श्री शिव नारायण : किसान जब आपसे रुपया लेते हैं तो उन से आप ६ या ८ परसेंट सूद लेते हैं। क्या सरकार यह बतलाने की कृपा करेगी कि जब वह किसानों से रुपया लेगी तो वह उस पर कितने परसेंट सूद देगी ?

श्री श्याम धर मिश्र : यह तो बहुत साफ है कि डिपॉजिट्स पर जो रेट दिया जाता है वह ३ से ४¹/_२ परसेंट तक होता है। कहीं कहीं २ या २¹/_२ परसेंट दिया जाता है करेंट डिपॉजिट्स के हिसाब से। तरह तरह के दर हैं।

Shrimati Jyotsna Chanda: May I know whether the Government is aware of the fact that the Community Development Ministry made a statement the other day that the co-operative movement in Assam is not up to the mark and if that is so, may I know if the Government propose to have an enquiry regarding this?

Shri Shyam Dhar Misra: It is definitely a fact that in Assam the co-operative movement is very bad and we have tried to set up enquiries. As a matter of fact, year before last certain proposals were made in consultation with the State Governments and the Planning Commission allocated about Rs. 1 crore for some coopera-

tively backward States, including Assam. We are trying to persuade the State Governments to utilise this and go ahead.

Shri Bhagwat Jha Azad: May I know whether the emphasis to release 25 per cent of the total provision of the third Plan in 1963-64 for cooperation is due to the finding of the Government that the only obstacle to the cooperative movement is difficulty in regard to funds or whether inherent policy structure has been responsible for not having good success in this direction?

Shri Shyam Dhar Misra: Both are responsible for the weaknesses of the cooperative movement. Unless the co-operative idea is realised, co-operation only by financial allocations cannot grow. But financial allocations are also necessary. Therefore, the emphasis is on both the aspects.

Shri Balakrishnan: When the Minister himself has openly stated in a public meeting that the co-operative movement is not up to expectations, where is the necessity of recommending more amount, unless the defect is rectified?

Shri Shyam Dhar Misra: I am afraid I do not agree with that view. We cannot at any point of time come to a stage when we can say, "Now the co-operative movement is good" and only then financial allocation will be necessary. All steps to improve the co-operative movement will be necessary, including financial allocation.

Agricultural Implements

*1093. **Shri Inder J. Malhotra:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Indian Council of Agricultural Research has appointed a Committee to review and classify the improved agricultural implements in the country;

(b) if so, the progress made by this Committee so far; and

(c) whether this Committee has submitted any Report to Government?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) Yes.

(b) and (c). The Committee has drawn up lists of improved agricultural implements which could be used all over the country as well as the implements required for the different regions. Lists of implements to be recommended in the Package Programme Districts in different States have also been drawn up by the Committee.

Shri Inder J. Malhotra: May I know whether it is a fact that the State Governments have also appointed such committees and if so, when the final recommendations regarding improved agricultural implements were made by this committee, whether the State Committees were also consulted and a co-ordinated recommendation has been made so far?

Dr. Ram Subhag Singh: We have convened a meeting in July—though, of course, the exact date has not yet been finalised—for finalising the recommendations and also for considering what type of implements should be used in which particular region and district. We shall consult all the States, all the fabricators and also the dealers in agricultural implements.

Shri Inder J. Malhotra: Now that the list of improved agricultural implements to some extent has been finalised, may I know what steps Government propose to take to see that the manufacturing speed is also increased in the country to meet the required need of agricultural implements?

Dr. Ram Subhag Singh: We are in constant touch with the agricultural implements manufacturing concerns. We are also analysing the availability of iron and steel, and we hope that the whole programme will proceed according to schedule.

Shri D. C. Sharma: May I know what efforts Government are going to make to familiarise the common farmer in the village with these new and improved agricultural implements, and what subsidy the Government are going to give him for the purpose of these implements?

Dr. Ram Subhag Singh: The subsidy is about 25 per cent. As far as package districts are concerned, we have prepared a list of improved implements which are suited for the package districts in every State. Besides, the Community Development Block also sees to it that improved agricultural implements are progressively used by agriculturists.

श्री क० ना० तिवारी : क्या गवर्नमेंट इम्प्रूव्ड इम्प्लिमेंट्स लोकल कंडिशनस के मुताबिक गांवों के लोहारों के जरिये बनवा कर देना चाहती है या फैक्ट्री के अन्दर बनवा कर सप्लाय करना चाहती है ?

डा० राम सुभग सिंह : इम्प्रूव्ड इम्प्लिमेंट्स बनाये जाते हैं बड़े बड़े इंजीनियर्स के अनुसंधान के आधार पर, लेकिन यह नरीका अपनाया गया है कि गांवों के लोहारों को उनके बनाने के बारे में पूरा प्रशिक्षण दिया जाय। इसलिये पैकेज वाले जिलों में हर जगह एक एक वर्कशॉप की स्थापना की जा रही है जहां गांवों के लोहारों को भी उनके बनाने और उनकी मरम्मत करने की सारां विद्या बतलाई जायेगी।

श्री तुलशी दास जाधव : देहातों में जो लोहार लोग होते हैं उनको ट्रेनिंग देने का भी कोई इन्तजाम किया जा रहा है ताकि वे इतने इम्प्लिमेंट्स को देहातों में ही तैयार कर सकें ?

डा० राम सुभग सिंह : गांवों के लोहार लोगों को उनका मरम्मत करने का ज्यादा से ज्यादा विद्या, और यदि वे उनको बनाने में भी समर्थ हो सकें तो उसके लिये भी प्रशिक्षण पाने की सुविधा प्रदान करने का आयोजन है क्योंकि जब तक हम लोग हर गांव में सुधरे हुये औजारों को बनाने के लिये

एक एक परिवार को या उस से अधिक को जानकारी न करा सकें तब तक पूरी तरह से इस काम को बढ़ाना संभव नहीं है।

श्री त्यागी : मैं अंग्रेजी कम जानता हूँ, लेकिन मैंने ऐसा सुना कि एक जवाब देते हुये मिनिस्टर साहब ने खुले तरीके से कहा कि या तो बनायेंगे या फैब्रिकेट करायेंगे। तो क्या इस मिनिस्ट्री में फैब्रिकेशन की इजाजत है ? आपने इस पर एतराज नहीं किया ?

अध्यक्ष महोदय : आप शायद पहले से ही फैब्रिकेशन के मतलब को जानते थे इस लिये बहाना लिये अंग्रेजी न जानने का ?

Dr. Sarojini Mahishi: Does the Government intend to make available the improved agricultural implements now in use in the package areas to the other block development areas also; if so, when this will be translated into action?

Dr. Ram Subhag Singh: As I said in reply to a previous supplementary, it is not only on the package districts that we are going to concentrate, though package districts are also included. They are going to be extended virtually to 50 per cent of our districts and, in the course of a year or two, they will be covered by the package programme. But the plan is that all our Community Development blocks should propagate improved agricultural implements, and they are doing that. So, all the villages will be covered.

श्री सरजू पाण्डेय : माननीय मंत्री जी ने बताया कि गांवों के लोहारों को खेती के औजारों का प्रशिक्षण दिया जा रहा है। मैं जानना चाहता हूँ कि उत्तर प्रदेश के किन जिलों में यह व्यवस्था को गयी है ?

अध्यक्ष महोदय : उत्तर प्रदेश में जायें, तो फिर जिलों और गांवों में भी जाना पड़ेगा। एक आवाज आ रही है कि पंजाब का भी बतलाया जाये। इतनी तफसील में जाना तो मुश्किल है।

श्री यशपाल सिंह : क्या सरकार ने कोई ऐसा प्रशिक्षण दिया है कि चावल की

काश्त के लिये जो अभी तक डिफेक्टिव इम्प्लॉमेंट चल रहे थे उनको बदला जाये और क्या उनको रिलेस करने के लिये इस कमेटी ने कोई सिफारिश की है ?

डा० राम सुभग सिंह : धान का खेतों के लिये बढ़िया जापानी ट्रैक्टर चार जगहों में इस्तेमाल किये जा रहे हैं। वे अभी प्रदर्शन सरोखें हैं, लेकिन उनको बढ़ाने का बात सोचा जा रहा है, और माननीय सदस्य महोदय के नजदीक ही उसका प्रदर्शन भी हुआ है, सहारनपुर के सराना गांव में, और वहां खेतों भी धान का अच्छा हुई था।

Development of Mizo Hills

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{ Shdi Hem Barua:
 { Shri P. C. Barooah:
 *1094. { Shri Surendra Pal Singh:
 { Shri Sidheshwar Prasad:
 { Shrimati Jyotsna Chanda:

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

(a) whether it is a fact that Government of Assam have sent a scheme to the Central Government to make the Dhaleswari in Mizo Hills, Assam, navigable and have asked for funds to finance the scheme; and

(b) if so, the details of the scheme, the finances necessary and Government's reaction to the whole proposal?

The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) A copy of the scheme received from the Government of Assam is placed on the Table of the House. The scheme is under examination [Placed in the Library. See No. LT-1256|63].

Shri Hem Barua: May I know if it is a fact that the Government of Assam has drawn up an integrated plan for the development of the Mizo Hills with a network of roads etc.? If so, may I know whether this particular scheme is a part of that integrated scheme or it is something different?

Shri Raj Bahadur: I know of this scheme. I accept the information given by the hon. Member.

Shri Hem Barua: May I know whether the Minister will give us an idea, a broad outline, of the scheme and whether it is likely to benefit and help in the development of the Mizo Hills in point of agriculture and industry? May we have an idea of that?

Shri Raj Bahadur: All that has been given in the statement. For the benefit of the hon. Member, I may say that it will provide the much needed communication facilities in that part of our country. It will also provide a second line of communication at a place where road communication is very unsatisfactory, because only jeeps can ply. The cost of transportation is also very heavy. For a length of 96 miles water transport will be possible on the rivers Dhaleshwari and Katakhal. It is with this end in view that this scheme has been put forward.

Shri P. C. Barooah: May I know whether there is any proposal to make Akyab a port, because the river Dhaleshwari flows that side, so that there will be another harbour in that area?

Shri Raj Bahadur: Akyab is a port in Burma. As far as I remember river Dhaleshwari flows to Burma. But I do not know whether we can make Akyab a port of our own.

Shrimati Jyotsna Chanda: The hon. Minister has stated that Kaladan river is in Burma. May I know whether that portion of the river Kaladan which flows through Mizo Hills will be connected with river Dhaleshwari

so that there can be navigation? May I know whether this proposal will also be covered by this scheme?

Shri Raj Bahadur: I do not have that information.

Mr. Speaker: Shri Surendra Pal Singh.

Shri Surendra Pal Singh: My question has been covered.

Mr. Speaker: Next question.

Mormugao Harbour

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*1095. { **Shri P. C. Borooah:**
Shri Surendra Pal Singh:
Shri Subodh Hansda:
Shri S. C. Samanta:
Shri Maheswar Naik:

Will the Minister of Transport and Communications be pleased to state:

(a) whether Government have finalised a scheme for the modernisation of the Mormugao Harbour;

(b) if so, the broad outlines of the scheme; and

(c) the action taken by Government for the implementation of the scheme?

The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). A broad scheme of development for the Port of Mormugao has been drawn up. The details of the scheme are now being worked out. In the meantime, advance action has been taken in regard to urgent items. Sanction has been given to the purchase of a new dredger and a power-driven mooring launch, which are estimated to cost more than Rs. 1 crore. An order for the dredger will be placed shortly. Dredging of the approach channel and inner basin has also been completed at a cost of about Rs. 12 lakhs and this will ensure minimum depths for taking 28 ft. draft ships throughout the year. The other schemes that may be included in the

programme will be implemented as soon as the details are finalised.

Shri P. C. Borooah: May I know whether little has been done for the development of this Port up till now because of the tussle between the Naval authorities and the civil authorities as to who is going to own this Port and how the differences have been removed?

Shri Raj Bahadur: There is no conflict or difference. The question was as to what will be the respective areas of development of the Port and the Naval requirements. I think, they are under the process of examination. But that will not in any way impede the developmental schemes and their execution.

Dr. Gaitonde: May I know whether it is a fact that the railways in Goa belong to the Port so far: if so, when are they going to be taken over by the Railway Ministry?

Shri Raj Bahadur: So far as the area of the port is concerned, the railways belong to the port authorities as in the Bombay and Calcutta Port areas. The railways outside the Port area might be taken over by the Railways.

Dr. Colaco: May I know whether any final decision has been taken by the Government about Marmugao Harbour as to whether it will be a commercial port, a free port or an additional Naval base?

Shri Raj Bahadur: It is and will remain a commercial port. In fact, we anticipated that there will be an average export of 10 to 12 million tons of iron ore plus two million tons of general cargo. It is with that figure in view that we are planning our developmental schemes. So far as the question of a free port is concerned, there is no free port and there cannot be any free port in India. There can be a free trade zone only and it is not yet under consideration.

Shri Surendra Pal Singh: Now that it has been finally decided that the harbour of Marmugao will be used both as a Naval base and as a civil port, may I know whether the Government of India will give the Indian Navy a free choice to select that part of the harbour for its own use which it considers most suitable for that purpose?

Shri Raj Bahadur: I do not think any serious overlapping will occur because there is good deal of space and room in the Vasco Bay and the other two bays. The question is on which side will the Naval developmental schemes be executed. But I think, there is ample room for both.

Shri Maheswar Naik: May I know whether the responsibility for developing this port belongs to the Transport Department or to the Naval Department because it has to be a double-purpose port

Shri Raj Bahadur: For the port it is the Transport Ministry.

Shri S. C. Samanta: May I know why the administrative control was transferred to this Ministry from the External Affairs Ministry? What difficulties were they facing?

Shri Raj Bahadur: Because the ports are managed or are under the administration of the Transport Ministry.

Shri D. C. Sharma: May I know whether we are improving this port with our own resources or are we getting any technical know-how or foreign aid for modernising this port?

Shri Raj Bahadur: So far all the developmental schemes that we have been trying to evolve have been through our own experts and engineers. So far as the question of financial assistance is concerned, we have not gone out for that.

Shri P. K. Patel: May I know whether Government have given a thought to the fact that for the development of Marmugao Port a rail link between Marmugao and Belgaum will be abso-

lutely necessary as also the doubling of the present railway line?

Shri Raj Bahadur: The railway link is there but I think it is a metre gauge. The question is one of converting that rail link into broad gauge. That will receive the attention of the Railway Ministry.

Shri P. C. Borooah: May I know whether modern devices like radar and other installations in the harbour to check the identity of vessels and also to prevent enemy vessels from entering into Indian waters will be there?

Shri Raj Bahadur: This will be a general problem for consideration by the Navy. Radar equipment might or might not be fixed for the purpose of weather forecast or guidance to the incoming vessels. That is a matter for further consideration.

Commercial Pilots Association

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{ **Shri A. V. Raghavan:**
Shri Pottakkatt:
 *1097. { **Shri Indrajit Gupta:**
Shri Subodh Hansda:
Dr. P. N. Khan:

Will the Minister of Transport and Communications be pleased to state:

(a) whether the Commercial Pilots Association has asked the I.A.C. as well as the Government to take speedy measures to implement the 1961 agreement between the I.A.C. and the Indian Commercial Pilots Association;

(b) the steps taken to implement the 1961 agreement and the reasons for delay in the implementation of the agreement;

(c) how far the rules laid down by the International Labour Organisation to rehabilitate unfit pilots have been implemented by the Indian Airlines Corporation; and

(d) whether I.A.C. pilots are insured against occupational hazards and they are given ground jobs when declared medically unfit?

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): (a) to (d). I lay a statement on the Table of the House. [Placed in Library. See No. LT-125/63].

Shri A. V. Raghavan: May I know the number of pilots found unfit during the last five years and how many have been provided ground jobs during the period.

Shri Mohiuddin: During the last ten years, since 1953, only 10 pilots were declared unfit for flying out of which 9 pilots got jobs on the ground.

Shri A. V. Raghavan: May I know by what time the agreement will be implemented in full?

Shri Mohiuddin: It depends on the pilots to put up a scheme. They have not yet put up a scheme. As soon as they put up a scheme, it will be considered.

New Telephone System

*1098. **Shri Rameshwar Tantia:** Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the country is likely to adopt a New Telephone System based on the continental telephone switching system;

(b) if so, how the equipment for the same will be made available; and

(c) whether it will involve the setting up of another telephone factory in addition to the present one?

The Deputy Minister in the Ministry of Transport and Communications (Shri Bhagavati): (a) A modern telephone system based on indirect technique using crossbar switches will be adopted for use and manufacture in the country.

(b) Some equipment will be procured under the I.D.A. loan. It is also proposed to set up a unit for production of the equipment in India.

(c) The location of the manufacturing unit for the new type of equipment has not been finalised.

Shri Rameshwar Tantia: May I know the reasons for this change-over to this system and of what type this new system will be? What will be the difference between the old system and the new system?

Shri Bhagavati: The Telephone Switching System Committee went into this question and they have examined this system very thoroughly. Now, this system has been introduced in many countries in Europe and America. Recommendation of the Committee is that the change-over to this system will be more economical and more efficient. Also, the maintenance charges will be much less and it will be more advantageous for long-distance calls and direct dialling and it will ensure greater reliability.

Shri Rameshwar Rao: He did not reply to what is the difference between the two systems.

Mr. Speaker: He has said that it will be more economical and more advantageous for long-distance calls and other things.

Shri Rameshwar Tantia: May I know whether this new system, will include direct dialling for the principal cities like Delhi, Calcutta and Madras?

Bhagavati: Direct dialling may be by both the systems. But the new system will be advantageous from many other points of view and this is most modern.

Shri D. C. Sharma: May I know how long it will take the Government of India to replace the old obsolete inefficient system by this new system?

Shri Bhagavati: Sir, global tenders have already been invited for the import of 48,000 local exchange equipment for installation at Bombay, Delhi and Madras. Tenders have also been invited for automatic exchange equipment for four big cities. Again, quotations have been invited for

collaboration in setting up a manufacturing unit for the manufacture of this new type of equipment in the country.

Shri Maheswar Naik: May I know what are the financial implications involved in this change-over? If they have found out, may I know what the components are and whether foreign exchange components are also involved?

Shri Bhagavati: For the import of these 48,000 lines and other automatic exchanges, the foreign exchange component will be of the order of Rs. 3 crores.

Mr. Speaker: Shri Kapur Singh.

Shri Maheswar Naik: What is the total...

Mr. Speaker: Order, order.

Shri Kapur Singh: May I know whether this proposed new system will altogether or for all practical purposes obviate the necessity of very frequent recourse to the Complaints number of telephones?

Shri Bhagavati: I could not follow.

Mr. Speaker: Whether this new system would obviate recourse to complaints that are so normally made during these days to the enquiry office?

Shri Bhagavati: I think that the introduction of this will certainly mean much improvement.

Shri Tyagi: In the light of the emergency and the general sense of economy in State expenditure, has the Government examined this scheme whether it is avoidable for some time or could it be postponed? Is it so urgent that it should be had now?

Shri Bhagavati: It is considered necessary from technical and economy point of view.

Shri Tyagi: Economy in what?

Shri Bhagavati: In maintenance.

Mr. Speaker: Order, order; no direct communications.

Shri D. C. Sharma: On a point of clarification, the hon. Member said about a few minutes ago that he did not know English. Now he is speaking English.

Shri Tyagi: I am speaking wrong English. I have never spoken rightly.

Psychological Tests for Railmen

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{ **Shri Maheswar Naik:**
-1099. { **Shrimati Savitri Nigam:**
 { **Shri D. C. Sharma:**
 { **Shri Ram Harkh Yadav:**

Will the Minister of Railways be pleased to state:

(a) whether Indian Railways are considering the introduction of psychological tests for engine drivers and other staff responsible for the movement of trains; and

(b) if so the benefits of such tests?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) Yes.

(b) Appraisal of the suitability of the staff connected with train running from the point of view of their safety consciousness and rational utilisation of personnel in these categories with a view to minimise and eliminate the factor of human failure.

Shri Maheswar Naik: May I know whether, from the recent enquiry, it has been ascertained that many of the accidents have been due to the fact that the drivers and other people who are connected with the movement of trains had not been mentally alive and if so, to what extent?

Shri S. V. Ramaswamy: The accident enquiry committee has suggested that a large number of accidents, 60 percent and more, are due to human

failure. They have also recommended that steps may be taken to have psychological tests. We are trying to have a cell wherein psychological tests will be instituted.

Shri D. C. Sharma: Is the Government aware of the fact that psychological tests have not given the required results in the I.A.S. and I.P.S. examinations and also in some of the Defence services examinations, and if so, what is the Government of India going to do in the light of the failure of these psychological tests in some of these examinations?

The Minister of Railways (Shri Swaran Singh): I do not think that psychological tests have not yielded the desired results. It is hoped that if these people who are concerned in the operational side are given training on the psychological plane, it is likely to improve their efficiency and the consciousness of safety is likely to increase.

Dr. Gaitonde: May I know how frequently the psychological tests are going to be carried out and secondly, what is the agency that is going to carry out these tests?

Shri S. V. Ramaswamy: We are going to start a small cell with a Senior Scientific officer and three other Junior officers and assistants. We have some basis to go by. The French Railways have a large organisation of applied psychology. We will gather information from other Railways applying them.

Dr. Gaitonde: How frequently?

Shri S. V. Ramaswamy: We have yet to start.

Shri Hem Barua: Most of the train accidents are due to mechanical failures. May I know whether the Government have examined this aspect of the thing that a psychologically fit driver might also run into an accident because of technical failure of the machine?

Shri Swaran Singh: It is true that so far as mechanical failures are

concerned, they cannot be corrected by psychological tests. They will have to be corrected by mechanical means. Apart from the mechanical defects there is that phenomenon of human failure. It is hoped that resort to this method is likely to increase safety consciousness amongst those who are concerned with the operational side.

Shri Sham Lal Saraf: May I know whether it is contemplated to give a course of training to such of those incumbents as may be taken in for recruitment prior to their being put to these psychological tests?

Shri Swaran Singh: That is the intention. Really, these are not just going to be in the form of examinations but it is a sort of training in which the test will also be a part.

Shri Bade: Is it a fact that this psychological training is not given in any country in the world, and it is adopted only in India?

Shri Swaran Singh: No, other countries also have adopted it, and one country, particularly France has adopted it in a big way and the results have been quite encouraging.

Shri Kapur Singh: May I know whether these psychological tests will be in relation to I.Q., Personality or special performance aptitudes?

Shri Swaran Singh: These are not likely to be in relation to personality but they will be with a view to improve the safety consciousness.

Shri S. M. Banerjee: May I know whether the psychological tests will be confined to the employees only or whether they will also be applied in the case of the Railway Board Members and the Ministers?

Mr. Speaker: Order, order. Then, the Minister also might say that these tests should be applied to Members of Parliament as well.

Shri Manaen: The hon. Minister was pleased to state that some sort of cell will be created to carry out these psychological tests. Will the hon. Minister please tell us whether some machinery will be set up to see that this cell is properly and psychologically tested?

Shri Kapur Singh: I beg to bring one important thing to your notice..

Mr. Speaker: Has the answer to the previous question been given?

Shri S. V. Ramaswamy: The hon. Member is suggesting a psychological test for the cell itself.

WRITTEN ANSWERS TO QUESTIONS

Air India

***1091. Shri Harish Chandra Mathur:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of seats which go unutilised on the domestic sectors of Air India's flight;

(b) what would be our additional revenue if these seats were utilised; and

(c) what seats and services on domestic routes could be managed with the present fleet of Air India and what would be the position with aircraft already sanctioned?

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): (a) The Air India has been operating only one domestic flight on Friday mornings from Bombay to Delhi since 1962. Purely domestic traffic is not carried on this flight. For the period May, 1962 to 15th March, 1963, 7948 seats were available on these flights of which 6072 were unutilised.

(b) If the 6072 seats on the Bombay-Delhi flight were utilised, the

additional revenue would be approximately Rs. 9 lakhs on the basis of 100 per cent load-factor which however, is unusual even on a domestic service. The question of utilising this capacity was considered on more than one occasion but on account of the additional customs formalities to be undergone at more than one point in India by international passengers, the question was not pursued. It will not therefore be correct to infer that any legitimate revenue due to Air India was foregone.

(c) Air India is at present operating a daily Bombay|Delhi|Bombay evening service with a Boeing aircraft on a charter basis for Indian Airlines Corporation. The Air India have stated that in addition they may be in a position to offer during 1963-64 additional capacity, some on a guaranteed timing basis and some others on a fluctuating timing basis dependent upon arrival of the aircraft from abroad. The Corporation have stated that in some cases services so offered for domestic purposes may even have to be cancelled. It is also claimed that after the receipt of the 7th Boeing aircraft on order in April, 1964, the Air India can offer additional capacity. Whether the additional capacity so offered by the Air India can be conveniently utilised by the Indian Airlines Corporation, especially when some of the services offered will be subject to cancellation or delay is yet to be examined by the Indian Airlines Corporation.

Direct Telephone Dialling Facilities

***1100.** { Shri R. S. Pandey;
Shri Onkarlal Berwa:

Will the Minister of Transport and Communications be pleased to state:

(a) when the direct telephone dialling facilities will be introduced to connect Delhi, Calcutta, Madras and Bombay; and

(b) whether the facility introduced in Delhi-Agra and Lucknow-Kanpur lines is working satisfactorily?

The Deputy Minister in the Ministry of Transport and Communications (Shri Bhagavati): (a) Direct telephone dialling facility is expected to be introduced between Delhi, Calcutta, Madras and Bombay by 1966.

(b) Yes.

Cost of Track Electrification

*1101. Shri Hari Vishnu Kamath: Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 889 asked on the 16th April, 1963 and state:

(a) whether comparative statistics are available regarding the cost of electrification per track kilometre in various countries of the world;

(b) if so, whether the cost in our country is high;

(c) if so, the reasons therefore; and

(d) whether a statement of figures referred to in part (a) above will be laid on the Table?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) No, Sir.

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

दक्षिण भारत के लिए विशेष रेलगाड़ी

*११०२. श्री श्रीरामलाल बेरवा : क्या रेलवे मंत्रा यह बताने का कृपा करेंगे कि :

(क) क्या यह सच है कि रमियों की छुट्टियों में दक्षिण भारत को जाने वालों की सुविधा के लिये सरकार का विचार एक विशेष रेलगाड़ी चलाने का है ;

(ख) यदि हां, तो यह कब से चालू की जायेगी ;

(ग) ऐसा रेलगाड़ियां किन-किन स्थानों के लिये चलाई जायेंगी ; और

(घ) क्या इन गाड़ियों में किराये का कोई रियायत दी जायेगी ?

रेलवे मन्त्रालय में उपमन्त्री (श्री सै० वें० रामस्वामी) : (क) कई स्पेशल गाड़ियां चलाने का विचार है ।

(ख) अप्रैल और जुलाई, १९६३ बीच ।

(ग) दिल्ली और मद्रास, बम्बई वं० टी० और कोचिन हार्बर टर्मिनस और हवड़ा और मद्रास के बीच ।

(घ) इन गाड़ियों से यात्रा करने के लिये कोई खास रियायत नहीं दी जाती ।

दिल्ली से चीनी का बाहर ले जाया जाना

*११०३. श्री भक्त दर्शन : क्या खाद्य तथा कृषि मन्त्रा यह बताने का कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली से चीना बाहर ले जाने पर प्रतिबन्ध लगा दिया गया है ;

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

(ग) चीना को बिक्री तथा मूल्य पर उक्त प्रतिबन्ध का क्या प्रभाव पड़ा है ?

खाद्य तथा कृषि मन्त्रालय में उपमन्त्री (श्री प्र० म० थामस) : (क) हां, हां ।

(ख) दिल्ली चीना वितरण का एक महत्वपूर्ण केन्द्र रहा है और दिल्ली के लिये नियत का गया चीनी को बाहर जाने से रोकने के लिये यह प्रतिबन्ध लगाया गया है ।

(ग) भाव गिर कर उचित स्तरों पर पर आ गए हैं ।

Chittaranjan Locomotive Factory

1104. Shri Subdoh Hansda: Will the Minister of Railways be pleased to state:

(a) the number of electric locomotives manufactured so far in the Chittaranjan Locomotive Factory;

(b) whether all these engines are manufactured with indigenous material; and

(c) if not, what percentage of imported material is used?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) 19 upto end of March, 1963.

(b) No, Sir.

(c) The imported content is about 56 per cent.

Ex-Factory Price of Sugar

*1105. { Shri R. S. Pandey:
Shri K. N. Pande:

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

(a) whether the sugar industry has demanded an increase in ex-factory price of sugar; and

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

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): (a) Yes, Sir.

(b) There does not appear to be any case for revision.

भारत के पूर्वी भागों में भूकम्प

*११०६. श्री भक्त वर्शन : क्या परिवहन तथा संचार मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि ६ अप्रैल, १९६३ को भारत के कई पूर्वी भागों में भूकम्प के झटकों का अनुभव किया गया ;

(ख) यदि हां, तो भूकम्प का उद्गम स्थान कहां था ;

(ग) उस भूकम्प के परिणामस्वरूप किन-किन स्थानों पर क्या क्या हानि हुई ; और

(घ) भूकम्प से पीड़ित व्यक्तियों को यदि कोई सहायता दी गई है तो क्या ?

परिवहन तथा संचार मन्त्रालय में उप-मन्त्री (श्री मुहीउद्दीन) : (क) हां । ६ अप्रैल, १९६३ को इण्डियन स्टैण्डर्ड टाइम से ५ बजकर ३४ मिनट पर पूर्वी भारत के कुछ हिस्सों में भूचाल का एक मामूली झटका महसूस किया गया ।

(ख) इस झटके का एपिसेन्टर जमशेदपुर (बिहार) के दक्षिण-पश्चिम में ४० किलोमीटर (२५ मील) का दूरी पर उत्तर में २२.५ डिग्री लेटीट्यूड और पूर्व में ८६.० डिग्री लांगीट्यूड पर पाया गया है ।

(ग) और (घ). मिलने वाला रिपोर्टों के मुताबिक झटका जमशेदपुर (बिहार), और बारापाद (उड़ीसा) में महसूस किया गया और मामूलों तौर पर कलकत्ता और हावड़ा के कुछ हिस्सों में भी महसूस किया गया । इन झटकों से हुए नुकसान, या मुतासिर लोगों को दी गई मदद के बारे में कोई जानकारी हासिल नहीं है । इनका ताल्लुक राज्य सरकारों से है ।

Integral Coach Factory

*1107. Shri Subdoh Hansda: Will the Minister of Railways be pleased to state:

(a) whether the target of production of coaches from the Integral Coach Factory, Perambur has been reached during the year 1962-63; and

(b) if not, what was the shortfall and the reasons therefor?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy). (a) Targets and actuals of production for 1962-63 are as under:—

	Shell	Furnishing
Target	620	381
Actuals	600	372

(b) The shortfall is due to the difficult supply position of certain essential components and diversification of production in the Factory.

जापानी युवा कृषकों के दल की भारत यात्रा

११०८. { श्री भक्त दर्शन :
श्री सुबोध हंसवा :

क्या लाघ तथा कृषि मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि जापान युवा कृषकों का एक दल इस समय भारत का भ्रमण कर रहा है ;

(ख) यदि हां, तो उस दल ने अब तक किन-किन स्थानों का यात्रा को है तथा अन्य किन स्थानों पर जाने का विचार है ; और

(ग) उनके अनुभवों से भारतीय किसानों ने क्या लाभ उठाया है ?

लाघ तथा कृषि मन्त्रालय में राज्य मन्त्री डा० राम सुभग सिंह) : (क) से (ग) इस विषय पर हमारे पास सरकारी जानकारों उपलब्ध नहीं है। परन्तु युवा कृषक समाज से पता लगा है कि जापान युवा कृषकों के एक दल ने पाकिस्तान जाते समय दिल्ली, जयपुर, अहमदाबाद तथा महाराष्ट्र के आसपास के स्थानों का दौरा किया था और समाज के क्षेत्र कार्यकर्ताओं ने इस अवसर का लाभ उठाते हुए इसके सदस्यों से साक्षात् समस्याओं पर विचार-विमर्श किया।

Development of Agriculture in Maharashtra

2481. **Shri D. S. Patil:** Will the Minister of Food and Agriculture be pleased to state:

(a) the amount allotted to Maharashtra Government for the development of agriculture during the first two years of the Third Plan period;

(b) whether this has been fully spent; and

(c) if not, the reasons therefor?

The Deputy Minister in the Ministry of Food (Shri A. M. Thomas): (a) to (c). Information is being collected and will be placed on the Table of the Sabha when received.

Assistance to Maharashtra for irrigation Purposes

2482. **Shri D. S. Patil:** Will the Minister of Food and Agriculture be pleased to state the amount of grants given to Maharashtra Government for irrigation purposes under the Grow More Food Campaign during 1962-63? -----

The Deputy Minister in the Ministry of Food (Shri A. M. Thomas): Under the revised procedure for rendering financial assistance to State Governments, introduced from the year 1958-59, Central assistance admissible to various State Governments is sanctioned in bulk for schemes under the head "Agricultural Production" which includes Minor Irrigation and Land Development. As such, it is not possible to indicate the amount of Central assistance given to the Government of Maharashtra for their Minor Irrigation Schemes during 1962-63. Information with regard to grant and loan sanctioned to the Government of Maharashtra during 1962-63 for their Agricultural Production Schemes, including Minor Irrigation and Land Development is, however, given below:—

Year	Grant	Loan.
1962-63	Rs. 79.13 lakhs	Rs. 209.06 lakhs

Tubewells in Maharashtra

2483. Shri D. S. Patil: Will the Minister of Food and Agriculture be pleased to state:

(a) the number of tubewells to be installed in Maharashtra by the Central Government under the minor irrigation schemes and the number to be installed in Nagpur Division; and

(b) the amount to be allotted for each tubewell in Nagpur Division?

The Deputy Minister in the Ministry of Food (Shri A. M. Thomas): (a) The Central Government has at present no proposal of its own to instal tubewells in Maharashtra.

(b) Does not arise.

Agricultural University in Maharashtra

2484. Shri D. S. Patil: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any proposal has been submitted by the Government of Maharashtra for establishing an Agricultural University in that State; and

(b) if so, the nature of the proposal and the nature of the assistance to be given by the Central Government therefor?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) No.

(b) Does not arise.

Howrah-Madras Express

2485. Shri Surendranath Dwivedy: Will the Minister of Railways be pleased to state:

(a) whether Government have received representation that on account of lack of third class accommodation in the Howrah-Madras Express and also for the restrictions imposed on third class travel in Howrah-Puri Express and Howrah-Madras Mail, third class passengers bound for Orissa from Howrah are put to great hardship;

(b) whether there is any proposal to remove the restrictions of third class travel in the above trains; and

(c) whether more third class bogies are proposed to be attached to Howrah Madras Express?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy):

(a) No, but representations have been received for augmenting the loads of Madras-Howrah Express trains for providing a quick and comfortable travel for South bound third class passengers generally.

(b) No.

(c) No. Room is also not available on these trains, particularly between Howrah and Waltair for an additional coach.

Railway Hostel, Cuttack

2486. Shri Surendranath Dwivedy: Will the Minister of Railways be pleased to state:

(a) whether any enquiry has been made as to how far mis-management is responsible for the lack of interest shown by parents to send students to the subsidized Railway Hostel at Cuttack; and

(b) what is the capacity of the hostel and what is present strength?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) No, Sir. The hostel is quite popular with the employees.

(b) Capacity

Upto 30-6-62	..	25
From 1-7-62	..	50
Present strength	..	33
excluding those who have left due to closing of the Scholastic Session.		

Hostel at Cuttack

2487. Shri Surendranath Dwivedy: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that selections for admission into the subsidised hostel at Cuttack are made at the Railway Headquarters and considerable delay occurs in taking decisions;

(b) whether it is also a fact that in many cases decision reaches the students so late that it prevents them from getting seats in local colleges or schools;

(c) whether there is any proposal to transfer the selection of hostel students to the Divisional Superintendent at Khurda Road for speedy disposal; and

(d) if not, the reasons therefor?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy) (a) Selections for admission into the subsidised hostel at Cuttack are made at the Railway Headquarters but there is no delay in taking decisions on that account.

(b) No such cases have been reported so far.

(c) No, Sir.

(d) Admissions into the subsidised hostel are not limited to children of railway employees working on one Division or even on one Railway Zone only, but are open to children of Railway employees on all Railways. As such, it is not considered desirable to transfer the work to the Divisional Superintendent.

Rayagada Jeypore Telephone Link

2488. Shri Ulaka: Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 1667 on the 22nd May, 1962 and state:

(a) whether Government have since examined the proposal for establishing a direct telephone circuit between Rayagada and Jeypore in Orissa;

(b) if so, the decision taken; and

(c) when this project will be completed?

The Deputy Minister in the Ministry of Transport and Communications (Shri Bhagavati). (a) Yes.

(b) Provision of a direct outlet between Rayagada and Jeypore has been approved.

(c) By the end of 63-64, subject to availability of stores.

Quarters for P&T Employees, Orissa

2489. Shri Ulaka: Will the Minister of Transport and Communications be pleased to state:

(a) the number of Posts and Telegraphs employees in Orissa provided with Government accommodation;

(b) the number of such employees who have not been given any accommodation so far;

(c) whether there is any proposal to build quarters for them in the main towns and cities of Orissa during 1963-64;

(d) if so, the details thereof; and

(e) how long it will take to complete these projects?

The Deputy Minister in the Ministry of Transport and Communications (Shri Bhagavati): (a) 360.

(b) 4296

(c) and (d). Details of the works in progress or proposed to be taken in 1963-64 are as under:—

Place	No. of quarters
Cuttack	18
Sambalpur	20
Jharsuguda	10
Rourkela	54
Phulbani	5
Jajpur	6
Jagatsingpur	2
Bhadrak	4
Jatni	7

(e) About two years.

Development of Sisal Plantation in Orissa

2490. Shri Ulaka: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any amount was allotted to Orissa for the development of Sisal Plantation in the State during 1961-62 and 1962-63;

(b) if so, the details thereof; and

(c) the amount allocated for the purpose during the Third Plan period?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) to (c). No earmarked grants were made to the Orissa Government for the development of Sisal as such. It is possible that the Orissa Government would have incurred expenditure on Sisal development from out of the bulk development grants made for the State development schemes. Information as to these amounts has been called for and will be placed on the Table of the Sabha when received from the State Government.

Gunupur-Naupada light Railway

2491. { Shri Ulaka:
Shri Dhuleshwar Meena:

Will the Minister of Railways be pleased to state:

(a) whether Government are aware of the great hardships experienced by the travelling public for want of (i) suitable drinking water facilities and (ii) platform shelters on many stations of the Gunupur-Naupada light Railway (S. E. Railway); and

(b) if so, the action taken or proposed to be taken by Government to provide these basic amenities to the travelling public?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) and (b). No, Sir. The existing arrangements for drinking water supply on the Naupada-Gunupur sec-

tion are adequate. Platform shelters have been provided at Parlakimedi and Kashinagar stations. Platform shelters are being provided on a programmed basis depending on the quantum of traffic dealt with at stations and subject to the availability of funds and materials. However, all the stations on this section are provided with waiting halls.

Himachal Pradesh State Co-operative Bank

2492. Shri Pratap Singh: Will the Minister of Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the Board of Directors of the Himachal Pradesh State Cooperative Bank have formulated staff rules for its employees, specifying an age for retirement, which have been under the consideration of the Registrar Cooperative Societies, Himachal Pradesh for a very long time; and

(b) if so, the steps taken to implement these rules in the interests of the cooperative movement in Himachal Pradesh?

The Deputy Minister in the Ministry of Community Development and Cooperation (Shri Shyam Dhar Misra):

(a) and (b). The draft service rules framed by the Board of Directors of the Bank were returned by the Registrar to the Bank with suggestions for certain additions and alterations. The Board of Directors of the Bank are expected to consider the amendments in their next meeting to be held in May, 1963.

P. & T. Offices

2493. Shri D. S. Patil: Will the Minister of Transport and Communications be pleased to state:

(a) the number of Posts and Telegraph Offices at present in Maharashtra, District-wise;

(b) whether Government propose to increase their number during 1963-64 and 1964-65; and

(c) if so, the number of places where these are likely to be provided?

The Deputy Minister in the Ministry of Transport and Communications (Shri Bhagavati): (a) A statement is laid on the table of the Sabha. [Placed in Library, See No. LT-1257/63].

(b) and (c). Yes;

Year	Post Offices	*Telegraph Offices
1963-64	213	44
1964-65	252	37

*Subject to the availability of stores.

रेलगाड़ी की छत पर यात्रा करने वाले यात्री

२४६४. { श्री सिद्धेश्वर प्रसाद :
श्री श्रीकारलाल बेरवा :

क्या रेलवे मन्त्री यह बताने का कृपा करेंगे कि :

(क) क्या यह सच है कि बरौना से कटिहार आ रही रेलगाड़ी की छत पर यात्रा करने वाले कुछ यात्रियों का कुसेला के निकट एक पुल से टकरा कर १५ अप्रैल, १९६३ को मृत्यु हो गई; और

(ख) यदि हां, तो क्या इस दुर्घटना का जांच का विवरण सभा पटल पर रखा जायेगा ?

रेलवे मन्त्रालय में उपमन्त्री (श्री सै० बें० रामस्वामी) : (क) १५-४-६३ को बरौना से कटिहार आने वाली गाड़ी की छत पर जो यात्री यात्रा कर रहे थे, उनमें से कोई यात्री पुल से टकरा कर नहीं मरा। लेकिन १५-४-६३ को दो घायल व्यक्ति कुरसेला और कटरिया स्टेशनों के बीच पटरों के पास पड़े हुए मिले। उनके पास कोई रेलवे टिकट नहीं था। उन दोनों व्यक्तियों को कुरसेला लाया गया और डाक्टर की सलाह पर उन्हें वहां से कटिहार के रेलवे अस्पताल में भेज दिया गया। इनमें से एक अस्पताल जाते हुए रास्ते में मर गया और दूसरा अस्पताल में पहुंचने के फौरन बाद मर गया।

(ख) सवाल नहीं उठता।

Agricultural Colleges

2495. { **Shri Subodh Hansda**
Shri S. C. Samanta
Shri M. L. Dwivedi:

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

(a) the total number of Agricultural Degree Colleges in our country;

(b) the total annual intake of students in those Institutions;

(c) whether the number of these institutions will be increased; and

(d) whether old colleges will also be revived?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) At present there are 62 Agriculture Colleges in India.

(b) The annual intake of students in these Colleges is approximately 7,300.

(c) A few State Governments are considering proposals for setting up more Agriculture Colleges.

(d) There is no such proposal at present.

गण्डक नदी पर सड़क का पुल

१४६६. श्री विभूति मिश्र : क्या परिवहन तथा संचार मन्त्री यह बताने का कृपा करेंगे कि :

(क) क्या यह सच है कि भूतपूर्व राष्ट्रीय राजभाषा, जो रक्सौल (बिहार) को सारन जिले से मिलाता था और डुमरिया में गण्डक नदी पर प्रस्तावित सड़क का पुल अब भिन्न मार्गों एवं स्थानों पर बनाए जा रहे हैं; और

(ख) यदि हां, तो इसके क्या कारण हैं ?

परिवहन तथा संचार मन्त्रालय में उप-नौबहन मन्त्री (श्री राज बहादुर) : (क) जी, नहीं। राष्ट्रीय राजमार्ग नं० २८ की

पिपरा-वासिया सड़क, जो उत्तर प्रदेश कासिया को, बिहार में पिपरा कोठी से मिलती है, बिहार के सारन जिले से होकर गुजरता है और गण्डक नदी को डुमरिया घाट के पास पार करेगी। इस सड़क के रेखांकन को या डुमरियाघाट के पास गण्डक के पुल का जगह को बदलने का कोई प्रस्ताव नहीं है।

(ख) सवाल पैदा नहीं होता है।

खेती के औजारों के लिये लोहे का आवांठन

२४६७. श्री विभूति मिश्र : क्या खाद्य तथा कृषि मन्त्री यह बताने की कृपा करेंगे कि :

(क) विभिन्न राज्यों को खेती के औजारों के लिए कितने टन लोहा १९६२-६३ में दिया गया ;

(ख) इस प्रकार दिये गये लोहे का बिक्री मूल्य क्या निर्धारित किया गया है ; और

(ग) किसानों को समुचित कीमत पर आसानी से लोहा मिल जाये इस सम्बन्ध में कौन सी व्यवस्था की गई है ?

खाद्य तथा कृषि मन्त्रालय में राज्य मन्त्री (डा० राम सुभग सिंह) : (क) १९६२-६३ में कृषि कार्यों के लिये लोहे तथा इस्पात के राज्यवार तथा श्रेणीवार नियतन को प्रदर्शित करने वाला एक विवरण सभा पटल पर रखा जाता है [पुस्तकालय में रखा गया दस ए संख्या एल टी १२५६/६३] केवल कृषि औजारों के लिये कोई अलग नियतन न किया गया है।

(ख) लोहे तथा इस्पात के बिक्री मूल्य विभिन्न श्रेणियों तथा साइजों के लिये अलग अलग हैं। नियन्त्रित श्रेणियों के मूल्य लोहा तथा इस्पात नियन्त्रक, कलकत्ता द्वारा नियत किये जाते हैं और उनको समय समय पर भारत सरकार के गजट में प्रकाशित किया जाता है।

(ग) कृषि कार्यों के लिये लोहे तथा इस्पात का एक अलग कोटा प्रतिवर्ष दो बार अलाट किया जाता है। शीघ्र वास्तविक सम्भरण करने में सहायता देने के लिये केन्द्रीय कृषि विभाग का एक अधिकारी इस्पात उत्पादकों, लोहा तथा इस्पात नियन्त्रक तथा राज्य सरकारों से लगातार सम्पर्क बनाये रखता है। कृषकों को वही मूल्य देना पड़ता है जो कि लोहा तथा इस्पात नियन्त्रक द्वारा अखिल भारतीय स्तर पर नियत किया जाता है।

खाद्यान्न का आयात

श्री विभूति मिश्र :
श्री बाजी :
२४६८. श्री इन्द्रजीत गुप्त :
श्री स० मो० बनर्जी :

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

(क) सरकार ने १९५८, १९५९, १९६०, १९६१, १९६२ और १९६३ में (१ फरवरी तक) कितने रुपये का कितना-कितना अनाज आयात किया है ;

(ख) क्या सरकार कोई ठोस योजना बना रही है कि अनाज शीघ्र बन्द हो जाये ; और

(ग) यदि हां, तो वह क्या है ?

खाद्य तथा कृषि मन्त्रालय में उपमन्त्री (श्री अ० स० थामस) : (क)

परिणाम हजार मीट्रिक टनों में
अनुमानित मूल्य करोड़ रुपयों में

वर्ष	आयातित खाद्यान्नों का परिणाम	उनका मूल्य (लागत और भाड़ा)
१९५८	३२२४	१२०.५
१९५९	३८६८	१४१.४

१९६०	५१३७	१९२.८
१९६१	२४९५	१२९.५
१९६२	३६४०	१४१.०
१९६३ (२ जनवरी तक)	४०६	१७.६

(ख) और (ग) तीसरी पंचवर्षीय योजना में सम्मिलित किये गए कृषि उत्पादन कार्यक्रमों का उद्देश्य योजना के अन्त तक प्राप्त निर्भरता प्राप्त करना है।

Cashew Plantation

2499. **Shrimati Savitri Nigam:** Will the Minister of Food and Agriculture be pleased to state the increase in the acreage of cashew plantation during the year 1960-61 and 1961-62 in the Andaman and Nicobar Islands?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): The increase in acreage of Cashew plantation during 1960-61 and 1961-62 was 35 hectares (87 acres) and 102 hectares (253.5 acres) respectively.

Fokker Friendship Service for Patna

2500. { **Shri Bhagwat Jha Azad:**
Shri Bhakt Darshan:

Will the Minister of Transport and Communications be pleased to state:

(a) whether there is any proposal to touch Patna by Fokker Friendship Service from Calcutta to Delhi; and

(b) if so, from when?

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): (a) No, Sir.

(b) Does not arise.

राजस्थान में टेलीफोन

२५०१ { **श्री प० स० बास्पाळ :**
श्री बाटमोकी :

क्या परिवहन तथा संचार मन्त्री यह यह बताते की कृपा करेंगे कि :

(क) क्या यह सच है कि राजस्थान में अनेक तहसील हैडक्वार्टरों पर भी जो कि पाकिस्तान की सीमा के नजदीक है, टेलीफोन की व्यवस्था नहीं है ;

(ख) यदि हां, तो क्या निकट भविष्य में ऐसे स्थानों पर टेलीफोन लगाने की व्यवस्था की जा रही है ; और

(ग) यदि हां, तो यह व्यवस्था कब तक पूरी हो जाने की आशा है ?

परिवहन तथा संचार मन्त्रालय में उप-मन्त्री (श्री भगवती) : (क) १५ तहसील हैडक्वार्टरों में से सात में टेलीफोन सुविधाओं की व्यवस्था कर दी गई है और बाकी तहसील हैडक्वार्टरों में से छः में टेलीफोन सुविधाएं देने की मंजूरी जारी की जा चुकी है। शेष दो हैडक्वार्टरों के मामले विचाराधीन हैं।

(ख) मंजूरशुदा कार्यों के लिए सामान प्राथमिकता के आधार पर प्राप्त किये जा रहे हैं।

(ग) मार्च, १९६४।

भ्रमरीकी मित्र सेवा समिति

२५०२. **श्री सिद्धेश्वर प्रसाद :** क्या सामुदायिक विकास तथा सहकार मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भ्रमरीकी मित्र सेवा समिति नामक एक निजी संस्था ने उड़ीसा राज्य के ५४ गांवों में दस साल तक विकास की कोई योजना चलाई है ;

(ख) यदि हां, तो वह योजना कहां तक सफल हुई है ; और

(ग) उक्त योजना को कार्य प्रणाली और मुख्य बात क्या है ?

सामुदायिक विकास तथा सहकार मन्त्रालय मन्त्रालय में उपमन्त्री (श्री ब० सू० मूर्ति)

(क) से (ग) उड़ना सरकार से स्थिति का पता किया जा रहा है और जानकारी प्राप्त होने पर सभा पटल पर रख दी जाएगी ।

Awards to Grape Growers

2503. Shri P. Venkatasubbaiah: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government propose to award prize to the best grape grower in the country;

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

(c) the states which are participating in the competition; and

(d) the area under grape cultivation during 1961-62 and 1962-63?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) Yes.

(b) A scheme for organising All India Competition for the award of 'Udyan Pandit' in the growing of grape has been sanctioned by the Indian Council of Agricultural Research. Competitions in grape growing at State level will be first held by the State Governments who would recommend the names of growers securing first three positions for entry into the All India Competition. The orchards of the successful growers will then be visited in the year following the year of the State level competition by an All India judging Committee who would recommend the best grape grower in the country for the award of a certificate of 'Udyan Pandit' and a prize of Rs. 5,000.

(c) (i) Andhra Pradesh;

(ii) Maharashtra; and

(iii) Madras.

(d) Figures in regard to area under grape cultivation for 1961-62 and 1962-63 are not yet available. The area, however, under grapes for the year 1957-58 was 3,099 acres and that for 1958-59 was 3,687 acres.

Freight Rates on Coir Goods

2504. Shri Vasudevan Nair: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether Government are still negotiating with the Shipping Companies for getting the freight charges on manufactured coir goods reduced; and

(b) if so, when a settlement is expected to be arrived at?

The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) It is proposed to discuss and finalise this matter with the Malabar Coast/U.K.—Continent Conference delegation from London scheduled to visit India in the near future.

Scholarships for Research Work

2505. Shri Elayaperumal: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of students getting Government scholarships in Indian Council of Agricultural Research for research work; and

(b) how many of them belong to Scheduled Castes and Scheduled Tribes?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) 19.

(b) None.

Electrification of Stations on Southern Railway

2506. Shri Elayaperumal: Will the Minister of **Railways** be pleased to state the names of the stations on the

Southern Railway proposed to be electrified during the Third Plan period?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): A statement is laid on the Table of the House. [Placed in Library. See No. LT-1260/63].

Railway Protection Force

2507. { Shri Subodh Hansda:
Shri S. C. Samanta:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there was a clash between the Railway Protection Force and thieves on South Eastern Railway near Kharagpur very recently;

(b) whether it is also a fact that there was an exchange of fire;

(c) how many robbers were arrested; and

(d) what goods were recovered from them?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir.

(b) There was no exchange of fire, but the R.P.F. men on duty had to resort to firing in self-defence against a desperate criminal gang when they were attacked.

(c) None so far.

(d) 7 pieces of galvanized iron pipes were recovered.

Travelling Ticket Examiners

2508. { Shri Sezhiyan:
Shri Muthu Gounder:
Shri S. Kandappan:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the percentage of upgrading implemented in the Supervisory posts of Travelling Ticket Examiners is only 7½ in

Southern Railway as against 10 in other Railways; and

(b) if so, the reasons therefor?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) No, Sir.

(b) Does not arise.

उत्तर प्रदेश के पहाड़ी जिलों में डाक तथा तार सुविधायें

२५०६ { श्री भक्त, दर्शन :
श्री भागवत, झा आजाद :

क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) १९६२-६३ के वित्तीय वर्ष में उत्तर प्रदेश के पर्वतीय जिलों तथा, देहरादून, उत्तर काशी टिहरी, गढ़वाल, चमोली, पौड़ी गढ़वाल, पिथौरागढ़, अल्मोड़ा और नैनीताल में से प्रत्येक के किस किस स्थान पर शाखा डाक-घर, उप-डाकघर, तार-घर, टेलीफोन एक्सचेंज, पब्लिक काल आफिस अथवा बेतार यन्त्र की सुविधाओं की व्यवस्था की गई; और

(ख) १९६३-६४ में उपरोक्त जिलों में से प्रत्येक के लिये उपरोक्त सुविधायें देने का किस प्रकार का कार्यक्रम बनाया गया है ?

The Deputy Minister in the Ministry of Transport and Communications (Shri Bhagavati): (a) and (b). A statement is laid on the Table of the Sabha. [Placed in Library. See No. LT-1261/63].

Improved Method of Cultivation

2510. { Shri Balgovind Verma:
Shri Vishwa Nath Pandey:

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

(a) whether Government are contemplating to set up a bureau to tender technical and mechanical advice to farmers to use the improved method of cultivation; and

(b) if so, what time it will take to set up the bureau?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) The Government do not propose to set up a bureau, because a farm advisory service exists at the Centre and in the States.

(b) Does not arise.

Railway Accident on the Bhimavaram-Gudivada Line

2511. Shri Ram Harkh Yadav: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that three pairs of wheels of the engine of the Bhimavaram-Gudivada passenger train derailed while the train was approaching Gudivada Station in the morning of 29th March, 1963; and

(b) if so, the details of the accident, its causes and casualties?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) The accident took place on 31st March, 1963.

(b) While No. 1193 Up passenger train ex-Bhimavaram to Gudivada was being received on signals at Gudivada station, three pairs of engine tender wheels derailed fouling roads No. 1 and 2.

The cause of the accident is under investigation.

There was no casualty.

Agricultural Machinery Service Station

2512. Shri Inder J. Malhotra: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have considered any scheme for establishment of Agricultural Machinery Service Station in the country; and

(b) if so, the number of such service stations functioning in the country at present, which are run by Government and other recognised organisations of

farmers or agricultural machinery manufacturers?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) A scheme for the establishment of Agricultural Machinery Supply-cum-Service Centres for giving assistance to the farmers is under consideration of the Government.

(b) At present the importers/dealers and manufacturers of agricultural machinery are required to maintain adequate service facilities to the satisfaction of the State Governments concerned. There is no other recognised organisation for providing such facilities.

Research Schemes in Progress in Andhra Pradesh

2513. Shri P. Venkatasubbaiah: Will the Minister of Food and Agriculture be pleased to state:

(a) what are the research schemes sanctioned by the Indian Council of Agricultural Research that are in progress at present in Andhra Pradesh; and

(b) whether any new schemes are proposed to be sanctioned in that State for 1963-64?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) and (b). A statement giving the information required is laid on the Table of the House. [Placed in the Library., see No. LT-1262|63.]

Terminal for Palam Airport

2514. Shri P. Venkatasubbaiah: Will the Minister of Transport and Communications be pleased to state:

(a) whether a new terminal for the Palam Airport is contemplated; and

(b) if so, when it is expected to be ready?

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): (a) Yes, Sir.

(b) As the plans etc. are in the preliminary stages of consideration, it is not possible to say when the new terminal building will be ready.

Poisoning of Gir Lions

2515. **Shri Surendra Pal Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government are aware of the fact that the lions of the Gir Forest are being poisoned by the cattle owners of adjoining villages by leaving poisoned meat at suitable places in the forest; and

(b) if so, what steps, if any, are being taken by the Central Government to stop this wanton destruction of their most precious and rare specimens of carnivora in the country?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) Such cases do occur; but they are extremely rare.

(b) The preservation of wild animals and birds is a State subject. Steps for the preservation of lions in the Gir have, therefore, been taken by the Government of Gujarat. That Government has declared lions in their State as completely protected against killing and have also introduced a scheme of monetary compensation to the owners of cattle whose animals are killed by the lions. This has been done to dissuade the cattle owners from poisoning the lions. Further, any case of suspected poisoning is fully investigated. The Central Government has also banned the export of lions, dead or alive, and products thereof from India.

Synthetic Fish Net Twine making Factory

2516. { **Shri Pottakkatt:**
Shri A. V. Raghavan:

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

(a) whether it is proposed to establish a synthetic fish net twine making factory near Ernakulam;

(b) if so, whether any foreign exchange has been sanctioned for the import of the net making plant; and

(c) the amount of foreign exchange likely to be saved when the factory goes into commission?

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): (a) There is no such proposal under consideration with the Government of India.

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

District Central Co-operative Banks

2517. **Shri Firodia:** Will the Minister of Community Development and Co-operation be pleased to state the number of 'A' and 'B' Class District Central Co-operative Banks which have been sanctioned additional limits by Reserve Bank as per recommendations of the Mehta Committee, Statewise?

The Deputy Minister in the Ministry of Community Development and Co-operation (Shri Shyam Dhar Misra): Two Banks in Maharashtra State and 5 banks in Madras State were sanctioned additional credit limits during 1961-62 and 7 banks in Maharashtra State and 6 banks in Madras State during 1962-63.

Soil Conservation in Catchment Areas

2518. **Shri P. Venkatasubbaiah:** Will the Minister of Food and Agriculture be pleased to state:

(a) the Central Soil Conservation Schemes in catchment areas of river valley projects under progress in the country;

(b) whether any new schemes are going to be taken up during 1963-64; and

(c) if so, what?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) Centrally sponsored soil conservation schemes in the catchment areas of the following

river valley projects are under progress during the 3rd five year plan:—

Name of Project	Name of States concerned
1. D.V.C.	Bihar & West Bengal
2. Bhakra-Nangal	Himachal Pradesh & Punjab
3. Machkund	Andhra Pradesh & Orissa
4. Hirakud	Madhya Pradesh & Orissa
5. Chambal	Madhya Pradesh & Rajasthan
6. Mayurakashi	Bihar
7. Kunda	Madras
8. Pohru	Jammu & Kashmir
9. Tungabhadra	Mysore
10. Ramganga	Uttar Pradesh
11. Dhantiwada	Gujarat
12. Kangsabati	West Bengal.

(b) No new scheme has so far been sanctioned for being taken up during 1963-64.

(c) Does not arise.

Purchase of Sheep from Somalia

2519. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is proposed to purchase sheep from Somalia; and

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

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) and (b). The possibilities of importing a small flock of 20 rams and 60 ewes of Somali breed are being explored for the development of better mutton breeds in areas where sheep are reared for meat production in this country.

Marketing Societies

2520. Shri D. C. Sharma: Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether States have been asked to develop marketing societies and processing of plantation crops; and

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

The Deputy Minister in the Ministry of Community Development and Co-operation (Shri Shyam Dhar Misra): (a) and (b). The State governments have been requested from time to time to develop cooperative marketing and processing of agricul-

tural produce. The suggestions made in this regard to the States also generally covered cooperative marketing and processing of plantation crops. However, in order to specially examine the problems of cooperative marketing and processing of selected plantation crops such as arecanut, cardamom, cashewnut, coconut etc., a decision has recently been taken to constitute a study team of experts. The study team is being set up by the National Cooperative Development Corporation.

As a part of the general programme of development of cooperative marketing of agricultural produce, States where plantation crops are grown have been taking steps to organise marketing and processing of these crops on co-operative lines. A certain measure of success has already been achieved in this regard. As on 30th June, 1962, there were 23 arecanut cooperative societies in the States of Kerala, Mysore, Maharashtra and Madras. These societies sold arecanut valued at Rs. 4.05,38,72.00 during the year 1961-62.

B.G. Line between Hatgambaria and Rairangpur

2521. Shri G. Mohanty: Will the Minister of Railways be pleased to state:

(a) the stage of progress of the proposal to lay a broad gauge line between Hatgambaria and Rairangpur; and

(b) when Government expect the completion of the work?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) and (b). Preliminary Engineering and Traffic Surveys for a new line from nearabout Kendposi to nearabout Rairangpur along with an avoiding line to Asanboni and allied facilities have been programmed during the current year. However, an alternative scheme for providing an avoiding line between Sini-Pendrasali and Gomharria-Asanboni with a third line between Sini and Gomharria is also being investigated. The decision for construction of the line will be taken only after results of the investigations are closely studied. Construction of this line has not so far been included in the Railways' Third Plan for construction of new lines.

रेलवे इंजन

२५२२. श्री मोहन स्वरूप : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि टूंडला (उत्तर रेलवे) स्टेशन पर कई रेलवे इंजन भ्रमस्त न किये जाने के कारण बेकार पड़े हैं ;

(ख) क्या यह भी सच है कि उक्त इंजनों के कल-पुर्ज और पतल के हिस्से चोरी चले गये हैं और रेलवे प्रशासन इस दिशा में कोई उचित कार्यवाही नहीं कर रहा है ; और

(ग) इस प्रकार भारतीय रेलवे में बेकार पड़े इंजनों का जोन-वार संख्या क्या है ?

रेलवे मन्त्रालय में उपमन्त्री (श्री सै० व० रामस्वामी): (क) ज० नहीं । लेकिन टूंडला शोध में १२ निरकामे रेल इंजन पड़े हुए हैं । ये रेल इंजन १०-५-१९६३ को नालाम किये जाने को हैं और रेलवे अधिकारी ने इनके सभी काम के पुर्ज निकाल लिये हैं ।

(ख) सवाल नहीं उठता ।

(ग) कोई नहीं ।

Water Coolers on Railway Stations

2523. Shri Daljit Singh: Will the

Minister of Railways be pleased to state:

(a) the number of Stations on Northern Railway where water coolers have been installed during 1962-63; and

(b) the number of stations where water coolers will be installed during 1963-64?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) One.

(b) Nil.

Minor Irrigation Works

2524. Shri P. C. Borooah: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have advised the States to enact legislation to take over all small irrigation works which are not owned by individuals or groups of cultivators;

(b) if so, the response from the States; and

(c) whether similar steps are also being taken in respect of Union Territories?

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): (a) to (c). The Government of India have advised all the State Governments and Unions Territories that satisfactory arrangements should be made for the proper maintenance of completed minor irrigation works. It has been recommended to them that they might consider passing suitable legislation which may (a) define the duties and obligations of the beneficiaries with regard to maintenance of certain parts of the works, (b) enable the Government to entrust the responsibility of maintenance of community works of local institutions, and (c) permit the Government to take suitable remedial action in case the concerned agencies fail to maintain the works. Some points for legislative enactments that may be required to be introduced for

the purpose have also been suggested to the State Governments|Union Territories and they have requested to give urgent consideration to the introduction of a suitable legislation, with such modifications or alterations as may be considered necessary in the light of local conditions prevailing in each State|Territory Union. Replies so far received from some of the States|Union Territories indicate that the suggestions are being examined by them.

उदयपुर हिम्मत नगर रेलवे लाइन

२५२५. श्री रतन लाल : क्या रेलवे मंत्रो यह बताने का कृपा करेंगे कि :

(क) उदयपुर और हिम्मतनगर के बीच डूंगरपुर जिला होकर जो नई रेलवे लाइन जा रहा है उसके निर्माण-कार्य में अभी तक क्या प्रगति हुई है ;

(ख) अभी तक कितना व्यय हुआ है ; और

(ग) वह कब तक पूरी होगी ?

रेलवे मन्त्रालय में उपमन्त्री (श्री सै० बॅ० रामस्वामी) : (क) ३१ मार्च, १९६३ तक उदयपुर-हिम्मतनगर रेलवे लाइन के निर्माण-कार्य में कुल ५० प्रतिशत प्रगति हुई है ।

(ख) ५०२ लाख रुपये ।

(ग) आशा है, यह लाइन अक्टूबर, १९६४ तक बनकर तैयार हो जायेगा ।

बिल्ली राज्य क्षेत्र में मोटर कर

२५२६. श्री अँकारासास बेरवा : क्या परिवहन तथा संचार मंत्रा: यह बताने का कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने दिल्ली में इस साल मोटर टैक्स वालों को १० प्रतिशत छूट दी है जो साल भर का एक मुश्त टैक्स अदा करेगा ;

(ख) यदि हाँ, तो इस कटौती से सरकार को कितने रुपये का नुकसान उठाना पड़ेगा ;

(ग) १९६२-६३ का कितना टैक्स आया था ; और

(घ) अब इस वर्ष कटौती काट कर कितना टैक्स आने का संभावना है ?

परिवहन तथा संचार मन्त्रालय में नौबहन मन्त्री (श्री राज बहादुर) : (क) हाँ, हाँ । यह छूट दिल्ली मोटर गाड़ी कराधान अधिनियम, १९६२ के अनुसार जो पहली अप्रैल १९६३ से लागू है, दी गया है ।

(ख) चूंकि पूरे वर्ष के कर का भुगतान एक मुश्त में किया जायेगा इसलिए इस छूट से सरकार को हानि नहीं होगी । अप्रैल, १९६३ के अन्त तक इस छूट का राशि को ज्ञान करना संभव नहीं है क्योंकि मोटर गाड़ी के मालिकों को इस महाने तक पूरे वर्ष का कर देने का हक है ।

(ग) ३९६१७६० रुपये ।

(घ) चालू वर्ष में इस कर से वमूल का जाने वाला राशि अनुमानतः ८० लाख रुपये होगी । इस राशि में से छूट के रूप में कम की जाने वाली राशि उन कर-दाताओं की संख्या पर निर्भर है जो पूरे वर्ष के कर का भुगतान एक मुश्त में करेंगे ।

Derailement of Goods Train

2527. Shri P. C. Borooah: Will the Minister of Railways be pleased to state:

(a) whether a goods train derailed on 13th April, 1963, while entering Taialepur Railway Station on Kati-har-Siliguri section on N.F. Railway;

(b) if so, the number of casualties involved and the loss of property suffered therein; and

(c) the cause of the accident?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) An Up Military Special

comprised mainly of goods stock derailed at Taiabpur Station.

(b) One person was killed and ten others received minor injuries.

The approximate cost of damages to railway property was Rs. 18,878.

(c) The report of the Additional Commissioner of Railway Safety who enquired into this accident is still awaited.

Joint Farming Pilot Schemes in Orissa

2528. { Shri Ulaka:
 { Shri Dhuleshwar Meena:

Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether Joint Farming Pilot Schemes are proposed to be organised in Orissa during the Third Plan period;

(b) if so, the amount allocated during the Third Plan period for the purpose; and

(c) the number of such pilot projects working at present in Orissa and the amount sanctioned for them since the first year of Third Five Year Plan?

The Deputy Minister in the Ministry of Community Development and Co-operation (Shri Shyam Dhar Misra): (a) Yes, Sir.

(b) Rs. 15.86 lakhs.

(c) Five pilot projects have been started so far wherein 31 cooperative farming societies have been organised. An amount of Rs. 3.51 lakhs has been sanctioned to the cooperative farming societies in the first two years of the Third Plan, that is, 1961-62 and 1962-63.

Upper Quadrant Two Aspect Signals

2529. **Shri Eswara Reddy:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that upper quadrant two aspect signals have been provided at the stations between Katihar B.G. and Khajuriaghat section of North-East Frontier Railway;

(b) if so, whether introduction of such signals is permissible under the General Rules; and

(c) whether the Additional Commissioner of Railway Safety has given his approval?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir.

(b) Yes, under special sanction.

(c) Yes.

Rudimentary Interlocking

2530. **Shri Eswara Reddy:** Will the Minister of Railways be pleased to state:

(a) the number of stations on the Railways where rudimentary interlocking has not been provided.

(b) whether there is any programme to provide the same; and

(c) if so, the details thereof?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy):

(a) B. G.	44	Stations
M. G.	246	"
N. G.	215	"
Total :	505	"

(b) Yes Sir.

(c) A statement showing Railway-wise details is placed on the Table of the House. [Placed in the Library. See No. LT-1263/63.]

Permanent way Inspectors

2531. **Shri Eswara Reddy:** Will the Minister of Railways be pleased to state:

(a) the number of Permanent Way Inspectors called for written test and

Interview for selection for the posts of Assistant Engineers on the Central Railway during February and March, 1963;

(b) how many have been finally selected; and

(c) the number of posts vacant as on 1st April, 1963?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) 18 Permanent Way Inspectors were called for the written test. Of the 17 who appeared for this test, 9 have qualified and will be called for the viva voce test to be held on the 29th and 30th April, 1963. The remaining candidate, who could not appear for the written test, will be considered later.

(b) The selection has not been finalised.

(c) 9.

Avro 748 for Indian Airlines Corporation

2532. Shri Eswara Reddy: Will the Minister of Transport and Communications be pleased to state:

(a) the reasons for not placing orders so far on the Aircraft Manufacturing Depot at Kanpur for the supply of Avro-74 for the use of Indian Airlines Corporation;

(b) whether there is any proposal to place orders in the near future; and

(c) if so, the number of aircrafts likely to be ordered?

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): (a) to (c). The Indian Airlines Corporation would go in for Avro 748 aircraft for use on their regional routes as soon as the aircraft is available for commercial operations. The Corporation is considering the question of number of aircraft to be purchased by them.

बचत बैंक की जमा का गबन

२५३३. श्री योगेन्द्र झा झा : क्या परिवहन तथा संचार मंत्रों यह बताने का कृपा करिये कि :

(क) क्या सरकार का ध्यान बिहार राज्य के मुजफ्फरपुर जिले में घरभारा पोस्ट आफिस से पास बुक में जमा ३६,००० रुपये के कथित गबन की ओर गया है ;

(ख) यदि हां, तो शेषों का पता लगा कर उसको उचित सजा देने के लिये अब तक क्या कार्यवाही की गई है ;

(ग) क्या पास बुक में रुपये जमा करने वालों को रुपये देने का निर्णय सरकार ने कर लिया है ; और

(घ) जमा करने वालों को कब तक रुपये दे दिए जाने की प्राशा है ?

परिवहन तथा संचार मन्त्रालय में उपमन्त्री (श्री भगवती) (क) जां हां । रुपयों का गबन १० बचत बैंक लेखों से किया गया ।

(ख) अपराधी व्यक्ति पर, जिसे कि नौकरी से हटा दिया गया था, प्रदालत में मुकद्दा चल रहा है ।

(ग) तथा (घ) जां हां । जैसे ही इस मामले में प्रदालत फैसला देगा, दावे के निपटान कर दिये जायेंगे ।

Derailment of Goods Trains

2534. Shri D. C. Sharma: Will the Minister of Railways be pleased to state:

(a) whether twenty-one wagons of a goods train capsized between Lingaon and Nanded stations on the Por near-Nizamabad metre gauge sector of the Central Railway on the 15th April, 1963;

(b) whether an enquiry has been instituted into the accident; and

(c) if so, the details thereof?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) The accident occurred between Limbgaon and Nander stations.

(b) Yes.

(c) The findings of the Enquiry Committee are under scurtiny.

धान की पैदावार

२५३५. श्री योगेन्द्र झा : क्या खाद्य तथा कृषि मंत्री यह बताने को कृपा करेंगे कि :

(क) क्या यह सच है कि बिहार राज्य के शाहबाद जिले में पेंकेज प्रदर्शन खंडों में अधिक से अधिक प्रति एकड़ ६१ मन तथा कम से कम ३४ मन धान की उपज हुई है ; और

(ख) यदि हां, तो अधिक से अधिक तथा कम से कम उपज में इस भारी अन्तर का कारण क्या है ?

खाद्य तथा कृषि मन्त्रालय में राज्य मन्त्री (डा० राम सुभग सिंह) : (क) १९६१-६२ में पेंकेज प्रोग्राम के अन्तर्गत किए गए समन्वित प्रदर्शनों के जो परिणाम उपलब्ध हुए हैं उनके अनुसार दिनारा खंड में धान की अधिक से अधिक प्रति एकड़ औसत उपज ४४ मन २३ सेर थी (जब कि 'कन्ट्रोल' प्लाटों में यह उपज २४ मन १५ सेर थी) तथा शाहबाद जिले के डेहरा खां में कम से कम प्रति एकड़ औसत उपज २१ मन ६ सेर थी (जब कि 'कन्ट्रोल' प्लाटों में यह उपज ६ मन थी) ।

(ख) प्रदर्शन प्लाटों की उपज जल की उपलब्धता, भूमि की किस्म, भूमि की उर्वरता कसलों की विविधता आदि अनेक कारणों पर निर्भर करती है जो कि सभी खंडों में एक जैसे नहीं होते । ऊपर लिखित दोनों स्थितियों में प्रदर्शन प्लाटों (जहां पर कि पेंकेज के तरीके अपनाये गए हैं) की उपज में 'कन्ट्रोल' प्लाटों (जहां पर कि पुराने तरीके अपनाये गए हैं) की तुलना में काफी वृद्धि हुई ।

Miraj-Poona Section

2536. Shri Lonikar: Will the Minister of Railways be pleased to state:

(a) whether the Railway Board have decided to convert Miraj-Poona M.G. Section into Broad-Gauge;

(b) when the work will be started and completed; and

(c) whether there is any proposal under consideration to utilise the old M.G. material of Miraj-Poona line to convert Miraj-Kurduwadi narrow-gauge into metergauge?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) Yes.

(b) The work of conversion will be taken up immediately after the completion of the Final Location Survey which has just been sanctioned. The work of conversion is expected to take a minimum of three years for completion.

(c) No.

Panchayati Raj Institutions

2537. Shri Lonikar: Will the Minister of Community Development and Cooperation be pleased to state:

(a) whether the National Development Council has taken decision in respect of (i) giving membership of Panchayati Raj institutions to M.Ps., M.L.As., and M.L.Cs., and (ii) non-payment of any allowances or salaries to the non-official office bearers;

(b) if so, the steps taken to implement decisions of National Development Council; and

(c) whether a statement showing the details of allowances paid under Panchayati Raj Acts in the States, if any, will be laid on the Table?

The Deputy Minister in the Ministry of Community Development and Cooperation (Shri B. S. Murthy): (a) No, Sir.

(b) Does not arise.

(c) A statement is laid on the Table of the House. [Placed in the Library. See No. LT-1264/63].

Acquisition of Land

2538. Shri Lonikar: Will the Minister of Food and Agriculture be pleased to state:

(a) how many acres of agricultural land was acquired by (i) Centre and (ii) State Governments for non-agricultural purposes during 1962-63; and

(b) how many acres of uncultivated and non-agricultural land was brought under cultivation during 1962-63?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) and (b). The information is not available with the Government of India.

Derailement of Goods Train

2539. Shri D. C. Sharma: Will the Minister of Railways be pleased to state:

(a) whether two wagons of a goods train were derailed in the railway yard of Allahabad Junction on the 16th April, 1963;

(b) if so, the details of the accident; and

(c) whether any enquiry has been instituted into the matter?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) Yes.

(b) On 16-4-63 No. 302 Dn. goods started from line No. 16 of Allahabad Yard. While the 17th wagon from the engine was negotiating a diamond crossing, it took a road other than the one on which the train was proceeding. The wagons both in front and rear of this wagon travelled on the correct route. As a result of the cross-pull this wagon after travelling a distance of 37 feet on the other road got derailed. The severe jerk

caused the breakage of drawbars on both ends of the aforesaid wagon and caused the derailment of the lead in pair of the wheels of the wagon which was ahead. The train having parted came to a stop.

(c) Yes.

All India Agriculture Service

2540. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the question of starting an all-India Agriculture Service has been considered by Government; and

(b) if so, the stage at which the matter stands at present?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) and (b). The Constitution of an All-India Agriculture Service is at present under consideration by Government. The matter is still at the preliminary stage.

बीकानेर दिल्ली राजपथ पर दुर्घटना

२५४१. श्री श्रीकारसाल बेरवा : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बीकानेर-दिल्ली राजपथ पर कस्बा पड़िहार के पास एक जीप पेट्रोल ट्रेन से टकरा गई;

(ख) यदि हाँ, तो इस दुर्घटना का क्या कारण था; और

(ग) कितने व्यक्ति मरे व कितने घायल हुए ?

रेलवे मन्त्रालय में उपमन्त्री (श्री सें०बे० रामस्वामी) : (क) १२-४-६३ को उत्तर रेलवे के रतनगढ़ और पड़िहारा स्टेशन के बीच एक समपार पर एक जीप माल गाड़ी से टकरा

भयी। उस समपार पर चौकीदार नहीं रखा गया है।

(ख) सामने आती हुई गाड़ी को देखकर जीप का ड्राइवर समय रहते जीप को काबू में न रख सका।

(ग) एक व्यक्ति मरा और दो घायल हुए।

कार की एक्सप्रेस रेलगाड़ी से टक्कर

२५४२. श्री श्रीकारलाल बेरवा : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १५ अप्रैल, १९६३ को एक क्रासिंग पर एक कार बंबाई-जियाना एक्सप्रेस रेलगाड़ी से टक्करा गई जिससे कुछ भ्रादमी मर गये और कुछ घायल हो गये ; और

(ख) यदि हां, तो इस दुर्घटना का क्या कारण था और उसका ब्यौरा क्या है ?

रेलवे मन्त्रालय में उपमन्त्री (श्री सें० बें० रामस्वामी) : (क) बंबाई-जियाना से एक्सप्रेस नाम की कोई काड़ी नहीं है।

(ख) सवाल नहीं उठता।

रेलवे कर्मचारियों को पुरस्कार

२५४३. श्री श्रीकारलाल बेरवा : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि ;

(क) क्या यह सच है कि कुछ रेल कर्मचारियों को अच्छा काम करने के कारण पुरस्कार दिए गए हैं ;

(ख) यदि हां, तो पहला और दूसरा पुरस्कार किन व्यक्तियों को दिये गये हैं ; और

(ग) वे किस राज्य के हैं ?

रेलवे मन्त्रालय में उपमन्त्री (श्री सें० बें० रामस्वामी) : (क) जी हां, १६-४-६३ को विभिन्न क्षेत्रीय रेलों के २४ कर्मचारियों ने

बड़ोदा हाउस, नयी दिल्ली में रेल मंत्री से पुरस्कार प्राप्त किये।

(ख) हर कर्मचारी को एक रजत पदक, एक योग्यता प्रमाण-पत्र और ५०० रुपये का एक रक्षा बचत प्रमाण-पत्र पुरस्कार में दिये गये।

(ग) यह सूचना उपलब्ध नहीं है कि पुरस्कार पाने वाले कर्मचारी किन-किन राज्यों के हैं। जिन क्षेत्रीय रेलों या रेल सिब्बंदियों में वे काम करते हैं, उनका विवरण इस प्रकार है :—

कर्मचारियों की संख्या

मध्य रेलवे	४
पूर्व रेलवे	३
उत्तर रेलवे	२
पूर्वोत्तर रेलवे	३
पूर्वोत्तर-सीमा रेलवे	५
दक्षिण रेलवे	१
दक्षिण-पूर्व रेलवे	२
पश्चिम रेलवे	१
इन्ट्रोल सवारी-डिब्बा कारखाना	१
चित्तंजन रेल इंजन कारखाना	१
रेलवे बिजली योजना	१

Dearness allowance of Railway Servants and Rent Recoveries

2544. Shri Kashj Ram Gupta: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that dearness allowance of a railway servant, whether merged with pay or given separately, is treated as part of his emoluments for recovery of rent, but the same is not treated as part of emoluments, while remission is made to him in respect of such rents; and

(b) if so, what are the reasons for this discriminatory treatment?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) It is not a fact that dearness allowance is treated as a

part of amoluments for the purpose of recovery of rent for railway quarters. Nor is it taken into account for the purpose of of remission of rent. Dearness allowance, which have been merged in pay, on the introduction of the Authorised Scales of pay, has become pay proper which is taken into account as pay both for recovery of house rent and remission of rent.

(b) From what is stated above, it will be seen that there is no discriminatory treatment in the matter, and therefore, the question of furnishing reasons for the same does not arise.

Retired Railway Officials in Commercial Concerns

2545. Shri D. D. Mantri: Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 815 on the 10th April, 1963 and state:

(a) the number of senior officials of Railway Board and Indian Railways who have joined commercial concerns after getting permissions from the Ministry during the last five years.

(b) whether an up-to-date list will be laid on the Table; and

(c) who among these are stationed at Delhi?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) Forty. Before 31st January, 1959, non-pensionable Officers of the Indian Railways were not required to obtain prior permission for accepting private employment after retirement, but pensionable Class I Officers were required to obtain permission within two years of retirement. From 31st January, 1959, non-pensionable engineers of gazetted rank are also required to obtain permission within two years of retirement.

(b) and (c). A statement is laid on the Table of the House. [Placed in the Library. See No. LT-1265/63].

Railway Service Commission

2546. Shri A. K. Gopalan: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Railway Service Commission advertised for a number of posts on the Northern Railway vide its Employment Notice No. 6/58-59.

(b) if so, the number of posts advertised for different categories;

(c) the number of applications received for each post; and

(d) the number of applicants finally selected and absorbed for the posts of trainee journey-men?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir.

(b) 174.

(c) 682 in all, of which 184 were only eligible.

(d) Number selected—46. Number absorbed—Nil.

उपभोक्ता सहकारी भंडार

२५४७. श्री प्रकाशचौर शास्त्री : क्या सामुदायिक विकास तथा सहकार मंत्री ६ अप्रैल, १९६३ के तारंकित प्रश्न संख्या ७८१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) नई योजना के अधीन अब तक दिल्ली में कितने थोक तथा प्राथमिक उपभोक्ता सहकारी भंडार खोले गए हैं ?

(ख) क्या थोक तथा प्राथमिक उपभोक्ता सहकारी भंडारों को उपरोक्त प्रश्न के भाग (ख) के उत्तर में वित्तीय सहायता सम्बन्धी दिये गये ब्यौरे के अनुसार वित्तीय सहायता दी गई है और यदि हां, तो थोक तथा प्राथमिक उपभोक्ता सहकारी भंडारों को अलग-अलग कितनी राशि की सहायता दी गई; और

(ग) थोक भंडार प्राथमिक भंडारों को किस प्रकार की वस्तुयें देते हैं, और क्या उनकी कीमतें बाजार की कीमतों से कम है ?

सामुदायिक विकास तथा सहकार मन्त्रालय में उपमन्त्री (श्री श्यामधर मिश्र) : (क) केन्द्र द्वारा चालू की गई योजना के अन्तर्गत दिल्ली में १ थोक भण्डार और ४६ प्राथमिक भण्डारों को अब तक गठित पुनर्जीवित किया गया है ।

(ख) जी हां, सरकार ने अभी तक १ लाख ६० थोक भण्डार और २५,००० ६० १० प्राथमिक भण्डारों की प्रश-पूजी के लिए दिए हैं । ६ प्राथमिक भण्डारों को ४७५७ ६० की राशि प्रबन्धकीय उपदान के रूप में भी दी गई है ।

(ग) थोक भण्डार ने अपने सम्बद्ध प्राथमिक भण्डारों को चावल सप्लाई करना शुरू किया है, जिसकी कीमत बाजार के भाव से कम है । इसने हाल ही में चीनी नियंत्रण आदेश १९६३ के अधीन सरकार द्वारा निर्धारित कीमत पर अपने प्राथमिक भण्डारों के माध्यम से वितरित करने के लिए चीनी का कटा भी मिया है ।

National Highway in Salem District

2548. **Shri S. Kandappan:** Will the Minister of Transport and Communications be pleased to state whether Government have any proposal to construct an inter-State National Highway via Kolathoor from Mettur Dam in the Salem District connecting Tamilnad with Karnataka?

The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur): No, Sir. But a grant-in-aid of Rs. 15 lakhs has been approved under the Central aid programme for roads of inter-State or economic importance for the improvement of the Madras State section of the road connecting Mettur in the Madras State with Madheswaram in the Mysore State via Kula-thur. This road provides a connection between Tamilnad and Karnataka.

Privilege Passes and P.T.Os.

2549. **Shri A. K. Gopalan:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Railway employees who are under suspension or are on leave (authorised or unauthorised) are entitled to privilege passes and P.T.Os.; and

" (b) if so, the details thereof?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy): (a) and (b). A statement is laid on the Table of the House. [Placed in the Library. See No. LT-1266/63].

रेलवे में ठगी करने वाले

२५५०. श्री भक्त वर्शन : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रेल के अराख विभाग ने हाल में एक एमि अन्तर्राज्यीय ठग गिरोह का पता लगाया है, जिसने दिल्ली, उत्तर प्रदेश और बिहार राज्यों में रेलवे और कई व्यापारियों को ठग लिया था ?

(ख) यदि हां, तो क्या उस ठग गिरोह के कारनामों पर प्रकाश डालने वाला एक विस्तृत विवरण सभा-पटल पर रखा जायगा ; और

(ग) उन ठगों व उनसे सम्बन्धित रेल कर्मचारियों को गिरफ्तार करके दण्ड दिलाने में अब तक क्या सफलता मिली है ।

रेलवे मन्त्रालय में उपमन्त्री (श्री सें० बें० रामस्वामी) : (क) जी हां ।

(ख) और (ग) : अब तक ४ व्यक्ति गिरफ्तार किये गये हैं । चूकि पुलिस इस मामले की जांच कर रही है, इसलिए अभी इस गिरोह के कारनामों के बारे में विस्तृत विवरण देना संभव नहीं है ।

Jabalpur-Itarsi Track

2551. Shri Hari Vishnu Kamath: Will the Minister of Railways be pleased to state:

(a) whether the work of doubling the track on the Jabalpur-Itarsi section of the Central Railway is behind schedule;

(b) if so, the reasons therefor; and

(c) when the work is expected to be completed?

The Deputy Minister in the Ministry of Railways (Shri S. V. Ramaswamy):

(a) No.

(b) Does not arise.

(c) The doubling of 152.32 miles long Itarsi-Jabalpur section is being undertaken in stages. 17.35 miles doubling has since been completed and opened to traffic. The work on 54.15 miles doubling is in progress and is expected to be completed by December 1964. Of the remaining 80.82 miles, the doubling of 76.82 miles has been included in the Budget for 1963-64 and will be taken in hand shortly. This work is expected to be completed by the beginning of Fourth Plan. The doubling of Bagratawa Viaduct and Tunnel (2 miles) and Sher Bridge (2 miles) will be considered as and when necessity arises.

Development of Hill Areas

2551-A. { **Shri Ram Harkh Yadav:**
Shri Sidheshwar Prasad:
Shri P. C. Borooah:

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

(a) whether Government propose to set up a Board for the Development of Hill areas; and

(b) if so, the functions and constitution of the proposed Board?

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): (a) and (b). The

Hill Development Seminar held recently at Simla has recommended the setting up of an appropriate high powered agency for looking after the development of hill areas in the country. The recommendation of the Seminar is under consideration of the Government of India.

Minor Irrigation Works in Mysore

2551-B. { **Shri Hari Vishnu Kamath:**
Shri Yashpal Singh:

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

(a) whether the attention of Government has been drawn to press reports to the effect that Mysore State has diverted a part of the Plan allocation for minor irrigation works to the erection of a zoo;

(b) if so, whether it is a fact;

(c) the reason for such diversion of funds; and

(d) whether Government propose to discountenance such serious irregularities.

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): (a) to (d). The required information is being collected from the Mysore Government and will be placed on the Table of the Sabha as soon as it is received.

12.03 hrs.

**CALLING ATTENTION TO
MATTERS OF URGENT
PUBLIC IMPORTANCE**

**TREATMENT OF CHINESE INTERNEES
IN INDIA**

Shri Hem Barua (Gauhati): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon:

“The New China News Agency report regarding persecution and

[Shri Hem Barua]

maltreatment of Chinese internees in India."

Shri D. C. Sharma (Gurdaspur): I had sent a short notice question on this subject. My name has not been included in this calling-attention-notice.

Mr. Speaker: It is not in my power to accept it. If the Minister cannot answer it at short notice, what can I do?

The Minister of Home Affairs (Shri Lal Bahadur Shastri): The main allegations appearing regarding treatment to internees who were recently repatriated are:—

- (i) That they had been subjected to persecution and maltreatment while being taken to Madras from the Internment Camp;
- (ii) That they were without their belongings at the time of embarkation;
- (iii) That they were without money and without clothes other than that what they were wearing; and
- (iv) That some of their passports were seized.

These allegations have no basis whatsoever. The facts are:—

- (i) The internees were taken from Deoli to Madras by a special train in which all arrangements for their comfort, e.g. adequate accommodation, sanitation, meals, medical attention, etc. on the way were made. Rations on a liberal scale were sent with the train and arrangements for cooking were made in the kitchen car attached to the train. Special officers with two doctors and six nurses were also deputed to look after the comfort of the internees on the way.
- (ii) Internees were allowed to take their personal belongings with them as admissible under the

normal baggage rules. In addition to clothing these included personal and household effects, watches, fountain pens, 1 camera per family, personal jewellery upto Rs. 1,000 per family and furniture and kitchen utensils, household crockery, etc. In fact, some families had as many as 20 to 25 pieces of luggage with them. The Customs Authorities cleared all these items belonging to 900 internees within three hours.

- (iii) Each family was allowed to take the equivalent of £50 (viz. Rs. 666). This was a special concession not allowed to other persons leaving the country.
- (iv) Since the internees were returning to their own country and in their own ships, they did not need any passports for their travel. They were, however, given special exist permits without any other formalities.

Shri Hem Barua: In view of the fact that China has been indulging in a vitriolic campaign of calumny and fantastic lies against us, on the question of Chinese internees in this country, may I know what positive steps Government have so far taken to put our case across the world, with a view to nailing down or nailing these damn lies to the coffin or to counter?

Mr. Speaker: Order, order. Whether any positive steps have been taken to counteract that propaganda which has been carried on against us?—that is the only question.

Shri Lal Bahadur Shastri: Yes, Sir. I myself have mentioned about it in a number of public meetings. It has appeared in the newspapers also. We have also informed Shri Banerjee who is in Peking in this regard. He has also tried to counteract these stories.

Thirdly, this question itself and my answer will help in giving much publicity to this matter.

Mr. Speaker: Next call attention notice.

Shri Hem Barua: I have not got a full reply to my question.

Mr. Speaker: He has made a detailed statement. I do not think further questions need be put.

Shri Hem Barua: I do not put a question. But I submit this for your consideration. China has been carrying on a propaganda all the world over. I just wanted to know whether we have tried to counteract this propaganda.

Mr. Speaker: That is exactly what he has said.

Shri Hem Barua: He said that we have sent information to Shri Banerjee in Peking.

Mr. Speaker: Order, order.

Shri Hem Barua: What about other countries in the world? Are we utilising our embassies in this connection?

Mr. Speaker: Is anything being done to counteract this propaganda by putting across our case and the story that we have in all other countries of the world?

Shri Lal Bahadur Shastri: We have a fairly good reputation in this regard throughout the world, and I do not think those statements are generally believed by other countries.

12-07 hrs.

REPORTED SHORTFALL IN FOOD PRODUCTION TARGETS DURING THIRD PLAN PERIOD

Shri Subodh Hansda (Jhargram): I call the attention of the Minister of Food and Agriculture to the following matter of urgent public importance and I request that he may make a statement thereon:—

The reported shortfall in food production targets during the Third Plan period.

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): We have seen the

report of yesterday in the *Statesman*.

We have not yet received full reports for the year 1962-63 about foodgrains production. In fact, rabi crops are still being harvested and there is no reason to believe that the reports that we have so far received have led us to a gloomy conclusion as appeared in *The Statesman*. It is also not correct to say that we had expected foodgrain production of about 83 million tons. Foodgrain production in the first year of the Third Plan, that is, 1961-62, was 79.8 million tons. According to a paper circulated by the Planning Commission, the production figure for the year 1962-63 is likely to be 80.8 million tons. The average foodgrain production during the pre-Plan quinquennium, that is, 1946-47 to 1950-51—foodgrains production—was 58.1 million metric tons. It went up to 65.8 million tons in the First Plan quinquennium and further to 74.9 million tons during the Second Plan quinquennium. Compared to these figures, the production figures for the first two years of the Third Plan are definitely higher.

Shri Subodh Hansda: It is not based on the newspaper report of yesterday. It is the view of the Planning Commission that the current food production has gone down much below what has been expected by the Ministry. I would like to know, in view of the fact that the irrigation system in our country has been developed as claimed by the Ministry and also the use of chemical fertilisers has gone up...

Mr. Speaker: Order, order. He cannot make a speech.

Shri Subodh Hansda: I want to put a question. If that is so, what are the other reasons for this shortfall? Is it a fact that the farmers have no enthusiasm for agricultural production or is there any defect in the Government organisation, as a result of which production in the country is falling?

Dr. Ram Subhag Singh: We are constantly trying to activate the administrative apparatus, and it is true that water potential of 47 lakh acres still remains to be utilised because we shall have to construct village channels etc. In regard to fertilisers also we had expected in terms of nitrogen to the tune of about 6.5 lakh tons this year to be utilised, but the availability is only to the extent of 4.61 lakh tons.

Shri S. C. Samanta (Tamluk): Is it not a fact that the interim reports of production of foodgrains from the different States testify that there will be a shortfall of foodgrains this year?

Dr. Ram Subhag Singh: If the shortfall is going to be calculated in the context of the over-all target laid down by the Third Plan...

Shri Tyagi (Dehra Dun): By the Planning Commission.

Dr. Ram Subhag Singh: By the Planning Commission. But even according to that, there is no annual target, and, you might appreciate that in 1958-59 the production has gone up by over twelve million tons in one year. So, we are not at all worried about achieving the target. I do promise that we shall make earnest endeavours to achieve the target.

Shrimati Renu Chakravartty (Barrackpore): May I remind the hon. Minister of what he said on the floor of the House in 1962, about one year ago? He said:

"Rice also has remained at 33.5 million tons....The look of things is very encouraging indeed. I may be allowed to be optimistic on this occasion. The food position today is as it was never before in the history of India. All our granaries are full with the things. If anybody starts mischief by raising the prices, whether it is the retailer or the wholesaler, I shall blow out these things into

the market and see that that can never be done."

May I know whether this promise given one year ago has been fulfilled?

The Minister of Food and Agriculture (Shri S. K. Patil): How very nicely put by the hon. Member.

Shrimati Renu Chakravartty: It was your own speech.

Shri S. K. Patil: That is why I gave her a compliment. The hon. Member should be prepared to receive it.

It is a fact that all the time agricultural production is going up. It is the largest in our history because we are producing more and more. Therefore 33.5 million tons was also the largest in our history. There is no wonder about it, because here perhaps the wonder is of the type that every year it is going up, and it is better than the previous year, and surely better than all other years that preceded it. Therefore, there is nothing wrong about it. If you generate confidence in order that blackmarketeers and others do not take advantage of it, which is precisely the result when you talk of shortages etc., there is nothing wrong. I would repeat it a hundred times again.

Shrimati Renu Chakravartty: We must know what the fact is. That is the point. He is not giving the facts.

Shri S. K. Patil: These are the facts, and they will remain the facts.

Shrimati Renu Chakravartty: What is the figure?

Shri S. K. Patil: 33.5 million tons was the figure there. It was the figure, it was the fact. Then, so far as rice is concerned, rice this year might be perhaps a little less, but the other millets would increase. I do not create the food. It is the lands in India that create food.

Shri S. M. Banerjee (Kanpur): It is stated in the newspapers that the reports received during the week

from all over the country have made the Union Government to come to that conclusion. I want to know whether it is a fact that because of this shortfall in food production prices have gone up and are going up, and if so what positive steps have been taken by Government to see that the prices do not go up in the near future despite this shortfall.

Shri S. K. Patil: Prices go up by the talk of shortfall. Our granaries are quite full and as I said there is no reason whatsoever why prices should go up. When we talk too much about the crisis and shortfalls, the immediate result of it is exactly the opposite of what the hon. Member wants.

Shrimati Renu Chakravartty: This is what he has stated in the last three years.... (Interruptions.)

Shri Daji (Indore): I would like to know whether it is not a fact that the total production of all grains is three million tons less than last year?

Shri S. K. Patil: No, Sir. That is the information which the hon. Member is giving. I have not got the information with me because the crops are not yet harvested.

Shri H. N. Mukerjee (Calcutta Central): We are quite accustomed to the Minister's essays in optimism and welcome them. May I know why, in spite of our having these repeated reports about increased production and our granaries being full we do get at the same time, on the admission of the Minister himself, reports of decreased production and increasing prices all over the place about which grievances are being voiced from different parts of the country (Interruptions.)

Shri S. K. Patil: Essay in pessimism is no reply to the essay in optimism.

Shrimati Renu Chakravartty: This is no answer. He has stated too often

that the only reason for price rise is because of the criticism made about the shortfalls. Is this the only reason? Has he no other remedy except to stifle criticism from this side of the House?

Shri S. K. Patil: No effort is made to stifle anything. If I stifle it, it would not have been so eloquent as it is.... (Interruptions.)

Shri Prabhat Kar (Hooghly): Sir, unless I am audible to the Minister how can I get a reply?

Mr. Speaker: I am all attention.

Shri Prabhat Kar: I want to know whether the report published in the *Statesman* is correct.

Shri S. K. Patil: I do not claim authenticity for any report published anywhere. It is not my report; I can tell him this.

Shri Prabhat Kar: What is his report?

Mr. Speaker: He has given his facts.

Shrimati Renu Chakravartty: He has not given any figures.

Mr. Speaker: Dr. Ram Subhag Singh read out the figures that he had according to him.... (Interruptions.)

Shrimati Renu Chakravartty: 33.5 million tons was not the figure. He said that there were no annual targets. He said all sorts of things which contradict what has been said already.

Shri H. N. Mukerjee: Sir, the Minister said that his granaries were full and that if prices rose anywhere it was on account of the perverse reasoning or because of the imagination of certain members. Does the Minister deny that in Calcutta, for instance, at this very present moment there is a very considerable increase in the price of rice in particular? Does he deny what is there? In spite of the granaries being full, why is it so?

Mr. Speaker: Prices have risen at certain moments in certain places but not on account of the shortage of production that is his reply. It may be right or wrong; I am not saying about that.

Shri H. N. Mukerjee: Then could we find out, if Government's granaries are full, why the apparatus for selling them by various channels to the people is not working properly? Have we not got the right to find out, especially when Parliament is about to rise?

Mr. Speaker: Is there any defect in the distributing machinery if production is not low?

Shri S. K. Patil: I do not think so. That question was answered earlier also, so far as Calcutta was concerned sometime back. Perhaps you may remember it. Where prices rise we regulate them through fair price shops. It may be that in the open market, outside, sometimes prices may rise. But so far as our fair price shops are concerned, we try to maintain these prices.

12.19 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER INDUSTRIES (DEVELOPMENT AND REGULATION) ACT

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): I beg to lay on the Table a copy of Notification No. S.O. 1216 dated the 25th April, 1963, under sub-section (2) of section 18A of the Industries (Development and Regulation) Act, 1951. [Placed in Library. See No. LT-1232/63].

HINDI VERSION OF REPORT OF GANGA BRAHMAPUTRA WATER TRANSPORT BOARD FOR 1962.

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): On behalf of Shri Raj Bahadur, I beg to lay on the Table a copy of Hindi version of Report of the Ganga Brahmaputra

Water Transport Board for the year 1962. [Placed in Library. See No. LT-1233/63].

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): I beg to lay on the Table a copy each of the following Notifications under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

- (i) The Fertiliser (Control) Amendment Order, 1963 published in Notification No. S.O. 944 dated the 30th March, 1963.
- (ii) The Fertiliser (Movement Control) Amendment Order 1963 published in Notification No. G.S.R. 636 dated the 13th April, 1963.

[Placed in Library. See No. LT-1234/63].

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): I beg to lay on the Table a copy of Notification No. G.S.R. 680 dated the 18th April, 1963 under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-1235/63].

ANNUAL ACCOUNTS OF INDIAN AIRLINES CORPORATION FOR 1960-61 AND 1961-62 AND PAPERS UNDER AIR CORPORATIONS RULES, 1954

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): I beg to lay on the Table:

- (i) a copy each of the Annual Accounts of the Indian Airlines Corporation for the year 1960-61 and 1961-62 and the Audit Reports thereon, under sub-section (4) of section 15 of the Air Corporations Act, 1953. [Placed in Library. See No. LT-1236/63].

- (ii) a copy each of the following papers under sub-rule (5) of rule 3 of the Air Corporations Rules, 1954:—

- (a) Summary of Budget Estimates of Revenue and Expenditure of the Indian Airlines Corporation for the year 1963-64. [Placed in Library. See No. LT-1237/63].
- (b) Summary of Actuals for the year 1961-62, Budget Estimates and Revised Estimates for the year 1962-63 and Budget Estimates for the year 1963-64 under Capital, of the Indian Airlines Corporation. [Placed in Library. See No. LT-1238/63].
- (c) Summary of Budget Estimates of Revenue and Expenditure of the Air-India Corporation for the year 1963-64. [Placed in Library. See No. LT-1239/63].
- (d) Summary of Actuals for the year 1961-62, Budget Estimates and Revised Estimates for the year 1962-63 and Budget Estimates for the year 1963-64 under Capital, of the Air India Corporation. [Placed in Library. See No. LT-1240/63].

ESTIMATES COMMITTEE
MINUTES

Shri Dasappa (Bangalore): I beg to lay on the Table—

- (i) a copy each of the Minutes of sittings of the Estimates Committee relating to:
- (a) Eleventh Report on the Ministry of Finance (Department of Economic Affairs)—Revision of the Form and Contents of the Demands for Grants;
- (b) Thirty-third Report on the Ministry of Mines and Fuel—Coal Controller's Organisation, Coal Movement, Coal Board, Coal Washeries, Coal Council of India, etc.;
- (c) Procedural and Miscellaneous matters;
- (ii) a copy each of the Minutes of Evidence given before the Sub-Committee of the Estimates Committee on Public Undertakings and minutes of the sittings of the Estimates Committee relating to the following Reports:
- (a) Twenty-eighth Report on the Ministry of Mines and Fuel—Indian Oil Company Ltd.;
- (b) Thirty-second Report on the Ministry of Mines and Fuel—National Coal Development Corporation Ltd.;
- (c) Thirty-fourth Report on the Ministry of Mines and Fuel—Indian Refineries Ltd.; and
- (d) Thirty-sixth Report on the Ministry of Finance—Industrial Finance Corporation of India.

12.21 hrs.

COMMITTEE ON GOVERNMENT
ASSURANCES

MINUTES OF THIRD SITTING

Shri Morarka (Jhunjhunu): I beg to lay on the Table the Minutes of the Third sitting of the Committee on Government Assurances held during the current Session.

JOINT COMMITTEE ON OFFICES
OF PROFIT
FIRST REPORT

Shri J. R. Mehta (Pali): I beg to present the First Report of the Joint Committee on Offices of Profit.

12.22 hrs.

CORRECTION OF ANSWER TO
STARRED QUESTION NO. 950

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): In reply to parts (a) and (b) of Starred Question No. 950 answered on the 19th April 1963, I stated that at the time the letter of intent was issued to Messrs. Sahu Jain Ltd. for setting up a cement factory at Jhalda in Purulia district of West Bengal, the Vivian Bose Report had not been submitted. Likewise, during the course of supplementaries to the question, I stated that the Vivian Bose Commission's report had not come when the letter of intent was issued.

With reference to the queries raised on my reply, I have looked into the matter further and wish to clarify the matter to the House. While it is true that the report of the Vivian Bose Commission was not available in the Ministry of Steel and Heavy Industries at the time the letter of intent was issued and the findings of the report were not therefore studied before the issue of the letter of intent, it is a fact that Part I of the report was received by the Government in the Ministry of Commerce and Industry (Department of Company Law Administration) on the 18th June 1962. Part II of the report was received on 31st October 1962. The report of the Commission was placed before the Parliament on 23rd January 1963.

As I had already stated, further developments arising out of the Commission's report would be taken into consideration before a decision is taken whether a formal licence should be issued.

Shri Daji (Indore): In view of this clarification, I would like to seek a clarification. I would like to know whether the Ministry of Steel and Heavy Industries received any information from the Ministry of Commerce and Industry that such damaging reports have been received and no licences should be issued, or whether no such information was communicated.

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): I have always kept in view the recommendations in the Vivian Bose Commission's report and no irrevocable step has been taken. That is why only a letter of intent was issued in this case and whatever action is necessary on the basis of the recommendations of the Vivian Bose Commission will be taken into account. I can assure hon. Members that nothing will be done against the recommendations of the Commission.

Shri Dasappa: Sir, I may be permitted to present the report of the Estimates Committee—item No. 10 on the Order Paper. I think I should have done it immediately after I laid on the Table the papers mentioned against item No. 9.

Mr. Speaker: Yes.

ESTIMATES COMMITTEE

THIRTY-SEVENTH REPORT

Shri Dasappa: I beg to present the Thirty seventh Report of the Estimates Committee relating to action taken by Government on the recommendations contained in the Hundred and fifty-fifth Report of the Estimates Committee (Second Lok Sabha) on the Ministry of Irrigation and Power—National Projects Construction Corporation Limited (Reports and Accounts).

ELECTION TO COMMITTEE

CENTRAL SILK BOARD

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): On behalf of Shri Kanungo, I beg to move the following:

"That in pursuance of clause (c) of sub-section (3) of section 4 of the Central Silk Board Act, 1948, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, one member from among themselves to serve as a member of the Central Silk Board, subject to the other provisions of the said Act and the Rules framed thereunder, vice Shri Dodda Thimmaiah resigned from the Board."

Shri U. M. Trivedi (Mandsaur): Sir, have I your permission to move the motion of which I had given notice yesterday? I sought your permission yesterday.

Mr. Speaker: I have sent him the information. I got his letter. Let me put the motion made by Shri A. M. Thomas first.

Mr. Speaker: The question is:

"That in pursuance of clause (c) of sub-section (3) of section 4 of the Central Silk Board Act, 1948, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, one member from among themselves to serve as a member of the Central Silk Board, subject to the other provisions of the said Act and the Rules framed thereunder, vice Shri Dodda Thimmaiah resigned from the Board."

The motion was adopted.

12-25 hrs.

RE: SUSPENSION OF MEMBER

Shri U. M. Trivedi: Sir, the question is very simple. I had seen you also on the 22nd. I was under the

impression that I would be able to move the motion on the 29th. Yesterday I probably informally sent notice to you that I might be allowed to move it yesterday. You were good enough to tell me that it will be taken up today. Formalities probably were not carried out by me. But I think even when the original motion was moved there was no such formality. Immediately a motion was moved by a Member just on the spur of the moment. This is of a similar type. I might say that today is the end of this month. Sufficient punishment has been inflicted upon the party concerned. Mr. Kachhavaia has been suspended from the service of the House for sufficiently long time. If it is the wish of the House and if it is your permission, if personal apologies are necessary from me, I have already tendered it. The apology from the hon. Member also has been sent to you. He has also expressed his desire that he may be excused for whatever has been done. Under these circumstances, I think the House will be quite considerate in this respect and further suspension of these Members may be cancelled.

Mr. Speaker: I received a request from the hon. Member yesterday and I mentioned it too that I had just received it. But it was so informal, scribbled in two or three lines. It was not a regular one. Therefore, I had not put it on the Order Paper today. Today he has written to me formally. I have also called for the earlier letter that Mr. Kachhavaia had written to me, so that it may be attached along with this. A notice should be given to hon. Members. This is no analogy, because at that moment, when an action is taken, the whole thing happens on the spur of the moment and the action has to be taken at that moment. No previous notice has to be given. The Member does not give notice in advance that he is going to make any demonstration here, so that we may be prepared and put it on the Order Paper.

But now, when we have to take a decision to revise or review or what-

[Mr. Speaker]

ever the House likes, certainly it should be placed on the Order Paper and that is why I have called for the previous letter of Mr. Kachhavaiya also and that may be attached to this, so that it might be circulated. Those things might be circulated to the Members. They might know in advance what he has written and they may be prepared to give their opinion here. Then I will allow him to move the motion. Of course, this is the last day of the month, but that is not sacred. Tomorrow is 1st May. Perhaps that would be all right.

12:28 hrs.

APPROPRIATION (NO. 3) BILL*

The Minister of Finance (Shri Morarji Desai): I beg to move for leave to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1961, in excess of the amounts granted for those services and for that year.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1961, in excess of the amounts granted for those services and for that year."

The motion was adopted.

Shri Morarji Desai: I introduce the Bill.†

Shri Morarji Desai: I beg to move:

"That the Bill to provide for the authorisation of appropriation of

moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1961, in excess of the amounts granted for those services and for that year, be taken into consideration."

Mr. Speaker: Motion moved:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1961, in excess of the amounts granted for those services and for that year, be taken into consideration."

Shri Hari Vishnu Kamath (Hoshangabad): On a point of order, Sir. At the outset, I may make it clear that I am not a rigid stickler for rules. But the rules, I submit in all humility, should not be departed from, unless it is ineluctably and inevitably necessary. May I invite your attention to Rule 74? Rule 74 provides:

"When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill".

The motion that he has just moved is one of those following motions. But what does proviso 2 say? It says:

"Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been

*Published in the Gazette of India Part II, section 2, dated 30th April, 1963.

†Introduced with the recommendation of the President.

so made available for two days before the day on which the motion is made, and such objection shall prevail, unless the Speaker allows the motion to be made."

Of course, you are all powerful here, I know. I know the powers vested in you. But may I also request you to consider whether the heavens will fall if this motion is not made today?

Shri S. M. Banerjee (Kanpur): No.

Shri Hari Vishnu Kamath: I am glad Shri Banerjee feels that they would not.

Mr. Speaker: There could be difference of opinion also. They may fall in the opinion of one and they may not fall in the opinion of another (*Interruption*).

Shri Hari Vishnu Kamath: Let us have it from the Minister himself, whether the heavens will fall or some serious thing will happen or some calamity will overtake this Parliament or the country if this motion is put off till day after tomorrow—if day after tomorrow will not suit, tomorrow is all right I suppose. I say this because, Sir, only this morning we got this Bill alongwith other parliamentary papers not even one day's notice we have had. Therefore, I do submit that unless it is absolutely and inevitably necessary that the motion should be made and passed also today, I would like to entreat you with all the earnestness at my command that the motion may be put off till tomorrow or some subsequent day.

Mr. Speaker: It is all right. Every hon. Member has got this right to object when such motions are being made unless two days are allowed to him. But a letter was sent to me requesting me that the Minister might be allowed in this case to move this motion. Because we had spent so much time and extended the time in many other items it was feared that

we might not have time to pass this Bill in both the Houses. Therefore, I had allowed this motion to be made,

though it is right that every hon. Member has got the right to raise such an objection. There was nothing very particular that was to be discussed in this. That is why I thought that even if this permission was given there would be no harm, and I allowed it.

Shri Hari Vishnu Kamath: The point I raised was whether any calamity will overtake us if it is passed day after tomorrow and not today. What will happen?

Mr. Speaker: Because we have got other business, that might be . . .

Shri Hari Vishnu Kamath: The same time will be taken tomorrow.

Mr. Speaker: Interrupting some other business we have been extending the time allotted to each one of the other items. Therefore, because this was not a Bill where there was much of controversy, I allowed it.

Shri Hari Vishnu Kamath: It is not a question of controversy.

Mr. Speaker: If it had been anything substantial I might have deferred it.

Shri Hari Vishnu Kamath: I am not raising any question of controversy. I am raising a question of precedent, tradition and convention.

Mr. Speaker: That would continue.

Shri Hari Vishnu Kamath: Therefore, unless the Minister convinces us that it must be passed today as otherwise something serious may happen, I do not know why it should be done today. The same time taken up today will be taken tomorrow, and that would not make any difference in that regard.

Mr. Speaker: Now that I have allowed it, he will suffer it to go through. I have allowed it.

Shri Bade (Khargone): Sir, I want to speak on this Appropriation Bill for only two minutes. I want to seek an assurance from the Government.

Mr. Speaker: He ought to have given notice to me in advance.

Shri Bade: Sir, my submission is this. Yesterday, I pointed out some mistakes which were detected by the Auditor-General, that the amounts for expenses on tours were surrendered at the end of the year. The same mistake is repeated every year. The Auditor-General has said that this mistake should not happen every year. I want an assurance from the Government in this respect. Having such an efficient staff with the Government, why should such mistakes occur every year? I want an assurance, when we are passing the Appropriation Bill, that such mistakes will not happen in future (*Interruption*).

Mr. Speaker: Does the Minister want to say anything?

Shri Morarji Desai: Sir, I can never make a promise which I cannot carry out. I cannot say that nobody will make a mistake. How can I say that? All that I can say is that due care and caution will be taken.

Mr. Speaker: All efforts should be made.

Shri Morarji Desai: That is all what I can say.

Mr. Speaker: The question is:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1961, in excess of the amounts granted for those

services and for that year, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up clause by clause consideration. The question is:

"That clauses 2, 3, 1, the Schedule, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clauses 2, 3, 1, the Schedule the Enacting Formula and the Title were added to the Bill.

Shri Morarji Desai: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

12.36 hrs.

COMPULSORY DEPOSIT SCHEME BILL—contd.

Mr. Speaker: The House will now take up further clause by clause consideration of the Bill to provide in the interest of national economic development . . .

Shri S. M. Banerjee (Kanpur): May I submit . . .

Mr. Speaker: Am I not to be allowed to put it before the House?

Shri Daji: Sir, I have only one submission to make. Yesterday, Government was pleased to lay on the Table a part of the report of the Attorney-General and the other legal adviser appointed to go into the matter. As the discussion in coming up very soon, on the 4th May, and as it is very difficult to discuss the subject without going through the report, may I request you to see that it is circulated to Members?

Mr. Speaker: I would request hon. Members to consider this point. When I read half of a sentence, they stood up in the middle . . .

Shri Daji (Indore): Because we could not catch your eye.

Mr. Speaker: I should have been permitted at least to finish that sentence. Anyhow, I will find out if it is possible.

Now, we will take up further consideration of the Bill to provide in the interest of national economic development for compulsory deposit and for the framing of a scheme in relation thereto. Three hours were allotted for this Bill. We have already spent ten hours on that.

Shri Prabhat Kar (Hooghly): Out of ten hours, most of the time was by our sitting beyond 5 o'clock.

Mr. Speaker: Perhaps, we will now be just business-like. We were discussing clause 4. I will call the Minister to reply now.

Shri Hari Vishnu Kamath (Hoshangabad): I will make a request in this connection. Sir, we are all grateful to you for the adroit and skilful manner in which you upheld . . .

Mr. Speaker: I have always to interfere and interrupt him that I do not want him to give me so many compliments which I do not deserve.

Shri Hari Vishnu Kamath: It is not a compliment; it is a statement of fact.

Mr. Speaker: I will most humbly request him not to use . . .

Shri Hari Vishnu Kamath: Sir, it is awkward for us to withdraw what we have said.

Mr. Speaker: If he does not withdraw it, then I will have to get it expunged.

Shri Hari Vishnu Kamath: Sir, it is against all parliamentary traditions, decorum and decency. We are all grateful to you for the adroit and skilful manner in which you upheld the supremacy and sovereignty of the House in the matter of calling the

Attorney-General to the House in this connection, and I hope that the salutary precedent set up in the Third Lok Sabha will have very healthy repercussions for the future also. But the House, I am sure, will be glad to know, from the Finance Minister why it was that he put up such stiff resistance to this proposal last week and whether he still thinks that he has done something wrong in calling the Attorney-General.

Mr. Speaker: Order, order, Shri Kamath should not raise it now. Why should he raise it, when the Government agreed to it? The Attorney-General came here and gave his opinion. We have got all the facts now. So, now to go into the question why in the beginning he was not prepared to call him is not necessary.

Shri Hari Vishnu Kamath: It would have looked decent and graceful if they had done it without resistance.

Mr. Speaker: Order, order. Now the Finance Minister.

The Minister of Finance (Shri Morarji Desai): May I say that since the questions on the legal points have now been replied to, I need not add anything further to what the Attorney-General has said and the clarifications made by him? The remaining question is about shopkeepers and salaried people, in whose case it is argued that we should raise the limit from Rs. 1,500 to a higher figure.

Shri Ranga (Chittoor): What about peasants?

Shri Morarji Desai: The peasants also. We have taken powers under another clause which is going to come, namely, clause 7B, in which we have said that we are taking powers to exempt any person where it is necessary to do so. But I am not going to raise the limit of Rs. 5 of land revenue as it is. I am very sorry. If I cannot do it, I cannot do it. It does not fit in with the scheme of the Bill

[Shri Morarji Desai]

and the legislation that is proposed here.

The same thing holds good about the limit of Rs. 1,500. I have explained this at great length even before. I do not think therefore that any useful purpose will be served by my repeating the argument.

I oppose the amendments except the Government amendment.

Shri Tridib Kumar Chaudhuri (Berhampur): I only wanted to ask before the hon. Finance Minister rose as to what time you are allowing for the discussion of this Bill and when the other item will be taken up.

Mr. Speaker: We might take half an hour over this. Now, I am putting first the Government amendments to the vote of the House.

The question is:

(i) Page 3, for lines 2 to 5 substitute—

“(a) in the case of a person falling under clause (a) of section 2, fifty per cent of the land-revenue (including surcharge thereon, if any,) payable in respect of the land or lands held by him in the year for which the deposit is required to be made.

Explanation:—In this clause ‘year’ means the year with reference to which land-revenue is payable under any law with respect to land-revenue;” (85).

(ii) Page 3, for lines 11 to 15, substitute—

“Provided that where the property is assessed to such tax not with reference to its annual rental value, the maximum rate of deposit under this clause shall be twelve and a half per cent of such tax;”.

(iii) Page 3 omit lines 22 to 25.

(iv) Page 4, after line 29, insert—

“(5A) Where a person falling under clause (d) of section 2 pays in any year any sum,

(i) to effect or to keep in force any insurance on the life of such person or on the life of the wife or husband of such person; or

(ii) as a contribution to any provident fund to which the Provident Funds Act, 1925, applies or to any “recognised provident fund” as defined in clause (38) of section 2 of the Income-tax Act; or

(iii) in a ten-year account or a fifteen-year account under the Post Office Savings Bank (Cumulative Time Deposit) Rules, 1959, as amended from time to time,

he shall not be liable to make any compulsory deposit under this section for that year if such sum is not less than eleven per cent of his annual income from salary.”;

(v) Page 4, line 35, after “four per cent. per annum” insert—

“to be calculated from the first day of the month immediately following the month in which the deposit is made to the last day of the month immediately preceding the month in which it is repaid (both days inclusive)”.

(vi) Page 5, lines 2 and 3,—

for “in the event of the death of the depositor if the authority” substitute “in any case in which the authority”.

The motion was adopted.

Mr. Speaker: Now I shall put the other amendments moved by hon. Members to the vote of the House?

Shri S. M. Banerjee: Is he going to accept any of them?

Mr. Speaker: He has said "No".

The amendments were put and negatived.

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

I hope Mr. Tyagi is ready now. I am going to call the Division. He always wants some interval between the two. . . (Interruption).

Shri Tyagi (Dehra Dun): Sir, . . .

Shri Surendranath Dwivedy (Kendrapara): You were warned and still this has happened.

The Lok Sabha Divided.

Shri Tyagi: I am sorry, Sir. Today actually there is some defect in the

machine. I would like to try it once again. My fingers. . . (Interruption).

Mr. Speaker: Now, he wants to vote for 'Ayes'.

Shri Tyagi: 'Ayes' of course.

Shri A. P. Jain (Tunkur): Sir, I would object to his vote being recorded for 'Ayes' because he was warned before hand and yet he could not do it.

Mr. Speaker: He says, there is some defect in the machine.

Shrimati Shashnak Manjari (Palamau): My vote has not been recorded. I am for 'Noes'.

Mr. Speaker: All right. One vote is to be added to 'Noes'. Any other mistake?

Shri Ranjit Singh (Sangrur): I am for 'Ayes'.

Mr. Speaker: All right.

Division No. 25]

AYES

[12.47 hrs.

Abdul Rashid, Bakhshi
Alva, Shri A. S.
Alva, Shri Joschim
Anjanappa, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bal Krishna Singh, Shri
Balakrishnan, Shri
Banerjee, Dr. R.
Barkataki, Shrimati Renuka
Barupal, Shri P. L.
Basumatari, Shri
Bhargava, Shri M. B.
Bhattacharyya, Shri C. K.
Bist Shri J. B. S.
Borooh, Shri P. C.
Brahm Prakash, Shri
Brajeshwar Prasad, Shri
Chakraverti, Shri P. R.
Chanda, Shrimati Jyotana
Chattar Singh, Shri
Chaturvedi, Shri S. N.
Chaudhury, Shri C. L.
Chaudhuri, Shri Sachindra
Chaudhuri, Shrimati Kamala
Chavda, Shrimati
Chettiar, Shri Ramanathan
Chuni Lal Shri
Das, Shri N. T.

Das, Shri Sudhansu
Dasappa, Shri
Dass, Shri G.
Dessai, Shri Morarji
Deshmukh, Shri B. D.
Dhaon, Shri
Dighe, Shri
Dubey, Shri R. G.
Dwivedi, Shri M. L.
Firodia, Shri
Gackwad, Shri Fatehsinhrao
Gahmar, Shri
Gaitonde, Dr.
Ganapati Ram, Shri
Goni, Shri Abdul Ghani
Guha, Shri A. C.
Gupta, Shri Shiv Charan
Hajarnavi, Shri
Hanada, Shri Subodh
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Himatsingka, Shri
Iqbal Singh, Shri
Jain, Shri A. P.
Jamunadevi, Shrimati
Jedhe, Shri
Jyotsni, Shri J. P.
Kadadi, Shri

Kappen, Shri
Karuthiruman, Shri
Kedaria, Shri C. M.
Khadilkar, Shri
Khanna, Shri Mehr Chand
Kindar Lal, Shri
Kisan Veer, Shri
Kripa Shankar, Shri
Krishna, Shri M. R.
Krishnamachari, Shri T. T.
Kureel, Shri B. N.
Lakhan Das, Shri
Lalit Sen, Shri
Laskar, Shri N. R.
Mahadeo Prasad, Shri
Mahtab, Shri
Mahishi, Shrimati Sarojini
Mallick, Shri
Mansan, Shri
Mandal, Dr. P.
Mandal, Shri Yamuna Prasad
Maniyangadan, Shri
Mantri, Shri
Mehdi, Shri S. A.
Mehrotra, Shri Braj Bihari
Melkote, Dr.
Mengi, Shri Gopal Datt
Menon, Shri Krishna
Mirza, Shri Bakar Ali

Mishra Shri Bibhuti
 Mishra, Shri Bibudhendra
 Mishra, Shri M. P.
 Mohiuddin, Shri
 Morarka, Shri
 More, Shri K. L.
 More, Shri S. S.
 Mukane, Shri
 Musafir, Shri G. S.
 Muthiah, Shri
 Naidu, Shri V. G.
 Naik, Shri Maheshwar
 Nanda, Shri
 Naskar, Shri P. S.
 Nayak, Shri Mohan
 Nehru, Shri Jawaharlal
 Niranjana Lal, Shri
 Pandey, Shri R. S.
 Pandey, Shri Vishwa Nath
 Panna Lal, Shri
 Pant, Shri K. C.
 Paramasivan, Shri
 Patel, Shri Chhotubhai
 Patel, Shri Man Singh P.
 Patel, Shri N. N.
 Patel, Shri P. R.
 Patel, Shri Rajeshwar
 Patil, Shri D. S.
 Patil, Shri S. K.
 Pattabhi Raman, Shri C. R.
 Pillai, Shri Nataraja
 Prabhakar, Shri Naval
 Puri, Shri D. D
 Raghuramaiah, Shri

Rai, Shrimati Sahodrabai
 Raja Shri G. R.
 Ram, Shri T.
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Ramakrishnan, Shri P. R.
 Ramdhani D 195, ri
 Rananjai, Shri Shri
 Rane, Shri
 Ranga Rao, Shri
 Ranjit Singh,
 Rao, Shri Jaganatha
 Rao, Shri Krishnamoorthy
 Rao, Shri Muthyal
 Rao, Shri Rameshwar
 Rao, Shri Thirumala
 Raut, Shri Bhola
 Ray, Shrimati, Renuka
 Reddiar, Shri
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saigal, Shri A. S.
 Samanta, Shri S. C.
 Sanji, Ruppji, Shri
 Sen, Shri P. G.
 Shah, Shri Manabendra
 Shankaraiya, Shri
 Sharma, Shri A. P.
 Sharma, Shri K. C.
 Shashi Ranjan, Shri
 Shastri, Shri Lal Bahadur
 Sheo Narain, Shri
 Shinde, Shri

Shree Narayan Das, Shri
 Singh, Shri D. N.
 Singh, Shri R. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwari
 Sinhasan Singh Shri
 Sonavane, Shri
 Subbaraman, Shri
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Sumat Prasad, Shri
 Surendra Pal Singh, Shri
 Swamy Shri M. P
 Tahir, Shri Mohammad
 Tantia, Shri Rameshwar
 Thimmaiah, Shri
 Thomas, Shri A. M.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tiwary, Shri R. S.
 Tripathi, Shri Krishna Deo
 Tula Ram, Shri
 Tyagi, Shri
 Ukey, Shri
 Upadhaya Shri Shiva Dutt
 Vaishya, Shri M. B.
 Varma, Shri Ravindra
 Veerappa, Shri
 Venkatasubbaiah, Shri P.
 Verma, Shri Balgovind
 Verma, Shri K. K.
 Wadiwa, Shri
 Yadav, Shri Ram Harkh

NOES

Bade, Shri
 Banerjee, Shri S. M.
 Berwa Kotah, Shri
 Chakravartty, Shrimati Renu
 Daji, Shri
 Dharamalingam Shri
 Dwivedy, Shri Surendranath
 Ghosh, Shri P. K.
 Gokaran Prasad, Shri
 Gopalan, Shri A. K.
 Gupta, Shri Kanshi Ram
 Gupta, Shri Priya
 Himmatnaji, Shri
 Imbichibava, Shri

Ismail S
 Kamath, Shri Hari Vishnu
 Kapur Singh, Shri
 Kar, Shri Prabhat
 Krishnapal Singh, Shri
 Kunhan, Shri P.
 Misra, Dr. U.
 Mukerjee Shri H. N.
 Nair, Shri Vasudevan
 Nath Pai, Shri
 Raghavan, Shri A. V.
 Ram Singh, Shri
 Ranga, Shri

Reddy, Shri Narasimha
 Reddy, Shri Yallamanda
 Sezhiyan, Shri
 Shashank, Manjari, Shrimati
 Singh, Shri J. B.
 Singha, Shri Y. N.
 Soy, Shri H. C.
 Swamy, Shri Sivamurthi
 Trivedi, Shri U. M.
 Utiya, Shri
 Vimla Devi, Shrimati
 Warior, Shri
 Yashpal Singh, Shri

Mr. Speaker: The result of the Division is: Ayes 188; Noes 40 The 'Ayes' have it.

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5.— (Compulsory Deposit Scheme)

Amendment made.

(i) Page 5, line 25, *add at the end—*

“or by whom penalties for failure to make deposits may be levied” (91)

(ii) Page 5, *after line 34 insert—*

“(gg) the exemptions, if any, to be granted in exercise of the

powers under section 7B;

(ggg) the delegation of powers in pursuance of section 7C"; (92)

(iii) Page 5, after line 39 insert—

"(3) A scheme framed under this section may provide that all or any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in the scheme.

(4) Any scheme framed under this section shall have effect notwithstanding anything contained in any law for the time being in force, other than this Act, or in any instrument having effect by virtue of any law other than this Act."

Mr. Speaker: The question is:

"That clause 5, as amended stand part of the Bill."

The motion was adopted.

Clause 5 as amended was added to the Bill.

Clauses 6 and 7 were added to the Bill. New Clauses 7A, 7B and 7C.

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): I beg to move:

Page 6, after line 4, insert—

7A. "Power to suspend, reduce or remit the amount of compulsory deposit.—Where the State Government has suspended payment of land revenue, or reduced or remitted the amount of land-revenue, payable in any year in respect of any land, then, the Central Government may, by order, suspend payment of the compulsory deposit, or reduce or remit the amount of such deposit payable in that year under sec-

tion 4 by a person falling under clause (a) of section 2.

7B. *Power to exempt.*—Where the Central Government is of the opinion that it is necessary or expedient so to do, either in the public interest or having regard to the peculiar circumstances of any case, it may by notification in the official Gazette and subject to such conditions, if any, as it may specify in the notification,—

- (a) Exempt any person or class of persons from the operation of all or any of the provisions of this Act; and
- (b) cancel any such notification and again subject by a like notification, the person or class of persons to the operation of such provisions.

7C. *Power to delegate.*—The Central Government may, by notification in the Official Gazette, direct that any power which may be exercised by it under this Act, other than the power under section 5 or the power under this section, shall, subject to such restrictions and conditions, if any, as it may specify in the notification, be exercised also by—

- (a) such officer or authority subordinate to the Central Government, or
- (b) such State Government or such officer or authority subordinate to a State Government, or
- (c) such other officer or authority, as may be specified in the notification." (94)

These provisions have already been amply explained.

Mr. Speaker: The question is:

Page 6, after line 4, insert—

7A. *Power to suspend, reduce or remit the amount of compulsory deposit.*—Where the State Government has suspended payment of land revenue, or reduced, or remitted the amount of land-revenue, payable in any year in respect of any land, then, the Central Government may, by order, suspend payment of the compulsory deposit, or reduce or remit the amount of such deposit, payable in that year under section 4 by a person falling under clause (a) of section 2.

7B. *Power to exempt.*—Where the Central Government is of the opinion that it is necessary or expedient so to do, either in the public interest or having regard to the peculiar circumstances of any case, it may, by notification in the official Gazette and subject to such conditions, if any, as it may specify in the notification,—

- (a) exempt any person or class of persons from the operation of all or any of the provisions of this Act; and
- (b) cancel any such notification and again subject by a like notification, the person or class of persons to the operation of such provisions.

7C. *Power to delegate.*—The Central Government may, by notification in the Official Gazette, direct that any power which may be exercised by it under this Act, other than the power under section 5 or the power under this section, shall, subject to such restrictions and condition, and conditions, if any, as it may specify in the notification, be exercised also by—

- (a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to a State Government, or

(c) Such other officer or authority, as may be specified in the notification." (94)

The motion was adopted.

Mr. Speaker: The question is:

"That new clauses 7A, 7B and 7C be added to the Bill."

The motion was adopted.

New Clauses 7A, 7B and 7C were added to the Bill.

Clause 8 was added to the Bill.

Clause 9—(Penalty for failure to make deposit).

Shrimati Tarkeshwari Sinha: I beg to move:

Page 6, line 15,—

for "an amount equal to" substitute "an amount not exceeding". (95)

Page 6, lines 20 and 21,—

for "any company or other corporation referred to in clause (d) of section 2" substitute "any person". (96).

Page 6, line 24,—

for "that company or other corporation" substitute "that person". (97).

Shri Bade: I beg to move:

Page 6, line 16,—

add at the end—

"and this amount of fine will be added to the amount of deposit". (115).

Page 6, line 19,—
add at the end—

"and if sufficient cause is shown the default will be condoned" (116).

I move these amendments simply for this reason. Clause 9 dealing with penalty for failure to make deposit, says:

"If any person who is liable to make a deposit under this Act fails to make the same within the time specified therefor, he shall be liable to pay by way of penalty an amount equal to the amount of deposit which he is liable to make."

I have moved an amendment that this amount of fine will be added to the amount of deposit. Because, this is not a Bill which penalises the cultivators. If he fails, the amount which is taken from him as penalty should be given to him after five years as if it is a deposit from him.

There is another amendment. It is said here:

"Provided that before levying any such penalty such person shall be given a reasonable opportunity of being heard in respect of the same."

I have added:

"and if sufficient cause is shown the default will be condoned."

There is no provision in this. Suppose there is an enquiry and the officer comes to the conclusion that there was sufficient cause. What is that officer to do: whether he should condone or he should only enquire into the matter and leave the matter as it is. Therefore, there is a lacuna. I pray that the hon. Finance Minister should take into account at least this provision, that if sufficient cause is shown, the default of the cultivator will be condoned. That should be amended here. Therefore, I have moved these two amendments.

Shri Ranga: I think it is a very reasonable amendment, because, after all, the peasants have not got much to save. They are already in debt. In spite of it, if in the national interest the hon. Finance Minister wants to insist upon this payment, by compulsory deposit, and if by any chance, they are not able to pay, they are sought to be penalised. The penal clause ought not to be there at all. Since it is going to be there, it is much better that the suggestion made by my hon. friend is accepted by the hon. Finance Minister. The other amendments follow as a consequence from this. If the penalty is not to be treated as a punishment, it should be added to it. Notice should be given and reasonable opportunity should be given to them to show why this penalty should not be levied. I would request the hon. Finance Minister to accept the amendment.

Shri Kashi Ram Gupta (Alwar): I request that the penalty be reduced to a half. Instead of 100 per cent, it should be 50 per cent. I request that the hon. Finance Minister may accept this.

Mr. Speaker: He has not moved any amendment.

Shri Kashi Ram Gupta: I have moved.

Mr. Speaker: Which Number?

Shri Kashi Ram Gupta: No. 71. I moved:

Page 6, line 15,—

after "an amount equal to" insert "half". (71)

Mr. Speaker: All right.

Shri Kashi Ram Gupta: After all, a compulsory deposit should not be the way to penalise the people like anything. The penalty should in no case go beyond 50 per cent.

Shri Morarji Desai: I can accept reduction to a half. I cannot accept the other amendments, because, then, it does not remain a penalty. It goes against the scheme.

Mr. Speaker: Amendment No. 71 is accepted?

Shri Morarji Desai: I am accepting reduction to a half. There is no question of accepting the other amendments where it is said, after explanation is given, if sufficient cause is shown, that goes out. That is not necessary.

Mr. Speaker: The question is:

Page 6, line 15,—

after "an amount equal to" insert "half". (71)

The motion was adopted.

Mr. Speaker: The question is:

(i) Page 6, line 16,—

add at the end—

"and this amount of fine will be added to the amount of deposit" (115)

(ii) Page 6, line 19,—

add at the end—

"and if sufficient cause is shown the default will be condoned". (116)

The motion was negatived.

Mr. Speaker: The question is:

(i) Page 6, line 15,—

for "an amount equal to" substitute

"an amount not exceeding". (95).

(ii) Page 6, lines 20 and 21,—

for 'any company or other corporation referred to in clause (d) of section 2, substitute "any person".

(iii) Page 6, line 24,—

for "that company or other corporation" substitute "that person".

The motion was adopted.

Mr. Speaker: The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clauses 10 and 11 were added to the Bill.

New clause 11A

Shrimati Tarkeshwari Sinha: I beg to move:

Page 6, after line 39, insert—

11A. "Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act or of any scheme framed thereunder, the Central Government may, by order, as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty." (98)

This new clause 11A proposed to be inserted under this amendment enables the Central Government to issue Removal of Difficulties Orders to carry out the intentions of the Act wherever it may be expedient to do so.

Mr. Speaker: The question is:

Page 6, after line 39, insert—

11A. "Power to remove difficulties.—If any difficulty arisen in giving effect to the provisions of this Act or of any scheme framed thereunder, the Central Government may, by order, as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty." (98)

The motion was adopted.

Mr. Speaker: The question is:

"That new clause 11A be added to the Bill."

The motion was adopted.

New Clause 11A was added to the Bill.

Clause 12 was added to the Bill.

Clause 1.—(Short title, extent and commencement)

Shri P. R. Patel: There is one amendment. I beg to move:

Page 1, line 5, add at the end—

"and shall stand repealed one year after the Proclamation of Emergency is withdrawn". (32)

The Finance Minister has been pleased to make a statement. In para 4 of the statement, he has stated like this:

"I now turn to the Compulsory Deposit Bill and Super-Profits tax Bill. Both these Bills interject ideas which are admittedly unorthodox. In dealing with the challenge posed by the Emergency at a time when our resources were already heavily committed to development, I felt the need to depart from conventional methods of increasing savings and taxing the corporate sector.

Then, he has stated, in that very para:

"How long these proposals will remain as a part of the law of the land and in what shape, are clearly not matters on which I, or the Government, or this House, need form any judgement at this stage."

In moving this amendment, I want to say this. We want money to meet our emergency, to meet our expenses. When the emergency is over, I feel that the present Bill, even if it becomes law, should not be continued. So, I have moved this amendment

and I hope the Finance Minister will accept it.

Shri Morarji Desai: I am very sorry, for the reasons I have already stated, I cannot accept this amendment. I have not called it an emergency measure.

Mr. Speaker: Does he withdraw the amendment?

Shri P. R. Patel: I withdraw.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill

The Enacting Formula and the Title were added to the Bill.

Shri Morarji Desai: I beg to move:

"That the Bill, as amended, be passed".

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed".

13 hrs.

Shri Ranga: I am sorry I have to voice my protest against this Bill, and I am not at all in favour of it, especially because it is likely to hurt the interests of the people who are already heavily indebted, namely the peasants, the lower middle classes, and the middle classes, including the salaried employees with low income. I am sorry that we have not been able to persuade the Finance Minister and the Government to deal with the peasants at least in the same way as they have dealt with the other classes of people. This Bill is a standing

[Shri Ranga]

monument of discrimination against peasants, and, therefore, I am not able to accept this Bill.

But, at the same time, I would like to congratulate my hon. friend the Finance Minister for having displayed a democratic spirit and the way in which he was ready to change, as we always must be ready to change, his opinion in regard to the stand that he or anybody else would be taking at one time even in the course of the passage of any particular Bill. He has shown a sense of statesmanship by his readiness to change his own attitude in regard to this particular problem that we placed before him namely that the Attorney-General should be invited to this House. Therefore, I am glad that he has accommodated himself to the democratic spirit, and I congratulate him on that.

Shri Prabhat Kar: So far as the scheme of the Bill was concerned, generally we had lent our support before and we had wanted certain modifications in respect of the lower income groups, but we are sorry that all the amendments that we have moved in respect of the lower income groups, either the peasantry or the salaried employees or the shopkeepers etc., have not been accepted by Government.

Yesterday, when the question of the legality or the competence of this Parliament was being taken into consideration, and when the Attorney-General was present here to clarify the point, Shri Tyagi referred to a similar measure that had been adopted at the instance of Keynes, during the war economy of England. But one thing is forgotten that that country had full employment, and the wage structure was also higher. But today, as a result of the imposition of new taxes, the application of the compulsory deposit scheme to the lower income groups will be repressive and oppressive. That was why we wanted certain modifications. But I am sorry that these have not been

accepted, although Government have moved an amendment seeking to insert a new clause 7B, which has just been adopted, under which Government have taken certain powers whereby at any time, on a representation being received, they exempt such classes of persons or individuals as they may think fit. But, looking at the way the things have been done and the way the discussions have gone on from every section of the House, including the Congress Party and other parties, we find that in spite of the repeated request and appeal to the Finance Minister, he has not accepted these modifications. Therefore, we cannot lend our support to the Bill as it is going to be passed today.

Shri S. M. Banerjee: I am really sorry that despite the best efforts of the hon. Finance Minister to uphold the democratic traditions of this country by bringing the Attorney-General to this House and trying to convince us, there are certain other aspects of this Bill which have not been taken into consideration. As has already been stated by me, in this House, the middle class employees belonging to the Central Government employment or other employment, and especially that section of the peasantry which is already indebted, would be hard-hit after the passing of this Bill. Of course, as a result of this compulsory deposit scheme, Government may get some money, but I have no hesitation in saying that this compulsory deposit scheme will be at the cost of the impoverishment and starvation of the common people. I am sorry that no notice has been taken of this fact by the Finance Minister, though he knows full well that there is indebtedness to the tune of Rs. 100 in the middle class families, and especially among those members of the peasantry who are having uneconomic holdings. So, I am really sorry that the spirit of our submissions has not been taken into consideration, and the Finance Minister has simply considered

only one aspect namely that the country wants money. Surely, the country should have money. But he has not considered the other aspects of the matter.

I am really sorry, that though with all his eloquence he wanted to convince us, I cannot possibly lend my wholehearted support which otherwise I wanted to give. I would have lent my wholehearted support for this measure had he specified some exemption limit so that the poor employees who are already hard-hit may not face starvation.

Shri Kashi Ram Gupta: The basis fixed in regard to the salaried employees and also the shopkeepers is totally unjustified, and in spite of our definite request made from time to time, the hon. Minister has not been able to convince us on this point. I would say again that the basis that he has fixed is totally wrong and totally unscientific. Also, in regard to the cultivators, the basis is totally unscientific.

Hence, I oppose the Bill.

श्री दे० शि० पाटिल (यवतमाल) : अध्यक्ष महोदय, यह बिल जो कि एक्ट बनने जा रहा है, यह कम्पलसरी सेविंग स्कीम नहीं है, बल्कि कम्पलसरी डिपॉजिट स्कीम है। अब मैं कुछ सुझाव ही इसके बारे में दे सकता हूँ।

क्लाजिज ५, ६ और ७ जिन को हार्डशिप होती है, उनके लिए कुछ सेफगार्ड्स की व्यवस्था करते हैं। सेंट्रल गवर्नमेंट इनके द्वारा कुछ माडिफिकेशंस कर सकती है, कुछ स्कीम्स बना सकती है और मोडिफाई करके उसको लागू कर सकती है। जिनको हार्डशिप होती है, उनमें काश्तकार आते हैं। एक आदमी जो छः रुपया लगान देता है, वह सेविंग नहीं कर सकता है। जिनकी इनकम सौ रुपया भी नहीं है, ऐसे लोगों को अधिक से अधिक सहाय्यता देने की व्यवस्था

की जाए, ऐसे केसिस की तरफ सहानुभूति से विचार किया जाए, यह मैं मंत्री महोदय से इस वक्त प्रार्थना करना चाहता हूँ। आगे भी इनको हार्डशिप से कैसे बचाया जा सकता है, इस पर गवर्नमेंट विचार करे।

एक बात मैं और कहना चाहता हूँ। मंत्री महोदय ने कहा है कि सेंट्रल गवर्नमेंट तो और भी ज्यादा एग्जम्पशन देने के लिए तैयार थी, लेकिन स्टेट गवर्नमेंट्स तैयार नहीं थीं, उन्होंने इन्कार कर दिया। वे क्यों इन्कार नहीं करेंगी? सेंट्रल गवर्नमेंट कानून बना कर पैसे उनको दे, ऐसी स्कीम को वे क्यों अपोज करे? आगे के लिए माननीय मंत्री जी का ध्यान मैं इस ओर खींचना चाहता हूँ कि स्टेट गवर्नमेंट मानें या न मानें, जिसको हार्डशिप होती हो, उसको जरूर यह एग्जम्पशन देने की कृपा करे। इसमें हार्डशिप किसानों को होती है, पच्चीस रुपये तक लगान देने वाले किसान को भी हार्डशिप होता है। लेकिन आपने तो छः रुपये देने वाले को भी इसमें शामिल कर लिया है। आप उसकी इनकम को देखते तक नहीं हैं। आपने यह भी नहीं देखा है कि कौन सी इरिगेटिड लैंड हैं और कौन सी ड्राई लैंड हैं। कुछ भी आपने देखा नहीं है। आपने यह भी नहीं देखा है कि किसान तीन हजार या दो हजार रुपया सालाना कमाता है या नहीं कमाता है। मैं कहना चाहता हूँ कि पांच रुपये लगान देने वाला किसान मजदूर कहलाता है।

अध्यक्ष महोदय : अब सारी तक्रार नहीं हो सकती है। आप खत्म करें।

Shri P. R. Patel (Patan): I am glad that in these hard days we have got a Finance Minister who is bold enough and who can face public opinion. I know the difficulties, but if we have to save our liberty, we have to face difficulties and give money to the Treasury of our country.

[Shri P. R. Patel]

The money has to be utilised for the defence of our liberty. Had the Chinese not made an invasion of our country, perhaps, the present taxes would not have been there. So, I congratulate the hon. Minister, and I promise him that whatever be the say of Shri Ranga, the agriculturists will be with the Government in the defence of the country.

Shri Krishnapal Singh (Jalesar): This money is not going for the defence of the country but it will be utilised for development. I think my hon. friend should not congratulate Government for wrong reasons.

श्री डा० ना० तिवारी (गोपालगंज) : अध्यक्ष महोदय, यह बिल चन्द मिनटों के बाद पास होने जा रहा है। मैं महसूस करता हूँ कि बचत योजना अच्छी योजना है। लेकिन साथ ही इसमें जो कठिनाइयाँ हैं, उनकी तरफ मैं आपका ध्यान दिलाना चाहता हूँ।

वह किसान जो पांच रुपया बतौर लगान के देता है वह लगान की राशि भी बहुत सालों तक उससे वसूल नहीं हो पाती है और यह नई राशि उससे कैसे वसूल हो सकेगी, इस पर आप विचार करें। उसको बड़ी कठिनाई का सामना करना होगा। अगर यह वसूल हो भी गई तो हिसाब किताब कैसे रखा जाएगा। यह भी देखने की बात है। मैं चाहता था कि हर किसान के नाम से पोस्ट ऑफिस सेविंग बैंक में खाता खुलवा दिया जाता ताकि जब वक्त आता वह अपना रुपया आसानी से वहाँ से निकाल लेता। आज रुपया तो जमा हो जाएगा लेकिन निकालने के समय इतनी कठिनाइयाँ होंगी, इतना अष्टाचार होगा, कि आप अन्दाजा नहीं लगा सकते हैं। एकाउंट थोड़े नहीं होंगे, करोड़ों की तादाद में.....

अध्यक्ष महोदय : ये सब तजवीजें आप उनके पास भेज सकते हैं ताकि जब वे रूल बनाने लगे तो इन बातों पर गौर कर लें।

श्री डा० ना० तिवारी : मैं एक दो मिनट में खत्म कर दूंगा।

मैं समझता हूँ कि करोड़ों की तादाद में एकाउंट्स होंगे, खास कर किसानों को जमा करने में जो तकलीफ होगी वह तो होगी ही, इसके अलावा रुपया निकालने में उनको इतनी तकलीफ होगी जिसका ठिकाना नहीं है। गवर्नमेंट भी बदनाम होगी। इस बदनामी को बचाने का एक उपाय है कि सब एकाउन्ट्स पोस्ट ऑफिस सेविंग बैंक में रखे जाएँ जिसमें किसानों के हाथ में किताब रहे और वे आसानी से रुपया निकाल सकें। इस पर सरकार को ध्यान देना चाहिये।

Shri Tyagi: I am sorry to have initiated the question of the legality of this Bill—it being *ultra vires* or *intra vires* the Constitution. I raised that point of order first. It is my privilege as a layman to get my doubts clarified; I am glad that the Attorney-General has said that the Bill is legally sound. But I have still my doubts. Anyway, a layman has nothing but to surrender to the opinion of lawyers and jurists. I think that matter is over now.

There are one or two points which I would like to mention—I would not take much time in doing so. No doubt, the Bill had to face rough weather. But it is clear and the House has practically approved of it. Compulsory deposit is a device of compulsory saving which is generally resorted to when industrial activity is on the increase, there is surplus money with people, there is inflation which is deliberately caused so that people may not buy more but may save more. That is indirectly done. For

this reason, I hope it will give benefit to the nation.

But it will cause a lot of administrative difficulties. I want to warn the hon. Minister about it. He has taken upon himself a lot of administrative work—calculating amounts in the case of every individual, giving receipts, making payments, interest etc. All this will mean a lot of administrative machinery. I hope he will devise some way by which he could facilitate realisation and repayment of these deposits.

There is another thing. This would sentimentally hurt the villagers. I have no doubt I agree with Shri Ranga about it because those who have money to pay this deposit, those who have to do it after borrowing at a high rate of interest, will find it difficult to do so. Therefore, my suggestion is: let there be some sentimental satisfaction given to the villagers. Let the hon. Minister agree that these deposits which are collected are as far as possible, invested in that locality, so that a man who has deposited might have a little psychological satisfaction that his deposit has helped development of his own village or locality. I hope he will agree to this.

श्री बृज बिहारी मेहरोत्रा (बिल्हौर) : अध्यक्ष महोदय, इस विधेयक के अन्तिम वाचन के ऊपर जो मुझे अपने विचार प्रकट करने का अवसर मिला है उस समय मैं वित्त मंत्री जी की तारीफ करता हूँ लेकिन साथ ही साथ उन से प्रार्थना करना चाहता हूँ कि किसानों के ऊपर जो उन्होंने ने यह अनिवार्य बचत लागू की है उस पर वे कृपा कर के एक बार फिर विचार करें। उन्होंने ने इस हाउस में जब उन से कहा गया कि बड़े आदमी राष्ट्रीय रक्षा कोष में कम धन दे रहे हैं और गरीब

आदमी अधिक दे रहे हैं एक प्रश्न का जवाब देते हुए कहा था कि बड़े आदमियों का रुपया अधिक है और कम पाने वालों का रुपया थोड़ा है। है तो फिर रुपया आप को बड़े आदमियों से भी मिल सकता है और छोटे आदमियों से नहीं मिल सकता है। जिन किसानों की भूमि खराब है या जिन की जोत अलाभकर है, उन के पास पैसा नहीं बचता है, उन्हें तो पेट भरना कठिन है, लेकिन यह पैसा तो उन से भी लिया जायेगा। इस का नतीजा यह होगा कि वे महाजनों से ऊँचे व्याज में रुपया ले कर बचत में देने के लिये बाध्य होंगे। वे कर्ज के बोझ से दब जायेंगे। मैं समझता हूँ कि वित्त मंत्री जी बहुत उदार हैं वे इस बात पर विचार करेंगे तथा किसानों की परिस्थिति को देखते हुए उन को कुछ और रियायत देने की बात सोचेंगे।

श्री बड़े : अध्यक्ष महोदय, यह बिल अब पास होने जा रहा है। इस सम्बन्ध में हम ने जो आपत्तियाँ उठाई थीं शुरू से, वे इस वास्ते उठाई गई थीं कि जो काश्तकार हैं उन के बारे में बोलने वाला यहाँ पर कोई नहीं है। बड़े बड़े सेठों, साहूकारों के वास्ते तो सभी लोग बोल लेते हैं लेकिन छोटे आदमियों और काश्तकारों के वास्ते यहाँ पर कोई नहीं बोलता है। मैं मंत्री महोदय से यह विनती करता हूँ कि उन्होंने ने इस बिल पर विचार होते समय कंटेगारिकल टर्म में यह नहीं कहा कि ५ रु० लैंड रेवेन्यू देने वाले जो किसान हैं उन को वे एग्जेंट कर रहे हैं, उन्होंने ने यह कहा कि अगर गवर्नमेंट आवश्यक समझेगी तो जो ५ या १० रु० तक लैंड रेवेन्यू देने वाले होंगे उन को भी एग्जेंट कर देगी। मेरी आप से हाथ जोड़ कर यह प्रार्थना है कि कम से कम कोई कंटेगारिकल स्टेटमेंट तो दें, काश्तकारों के वास्ते वे कम से कम यह तो कहें कि जो लोग कर्ज के नीचे दबे हुए हैं उन को वे छूट देंगे। जो किसान कर्जा लेते हैं उन को इंटरेस्ट ज्यादा देना होता है जब कि आप सिर्फ ४ परसेंट ही

[श्री बड़े]

देंगे। शेक्सपियर के शब्दों में तो यह इसी प्रकार हुआ :

"The quality of mercy is not strained; It droppeth as a gentle rain from Heaven; It blesseth him that gives and him that takes."

इस वास्ते कम से कम काश्तकारों के लिये उन को मर्सी दिखलानी चाहिये। जो काश्तकार कर्ज लिये हुए हैं उन पर अधिक कर्ज न हो इसलिये यह बिल उन पर लागू नहीं होना चाहिये।

Shri Sonavane (Pandharpur) *rose*—

Mr. Speaker: Enough has been said.

Shri Ramanathan Chettiar (Karur): I have not participated in the discussion on this Bill so far.

Mr. Speaker: He may participate in the next.

Shri Ramanathan Chettiar: I will say only one or two words.

Mr. Speaker: The Finance Minister.

Shri Sonavane: We wish to pay compliments to the Finance Minister for having brought forward this Bill. Will you not give us that much chance? After all, some persons must be there to support him also.

Mr. Speaker: I think that would be enough; he would take it as compliment.

Shri Morarji Desai: I am very thankful to my hon. friend, Prof. Ranga, for his words of appreciation at the spirit of accommodation which, he said, I showed. May I assure him and all others in this House that I have always considered it my duty to accommodate the wishes of hon. Members as much as I can, but that can be only consistently with what I consider is right. It is possible that I may err in seeing what is right, but

until I see the error, it is not possible for me to give up what I see is right. I hope, therefore, that he will bear with me when I am not able to do something which he considers is right, which I consider is wrong.

This is a Bill which is a new provision altogether in the history of this country. I do agree that it might in some cases give rise to some hardships. I would not say that these savings are made with ease or with immediate joy or cheerfulness. But we are living in a country which is very poor. It is an irony that prosperous countries have to live extravagantly; otherwise, they cannot maintain their prosperity because they have got to go on consuming more and more so that they can keep up their production drive. But for poor countries, it is necessary to save even by hurting themselves, if they want to be prosperous. Germany, after it was defeated and ruined in the last war—on account of course of its own actions—was reduced to such straits that people had not anything to eat. But they did not utilise their production for their own purposes for four or five long years. They lived in the open, they did not build their houses, they ate little, they exported everything they produced, earned money and became prosperous. Now, they are more prosperous than many other countries. Our country will have also to tighten its belt and save as much as it can. It so happens that 99 per cent of our people are poor and unless they save, there will be no future for this country's prosperity. It is because of this conviction which I have that I have brought in this measure, so that even though the peasants and the other workers who are involved in this, particularly those between the salaries of Rs. 1,500 and Rs. 3,000, have some hard life to pass for making these savings, this will be only for the security and cheerfulness that their children and they themselves will enjoy later on. It is in that conviction only

that I would be justified in bringing this Bill.

We have taken powers under this Bill to remove hardships, and may I say that we shall be constantly watching this, the implementation of this measure, and see that any avoidable hardships are not inflicted. It is not possible for me to say anything beyond that because to make a promise and not to carry it out would be disloyalty to this House.

Thank you for the patience with which you allowed us to speak on this Bill. May I say that it was because this Bill is a new and novel measure that I never raised any voice even though the time first given was three hours and it was extended further, because I believe that all the time that we have spent on this Bill has been usefully spent and has benefited all of us in every way.

Shri Bade: It is a historical Bill.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

13-22 hrs.

CONSTITUTION (FIFTEENTH AMENDMENT) BILL

Mr. Speaker: We now take up further consideration of the following motion moved by Shri A. K. Sen on the 29th April, 1963, namely:—

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

Shri Tridib Kumar Chaudhuri may continue his speech. He has already taken 31 minutes.

Shri Tridib Kumar Chaudhuri (Barrampur): I will finish as soon as possible.

Mr. Speaker: Five minutes.

Shri Tridib Kumar Chaudhuri: I asked for ten minutes. In ten minutes precisely I will finish.

Mr. Speaker: Out of the ten minutes he asked, five were taken yesterday and five remain.

The Minister of Law (Shri A. K. Sen): He may be allowed to speak because he is throwing good light on the matter, if I may request you.

Shri S. M. Banerjee (Kanpur): How does he know he will not throw good light?

Shri A. K. Sen: I did not say so. Simply because somebody throws good light, that does not mean others will not.

Shri Prabhat Kar (Hooghly): In that case, the time for the Bill should be extended.

Mr. Speaker: Not now. We have just started.

Shri C. K. Bhattacharyya (Raiganj): In any case, we may kindly be allowed to throw some light on it.

Mr. Speaker: If light comes from every quarter, there will not be light at all.

Shri Sonavane (Pandharpur): There will be a flood of light.

Mr. Speaker: Only if there is some darkness, light can be appreciated, not if light comes from all sides and there is no darkness.

Out of five hours allotted for the Bill, probably for the second reading we might have 3½ hours.

Shri Prabhat Kar: Yes.

Shri Tridib Kumar Chaudhuri: I was trying to point out yesterday that the main thing involved in clause 4

[Shri Tridib Kumar Chaudhuri]

of the Bill is an important constitutional question, namely whether the notified tenure of the office of a High Court Judge can be curtailed by an executive fiat on the plea of dispute about his age.

This was recently brought into sharp focus by a Special Bench decision of the Calcutta High Court in J. P. Mitter's case, and I had occasion to quote from the judgment of two of the three eminent Judges who constituted that Special Bench.

13.25 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

At present under our Constitution, the independence of the judiciary from the executive, so far as the High Courts are concerned, is assured under article 217 which provides that a High Court Judge once appointed by the President shall hold office until he attains the age of 60 years. But as experience has shown, disputes can arise about the age of a Judge, and in that context the moot question is who should have the powers to decide on it when the question of age of a judge is raised. The original provision was that this should be decided by the President. The only amendment that has been made by the Joint Committee is that this question should be decided by the President in consultation with the Chief Justice of India.

I was on this part of the Bill and was trying to point out that it is highly objectionable in principle to bring in the highest dignitary in the country's judiciary into this matter when administrative decisions are involved. If the Government were really serious in obtaining the opinion of the Chief Justice of India, it should be not merely consultation but the judicial opinion of the Chief Justice, and that opinion should be binding on them.

I have not much time, but I can only commend to the House for its

acceptance the views that have been expressed by Shri P. N. Saprú, a Member of the Joint Committee, who was himself a Judge of the High Court. He has stated:

"As we have fixed the maximum age for retirement, the question whether a Judge has or has not attained that age can become a subject matter of controversy in our Law Courts, either by a writ of *quo-warranto* or a civil suit. I have, reluctantly, therefore, had to come to the conclusion that perhaps the best course for us in the circumstances in which we find ourselves, is to accept the suggestion of my esteemed friend Shri Santosh Kumar Basu that the age of a Judge, whether of the Supreme Court or of the High Court should be stated in the warrant of his appointment at the time of his appointment and that this statement should be final."

If any dispute arises, Mr. Saprú further suggests, that should be decided by the Chief Justice or a panel of Judges judicially, and that opinion should be binding upon the Government.

Then I come to the amendment that has been proposed by Shri Tyagi. I take it that Shri Tyagi's amendment is in effect an official amendment, because it has already obtained the approval of the Law Minister who is going to accept it. It seeks to give retrospective effect to those provisions of the Bill whereby the age of retirement of High Court Judges has been raised to 62, so that Judges who are due to retire on 1st January, 1963 might not have to suffer. This raises an intriguing question because I saw in the papers that the Law Minister has said that according to a letter from the Chief Justice of India to the Government, about ten Judges were about to retire on or about 1st January, 1963 and they should be allowed to continue. It is with a view to allow these Judges to have the

benefit of this raising of the retirement age that Shri Tyagi's amendment has been tabled.

In this connection, I would draw the attention of the House to the fact that in J. P. Mitter's case it was agitated before the Court publicly that in the case of 15 or 16 Judges there was discrepancy between the matriculation age and the age given by them. We do not know what decision was taken in those cases, but we know that the hon. Minister when moving for the consideration of the Bill last session informed us that there were ten or twelve cases where this question had been raised. Supposing these judges who were due to retire on the basis of their matriculation age on 1st January, 1963 had retired, what would have been the harm? They could then very well be appointed as *ad hoc* judges or additional judges, as provided in the new Bill, after retirement and that way they could well continue in service; although they would not be considered as High Court Judges, they could very well have the benefit of service and earn the same salary. But instead of that retrospective effect is sought to be given in order to enable them to enjoy the proposed extension of tenure. I want to know what decision the Government has taken in the case of those Judges who were due to retire on the basis of their matriculation age. I know the case of one judge of the Patna High Court who was due to retire on the 1st of January 1963. As a matter of fact he had retired on the 22nd of December and a farewell party in his honour was held and then he was informed during the Christmas holidays that he could continue working. What is that judge's position now? How does he continue? What is the legal position in this regard? I may here refer to an opinion expressed by the Supreme Court. I think the law in the matter has been laid down by the Supreme Court in the case of *Atlas Cycle Industries versus their workmen* when the legality of appointment of a judge of an industrial tribunal was agitated. What Supreme Court said

in that case means in plain language, that after a judge reaches 60 years of age, he cannot continue in office under the law or under the Constitution. How are those judges who were due to retire continuing in office, even if we may seek to give retrospective effect to that? It will take sometime for this Bill to go to the State legislatures. Then they have to express their views. Only then the President, when the majority of the States have approved this Bill, can give assent to this Bill. May we therefore know how these judges are continuing in office against the clearest provision of the Constitution and the clear mandate of the Supreme Court? If they are just being continued merely by executive fiat, the question arises: how is the executive going to use this power that are given in their hands? The entire judiciary seemed to be functioning illegally. I want some light to be thrown on that point by the Law Minister.

As you have rung the bell, I will finish in a minute, Sir. I refer now to amendment of article 311. The hon. Minister has said that he will try to give a second opportunity so far as the nature of punishment is concerned. I seek only to point out now that in the Government Servants' conduct rules there is no clear rule laying down what punishment is to be attached to what kind of offences. Dismissal and reduction in ranks are the two major punishments for offences like gross insubordination. Nobody knows what constitutes gross insubordination and unless more thought is given to this matter, the security of Government servants will be in jeopardy. I hope the other Members who will speak on the Bill will touch on this matter and Government will take their views into full consideration.

Shri S. S. More (Poona): Sir, I rise to oppose the particular provision of the Bill which seeks to extend the age of the High Court judges by two years. The hon. Minister has given no reason why this extension is necessary. According to me, when a man enters

[Shri S. S. More]

the decade between 60 and 70 years of age, he enters a decade of disease, decay and deterioration. A man could be vigorous upto 60 but when he passes that limit, decadence and decay begin to appear and the quality of the work is bound to go down. I belong to the Bombay bar and the Bombay bar has already voiced its opposition.

The other point is that whenever there is any dispute or doubt regarding the age of a High Court Judge, an enquiry has to be held by the President and he has to accept the advice of the Chief Justice of the High Court. I think we could have a provision on the pattern of article 102.

Shri A. K. Sen: Sir, he may be allowed to speak while sitting.

Mr. Deputy-Speaker: He can sit.

Shri S. S. More: Thank you, Sir, for your kindness but I think I will be more at ease like this, due to the habit.

The Law Minister was pleased to say, when I interrupted him, that the President will hold an enquiry and he may not accept the advice of the Chief Justice. I feel that there should be a provision on the pattern of article 102... (*An Hon. Member:* You mean 103). Thank you. That article reads as follows:

"If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final,

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion."

This is more categorical than the oral assurance given by the Law Minister.

Therefore, I plead that the clause should be reworded.

There are different tiers of the judicial offices in our country. There are also different age limits for the different categories. I really wonder why there should be such differentiation. Between 55, the age limit where the Sessions Judge retires and 65, the age limit where the Supreme Court Judge retires, there is a wide variety for no ostensible reasons. Therefore, I feel that this new category of two years more to the High Court Judges should not be permitted.

Shri Himatsingka (Godda): Mr. Deputy-Speaker, I support the principles of the Bill. Some changes have been proposed. I feel that in some respects there has been a good deal of improvement. As regards the appointment of judges and the age, the age has been proposed to be raised to 62, whereas the age of the Supreme Court judges is retained at 65. The question about the fixation of the age of the judge, as to what his age is, I feel, should be finally fixed when the appointment is made. No question should be left open for decision later on, and it should be mentioned in the warrant of appointment as regards the age. After that, no question should be allowed to be raised either by the Government or by the judge concerned. That should be final.

In this connection, the only question that remains will be as regards the age of the existing judges. There also I feel that unless there is something extraordinarily or palpably wrong, that question again should not be raised. If it is raised, the only authority that should decide is, as has been suggested in the report of the Joint Committee, the President in consultation with the Chief Justice. The Chief Justice can make such enquiry as he thinks proper in connection with the age, when the question arises, and the President, in accordance with such advice, may decide. I do not think that any other procedure

can possibly be suggested because it will be very difficult to have evidence taken as in an ordinary case. So, that is the best thing that can be done.

As regards the change that has been proposed about the judges being liable to be transferred, so far as I know, the feeling is against such a provision, because no judge generally would like to be transferred from the place where he is actually living, has his establishment, because a transfer will mean additional expenditure. I do not think that the proposal made by the amendment that the judge should be paid some compensatory allowance could be quite an inducement for any judge to go from one place to another. Therefore, it is rather a doubtful provision as to whether that will be at all useful or not.

As regards the change that has been proposed that persons who have acted as judges of the High Courts can also be taken or appointed to act temporarily as judges in the Supreme Court, it is a welcome provision, because ordinarily there is great difficulty in filling the vacancy when a judge falls ill or he is taken to some other work. Therefore, utilising the services of a person who has been a judge of a high court to act as an *ad hoc* judge in the Supreme Court is a welcome provision.

There is one more thing that I would suggest for the consideration of the Government, and that is about the position especially in the Calcutta and Bombay High Courts on the original side, on account of the salary having been reduced to Rs. 3,500 which, compared to the old days, is very much less in actual value. Rs. 4,000 had been fixed sometime in 1860 or thereabouts, when there was no income-tax, and up to 1920 the tax also was much less; it was about Rs. 100 on Rs. 4,000. Now, the tax has gone up to Rs. 1,200 on Rs. 4,000. Therefore, the salary is now not regarded as attractive for a person who has some good practice either in the original side or the appellate side. Therefore it is getting more and more difficult to have per-

sons whom the Government would like to appoint as judges. So, I suggest that some consideration should be given in regard to the pension that will be payable to a judge so that he may not have any difficulty after retirement, and may not have to seek the right that has been given now of practising in other courts. If the pension is increased and the judge feels that even after retirement there will be no difficulty in having a decent living, I think the difficulties that are now being experienced to have proper judges will be to a very great degree lessened.

There is another provision that has been intended to be added, and that is about the addition of the word "organisation." That is to say, the Government will be entitled to give directions about holidays, etc. That also a not very much liked by the high court judges. After all, the internal management of holidays, etc., should be left to them. Of course, the overall limit that so many working days should be there, etc., can be provided, but the question as to which holidays should be observed in a particular high court should be left to the judges themselves.

The amendment that is proposed to article 311 is necessary because the way article 311 has been interpreted by courts, it has become almost impossible for the Government to take any action. As you know, out of thousands of cases very few cases are detected where action is proposed to be taken. We hear complaints of corruption and all kinds of allegations against Government officers from members of different sections from different sides, but very few cases are taken up either for departmental enquiry, punishment, or for action by courts. Therefore, the provision that is now being suggested by the amendment, I think, is a welcome one. I think the employee will still have the opportunity, and sufficient and reasonable opportunity will still be there for presenting his evidence and being heard. I think that the amendment

[Shri Himatsingha]

that has been proposed should be accepted by the House.

As I said, so far as the appointment of judges is concerned, the remuneration that is to be paid should be taken into consideration in view of the fact that proper persons are not much willing nowadays especially in the original side of the Calcutta and Bombay High Courts, to accept the post. As a result, what is happening is that the cost of litigation is increasing because the time taken in deciding cases is much more than what would otherwise be if proper persons are on the Bench. With these words, I support the Bill.

Shri Daji (Indore): Mr. Deputy-Speaker, Sir, this Bill as has been reported by the Joint Committee, is certainly an improvement upon the one which was introduced in this House, and to that extent, I express my happiness about the matter. However, there are certain matters in the Bill, matters of principle, about which I am not happy, and on which I think one cannot compromise. May I remind the House most humbly that we are dealing with a Constitution (Amendment) Bill and what we shall now legislate shall form part of the Constitution, a basic document that will go down to posterity as the considered opinion of this House on matters of constitutional law. It is only from this background, and without any prejudice, that I will address myself on mainly two points.

The first point is regarding the determination of the age of the judges. About this, I say that we are committing a grave error. There is absolutely no reason or logic to raise the age of the high court judges from 60 to 62 in this *ad hoc* manner. The matter has been considered threadbare by the Law Commission. The Law Commission recommended raising the age of retirement to 65. The main reason advanced by the Law Commission was that it would attract talent from the bar. Knowing the bar a

little as I do, I make bold to say that the raising of the age by 2 years will not serve that purpose; certainly not. When the Law Commission made that recommendation, they put two riders on it. The first rider was that after 65, no further employment should be permitted to the Judges. The second rider was that the raising of the age to 65 should not apply to the Judges already appointed, but it should apply only to future appointments. That is precisely a very salutary rider, because you have appointed certain Judges, because better persons expressed their inability because of certain service conditions. In a particular competitive condition, you appointed these Judges. You cannot increase their age of retirement in an *ad hoc* manner. If you make fresh recruitment under this new condition, you may get better talent. It is with this consideration that they put two riders.

What we do is, we pick out arbitrarily one recommendation of the Law Commission and trisect it; three years we do not accept, only two years we accept. Then we say that this is the Law Commission's recommendation. It is not only a question of the Law Commission's recommendation, but it is the considered opinion of the jurists before the Joint Committee led by Mr. Setalvad from the Law Institute, Mr. Desai from the Bar Association and Mr. Purushottamdas Trikamdas from the Supreme Court Bar that they would prefer 65, with this rider that no further employment should be permitted to the Judges under the Government. Even in spite of this massive judicial opinion, we are straying into paths which are dangerous to tread. Knowing the present condition of Judges and courts, I may say I share in full the respect that the Law Minister always expresses here for the Judges. But without meaning any disrespect to them, knowing the Judges and the courts as they function today, I certainly say that the raising of the age to 62 is not proper.

It is not only a question of raising the age by 2 years, but the question is, why? What is the logic? The general trend of juridical opinion in the country is that we must make our Judges more and more independent. I need not repeat what the Law Commission has already stated about the present state of affairs in appointing Judges. When the Law Commission has concluded that extraneous conditions have been taken into consideration, I need not go further than that, because I know from my own experience what a middle and mess has been made of it. Some district court lawyers hardly having any experience with High Court Judges have been raised. Law Secretaries invariably have been raised, if they are in the favourable books of the Law Ministers of the different States. In my State of Madhya Pradesh, there have been a series of Law Secretaries who have been raised that it has been remarked that a High Court Judge should be a sinecure for Law Secretary in Madhya Pradesh, provided he works on the right side of the Law Ministry. Therefore, this gratuitous gift of two years is not proper.

Secondly, I have dissented from the report of the Joint Committee not only from this angle, but also on the question of appointment of retired Judges as *ad hoc* Judges. When the demand from juridical opinion is to lessen the temptation to the Judges after retirement, you are increasing it. You are not even prepared to put a limit to the time for which they may be appointed after retirement. On the one hand you say at a particular age the Judge should retire; you have put a limit under the Constitution. On the other hand, you say that even after he retires on reaching that age, he may be recalled to act as High Court Judge or even as Supreme Court Judge, for what period? We do not know. Practically a Judge who retires at 62 may be called back at one time to the High Court and at another time to the Supreme Court for various

purposes. It may be temporary, but 'temporary' has not been defined. It may be 3 months, 6 months or 1 year. There are some vacancies on Commissions and enquiries for two or three years. Therefore, by this provision of *ad hoc* Judges, you even negate the age limit prescribed in the Constitution itself. Therefore, for this reason and for the reason that it will act as a temptation, I oppose this. It has a tendency to act as a temptation. In the case of Judges, we must adhere very strictly to the famous adage that Caesar's wife must not only be chaste, but she must be above suspicion. It will be a standing temptation to the Judges that after retirement, they may get some fresh appointment. Even if there is a possibility of one among 400 Judges succumbing to this temptation, we should plug the loophole, rather allowing even one Judge to be able to succumb to the temptation that we are holding out to the Judges.

About the age limit, the whole question was considered in great detail by our Constitution-framers. I will recall to the House just one sentence of Mr. T. T. Krishnamachari, who said, while speaking on this subject, that conceding that some Judges may be able to work properly after 60, it is better to ensure against the possibility of even one Judge not being able to work properly after 60, rather than to allow some to work efficiently after 60. That should be the criterion. Is there a possibility or not, normally of a few Judges after 60 not being up to the mark? If there is a possibility, you should plug that loophole. Is there a possibility of undermining the independence of the judiciary or not, by holding them out the temptation of re-employment after retirement—the re-employment would be entirely in the hands of the executive—is the question. Therefore, the sum total of this makes me feel that we are, maybe in a subtle way, undermining the independence of the judiciary. I do not say we are doing it with those motives, but the result is likely to undermine the independence of the judiciary.

[Shri Daji]

Therefore, I think these provisions require to be revised.

Coming to the question of the determination of the age, I totally disagree with the provision made. The determination of the age should be done once for all when the warrant of appointment is made. The Law Minister will say that is the practice even now. But unless you write that in the Constitution, even if you make that the practice, you cannot prevent a third person from challenging it. It is very unseemly and unsavoury that the age of a High Court Judge should be challenged. What is happening? I know a Chief Justice whose tenure has been extended by six months, because at the fag end of his career, the Government have accepted that his age was six months less. There was another Judge whose tenure has been extended by two years, because it was discovered at the fag end of his career that his age was 2 years less. The man took the farewell party, went home on vacation and he was informed by the Union Government that, "We have now revised your age; you are two years younger; start again". Now by this amendment, he will get another 2 years, so that he can continue for 4 years. Without imputing any motives in the least, I say, supposing two Judges apply and one says "I have wrongly given my age". Another also says the same thing. One application is rejected and another is accepted. You may have acted most honestly and most scrupulously, but what shall be the impact on the independence of the Judiciary and on the public at large? It will be most unsavoury. At the fag end of his career, a Judge is told, as in Calcutta, "You are older; therefore, retire". Another Judge is told, "You are younger; you come back." Do these tend to strengthen the independence of the judiciary? That is the question I put.

Shri Tyagi: The Central Government does it?

Shri Daji: Only the Central Government can do it; none else.

Shri U. M. Trivedi: Judges are not appointed by Governors.

Shri Daji: I will do no more on this subject than invite the attention of the House to the opinion of the High Court Judges themselves. The Judges of the Calcutta High Court say:

"...if the Judges of this Court are so much at the mercy of the Executive that an Executive fiat would be enough to retire them and to terminate their tenure, that would mean the end of judicial independence in this country. Independence of the Judiciary would then be a thing of the past and the cherished safeguards of the age, so fondly enshrined in the Constitution in that behalf, would become useless and unmeaning and would be reduced to a mockery. I shudder to think of such consequences. I was, therefore, immensely relieved, when I found that the learned Advocate General could not lay his hand on any provision of law—either statutory or constitutional—to support his above extreme contentions. All he could do was to place reliance on so-called rules of prudence and public policy."

"I am glad that the learned Advocate General could not draw any better material to his assistant on this point."

14 hrs.

Now, this is exactly what we are doing. The hon. Judge says that it would be the end of judicial independence. He says there is no law, there is no constitutional provision. We are now providing a constitutional provision to end the independence of the judiciary. There is a more outspoken remark of another Judge. Here he has made an appeal to the Members of Parliament. I will only read out the judgement and leave it to the good

sense of hon. Members. What does he say:

"It is for the Members of Parliament to consider how far such an amendment would be consistent with the dignity, the impartiality and the independence of the judiciary which is charged with the responsibility of protecting the rights and liberties of the citizens of the Republic of India. One may very well urge that, the President acts on the advice of his ministers and the ministers in the discharge of their functions, are assisted by their Secretaries. And it would indeed be a sad day for our country if the tenure of office of a Judge of the Supreme Court or of a High Court depended on the opinion of a Secretary to the Government of India approved by his minister rather than of an independent judicial authority or the required majority of elected representatives of the people. In any event this very proposal for amendment raises doubts as to whether in the Constitution as it stands today even the President has been vested with the power of removing a Judge of a High Court...."

This is the appeal of a High Court Judge to the Members of Parliament, on this amending Bill and the independence of the judiciary. I am not pleading for any particular case. I do not say even that the Government will act improperly in future. I am ready to concede that much in favour of the Government. But I say that in such matters it is not sufficient that you act properly. You should not even give a possibility of doubting the action. The tenure of the High Court Judges cannot be left in uncertainty. At the end of two or three years a Judge cannot be told that he is two years younger or two years older. I am reminded, Sir, of the famous incident in the Pakistan High Court where a Judge who was about to deliver a judgment against the Government was given a warrant saying that his services were terminated.

Shri Tyagi (Dehr Dun): They are practical people.

Shri Daji: We may like to do the same thing here. He does not know that he has grown older than his real age. The President decides that he has grown older and he is given a warrant. A Judge may be spending his vacation in Mussorie. He gets a warrant saying that he has become younger and he should come back. This has actually happened; I am not talking of the future. A Judge spending his vacation is called back and a Judge who is sitting is asked to go away. It was this matter that went to the court and the court said that we cannot do it. The Judge has appealed to the Members of Parliament not to enact this law because this will mean the end of their independence.

Shri Tyagi Sir, I am feeling very much hurt on account of the remarks made. May I know from the hon. Minister as to which Ministry is responsible for these actions? Is it the Ministry of Law?

Mr. Deputy-Speaker: Let him continue.

An Hon. Member: Home Ministry.

Shri Hari Vishnu Kamath: In his reply he will say.

Mr. Deputy-Speaker: He will reply.

Shri Daji: There was a lacuna.

Shri A. K. Sen: There is nothing to feel hurt about. These are facts stated in the way they are sought to be stated.

Shri Tyagi: He puts them in another way.

Shri Prabhat Kar: These are facts.

Shri Daji: These are facts. I may embellish the facts, you may dress them up. Facts are facts. A Judge who was retired was called back.

Bill

Shri A. K. Sen: Unfortunately, I shall have to show these are not facts.

Shri Daji: Show it to me. The question therefore is, under the present Constitution it cannot be done. Now we want to amend the constitution and make it possible. My humble request would be that we should not amend the constitution at all. We should leave it for the future. We should say that the warrant of appointment should be final, and the cases of eight or ten Judges—there may be more—which are pending should be allowed to be decided by due judicial process. Let the judicial process take its own course. Incidentally, that is also the opinion of Shri Setalwad, that the judicial process should take its own course, and that the President or the Chief Justice should not get any hand in it.

Lastly, I would come to the provision regarding the proposed amendment to article 311. This amendment is really unnecessary. It is based on a misunderstanding of the law or a misinterpretation of the law—it is almost the same thing. The hon. Minister, when he introduced the Bill in the House said:

“According to the Supreme Court’s latest decision this entire gamut is thrown open. That means the same process has to be gone through, the same charges, the same replies, the same answers, the same causes and everything. It has become an impossible thing. In each case two sets of proceedings are going on. The same ground has to be covered over and over again.”

The Law Minister was referring to the famous Khem Chand’s case. May I request the hon. Minister and the House to read fully the whole judgment. If you read the judgment in full and do not stop at a particular point, it has been clearly laid down that although two opportunities are there, in the second opportunity the whole gamut need not be gone through

over again. It has been made amply clear in this very ruling and also the subsequent numerous rulings of the High Court. The hon. Minister stopped at a particular point. I will continue reading from where he has left. It says:

“Their Lordships referred to ‘statutory opportunity being reasonably afforded at more than one stage’, that is to say, that the opportunities at more stages than one are comprised within the opportunity contemplated by the statute itself. Of course if the government servant has been through the enquiry under R. 55, it would not be reasonable that he should ask for a repetition of that stage, if duly carried out, which implies that if no enquiry has been held under R. 55 or any analogous rule applicable to the particular servant then it will be quite reasonable for him to ask for an enquiry.”

That is, if once the enquiry has been gone into before the show-cause notice has been given, it would not be reasonable for him to ask for a second enquiry. That is the considered view.

Then, why is a second opportunity necessary? I will read out the judgment of the Supreme Court:

“There is as the Solicitor General fairly concedes, no practical difficulty in following this procedure of giving two notices at the two stages. This procedure also has the merit of giving some assurance to the officer concerned that the competent authority maintains an open mind with regard to him. If the competent authority were to determine, before the charges were proved, that a particular punishment would be meted out to the government concerned, the latter may well feel that the competent authority had formed an opinion against him, generally on the

subject matter of the charge or, at any rate, as regards the punishment itself. Considered from this aspect also the construction adopted by us appears to be consonant with the fundamental principle of jurisprudence that justice must **not only be done** but must also be seen to have been done."

Shri Hari Vishnu Kamath (Hoshangabad): Appear to have been done.

Shri Daji: This is what the Supreme Court has said. I submit that it is not possible to bisect the two opportunities permitted under article 311. It is not permissible to say that we will give one leaving the other under the rules. I submit, the two opportunities—not two enquiries—required under article 311 are inter-linked, they are part of the whole, and we cannot separate them.

Consider the guarantee given under article 311 as it today stands. By numerous rulings of the Supreme Court it is a right wrung from judicial pronouncements after so many years of trade union struggle. You cannot set the clock back. You cannot set the clock back by 20 years. Even a Congress labour organisation like the I.N.T.U.C. has remarked that this amendment puts the clock back by 20 years. Here is the opinion of the *Indian Worker*, a weekly of the I.N.T.U.C.:

"The proposed amendment of Article 311 is unwarranted and may create discontent among the civil servants. We appeal to the Home Minister to reconsider the measure. In view of the fact that Service Associations and Trade Unions are not allowed to deal with individual disputes, curtailment of the rights guaranteed under Article 311 would be a great injustice to civil servants. The Second Pay Commission had considered the question of discipline and appeal procedures including the one provided under Article 311."

I say this because I want the House to keep in mind one thing. Even as it is, the protection under article 311 is far from adequate. It is only a formal procedural protection and not a substantial protection. Whereas the employees of a private industrial concern, whereas the employees or private clerks of a *bania* or a shopkeeper, if they are dismissed, can take their case to an independent tribunal for final adjudication on the merits of the case, a government servant, may he be a peon or a Secretary or the Chief Secretary, cannot take his case to any independent tribunal for final adjudication. Article 311 only gives a formal procedural protection. You give the charge-sheet, you hold an enquiry, you give the show-cause notice and then you dismiss. As the High Court has said, it only prescribes the procedural drill and if the drill prescribed has been properly performed the courts are *functus officio*.

Mr. Deputy-Speaker: The hon. Member must try to conclude now.

Shri Daji: Sir, I will take five or eight minutes more.

Mr. Deputy-Speaker: You have taken more than twenty minutes. Also, there are about 24 Members who want to speak on this.

Shri Hari Vishnu Kamath: Sir, why not extend the time?

Shri Daji: Yes, Sir. It is a very important Bill.

Shri A. K. Sen: The hon. Member need not take more time on this, because Government is moving an amendment, making it clear that the second opportunity in regard to the punishment proposed will be retained, but only on the evidence already adduced.

Shri Hari Vishnu Kamath: Let us have the text of the amendment so that we can examine it.

Shri A. K. Sen: Examine for what?

Shri Daji: I am very happy to hear that the hon. Minister is moving an amendment to that effect. I am sure, it will cut short the discussion quite a lot. I was very happy yesterday when I heard the hon. Minister saying that Government will consider such an amendment favourably. Now the hon. Minister has given an assurance that it will come forward with an amendment. It will cut short the discussion quite a lot.

What I was submitting was that even in the present set-up the bureaucracy treats an ordinary employee very harshly. I know of a case where the show-cause notice was given at 2-30 p.m. and the dismissal was made at 4-30 p.m. in Bombay. I know of a case where an employee was dismissed, the Supreme Court set aside the dismissal and said that it was wrong, and he was retrospectively suspended, despite the judgment of the Calcutta High Court that there can be no retrospective suspension. In the first case, the charge was that he was working as a trade union worker. The Supreme Court said that it is not unconstitutional, he can work for the trade union and quashed the dismissal. The second charge was that he published a paper for the trade union. The Supreme Court has struck down the first charge that working for a trade union is not unconstitutional, and yet the second charge was that he had published a paper for the trade union, as if it is not working for a trade union. The whole logic in keeping that man under suspension for years and years is to cripple the trade union movement. Under such conditions, when bureaucracy is always trying to treat the employees harshly, this protection should not be given up.

I would be very happy if the position is made clear in this respect. Nobody wants a second inquiry or second opportunity, but only a real opportunity to represent against the punishment proposed, because it is wrong to include the punishment in the charges, because the charges are

preliminary. How can you think of a punishment before the charges are proved? If you include the punishment in the charge-sheet itself, the employee will think that even before the inquiry the officer has already made up his mind that the employee has got to be punished. Therefore, the question of punishment can come only after the inquiry. So, the second opportunity can come only after the inquiry into the charges and the report of the inquiring officer and the other evidence are placed in the hands of the employee and he is told: this is the inquiry report, this is the punishment I am proposing, what is your representation? It is important because some hon. Members have argued previously that even in criminal cases the second opportunity is not given before punishment. Precisely so. But, in criminal cases, the punishments are definite and known. Here the punishment is not known. It may vary from warning to dismissal, from compulsory retirement to discharge, from termination of service to fine, from reduction in rank to stoppage of grade promotion. A conglomeration of punishment is there which can be given for all offences, big and small. Therefore, since the punishment is not clearly laid down, an opportunity to represent before a final decision is taken on the punishment is a very vital right, a substantive right. It is the only real right guaranteed to the Government servants under article 311, and that right should not in any way be crippled, or suspended or whittled down. I am very happy that the hon. Law Minister has conceded this in a different way.

Then, I must express my thanks to the hon. Minister for amending article 226. As a working lawyer I know many difficulties which we had to face when we wanted to file writ petitions. That amendment is very necessary, and I am glad the hon. Law Minister has brought it forward.

Therefore, in the end, I submit that in considering this constitutional

amendment, let no questions of prestige stand in the way of the Government when we are discussing such vital issues. Let us not weaken the independence of the judiciary; let us not hold temptations before them. Let us not sap the morale of the Government employees, millions and millions of them, who alone can help the Government in nurturing the tree of socialism. If you cripple them or demoralise them instead of strengthening them, you will not be able to build up socialism; you would be building up only a bureaucratic State.

Mr. Deputy-Speaker: Shri Vidyalankar.

Shri U. M. Trivedi (Mandsain): Sir, I want to go out, after making my speech, because of some pressing engagement.

Mr. Deputy-Speaker: At what time does he want to go?

Shri U. M. Trivedi: At three o' clock.

Mr. Deputy-Speaker: I will call him immediately after Shri Vidyalankar. I request hon. Members to be brief, because the number of members who desire to speak is very large.

Shri A. N. Vidyalankar: Mr. Deputy Speaker, seeing the number of dissenting notes that have been appended to the report of the Joint Committee, I feel that the Joint Committee was sharply divided on many issues. On the question of the determination of the age of the judges, I feel there should be uniformity of procedure, both in the case of High Court and Supreme Court judges. I see no reason why two different procedures should be adopted in the case of High Court judges on one hand and the Supreme Court judges on the other. Really, it does not bring credit to the judiciary; at least it is not to the credit of the individual judges to raise the question of age at the fag end of his career. In these matters, we should be expected to accept what the

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judge says about his age at the time of his appointment. But, in some cases, it has been found difficult or impossible to accept what the judge says in the last days of his career because of some reasons. That is why I say that it does not bring credit to the judiciary.

But, at the same time, I do not agree with the view that a decision in this matter should rest with the executive. We want the judiciary to be as much independent as possible from the executive. Therefore, I say that the decision in regard to the age of those judges who are already in service should not be left to the executive, whether with the President or with anybody else, but it should be left to the Chief Justice, because the decision of the Chief Justice will be a judicial decision, and not a decision of the executive. In case the power to decide the age is vested in the executive, in very many cases it is quite likely that the affected judge might approach the judiciary, either the Supreme Court or the High Court, to seek judicial verdict because the decision of the executive might possibly be appealable in some legal way or the other. Therefore, in its own interest, I think the executive should be rather reluctant to decide such cases about judges, because it would be very difficult for the executive to take a decision against a judge when a High Court judge declared that his date of birth was different from what had been shown on the records. Therefore, in such matters, the Chief Justice should be given the power to decide the case, in which case it will be a judicial decision, and this should be final.

I have not been able to appreciate the suggestion of the Joint Committee that the President, on the advice of the Chief Justice, should decide. Because, whatever decision has to be taken must be a judicial decision. If the highest authority of the judiciary now makes a recommendation to the head of the executive, as suggested, it

[Shri A. N. Vidyalkar]

is left to the head of the executive either to accept that recommendation or not to accept it. So, I think that it is a procedure which is derogatory to the position and status of the Chief Justice. Therefore, it does not appeal to me. In the case of the new appointments, I think the age should be determined at the time of appointment, when they should be asked to file an affidavit before the Chief Justice of the Supreme Court or the High Court, as the case may be, and that declaration should be final. The judge should be held responsible for that declaration and if he makes a declaration he could be proceeded against.

Coming to the age-limit, I feel that there should be a uniform age limit of 65 when we are raising it. Why, in the case of High Court Judges alone it should be 62 and in the case of Supreme Court Judges 65? After all, the age limit is determined having regard to the capacity and experience of the persons. The very fact that a person is appointed to the Bench of the High Court shows that he is efficient and experienced. Therefore, in tune with the recommendation of the Law Commission, the age limit should be 65 for all judges. One reason for the recommendation of the Law Commission to raise the age limit is that the judges should not be put to financial difficulties because after retirement they will not be allowed to practice or seek any appointment.

If we are going to raise the age-limit, it is implied and consistent with that enhancement of the age-limit that the High Court Judges should not practice anywhere and should not seek any appointment under the Government. We may make an exception only in the case of special courts or tribunals. For instance, in the case of certain labour tribunals and others we might make an exception. But I personally feel that there should, in fact, be no age-limit. In

many other countries there is no age-limit for judges and I would rather like that in the case of the judges here too there should be no age-limit.

My hon. friend, Shri Tyagi, has proposed through his amendment No. 8 that retrospective effect should be given to the provisions of this Act. I fully endorse and support this suggestion. I fully support his amendment because the purpose of the whole Act is to benefit from the experience and ability of certain judges who are already working. We have very few persons of eminence having long experience. After being passed in this House, this Bill will go to the Rajya Sabha and thereafter to the State legislatures. That will take a lot of time. Already it has taken a lot of time. Therefore in order not to be deprived of the services of those judges, I think, the proposal for giving retrospective effect is quite reasonable. It is really essential that retrospective effect should be given and Shri Tyagi's amendment should be accepted.

With regard to the amendment of article 311, I am glad that the hon. Law Minister has announced that the Government is going to bring forward an amendment before this House. I am glad that some amendment is going to be made although I do not know what would be the exact wording of that amendment. I feel that article 311 is very necessary. It is the minimum that we could provide for giving protection to Government employees. I have not been able to appreciate and understand why any amendment to this article is at all being suggested. In this article it is provided that "reasonable opportunity of showing cause against the action proposed to be taken". These are the actual words. Now it has been suggested by the Joint Committee that those words be replaced by "reasonable opportunity of being heard". There is lot of difference between "reasonable opportunity of being

heard" and "reasonable opportunity of showing cause against the action proposed to be taken". These are two different things. I do not know why the scope of opportunities is being reduced. As I have stated, this article 311 gives the minimum opportunities to the employees and I feel that those opportunities should not be reduced and the employees should be given full opportunity to defend themselves.

My predecessors have made it clear that no second inquiry is asked for. No one says that again and again there should be an inquiry; but full opportunities should be given. I can say from my own experience that generally officers are not acquainted with procedural matters—they are not acquainted with law and procedure—and in most of these cases they commit mistakes. I have known many cases as I had been dealing with them in the Punjab as a Minister and many cases had been coming to me. When these cases are examined, generally somebody down below recommends that such-and-such punishment should be awarded and the officers go on endorsing that without looking into the case from the point of view of legal procedure and privileges of the employees. Therefore I think that this matter is very important because we are deciding with regard to dismissal, removal and reduction in rank of these people. For an employee these punishments are just like capital punishment in a criminal case, because having been punished the employee practically loses everything, the whole job. Therefore these are very drastic punishments and in these matters we should be very careful. We should give full opportunity to these employees.

These employees have no opportunity to go to any tribunal. Class I and Class II officers can go in appeal to the Public Service Commission, but Class III and Class IV employees cannot go even to the Public Service Commission. I personally think that if you give all the employees an opportunity to go to the Public Ser-

vice Commission, that would be rather better. After all, they will get some protection. If we have to create a sense of justice and confidence that no injustice is being done to them, if we want to create that kind of confidence among the Government employees, it is very essential that at least they should know that full opportunity is given to them. So after it happens that the officers with whom they work get biased and prejudiced. After all, every day they have to work together and it is quite natural that somebody might get prejudiced. Therefore we have to give them protection. I do not want to protect those employees, who might not be doing their work properly. But I think that proper protection is due to every honest employee. It is our duty and the Government's duty to give all protection to the Government employees and there should be no injustice. We should safeguard that no injustice is done even to a single civil servant. Therefore I think that the provision of article 311 should remain as it is and there should be no amendment of it. But in case any amendment is to be made—as I have stated, I do not know in what words the Government is submitting an amendment—I would be glad, whatever amendment is submitted to the House, if it ensures and gives full assurance and protection to an employee so that no injustice was done to him.

Mr. Deputy-Speaker: Shri Trivedi.

Shri Dhaon (Lucknow): May I know whether Shri Tyagi's amendment is open for discussion now?

Mr. Deputy-Speaker: Not the amendment. We are having general discussion. Amendments will come later.

Shri U. M. Trivedi: Mr. Deputy-Speaker, Sir, I must certainly congratulate our present Law Minister for having brought forward this most urgent and necessary amendment of article 226 to be put on the statute book. This article has caused a good deal of worry to all

[Shri U. M. Trivedi]

those who suffered all over India at the hands of the executive and whom the High Courts stationed just nearby were not able to render proper service.

In this Constitution (Amendment) Bill the most annoying thing to me and to other hon. Members is the amendment of article 311 of the Constitution. For a long time since 1935, when section 240 of the Government of India Act, 1935, came into operation, Government servants have felt a sort of relief. The relief consisted only of this much that they generally got a hearing and ultimately even if they were found guilty, they had an opportunity of appearing in person and pleading in mitigating circumstances and get less punishment. The second opportunity, therefore, was not re-opening of the whole case but was merely a question of what punishment should be meted out and the man might have a say against the punishment that was proposed to be imposed upon him. This right of approaching the appointing authority is now being taken away by the present provision. The hon. the Minister has said that he is going to bring an amendment. I do not know what amendment he is going to bring but if that amendment covers the point that I have raised it will be a welcome thing.

It appears that the superior government officers are straining at the leash that they must get this opportunity of enjoying this right of dismissing the government servants under them or reducing them in rank according to their sweet wish. Most unfortunate is the fate of the employees of the Government in the railways. The superior officers in the railways, most of them, are untrained entirely in law and act in a very empirical manner. They have been used to deal with menials and start treating even their own subordinate officers as menials, with the result that the grievances of the railway servants are not properly looked into. It has often happened that even if the enquiry

committee's report is indicative of the fact that the man has not been found guilty, after four or five years some misreading of the report takes place, and one fine morning the man who has been found not guilty gets a notice as to why he should not be dismissed from service in view of the finding of the enquiry—and the finding of the enquiry is that he is not guilty. And yet he gets removed from service as soon as the notice is served. What protection is there for such people? Under these circumstances the voice has been raised against this provision from all sections of this House, and it will be in the fitness of things that the Law Minister should apply his mind to a proper amendment which will enable the poor employees of this category to get some relief. There are some persons who argue "While there is a right of appeal, what is a right of appeal when you have no right even to a hearing? From a person who has never seen your face, who is moved only by the notes given by the officer who has passed the orders of dismissal or removal, from such officers it is impossible to get any justice in the matter of appeal". I will therefore say that this amendment which is now being introduced in our law under article 311 must be to this extent suitably amended that the opportunity to show cause against the punishment should be retained, as has been retained from the time of section 240 of the Government of India Act of 1935 and as originally provided in article 311 of our Constitution.

Sir, then I will draw your attention to this provision about the High Court judges. I for one have failed to see the propriety of keeping this age arbitrarily at sixty-two. I have been fortunate enough to move into several High Courts and in the Supreme Court also. A judge of the High Court gets promoted to the Supreme Court. What type of tonic does he get, I cannot understand. But the moment he goes to the Supreme

Court he can work merrily up to sixty-five. As long as he was in the High Court he was fit to go only up to sixty—now he will be fit enough up to sixty-two. Why this difference of three years? I see no reason whatsoever for making this difference between the functions to be performed in the High Court and in the Supreme Court. The duties are equally arduous, for every conscientious judge the duties are certainly very heavy, brain work is there, mental pressure would be there. But then, it will be equal for a judge of the High Court as for a judge of the Supreme Court. I have not seen any reason advanced as to why this arbitrary age of sixty-two is to be fixed. In 1956 a point was raised in the First Parliament, and Mr. Datar who was then in charge of this matter in the Ministry of Home Affairs said in his reply, "We do not want to raise the age of the judges of the High Court beyond sixty". The proposal was turned down then. Now the Government, perhaps moved by the recommendations made by the Law Commission, has come round to the view that the age may be raised. But then also the Government has acted in a most miserly manner and has come to suggest that it should be sixty-two, for no reason whatsoever. No reasons have been given as to why it should be fixed at sixty-two. I should say that the Government should certainly consider this proposal and give second thoughts to the question whether it is proper that the age-limit should be placed at sixty-two. It should be sixty-five.

Then there is another question about these judges, which has always been a matter of great concern to all concerned. The judges of the High Court are not allowed, on retirement, to practise in their own High Court but are allowed to practise in any other High Court or in the Supreme Court. Why should the judges who have been so revered and respected by all the members of the bar, go and get them-

selves insulted either at the Supreme Court bar or at other High Court bars? We know that each one of them is not very intelligent, is not a big jurist. We also know that some of them have been elevated not for their very great learning; with all respect that I can show them, there are people who are certainly not up to the mark. And when they go to the High Court bar, some of them may not be known to the Supreme Court judges; and even if they are known, for some reason or other it may be that remarks are passed against them which are of a highly derogatory nature; generally Supreme Court judges do not mince words and they may give them certificates not of a very happy type. And then all the respect that they may have earned is just simply washed out before the juniors who stand near them or by them and before all the public gathered at that place. It will therefore be in the fitness of things that these gentlemen should not be allowed to go and practise or seek any further employment from the Government. If the Government says that the government servant is going to retire, even after the enhancement of the age, after fifty-eight years, and a High Court judge should not serve after sixty-two years, what temptation is there for Government to re-employ a man who is not considered under the law fit to be re-employed after sixty-two years? I say there must be a closed chapter for this purpose. Make it therefore sixty-five. But then at sixty-five cry a halt to further employment of these officers in whatever capacity they are to be employed. There are umpteen number of other well-read persons, learned people, jurists of standing who might be available from the newer generation, from the fresher stock for any such employment that the Government may desire. It is on account of this temptation entertained by some of the judges that in trying to do justice when they are sitting on the bench they try to do some favour to the Government. The impression that

[Shri U. M. Trivedi]

goes into the mind of an ordinary litigant is that between man and man he may get justice, but between man and Government he will not get it. That impression should be washed away; that impression must go. As has been rightly said, not only justice must be done but justice must also appear to have been done. If we believe in that principle, I should say that any temptation which is in the way of having employment even upto the age till a man is completely cripple must not be put in the way of judges who are likely to retire soon.

Then, Sir, in the new arrangement that we have made we have also said in clause 5 that:

"When a Judge has been or is so transferred, he shall, during the period he serves, after the commencement of the Constitution (Fifteenth Amendment) Act, 1963, as a Judge of the other High Court, be entitled to receive in addition to his salary such compensatory allowance as may be determined by Parliament by law and, until so determined, such compensatory allowance as the President may by order fix".

I will readily agree to the proposition—and I do admire him—that there must be transfers of judges. If we want to have the unity of the country proclaimed, I should say, the judges from the north should go to the south and the judges from the south may go to the west and the judges from the west may go to the east. Let there be transfer of the judges. That will be a very helpful thing. But to make this provision that they must get a compensatory allowance for going from one High Court to another, I see no earthly reason why it should be so. Officers of the highest cadre in IAS or in late ICS, or other officers, get transferred from one province to another, from one city in the north to another city in the south and from one city in the east to an-

other city in the west. Yet they do get any sort of compensatory allowance for such transfers. Why should such a transfer mean a sort of compensatory allowance for the judges can not be comprehended by me and, I hope, the House will also appreciate this that after all a judge who is to be transferred should not be treated as a subject of a particular State. Each one of us is a citizen of India and as a citizen of India it is our bounden duty to go and serve the cause of our country wherever we get posted. We cannot, therefore, demand that a compensatory allowance must be paid because of such a transfer. It will also create a feeling amongst the other judges who would be there, as sort of discrimination and these murmurs will go on. People will murmur, he must be a superior person compared to other judges of this place, of this State and he gets more salary than the others. Why should such a feeling be created amongst the judges or in the public at large? I would, therefore, humbly submit that this should not take place.

One more point and I have done with it. One amendment is there—I do not know what the view of the Government is—by Shri Tyagi which is proposed to give retrospective effect. There are many considerations which may weigh in favour of the suggestion that is made by Mr. Tyagi. If it was merely a question of service, if it was merely a question of some statute other than this constitutional one, I would have readily agreed to the proposition. But situated as we are and the experience that we have gained of our present ruling party of amending the law in such a manner and in a particular manner, especially the Constitution, I am afraid that any retrospective amendment, any retrospective provision to a constitutional measure must not be accepted. We would not like to stand in the way of any Government servant getting some benefit. But I will stand by that and most emphatically I do submit that a constitutional provision which gives

retrospective effect will create many other mischiefs and it always sets a precedent for the future to come. I would, therefore, submit, with all my respect for Mr. Tyagi and for his very noble approach in this matter and his very great desire to do justice to those who are likely to suffer, that this amendment may not fit in here.

With these remarks I conclude.

Shri Tyagi: I support this Bill from end to end. I think it is a good idea of amending the Constitution. My hon. friends have raised many objections, but I think, on the whole, it is a good idea that we are amending the Constitution in these lines. I am particularly interested in the case of judges. My amendment has been talked about and many of my friends have also opposed it. I can well see, it touches their sense of adjustments so to say, or their political sanguinity perhaps—I use that word—or I should say that it violates against the pattern they have been following so far, because in the case of a constitutional amendment to say it should be given retrospective effect looks rather unusual. But the difficulty is this. I felt, as I had also indiscreetly remarked last time, that the fault is not that of the judges but ours. This Bill was, for the first time, introduced in 1962 in the month of September or November. It should have been passed by now, and the Parliament had also once decided that it would go through. But the Joint Select Committee took a lot of time. There is nothing irregular in it. Now, all those judges who were told or who were given to understand that they will continue on—they will not be allowed to retire, they will have some extensions—must have made up their minds and are living every day in the hope that the Bill is getting through. Naturally, after this delay, those judges are getting retired and as my friend has mentioned the Chief Justice of the Supreme Court also mentioned that some of the judges, about 12, are going to retire in the

meantime. Some of them have perhaps already retired and others are going to retire because this Bill has to be referred to various States as it is a constitutional amendment. Therefore, it was from that angle that I felt like moving my amendment. Today the biggest demand of the High Courts is for the senior-most, the most knowledgeable and the experienced judges to say and those who are retiring are, of course, the senior most.

Shri Hari Vishnu Kamath: Let them stay permanently.

Shri Tyagi: Not permanently. We are giving this benefit. Why should it not go to them also?

There is one remark that I want to bring on record. I am not satisfied with the standard which our judiciary is maintaining these days. Of course, I do not criticise every judge, but the whole standard of the judiciary and its prestige in the country has been lowered since we have taken over from the British. I must confess that. It is a pity. And if a State cannot keep up the prestige and the independence of the judiciary, that State cannot be a democratic State. I am sorry I have that feeling and that is perhaps due to the fact—I do not know law, I am a layman—myself—that I have seen courts a number of times when I was convicted. (interruption) My feeling is that not only at the Centre but also in various States the department of judiciary, the department of law, Ministry so to say, must be separated from the Home Ministry. The judiciary must be handed over to the Law Ministry so that the environment of Law might do justice to the appointment of Judges. Looking after the judiciary, their laws and everything else he might maintain a high standard. So long as the judiciary or the administration of the judiciary will vest in the hands of Home Ministries both in the Centre as well as in the States, it is difficult to maintain that standard which the nation desires. Because,

[Shri Tyagi]

appointments are made by the Home Minister. The Home Minister has to deal with law and order in the whole country. Not only that. The State Home Ministers cannot afford to be absolutely impartial in the matter of administration, for, he is the Home Minister of a political party. Party bias must remain most with the Home Minister and least with other Ministers. The Minister of law is one who has nothing to decide on the basis of party prejudices. He has to give judgments here or to give legal interpretations. They are like mathematical calculations. One's opinions might differ. I suggest that the Law Minister may take notice; I do not know; the Prime Minister might also like to take notice. But, this demand I want to raise today in the hope that I shall get comments from Bar Associations or from the people at large, lawyers and others, and Bar Associations particularly, whether they agree with the idea that the judiciary must be entrusted to the Law Ministry both in the States as well as in the Centre. What is happening is, I with pain, confess, that I am not satisfied with the manner in which some of the appointments of High Court Judges have been made by our Government. There is no hiding the fact, it pains me. If the headquarters go wrong, nothing will remain. The whole structure will fall to the ground. I definitely, with a sense of anger, want to say that we have not behaved well and we have not kept the old standard. There are people talking. Personal accommodation is not the question. Particularly in the case of judiciary in the appointments. Sons of friends sons of relations are no qualifications in the matter of appointment. This type of procedure comes only when people are taken from the Bar. Others, of course, are in regular service. They have their juniority and seniority. They become High Court Judges according to qualifications. But, the manner in which some of the appointments from the bar have been made of Judges during this regime, the Congress regime, of

our Government, has, in my opinion been disgraceful.

Shri Hari Vishnu Kamath: Which State?

Shri Tyagi: State apart, appointment of High Court Judges cannot be made on the merits of son of my friend, my Minister or ex-Minister or my relation or my community.

An Hon. Member: Or my party.

Shri Tyagi: Particularly when High Court Judges are taken from the Bar, the Bar Associations know it whether the Government has selected on merits. Everybody knows. In my State, everybody knows in the Allahabad High Court Bar which lawyer is deserving and which is not deserving. If the Home Ministry or the Government starts behaving in this manner independence of judiciary is impossible to maintain. I must say that independence of the judiciary, in this brief period, has gone down. It is deteriorating. I cannot hide facts. It is a question of patriotism. If the judiciary goes, democracy goes. Therefore, my emphasis is that the judiciary must be transferred from the hands of the Home Ministry to the hands of the Law Minister who has little bias. Not only in the Centre, but everywhere; in the States. The Home Minister who is in charge of so many administrative matters should not be in charge of the administration of the judiciary.

Shri Vasudevan Nair: (Ambalappuzha): How does that solve the basic problem?

Shri Tyagi: That is what I suggest. Therefore, this must be a separate department. The judiciary must be entrusted in the hands of a Minister who has nothing to do with police or District magistrates or their reports or the Home Ministry. The Home Ministry and the judiciary must be separate.

I also suggest that, if the Minister cares to judge it, my feeling is that the judiciary must be an All-India service. If you want the integration of India, the best integration can come if the judiciary is independent and is an All India service. It is a right idea which my hon. friend has suggested in this Constitution Amendment Bill that High Court Judges will now be transferable from one State to another. That is a very good idea. It must be welcomed. I suggest that even Sessions Judges and District Judges must be taken into the Judicial service which should be an All India service. They too should be transferable from one State to another.

Another question comes about pay. The independence of the judiciary does not depend only on standards of pay and pension, I must say. In the British days, pay and pension were perhaps smaller. But, then, there was some climate of judiciousness in the judiciary. That was maintained by the British. I remember we were convicted and sometimes even District magistrates and Judges convicted us on some charges, sometimes also with political bias. But, their High Courts, their District Judges, I have seldom seen exercising their personal bias in the matter or even political bias. That was so, I remember very well during the British days. The British became popular through the 'Dewani' they gave for the first time. They did not become popular on account of the force of the sword or anything. They were liked here and they became popular, in contracts with the Maghul dewani because they gave a fairer dewani. Therefore, the British become more popular. Pay, however, counts these days. It is not possible to separate the question of pay and pension. Let us see what happens.

In the case of regular Judges, I can well understand. The pension of the service Judges comes to Rs. 16,000 per year. In the case of Civil service Judges it comes to about Rs. 12,000

or so. But, in the case of those who are taken from the Bar, they are the most prominent lawyers earning Rs. 20,000 30,000 and 40,000 per month. This is the standard that they are earning. We want to have the choicest ones from the practising lawyers, to appoint as Judges. What is the pay of a Judge? He comes only for the sake of dignity. He is the most prominent lawyer known all over the State. He thinks that his knowledge is being recognised by the State and he is being given Judgeship. That is the notion about the dignity of a High Court Judge. He receives hardly one-tenth of what he was earning. He comes at a loss. That is a sacrifice indeed. He cannot stay for long. A big practice he has built after years of experience. He is nearing 60; he comes near about 60. If he retires within less than 7 years of his service, he is banned from the practice. Think of that Judge. Most of these Judges are from the Bar Associations.

Mr. Deputy-Speaker: Come to the Bill.

Shri Tyagi: I will finish, Sir. They have come after a roaring practice and the pension is only Rs. 470 per month or Rs. 5000 per year. Think of that Judge. Per month Rs. 450 is the pension of the biggest, the prightest lawyer from the Bar of a High Court. He gets a pension of Rs. 450 per month. He is banned from any further practice. That is the penalty he has to pay. I think this is a very important matter which has to be looked into. What will happen to those who come from the Bar Association? Will they be allowed to go on this pension of Rs. 450 per month? This is one matter which should be considered.

I think the demand that the retirement age must be made 65 is, in my opinion, quite justified in the case of High Court Judges. I think most of the Members in this Houses have also supported this idea that this age should be 65 and not only 62. There must be some arrangement made for

[Shri Tyagi]

those lawyer friends who take up High Court Judgeship for a brief period. The question about the amendment which I have moved, I will discuss later. But, the question is quite clear that retrospective effect should be given with a view to accommodating those Judges who were all expecting that the Bill will be passed in time. It was moved in September; it has not yet been passed. It will take 5 or 6 months more. The Chief Justice of the Supreme Court, as he already mentioned, says that the best and seniormost Judges, about a dozen or so, are now retiring in this period. Shall we lose them? This amendment, does not look very regular because this amendment goes into the Constitution, I confess. But, even then, the situation demands that they must be accommodated.

Shri M. B. Bhargava (Ajmer): The Bill that we are considering today is the Constitution (Fifteenth Amendment) Bill. This Bill aims at bringing about certain alterations in different provisions of the Constitution which are absolutely unconnected with one another.

15 hrs.

So far as clauses 8 and 9 which seek to amend articles 226 and 297 of the Constitution are concerned, I think they are purely non-controversial amendments, and the hon. Law Minister deserves to be congratulated on enlarging the jurisdiction of the High Courts throughout India where the Government of India holds office or carries on certain activities, and where at present, the officers and authorities representing the Government of India could not be subjected to the jurisdiction of the High Court. By this amendment, it is proposed that wherever the officers of the Central Government or the authorities of the Central Government commit certain infringement of the Fundamental Rights, they are liable to be subjected to the jurisdiction of the High Court within whose juris-

dition the cause of action arises. So far as this amendment is also concerned, the Law Minister deserves congratulations.

As regards the other amendments, I respectfully submit that they fundamentally go against the basic principle and the great and splendid position that our Constitution gives to the judiciary. It is a well known fact that in a democratic Constitution, the role of the judiciary is magnificent and splendid, and therefore, its integrity and independence must be maintained at the highest pitch. Therefore, we have to see whether the other amendments which want to bring about certain changes in the tenure of the judges of the High Court and the Supreme Court, or which aim at enhancement of the age of superannuation or which deal with the question of the determination of the age of judges, in case of any dispute, are satisfactory and are on the right lines, the right line being the maintenance of the integrity and the independence of the judiciary.

Looking from this angle I am sorry I cannot subscribe to these amendments. The background of the amendment relating to the raising of the age of retirement of the High Court judges from 60 to 62 is perhaps based upon the recommendations of the Law Commission. The law Commission's recommendation was to the effect that the age of retirement of the High Court judges should be brought on the same level as the age of retirement of the Supreme Court judges, that is that it should be raised from 62 to 65. But the recommendation of the Law Commission made this proposal subject to two very essential and indispensable conditions. The first was that the judges after retirement should not be allowed to resume practice not only in their home High Court where they had their tenure of service but in any High Court in India or in the Supreme Court. Secondly, they should not be

given any executive appointment after retirement. In fact, the Constitution, when it adopted article 220, had placed an absolute bar on the resumption of practice by judges of the High Courts and the Supreme Court in any court in India. But in 1956, the Constitution was amended and this restriction was relaxed so that a retired judge of a High Court could practise in any other High Court except the High Court where he had his tenure of service, or in the Supreme Court. But, now because of this craving that the judges should be transferred from one High Court to another the amendment sought to be introduced is that he should not be allowed to practise only in that High Court where he had been in service just on the eve of retirement, otherwise, he will be entitled to practise in any other High Court.

Now, in regard to all these questions, about the tenure of office of a judge, the determination of the age of a judge, the transfer of a judge etc. who will be competent under the present Constitution to decide the issue? For instance, who will be competent under the present Constitution to effect transfer of High Court judges from one court to the other? The answer can be only one, namely the President, perhaps, after consultation with the Chief Justice. Therefore, the transfers will be in the hands of the executive. Unfortunately for us, the appointments of judges are still in the hands of the executive. As regards how these appointments have been made, one has only to look to the recommendations and the findings of that august body the Law Commission which consisted of some of the best legal talents in the country, and the verdict of that body, if one refers to pages 65 to 73 of their report, there is a severe condemnation to the effect that the manner in which the appointments have so far been made does not do credit to our administration. They have come to a finding after having long experience of the High Courts, and after coming in contact with the

best judges of the High Courts and the Supreme Court and the best legal luminaries of the country. Their finding and their verdict is that the appointments to the Benches of the High Court and Supreme Court judges have been influenced and made on the ground of political expediency or on regional and communal considerations. Therefore, the recommendation of the Law Commission was that if the independence and integrity of our judiciary are to be maintained and kept up at a high pitch, then we must create a machinery which is absolutely independent of the executive.

The appointment of the judges are made by the President but the President, and so also the Governor or a State, is a constitutional Head, and under the Constitution, he is bound to act on the advice of his Ministers, and the Ministers, as we know, are influenced by political considerations. The finding of the Law Commission is that even in the matter of the appointment of the judges of the High Court, when the Governor virtually acts on the advice of his Chief Minister, it is invariably the advice of the Chief Minister which ultimately prevails.

Therefore, my submission is this. In the matter of transfers, it is now proposed that compensatory allowance under clause 5 will be given to the judges who are so transferred. I would like to submit that the question of transfer was first recommended by the States Reorganisation Commission, and their suggestion was not in regard to transfer but in regard to the original recruitment itself, that is to say, the original appointment or recruitment should be made in each High Court from outside the particular State. That was the only practical proposition. If we are keen on bringing about national integration, then the original recruitment and appointment of judges up to the strength of one-third or more should be made from outside the State. But this question of transfer from one State to the other mainly may be utilised by the executive to shift those judges who may not be pronouncing

[Shri M. B. Bhargava]

their decisions to the taste of the executive. The role that the judiciary is to play in the matter of dispensation of justice, not only between individual and individual but between the citizen and the State, requires that our judges must be as above suspicion as Caesar's wife. Therefore, it is essential that in the matter of transfer or the determination of age, the decision must rest in the hands of a judicial tribunal to be constituted by three senior judges of the Supreme Court and to be presided over by the Chief Justice. This is only in the interest of the maintenance of the independence and integrity of the judiciary. In matters concerning the appointment and recruitment of Judges to either the High Courts or the Supreme Court or in matters concerning transfer or the determination of the conditions of service, it is essential that on the recommendation of this judicial unapproachable body of the President should act. This would be a safeguard for the maintenance and integrity of the independence of the judiciary. The proposals which this Bill contain regarding compensatory allowance and transfer of judges are, I respectfully submit, not in keeping with the object of the furtherance of the independence of the judiciary. I therefore, oppose all those provisions.

Shri Narasimha Reddy (Rajampet): Shri Tyagi was very vehement in his denunciation of those Judges who have been appointed from the time the British quit India up to the present day, as their appointments have been based on improper considerations, communal considerations and considerations of nepotism.

An Hon. Member: Not all.

Shri Narasimha Reddy: Not all, I agree. In the same breath being the sponsor of an amendment seeking to extend the retirement age of judges upto 62 with retrospective effect, I wonder whether he would like some at least of those inefficient judges who, according to him, must have had their

birth as Judges during this period of great inefficiency to continue. I do not think it is possible to reconcile both views.

The Law Commission say in their report that the retirement age of High Court Judges could raised to 65. At the same time, they were clear that this should apply only to new entrants. So it is clear that they were very vehement in mentioning that any changes made in the Constitution should have effect only subsequently but not retrospectively. The Law Commission in their Report have made many recommendations. But strange to say, our Government after a long lapse of time have come forward with their own amendments to the Constitution which have no bearing on the important recommendations of the Law Commission.

The Constitution is amended only when there is a compelling necessity of the State or when it conduces to the well-being of its people or when there is a drastic alteration in circumstances and conditions as existed at the time of the drafting of the Constitution. But today, none of those conditions exist. Neither the State nor the common people have anything to gain by these amendments proposed by Government which are trivial and uncalled for. The common people have nothing to gain by way of rectification of law's of errors in dates, nor the untrammelled administration delays of justice free from the interference or influence of the executive. Judges, specially High Court Judges should be above temptation. Human nature is such that when a person is appointed as a judge of a High Court, he is not suddenly transformed into a rarified being as a paragon of virtue. He has his faults and foibles. The limitations of flesh and blood do creep upon him in spite of his willingness and desire to keep himself straight. High Court Judges have got unlimited jurisdiction over human life and property. I could understand if the Law Minister had brought in amendments to increase the salaries of judges or

their pensions in these days of increased cost of living. That would have kept them above want and temptation, and justice could be administered under those circumstances in a very impartial and straight manner. I could understand the Law Minister coming forward with an amendment raising the retirement age of judges provided, as the Law Commission had reported, there were two conditions attached, i.e. that they were prohibited from practising after retirement and also prohibited from accepting any office under either a State Government or the Central Government. These two conditions—provisions have not been incorporated when the age of retirement was sought to be raised to 62. When it was discussed in the Joint Committee, I was agreeable to raising the age to 62 provided there were these two conditions attached. When Shri Setalvad was tendering his evidence, I asked him: 'Supposing the age of retirement is not raised to 65 as envisaged in the Law Commission's Report, but raised only to 62, would you even then advise us to prohibit such judges from practising after retirement or from accepting any office under either a State Government or the Central Government? He said: 'Undoubtedly yes; that is my opinion'. That was his emphatic opinion.

Another important amendment proposed by the Law Commission should have been accepted, but that has not found a place. That was to the effect that no High Court Judge should be appointed unless he has the recommendation of the Chief Justice of the High Court and also that of the Chief Justice of the Supreme Court. This according to them, would make High Court Judges free from obligation to the executive and make them perform their duties uninfluenced by them. I would read to you an extract of the Report of the Law Commission which would be of interest to hon. Members.

"Many unsatisfactory appointments have been made to the High Courts on political, regional and

communal or other grounds, with the result that the fittest men are not appointed.

"This has resulted in a diminution of the out-turn of work of the Judges."

Again they say:

"These unsatisfactory appointments have been made notwithstanding the fact that in the vast majority of cases the appointments have been concurred in by the Chief Justice of the High Court and the Chief Justice of India."

For that they have given reasons. Discussing the procedure under which the appointments are made, they say:

"The appointment of a High Court Judge is first discussed at a meeting between the Chief Justice and the Chief Minister during which the Chief Justice suggests names and the Chief Minister gives his opinion in the proposal. Thereafter some discussion takes place and an informal understanding is reached between the two before formal proposals are sent up. From experience of such conferences it was clear that political or other considerations did affect the mind of the executive at the time of the discussion of the names. It is not surprising, therefore, that the concurrence of the Chief Justice has been obtained to many unsatisfactory appointments. In substance, having regard to the position in which he is placed, the Chief Justice surrenders his better judgment and yields to the wishes of the Chief Minister."

This is the damaging statement made by the Law Commission.

We expected that some of these recommendations would have found a place in the amendments brought forward by the Government. On the other hand, here are amendments

[Shri Narasimha Reddy]

which do not conduce a bit to the welfare and improvement of conditions of the people at large. What the people are concerned with is justice free and unfettered, justice untarnished by corruption, justice unsusceptible to the blandishments of the executive or its corroding influences. The recommendations of the Law Commission seem to have been lost on the Government, recommendations made after taking into consideration the evidence tendered by the finest legal brains and intellectuals of our country.

I submit the Government should take care not to do anything which rouses the suspicions of the people. This proposal, almost sponsored by the Government, of making the revised age or 62 have retrospective effect is viewed with great suspicion and concern in many parts of the country. Government should not give the impression that they are bringing about these amendments to the Constitution on account of their interest in particular individuals. There is a furore in many places, especially in Andhra Pradesh, that some of these amendments are made because some political celebrities in Delhi are interested in extending the tenure of some judges about to retire.

In the Joint Committee, a similar amendment sponsored by the Government or inspired by the Government was discussed and rejected by a good majority of the Members from both the Houses. The rejection was not on party lines, and this proposal bust like a balloon. Now it is sought to be carried by bringing in additional reinforcements.

15.25 hrs.

[SHRI THIRUMALA RAO in the Chair]

It appears Government wanted to reinforce itself by getting the *impre-matur* of the Chief Justice of the Supreme Court to this proposal of giving retrospective

effect to the revised age. I do not know whether the Chief Justice gave his opinion by himself gratuitously to the Government, or whether the Government asked the Chief Justice for his opinion. In either case it is an improper procedure, and I think that Government should not have taken advantage of its position in trying to wangle a view from the Chief Justice in this matter, knowing full well that the position of the Chief Justice as the embodiment and the apex of the judicial administration in our country would be viewed with the importance it deserves.

Recently there was a unanimous resolution of the Bar Association of the Andhra Pradesh High Court condemning the attempt to raise the age of retirement of High Court Judges to 62. It came as a bit of a surprise to me because once upon a time I thought that 60 was rather early for a Judge to retire and that their tenure could be extended by two more years. But this resolution of the Bar Association opened my eyes, because it is an unmistakable indication by the members of the Bar without exception that they are not satisfied with the Judges who are on the eve of retirement, and that they disapprove of such a change in the Constitution. Members of the Bar are the best persons to speak about the judges; they are of all creeds, of all religions, of all temperaments and of all inclinations. I therefore have to revise my original opinion and agree with the members of the Bar who have so unmistakably and unanimously expressed their opinion against raising the age of retirement of High Court Judges to 62.

The amendment proposed to article 311 seeks to eliminate the safeguards of a second hearing for an employee against whom charges have been framed. This safeguard has been provided in the Constitution by the framers so that the employees under the Government of India may work in an atmosphere of fearlessness, without

being subject to the freaks, whims or fancies of officers, departmental heads or even Ministers. The framers of the Constitution thought that giving wide powers, almost dictatorial powers, to the executive was not salutary, and that democracy should be safeguarded by limiting these powers. This amendment to article 311 has roused the severest opposition among all classes of employees an opposition which is as tumultuous as it is unanimous. I appeal to all the hon. Members from every part of the House, to all parties to firmly disapprove of this amendment which produces an element of great dissatisfaction among the employees. Especially when our country is being threatened by a foreign power and when these thousands of employees are giving their best to the nation it is an act of gross impropriety and cruelty to interfere like this with these hundreds of employees who form really the foundation of our nation.

Shri Frank Anthony (Nominated Anglo Indians): Mr. Chairman, In spite of my personal regard for the Law Minister, I am extremely unhappy about this 15th amendment....

Dr. L. M. Singhvi (Jodhpur): Sir, the Law Minister is not her while the discussion is going on.... (Interruptions.)

The Deputy Minister in the Ministry of Health (Dr. D. S. Raju): I am here representing him.

Shri Hari Vishnu Kamath: This is not an ordinary Bill: It is a Bill to amend the Constitution.... (Interruptions.)

Mr. Chairman: There is no pint in all people talking simultaneously.

Shri Tyagi: The Minister of Coordination is here. The Law Minister is coming.

Shri A. K. Sen: The Law Minister always comes when Mr. Anthony speaks!

Shri Frank Anthony: In spite of the personal regard that I have for the Law Minister, I am rather distressed by this Bill. In the first place, it sets a bad precedent. It is a jumble of what should be distinct and distinctly numbered amendments to the Constitution. I do not know what the reason was. Perhaps Government does not want to give the impression that it is amending the Constitution too often. So, instead of making these amendments extend to 25, they have been all jumbled together in a single number. In the result we are considering reaching character on entirely different and disparate articles of the Constitution. From articles about the conditions of the judges, articles which go to the root of our judiciary, one of the bastions of our democracy, we suddenly jump to an entirely different article dealing with the service conditions of Government employees and in the result inevitably the discussion is going to be almost incoherent.

I feel that the hon. Law Minister has lost a golden opportunity. Here was an opportunity, especially when he was dealing with the articles relating to the judiciary, to implement all the very salutary and unexceptionable recommendations of the Law Commission. It was a unique body; it consisted of some of the most eminent lawyers and its recommendations were marked by courage and by independence of a very unusual order. In spite of that Government has come here with one or two odd amendments. May I say this great respect? Take this amendment with regard to age. There is neither principle nor policy in these amendments, none at all. I do not understand how the Law Minister arrived at this particular age, 62. There is neither sense nor logic, may I say with great respect, in fixing this particular age. Probably by some rule of thumb, some method of compromise it has been done like that. The Law Commission said that the age should be raised to 65. That was part of a concatenated pattern of

[Shri Frank Anthony]

recommendations. The Law Commission said: raise the age: raise the pension limit; do not allow them even chamber practice do not allow them to seek employment. That was the salutary pattern of the recommendations. While adopting only one of those recommendations, we just put in this *ad hoc*, rule of thumb provision.

Several hon. Members have referred to this point. You have done away with none of the evils that are corroding the judiciary today. Let us recognise it. I do not know whether the Law Minister will admit it on the floor of the House but every practising members of the bar will say unreservedly that this right to practise is corroding the independence and is destroying the prestige of the judiciary. We know that when we join the bar, we join virtually as juniors. Once they enter into the fiercely competitive profession, they are subject to all the pressures of that fiercely competitive profession and like most juniors they succumb to those pressures, with the result they resort to get the most meagre practice, to all kinds of malpractices. Immediately the prestige of the judiciary is tarnished. It is said with regard to judges that with their eye on practice in the Supreme Court their judgments represent a bias in favour of those who will be able to feed them when they begin their practice at the bar. All these things are being said. What degree of truth there is in these allegations we do not know. But the fact is that these are the current criticisms and I am very sorry that this opportunity was not taken to implement at least some of the recommendations of the Law Commission. On the other hand, the right to practise has been given a pernicious extension. There is provision here that if a judge is transferred away from his native High Court for a period of five years, he can come back and practise in his native High Court. Nothing is more pernicious. Some of us have repeatedly underlined that one of the evils of

temporary judges is just this, that no person who has been a judge in his home State, even if he has been a judge for a week or a month, on principle he should never be allowed to practise. What is happening? Immediately, unfair advantage is given to him. Immediately through the ring he builds up nice practice. He canvasses. After all he has been friendly with those who are now sitting on the Bench. It is an extremely pernicious thing. Now, we have extended that pernicious practice to those who, for some reason or the other, will leave their native High Court for five years to come back and practise in their original High Courts.

Shri A. K. Sen: That has been deleted.

Shri Frank Anthony: I am glad. But still the right to practise is there and I feel that as long as that right is there, what little prestige the judiciary enjoys today is going progressively to be destroyed. Then there is the right to employment. It has played and continues to play absolute havoc. The judges on the eve of retirement, because admittedly they get inadequate pensions, join the queue of job-seekers on the eve of retirement. It is pathetic how they become sycophants and courtiers to the most subordinate of executive authorities. For some of us practising at the Bar it is an extremely disquieting thing. Some of us are really dismayed by what is happening and what has happened to our judiciary.

Then, what is going to happen with regard to this question of transfer? I know what the Law Minister will say. He will say, "you will remember what the States Reorganisation Commission recommended—that we should have an All-India Bar." I agree entirely, but is this the way to achieve an All-India Bar by making the judges liable to transfer on the initiative of the executive? I should have thought

that if we wanted an All-India judiciary, one-third of the judges should be taken at the point of recruitment and not by way of transfer. What is going to happen? Two evil consequences are going to flow. Either the judges who want a transfer will go round deliberately carrying favour with the political powers that be, or the independent judges will be brought to heel because they refuse to accept the dictates of the political powers that be, and they will be, as a penal sort of measure, transferred out of their home States. That is going to happen. Judges privately have told me that this is an extremely pernicious provision—this right to transfer has been given there—and it is bound to be used as an instrument of political terror, an instrument in order to demoralise the judiciary.

I also feel this: that it is extremely bad that this provision should have been put in—article (2A): if the question arises as to the age, the matter should be decided by the President. Judges have come to me and have unanimously said this: that they regard this unreservedly as an affront to the judiciary. If the question of the determination of their age was to be left to anybody, surely it should have been left to the Chief Justice of the high court concerned or to the Chief Justice of India, but what is going to happen? What I feel is this: the judiciary also feel increasingly helpless. They are under constant political pressure; they are living under the shadow of political pressure and domination today. Increasingly they are becoming subjected to executive interference and they say this is the ultimate sort of hostage to the political pressures and political interference. They will have to go to a Deputy Secretary in order to plead their case with regard to age. As they say, it is an affront; and what is more, those judges who carry political influence will be able to get their ages rectified according to their needs, and those who have and semblance of independence left will not be able

to persuade the Deputy Secretary to accept the particular case. I feel that whole thing is an extremely ill-conceived medley of amendments.

I also feel this: it is not only the question of extending the age but making it retrospective. I have given it considerable thought. I know that at first sight it may seem a little anomalous. My friend Shri Ranga for whom I have great respect says that if we accept this amendment retrospectively, Government will use it as a precedent. That is not quite correct. Government has already amended the Constitution retrospectively on more than one occasion. They have already got precedent. What I feel is, there is no objection in retrospective legislation; there is nothing wrong in principle. What the courts have done is this. If there is some doubt as to whether the legislature intended that the legislation should be retrospective, the courts have leaned towards making it prospective. But when a legislature in its wisdom has categorically made legislation, retrospective—there is nothing inherently wrong in that—the only question is whether there is justification for making it retrospective. Normally, I would not have been in favour of Shri Tyagi's amendment. But I am one of those who feel very strongly that absolute, utter, irremediable havoc has already been played with our judiciary largely because of political pressures. Appointments, as the Law Commission has said, are made for political, regional, communal considerations. As I said, they are constantly functioning.....

Shri Tyagi: Has the Law Commission said that?

Shri Frank Anthony: Yes, The Law Commission has said so.

Mr. Chairman: The hon. Member's time is up.

Shri Frank Anthony: I will finish in two minutes.

Shri Narasimha Reddy: It says: "These unsatisfactory appointments." (*Interruption*).

Mr. Chairman: The hon. Member is not yielding and so why should Shri Narasimha Reddy go on with the reference?

Shri Frank Anthony: Why do I say this? I feel, in this context, admittedly the Bench is not attracting persons of the calibre that it used to attract; it is so for many reasons, because the pensions are not attractive, because political pressures make it difficult for them to function in an atmosphere of independence, and it would be a considerable loss for us to lose some of our best judges. That, I feel is the justification, and I think it is considerable justification, and that is the only consideration for making this legislation retrospective. If there is justification, then there is nothing inherently wrong in making the legislation retrospective.

I want to say a few words about article 311. I happen to have argued some of the cases which represent leading decisions of the Supreme Court under article 311. I feel this: that already there has been an erosion of the position with regard to the Government servants by judicial interpretation. I say it with great respect. There has been an erosion of that position. For instance, take the question of compulsory retirement. The Supreme court has held that compulsory retirement, even though it is made much before any prescribed period,—normally it is 20 to 25 years—and even if it is made after 10 years of service, it is not a punishment. It is not a removal or a dismissal; with the result that Government, if they do not like a person, can compulsorily retire him after 10 years. That is a form of dismissal or removal. But the Supreme Court says, no, there is no element of punishment in it, and so it does not attract the protection of article 311.

Then the Supreme Court has also held that a person whose services are terminated has no remedy. For instance, take the railwaymen; they have a contract. If their services are ter-

minated, in terms of their contract, although the motive might have been to punish, they have no remedy. Article 311 is not attracted. There was Dingra's case which I argued; and there was Abraham's case. They were both cases of reduction in rank which unfortunately has been done away with. They were both, in fact, reduced by way of punishment. One General Manager said, "the work is unsatisfactory; reduce him." In the case of Abraham they said, "reduce him because of the charge of corruption." But the official order was that he was merely reduced for administrative reasons. So, the Supreme Court has said that if the speaking order does not show punishment, whatever the motives may be, it is not deemed to be punishment. So, as I said, by a series of judicial pronouncements, there has been this erosion of the protection given to Government servants under article 311. What is the justification for this at this late stage? The British did not consider it necessary. What is the reason for reducing or rejecting the second opportunity? The Law Minister will say, "Oh, it is either waste of time or it is illusory." I say it is not illusory. I deal literally with scores of cases and I say as a result of a carefully prepared answer, the second opportunity, this show-cause notice, very often the proposed punishment is either qualified or entirely remitted. It is a very substantial right. As I said, we were always charging the British with being a little conscienceless in these matters, but I say with great regret that progressively the Government is showing an increasing deadening of the legal conscience. Progressively the Government is showing an increasing disregard for the rule of law. I do not expect the Law Minister, who has been an eminent lawyer, to join with the Government in showing this increasing cynicism for the rule of law. That is what I feel we are doing. Fortunately the other provision of reduction in rank is not going to be moved. But I would ask that the second opportunity should not be done away with.

Shri C. K. Bhattacharyya: (Rai-gani): Sir, the debate on this amending Bill brings to my mind the example of a Calcutta High Court Judge, who voluntarily retired before his time. When we think of all this wrangling for extension, all sorts of manipulating the Constitution or manoeuvring their positions in order to have extension, or change of ages, the figure of Sir Gooroo Das Banerjee, comes to my mind. He was a Judge who retired before he reached the age of superannuation; he completed a period of service which entitled him to earn pension before he reached the age of superannuation. The day he had completed the period of service which entitled him to pension, he wrote to the Chief Justice, "Please relieve me from judgeship". The Chief Justice said "You have still to reach your age of superannuation. Till then you continue". But he said, "My continuation means shutting out a younger man. That is not what I am going to do." So, he retired.

After retirement, he lived for 20 years more without approaching any Government for any employment or for any service. He rendered social service and service to the cause of education. He became the Vice-Chancellor of the Calcutta University. Of course, he was the first Indian Vice-Chancellor of that University. It was Honorary Vice-Chancellorship in those days, not Vice-Chancellor on pay. He became the President of the National Council of Education, which later took the shape of JadHAVpur University. He rendered other social and educational services. Even leaders of the national movement approached him to get correct guidance for their conduct. That is the example which we have been used to see and the ideal under the light of which we have grown up. These are things which appear strange and foreign to us. That is the tradition set up by the Judges of this land even during the British rule. Why should that ideal suffer now? What I feel is, as we claim that we are making more and more progress, we are going off from the ideal more and

more. I want that that ideal should come back to the present generation for the present Judges and lawyers. It is with that object that I bring the instance of this one Judge into this discussion today. It will, I believe give a tone to the object which we want to achieve.

Coming to the Bill itself, the Joint Committee report consists of two volumes—report and the evidence. The evidence consists of 86 pages, 56 pages of which are the evidence of three representatives of eminent legal institutions and organisations—the Law Institute, the Bar Association of the Supreme Court and the Bar Association of India. The three representatives were Shri M. C. Setalvad, Shri S. T. Desai and Shri Purushottamdas Trikamdas. I went through the entire evidence that they gave and I find there is singular unanimity in the evidence of these three representatives of the three legal organisations. This singular unanimity singularly runs counter to all the provisions of the Bill. The Joint Committee Members who are here must be knowing about that. In their evidence they say, the Constitution must not be overburdened with minor details. They say that the age of the Judges should be determined by courts of law and not by anyone else. I believe when this question was put to Mr. Setalvad as to whether it would be proper for the Judges to have their ages determined by the courts of law, he said, "In my view, there is nothing so sacred as cannot be entrusted to investigation and decision by a proper court of justice." I remember, when this Bill was being sent to the committee, I myself suggested that for determining Judges age, an administrative tribunal composed of Judges should be set up and all these questions of ages should be referred to that tribunal for final disposal. What Shri Setalvad has suggested has been reiterated by the other two.

Mr. S. T. Desai has gone further. He has used the adjective "pernicious" about these proposals. When questioned by Members of the Joint Committee, he said, "What is pernicious, I

[Shri C. K. Bhattacharyya]

must call pernicious". This is recorded in the evidence. He further said that there should be no removal of a Judge except under the provisions of the Constitution and by the Parliament itself. The position that has now been taken up by the Judges of the Calcutta High Court is that the executive has no right to remove a Judge, whatever the defect they find in his appointment. Because the Chief Justice has acted according to the direction of the executive, a Bench of three Judges issued a rule against the Chief Justice and the Chief Justice himself is now an appellant before the Supreme Court. That is the position that the High Court of Calcutta has taken up.

In their evidence, they further say that no type of practice should be allowed to the Judges after retirement. Of course, the Law Minister suggested certain appointments to certain of these witnesses and asked whether those appointments could be given to the Judges after retirement. To some of these they agreed, like the chairmanship of certain committees. But others, they definitely opposed. They also said, there should be no transfer from one High Court to another. Some of them gave instances in which the executive had used the threat of transfer in order to cow down some of the Judges to certain propositions. That is why they say there should be no transfer. If it is essential for national integration that persons belonging to one State should be in the High Courts of another State, let that be done at the time of appointment, as suggested by the States Reorganisation Commission. They suggested that one-fourth or one-third of the Judges of each High Court should be from a different State. That was the suggestion of the Kunzru Commission which, they have said, might be adopted.

The question of helping national integration was put to Mr. Setalvad, I believe, by the Law Minister himself.

Mr. Setalvad very politely, very humbly, excused himself with the remark that he did not know much of it. Asked whether the transfer of Judges would help national integration or not, he said, "It is a subject on which I have not much knowledge or experience". That is the way he excused himself from the question put by the Law Minister. In fact, the Law Minister put that question to Mr. S. T. Desai in the form of a logical fallacy, which we read in our intermediate classes "Have you given up beating your mother?" In that form he put it to Mr. Desai: "Are you not agreeable to have national integration by transfer of Judges?" How could that gentleman answer this question as 'yes' or 'no'? That is the attitude these representatives of the three legal institutions took. If you want Judges from one State to serve in another State, bring them at the time of appointment. Mr. Desai used the word 'sword'. He said, "Don't keep the sword of transfer hanging over the heads of Judges, so that the executive may use it whenever they like". That is what they suggested. In fact, I believe what they stated are reasonable propositions. Only one proposition they have agreed to, and that is the raising of the age. But here they say that the age should be raised to 65. I fully agree with them. On a previous occasion, in claiming that the retirement age of journalists should be fixed to 65 I referred to this very proposal and I quoted a line from Sanskrit:

अलं करोति बाढं कथम बुध-वैद्यविचारकान

Age becomes a qualification for judges. Therefore, in this case too, following that principle, if the retiring age is going to be raised, let it be raised to 65. After that let the other propositions follow in which all the three representatives of all the three institutions of law and practice have agreed. Let them not be handled in a different way from which they have suggested,

16 hrs.

Another question has come up in this evidence and that is about the language in courts. Shri P. N. Saprū, a member of the Joints Committee himself has raised it, and all the witnesses coming before the Joint Committee have agreed to it, that unless the courts have one language there will be difficulty. If judges from one State are to serve in another the courts should have one common language. That question also they have raised in the evidence.

16.01 hrs.

[MR. SPEAKER in the Chair]

The question of language we have disposed of already. If it is to be thought over again, it should be thought over by the Home Ministry and that should not be a burden on the hon. Law Minister. But, regarding the proposals that have come up before the House in the body of the Bill as modified by the Joint Committee, I believe that the suggestions made unanimously by Shri M. C. Setalwad, Shri S. T. Desai and Shri Purshottamdas Trikamdas should have been accepted by the Joint Committee and may be accepted by the House even now.

Mr. Speaker: Shri Banerjee—Before he begins, I want to mention that I have received notice of an amendment from the Government. It would be circulated to hon. Members tonight. But I may read it for the benefit of hon. Members, so that they may be aware of this as well.

Page 3, line 18,—

add at the end—

“and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed but only on the basis of the evidence adduced during such enquiry.”

Shri S. M. Banerjee: Mr. Speaker, Sir, I am not going to repeat the arguments which were advanced by the

hon. friends who spoke before me. I would only confine myself to two or three points. Sir, I join my hon. friends who have opposed the suggestion to give retrospective effect in the matter of age of the High Court Judges. I am sure that this would not be given in the larger interest of keeping the dignity of the judiciary at a higher level. Sir, you remember, that in case this is done the question will arise that in the case of the government employees also, in whose case the Central Pay Commission recommended that their age should be raised from 55 to 58, a similar action should be taken. All the recommendations of the Pay Commission with the exception of this one were implemented from 1st July, 1959. The decision taken by the Central Government in this case did not cover the past cases and it was implemented only from December, 1962. Naturally, Sir, if it is accepted in the case of the High Court Judges and the cases of a few High Court Judges—they may be six or ten—who retired are to be covered by accepting Shri Tyagi's amendment, I am sure there will be heart-burning amongst the services throughout the country, and this will mean setting up a precedent. So I oppose the amendment and I would request my hon. friend Shri Tyagi, for whom I have the greatest regard, to withdraw his amendment even before it is discussed in this House.

My second point is, many hon. Members have said in this House that there should be no discrimination in the matter of age or extension between High Court Judges and Supreme Court judges. If the age of the High Court judges is sought to be increased from 60 to 62, why should it not be raised to 65. Much evidence has been adduced before the Select Committee in this respect. In some countries there is no age limit. In some countries the age is even up to 75. Therefore, I would only request that there should be no discrimination between the High Court judges and Judges of the Supreme Court.

[Shri S. M. Banerjee]

Taking advantage of this amendment to Article 311, which is a sort of *Magna Carta* for all the Government employees, I would like to mention that advantage under this Article 311 cannot be derived by the civilian employees working under the defence establishment because of the limitation imposed in Article 310 of the Constitution. Article 310 says:

"Except as expressly provided by this Constitution, every person who is a member of a defence service or of a civil service of the Union or of an all-India service or holds any post connected with defence or any civil post under the Union....."

Therefore, my submission is only this, that the framers of this Constitution perhaps did not take this into consideration that defence services also include the civilian employees in the defence establishments. When the civilian employees working in the defence establishments, whether in ordnance factories or in other defence establishments, are treated like civilian employees in the P. & T. and other government establishments, why should they be deprived of the advantage which they otherwise would have derived from article 311? This is a matter which had agitated the mind of nearly three lakhs of civil employees working in the defence establishments. I would request the hon. Minister to kindly consider this aspect of the problem also. If it is not possible to bring in an amendment during this session, at least it may be brought in the next session or in the near future so that they may also derive that advantage of having an adequate opportunity provided under article 311.

I am happy that the amendment which you very kindly read out has been brought forward. It will satisfy the Central Government employees to a great extent. I must congratulate the hon. Law Minister who could read

between the lines, who could feel the anger of the Central Government employees who have dedicated every ounce of their energy and all that they have for the sake of the country, and bring in this amendment. At least by bringing in this amendment their interests will be safeguarded.

I may mention that to the report of the Joint Committee dissenting note has been given by 11 members. Eminent jurists like Shri Setalwad, Purshottam Trikamdas and Desai have also said that reasonable opportunity should be given. The hon. Law Minister, when he piloted this Bill in this House before it was referred to the Joint Committee was perhaps—I do not want to use the expression "confused"—having a misinterpretation about the judgment of the Supreme Court. He thought that the Central Government employees wanted two enquiries. That is not correct. I have explained to him both in this House at that time and also in person—also, a deputation on behalf of the National Federation of the P. & T. employees recently met the Law Minister and explained their difficulties—that the present practice where an employee is given a charge-sheet, he replies to the charge-sheet, a court or a board of enquiry is held where he is given adequate opportunity to place his evidence, after he places his evidence the board comes to some preliminary conclusion, then he is given a show-cause notice and even after the show-cause notice he deserves the right to bring forward new arguments, is a reasonable one. He can still plead innocence and he can bring new arguments in respect of his case. That was a reasonable opportunity, in our opinion. I am happy to see this amendment. But, that does not mean that the full requirements of the Central Government employees have been met. I am happy this has met their demand in part and, I am sure, if this Constitution is likely to be amended, which I am sure will be amended if the Bill of Shri Kamath is not passed—if that

Bill is passed, I think an amendment of the Constitution will not be so easy—then these two matters should be taken into consideration, namely, (1) that a reasonable opportunity should not have been denied, and I am sure this amendment will be passed unanimously and (2) retrospective effect should not be given to the provision about the age of retirement of High Court judges just to suit 5, 7 or 8 persons, as that would be setting a bad precedent in the country. Thirdly, I will say that Article 311 should be made applicable to the civilian employees in the defence factories.

A question was raised by my hon. friend, Shri Himmatsingka, that this amendment was necessary because many Government employees were involved in corruption cases and no action can be taken against them because of these provisions. A suggestion was mooted by many hon. Members of this House that there should be anti-corruption tribunals. Why has that suggestion not been accepted by this House or by the hon. Minister. An anti-corruption tribunal will eliminate all delays. Let there be summary trials where corruption cases are involved. Another suggestion which was very ably advanced by Shri Setalvad when he was giving evidence before the Joint Committee to avoid delay in disposing of these cases was to have administrative tribunals for dealing with disciplinary cases. So, administrative tribunals could be set up to dispose of all these cases.

With these words, I take this opportunity to congratulate all the Central Government employees throughout the country, who are working in defence, P & T, railways and other establishments, who raised their united voice, mighty voice, against the curtailment of their fundamental rights, because already most of their fundamental rights are mortgaged with the Home Ministry and if this right was also to be curtailed there would have been less incentive for them to work. So, I thank the hon. Law Minister for moving this amendment. I equally

thank you for giving me an opportunity to participate in this debate.

Shri Krishna Menon (Bombay City North): Mr. Speaker, Sir, I would like to refer to two or three aspects which are covered by the proposed amendments to the Constitution. The first is in regard to the tenure of office and age of retirement of judges. With due respect I would say that I have no desire to go into the question of the judiciary deteriorating or otherwise because, on an occasion like this, it is only possible, if at all, for one to make generalisations. At the present moment, speaking for myself, there should be no limit to the age at which a judge should retire. Scientists should not have and politicians, lawyers, and I think even Cabinet Ministers do not have any age limits prescribed for retirement. A judge, it is said, becomes more mature as he ages. If a judge can be trusted to deal with the fortunes of individuals, their property and personal laws, even their lives, surely he can equally be trusted that when he reaches the age of senility, or even before he quite reaches the age of senility, he will retire from service. I am firmly of the view that his honour has to be trusted that he will retire when he is not in a position to faithfully discharge his responsibilities and, therefore, a judge should hold office during the pleasure of the President. Also, that is the only way to guarantee his independence. At the present time, there are so many devices or, at any rate, so many circumstances which place a judge at the mercy of the executive not to speak of the favours he may be tempted to seek from public men, Members of Parliament, political parties and what not. The remedy suggested by Shri Tyagi however, is probably worse than the disease. To remove from the Home Ministry to the Law Ministry the function of appointments to the high judiciary is no remedy at all. What I submit is that there should be no age limit at all prescribed for retirement. As a concomitant it follows that a retired High Court judge should not be allowed private practice at any bar. He

[Shri Krishna Menon]

should not be permitted to appear before any bench or practise law. The independence of the judiciary depends upon there being no expectations on the part of the judge about his future plans. That is to say, the dispensation of justice should be without any fear or favour. There is no doubt that when the retired judges practise before a bench of judges, there would be in the minds of clients—whatever may be in the minds of judges is another matter—in the minds of concerned parties that this person was known to the judges and so he would be heard better! Things of that kind can, will and do happen.

Already we have difficulties all over the country that the best of talents are not available and the level of the legal profession and the bar is not what is probably was a generation ago. And it is very unfair to budding juniors that they should compete with men who have seen law from both sides, to compete with men who were members of the judiciary at one time. Therefore, I submit firstly, that not only there should be no age limit but they should not be called upon to take any office of profit after retirement. When a judge is at the fag end of his career he should not be tempted to think in his mind—I do not say in every case, but in many cases—whether an office of Vice-Chancellorship can be found, the chairmanship of a commission can be found, whether he can be the High Commissioner to Australia or something of that kind. This interferes with the independence of the judiciary. In most countries, more particularly in ours the executive has an inveterate tendency to encroach upon the independence of the judiciary. Our parliamentary institutions and our democratic apparatus are comparatively new. Now law would instil these political qualities apart from the experience that comes by age. My submission, therefore, is that the present proposal to extend the age of retirement is a step in the right direction, but why or where it should stop I do not know.

May I also submit, Mr. Speaker, that this idea of the age limit of 55, 58, 60 or 65 years was thought of in times when the average expectation of life in this country was 24 years? Now the average expectation of life is 44 or 47 or something of that character. People live longer, and I believe it is only by the time that a judge reaches the present age of retirement that he would have been able to become familiar with all the case law and all else that goes on in all parts of the world. In the bygone days he had be familiar only with the Law Reports of this country and, perhaps, the law reports of the United Kingdom. Also, now the law has become so diversified with socialisation or nationalisation of industries and on account of the economic impact of life upon the whole of our administration being of a different character.

I do not submit and I do not agree that there will be constitutional difficulties in this matter because, while our Parliament is not sovereign, our Constitution is sovereign. Constitutionally, we can even abolish the Constitution itself. Therefore, unless there is, as is often the case, bad draftsman-ship in the Bill itself, it can go through the courts, but it is very bad law and worse practice to try to give retrospective effect to constitutional provision. First of all, many practical difficulties may crop up. Suppose a person who has acted as a Chief Justice has retired and is brought back. He has to come back after six months or so now and may well find another Chief Justice in place already. What happens to either of him? Then, again, there is the question of the seniorities of 14 or 15 judges in the relevant category. Again, while I have no particular instance in my mind, it may well happen that while this may benefit some particular retired or retiring High Court judges, it would have adverse effect on many others if the proposed amendments are given retrospective effect. Again, if this retrospective effect is to confer benefit upon some relations or friends of

some high placed officer of Government or person in public life, it would shake public confidence, because it would appear that this has been done for that purpose. I have no instance in my mind, but there is no doubt that this may well be the result.

Now I will come to Article 311 of the Constitution, and I hope I am not being disrespectful in thinking aloud about it. It pains one to think that an amendment of this kind should have been introduced by a Government over which our Prime Minister presides. It is an inroad into individual liberty of a type and character which, one would have thought would take away from the Government servants the modicum of liberty that he has enjoyed even under the British rule under the 1935 Act. I think it is correct to say that Government have been wrongly advised, by whoever it was, in saying that the Supreme Court has said something about going all over again. That is not the judgment of the Court. Either somebody has not read the whole of the judgment, or did not want to read it. If there is time, I would read the whole of it here. I would submit, therefore, what is at present proposed is not the remedy. What this amendment does is to take away from the civil servant the right to be able to say, once he has been found guilty why the effects of the guilt should not be visited upon him. This is the normal process of law. It is far more important that no innocent person should be punished rather than fear that a few guilty persons may escape. That should be the criterion for the law as administered.

16.20 hrs.

It may also be taken into account that the civil servant receives a much lower salary than his opposite number, either in industry—private or public—or in other walks of life. The civil servant is the only workman or labourer in a community who is at the disposal of his employer for 24 hours

of the day. Perhaps people do not know that there is no limitation of hours on a civil servant. I am not saying that they work so hard. But the Government has a lien or control on their time for 24 hours of the day. Their entire life is given to the Government. The civil servant is also governed by the master-servant relationship, the employer-employee relationship and terms of service and he accepts certain limitations but now we are imposing more limitations. The remedy, therefore, should be to equate the civil servant, in substance and subject to the requirements of public security and exigency, to other levels of employment.

In other levels of employment a person who is a worker or employee can go to a labour tribunal if there is any industrial dispute. But in this case that can not happen because it would not be an industrial dispute. Civil Servants have no right to strike. They have no right to withdraw labour. They tie their hands behind their backs and the anticipation is that the safeguards provided in the Constitution and the rules made thereunder will make amends for what is being taken away.

In an ordinary labour dispute, however serious it is, there are various remedies. Apart from direct action, he can go to the labour tribunal. If he is not satisfied, he goes before the High Court and even then if he is not satisfied, he goes to the Supreme Court. Why should a civil servant be deprived of all these things specially when under the Government Servants' Conduct Rules we take away from him all that follows, from the rights of collective bargaining, the right of association and so on? Therefore the encouragement of Whitleysm and establishment of Administrative Tribunals where most of these things can be ironed out is the only answer to the problem. Taking away the fundamental rights of citizens even if they are civil servants or soldiers is not in keeping with the spirit of the

[Shri Krishna Menon]

modern age. Therefore I would submit that while this amendment, no doubt, would be passed—we have a large majority in the House and there are three-line whips on this. All that we can do is to speak; I hope, we will retain our right to do so for a long time to come—the remedy in this matter is for Government to consider the establishment of Administrative Tribunals where an aggrieved civil servant can go—I would go so far as to say, where he can go or be sent in the proper way.

The hon. Law Minister with his characteristic dexterity has brought in an amendment just a moment ago. I want to say that there is nothing in it except words because that amendment does not give the civil servant anything more than what he already has and will get anyhow. A civil servant, even today, and always, can make an appeal to the President. Any citizen can do so. That is all that the new amendment offers just now. It does not bring back what is being taken away. He cannot have a second occasion and say, "I have been found guilty, you are going to dismiss me or are going to give me no money or pension, whatever it is; that is too much of a penalty or that it is wrong."

In the leading case in this matter, *Khemchand* against the Union of India what was actually the issue was stated by the Supreme Court. I am reading out from the Reports—this will not take long; Mr. Speaker, it will take two minutes. It says:—

"the reasonable opportunity.."

the hon. Law Minister was speaking about,

"envisaged...."

to the Government servant

"by the provision...."

contained in Article 311 (2)

"includes:

(a) An opportunity to deny his guilt and establish his innocence, which he can only do if he is told what the charges levelled against him are and the allegations on which such charges are based;"

That would be done. It goes on—

"(b) an opportunity to defend himself by cross-examining the witnesses produced against him and by examining himself or any other witnesses in support of his defence; and finally

(c) an opportunity to make his representation as to why the proposed punishment should not be inflicted on him,...."

This is the part that will be derogatory—I will not say "denied"—from the proposed amendment.

"...which he can only do if the competent authority, after the enquiry is over and after applying his mind to the gravity or otherwise of the charges proved against the government servant tentatively proposes to inflict one of the three punishments and communicates the same to the government servant."

Thus,

"the protection provided by rules, like R. 55"

of the Civil Services (Classification, Control and Appeal) Rules

"... was bodily lifted out of the rules and together with an additional opportunity embodied in S. 240 (3) of the Government of India Act, 1935 so as to give a statutory protection to the government servants and has now been incorporated in Art. 311(2) so as to convert the protection into a constitutional safeguard."

It is my respectful submission that what the Government proposes to do

by an amendment of the Constitution is to remove the constitutional safeguard.

Shri Hari Vishnu Kamath: Mr. Speaker, Sir. at the outset permit me to express the hope, nay the confidence, that this House under your guidance will be able to devote far more time to this very important Constitution (Amendment) Bill than has been allocated to it. I would earnestly request you when considering that for the Official Languages Bill we devoted five days, this Bill which seeks to amend more than ten articles of the Constitution deserves far greater attention at the hands of the House than at present seems possible. I hope, you will do the needful in the matter.

The Bill comprises a motley crowd or a hotchpotch, may I say, of articles wherein the age of Supreme Court and High Court Judges has been curiously mixed up with the punishment of Government employees and matters relating to territorial waters and continental shelf. The ineluctable inference to be drawn, as I have said in my minute of dissent, is that the Government wants to put on a virtuous appearance and does not wish to convey the impression to the nation that they are fond of amending the Constitution too often.

I will, for the sake of convenience and simplicity, split up the subject matters, the various subjects of this Bill, into four or five different items. First, we have got the raising of the retiring age of High Court Judges; second, the determination of age of Supreme Court and High Court Judges; third, the transfer of High Court Judges from one State to another; fourth, appointment of *ad hoc* Judges in High Courts; fifth, the vacations of High Courts; sixth, the provision in the Constitution relating to disciplinary action and punishment for Government employees; and, seventh, may I add, my hon. friend, Shri Mahavir Tyagi's amendment

which has been moved and is, therefore, before the House. I would therefore crave your indulgence if I take a little more time than you would perhaps normally be pleased to allot to me.

I have taken keen interest in the proceedings of the Joint Committee and have appended a minute of dissent also. I would like to explain, if I may and if I can, the background and the foundation for that minute of dissent. I will take up the simpler matters first and dispose of them quickly.

First I will take up the provision with regard to the compensatory allowance for High Court Judges on transfer. I believe that this is wholly unnecessary and uncalled for because even the highest ranking Government servants on the executive side are not paid compensatory allowance. Even in the old British days when high-placed civil servants, men belonging to the ICS were transferred.....

Mr. Speaker: If, as he says, he takes the simpler matters first....

Shri Hari Vishnu Kamath: This is the simplest that I have taken up first.

Mr. Speaker: Then, I am afraid, when he takes up complicated matters afterwards, I may have to stop him.

Shri Hari Vishnu Kamath: That is why I wanted you to extend the time for the Bill. It is an important Bill.

Mr. Speaker: It is not possible to extend the time. With the classifications that he has made for me, it may not be possible.

Shri Hari Vishnu Kamath: It is then difficult to do justice to the provisions of the Bill. I submitted at the outset that the Bill to amend the Constitution must be considered leisurely by Parliament in any country. And, therefore, it is necessary to extend the time. I will be as brief as I can. Even in old days, when the British

[Shri Hari Vishnu Kamath]

were here, executive officers were transferred from one good district to what was called as *Kalapani* district in the State or outside the State. Even then they were not paid any compensatory allowance. I think, it is a very bad, unwise, incentive, an ugly incentive to offer to judges for agreeing to go from one State to another. I believe this is just to make possible the implementation of the recommendation of the States Reorganisation Commission which recommended that one-third of the judges of the High Courts in the State must come from outside the State. But this is hardly the manner in which it should be proceeded with, or dealt with.

Next, I come to the matter relating to *ad hoc* judges. In the Constitution, article 224 already provides for the appointment of additional and acting judges. I think, in addition to these, another article to provide for the appointment of *ad hoc* judges is entirely uncalled for and it will lead to gross abuse of power.

Then, I come to the clause relating to or dealing with the age of retirement of High Court judges. Before that, I shall dispose of briefly the provisions with regard to the determination of the age of High Court judges and Supreme Court judges. In the Joint Committee, after very interesting and sometimes very violent discussion the clause in the original Bill with regard to the determination of age of the Supreme Court judges was modified unanimously in the manner that is set forth in the amended Bill which is before the House. But the same line has not been adopted with regard to the determination of the age of the High Court judges and I would like to put them on a par with the Supreme Court judges. That is all I would like to say with regard to that provision.

Now, I would come to a major clause in this Bill, that is, the enhancement,

the raising of the retirement age of the High Court judge. I am most strongly opposed to raising the age from 60 to 62 and I would prefer to retain the present constitutional provision with regard to the age being retained at 60. My friend Mr. Trivedi—he is not here—said, if the age of the Supreme Court judges is raised to 65, why not make the age of the High Court judges also the same as 65? One argument against that is that High Court judges are allowed to practise in all High Courts, except their own, also in the Supreme Court. That is one argument that seems to nullify this provision with regard to age being 60 for High Court judges and the other argument was set forth, admirably, by Mr. Datar, the then Minister of State in the Ministry of Home Affairs when he said:

“So far as the Supreme Court judges are concerned, naturally, a higher age limit has to be provided for because a number of judges from the High Courts will have to be taken to the Supreme Court. If an invariable rule of 60 is to be put down, then perhaps it might be difficult for us to take advantage, or avail ourselves, of the ripe wisdom of judges working in the High Courts for the purpose of the Supreme Court judgeships”.

And, Sir, when an attempt was made in 1956 to raise the age from 60 to 65 or 62, it was rejected by this Parliament. Now the Government has come forward with a provision which was dismissed in 1956 and perhaps it is thought wiser in 1963 what was not found wise enough in 1956. My friend Mr. Anthony asked, “Why it is 62? Why it is arbitrarily made as 62?”. I have myself questioned this. In the Joint Committee, I asked, “Why it should be 62? Why not 60 or 65? Why 62?”. One question that I put was, the suggestion that struck me

was, perhaps, because it was introduced in 1962—the Bill was introduced in 1962—the Minister thought that 62 would also suit the occasion....

Shri Prabhat Kar: But the Bill is being passed in 1963.

Shri Hari Vishnu Kamath: I am opposed to the raising of the age to 62. In the first place, High Court judges, as I said, have got ample scope for practice after retirement. If this—raising the age—is thought as an incentive for attracting the best talent for High Court judges, then it is not the right way. But, perhaps, it would be to offer higher salary and higher pension to High Court judges—not this way. Moreover, after retirement we have always found in this country High Court judges are usefully employed on many commissions, tribunals and many other special jobs, Governorships, Ambassadorships, which are in the dispensation of the executive. I am, of course, not in agreement with the Government's proclivity, tendency, towards distributing largesse and patronage to the judges because, if I may use the old adage, it is like dangling a carrot before a donkey, and such baits should not be held—they are growing and increasing in numbers—before the judiciary and I am afraid, if this is not nipped in the bud, it will be a monstrous violation of the independence of judiciary. It is well said, a judiciary, a strong, vigorous and independent judiciary is the last bastion of a parliamentary democracy, and, therefore, let us think twice, let us think hundred times, let the Government think hundred times, before they lay their hands—they are not so clean hands—on the judiciary.

As I said, the judges after retirement are usefully employed and in recent years we have had judges holding a judicial inquiry into various matters where even the Union Minister was concerned. In 1958, we had a judicial inquiry into an affair where a Union Minister was concerned. I

am sorry to say that perhaps events are moving so fast that another judicial inquiry is in the offing against another Minister of the Union Cabinet very soon. I do not know how far it has gone. But I have it from the most authentic and unimpeachable source that the interim report of the Attorney General is not very favourable to the Union Minister concerned and there are more entries in those books which have been seized relating to the Minister than was disclosed earlier. So, an inquiry....

Shri Tyagi: Was it of relevance here?

Shri Hari Vishnu Kamath: I say about judicial inquiry in various matters....

Shri Tyagi: No judicial inquiry...
(*Interruption*)

Shri Hari Vishnu Kamath: I am not dealing with that. Coming to an amendment of Mr. Mahavir Tyagi, my old friend....

Mr. Speaker: Why should he probe into those things that are not disclosed yet? Is there any necessity of going into those things?

Shri Hari Vishnu Kamath: That was disclosed, Sir.

Mr. Speaker: Then he will say that his time-limit must be extended.

Shri Hari Vishnu Kamath: I did not take even half a minute for that.

Mr. Speaker: They are not relevant here. He should not go into the extraneous things that are not relevant here.

Shri Hari Vishnu Kamath: Judges are employed usefully. They will be employed usefully in future. I shall deal briefly with my friend Mr. Tyagi's amendment which seeks to give retrospective effect.

Shri A. K. Sen: He has not moved it.

Shri Hari Vishnu Kamath: He has moved. He was not present.

Shri Tyagi: I supported in my speech my idea. I mentioned it in my speech.

Shri Hari Vishnu Kamath: I would submit, this matter was discussed very vigorously, violently and even acrimoniously in the Joint Committee and I am glad to say that the Joint Committee by a majority, by a fair majority, including the many Congress Members, voted against such a provision to be made in the Constitution. I think it is to my mind the most obnoxious, the most pugnacious provision that can be incorporated in the Constitution. I am not talking of statutory laws—they are different. But I am saying about the Constitution. Suppose 50 years hence some citizen of this country looks up, takes up the Constitution and finds...

An Hon. Member: Your speech.

Shri Hari Vishnu Kamath: I am sorry for your ignorance. My speech will not be in the Constitution. My speech will only be in the records.

Mr. Speaker: There ought not to be long jumps from this side.

Shri Hari Vishnu Kamath: He asked for it and he got it. When he asks for trouble, I can't help it. Suppose some citizen 50 years hence....

Mr. Speaker: I expect all his directions towards me.

Shri Hari Vishnu Kamath: I request him also to..I was saying, suppose, some citizen 50 years hence has a look at the Schedule, at the article, and comes across this very intriguing, mysterious date, the 1st of January, 1963. What will he think for himself? What will he say? What happened on the 1st of January, 1963? What particular matter, what particular judges they had in mind? I would ask, I would demand of the Law Minister that he should place—and if he does not, I will request you direct to place—the full facts with regard to this matter

before the House. Why has it been thought necessary? Because, I am sorry, he announced some days ago that, if an amendment were moved to that effect, he would accept it. It was wrong; I think it was not proper on his part to say that.

Shri A. K. Sen: I never said that we shall accept. I said, we shall consider it seriously.

Shri Hari Vishnu Kamath: I think it was reported in the papers—that is my impression; I may be wrong; I am sorry if I am wrong;—that the Law Minister announced on that day in reply to the debate that if an amendment were moved to give retrospective effect with regard to the retirement age of High Court Judges, then he, on behalf of the Government, would be prepared to accept it. That is my impression. I do not know. Shri Tyagi has....

Shri A. K. Sen: The hon. Member may be correct. But, my recollection is that what I said was that we shall be prepared to consider it seriously.

Shri Hari Vishnu Kamath: Even that is not in conformity with the highest traditions of Parliament. When a Bill is before the House, when a Bill is coming up later, I would request you and earnestly plead with you to give your ruling on this matter, when a Bill is coming up later, is it open to a Minister to announce in advance that if an amendment comes before the House with regard to retirement age of Judges, Government will be prepared to accept? Is it correct?

Mr. Speaker: Where is the harm? When he has said that they would consider it seriously, there is no harm.

Shri Hari Vishnu Kamath: I said that if he had said that he would accept, is it wrong.

Mr. Speaker: Then too the ultimate decision is with the House even if the Government says that it would accept.

Shri Hari Vishnu Kamath: It is not proper. When a Bill is coming up, it is not in conformity—I am concluding in one minute or in two minutes if you will allow.

I would refer to one last matter. With regard to the appointment of *ad hoc* Judges, I forgot to mention; I shall mention in passing. I do not know again why this power is sought to be vested in the Chief Justice of the High Court, because Additional and Acting Judges are to be appointed by the President under article 224. Here, the Chief Justice is sought to be vested with that power, with the previous sanction of the President; of course, it is true. But, that comes, as in many other matters, as a matter of course. On the same ground I am opposed to the President being dragged in with regard to the question of determining the age of a High Court Judge. The President, however high he is,—he is the highest dignitary of the Union—in this matter, the Constitution provides that he has no independent judgment, that he does not act in his individual judgment, that he always acts on the advice of the Council of Ministers. In this matter, he won't act in his discretion also. Therefore, it is very pernicious, very undesirable for the President to be dragged into this affair at all.

One last word about the attempt to amend article 311. You have been pleased to read out the text of an amendment which will shortly be moved by the Law Minister either today or tomorrow. I feel,—I do not have an exact copy before me, because I could not copy it as you were reading it out—*prima facie*, it does not meet the requirements of the case. We are not satisfied with the amendment as it has been embodied in the text which you just now read out. I would like to say something more when we come to the clause by clause consideration stage.

Shri A. K. Sen: Mr. Speaker, I thought I should have been able to

finish my reply in the course of today. But, I am afraid, it will not be possible to do so within the 15 minutes which are left before we close today.

May I deal, first of all, with the rather uncharitable remarks which were made by Mr. Frank Anthony and Mr. Kamath, that we have made a hotch-potch by collecting together what he calls a motley crowd of Constitution amendments. I do not see why there should be any motley crowd. A constitutional amendment is a constitutional amendment whether it touches a civil servant or a Judge. To my mind and to the mind of any ordinary citizen, they are of equal importance. And I see no harm whatsoever if they are put together before the House. I do not see any valid objection to the course which Government have pursued.

It has further been said that Government have done it rather hastily for the purpose of putting all of them in what is called a haphazard manner. My hon. friend was not here then, but in the last Parliament, when questions were put in regard to many of these matters, particularly with regard to the question of increasing the age of retirement of judges, the question of transfer of judges and several other matters which are included in this Bill, we had said that Government had been considering all these matters so that a comprehensive constitutional amendment Bill might be brought forward instead of each matter being made the subject-matter of a separate Bill.

Shri Frank Anthony thought that the other course of bringing each matter separately in the form of a separate Bill was preferable. We are sorry that we cannot share the same point of view, and we feel that so far as constitutional amendments are concerned, it is better to bring forward a more comprehensive measure rather than bring in stray measures, though circumstances force such stray measures occasionally.

[Shri A. K. Sen]

For instance, even the Sixteenth and the Seventeenth Amendment Bills which will be coming in every shortly...

Shri Hari Vishnu Kamath: Seventeenth and Eighteenth?

Shri A. K. Sen: . The Sixteenth and Seventeenth Amendment Bills which would be coming in shortly have been rather forced by the exigencies of the times. I, therefore, have no hesitation in saying that this criticism is not only not valid but highly unfair, and it ignores a good deal of care and thought which have gone before the measure was formulated and brought before Parliament.

The next point was about the provisions relating to the judges. Shri Kamath and Shri Anthony have both said that the fixation of the age of 62 was a matter of arbitrary fixation, and that no rational thinking had gone into the matter. Even if we had fixed it at 65, the same criticism would have been there, namely why choose it at 65, why not at 66, why not at 67, why not at 68 and so on. In fact, even when the Law Commission recommended 65, they might equally have been criticised for having chosen an arbitrary figure. In my submission, there is a valid reason for our choosing a lower figure than the one mentioned by the Law Commission. If the age of retirement of High Court Judges were fixed at 65, then, there would have been no difference between the age of retirement of a High Court judge and that of a Supreme Court judge. And as I explained when the motion for reference of the Bill to the Joint Committee was being debated upon here, it would have been rather difficult to attract good talents from the States to the Supreme Court, if the age of retirement were the same for both.

Shri P. R. Patel: Are there no talents in the country except the present ones?

Shri A. K. Sen: The hon. Member knows better.

Shri P. R. Patel: I am asking the hon. Minister: Is there a scarcity of talents?

Shri A. K. Sen: There are talents everywhere, but the question of attracting talents is a different matter. When I said difficult to attract talents, it presupposes existence of talents. If there are no talents, there would have been no question of attracting them.

Shri A. N. Vidyalkar (Hoshiarpur): But the Judges could be brought from High Courts to the Supreme Court before their age of retirement is reached.

Shri A. K. Sen: It is to give greater inducement for people to leave the respective High Courts. Many Chief Justices of State High Courts have come, giving up their Chief Justiceship, to the Supreme Court, and it will not be unfair to say that one of the inducements certainly was the higher age of retirement. Otherwise, possibly they would not have thought of coming to the Supreme Court at all, giving up their Chief Justiceship and coming almost for the same salary.

Shri Kashi Ram Gupta (Alwar): Why not raise the age of retirement of Supreme Court Judges to 70?

Shri A. K. Sen: That is entirely a different matter. It was not at all recommended by the Law Commission. Secondly, it was never seriously thought of by anyone except casually by the hon. Member.

As I said, whatever age is chosen may be attacked as arbitrary, and yet when the reasons are analysed, we may still find valid reasons for choosing one age rather than the other. It is precisely for the purpose of keeping a difference between the age of retirement of the High Court

Judge and the age of retirement of the Supreme Court Judge that we thought it better to fix a lower age of retirement for the High Court Judge. Unless it is shown that such a difference was irrational, we would prefer to stick and adhere to the age we thought it fit to fix for High Court Judges for retirement.

Then the next criticism was about the whole question of raising the age of retirement. I could not, though I tried very much to, appreciate the argument as to why there should be opposition generally to raising the age of retirement. Many Members said, 'I am against raising the age of retirement'. It is all right to say one is against raising the age of retirement, but when one asks the reason, one possibly fails to get a good answer. There is a very good reason why we have thought it necessary to raise the age of retirement. First of all, it is a fact today that a man at 60 is perfectly capable of working vigorously and giving his very best.

Shri Hari Vishnu Kamath: Even at 70. Why only 60?

Shri A. K. Sen: Some even at 80. But everyone is not as vigorous as Shri Kamath at this age.

Shri Hari Vishnu Kamath: I am not 80.

Shri A. K. Sen: I have no doubt that even at 80, he would retain the same vigour. Let us hope that he does so.

Shri Hari Vishnu Kamath: Thank you for the good wishes.

Shri A. K. Sen: So far as I am concerned, I have no doubt that he will do so. Vigorous men at 80 are a rare commodity, but vigorous men at 60 are quite general these days.

Then it has been our experience that if good Judges are made to retire at 60, it is sometimes very diffi-

cult to get substitutes, and possibly the High Courts and the States which they serve would be served better if more experienced Judges are retained for two more years rather than allowed to retire prematurely at 60 when they are still strong and vigorous, both mentally and physically, particularly because the Law Commission had itself recommended raising of the age of retirement to 65.

Then there was the question of transfer of Judges. I think there has been criticism from all sides from Opposition Groups that this provision was designed to coerce the Judges and to keep them in a state of perpetual fright. This argument completely ignores facts and history. The Constitution itself contains a provision even now for transfer of Judges from one High Court to another without any compensatory allowance.

Shri Kashi Ram Gupta: Then, why make the change?

Shri A. K. Sen: If the hon. Member will hold his soul in patience, he will certainly get the answer.

And yet the history of the administration both here and in the States so far as it is concerned with the High Courts has amply proved that there has been no attempt to effect any transfer of Judges excepting the consent, and the power today remains without any obligation to pay any compensatory allowance whatsoever. The reason for introducing a provision for compensatory allowance was explained by me when the motion for reference to the Joint Committee was under consideration. I said that we had accepted it as a principle that so far as High Court Judges were concerned, they should not be transferred excepting by consent. This convention has worked without fail during the last twelve years, and all transfers have been made not only with the consent of the transferee, but also in

[Shri A. K. Sen]

consultation with the Chief Justice of India.

Shri Bade (Khargone): Is it not a fact that in article 222(2) of the Constitution there was a provision for giving some compensatory allowance, and that it was deleted by section 14 of the Constitution (Seventh Amendment) Act of 1956 on this ground that there was no justification for granting any compensatory allowance to the Judges?

Shri A. K. Sen: That is a different matter. I am now talking about the way in which transfers, such as they have been, have been effected,—the question of allowances is a different matter—because when we appreciate the way in which the whole thing has worked, we shall appreciate the necessity for introducing this provision.

As I said, though the power of the President to transfer a Judge from one High Court to another was unfettered, by convention we have never transferred a Judge without his consent, which explains a good deal the restraint with which these powers have been exercised, and completely negatives the unfounded charge that we have tried more or less to interfere with the judiciary, a charge which is so frequently and freely canvassed by persons who are possibly either ignorant of facts or do not like to know the facts.

This plenary power of transfer has never been exercised and transfers which have been effected since the Constitution have always been made with the consent of the transferee and in consultation with the Chief Justice of India. It is therefore necessary if we accept that it is a good thing, that it is a desirable thing, for the purpose of national integration, to have Judges drawn from different States, so that the highest judicial tribunal

in every State contains elements from other States and we have an all-India atmosphere running through our entire judicial life and strengthening it and giving it a national outlook, for good or for bad. People may differ with regard to that objective. We have by and large accepted it as a desirable thing. We feel that it is absolutely essential for the purpose of national integration and for introducing a robust national outlook into our judicial system that Judges should be transferred from one High Court to another, so that there is an element from outside the particular State in the highest judicial tribunal free from local bias, free from local prejudices and completely devoted only to the supreme task of administering justice equally and impartially.

Mr. Speaker: Is the hon. Minister likely to finish within five minutes? Otherwise, he may continue tomorrow.

Shri A. K. Sen: I shall continue tomorrow, Sir.

17 hrs.

*AMENDMENT OF ARTICLE 31A OF CONSTITUTION

Mr. Speaker: We will now take up the half-an-hour discussion.

Dr. L. M. Singhvi (Jodhpur): Before you take up the half an hour discussion, may we request you to consider the question of extending the time for discussion at least on the clause-by-clause consideration of the Bill..... (Interruptions).

Mr. Speaker: We have already extended the Session by two days and we cannot go on extending. We will always complain of lack of time. Let us see.

Shri Priya Gupta (Katihar): Sir, I gave notice of a call attention motion. Mr. Parikh is fasting. I could not know as to what happened about that. Will justice be done to him by the Railway Ministry?

Mr. Speaker: Is this the opportunity for asking about that?

Shri Priya Gupta: I waited for the whole day; I had not been informed.

Mr. Speaker: He will be informed just now as to what has happened to it.

Shri A. K. Gopalan (Kasergod) Sir, at this stage, I am sorry I have to take some time of the House for raising a discussion regarding amendment of article 31A of the Constitution. Today we discussed an amendment of the Constitution. Some feel that Constitution should not be amended. The question is whether it is essential to amend the Constitution. When the social welfare legislations enacted by the State and the Central Governments need it, it is essential that we must also be prepared to amend the Constitution, if the social welfare legislation could not be implemented.

17-02 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): Sir, I think I may tell the hon. Member that a constitutional amendment is being introduced. The hon. Law Minister will introduce the Bill in all probability on the last day of this session. That is the assurance I wanted to give.

Shri A. K. Gopalan: I am glad that it will be introduced. I want to show the harm done by its not having been introduced earlier as also the background in which I want the constitutional amendment. I want to speak about them briefly.

Land reform legislations had been given such a significant place in the First Plan and the Second Plan as well as the Third Plan. The object of it was to remove the impediments for increasing food production and also to create conditions for evolving as speedily as possible an agricultural economy with high level of efficiency and productivity. There were three main objectives of the land reform legislation: security of tenure, reduction of rent and conferment of right of ownership on the tenants. It was with this object in view that the Government said that in all the States by 1960 land reform legislation must be implemented. I want to refer to the Kerala Agrarian Reforms Act in this connection as also some other Acts in Mysore and other States as well. The Kerala Agrarian Relations Bill was introduced in December 1957 and it was discussed in the Assembly and ultimately passed on June 10, 1959. It was then sent to the President under article 200 of the Constitution. The President returned it on 31st July, 1959. On July 27, 1960 the President sent it back with some recommendations. On August 2, 1960 the Governor returned the Bill remitted by the President with his message and the amendment suggested by him to the new Assembly for consideration. On September 26, 1960 the amendments suggested by the President were taken up for consideration, and ultimately, on October, 13, 1960, the Bill as amended in the light of the President's recommendation was passed by the Assembly. On January 21, 1961, it received the assent of the President.

This is the background of the Act. After that, the State Government slowly began to implement the legislation. So, as far as the implementation is concerned,—it was a reduction of rent—land tribunals were appointed, and the tribunals went into the question of rent. About one lakh of petitions were filed before the land tribunals. In 17,000 cases judgments were given and the rent was reduced, and in about 5,000 cases not only was

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the rent reduced but according to the legislation 12 times the rent was deposited with the land tribunals for the ownership of the land.

It was at this time that some interested persons went to the Supreme Court. I have got the judgment of the Supreme Court as well as that of the high court. In regard to the Kasargod area which is part of Kerala now, it was decided that—there was the ryotwari system there—the ryotwari land does not come under the purview or the definition of estate. It was said:

“...To determine therefore whether a particular term defined or used in a particular area is the local equivalent of the word “estate” as used in article 31A (2) (a), it is necessary to have some basic concept of the meaning of the word “estate” as used in the relevant article of the constitution. It seems to us that the basic concept of the word “estate” is that the person holding the estate should be proprietor of the soil and should be in direct relationship with the State paying land revenue to it except where it is remitted in whole or in part....”

So, according to this, it was said that the ryotwari land does not come under the purview of the definition of estate and so in part of the State, Kasargod, the Act became invalid.

After that, there were two cases in the high court: one from the Travancore side and the other from Malabar side. Two landlords filed petitions, and in the judgment, it was said that jenmam land and pandaravaga land—there were two or three separate names there—also did not come under the purview of the Act, and so, the Agrarian Relations Act, as far as Malabar and Travancore areas were concerned, became invalid. It was in the Cochin area that it became valid.

Now, article 31A(2) (a) says as follows:

“the expression “estate” shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area, and shall also include any *jaigir inam* or *muafi* or other similar grant, and in the States of Madras and Kerala, any *janman* right;

Then the Supreme Court gave its judgment and then afterwards, the high court also said that certain lands did not come under the definition of the word “estate”. So, the Act was declared invalid. In the Cochin area, there was no case and there was no judgment as far as the lands in Cochin were concerned. Immediately, when the judgment of the Supreme Court and the High Court came, the State Government said that the Act was invalid and they issued an ordinance stopping eviction. Then the ordinance was made into an Act.

As I have explained, the Act took so much time. There was the process of sending it to the President, the President kept it for two years, asking the law Ministry to go into it, and then, after it was returned, some amendments were made, and then it was passed. Afterwards the Supreme Court and the high court judgment said that as far as the Constitution was concerned, there was some legal flaw. So, they said, the Act is invalid. If they are really interested that whatever actions taken by the Government should not be void, they would have at once asked for stay and gone to the Supreme Court, because if they had gone to the Supreme Court, whatever actions have been taken would not be void. As I said, 17,000 peasants got their judgment as far as the reduction of rent is concerned by spending Rs. 500 or Rs. 600. Also, a lakh of people filed petitions before the land tribunal. They also had to spend

some money. When there was an implementation and when there was some implement, they would have at once asked the Central Government to make an amendment. After all, it is a very small amendment that 'estate' means *pandaravaga*, ryotwari and other things. So, they would have brought this legislation before, instead of introducing it at the fag end of the session.

Before the constitutional amendment is brought forward, the State Government should have at once gone to the Supreme Court directly or to the High Court, asked for special leave and said that it must be stayed, so that whatever actions have been taken under this Act should not be void. That was not done. It is six or seven months since the High Court judgment came. Though today the Government have said they would bring it, I am sorry they have not been able to bring this small amendment so far. I do not know the reason. In the Kerala Assembly, the Minister in charge has been saying that it is not their fault; they want to bring a comprehensive legislation, but for that there must be an amendment of the Constitution. I want to know from the Government what were the difficulties. The State Government wanted that this constitutional amendment should be brought about quickly. I do not know whether any other State has been affected by the judgment and they wanted the amendment or not, but as far as I could understand, the Kerala Government wanted it. They have said many times in the Assembly that they have asked the Central Government to bring forward the amending Bill.

Malabar was a part of Madras and there were certain legislations there. Kerala took that part of Malabar and it joined with the rest of Kerala. Whatever legislations had been there became void. Then new legislations came. It took four or five years. After that the whole legislation, the Agrarian Relations Act has become in-

valid. Because the Act is invalid, those 5000 tenants are now asked to pay the rent of the land. They have deposited the money to get the ownership of the land. The money is already there. Because of the judgment, they are asked now to pay rent as before for the last two or three years. I am glad at least now the Government of India are going to bring forward this amending Bill, but as I have said, I want to know the reasons why for the last 7 or 8 months, they did not care to bring the legislation. I also want to know why they did not go to the Supreme Court and get a stay, so that before the new Act comes, the actions taken under the old Act would not have become void.

Regarding article 31A, there was the first amendment of the Constitution as well as the fourth amendment in 1955. So far as the Constitution (Fourth Amendment) Act, 1955 is concerned, it has been clearly stated:

"The object of the amendment is to take out not only laws relating to abolition of Zamindari but also other items of agrarian and social welfare legislation, which affect proprietary rights, altogether, from the purview of Articles 14, 19 and 31. The object is thus explained in the Statement of Objects and Reasons—

"It will be recalled that the zamindari abolition laws which came first in our programme of social welfare legislation, were attacked by the interests affected mainly with reference to articles 14, 19 and 31 and that in order to put an end to the dilatory and wasteful litigation and place these laws above challenge in the courts, articles 31A and 31B and the Ninth Schedule were enacted by the Constitution (First Amendment) Act."

So I want to know what could be done. I am not a lawyer. I do not know what can be done. But I feel

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that something can be done to see that as far as the actions already taken are concerned a constitutional amendment with retrospective effect is made so that they are made valid. If that is not done, certainly there will be no faith as far as legislations are concerned. So many legislations have been passed. All of them have become of no use. Any action taken under them is not valid today. If such a constitutional amendment is passed, lakhs of people who have already gone to the land tribunal and spent money will be benefited. If again they are asked to go to the land tribunal, I do not think they will go. In that way they will feel discontented. I would therefore request the Government to take the necessary steps to see that whatever actions have already been taken, they become valid by means of a constitutional amendment with retrospective effect. It should not only be introduced but also passed in this Session, because I feel that it will only be a minor amendment.

Some Hon. Members rose—

Mr. Deputy-Speaker: Shri Daji may put a question. Only those who have given their names can ask a question.

Shri Vasudevan Nair (Ambalazhuzha): I have given my name.

Mr. Deputy-Speaker: He has only supported, and not given a notice.

Shri Daji (Indore): I want to know whether the Government has specifically considered this question that when they amend the Constitution or amend the laws to validate what was done they give retrospective effect to the consequential changes so that the persons who have suffered during this time-lag may not suffer any more?

Shri Ranga (Chittoor): So far as this specific point is concerned, I have not much to say against it.

Mr. Deputy-Speaker: Only a question and not a speech.

Shri Ranga: I would like the Government to assure us that when they give consideration to this particular matter and try to validate the Malabar Act, in view of the fact that this word ryotwari was used there and the Supreme Court or the High Court came to the conclusion that whatever holding are held under the ryotwari settlement cannot be treated as estates and therefore those lands rented under the ryotwari system should not be placed and treated on a par with the ordinary zamindari or talukdari estates, they would be good enough to take care to see that this ryotwari system and the rights pertaining thereto which prevails in Tamilnad, in Andhra, I think almost in all parts of Mysore, Gujarat and certain parts of the Punjab would not come to be adversely affected in view of the fact that the ryotwari holders or patta holders are absolute owners of their land?

Mr. Deputy-Speaker: only a question and no arguments are to be advanced.

Shri Ranga: They may have some tenants here and there and in regard to those tenants there may be protective legislations so far as the rent on these are concerned. But so far as ownership is concerned, the pattadars are under the ryotwari system and they are the absolute owners. They are themselves the cultivators. I want an assurance from the Government that they would take care to see that their interests are not jeopardised.

Shri C. R. Pattabhi Raman: Mr. Deputy-Speaker, Sir, a reference has been made to the judgment on what is familiarly known as the Kochunni's case. I think hon. Members would be interested to know what the position was. Some writ petitions were filed in the Supreme Court challenging the validity of the Kerala Agrarian Relations Act. They were from the Cochin area and the areas transferred from

Madras as a consequence of the reorganisation of the State-Kasergod, South Kanara and what was referred to as the old British Malabar and other areas. In their judgment dated 5th December, 1961, the Supreme Court held that the provisions of the Act were valid in their application to the tenures in Cochin area on the ground that the tenures in Cochin were estates and protection of article 31A was available from any Act under article 14—that is equality of rights—and articles 19 and 31 of the Constitution. The Act, however, was struck down in its applications to the ryotwari areas transferred from Madras on the ground that certain provisions which were not severable were violative of article 14 of the Constitution and such lands were not estates. They really are concerned with what is an “estate”. As hon. Members have just now referred to, they say that it does not come within the definition of “estate”. That was the position. The High Court of Kerala in its judgment of November 13, 1962, further struck down the provisions of the Act, in relation to its application to the areas in Malabar and Travancore. That is the position, so far as this Act is concerned.

Then the validity of several enactments were questioned. The definition of “estate”, which I have read out, may bear repetition. Article 31A defines it as follows:

“the expression ‘estate’ shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area, and shall also include any *jagir*, *inam* or *muafi* or other similar grant and in the States of Madras and Kerala any *janam* right;”

That is how the definition goes. The provisions of article 31A were, therefore, available only in respect of such estates as were declared estates at the time when the Constitution came into force, namely, the 26th January

1950. I wanted to draw your attention to that first.

Now, if I may anticipate, the Bill is in the hands, in the capable hands of the Law Ministry and it may come up, in all probability, as I told the hon. Member, on the last day, if not before. It was because of other legislative business that has been pending that this enactment is being delayed. This Bill, I have no doubt, will seek to amplify the definition of the expression “estate” to include, Shri Gopalan might note it, any land under ryotwari settlement and any held or let for purposes ancillary thereto, including was land, forest land and land capable of cultivation by agricultural labourers and villages artisans. We have to modify the ninth schedule to include certain enactments.

Then, some reference was made with regard to the delay.

Shri A. K. Gopalan: Here are certain lands, Pandaravaka lands, which must be included.

Shri C. R. Pattabhi Raman: That is what we are thinking of.

Shri Ranga: Are we to understand that this will apply to the whole of India?

Shri A. K. Gopalan: Pandaravaka include in the ninth schedule such Acts as are relevant to the area. Until the other day, in many of the States the Transfer of Property Act as such was not applicable and was not available. I have just given a resume. I expect the Bill will contain a little more; the ninth schedule will be there. As hon. Members are aware, there land is only in that area.

Shri C. R. Pattabhi Raman: We will are now, if I remember right—as many as 20 enactments in the ninth schedule. That will now contain many more enactments, perhaps about 100 or 120—I do not know, I am just guessing. For example, Acts of Bihar, Gujarat, to which a reference

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was made by Shri Ranga. All these will be covered, so far as the ninth schedule is concerned. There will be an enumeration of all the enactments. That will be the salient feature. The Bill will now provide for the amplification, as I have just now read out.

Secondly, it provides for the inclusion in the ninth schedule of protection under article 31B—that is what Shri Gopalan was referring to—of the existing legislation relating to land reforms. Regarding the list of enactments to be included, we have had to consult a number of State Governments. We have got all the replies and even if there was some delay, the difficulty has to be appreciated. I am saying this because of some words which fell from Shri Gopalan, who is always very restrained in these matters. He asked “why two years?”. I can assure Shri Gopalan that the replies have had to come from many States with different systems of tenure. A number of States have been consulted and we have got all the replies. I expect, a comprehensive legis-

lation will be on the tapis of the House and I have no doubt that it will satisfy.

Some Hon. Members rose—

Shri Daji: I put a specific question whether it will be given retrospective effect to avoid any hardship.

Shri C. R. Pattabhi Raman: I do not want to mortgage in advance my sister Ministry but I expect it will be retroactive.

Shri A. V. Raghavan (Badagara): Why fair rent orders could not be enforced?

Mr. Deputy-Speaker: The discussion is over. The House stands adjourned till 11 o'clock tomorrow.

17.26 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, May 1, 1963/Vaisakha 11, 1885 (Saka).

[Tuesday, April 30, 1963/Vaisakha 10, 1885 (Saka)]

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1090	Purchases by Air India 12792—98	2489	Quarters for P & T employees, Orissa 12828
1092	Provision for Corporation 12798—801	2490	Development of Sisal Plantation in Orissa 12829
1093	Agricultural implements 12801—05	2491	Gunupur-Naupada light Railway 12829—30
1094	Development of Mizo hills 12805—07	2492	Himachal Pradesh State Co-operative Bank 12830
1095	Marmagoa harbour 12807—10	2493	P. & T. Offices 12830—31
1097	Commercial Pilots Association 12810—11	2494	Passengers travelling on roof of train 12831
1098	New telephone system 12811—14	2495	Agricultural Colleges 12832
1099	Psychological testes for railmen 12814—17	2496	Road bridge on Gandak river 12832—33
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S.Q. No.		2498	Import of foodgrains 12834—35
1091	Air India 12817—18	2499	Cashew plantation 12835
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1102	Special train for South 12819—20	2502	American Friends' Service Society 12836—37
1103	Movement of sugar outside Delhi 12820—21	2503	Awards to Grape growers 12837—38
1104	Chittaranjan Locomotive Factory 12821	2504	Freight rates on coir goods 12838
1105	Ex-factory price of sugar 12821	2505	Scholarships for research work 12838
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1107	Integral Coach factory 12822—23	2507	Railway protection Force 12839
1108	Tour by Japanese farm youth team 12823	2508	Travelling Ticket examiners 12839—40
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2481	Development of agriculture in Maharashtra 12823—24	2510	Improved method of cultivation 12840—41
2482	Assistance to Maharashtra for irrigation purposes 12824	2511	Railway accident on the Bhimavaram-Gudivada line 12841
2483	Tube-wells in Maharashtra 12825	2512	Agricultural Machinery Service Station 12841—42
2484	Agricultural University in Maharashtra 12825	2513	Research Schemes in progress in Andhra Pradesh 12842
2485	Howrah-Madras Express 12825—26	2514	Terminal for Palam airport 12842—43
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2517	District Central Co-operative Banks . . .	12844
2518	Soil conservation in catchment areas . . .	12844-46
2519	Purchase of sheep from Somalia . . .	12849
2520	Marketing societies . . .	12845-46
2521	B. G. line between Hatgamharia and Rairangpur . . .	12845-47
2522	Railway engines . . .	12847
2523	Water coolers on Railway stations . . .	12847-48
2524	Minor irrigation works . . .	12848-49
2525	Udaipur-Himmatnagar Railway line . . .	12849
2526	Motor tax in Delhi territory . . .	12849-50
2527	Derailment of goods train . . .	12850-51
2528	Joint Farming Pilot Schemes in Orissa . . .	12851
2529	Upper quadrant two aspect signals . . .	12851-52
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2533	Embezzlement of Savings Bank deposits . . .	12854
2534	Derailment of goods train . . .	12854-55
2535	Production of paddy . . .	12855
2536	Miraj-Poona section . . .	12855
2537	Panchayati Raj Institutions . . .	12856-57
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2539	Derailment of goods train . . .	12857-58
2540	All India Agriculture Service . . .	12858
2541	Accident at Bikaner-Delhi Highway road . . .	12858-59
2542	Collision of a car with Express train . . .	12859
2543	Prizes for Railway employees . . .	12859-60
2544	Dearness allowance of Railway servants and rent recoveries . . .	12860-61
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2546	Railway Service Commission . . .	12861-62
2547	Consumers' Cooperative Stores . . .	12862-63
2548	National Highway in Salem district . . .	12863
2549	Privilege passes and P.T.Os.	12864
2550	Thugs operating on Railway	12864
2551	Jabalpur-Itarsi track . . .	12865
2551-A*	Development of hill areas	12865-66
2551-B	Minor irrigation works in Mysore	12866

CALLING ATTENTION TO
MATTERS OF URGENT
PUBLIC IMPORTANCE . . .

12866—69

(i) Shri Hem Barua called the attention of the Minister of Home Affairs to the New China News Agency report regarding persecution and maltreatment of Chinese internees in India.

The Minister of Home Affairs (Shri Lal Bahadur Shastri) made a statement in regard thereto.

(ii) Shri S. bodh Hansda called the attention of the Minister of Food and Agriculture to the reported shortfall in food production targets during the Third Plan period.

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh) made a statement in regard thereto.

PAPERS LAID ON THE
TABLE

12875—77

(1) A copy of Notification No. S.O. 1216 dated the 25th April, 1963, under sub-section (2) of section 18—A of the Industries (Development and Regulation) Act, 1951.

(2) A copy of Hindi version of Report of the Ganga-Brahmaputra Water Transport Board for the year 1962.

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TABLE—contd.PAPERS LAID ON THE
TABLE—contd.

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COLUMN.

- (3) A copy each of the following Notifications under sub-section (6) of section 3 of the Essential Commodities Act, 1955 :—
- (i) The Fertiliser (Control) Amendment Order, 1963 published in Notification No. S.O. 944 dated the 30th March, 1963.
- (ii) The Fertiliser (Movement Control) Amendment Order, 1963 published in Notification No. G.S.R. 636 dated the 13th April, 1963.
- (4) A copy of Notification No. G.S.R. 680 dated the 18th April, 1963 under sub-section (6) of section 3 of the Essential Commodities Act, 1955.
- (5) A copy each of the Annual Accounts of the Indian Airlines Corporation for the year 1960-61 and 1961-62 and the Audit Reports thereon, under sub-section (4) of section 15 of the Air Corporations Act, 1953.
- (6) A copy each of the following papers under sub-rule (5) of rule 3 of the Air Corporations Rules, 1954:—
- (i) Summary of Budget Estimates of Revenue and Expenditure of the Indian Airlines Corporation for the year 1963-64.
- (ii) Summary of Actuals for the year 1961-62, Budget Estimates and Revised Estimates for the year 1962-63 and Budget Estimates for the year 1963-64 under Capital, of the Indian Airlines Corporation.
- (iii) Summary of Budget Estimates of Revenue and Expenditure of the Air-India Corporation for the year 1963-64.
- (iv) Summary of Actuals for the year 1961-62, Budget Estimates and Revised Estimates for the year 1962-63 and Budget Estimates for the year 1963-64 under Capital, of the Air-India Corporation.
- (7) The Minutes of the Third Sitting of the Committee on Government Assurances held during the current Session.
- (8) The Minutes of sittings of the Estimates Committee relating to :
- (i) Eleventh Report on the Ministry of Finance (Department of Economic Affairs)—Revision of the Form and Contents of the Demands for Grants;
- (ii) Thirty-third Report on the Ministry of Mines and Fuel-Coal Controller's organisation, Coal Movement, Coal Board, Coal Washeries, Coal Council of India, etc.;
- (iii) Procedural and Miscellaneous matters.
- (9) The Minutes of Evidence given before the Subcommittee of the Estimates on Public Undertakings and minutes of the sittings of the Estimates Committee relating to the following Reports:
- (i) Twenty-eighth Report on the Ministry of Mines and Fuel-Indian Oil Company Ltd.;
- (ii) Thirty-second Report on the Ministry of Mines and Fuel-National Coal Development Corporation Ltd.;
- (iii) Thirty-fourth Report on the Ministry of Mines and Fuel-Indian Refineries Ltd.; and
- (iv) Thirty-sixth Report on the Ministry of Finance Industrial Finance Corporation of India.

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REPORT OF JOINT COMMITTEE PRESENTED 12877

First Report of the Joint Committee on Offices of Profit was presented.

STATEMENT BY MINISTER : 12879-80

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P.C. Sethi) made a statement in respect of the replies given on the 19th April, 1963 to Starred Question No. 950 regarding cement factory in West Bengal.

REPORT OF ESTIMATES COMMITTEE PRESENTED 12878

Thirty-seventh Report was presented.

MOTION FOR ELECTION TO COMMITTEE : 12881

The Deputy Minister in the Ministry of Food and Agriculture (Shri A.M. Thomas) moved that the Members of Lok Sabha elect one member from among themselves to serve as a member of the Central Silk Board. The motion was adopted.

BILL INTRODUCED : .. 12881-87

The Appropriation (No. 3) Bill, 1963.

BILLS PASSED : 12888

- (i) The Minister of Finance (Shri Morarji Desai) moved for consideration of the Appropriation (No. 3) Bill,

COLUMNS

BILLS PASSED—Contd.

1963. The motion was adopted and after clause-by-clause consideration the Bill was passed.

- (ii) Clause-by-clause consideration of the Compulsory Deposit Scheme Bill, 1963 concluded and the Bill, as amended, was passed.

BILL UNDER CONSIDERATION : 12888-12915

Discussion on the motion for consideration of the Constitution (Fifteenth Amendment) Bill, 1963, as reported by the Joint Committee continued. The discussion was not concluded.

HALF-AN-HOUR DISCUSSION : 13011-18

Shri A.K. Gopalan raised a half-an-hour discussion on points arising out of the answer given on the 25th February, 1963 to Unstarred Question No. 186 regarding amendment of article 31A of the Constitution. The Deputy Minister in the Ministry of Labour & Employment and for Planning (Shri C.R. Pattabhi Raman) replied to the discussion.

AGENDA FOR WEDNESDAY, MAY 1, 1963/VAISAKHA 11, 1885 (SAKA) :—

Further discussion and passing of the Constitution (Fifteenth Amendment) Bill, 1963.