

Third Series, Vol. XVIII—No. 56

Wednesday, May 1, 1963  
Vaisakha 11, 1885 (Saka)

# LOK SABHA DEBATES

(Fourth Session)



*(Vol. XVIII contains Nos. 51—61)*

LOK SABHA SECRETARIAT  
NEW DELHI

ONE RUPEE (INLAND)

FOUR SHILLINGS (FOREIGN)

## CONTENTS

COLUMNS

### Oral Answers to Questions—

*Starred Questions Nos. 1109 to 1111 and 1113 to 1118, 1120 to 1122 . . . . .	13029—65
---	----------

### Written Answers to Questions—

Starred Questions Nos. 1112, 1119 and 1123 to 1131. . . . .	13065—72
Unstarred Questions Nos. 2552 to 2625 & 2625A . . . . .	13072—13126

### Calling Attention to Matter of Urgent Public Importance—

Reported drastic cut in pig iron quota supplied to foundries in Punjab . . . . .	13126—30
--	----------

<i>Re</i> : Point of Privilege . . . . .	13130—33
--	----------

Papers laid on the Table . . . . .	13133—34
------------------------------------	----------

### Committee on Private Members' Bills and Resolutions—

Twenty-first Report . . . . .	13135
-------------------------------	-------

Motion <i>re</i> : Termination of suspension of Member . . . . .	13135—39
--	----------

### Constitution (Fifteenth Amendment) Bill—

Motion to consider, as reported by Joint Committee . . . . .	13140—60
--	----------

Shri A. K. Sen . . . . .	13140—47, 13151—54
--------------------------	--------------------

Clauses 2 to 12 and 1 . . . . .	13161—298
---------------------------------	-----------

Motion to pass, as amended. . . . .	13298—302
-------------------------------------	-----------

Shri A. K. Sen . . . . .	13298—302
--------------------------	-----------

<i>Re</i> : Business of the House . . . . .	13302—03
---	----------

<i>Re</i> : Divisions . . . . .	13303—04
---------------------------------	----------

Half-an-Hour discussion <i>re</i> : food adulteration in Delhi . . . . .	13304—18
--	----------

Shri Hari Vishnu Kamath . . . . .	13304—10
-----------------------------------	----------

Dr. Sushila Nayar . . . . .	13310—18
-----------------------------	----------

Daily Digest. . . . .	13319—24
-----------------------	----------

---

\*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.

# LOK SABHA DEBATES

13029

13030

## LOK SABHA

Wednesday, the 1st May, 1963/  
Vaisakha 11, 1885 (Saka)

The Lok Sabha met at Eleven of the  
Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Petro-Chemical Development at Barauni

+

- \*1109. { Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri B. K. Das:  
Shri M. L. Dwivedi:

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

(a) whether it is a fact that a team  
of technical experts from E.N.I. of  
Italy were engaged in studying the  
possibility of Petro-chemical develop-  
ments at Barauni;

(b) if so, whether they have com-  
pleted their survey and prepared a  
report in this regard; and

(c) whether they have given any  
indication of the possibility of Petro-  
chemical Development?

The Minister of Mines and Fuel  
(Shri K. D. Malaviya): (a) E.N.I. had  
been requested to study the possibili-  
ties of petro-chemical development  
around the Barauni and Gujarat  
refineries.

(b) A preliminary report was  
received from E.N.I. in the month of  
March, 1963.

(c) The preliminary study has tried  
to lay down a plan for two petro-  
chemical plants based on the raw

materials available at the Barauni and  
Gujarat Refineries.

Shri Subodh Hansda: In view of  
the preliminary reports submitted by  
the E.N.I., is it a fact that five Ameri-  
can firms have offered their assistance  
in setting up petro-chemical industries  
in the country?

Shri K. D. Malaviya: No, Sir, There  
is no specific offer from any American  
or other firm with regard to setting up  
of petro-chemical industries in Gujarat  
and Barauni. The whole question is  
being examined by the Oil and Natural  
Gas Commission and as soon as the  
examination of the E.N.I. report is  
completed, we shall formulate a pers-  
pective plan for the development of  
petro-chemical industries in Barauni  
and elsewhere.

Shri Subodh Hansda: May I know  
whether the preliminary report is  
still under consideration of the Plan-  
ning Commission?

Shri K. D. Malaviya: When the  
appropriate time comes for economic  
examination of the plant, surely  
Planning Commission and other  
Ministries will be associated with that  
examination.

Shri S. C. Samanta: Is it not a fact  
that in the meantime the French  
Petroleum Institute has submitted a  
detailed report about the petro-chemi-  
cal industry in India and, if so,  
whether their reports have been  
considered here?

Shri K. D. Malaviya: This is also  
correct. The French Petroleum Insti-  
tute was asked by the Oil and Natural  
Gas Commission to have a preliminary  
survey of the entire nature of the  
petro-chemical industries and they  
have also submitted a report. I am  
sorry, I made a little mistake in my

earlier statement that the E.N.I. was asked by the ONGC. The ENI has produced a general survey report for Barauni. But the French Petroleum Institute has on the specific demand of the Oil and Natural Gas Commission prepared a rather detailed report and that is also under examination of the ONGC.

**श्री म० ला० द्विवेदी :** मैं यह जानना चाहता हूँ कि पेट्रो-कैमिकल इंडस्ट्रीज के अन्तर्गत कौन कौन से उद्योग लगाए जा रहे हैं और उनका प्रबन्ध सार्वजनिक (पब्लिक) सेक्टर में होगा या निजी (प्राइवेट) सेक्टर में और किस तरह से होगा।

**श्री के० दे० मालवीय :** पेट्रो-कैमिकल इंडस्ट्रीज के अन्तर्गत बहुत से उद्योग धंधे हैं, जैसे अटिफिशल फ्रैटिलाइजर, गिनथेटिक रबर और इन्टरमीडिएट प्राडक्ट्स, जिन से प्लास्टिक इंडस्ट्री के तमाम सामान तैयार होते हैं। इसी किस्म की और भी बहुत से इंडस्ट्रीज हैं। पेट्रो-कैमिकल इंडस्ट्रीज एक बहुत बड़ा उद्योग है और सरकार इस पर विचार कर रही है कि इसका किस तरह से संगठन किया जाये। जहाँ तक पेट्रो-कैमिकल इंडस्ट्रीज का सम्बन्ध है, जो रा.मेट.रियल हम से याना अयल एंड नटरूल गैस कर्मिशन से और पब्लिक सेक्टर की अयल रिफायनरीज से उत्पत्ती मिलेगा, ज़रूर है कि व.स.व. पब्लिक सेक्टर में होगा, लेकिन गवर्नमेंट की ख्वाहिश है कि पेट्रो-कैमिकल इंडस्ट्रीज के संगठन के समय हम तमाम मसलों पर गौर करें और जहाँ तक पब्लिक सेक्टर का सम्बन्ध है, पब्लिक सेक्टर करें और अगर प्राइवेट सेक्टर का भी एप्लोयेशन हो सके, तो उस पर हम विचार करेंगे और उसका भी हम स्वागत करेंगे।

**Dr. Ranen Sen:** Is it a fact that the Burmah Shell Company proposed to float a petro-chemical industry in the private sector and, if so, what is the reaction of the Government?

**Mr. Speaker:** Is it at Barauni?

**Dr. Ranen Sen:** Yes, near Barauni

**Shri K. D. Malaviya:** I am not aware of it. The Burmah Shell proposal was in connection with a Petro-Chemical plant in Bombay, if I remember aright. That has nothing to do with the Barauni complex of petro-chemical industries.

**Shri Kapur Singh:** I want to ask a question slightly different from the one already put by an hon. Member earlier. I want to know whether Government have investigated the petroleum potential at Barauni to make sure that the exploitation of petro-chemical development there is economically feasible.

**Shri K. D. Malaviya:** Such assessment has not yet been made with regard to the Barauni refinery, because the quantity and the quality of raw materials that will be available to us at Barauni from the oil refinery is not yet ultimately settled, and the economic survey has also to be made still. Therefore, all these questions are under active consideration of the Indian Refineries Ltd., and as soon as we come to some final decision, we shall take steps.

**श्री शिव नारायण :** क्या मैं जान सकता हूँ कि इस टीम के सदस्य मेम्बर हैं और क्या उनमें कोई इंडियन मेम्बर भी शामिल है और यह काम कब तक पूरा हो जायगा ?

**श्री के० दे० मालवीय :** यह तो डॉ० हैनिक की रिपोर्ट है, जिसका जिक्र फ्रेंच पेट्रो-कैमिकल इंडस्ट्रीज के रिपोर्ट में किया गया। डॉ० हैनिक के साथ उनकी अपनी टीम थी। उन्होंने वहाँ आकर सब निरीक्षण किया था और उनकी रिपोर्ट हमारे पास अभी फावरें के महीने में आई है, जिस पर विचार किया जा रहा है।

मद्रास में अनिवार्य हिन्दी परीक्षा

\*१११०. श्री भजन दर्शन : क्या शिक्षा मंत्र: २७ फरवरी, १९६३ के तारीकित प्रश्न



संख्या १३६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि मद्रास राज्य में हिन्दी की अनिवार्य परीक्षा को फिर से चालू कराने के बारे में वहाँ के राज्य सरकार के साथ जो विचारविमर्श किया जा रहा था, उसका क्या परिणाम निकला ?

**शिक्षा मंत्री (डा० का० ला० श्रीमाली) :** मद्रास राज्य-सरकार ने हिन्दी परीक्षा की ऐसी व्यवस्था कर दी है जिसके अंतर्कूल हिन्दी में पाये गये नम्बर विद्यार्थी के परिमितता ( Moderation ) के अंकों में काम में लाए जा सकेंगे ।

[The examination counting for moderation has been introduced by the State Government].

**श्री भक्त दर्शन :** श्रीमन्, मैं यह जानना चाहता हूँ कि जो पत्र परिवर्तन किया गया था, उससे पहले क्या व्यवस्था थी और उसमें परिवर्तन करने की आवश्यकता क्यों पड़ी थी ?

**Dr. K. L. Shrimali:** The previous position was that the marks obtained by the students were not counted by the university for purposes of eligibility to the university courses of studies. The subject was not compulsory. Although 80 per cent of the students used to appear for the examination, a large number of students were reported to have left their copy-books blank. Therefore, the Madras Government decided to do away with this examination. The position was reviewed again recently, and they have now decided to introduce examination with moderation. Moderation means that the students are allowed grace marks, and these grace marks are available after counting the aggregate of all the marks obtained by the students. This will give an incentive to the students to study Hindi more carefully, and they would give more serious thought to it.

So, hon. Members would see that the introduction of moderation in examination for Hindi papers is an improvement on the previous practice, and I think that we should all be happy at this development in the Madras State.

**श्री भक्त दर्शन :** श्रीमन्, यह जो नई व्यवस्था की गई है या की जा रही है, उसका स्वागत करते हुए मैं यह जानना चाहता हूँ कि उसे कब चालू किया जायगा। क्या उसको अगले शैक्षिक सत्र से चालू कर दिया जाएगा ?

**डा० का० ला० श्रीमाली :** सम्भवतः अगले सत्र से उसको प्रारम्भ कर दिया जायगा। कुछे ठीक तो मालूम नहीं है, लेकिन इस बारे में सरकार का हुक्म हो गया है ।

**श्री सरजू पाण्डेय :** मैं यह जानना चाहता हूँ कि अन्य अहिन्दी-भाषी प्रान्तों में हिन्दी को अनिवार्य बनाने के लिए सरकार की तरफ से क्या कदम उठाए जा रहे हैं ।

**डा० का० ला० श्रीमाली :** जो धी लैंग्वेज फर्मुला है, वह शिवाये काश्मीर के सभी राज्यों में अब लागू हो गया है। मद्रास ने हिन्दी को कम्पलशरी नहीं किया है, लेकिन मैं समझता हूँ कि इस फार्मुले के बाद अधिकतर लड़के हिन्दी को लेंगे और उसको ठीक प्रकार से पढ़ेंगे। शिवाय काश्मीर के और मद्रास के सब प्रान्तों में हिन्दी अनिवार्य रूप से पढ़ाई जाती है ।

**श्री श्रीधर लाल बेरवा :** इसमें पहिले जब मद्रास में हिन्दी की अनिवार्य शिक्षा थी और उसको बन्द किया गया, तो उस समय सरकार के स मने क्या बटिन दिया थी और उन बटिन डनों को दूर करने के लिए, अब क्या किया जा रहा है ?

**डा० का० ला० श्रीमाली :** उन डनों के बारे में मैंने निवेदन कर दिया है। बटिन डन यह थी कि हिन्दी अनिवार्य रूप से नहीं पढ़ाई

जाती है मद्रास में। परीक्षा ली जाती है हिन्दी में। लड़कों को आप्पान था, देना चाहें तो दें, न देना चाहें तो न दें। लेकिन एग्सी परसेंट लड़के हिन्दी लेने थे। लेकिन चूक जो अंक मिलते थे परीक्षा के, उनको परीक्षा के लिये नहीं गिना जाता था इसलिए लड़के उसको सीरियसली नहीं लेते थे। लेकिन अब मद्रास गवर्नमेंट ने यह जो माडरेशन का तरीका इसमें ला दिया है, इससे लड़के हिन्दी को ज्यादा सीरियसली पढ़ेंगे।

**Shrimati Renu Chakravarty:** The three-language formula has been accepted at least in principle. I would like to know whether in the Hindi-speaking provinces, the three-language formula has been introduced and if not, whether the syllabi and the time for teaching has been so adjusted that the languages are taught in the same amount of hours as it is taught in the provinces where they have the three-languages.

**Dr. K. L. Shrimali:** As far as the Hindi-speaking States are concerned, in the U.P., and I believe in some other States also, they have introduced Sanskrit as the third language. This matter has been under discussion with the Ministry. In fact, this was discussed at the recent . . .

**Shri Ranga:** That language they are bringing now?

**Dr. K. L. Shrimali:** I was explaining that point further. According to the three-language formula, the Hindi-speaking States have to learn another language: modern Indian language. The provision is that they should study one of the modern Indian languages. At the Chief Ministers' conference, it was emphasised that they should learn another Indian language. Therefore, they have introduced Sanskrit as the third language instead of a modern Indian language. This matter was discussed by the Education Ministers' committee which met recently to review the whole question. The Education Minister from the U.P. was also present. Though the U.P. and

other Hindi-speaking States have some difficulty in the matter, we have requested them to introduce one of the modern Indian languages in all the educational institutions gradually. The House will be interested to know that the U.P. Government has made provision for the teaching of Modern Indian languages in several zones. I am hoping that, if assistance is available, as we are giving assistance to the non-Hindi speaking States, modern Indian languages, particularly the southern languages will be introduced more and more in the Hindi-speaking States also. The process has to be slow. We cannot either force the Madras Government . . .

**Shri Ranga:** Is he speaking on the Languages Bill?

**Dr. K. L. Shrimali:** The hon. Member is asking question. I am trying to explain. Now he says "he is speaking on the Languages Bill."

**Mr. Speaker:** In the first instance, I made a mistake because this question was not relevant here.

**Some Hon. Members:** Why?

**Mr. Speaker:** Because the question was about Madras only: not about other States. It is not relevant. I allowed that because it was so seriously contested on this side. Next question. The answer has been so long.

**An Hon. Member:** That has led to other questions.

**Shri Kapur Singh:** I want to put a small question.

#### Rupee Loans for Collieries

\*1111. **Shri P. R. Chakraverti:** Will the Minister of Mines and Fuel be pleased to state:

(a) Whether Government are aware of the fact that the collieries had failed to procure rupee loans;

(b) whether it is a fact that the Reserve Bank has imposed limitation in the matter of deposit-advance ratio;

(c) whether it is also a fact that the Commercial Banks are shy to lend money on medium and long-term basis to the Coal Industry because of the hazards in such investments; and

(d) the steps Government have taken to find rupee counterpart loans to this industry?

**The Parliamentary Secretary to the Minister of Mines and Fuel (Shri Thimmaiah):** (a) It is said, some collieries, for want of sufficient securities, had been finding it difficult to obtain matching rupee finance for importing plant and machinery under the World Bank Loan.

(b) No limitation as such has been imposed by the Reserve Bank in the matter of deposit-advance ratio.

(c) As reported by the Coal Industry, some Commercial Banks have expressed inability in advancing loans to them.

(d) A scheme for partial guarantee by Government of loans to be given by credit institutions to coal companies has been sanctioned. The Refinance Corporation will provide refinancing facilities to credit institutions in respect of their medium term loans. The Reserve Bank will also offer certain additional borrowing facilities to scheduled banks against their lendings to the coal industry on short term basis when the advances are guaranteed under "Guarantee Scheme". These facilities should enable the industry to secure rupee loans.

**Shri P. R. Chakraverti:** In view of the importance of the coal industry in India's industrial development, what are the conditions which have been made available to them to get loans on easy terms?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** Generally Government have accepted the principle of helping the coal industry to avail of opportunities from banking institutions to get rupee matching loan assistance facilities after they have

taken loan from international sources for mechanising their mines. The only basis we have agreed to is that we guarantee certain portion of the loan that they will try to obtain from that source. The details have to be negotiated between the parties, the Finance Corporation and the specific colliery that wants the loan.

**Shri P. R. Chakraverti:** To what extent has the Finance Corporation been able to overcome the reluctance of commercial banks to advance loans?

**Shri Thimmaiah:** The Governor of the Reserve Bank expressed a feeling that commercial banks are feeling shy generally because of the general financial stringency. Then he agreed to extend the additional borrowing limit of the banks and also to provide refinance facilities to the Refinance Corporation which could also lend money to the coal industry.

**Shrimati Savitri Nigam:** May I know whether a World Bank expert is making a survey, and the disbursement of the loan by the World Bank will depend on the survey report submitted by him?

**Shri K. D. Malaviya:** No. The survey has nothing to do with the actual desire of the coal industry to obtain the loans. All those principles were already settled. It is now for the coal industry to apply for loans which they are doing; and they have already completed the formalities to obtain licences and to go on in the normal way.

**Shri Maheswar Naik:** Is it a fact that under the guarantee scheme of Government, the credit institutions are levying certain charges? If so, what is the justification therefor?

**Shri Thimmaiah:** The credit institutions have to pay a charge of 3/4 per cent to the guarantee organisation for standing guarantee for the loan advanced.

**Shri Bhagwat Jha Azad:** Is it a fact that some of the collieries have already been able to arrange foreign

loans and is it also a fact that they have asked Government to guarantee the same? If so, for what amount have they been able to arrange loans?

**Shri K. D. Malaviya:** That information is not available with me.

**Shri Rameshwar Tantia:** May I know whether Government have decided to constitute a body like the NIDC for giving loans to collieries?

**Shri K. D. Malaviya:** No, there is no specific institution created for such facilities except that there is already an institution called the Refinance Corporation which will provide loans.

#### Oil Refinery in Madras

- +
- \*1113. { **Shri Yashpal Singh:**  
**Shri Kapur Singh:**  
**Shri Narasimha Reddy:**  
**Shri Buta Singh:**  
**Shri P. C. Borooah:**  
**Shri Onkarlal Berwa:**

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

(a) whether an oil refinery is proposed to be set up in Madras;

(b) whether any foreign collaboration has been sought for the purpose; and

(c) when the work is likely to be started?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) No, Sir.

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

**श्री यशपाल सिंह :** मैं जानना चाहता हूँ कि इसके लिए लाइफ़ इंश्योरेंस कारपोरेशन कितना इन्वैस्ट कर रही है और हमारी सरकार द्वारा ५१ परसेंट शेयर खरीदने की बात जो चलाई जा रही थी, उस मामले में क्या हो रहा है ?

**श्री के० दे० मालवीय :** आपने मद्रास रिफ़ाइनरी के बारे में पूछा था, उसका जवाब मैंने दे दिया है ।

#### Concentrated Composite Foods

\*1114. **Shri D. C. Sharma:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether a process for making ready-to-eat concentrated composite foods with remarkable keeping properties has been developed at the Central Food Technological Research Institute, Mysore;

(b) if so, the details thereof; and

(c) whether any production programme has been chalked out in this regard?

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

(b) The edibles are pre-cooked, drum dried and blended with required vitamins, flavoured and suitably canned.

(c) Interested parties have been given the details of the process.

**Shri D. C. Sharma:** May I know if this food can be used by persons living at high altitudes or those at low altitudes?

**Mr. Speaker:** The hon. Member is putting the question to the hon. Minister who is so near to him, but I also want to listen to the question.

**Shri D. C. Sharma:** May I know if this food can be used by persons living at high altitudes such as defence personnel and others, or it can be used only by persons living at low altitudes on the plains and only by civilians?

**Shri Humayun Kabir:** This food is meant for people who want pre-cooked food and where there are difficulties of cooking. Naturally, the defence forces are interested, and demonstrations have already been given at the Defence Headquarters and the Air Force is also interested. We are waiting for the approval of the Defence Ministry for providing larger supplies.

**Shri D. C. Sharma:** May I know if any arrangements have been made for manufacturing this food in any large quantity either in the public sector or in the private sector, and if so, the details thereof?

**Shri Humayun Kabir:** As I have stated just now, demonstrations have been given to Defence Headquarters, and when they place their requirements, this question will be taken up. In the meantime some enquiries were received from Hindustan Levers and Britannia Biscuit Co., who approached the institute for details, and they have been given the relevant information.

**Shri Tyagi:** Have the Food Technology Research Department also calculated the estimated price at which it will be available to consumers, and does it compare favourably with the normal food that people use?

**Shri Humayun Kabir:** It will be, I think, a little cheaper because these are the figures I have got. In the case of vegetable biriyani the cost per kilo is about Rs. 3.50, and in the case of the sweet preparation also it is about the same.

**Shri Hari Vishnu Kamath:** What does the Food Minister say?

**Shri Humayun Kabir:** Generally, therefore, they will be a little cheaper, and the food value is also fairly high. The calorific value is about five calories per gram, which is a little higher than that of cereal or pulse.

**Shri Sham Lal Saraf:** With regard to the varieties he has mentioned, have they started setting up units for the manufacture of such food? May I know what exact and practical steps have been taken in the field of setting up such units now?

**Shri Humayun Kabir:** I am afraid the question is not very clear. I have already said that two parties approached us for the details and we have given them the details. So far as our setting up any unit for large-scale

production is concerned, that question will arise when we receive intimation from the Defence Headquarters that they require such food on a large scale.

**Shri Sham Lal Saraf:** What about the others who have already taken this advice from you?

**Shri Humayun Kabir:** They asked for the advice, we have given the advice. If anybody else approaches us, we shall give them advice.

**Shri Kapur Singh:** May I know whether the objective of the Government is to have this food manufactured primarily for military consumption or civilian consumption also?

**Shri Tyagi:** For bachelors and widowers also.

**Shri Humayun Kabir:** It will be for whoever wants this dry packet food. Because there is no necessity for cooking again and again, any one will be able to use it.

**Shrimati Savitri Nigam:** May I know whether any effort has been made to see whether this new food suits the food habits of the people for whom this is going to be manufactured, especially the defence forces?

**Shri Humayun Kabir:** Obviously, all these factors are taken into consideration. Some experiments have been carried out among the staff of the Institute itself, and they have expressed satisfaction with the food.

**श्री काशीराम गुप्त :** यह खुराक कितने भ्रसों तक बिगड़ने नहीं पायेगी और एक घादमी के लिये कितना वजन काफी होगा ?

**श्री हुमायून कबिर :** यह काफी दिन तक रहेगी, लेकिन कितने दिन तक रहेगी यह कहना अभी मुश्किल है । शायद छः महीने या साल भर तक रह सके । लेकिन इसके लिये इन्व्वायरी करनी पड़ेगी ।

**Shri A. P. Jain:** Is it one of the intentions of manufacturing this food to discourage marriages and thereby control the population?

**Shri Humayun Kabir:** I do not see what relevance it has to the question.

**श्री काशीराम गुप्त :** मेरे प्रश्न का उत्तर नहीं मिला कि एक आदमी के लिए कितना खजान काफी होगा ?

**Shri Humayun Kabir:** I have already given that reply when I said that per gram there will be five calories.

**Mr. Speaker:** If he has given the reply, why should he repeat it?

#### Minicoy Island

+

\*1115. { **Shri A. V. Raghavan:**  
**Shri Pottekkatt:**

Will the Minister of Home Affairs be pleased to state:

(a) whether a poll tax of 25 nP. per unmarried woman, 37 nP. for unmarried man and 75 nP. for married couple is collected in the Union Territory of Minicoy Island;

(b) since when this tax on adults had been in vogue;

(c) the income under this head during the past five years; and

(d) whether there is any proposal to abolish this tax?

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

(a) Poll tax is recovered from earning members in Minicoy Island at the rates mentioned.

(b) It is being collected from times immemorial.

(c) The income under this head during 1958-59, 1959-60, 1960-61, 1961-62 and 1962-63 was Rs. 743.57, Rs. 648.34, Rs. 666.02, Rs. 688.45 and Rs. 708.50 respectively.

(d) Survey operations in the Islands are in progress and will be followed by settlement operations and introduction of a modern land revenue system which will replace the existing Poll tax.

**Shri A. V. Raghavan:** May I know whether the collection of this levy at a uniform rate without reference to earning capacity or income has been considered with reference to article 14 of the Constitution and if so whether it is legal?

**Shri Hajarnavis:** It has existed from times immemorial and it will have to be replaced by a modern system of taxation. Primarily land will naturally be the basis of taxation. For that purpose, we are undertaking survey of the land.

**Mr. Speaker:** Is it constitutional *vis-a-vis* our Constitution? Has it been studied?

**Shri Hajarnavis:** I do not think *prima facie* there is anything against the Constitution.

**Shri A. V. Raghavan:** I am asking whether the collection of this levy at a uniform rate has been examined with reference to article 14 of our Constitution. Is this legal?

**Shri Hajarnavis:** I have said that *prima facie* it does not appear to offend any provision of our Constitution.

**Shri Kapur Singh:** May I know whether the apparent discrepancy in the incidence of taxation weighing against the married people is a part of the traditional pattern or has it been introduced by this Government with some object?

**Mr. Speaker:** This has existed from times immemorial. (*Interruptions*).

**Shri Kapur Singh:** This discrepancy should be reduced.

**श्री श्रीकारलाल बेरवा :** मैं जानना चाहता हूँ कि यह पोल टैक्स और विवाहित टैक्स बिना किन राज्यों में लिया जाता है ?

**श्री हजरतबीस :** सिर्फ़ मिनिक्वोय में लिया जाता है ।

**Dr. L. M. Singhvi:** We would like to know whether the Government have

got this matter examined by the Law Department and if so when did they get it examined and what action was taken?

**Shri Hajarnavis:** I do not think we consulted our Law Ministry but *prima facie* it does not appear to me to call for any examination from the legal point of view. We are shortly going to replace it by another and more modern system of taxation.

**Dr. L. M. Singhvi:** In that case that information may be laid on the Table of the House after that examination.

**Shri Tyagi:** May I know if our Constitution has been applied to this island and if so how can this tax be realised?

**Shri Hajarnavis:** It does apply to all parts of our country.

**Shri Tyagi:** How can poll tax be realised? It is the old Moghul tax.

**Mr. Speaker:** He has answered that the Constitution does apply and that *prima facie* this tax is not unconstitutional and that they had had no investigation made.

**Shri Tyagi:** But poll tax is it not unconstitutional?

**Mr. Speaker:** He is arguing it though the answer has come.

**Shri Vasudevan Nair:** What is the explanation of the Government for refusing the right of suffrage for the people when they are collecting the taxes from them from times immemorial?

**Shri Hajarnavis:** It hardly arises out of this question. Right of suffrage has nothing to do with liability to pay taxation.

### Political Sufferers

\*1116. **Shri G. Mohanty:** Will the Minister of Home Affairs be pleased to state:

(a) the amounts sanctioned by Government during 1962-63 for rehabilitation of political sufferers who fought for India's freedom, State-wise; and

(b) the procedure adopted to select the grantees and fix the amount of grant?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) A statement giving the information is laid on the Table of the House. [Placed in the Library. See No. LT-1267.63].

(a) Applications received from political sufferers for financial assistance are generally forwarded to the State Governments for consideration under their own schemes of relief. Assistance in the form of small lump sum cash grants is given from the Home Minister's Discretionary Grant, taking into account the recommendations of the State Government, the applicant's means and liabilities and other relevant considerations.

**Shri G. Mohanty:** May I know the number of grantees from each of the States and what is the scheme other than this?

**Shrimati Chandrasekhar:** I did not hear the second part of the question but as for the first part, the statement gives the amount given to each State. I have not got the break-up in regard to the number of applicants from the State Governments.

**Shri G. Mohanty:** May I know whether the Government have any other plan of rehabilitation besides pecuniary contribution?

**Shrimati Chandrasekhar:** The children of the political sufferers are being given educational assistance in the State Governments and the Union territory applicants are financed by the Central Government wholly. 50 per cent of the expenditure is met by the Central Government if the applicants are from the State Governments.

**Shri P. Venkatasubbalah:** May I know whether the Government have called for a list of political sufferers who have participated in the freedom movement in the various States and, if so, whether there is any departure in giving this financial assistance to these people?

**Shrimati Chandrasekhar:** There is no departure. There is no need for asking for information because we get enough applications from all the States in the Union. So, there is no need for taking any step about asking for information.

**श्री तुलशीदास जाधव :** यह जो आपने स्टेटमेंट में आंकड़े दिये हैं इनसे पता चलता है कि कुछ राज्यों के आंकड़े बहुत कम हैं। क्या इसका यह अर्थ है कि उन प्रान्तों से एप्लीकेशन्स कम आइ थीं या उन पर ध्यान नहीं दिया गया इस कारण आंकड़े कम हैं ?

**Shrimati Chandrasekhar:** There is no discrimination between one State and another. It depends on the number of applications that we receive from the State Governments and the validity of the recommendations from the State Governments and our recommendations.

**Dr. Gaitonde:** May I know whether the Government are aware of the fact that there are hundred of Goan political sufferers who fought for the freedom of Goa and, if so, what steps are the Government taking to rehabilitate them?

**Shrimati Chandrasekhar:** We have also given some assistance to members from Goa, and if any application is made, it will be considered on its own merits.

**Shri Sivamurthi Swamy:** May I know whether the Government is receiving complaints that the real

political sufferers who have left the Congress are not getting any help?

**Shrimati Chandrasekhar:** We have not received any such complaint. That is a wrong accusation.

**Shrinati Renu Chakravarty:** I find that there is a tremendous discrepancy in respect of some States, in regard to the amount that is being granted to political sufferers. For example, for Tripura, the amount given is Rs. 46,700, while for Goa it is Rs. 200 and for Gujarat, Rs. 500. May I know whether the State Governments have been given full authority to send up the names, or is there any committee or body which recommends the cases, or is it left to the whims and fancies of the State Governments?

**Shrimati Chandrasekhar:** The hon. Member's question is rather misleading. In the statement it is given. Rs. 46,700 is the amount shown against Tripura. It has been stated there that it includes the sum of Rs. 44,100 granted as small loans to political sufferers. It is not a grant-in-aid. It is a loan. First of all, the question is misleading. Secondly, as I said in answer to an earlier question, whenever the applications are received, they are considered on merits. So, if more applications come from States which have received only smaller amounts, they will be surely considered on merits.

**Shrimati Renu Chakravarty:** My question was whether anybody can make application directly, or, has it always to come from the State Governments and the State Governments will only send up those applications which, according to their whims and fancies, deserve help?

**Shrimati Chandrasekhar:** If they are directly made, even then, more often we refer them to the State Governments to find out whether the particulars mentioned are correct.



**श्री यशपाल सिंह :** क्या मैं जान सकता हूँ कि आई० एन० ए० के लोगों को पोलिटिकल सफरर मान कर उनकी पेंशन का रुपया वापस देने की कोशिश की जा रही है ?

**Shrimati Chandrasekhar:** No pension is given. The special grant does not permit any recurring allowance being given.

**Shri D. C. Sharma:** May I know how this fact that political sufferers can get loan as well as financial assistance is brought to the notice of political sufferers in the different States of India?

**Shrimati Chandrasekhar:** We find that the amount allotted under the discretionary grant is being utilised within the year. This shows that the persons who are political sufferers know this information.

**Shri Hari Vishnu Kamath:** My hon. friend's question has not been fully answered. May I know if the former personnel of Netaji Subhas Chandra Bose's Azad Hind Fauj have been put on a complete par with freedom fighters inside the country and, if so, how many have been granted such benefits?

**Shri Lal Bahadur Shastri:** They have been put completely on the same par. They are treated just like the other political sufferers and the same facilities are being provided.

**श्री सरजू पाण्डेय :** क्या माननीय मंत्री जी यह बतलाएंगे कि क्या केवल उन्हीं लोगों को पोलिटिकल सफरर माना जाता है जिन्होंने ने कांग्रेस के आन्दोलन में भाग लिया था या बाकी दूसरी पार्टियों के सदस्यों को भी ?

**अध्यक्ष महोदय :** वह सवाल तो किया गया था और उस का जवाब दे दिया गया है ।

**श्री सरजू पाण्डेय :** सहायता देने के बाद भी बहुत बड़ी तादाद राजनीतिक विद्वानों की अभी बाकी है, और उनसे कहा

जाता है कि अब प्रार्थना पत्र इस लिये नहीं लिए जाएँगे कि समय समाप्त हो गया । इसके बारे में माननीय मंत्री जी को क्या कहना है ?

**श्री साल बहादुर शास्त्री :** प्रार्थना पत्र लेने के लिए कोई समय बंधा हुआ नहीं है । जहाँ तक भारत सरकार की बात है, कोई भी किसी भी समय प्रार्थना पत्र दे सकता है । मेरा ख्याल है कि अभी हाल ही में श्री सरजू पाण्डेय जी की सिफारिश पर मैं ने एक साहब को सहायता दी है । इस लिए इस में साम्यवादी दल या किसी दल का सवाल नहीं पैदा होता ।

#### Attorney-General's Advice on Affairs of a Firm

{ Dr. L. M. Singhvi:  
Shri Yashpal Singh:  
\*1117. { Shri P. R. Ohakraverti:  
Shri Bishanchander Seth:  
Shri Hari Vishnu Kamath:

Will the Minister of Home Affairs be pleased to state:

(a) whether the Attorney-General of India has submitted a final or interim report in respect of the reference made to him regarding the entries in the books of accounts of an export firm involving certain politicians; and

(b) if so, whether a statement would be laid on the Table giving the reasons, conclusions and recommendations of the Attorney-General?

**The Minister of Home Affairs (Shri Lal Bahadur Shastri):** (a) No.

(b) Does not arise.

**Dr. L. M. Singhvi:** In view of the fact that prolongation of these public controversies heightens the sense of cynicism, may I know what steps Government have taken to expedite the obtaining of this advice, particularly in view of the fact that the Attorney General's advice on the Compulsory Deposit Scheme Bill was available within 24 hours? Why has

this advice not been obtained with the same amount of expedition?

**Shri Lal Bahadur Shastri:** The hon. Member might as well put that question to the Attorney General, because after all, in this matter, there were quite a number of papers, he had to look into. In the other of course, he had to consult some rulings etc. Anyhow, I shall not go into that matter. I think it is not advisable to discuss it any further, because I hope the Attorney General will be furnishing his advice rather soon.

**Dr. L. M. Singhvi:** May I know what are the precise terms of reference and documents under reference to the Attorney General and whether any dead-line has been fixed for obtaining this advice and placing it on the table of the House?

**Shri Lal Bahadur Shastri:** No.

**Dr. L. M. Singhvi:** I wanted to know the precise terms of reference.

**Mr. Speaker:** The Attorney General's advice has been asked for. What terms of reference does he want further? Mr. Kamath.

**Shri Hari Vishnu Kamath:** Is the Home Minister in a position to firmly deny reports circulating in the capital to the effect that the Attorney-General's interim opinion—it may not be a report, but interim opinion—forwarded to the Prime Minister or to the Government is unfavourable to the Minister concerned\*\*\*

**Mr. Speaker:** Order, order. What has that to do with this?

**Shri Hari Vishnu Kamath:** The first question whether he denies that report may be answered.

**Mr. Speaker:** Then why should he put the second part?

**Shri Hari Vishnu Kamath:** You may cut it out, Sir.

**Mr. Speaker:** The first part may be answered.

**Shri Lal Bahadur Shastri:** It is very unfair on the part of the hon. Member to insinuate. It is a form of insinuation, I would say.

**Mr. Speaker:** It is insinuation.

**Shri Lal Bahadur Shastri:** I would beg of you....

**Mr. Speaker:** He also agrees that it should be cut out. That might be expunged. But why should he do it?

**Shri Hari Vishnu Kamath:** May I know on what grounds has it been expunged? Unless it is defamatory or incriminatory or vulgar something like that, it cannot be expunged. I will quote the rules.

**Mr. Speaker:** Rules he has quoted to me so often that now I have begun to remember them myself also. This is a clear insinuation, and that I would not allow. That may be expunged.

**Shri Hari Vishnu Kamath:** Mere insinuation does not call for expunction of remarks. All insinuations are not expunged.

**Mr. Speaker:** What I do not allow, what is not permissible, has to be expunged. Even that I can order to be expunged.

**Shri Hari Vishnu Kamath:** You can expunge anything you like. My point is that under the rules it cannot be expunged.

**Mr. Speaker:** The first portion might be answered.

**Shri Lal Bahadur Shastri:** Now I have forgotten the first portion.

**Mr. Speaker:** He wants to know whether any interim report has been received.

**Shri Hari Vishnu Kamath:** I shall repeat the first portion of my supplementary. Is the Minister in a position. . .

\*\*\*Expunged as ordered by the chair.

**Shri Lal Bahadur Shastri:** No, no; I can answer it now. No interim report has been received, and I do not know who is interested in creating this kind of rumour and gossip.

**Shri Bhagwat Jha Azad:** The questioner himself.

**Shri Lal Bahadur Shastri:** No such interim report has come.

**Shri Hari Vishnu Kamath:** May I Sir, ask. . . .

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

**Shri Surendranath Dwivedy:** May I know whether the Attorney-General has been asked only to give legal advice or the question of propriety involved in this matter has also been referred to him?

**Shri Lal Bahadur Shastri:** Sir, the Attorney-General has been asked to look into certain matters, and it would be for him to tender his advice in the best form he considers proper.

**Mr. Speaker:** The Attorney-General has nothing to do with the propriety or otherwise of it.

**Shri Lal Bahadur Shastri:** No, Sir.

**Mr. Speaker:** He has got nothing to do with it.

**Shri Bhagwat Jha Azad:** Is the Home Minister aware of the remour that there are some politicians who have been heavily paid by a firm which is hostile to Serajuddin and Company to start this kind of propaganda in the capital to malign the Congress Party which is in power?

**Mr. Speaker:** Order, order. The hon. Minister. . . .

**Shri N. Sreekantan Nair:** That also may be expunged, because it is an insinuation.

**Mr. Speaker:** That also I am not allowing.

**Shri Hari Vishnu Kamath:** It should be expunged.

**Mr. Speaker:** That does not come within that orbit.

**Shri Hem Barua:** Sir, I rise to a point of order.

**Shri Ranga:** Sir, you were pleased to make it clear that when you do not allow a thing here it does not find any place in our proceedings.

**Mr. Speaker:** Not all of them. Many a time we go on with the questions. Everything is not expunged (*Interruption*). Yes, not everyone of the questions is expunged.

**Shri Hem Barua:** May I submit, Sir, that you have been very good in expunging the statements made by us. Even when there is a very simple and innocuous comparison, in which I indulged sometime back, that has been expunged from the proceedings of the House, and people are taken aback, if I may say so. . . .

**Mr. Speaker:** I only expunged the first half of that and not the second one which related to the question.

**Shri Hem Barua:** I know. About this particular case, here is a camouflage attack on a certain political party—whatever that political party might be (*Interruption*). This is maligning a political party. Therefore, this should be expunged. And, it does not have any evidence whatsoever (*Interruption*).

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

**Shrimati Renu Chakravartty:** So many things are said without any evidence.

**Mr. Speaker:** Next Question.

**Shri Hem Barua:** May I put a question, a supplementary, on this?

**Mr. Speaker:** He sat down. I have passed on to the next question.

**Shri Hem Barua:** I have not put any question today.

**Mr. Speaker:** There will be many coming, and I will allow him.

**Shri Hari Vishnu Kamath:** Sir, I rise to a point of order. May I invite your attention to Rule 380 which deals with expunction of words or remarks made during debate or other-

wise. The word "insinuation" does not figure therein. The Rule says:

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House."

Now, Sir, on the ground of insinuation you have ordered expunction. Therefore, I would like to know whether you stand by that earlier ruling, or you will give a different ruling now.

**Mr. Speaker:** These rules are not exhaustive. I have to regulate the proceeding here. If besides those that are put down I find something that ought to be expunged, I have the authority to do that.

**Shri Surendranath Dwivedy:** May I submit to you that the last question, about which there was a demand for expunction comes under this category?

**Shri Hari Vishnu Kamath:** It is a clear insinuation.

**Mr. Speaker:** Against whom?

**Shri Surendranath Dwivedy:** Undignified remarks against those who are putting questions.

**Mr. Speaker:** That had a reference to some person outside. If it had been to some members here, I would have objected to it.

**Dr. L. M. Singhvi:** Politicians include Members of Parliament also.

**Shri Bhagwat Jha Azad:** I did not say "inside the House". They were saying there is a particular rumour in the capital. I simply said that there is another rumour also in the capital, which is just to the contrary. That is all what I said.

**Mr. Speaker:** Order, order. I would request all hon. Members to refrain from making such remarks, such insinuations defamatory statements, un-

dignified observations. Whoever might be the member who puts it, it does not add to the dignity of the House. All hon. Members should take care of that. Many hon. Members, in their excitement, use words which ought not to be used and put questions with prefaces which do not appear to be fair. Within the time allotted for questions here, probably we can cover double the number of questions if only straight questions are asked and straight answer are given. Now the answers are also long, because the questions are long. Now, next question

**Shri Hem Barua:** Sir, since you have yourself admitted that there was an insinuation, which was undignified and all that, so far as Shri Azad's question is concerned, would you be pleased to expunge that also from the proceedings of the House?

**Mr. Speaker:** Order, order. I have passed on to the next question. I will not take any action on that.

#### Petro-Chemicals Industry

\*1118. **Shri R. S. Pandey:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether the French Petroleum Institute has submitted a report to the Oil and Natural Gas Commission for the development of petro-chemicals industry;

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

(c) the decision taken by Government in the matter?

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

(b) A statement is laid on the Table of the House. [Placed in the Library. See No. LT-1268/63].

(c) The French Institute of Petroleum Report is now under study and the decision of the Government in this matter will be taken shortly.

भारत में चीनी नजरबन्द

\*११२०. { श्री श्रीकारलाल बेरवा :  
श्री हरि विष्णु कामत :

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

(क) क्या यह सच है कि भारत में चीनी नजरबन्दियों में से कुछ चीन जाने को तयार नहीं हैं ;

(ख) यदि हां, तो क्या सरकार ने उन की संख्या का पता लगाया है ; और

(ग) वापस जाने में उनकी अनिच्छा के क्या कारण हैं ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरतवीस) : (क) जी हां ।

(ख) ऐसे व्यक्तियों की सही संख्या का पता तब लगेगा जब उन स्वदेश जाने वाले नजरबन्दियों का आखरी जत्था इस देश से चला जाय ।

(ग) उन्होंने ने कोई कारण नहीं बताया है ।

(a) Yes;

(b) The exact number of such persons will be known after the final batch of repatriates have left the country.

(c) No reason have been given by them.]

श्री श्रीकारलाल बेरवा : देश में इस समय कुल कितने चीनी नजरबन्द हैं ?

गृह-कार्य मंत्री (श्री लाल बहादुर शास्त्री) : १३५४ चीनी नजरबन्द हैं ?

श्री श्रीकारलाल बेरवा : यहां जो चीनी नजरबन्दि हैं उन में से कितने चीनी स्वतंत्रता मिलने के पूर्व से रह रहे हैं और क्या उन को निकालने का सरकार का कोई इरादा है ?

श्री लाल बहादुर शास्त्री : जो बहुत दिनों से रह रहे हैं उन को निकालने का सवाल नहीं है । सवाल तो यह है कि जो चीनी यहां नजरबन्द हैं उन में से कौन यहां से जाना चाहते हैं और कौन नहीं जाना चाहते हैं । जो जाना चाहते हैं उन को जाने दिया जायगा लेकिन जो नहीं जाना चाहते हैं उनको निकाला नहीं जायेगा ।

Shri Hem Barua: May I know whether the attention of Government is drawn to the latest allegation made by China that even babies less than one month old and blind old men of ninety years of age are being persecuted by the Chiang Kai-shek agents under the pay of the Indian Government in these camps and, if so, whether Government are prepared, or do Government contemplate, to make a sporting offer to the International Red Cross to visit these camps in order to give the lie to the allegations so that the Chinese allegations can be countered?

Shri Lal Bahadur Shastri: The allegations are absolutely baseless and those who want to go have complete freedom to do so. Though they have got their babies and other aged relations, they can take them also with them, whenever they go. As regards inviting the International Red Cross, I do not think it is necessary. Unless there is some basis for the allegation or some truth in it, why should we go to that authority and ask them to give their decision?

Mr. Speaker: Shri Hari Vishnu Kamath.

Shri Hem Barua: The Chinese have alleged . . .

Mr. Speaker: He has answered it.

Shri Hem Barua: Not particularly what I have said. The Chinese have alleged that babies less than one month old are being persecuted in the internee camps. We have to establish whether there are any month old babies in order to challenge that. How many one-month old babies are there?

**Mr. Speaker:** That was not the question that he had asked. He did not ask as to how many one-month old babies are there.

**Shri Hem Barua:** Yes, I did.

**Mr. Speaker:** He only enquired about the number. He only said that it is the allegation that is being made by the Chinese . . . *(Interruption)*. This is a fresh question that he is asking now. **Shri Kamath.**

**Shri Hari Vishnu Kamath:** Is it not a fact that these Chinese internees who refused to be repatriated told the Government that they were doing so, that is, they were refusing to go back, definitely on the ground that living conditions in India were more favourable than the conditions in China?

**Shri Lal Bahadur Shastri:** We did not ask for reasons. The choice was left to them as to whether they wanted to go back to China or not. Those who said that they wanted to return have been sent. Others did not give the reasons as to why they wanted to stay here in India. In so far as we are concerned, of course, I entirely agree with the proposition just now enunciated by the hon. Member.

**Shri Buta Singh:** May I know whether these Chinese internees who are not prepared to go to China desire Indian citizenship or Formosan citizenship?

**Shri Lal Bahadur Shastri:** That question has not arisen yet. It will be for them to consider.

**Shri Ranga:** May I take it that these people who do not wish to go back to China would not be forced to go back to China and will be allowed to remain in India?

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

**Shri Ranga:** I did not follow his answer.

**Mr. Speaker:** They are not forcing them to go back.

**Shri Bade:** Is it a fact that all Chinese are not interned and that they are allowed to practise? A doctor of Ratlam has not been interned yet. So, is it a fact that all Chinese have not been interned upto this time?

**Shri Lal Bahadur Shastri:** We are talking of those whom we have interned at present.

**Shri Bade:** What is the policy of the Government? Are all the Chinese to be interned or only some of them are to be interned?

**Mr. Speaker:** That is a wide question . . . *(Interruption)*. It relates to internees that we have.

**Shri Nath Pai:** Is it a fact that representatives of the Indian press had sought permission to visit these camps where all internees are kept with a view to placing the facts of the conditions under which they are kept before the public? May I know whether permission was denied and, if so, what were the reasons for denying this facility?

**Shri Lal Bahadur Shastri:** No such representation has come to my notice so far.

**Shri K. C. Pant:** In order to give the lie to the allegations of China will the Government consider allowing these internees facilities of broadcast to China?

**Shri Lal Bahadur Shastri:** The hon. Member wants the internees to broadcast from here. That is, to an extent, the Chinese method. I do not actually want to copy that. But we can, as the hon. Member suggests, adopt some other means to let the world know as to how we are treating the internees.

भारत प्रशासन सेवा परीक्षा के लिये  
आयु की छूट

\*११२१. श्री काशी राम गुप्त :  
श्री प्रकाशवीर शास्त्री :

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

(क) क्या यह सच है कि प्रथम और द्वितीय श्रेणी की केन्द्रीय सेवाओं की परीक्षाओं में बैठने के लिए विभागीय उम्मीदवारों को सामान्यतः जो आयु की छूट दी जाती थी वह भारतीय प्रशासन सेवा परीक्षा १९६३ के लिए हटा दी गई है ; और

(ख) यदि हां, तो इस के क्या कारण हैं ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरनवीस) : (क) जी हां ।

(ख) विभागीय उम्मीदवारों को आयु की छूट देने के सम्बन्ध में काफी विचार करने पर यह पाया गया है कि यह इन्तजाम सिद्धान्त : आपत्तिजनक था और इस के परिणाम भी अनुचित होते हैं । आडिटर जनरल ने इस रियायत को रद्द करने के लिए काफी जोर दिया था, और यूनियन पब्लिक सर्विस कमीशन तथा सम्बन्धित मंत्रालय ने भी इस रियायत को वापस लेने के बारे में सम्मति दी थी । सरकार को यह भी सलाह दी गयी थी कि यह रियायत अवैधानिक भी मानी जा सकती है ।

[(a) Yes.

(b) The system of age concession for departmental candidates was found on careful examination to be objectionable in principle and iniquitous in its results. The Auditor General had strongly pressed for withdrawal of the concession, and the U.P.S.C. as well as the concerned Ministries agreed to the withdrawal. Government were also advised that the concession might not be held to be constitutionally in order.]

514 (A1) LSD—2.

श्री काशी राम गुप्त : सरकार ने जो आर्डर अब वापस लिया है, क्या उस को जारी करते वक्त उस के सामने यह बातें नहीं थीं ? जिस समय यह कन्सेशन जारी किया गया था, क्या उस समय ये सब बातें सरकार के सामने नहीं थीं ?

श्री हजरनवीस : यह तो कई दिनों से चल रहा है । बाद में सोचने के बाद यह देखा गया कि अगर यह रियायत वापस ले ली जाये, तो ज्या दा भ्रच्छा होगा । इस लिए उस को वापस ले लिया गया ।

श्री काशी राम गुप्त : मेरा निवेदन यह है कि यह कन्सेशन जारी करते वक्त क्या ये सब प्रश्न सरकार के सामने नहीं थे और यदि नहीं थे, तो बाद में किस प्रकार उठे ।

श्री हजरनवीस : कई दिनों से यह चल रहा है— मैं यह नहीं कह सकता कि कितने दिनों से चल रहा है, लेकिन काफी दिनों से यह बात चल रही है । मेरा खयाल है कि १९४७ से पहले भी चल रही होगी, लेकिन भूखे पक्का नहीं मालूम है ।

Shri Sham Lal Saraf: May I know whether it is with the idea of recruiting fresh blood, new blood, that these orders have been withdrawn, that were in favour of the departmental candidates?

Shri Hajarnavis: The age limit for the Indian Police Service candidates was 20 to 24 and for the Indian Civil Service was 21 to 24. Now, to relax these age limits in favour of certain departmental candidates was not thought to be exactly proper. As I said, the question of constitutional validity was also in doubt. Whether it was, firstly, proper and, secondly, constitutional, are the questions to which we addressed ourselves and we found there was no justification.

श्री भक्त बर्शन : श्रीमान, विभागीय उम्मीदवारों से यह जो सहूलियत वापस

ली गई है, क्या यह आगे आने वाले उम्मीदवारों पर ही लागू होगी और पहले जो लोग इस के मातहत परीक्षायें दे चुके हैं, उन को पूरी सहूलियतें दी जायेंगी या नहीं ?

**श्री हजरनवीस :** जो अभी तक हुआ है, वह किसी तरह से रद्द नहीं होगा ।

**Shri Ramanathan Chettiar:** May I know whether these concessions have been withdrawn even in respect of scheduled castes and scheduled tribes?

**Shri Hajarnavis:** No, Sir. The concessions that are withdrawn are only in respect of departmental candidates.

**Dr. Sarojini Mahishi:** May I know as to how many persons have taken advantage of this age concession for IAS Examination up till now?

**Shri Hajarnavis:** I am not able to say now.

#### Diversion of Students to Vocational Courses

+  
\*1122 { **Shri P. C. Borooah:**  
          **Shri Sidheshwar Prasad.**

Will the Minister of Education be pleased to state:

(a) whether a high level Committee has been formed to examine the question of diverting the flood of matriculate students from Colleges to vocational courses;

(b) if so, the precise terms of reference of the Committee; and

(c) by what time the Committee is expected to submit its report?

**The Minister of Education (Dr. K. L. Shrimali):** (a) to (c). The proposal is still under consideration and final decisions regarding the terms of reference and composition have yet to be taken.

**Shri P. C. Borooah:** May I know what an average is the number of matriculates who seek admission to

the colleges every year and to what extent this scheme is going to curtail that number?

**Dr. K. L. Shrimali:** This does not arise out of this question.

**Mr. Speaker:** Any other question?

**Shri P. C. Borooah:** I could not hear the answer.

**Mr. Speaker:** He says, this is not relevant to this question.

**Shri P. C. Borooah:** I do not know how it is not relevant.

**Mr. Speaker:** The hon. Member may put the next question and find out.

**Shri P. C. Borooah:** If it is the national educational policy that more and more students should go in for technical and vocational training than to colleges, may I know why so many colleges are being set up and why particularly in the Capital, in the Master Plan of Delhi, there is a provision for setting up 11 colleges?

**Dr. K. L. Shrimali:** Sir, we do not discuss policy matters in the Question Hour. I am prepared to answer the question. But we do not discuss policy matters in the Question Hour.

**Shrimati Renu Chakravarty:** May I know if it is a fact that there are far few junior technical schools as well as polytechnics in our country to really divert the flood of matriculates? If so, I would like to know whether there is any proposal to increase, to double, the amount which will be necessary to set up even half the number of what is necessary of junior technical schools from 8th class and polytechnics for matriculates.

**Dr. K. L. Shrimali:** I would like to answer this question. But this question refers particularly to the setting up of a committee. This does not arise out of the question.

**Mr. Speaker:** He may answer if he can,



**Dr. K. L. Shrimali:** I was saying that the hon. Member has asked a question with regard to polytechnics and junior technical schools. This question specifically relates to a committee which is proposed to be set up. I have answered that the committee's terms of reference, etc. are still under consideration. This question does not arise out of the present question.

**श्रीमती शशांक मंजरी :** इस समिति में कितने सदस्य हैं और उनमें से कितने सरकारी हैं और कितने गैर-सरकारी ?

**डा० का० ला० श्रीमाली :** अभी तो कमेटी बनानी है ।

#### WRITTEN ANSWERS TO QUESTIONS

##### Failures in Examination in English

**\*1112. Shri Krishna Deo Tripathi:** Will the Minister of Education be pleased to state:

(a) whether Government are aware of the fact that there is huge waste as a result of large number of failures in English at the first degree examination;

(b) whether Government are also aware of the fact that undue emphasis on English by retaining it as a compulsory subject at degree level has resulted in general deterioration of standard of University Education also; and

(c) if so, steps taken or proposed to be taken in the matter?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Government have no data regarding the number of failures in English at the first degree examinations in various Universities.

(b) The question of standards is being examined by a Committee of the University Grants Commission,

(c) Does not arise.

##### Mining Leases for Private Sector

**\*1119. Shri V. B. Deo:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether Government have any proposal for granting prospecting licences and mining leases for the exploitation of minerals by the private sector in the States of West Bengal, Bihar, Orissa, Madhya Pradesh and Rajasthan in the context of the present Emergency to help full exploitation of such mineral resources both for the purposes of export and internal consumption; and

(b) if so, the broad outlines thereof?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) There is no restriction to the grant of prospecting licences/mining leases to private sector by a State Government in respect of minerals not specified in the Industrial Policy Resolution of 1956. Such mineral concessions can be freely granted by State Governments. Regarding Scheduled minerals, concessions are granted to the private sector also, after careful consideration of all relevant factors mentioned in the Industrial Policy Resolution. Scale of mining, suitability of area for State exploitation are some of the factors kept in view.

(b) Does not arise.

##### Co-education

**\*1123. Shri Sham Lal Saraf:** Will the Minister of Education be pleased to state:

(a) whether Government have decided upon a Policy of introducing Co-education at all stages in education; and

(b) if so, the reasons therefor?

**The Minister of Education (Dr. K. L. Shrimali)** (a) and (b). The question of co-education has been considered by the National Committee on Women's Education as also the Secondary Education Commission. The National Committee on

Women's Education recommended that at the primary stage, co-education should be adopted as a general policy. It also recommended that at the middle stage, more and more co-educational institutions may be started subject to the condition that adequate attention was paid to meet the special needs and requirements of the girls. At the secondary stage, however, the Committee recommended the establishment of separate girls' schools, specially in rural areas, leaving parents full freedom to send their girls to boys' schools, if they so desired. At the same time, all possible efforts should be made to remove genuine difficulties and valid apprehensions that may exist in regard to co-education by careful selection of staff, periodical visits by parents to schools and appointment of women teachers in co-educational schools.

In the opinion of the Secondary Education Commission, there cannot be any hard and fast policy with regard to co-education as the pattern of education in schools cannot be very much in advance of the social pattern of the community where the school is located. The Commission was of the opinion that where it was possible, separate schools for girls should be established as they were likely to offer better opportunities, than the mixed schools, to develop the physical, social and mental aptitudes of the girls. It was recommended that all States should open such schools in adequate numbers.

Government of India are in general agreement with these recommendations and they have been communicated to the State Governments.

So far as Higher Education is concerned, co-education is fairly common in colleges and Universities, but there is no move to introduce co-education in all institutions, as a matter of policy.

### Allocation on Primary Education

\*1124. **Shri P. Venkatasubbalah:** Will the Minister of Education be pleased to state:

(a) whether the Planning Commission has agreed to restore the cut made on plan allocation on primary education in the country; and

(b) what would be its impact on girls' education which had suffered greatly on account of the cut?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). The matter is under consideration.

### Institutes for Border Children

\*1125. { **Dr. Sarojini Mahishi:**  
**Shri D. C. Sharma:**

Will the Minister of Education be pleased to state:

(a) the number of Institutes to school border children which are going to be opened during the current year;

(b) the places where they are going to be opened; and

(c) what will be the speciality of these Institutes as compared to the normal Schools and Colleges?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Only one Institute is proposed to be opened for the students of border areas.

(b) Delhi.

(c) The details have yet to be worked out. However, it is likely that the courses of study in this Institute may be limited to six years leading to the Degree standard. The courses may comprise a comparative study of various Indian Philosophies; of Pali and Sanskrit along with English, Hindi and Tibetan; of the history of the country with special reference to its cultural development; of the national affairs and the people of the country.

**Rural Higher Education**

\*1126. **Shri P. R. Chakraverti:** Will the Minister of Education be pleased to state:

(a) whether the autonomous Board of examination for rural higher education has been constituted;

(b) if so, the composition of the Board and the specific function allotted to it; and

(c) what is the present status of the National Council for Rural Higher Education?

**The Minister of Education (Dr. K. L. Shrimali):** (a) No, Sir.

(b) Does not arise.

(c) The National Council for Rural Higher Education is an advisory body constituted to advise the Central and State Governments on all matters relating to the Schemes of rural higher education.

**बनारस तथा अलीगढ़ विश्वविद्यालय**

\*११२७. { श्री भक्त वशंत :  
श्री भागवत झा आजाद :

क्या शिक्षा मन्त्री २१ अगस्त, १९६२ के तारंकित प्रश्न संख्या ५१४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) बनारस हिन्दू विश्वविद्यालय तथा अलीगढ़ मुस्लिम विश्वविद्यालय के साम्प्रदायिक नामों को हटाने का जो प्रश्न विचाराधीन था, उसके बारे में क्या निर्णय किया गया है; और

(ख) इन बारे में निर्णय करने में देरी क्यों हो रही है ?

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

(क) और (ख), विषय अभी तक विचाराधीन है।

**Cut in Staff of Central Ministries**

{  
Shri D. C. Sharma:  
Shri G. Mohanty:  
Shri Ram Harkh Yadav:  
Shri S. M. Banerjee:  
\*1128. { Shri Indrajit Gupta:  
Shri Mohan Swarup:  
Shri Harish Chandra Mathur:  
Shri Onkarlal Berwa:  
Shri Yashpal Singh:

Will the Minister of Home Affairs be pleased to state:

(a) whether a special Economy Committee has suggested a reduction of 1906 persons from the existing staff of the Central Ministries;

(b) whether the suggestions have been examined;

(c) if so, the action taken or proposed to be taken in the matter; and

(d) the alternative arrangements proposed to absorb the employees to be affected?

**The Minister of State in the Ministry of Home Affairs (Shri Hajar-navis):** (a) to (d). An Economy Committee consisting of the Home Secretary, the Finance Secretary (Expenditure) and the Additional Secretary, Planning Commission, has been set up for making a study of the staffing position in different Ministries. The size of the surplus can be known and the question of its absorption can be considered, after the report is received.

**High Level Inquiry Committee on C. S. & I. R.**

{  
Dr. L. M. Singhvi:  
\*1129. { Shri Yashpal Singh:  
Shri Onkarlal Berwa:

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

(a) whether it is a fact that Government have decided to set up a High Level Committee of world's

leading scientists to examine the working of the Council of Scientific and Industrial Research and the national institutes and laboratories working under it; and

(b) if so, the personnel of the Committee and the terms of reference thereof?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) and (b). Attention of the hon. Members is drawn to the reply given to supplementaries raised on Starred Question No. 905 on 17th April, 1963.

#### Archaeological Excavations in Uzbekistan

\*1130. { Shri P. R. Chakraverti:  
Shri C. K. Bhattacharyya.

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

(a) whether the attention of Government has been drawn to a statement made on the 21st March, 1962 by Prof. A. M. Diakov, noted Russian writer, in Delhi that Buddhist temples and other structures have been excavated in Uzbekistan;

(b) whether it is proposed to bring out a book on the excavations on the eve of the Congress of Orientologists in Delhi in 1964; and

(c) whether a dialect, akin to Punjabi *bhandi* (western) *boli* has been discovered in Western part of Tazikistan?

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

(b) Government of India have no such proposal.

(c) Government have no information beyond what was reported in the newspapers.

#### Oil at Sanand (Gujarat)

\*1131. **Shri D. C. Sharma:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether oil has been struck near Sanand (Gujarat) in the course of drilling operations by the Oil and Natural Gas Commission; and

(b) whether any qualitative and quantitative analysis of the find has been made?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) Yes, Sir. But the 2nd and the 3rd well are yet not showing any good prospects.

(b) No detailed quantitative estimates of the field have been made. A preliminary examination of the physical properties of the oil and its analysis have been made. These include determination of specific gravity, colour, pour point, viscosity and percentage yield of the various distillate cuts on weight basis.

#### General Education

2552. **Shri Krishna Deo Tripathi:** Will the Minister of Education be pleased to state the progress made in introducing General Education in the Universities of India which was proposed by University Grants Commission and the Government assistance given?

**The Minister of Education (Dr. K. L. Shrimali):** A statement is laid on the Table of the House. [Placed in the Library. See No. LT-1269/63].

#### Third Division Students in Delhi University

2553. **Shri Ram Harkh Yadav:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Academic Council of the Delhi University has decided to allow the students passing M.A., M.Sc., and M. Com. Examinations in Third Division during 1959-63 to appear again to increase and improve their academic qualifications;

(b) if so, the desirability of the scheme; and

(c) the details of the scheme?

**The Minister of Education (Dr. K. L. Shrimali):** (a) The matters is under consideration of the Academic Council of the University of Delhi.

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

**Coal Wagons for Orissa**

2554. { **Shri Dhuleshwar Meena:**  
       { **Shri Ulaka:**

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

(a) the total number of coal wagons allotted to Orissa during 1962-63; and

(b) the requirement of Orissa during the same period?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) and (b). The allotted quota and actual despatches of coal and coke to Orissa State during 1962-63 were 6,739 wagons and 5,459 wagons respectively. Statistics about the demands made by the State Governments, from time to time, but not accepted, are not maintained.

**Coal Wagons for Rajasthan**

2555. **Shri Dhuleshwar Meena:** Will the Minister of Mines and Fuel be pleased to state:

(a) the total number of coal wagons allotted to Rajasthan during 1962-63; and

(b) the total requirement of Rajasthan during the same period?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) and (b). The allotted quota and actual despatches of coal and coke to Rajasthan State during 1962-63 were 8,414 wagons and 7,076 wagons respectively. Statistics about the demands made by the State Governments, from time to time, but not accepted, are not maintained.

**Bharat Sewak Samj, Orissa**

2556. **Shri Rama Chandra Mallick:** Will the Minister of Education be

pleased to state the amount of grant given to Bharat Sewak Samaj (Orissa Branch) during 1961-62 and 1962-63 for running different camps?

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

Year	*Grant paid
1961-62	Rs. 17,923-99
1962-63	Rs. 8,833-95

\*Note—These grants were paid through the Central Bharat Sewak Samaj, New Delhi.

**Vigilance Department of Orissa**

2557. **Shri Ulaka:** Will the Minister of Home Affairs be pleased to state:

(a) the number of cases detected by the Puri Branch of the Special Police Establishment of Orissa since its establishment;

(b) the number of Government officers involved; and

(c) the number of cases investigated, disposed off and the action taken?

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

(a) 633 cases upto the end of March, 1963.

(b) 748.

(c) (i) Number of cases investigated ..	633
(ii) number of cases disposed of ..	602
(iii) Action taken	
(a) Prosecution launched ..	137
(b) Reported for departmental action ..	271
(c) Dropped ..	126
(d) Otherwise disposed of (referred to local police etc.) ..	68

**Engineering Colleges in Orissa**

2558. **Shri Ulaka:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the number of engineering colleges fully or partially aided by the Centre in the State of Orissa;

(b) the total amount paid by Central Government to each of such engineering colleges in Orissa during 1962-63;

(c) the amount proposed to be paid during 1963-64; and

(d) the details of any engineering college allotted to Orissa during the Third Plan period?

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

- (b) (i) Regional Engineering College, Rourkela Rs. 63,80,730. (Grants-in-aid Rs. 29.00 lakhs Loan Rs. 34,80,730).
- (ii) College of Engineering, Burla Rs. 2.61 lakhs (Grants-in-aid from University Grants Commission).
- (c) (i) Regional Engineering College, Rourkela—Rs. 12.00 lakhs (Grants - in - aid); Rs. 5.00 lakhs (Loan).
- (ii) College of Engineering, Burla—Rs. 7,41,623. (Grants-in-aid from University Grants Commission—Rs. 3,65,623. Loan—Rs. 3,76,000).
- (d) The only engineering college allotted to Orissa during the Third Five Year Plan period is the Regional Engineering College at Rourkela. This College will receive the following assistance:—

- (1) *Non-recurring:* Central Government will provide entire non-recurring grant for building and equipment.
- (2) *Recurring:* The Central Government will provide 50 per cent of recurring expenditure for a period of five years in the first instance. The balance of the expenditure will have to be borne by State Government.
- (3) *Staff quarters and student amenities:* The Government will provide 50 per cent of

the expenditure on the construction of staff quarters as grant-in-aid and the balance as loan at the current rate of interest. The entire expenditure on construction of hostels will also be provided by the Central Government as interest-free loan.

- (4) Instructions in the following courses of studies will be imparted in the College:—

<i>Annual intake</i>	
Civil Engineering ..	30
Electrical Engineering ..	80
Mechanical Engineering ..	80
Chemical Engineering ..	30
Metallurgy .. ..	30
Total ..	250

#### Oil Survey in Orissa

**2559. Shri Ulaka:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether any survey has since been carried out by the Geological Survey of India in Orisa for locating oil in the State; and

(b) if so, the findings thereof?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) and (b). No survey for oil has been undertaken by the Geological Survey of India. However, the Oil and Natural Gas Commission have made preliminary investigations, such as collection of samples of clay and limestone for Stratigraphical information, A reconnaissance Gravity-cum-Magnetic survey was carried out over an area of 960 sq miles in the districts of Mayurbhanj and Balasore during 1958-59. The data collected do not suggest the existence of any considerable thickness of sediments in that area.

#### Supply of Articles to Government Employees at Fair Price

**2560.** { Shri Ulaka:  
Shri Dhuleshwar Meena:

Will the Minister of Home Affairs be pleased to refer to the reply given

to Unstarred Question No. 936 on the 9th May, 1962 and state:

(a) whether Government have since considered the matter with regard to the supply of articles of daily life at fair price in different colonies of Government employees; and

(b) if so, the details thereof?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) and (b). A Central Government Employees Consumer Co-operative Store with a number of branches in major office buildings and in Government residential colonies in Delhi|New Delhi is being set up. To start with, it is proposed to open about 15 Branch Stores. These stores will aim at supplying commodities of quality, i.e. foodgrains, cereals, Consumer goods, textiles, at competitive and fair price; accurate weighing and measurement will also be ensured.

**Repairs to Jama Masjid and Red Fort in Delhi**

2561. { Shri Dhuleshwar Meena:  
Shri Ulaka:

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

(a) whether some repairs are being carried out to the Jama Masjid and the Red Fort in Delhi during 1962-63 and 1963-64; and

(b) if so, the amount that has already been spent during 1962-63 and that proposed to be spent during 1963-64?

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

	Expenditure incurred 1962-63	Amount proposed to be spent during 1963-64
	Rs.	Rs.
Jama Masjid	19,498	14,300
Red Fort	10,810	34,000

**Adult Education in Andhra Pradesh**

2562. **Shri E. Madhusudan Rao:** Will the Minister of Education be pleased to state:

(a) the total amount allotted during the Third Plan period for Adult Education Centres in Andhra Pradesh; and

(b) the amount already given out of the total amount to the same State in the first and second years of the Third Plan period?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Since the State Government of Andhra Pradesh did not include in their Third Five Year Education Plan the scheme of Adult Education Centres, no amount could be allotted for this scheme.

(b) Does not arise.

**Sale of Produces of Laccadive Islands**

2563. **Shri Koya:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government have received any representation from the Laccadive Island brokers from Kerala protesting against the arrangement to sell produces from Laccadives to Messrs. Biwandiwalla and Company; and

(b) if so, the action taken on the representation?

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

(a) Yes.

(b) It has been decided to invite tenders for the marketing agency in future.

**Charging of Unauthorised Fees from Students by Schools of Delhi**

2564. **Shri Wadiwa:** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 833 on the 6th September, 1962 and state:

(a) the steps that have been taken by Government to stop charging of

unauthorised fees from students by schools of Delhi;

(b) whether it is a fact that school authorities are still charging development funds and guardians' donations though education has been made free by Government up to Class VIII; and

(c) whether it is proposed to get the matter examined by an expert Committee?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Under the rules regulating the payment of grant-in-aid to private schools the managements of such schools are not allowed to charge any fees or funds which are not authorised by the Director of Education. Any infringement of these instructions renders the school management liable to departmental action which may include the removal of the school from the grant-in-aid list.

(b) The aided school managements have been authorised to charge a development fee at the rates approved by the Director of Education, Delhi, for certain specified items of expenditure on which no grant is available from Government. No school management is, however, permitted to charge donations from the guardians on a compulsory basis. Necessary action is taken against the school management for charging donations from parents on a compulsory basis as and when such instances come to the notice of Government.

(c) No, Sir. These matters were examined by a Committee set up by the Delhi Administration in 1957 under the chairmanship of Mrs. Sucheta Kripalani.

#### सीमावर्ती जिले

२५६५. { श्री भक्त दर्शन :  
[ श्री मोहन स्वरूप : ]

क्या गृह-कार्य मन्त्री ८ जून, १९६२ के तारंकित प्रश्न संख्या १३६५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) तीसरी पंचवर्षीय योजना में उत्तर प्रदेश के तीन सीमावर्ती जिलों, अर्थात् पिथौरागढ़, चमोली और उत्तर काशी के लिये किये गये कुल २८ करोड़ रु० के उपबन्ध में से वित्तीय वर्ष १९६१-६२ और १९६२-६३ में वास्तव में कितनी राशि व्यय हुई;

(ख) उस राशि में से कौन-कौन से विकास कार्य पूरे किये गये; और

(ग) वित्तीय वर्ष १९६३-६४ में विभिन्न योजनाओं के लिये कितनी-कितनी राशि मंजूर की गई है ?

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

१९६१-६२ २७०.१६ लाख रु० ।

१९६२-६३ २२१.६६ लाख रु० ।

(दिसम्बर, १९६२ तक)

(ख) यह सूचना उत्तर प्रदेश सरकार से एकात्रित की जा रही है और प्राप्त होने पर सभा पटल पर रख दी जायेगी ।

(ग) १९६३-६४ की वार्षिक योजना विचाराधीन है ।

#### Mata Tila Project

**2566. Shri Hari Vishnu Kamath:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 294 on 6th March, 1963 regarding the supply of water and electricity from Mata Tila Project to Madhya Pradesh and state:

(a) whether the matter has been further examined by the Committee constituted for the purpose; and

(b) if so, with what result?

**The Minister of Home Affairs (Shri Lal Bahadur):** (a) and (b). The Committee met on 18th March, 1963, but has not yet finalised its recommendations.



**होम-गार्ड**

२५६७. { भक्त वर्शन :  
श्रीकारलाल बेंला :  
बड़े :  
रिशांग किशिंग :

क्या गृह-कार्य मन्त्री २० फरवरी, १९६३ के तारंकित प्रश्न संख्या ४९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) समस्त देश में लागू की गई होम-गार्डों की पुनरीक्षित योजना के सम्बन्ध में अभी तक प्रत्येक राज्य में क्या प्रगति हुई है; और

(ख) योजना में निर्धारित लक्ष्यों को शीघ्रतम प्राप्त करने के लिये क्या विशेष कदम उठाए जा रहे हैं ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हज्रनवीस) : (क) अब तक हुई प्रगति का विवरण सभा पटल पर रखा जाता है ।

[पुस्तकालय में रखा गया देखिए संख्या एल. टी १२७०/६३]

(ख) एक अध्ययन समूह ( Study group ) ने होम गार्डों के प्रशिक्षण के लिये एक समान कार्यक्रम बनाने के प्रश्न पर गौर करके अपनी रिपोर्ट दे दी है और वह राज्य शासनों को भेज दी गई है । कुछ राज्यों द्वारा प्रशिक्षण केन्द्र प्रारम्भ किये जा चुके हैं और शेष राज्यों द्वारा भी प्रारम्भ किये जा रहे हैं । योग्य व्यक्तियों को आकर्षित करने के लिये होम-गार्ड योजना के विचार, कार्य और महत्व को प्रकाशन दिया जा रहा है । निर्धारित लक्ष्य को अतिशीघ्र प्राप्त करने के लिए राज्य शासनों द्वारा हर सम्भव प्रयत्न किया जा रहा है ।

**House-Buildings in Hire-Purchase System**

2568. { Shri P. C. Borooah:  
Shri Yashpal Singh:  
Dr. Sarojini Mahishi:

Will the Minister of Home Affairs be pleased to state:

(a) whether the Delhi House Building Cooperative Societies' Federation requested Government to allot 10 acres of land to help it launch a pilot scheme of house-building on a hire-purchase system; and

(b) if so, what is Government's decision in the matter?

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

(a) and (b). The Delhi House Building Cooperative Societies' Federation submitted an application for allotment of land to the Housing Commissioner, Delhi Administration, for the purpose. Allotment of land in Delhi, *inter alia*, to the house-building cooperative societies and industrial cooperatives is made in accordance with the Scheme for 'large-scale acquisition, development and disposal of land in Delhi', the main features of which are given in the statement laid on the Table of the House on the 23rd March, 1961, in response to a Call Attention Motion by Shri P. G. Deb under Rule 197 of the Rules of Procedure and Conduct of Business in Lok Sabha. The Federation is not accordingly eligible for allotment of land under the scheme.

**गंगानगर में हथियारों की बरामदगी**

२५६६. { श्री प्रकाशवीर शास्त्री :  
श्री जगदेव सिंह सिद्धान्ती :

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

(क) क्या यह सच है कि २७ मार्च, १९६३ को गंगानगर की पुलिस ने मुंशीराम नामक एक व्यक्ति के घर पर छापा मार

कर चोरी छिपे लाये गये बहुत से हथियार बरामद किये ;

(ख) क्या यह सच है कि बरामद किया गया सामान केवल पांच दिन पूर्व तीन पाकिस्तानी तस्कर व्यापारियों द्वारा लाया गया था ; और

(ग) यदि हाँ, तो भविष्य में इस प्रकार की घटनाओं की रोकथाम के लिए क्या कदम उठाने का विचार किया जा रहा है ?

**गृह-कार्य मंत्रालय में उपमंत्री (श्रीमती चन्द्र शंकर) :** (क) एक छापे के परिणाम-स्वरूप पुलिस द्वारा दस पिस्तौल/रिवाल्वर और विभिन्न बोरों के ३८१ कारतूस तथा कुछ मात्रा में चरस व अफीम बरामद किये जाने की सूचना मिली है। अतः पुलिस ने अफीम अधिनियम, खतरनाक औषध अधिनियम तथा शस्त्रास्त्र अधिनियम के अधीन अपराधों के मुकदमे दर्ज कर लिये हैं और जांच की जा रही है।

(ख) इस बात का अभी निश्चय नहीं हुआ है।

(ग) यह प्रश्न ही नहीं उठता।

#### **Delhi Co-operative Housing Societies**

**2570, Shri Maheswar Naik:** Will the Minister of Home Affairs be pleased to state:

(a) the up-to-date progress made towards the construction of houses in Delhi under the Co-operative Housing Scheme;

(b) the investment of the cooperative housing scheme so far; and

(c) how much of the land acquired in Delhi under the Delhi Master Plan has been allotted to the Delhi Co-operative Housing Societies?

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

(a) No such scheme as the "Cooperative Housing Scheme" has been formulated by Government.

(b) Does not arise.

(c) From out of the land acquired by the Delhi Administration in accordance with the schemes sanctioned by the Government of India for large scale acquisition, development and disposal of land in Delhi, 1219 acres of undeveloped land has so far been allotted or offered to 23 house building cooperative societies. 24 other societies will be offered developed land totalling 134½ acres after development.

#### **Living Conditions of University Students**

**2571, Shrimati Laxmi Bai:** Will the Minister of Education be pleased to state:

(a) whether any survey was conducted by the Ministry of Education in 1958-59 on the recommendation of the Central Advisory Board of Education on the living conditions of University students in India; and

(b) if so, the percentage of questionnaires which was replied to by the students?

**The Minister of Education (Dr. K. I. Shrimali):** (a) Yes, Sir. A sample Survey was conducted in the Universities of Kerala and Lucknow.

(b) 9.07 per cent and 8.74 per cent respectively.

#### **Research Pilot Projects**

**2572, Shri Sham Lal Saraf:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the number of projects which have been experimented through the Pilot Project stage after conducting a successful research in the National Laboratories during the last five years; and

(b) how many such Pilot Project successes have been passed on to be used commercially both in industry and agriculture separately?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) and (b). Seventy-seven Pilot Plants were installed in various Laboratories/Institutes during 1958-59 to 1962-63. The Hon'ble Member's attention is drawn to the Annual and Technical Reports of the Council of Scientific and Industrial Research, copies of which are available in the Library of the House for details in respect of these.

**Complaint against personnel of All India Services**

**2573. Shri Harish Chandra Mathur:** Will the Minister of Home Affairs be pleased to state the number, nature and disposal of complaints against personnel of All India Services during 1961-62 and 1962-63?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** The information is being collected and will be laid on the table of House when collected.

**Code of Conduct for Police**

**2574. Shri Harish Chandra Mathur:** Will the Minister of Home Affairs be pleased to state:

(a) whether provisions exist in the Code of Conduct for Police for cultivating and promoting good relations and cooperation between the Police and the Public;

(b) if so, the nature thereof; and

(c) what special efforts, if any, have been made by the Union Government in this matter?

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

(b) The relevant portions of the principles of police conduct are reproduced below:

"The Police should realise that the efficient performance of their duties will be dependent on the extent of ready cooperation they receive from the public. This in

turn, will depend on their ability to secure public approval of their conduct and actions and to earn and retain public respect and confidence. The extent to which they succeed in obtaining public co-operation will diminish proportionately the necessity of the use of physical force or compulsion in the discharge of their functions.

The Police should be sympathetic and considerate to all people and should be constantly mindful of their welfare. They should always be ready to offer individual service and friendship and render necessary assistance to all without regard to their wealth or social standing."

(c) The principles of police conduct were prepared and commended to the State Governments for adoption. All the State Governments except West Bengal Government have adopted them. The matter is being examined by the West Bengal Government.

**Sodium Silicate Factory at Hoshiarpur**

**2575. Shri Daljit Singh:** Will the Minister of Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 533 on the 6th March, 1963 regarding Geological Survey of Hoshiarpur District (Punjab) and state:

(a) whether any glass factory or sodium Silicate Factory is proposed to be set up in Hoshiarpur;

(b) whether the sand available in very large quantity has been examined; and

(c) if so, the result thereof?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) No, Sir.

(b) Yes, Sir.

(c) The reserves of quartzite suitable for sodium silicate or ordinary glass manufacture, are estimated at

20 million tonnes in the Jaijon area and about 26 million tonnes in Garhi Mansawal area.

#### Income of Primary School Teachers

2576. **Shri P. K. Ghosh:** Will the Minister of Education be pleased to refer to his speech in Lok Sabha on 23rd March, 1963 while replying to the debate on Demands for Grants and state:

(a) the basis on which the figures of Rs. 100 as average salary of primary school teachers was arrived at; and

(b) the average income of primary school teachers in each State?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). A statement is laid on the Table of the House. [Placed in the Library. See No. LT-1271|63].

#### Police Strength of Delhi

2577. { **Shri Yashpal Singh:**  
**Shri Kapur Singh:**  
**Shri Narasimha Reddy:**  
**Shri Mahananda:**

Will the Minister of Home Affairs be pleased to state:

(a) the total strength of the police in Delhi;

(b) whether it is proposed to recruit more officers; and

(c) if so, details thereof?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** (a) 13455.

(b) and (c). The Delhi Administration's proposals for additional officers and men for Delhi Police are still under consideration.

#### Welfare of S.Cs. and Backward Classes in Punjab

2578. **Shri Daljit Singh:** Will the Minister of Home Affairs be pleased to refer to the reply given to Un-

starred Question No. 1212 on the 27th March, 1963 and state:

(a) whether the accounts of expenditure has been audited by Government or by approved Auditors; and

(b) the items on which the allotted amount has been spent?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) and (b). The required information has been called for from the State Government. A statement will be laid on the Table of the House as soon as the information is received.

#### उत्तर प्रदेश में भूतत्वीय सर्वेक्षण

२५७६. { श्री भक्त दर्शन :  
 श्री भागवत झा आजाद :

क्या खान और ईंधन मंत्री १५ अगस्त, १९६१ के अतिरिक्त प्रश्न संख्या २४२१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) भारत के भूतत्वीय सर्वेक्षण विभाग द्वारा उत्तर प्रदेश में किये जा रहे कार्य में जून, १९६१ से अब तक क्या प्रगति हुई है ;

(ख) जहाँ पर खनिज निक्षेप पाये गये हैं वहाँ उनको निकालने के लिये क्या कार्रवाई की गई है अथवा की जायेगी ; और

(ग) उत्तर प्रदेश में सर्वेक्षण एवं खुदाई कार्य के लिये क्या भारी कार्यक्रम बनाया गया है ?

खान और ईंधन मंत्री (श्री के० बे० मालवीय): (क) भारतीय भूगर्भीय सर्वेक्षण विभाग द्वारा उत्तर प्रदेश में किये जा रहे कार्य में जुलाई १९६१ से आज तक हुई प्रगति का संक्षेप विवरण निम्न प्रकार है :—

अल्मोड़ा, चमोली, झांसी, मिरजापुर, नैनीताल और टिहरी गढ़वाल जिलों के हिस्सों में २७६० वर्ग किलो मीटर के क्षेत्र में १ : ६३,३६० पैमाने पर

व्यवस्थित भूगर्भीय मानचित्रण किया गया। चमोली जिले में कच्चे तांबे और सिक्के, मिरजापुर जिले में चूना-पत्थर, जौनपुर जिले में रेह मिट्टी और टिहरी गढ़वाल तथा देहरादून जिलों में चट्टान फास्फेट के लिए १ : ३१,६८० और बड़े पैमाने पर १८५ वर्ग किलो मीटर के क्षेत्र का विस्तृत मान-चित्रण किया गया।

**खनिज अन्वेषण :** चमोली जिले में तांबा और सिक्का। खोल और नागधर में चट्टानों पर तांबा कारबोनेट लेप (coating) देखे गये। तांगी, कन्डाई और सालना नामक स्थानों के पास पुरानी खानों के चिह्नों का पता लगा। वहां पर कार्य प्रगति पर है।

जौनपुर जिले में रेह मिट्टी। रेह मिट्टी की विद्यमानता का प्रारम्भिक सर्वेक्षण किया गया था।

टिहरी गढ़वाल और देहरादून जिलों में चट्टान फास्फेट। वहां पर गढ़ा करना और खाई खोदने का कार्य किया गया। ३७२ नमूनों और ४० पिन्डो (nodules) को इकट्ठा किया गया और विश्लेषण के लिए भेजा गया। उनके परिणामों की प्रतीक्षा की जा रही है।

मिर्जापुर जिले में फ्लक्स ग्रेड चूना पत्थर। मिर्जापुर और शाहवादा सीमा के पास कंच और पोखरिया गांवों के बीच सोन नदी के उत्तरी तरफ के साथ रोहतास चूना-पत्थर की पट्टी में फ्लक्स ग्रेड चूना-पत्थर के लिए विस्तृत अन्वेषण, जिसमें बड़े पैमाने पर मान-चित्रण, खाई खोदना, व्यवस्थित मान-चित्रण और व्यघन कार्य शामिल है; कार्य किया जा रहा है। १ : १००० पैमाने पर ०.०४५ वर्ग किलो मीटर के क्षेत्र का बड़े पैमाने पर मान-चित्रण और २७०.३५ मीटर

का व्यघन कार्य किया गया। अन्वेषण कार्य प्रगति पर है।

मिर्जापुर जिले में कोयला। व्यघन दिता का निरीक्षण किया गया और मिर्जापुर जिले में स्थित सिंगरीली कोयला क्षेत्र के भाग में १०७४ मिलियन मीटरी टन के संचयों का अनुमान लगाया गया।

अल्मोड़ा जिला के सीसखानी क्षेत्र में तांबा, सिक्का और जस्ता के लिए भूभौतिक कार्य अन्वेषण किये जा रहे हैं।

**इंजीनियरी भू-विज्ञान अन्वेषण :** निम्न-लिखित परियोजनाओं का इंजीनियरी भू-विज्ञान अन्वेषण कार्य किया गया :—

राम गंगा डैम परियोजना, गंगा और भागीरथी नदियों पर डैम स्थल, भाली हाईडेल स्कीम, राजघाट और दौरपुरम हाईडेल स्कीम, यमुना हाईडेल स्कीम, ओवरा हाईडेल परियोजना, गंगा वादी संग्रहालय तथा हाईडेल योजनाएं, झांसी और वाराणसी जिलों में छोटी सिंचाई परियोजनाएं, माटाटीला डैम परियोजना, मसूरी के नीचे बनावटी झील के लिए स्थल, मुसाबहन्दे सिंचाई परियोजना, पूर्णागिरि डैम परियोजना, मेजा सिंचाई परियोजना, काल्सी-ईचरी सड़क संरक्षण, ताल चक्कर (race) सुरंग केशान डैम स्थल, कोंच डैम स्थल, चंदनी डैम स्थल, कोट्टी भेल डैम स्थल, केन हाईडेल परियोजना और सारदा वादी हाईडेल स्कीम।

**भूस्थित जल अन्वेषण :** झांसी जिले में बबीना क्षेत्र; नैनीताल जिले में मलदवानी और लालकुआं; इज्जतनगर क्षेत्र; बरेली; जालौन; गाजीयाबाद और हेमपुर क्षेत्र में जल प्रदाय-अन्वेषण कार्य किये गये। अकबरपुर-जौनपुर प्रादेश और कानपुर जिले के चुने हुए क्षेत्रों में भूस्थित जल-अध्ययन कार्य किया गया। कुसनी, गोरखपुर और सहारन-

पुर में नलकूप (ट्यूबवेल) स्थलों का चुनाव किया गया। वाराणसी, झांसी, मिर्जापुर और हमीरपुर जिलों में भू-जल विज्ञान सम्बन्धी अन्वेषण कार्य और इलाहाबाद जिले में कूप-सूची (well inventory) कार्य किये गये।

(ख) खान और खनिज (नियन्त्रण तथा विकास) एक्ट की धारा १७ (२) के अन्तर्गत सिंगरौली कोयला क्षेत्र के कई हिस्से उत्तर प्रदेश में विस्तृत प्रमाणित कार्यों के लिए दिखाये गये हैं।

दूसरे खनिजों के बारे में, विभिन्न खनिज विद्यमानताओं की सम्भावितताओं की स्थापना के लिए भूगर्भीय अन्वेषण कार्य प्रगति पर है और अभी वह समय नहीं पहुँचा है जबकि सम्पूज्य के लिए प्रस्तावों पर विचार किया जा सके।

(ग) उत्तर प्रदेश में भारतीय भूगर्भीय सर्वेक्षण विभाग द्वारा तीसरी योजना के आखरी तीन सालों के दौरान में निम्नलिखित मदों (अर्थात् सर्वेक्षण कार्यों) को करने का प्रस्ताव है :—

१. झांसी और निकटस्थ जिलों में बुन्देल खण्ड ग्रेनाइट के भूगर्भीय मानचित्रण-कार्य को जारी रखना।
२. नैनीताल जिले का भूगर्भीय मानचित्रण।
३. अल्मोड़ा जिले का भूगर्भीय मानचित्रण।
४. चाकिया जिले में विन्ध्यान चट्टानों का भूगर्भीय मानचित्रण।
५. गढ़वाल जिले का भूगर्भीय मानचित्रण।
६. टहरी गढ़वाल जिले का भूगर्भीय मानचित्रण।

७. सुल्तानपुर, फैजाबाद और गोंडा जिलों में रेह मिट्टी की विद्यमानताओं का परीक्षण।
८. मिर्जापुर जिला के सिंगरौली परगना में झोदी गांव में कच्चे लोहे की विद्यमानताओं का अन्वेषण।
९. मिर्जापुर जिले के सिंगरौली परगना में झोदी और परासी गांवों के पास चूना-पत्थर निक्षेपों का अन्वेषण।
१०. मिर्जापुर जिले के गुरधोरा और रन्थोवा नामक स्थानों पर कच्चा सिक्के की अभिकथित विद्यमानताओं का अन्वेषण।
११. मिर्जापुर के दूधी परगना में बवारू मलदेव के पास चूना-पत्थर के निक्षेपों का अन्वेषण।
१२. मिर्जापुर जिले के सिंगरौली परगना में बन्सी गांव के पास अबरक की विद्यमानताओं का अन्वेषण।
१३. मिर्जापुर जिले के सिंगरौली परगना में परासी बन्सी नामक स्थान पर और दूधी परगना में खैराही, किरवानी और जिधहवा नामक स्थानों पर चूना मिट्टी की अभिकथित विद्यमानताओं का अन्वेषण।
१४. गढ़वाल जिले में धानपुर-पोलरी और अन्य क्षेत्रों में तांबे का अन्वेषण।
१५. टिहरी गढ़वाल जिले के असेना, काती, डगर और कपरोली आदि स्थानों पर तांबा निक्षेपों का अन्वेषण।
१६. सारदा नदी क्षेत्र में भूगर्भीय अन्वेषण।

१७. राज्य के सख्त चट्टान-क्षेत्रों के चुने हुए भागों कम व्यवस्थित भूस्थित जल सर्वेक्षण ।

१८. गढ़वाल में भूभौतिक तरीकों द्वारा कच्चे तांबे की विद्यमानताओं का विस्तृत अन्वेषण ।

### Writ Petitions in High Courts

**2580. Shri Harish Chandra Mathur:** Will the Minister of Home Affairs be pleased to state:

(a) the number of writ petitions during each of the last three years filed in High Courts by Central and All India Services personnel against the Central Government and the results of the same; and

(b) the conclusions, if any, drawn by Government from these and steps taken to correct the position, if any?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** (a) The requisite information is not readily available. It will be collected and placed on the Table of the House as soon as possible.

(b) This does not arise in view of (a) above.

### Enquiries against Officers in All India Cadre

**2581. Shri Harish Chandra Mathur:** Will the Minister of Home Affairs be pleased to state:

(a) the number of officers in All India Cadre against whom enquiries were initiated by Special Police Establishment and with what result during each of the last three years; and

(b) the scope of work relationship between Special Police Establishment and the newly set-up Bureau of Investigations:

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

	Number involved	Results
1960	1	Dismissed from service.
1961		
1962	2	Cases under investigation.

(b) The Delhi Special Police Establishment is one of the six Divisions of the Central Bureau of Investigation and is called the Investigation and Anti-Corruption Division. The charter of functions of this Division is laid on the table of the House. [Placed in the library, see No. LT-1272/63.]

### Indian Delegation of Scientists to Geneva

**2582.** { Shri Vasudevan Nair:  
Shri Sidheshwar Prasad:

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

(a) the composition of the Indian delegation to the recent meeting of scientists and economists at Geneva to discuss problems of emerging countries; and

(b) whether the Indian delegation has submitted any report?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) The Indian delegation to the United Nations Conference on the Application of Science and Technology for the Benefit of the Less Developed Areas held in Geneva from the 4th to 20th February, 1963 consisted of the following:—

1. Prof. M. S. Thacker, Member, Planning Commission (Leader);
2. Prof. P. C. Mahalanobis, Member, Planning Commission;
3. Dr. H. J. Bhabha, Secretary, Department of Atomic Energy;

4. Dr. S. H. Zaheer, Director-General, Council of Scientific and Industrial Research;
5. Dr. M. S. Randhawa, Adviser (Resources), Planning Commission;
6. Dr. V. K. R. V. Rao, Director, Institute of Economic Growth;
7. Dr. S. R. Sen, Joint Secretary, Planning Commission;
8. Shri J. R. D. Tata, Chairman, Air India;
9. Shri K. R. K. Iyengar, Deputy Wireless Adviser, Ministry of Transport and Communications (Deptt. of Communications and Civil Aviation);
10. Shri A. S. Mehta, Permanent representative of India to the European Office of the UN in Geneva (joined the delegation in Geneva).
11. Shri S. K. Kathpali, Vice-Consul, Consulate General of India, Geneva (who was appointed as Secretary of the delegation for administrative liaison).

(b) No, Sir.

### भारत प्रतिरक्षा नियमों के अन्तर्गत विरुद्ध व्यक्ति

२५८३. श्री कछुवाय : क्या गृह-कार्य मन्त्री यह बताने की कृपा करेंगे कि :

(क) भारत प्रतिरक्षा नियमों के अन्तर्गत सम्पूर्ण देश में भारतीय जनसंघ दल से सम्बन्धित कितने व्यक्तियों को १ अप्रैल, १९६३ तक गिरफ्तार किया गया ; और

(ख) उनमें से कितनों को १ अप्रैल, १९६३ तक रिहा कर दिया गया ?

गृह-कार्य मन्त्रालय में राज्य मन्त्री (श्री हजरतबीस) : (क) दो ।

(ख) किसी को नहीं ।

### Eye-sight Standard for Engineering Students

2584. { Shri Naval Prabhakar:  
Shri Balmiki:  
Shri Ram Harkh Yadav:

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

(a) whether it is a fact that for admission to the Engineering Colleges/Institutes, the corrected eye-sight of a student with glasses should not exceed—3.5;

(b) whether it is also a fact that for employment in big mercantile concerns like Tata Iron and Steel Co., or Indian Iron and Steel Co. the corrected eye-sight of an engineer with glasses should not exceed—2.0 or —2.5;

(c) the prescribed eye-sight for an engineer for entry into Government service; and

(d) whether Government propose to bring about uniformity in the matter?

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

(b) Government is not aware of it.

(c) For the Engineering Services the standards prescribed are as below:—

<i>Distant better eye</i>	<i>Distant worse eye</i>
6/9	6/9
or	or
6/6	6/12

(d) Does not arise.

दिल्ली के ग्रामीण क्षेत्र में सड़क का निर्माण पूरा न होना

२५८५. श्री नवल प्रभाकर : क्या गृह-कार्य मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि प्रधान मन्त्री जी ने दिल्ली के ग्रामीण क्षेत्र के मुंडका से कराला तक रानी खेड़ा होकर जाने वाली



सड़क का उद्घाटन १९५४ में किया था; और

(ख) यदि हां, तो गत नौ वर्षों में इस सड़क के पूर्ण न होने का क्या कारण है ?

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

(ख) भूमि के न मिलने के कारण, क्योंकि मूडका के ग्रामीण अपनी भूमि छोड़ने के लिये तैयार नहीं हैं ।

दिल्ली प्रशासन द्वारा हिन्दी का प्रयोग

२५८६. श्री नवल प्रभाकर: क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली प्रशासन ने १९६२-६३ में हिन्दी के प्रयोग में क्या प्रगति की है ; और

(ख) दिल्ली प्रशासन के सरकारी काम-काज में हिन्दी का प्रचलन कब तक हो जाने की आशा है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हजरतबीस) : (क) और (ख). हिन्दी के प्रयोग में जो अब तक प्रगति हुई है, उसका विवरण नीचे है :—

- (१) पुलिस विभाग और डिप्टी कमिश्नर के कार्यालय में सरकारी कागजों की प्रतिलिपि हिन्दी में देने का प्रबन्ध किया गया है ।
- (२) उत्तर प्रदेश, राजस्थान गुजरात व बिहार की सरकारों तथा हिमाचल प्रदेश प्रशासन से हिन्दी में पत्र-व्यवहार करने की व्यवस्था की गयी है ।
- (३) यथासम्भव मामूली टिप्पणियों और पत्र-व्यवहार में हिन्दी का प्रयोग किया जाता है । हिन्दी में प्राप्त चिट्ठियों का उत्तर हिन्दी में दिया जाता है ।

(४) प्रपत्रों को हिन्दी में भी जारी किया जाता है ।

(५) प्रशासन के प्रत्येक विभाग में हिन्दी के प्रयोग की प्रगति को देखने के लिये एक उच्च अधि-कारी नियुक्त किया गया है ।

(६) सभी साइन-बोर्ड तथा नाम-पट्ट हिन्दी में भी बनवाये गये हैं ।

(७) १९६२-६३ के अन्तर्गत दिल्ली प्रशासन के ३३८३ कर्मचारियों केन्द्रिय सरकार के हिन्दी प्रशिक्षण योजना के अधीन होने वाला विभिन्न परीक्षाओं में सम्मिलित हुए । इनके अतिरिक्त १५० कर्मचारियों ने हिन्दी टाइपराइटिंग में भी प्रशिक्षण प्राप्त किया । जनवरी, १९६३ से आशुलिपि प्रशिक्षण भी प्रारम्भ कर दिया गया है ।

२. फाइलों में हिन्दी में टिप्पणियां लिखने व पुलिस विभाग तथा अदालतों के काम में हिन्दी के प्रयोग को और अधिक बढ़ाने का विचार है । गजट के दिल्ली से सम्बन्धित भाग में अधिसूचनाओं आदि को भी हिन्दी में प्रकाशित करने के बारे में विचार किया जा रहा है ।

#### Women's Polytechnic at Calicut

2587. Shri Pottakkatt:  
Shri A. V. Raghavan:

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

- (a) what progress has been made in the establishment of a Polytechnic for Women at Calicut;
- (b) when the institute is likely to be started;
- (c) the courses of study proposed to be introduced and the intake of the students; and

(d) the amount sanctioned for the year 1963-64?

**The Minister of Scientific Research & Cultural Affairs (Shri Humayun Kabir):** (a) According to the report received from the State Government, a suitable site for the polytechnic is being acquired and staff recruited.

(b) In 1963-64.

(c) To begin with, the following courses are proposed to be started with 20 admissions each:

- (i) Stenography and Secretarial practice including Business Correspondence.
- (ii) Civil Engineering Draughtsmanship.
- (iii) Costume design and Dress-making.

(d) An amount of Rs. 42,000 has been provided in the State Budget for 1963-64.

#### Polytechnic at Cannanore

2588. { Shri Pottekkatt:  
Shri A. V. Raghavan:

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

(a) whether it is proposed to expand the intake of students in the Government Polytechnic at Cannanore;

(b) if so, to what extent;

(c) the progress made to attain prescribed standard in instructional facilities in this Institute; and

(d) the amount of Central aid sanctioned for 1963-64?

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

(b) By 66 seats.

(c) The southern Regional Committee is making an estimate of the additional instructional facilities required.

(d) The Central Government will provide 50 per cent as grant according to established practice.

#### High Court in Delhi

2589. { Shri A. V. Raghavan:  
Shri Pottekkatt:

Will the Minister of Home Affairs be pleased to state:

(a) whether the Delhi Bar Association has demanded the establishment of an independent High Court with both original and appellate jurisdiction in the Capital; and

(b) whether the proposal has been examined and the decision taken in the matter?

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

(a) The Government of India have received only recently a copy of a report from the Bar Council of Delhi in which the Council has demanded the establishment of an independent High Court with original jurisdiction in Delhi.

(b) No.

#### Hostels for Technical Institutes in Kerala

2590. { Shri Pottekkatt:  
Shri A. V. Raghavan:

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

(a) whether there is a scheme to provide hostels for the students studying in the Technical Institutes in Kerala;

(b) the amount sanctioned by the Central Government for the scheme; and

(c) the places where they are proposed to be constructed and the names of centres to be taken up during 1963-64?

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

(b) Loans aggregating Rs. 77.87 lakhs have so far been approved for construction of hostels at some of the Technical Institutions in Kerala. Out of this a sum of Rs. 48.47 lakhs has already been paid.

(c) (i) Hostels have already been constructed at the undermentioned Technical institutions:—

- (1) Engineering College, Trivandrum.
- (2) Maharaja's Technical Institute, Trichur.
- (3) Government Polytechnic, Kalamassary.
- (4) Engineering College, Trichur.
- (5) Government Polytechnic, Kozhikode.

(ii) Hostels are now under construction at the institutions mentioned below:—

- (1) N.S.S. Polytechnic, Pandalam.
- (2) Carmel Polytechnic, Alleppey.
- (3) Sree Narayana Polytechnic, Quilon.
- (4) Thangal Kunju Musaliar College of Engineering, Quilon.
- (5) Regional Engineering College, Calicut.
- (6) Government Polytechnic, Cannanore.
- (7) Thiagarajar Polytechnic, Alagappanagar.

(iii) In addition to the above it is proposed to sanction loans during 1963-64 for construction of hostels at the following institutions:

- (1) Govt. Polytechnic, Kottayam.
- (2) Central Polytechnic, Trivandrum.

- (3) Government Polytechnic, Perinthalmanna.
- (4) N.S.S. College of Engineering, Palghat.
- (5) Sree Rama Polytechnic, Valapad.
- (6) M.A. College of Engineering, Kothamangalam.

#### **Junior Technical Schools in Cannanore and Calicut**

**2591. Shri Pottekkatt:**  
**Shri A. V. Raghavan:**

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

(a) whether there is a scheme to convert the Industrial Schools at Cannanore and Calicut into Junior Technical Schools;

(b) whether it is also proposed to attach them to the nearest Polytechnics in the area; and

(c) when the scheme will be implemented and the amount of Central aid sanctioned for 1963-64 for this purpose?

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

(c) According to the information received from the State Government, the scheme will be implemented in 1963-64. The amount of Central grant will be decided on the basis of the actual expenditure, but the present estimate is about Rs. 1.0 lakh.

#### **Development of Ladakh**

**2592. Shri Buta Singh:** Will the Minister of Home Affairs be pleased to state:

(a) the amount of money budgeted for the development of Ladakh in 1962-63;

(b) the revised estimates of the money spent; and

(c) the expenditure on establishment and administrative personnel?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):**  
(a) Rs. 61.52 lakhs.

(b) Rs. 20 lakhs.

(c) Rs. 2.50 lakhs. The includes Government of India's share of other non-development expenditure also.

### पिछड़े वर्गों का कल्याण

२५६३. श्री नवल प्रभाकर : क्या गृह-कार्य मन्त्र; यह बताने का कृपा करेंगे कि .

(क) योजना आयोग का प्लैन प्रोजेक्ट समिति ने सार्वजनिक सामाजिक कल्याण और पिछड़े वर्गों के कल्याण सम्बन्धों जो अध्ययन दल नियुक्त किया था उसका रिपोर्ट के अनुसरण में सरकार ने कौन से कदम उठाये हैं ; और

(ख) इससे निकलने वाले परिणाम का व्यौरा क्या है ?

गृह-कार्य मंत्रालय में उपमंत्री (श्रीमती चन्द्र शेखर) : (क) और (ख) तृतीय पंच-वर्षीय योजना तैयार करते समय इस अध्ययन दल का सिफारिशों पर विचार-विमर्श किया गया था, और तृतीय योजना का स्कार्मों को कार्यान्वित करते समय उनका ध्यान रखा जा रहा है ।

### दिल्ली में अनुसूचित जातियों के विद्यार्थियों को मेट्रिक बाव को छात्रवृत्तियां

२५६४. श्री नवल प्रभाकर : क्या शिक्षा मन्त्र; यह बताने का कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली के कालेजों में पढ़ने वाले अनुसूचित जातियों के छात्रों को, पिछड़े वर्गों को मेट्रिक पास करने के बाद छात्रवृत्तियां देने का योजना के अन्तर्गत वर्ष १९६२-६३ के लिये ८ अप्रैल, १९६३ तक छात्रवृत्तियां प्राप्त नहीं हुई थीं; और

(ख) यदि हां, तो इसके क्या कारण हैं ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) :

(क) जा हां ।

(ख) दिल्ली प्रशासन द्वारा विद्यार्थियों के चुनाव को अन्तिम रूप दिए जाने में देर की वजह से कालेजों द्वारा उन्हें अदायगी नहीं का जा सका । किन्तु संस्थाओं के प्रधानों ने छात्रवृत्ति का राशि ३१ मार्च १९६३ से पहले ही निकाल ला था और सम्बन्धित विद्यार्थियों को अदायगी की जा रहा है ।

### Indo-Pak Campaign to Liquidate Dacoits in Rajasthan

2595. { Shri P. R. Chakraverti:  
Shri P. C. Borooah:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the joint Indo-Pakistan campaign to liquidate the gang of dacoits on Rajasthan border has resulted in 5 dacoits being killed and four captured early in April, 1963;

(b) whether large quantities of arms and ammunition have been recovered from them; and

(c) what further steps have been taken to continue these joint efforts so as to liquidate the entire gang?

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

(a) Joint operations by Pakistan Rangers and Rajasthan Anti-Dacoity Force and Armed Constabulary for liquidating Indian trans-border dacoits started from 1st April, 1963 and continued upto 8th April, 1963. During the operations one dacoit was shot dead; the alleged gang-leader and nine others were arrested.

(b) Some arms and ammunition were recovered from the dacoits.

(c) Whenever necessary, such joint efforts will continue to be made.

### India International Centre

2596. **Dr. L. M. Singhvi:** Will the Minister of Education be pleased to state:

(a) the organisational pattern responsible for running the India International Centre in New Delhi;

(b) the total accommodation provided by the Centre and whether the facilities at the Centre are restricted to any particular class of people; and

(c) the estimated income from the Centre?

**The Minister of Education (Dr. K. L. Shrimali):** (a) The India International Centre is a voluntary organisation registered under the Societies Registration Act of 1860 and is managed in accordance with its Memorandum of Association and Rules and Regulations.

(b) The Centre has a 64-bed hostel and its use is regulated by the management.

(c) The Government does not derive any income from the Centre which is a private body.

### Marriages and Divorces in Laccadives

2597. { **Shri A. V. Raghavan:**  
**Shri Pottekkatt:**

Will the Minister of Home Affairs be pleased to state:

(a) whether early marriages and divorces are very rampant in the Union Territory of Laccadives;

(b) whether there is any law or regulation which provides for alimony or maintenance to the wife after divorce; and

(c) the steps taken to carry out social reforms in these Inlands?

**The Minister of state in the Ministry of Home Affairs (Shri Hajarnavis):** (a) The Child Marriage Act 1929 is not applicable in the territory and so early marriages and divorces are frequent.

(b) Maintenance is granted to the wife after divorce under customary muslim law, but no statutory provision exist for the purpose.

(c) The question of extension of the Child Marriage Act, 1929 to this Territory is under consideration.

### Teachers' Workshop Project

2598. { **Shrimati Savitri Nigam:**  
**Shri Maheswar Naik:**

Will the Minister for Education be pleased to state the main features of the teachers' workshop project of UNESCO to be constituted by Indian National Commission for Co-operation with UNESCO?

**The Minister of Education (Dr. K. L. Shrimali):** The Indian National Commission for Cooperation with Unesco has launched a project for education in international understanding in furtherance of the Associated Schools Project of Unesco. About 20-30 secondary schools and teachers' colleges from each State have been invited to take part in the project. The participating institutions will take up experimental activities centred round three themes viz. learning about other countries, respect for human rights and fundamental freedoms, and teaching about the United Nations and Specialised Agencies. Workshops will be organized for the orientation of teachers of participating institutions in developing this experimental programme. One workshop for the teachers of participating schools in Delhi was held in New Delhi on April 15-19, 1963.

### Edinburgh Music Festival

2599. { **Shrimati Savitri Nigam:**  
**Shri Maheswar Naik:**

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

(a) the number of Indians going to attend the Edinburgh Music Festival; and

(b) whether Government are helping them financially to attend the festival?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) The proposal is still under consideration by the Festival authorities.

(b) The Government has agreed in principle to subsidise the transportation costs of the selected artistes to the extent of about Rs. 50,000/-.

#### Manganese Ore Ltd.

**2600. Shri P. C. Borooah:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether Government have decided to purchase shares in the Manganese Ore Ltd.;

(b) if so, to what extent; and

(c) the reasons which prompted Government to take this decision?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) and (c) The Government of India itself floated the Company by the name of Manganese Ore (India) Limited, in June 1962.

M/s. Central Provinces Manganese Ore Co. Ltd., a sterling company, had been mining some large manganese-bearing areas in Maharashtra and Madhya Pradesh since 1901. Their leases could not be further renewed and there was also some litigation by way of writ petitions etc. in the Courts. The blends of manganese ore mined by them had, however, established good markets abroad. Therefore, in the interests of manganese export trade and with a view to the implementation of Industrial Policy Resolution, Government of India entered into an agreement with M/s. Central Provinces Manganese Ore Co. Ltd. under which this new Company was formed to take over all the mines (except one) formerly held by the Central Provinces Manganese Ore Co. Ltd. Government of India, together with the Governments of Maharashtra

and Madhya Pradesh will hold 51 per cent of the Equity capital and the balance upto 49 per cent will be held by M/s. Central Provinces Manganese Ore Co. Ltd.

(b) So far, the Central and the State Governments have purchased 58,286 Equity shares and 19,400 Preference shares of Rs. 100/- each. After the valuation of the fixed assets of the Central Provinces Manganese Ore Co. Ltd. taken over by the new Company, is completed, more shares will be purchased by the Central and State Governments in terms of the agreement.

#### राजस्थान में फ्लोराइट की खोज

२६०१. श्री रतन लाल : क्या खान और ईंधन मंत्री यह बताने का कृपा करेंगे कि :

(क) राजस्थान के डूंगरपुर जिले में पाल मांडव स्थान पर फ्लोराइट का खोज में अब तक क्या प्रगति हुई है ;

(ख) इस पर अब तक कितना व्यय किया जा चुका है ; और

(ग) तृतीय योजना की शेष अवधि में फ्लोराइट का खोज का विस्तार करने सम्बन्धी योजना का ब्यौरा क्या है ?

**खान और ईंधन मंत्री (श्री के० दे० मालवीय) :** (क) राजस्थान सरकार ने जिला डूंगरपुर के मण्डा का पाल नामक स्थान पर विस्तृत पूर्वक्षण सर्वेक्षण कार्य किया है और १० प्रतिशत से लेकर २० प्रतिशत तक कैल्सियम फ्लोराइट से युक्त लगभग दो मिलियन टन के फ्लोराइट के संचय सिद्ध किये हैं। खान-क्षेत्र में रिहायश, क्वार्टरों से सम्बन्धित निर्माण कार्य पूरा हो चुका है और पहुंच सड़क का निर्माण हो रहा है। परियोजना के खनन/पीसने वाले भाग के लिए परामर्श-दाताओं की नियुक्ति में राज्य सरकार के विचाराधान है।

(ख) राज्य सरकार द्वारा इस सम्बन्ध में लगभग १२ लाख रुपये खर्च किये गये हैं।

(ग) राज्य सरकार ने यह भी बताया है कि ज्यों ही परामर्शदाताओं का नियुक्ति को अन्तिम रूप दिया जायेगा और सम्भाव्य रिपोर्ट प्राप्त होगा त्यों ही खनन और पीसने वाले प्लांट का स्थापना का योजना पर विचार किया जायेगा। १९६५-६६ के अन्त तक इस योजना में प्रति वर्ष में फ्लोराइट सांद्रण (fluorite concentrate) का १२,००० टन का उत्पादन शामिल है ।

राजस्थान में निम्नलिखित फ्लोराइट निक्षेपों के अतिरिक्त गुजरात और मध्य प्रदेश में भी पूर्वोक्त खनन कार्य किया जा रहा है :

- (१) राजस्थान सरकार ने खान तथा भूविज्ञान निदेशालय ने झुंझुनू जिले में छापोली और डूंगरपुर तथा उदयपुर के निकटस्थ क्षेत्रों में फ्लोराइट निक्षेपों के पूर्वोक्त कार्य को हाथों में लिया है ।
- (२) भारतीय भूगर्भीय सर्वेक्षण विभाग द्वारा बरोदा जिले के अम्बा-डूंगर तथा कारोपानी स्थानों में फ्लोराइट निक्षेपों का अन्वेषण कार्य किया जा रहा है ।
- (३) १९६१ से रायपुर जिले के चांदो डूंगरा नामक स्थान में भिलाई स्ताल परियोजना अब फ्लोराइट का खनन कर रहा है । वे इस इलाके में अपने कार्यकलापों को बढ़ाने का कार्यक्रम रखते हैं ।

#### Scholarships to Poor Students

2602. Shri Ulaka: Will the Minister of Education be pleased to state:

(a) the number of poor but meritorious students under the National Scholarships Scheme who have been given Scholarships during 1962-63; and

(b) whether this number is going to be raised during 1963-64?

The Minister of Education (Dr. K. L. Shrimali): (a) 2400 students whose parents/guardians' income did not exceed Rs. 1,000/- per month were awarded scholarships.

(b) No, Sir.

#### Organisation of a Conference of English Teaching Experts

2603. Shri Ram Harkh Yadav: Will the Minister of Education be pleased to state:

(a) whether Government have organised a conference of English Teaching Experts in New Delhi recently;

(b) whether foreign English Teaching Experts have also been invited; and

(c) the aims and objects of the conference?

The Minister of Education (Dr. K. L. Shrimali): (a) to (c). A meeting convened by the National Council of Educational Research and Training of experts in the field of teaching English was held during the period 14th to 20th April, 1963 for a study of the position and problems of teaching of English as a foreign language in Schools in India. Only Indian Experts participated in the conference throughout its duration but one foreign linguist from a technological institute in India also participated for one day by invitation.

#### Pending Cases in Andhra Pradesh High Court

2604. Shri E. Madhusudan Rao: Will the Minister of Home Affairs be pleased to state:

(a) the number of pending cases in Andhra Pradesh High Court, Hyderabad at the end of 1962; and

(b) the steps taken to clear the pending cases in the High Court of Andhra Pradesh?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** (a) 22882.

(b) The information is being obtained and will be laid on the Table of the Lok Sabha.

#### **Welfare of S.C. and S.T. in Andhra Pradesh**

**2605. Shri E. Madhusudan Rao:** Will the Minister of Home Affairs be pleased to state:

(a) the amount given to various non-official organisations in Andhra Pradesh for the removal of untouchability and also for the welfare of Scheduled Castes and Scheduled Tribes in the State during 1962-63 and 1963-64; and

(b) the names of such organisations with the amount given to each during the above period?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) and (b). The information has been called for from the State Government. A statement will be laid on the Table of the House as soon as the information is received.

#### **China Clay Mining in Kerala**

**2606. Shri P. Kunhan:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether it is a fact that the China clay mining in Kerala is in a crisis due to lack of demand for clay; and

(b) if so, the steps taken by Government to relieve the situation?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) No, Sir. The production at present is not adequate to meet the demands.

(b) Does not arise.

#### **Language Statistics for Rajasthan**

**2607. Shri G. S. Musafir:** Will the Minister of Home Affairs be pleased to state:

(a) whether the latest language statistics in respect of Rajasthan State have been compiled by Census Commissioner; and

(b) if so, the number of persons speaking Hindi/Punjabi|Urdu|Gujarati in Ganganagar District of Rajasthan State?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) Provisional 1961 figures for languages in Rajasthan have been compiled. They are now under scrutiny.

(b) The provisional figures for Ganganagar District are:

persons speaking Hindi . . .	738,146
Punjab . . . . .	285,837
Urdu . . . . .	2,738
Gujarati . . . . .	92

#### **Notified Area of Rajasthan State**

**2608. Shri Tan Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Central Government have received any request from the Rajasthan Government to declare the Western border area of the State a notified area; and

(b) if so, the decision of the Central Government thereon?

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

(b) The matter is under consideration.



**कोयला धोने के कारखाने**

२६०६. श्री श्रीकारलाल बेरवा : क्या खान और ईंधन मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने कोयला धोने के आठ कारखाने स्थापित करने की कोई योजना बनाई है ;

(ख) यदि हां तो इन कारखानों को किन-किन स्थानों पर खोलने का विचार है; और

(ग) ये कारखाने हर महीने कितना कोयला साफ करेंगे ?

**खान और ईंधन मंत्री (श्री के० दे० मालवीय) :** (क) से (ग). तीसरी योजना शुरू होने से पहले ही निम्नलिखित कोयले धोने के कारखाने स्थापित थे :—

कच्चे कोयले के रूप में  
वाषिक उत्पादन  
स्थान (मिलियन टनों में)

**गैर-सरकारी क्षेत्र**

१. जामदोवा	१.४
२. पश्चिमी बोकारो	०.७
३. लोडना	०.४
४. नोवरोजाबाद	०.५

**सरकारी क्षेत्र**

१. कारगली (राष्ट्रीय कोयला विकास निगम)	२.२
२. दुर्गापुर (हिन्दुस्तान स्टील लि०)	१.५

निम्नलिखित तीन कोयला धावनशालायें दूसरी योजना में भी शामिल की गई थीं किन्तु

वे तीसरी योजना में पूरी की जायेंगी :—

**हिन्दुस्तान स्टील लि०**

१. डुगडा १	२.४
२. भोजुडीह	१.२
३. पथेरडीह	२.०

तीसरी योजना में सात और निम्नलिखित कोयला धावनशालाओं को स्थापित करने का प्रस्ताव है :—

**हिन्दुस्तान स्टील लि०**

१. डुगडा	२.४
२. भोजुडीह (विस्तार)	०.६

**राष्ट्रीय कोयला विकास निगम**

१. कथारा	३.०
२. चालकरी (कारगली का विस्तार)	०.५
३. स्वांग	०.७५
४. रामगढ़	१.५
५. गिडी (करनपुरा)	२.८४

**दिल्ली में बी० ए० बी० टी० ग्रध्यापक**

{ श्री प्रकाशबीर शास्त्री :  
२७१०. { श्री काशीराम गुप्त :  
          { श्री प्र० क० गोपालन :

क्या शिक्षा मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली प्रशासन के सरकारी स्कूलों में काम करने वाले बी० ए० बी० टी० ग्रध्यापकों के दो वेतनक्रम हैं ;

(ख) यदि हां, तो समान अर्हताओं वाले और एक ही प्रकार का काम करने वाले ग्रध्यापकों के लिए दो अलग-अलग वेतन-क्रम रखने का क्या कारण है ;

(ग) १ जनवरी १९६३ को दोनों वेतन-क्रमों में कितने कितने ग्रध्यापक थे; और

(घ) क्या सरकार इस अन्तर को दूर करना चाहती है और यदि हां, तो कब तक ?

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

(क) बी० ए० बी० टी० अध्यापकों के दो वेतन-मान हैं, एक मिडिल स्कूलों के अध्यापकों के लिये और दूसरा उच्चतर माध्यमिक स्कूलों के अध्यापकों के लिये ।

(ख) उच्चतर माध्यमिक स्कूलों के अध्यापकों का वेतन-क्रम अधिक है जिसका कारण यह है कि उच्चतर माध्यमिक स्कूलों में मिडिल स्कूलों की अपेक्षा पढ़ाई का स्तर ऊंचा तथा काम ज्यादा जिम्मेदारी का है ।

(ग) आवश्यक सूचना एकत्रित की जा रही है और यथा समय लोक सभा पटल पर रख दी जायगी ।

(घ) इस प्रश्न पर वेतन आयोग ने भी विचार किया था लेकिन उन्होंने इस को आवश्यक नहीं समझा कि मिडिल स्कूलों और उच्चतर माध्यमिक स्कूलों के बी० ए० बी० टी० अध्यापकों के वेतन-मान एक जैसे किए जाएं । सरकार ने वेतन आयोग की इस सिफारिश को स्वीकार कर लिया है ।

**सेक्शन अफसर ग्रेड परीक्षा**

२६११. श्री प्रकाशवीर शास्त्री :  
श्री काशीराम गुप्त :

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

(क) क्या यह सच है कि केन्द्रीय सचिवालय सेवा में सेक्शन अफसरों के ग्रेड में पदोन्नति के लिये अगस्त, १९६३ में एक परीक्षा होने वाली है ;

(ख) यदि हां, तो इस समय इस परीक्षा के लिए इस ग्रेड में कितने स्थान सुरक्षित हैं ; और

(ग) क्या ऐसी परीक्षाएँ हर वर्ष ली जायेंगी ?

**गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हजरतबीस) :** (क) जी हां, इस उद्देश्य से एक सीमित प्रतियोगी परीक्षा अगस्त, १९६३ में होगी ।

(ख) इस परीक्षा के उम्मीदवारों के लिये कोई रिक्त स्थान सुरक्षित नहीं हैं । सुयोग्य उम्मीदवार सेक्शन अफसरों के ग्रेड की प्रवर सूची ( Select list ) में नियमों के अनुसार शामिल किये जायेंगे । इस प्रकार प्रवर सूची में शामिल किये जाने वाले व्यक्तियों की संख्या अभी निर्धारित नहीं की गई है ।

(ग) जी हां, ऐसा ही विचार है ।

**Loans to States from Education Ministry**

**2612. Shri Krishna Deo Tripathi:** Will the Minister of Education be pleased to state:

(a) the various kinds of loans to States granted by the Education Ministry during the First and Second Plan periods and the first two years of the Third Five Year Plan State-wise;

(b) which of the schemes in regard to these loans have now been abandoned and the reasons therefor; and

(c) whether there was any quota fixed by the Education Ministry for various States to ensure equitable allocation of loans?

**The Minister of Education (Dr. K. L. Shrimali):** (a) A statement is laid on the Table of the House, [placed in the library, see No. LT-1273|63.]

(b) The scheme of loans for the construction of hostel buildings to institutions working in the field of Social Education and the scheme for the grant of loans or hostels of basic institutions have been dropped for lack of adequate response.

(c) Statewise quotas were fixed only in the case of loans sanctioned for the construction of hostels by affiliated/constituent colleges.

**Indian Institute of Astronomical and Sanskrit Research**

2613. **Shri Yashpal Singh:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the amount of grants given to the Indian Institute for Astronomical and Sanskrit Research, New Delhi during the last five years;

(b) the object for which such grants were given;

(c) the work done by the Institute for implementation of those projects; and

(d) whether Government have received any audited statement of accounts from the institute corresponding to the grants given by the Ministry and whether any resume of the work done by the Institute has also been received from the Institute?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) and (b). The following grants were paid by the Ministry of Scientific Research and Cultural Affairs to the Institute during the last five years:—

Year	Amount	Purpose
	Rs.	
1958-59	8,350	Publication of "Vateshwar Siddhant" (1st instalment).
1950-60	6,500	Strengthening of the Library.
1960-61	2,500	Publication of "Vateswar Siddhant" (2nd instalment).
1961-62	1,500	Publication of "Brahm Siddhant" (1st instalment).
1962-63	3,500	Publication of "Brahm Siddhant" (2nd instalment).
1962-63	1,100	Publication of "Vateshwar Siddhant" (3rd instalment).

Year	Amount	Purpose
	Rs.	
1962-63	10,000	Publication of "Brahm Siddhant" (3rd instalment).
1962-63	₹ 9,100	Publication of "Samrat Siddhant" and "Panch Siddhantika" (1st instalment).

(c) and (d). The work "Vateshwar Siddhant" has already been brought out and the other work "Brahm Siddhant" is in the Press.

The audited statements of accounts, utilization certificates, etc., in respect of the various grants paid in earlier years have been received and the accounts and certificates for 1962-63 are awaited. Since the grants have been given for publication of standard texts, the question of any resume does not arise.

**टैक्निकल अफसरों का स्थानान्तरण**

२६१४. श्री राजबिहारी महरोत्रा : क्या खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) इण्डियन ब्यूरो आफ माइन्स, जिओलॉजिकल सर्वे आफ इंडिया तथा आयल एण्ड नेचुरल गैस कमीशन के कितने गजेटेड साइंटिफिक तथा टैक्निकल अफसरों के दूसरे विभागों के लिए प्रार्थना-पत्र, पिछले छः महीनों में रोक लिये गये ; और

(ख) उपरोक्त प्रार्थना-पत्रों को रोकने के क्या कारण थे ?

**खान और ईंधन मंत्री (श्री के० दे० मालवीय) :** (क) भारतीय खान ब्यूरो के दो अफसर, भारतीय सर्वेक्षण विभाग के चौबीस अफसर और तेल एवं प्राकृतिक गैस आयोग के चार अफसर ।

(ख) भारतीय भूगर्भीय सर्वेक्षण विभाग और भारतीय खान ब्यूरो में तकनीकी व्यक्तियों की कमी ।

तेल और प्राकृतिक गैस आयोग में आवेदकों (प्राथियों) को उनकी भर्ती-नियमावली की शर्तों उनको दिये गये प्रशिक्षण के नियमों के अनुसार अपने विभागेतर पदों के लिये प्रार्थना पत्र भेजने की आज्ञा नहीं थी।

#### Indian Economic and Statistical Services

2615. **Shri R. G. Dubey:** Will the Minister of Home Affairs be pleased to state:

(a) whether the lists of officers included in the Indian Economic Service and the Indian Statistical Service have been finalised; and

(b) if so, the number of officers in each of the four grades and the number of Scheduled Caste and Scheduled Tribe officers absorbed in different grades of the two services?

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

(a) The lists have not yet been finalised.

(b) Does not arise.

#### Coal Mines in Madhya Pradesh

2616. { **Shri Hari Vishnu Kamath:**  
**Shri Yashpal Singh:**

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

(a) whether in view of the urgent need for utilization of all available resources during the Emergency, Government propose to work the coal mines at Mohpain and Gotitoria, in Narsinghpur District, Madhya Pradesh;

(b) if so, whether in the public or private sector; and

(c) if not, the reasons therefor?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) No.

(b) Does not arise.

(c) The above mines were not included in the programme for additional production during the current Plan. Besides, the coal supply position is at present maintained at a satisfactory level and as such the question of development of these mines has not been considered.

#### India's Map Shown in 'The Rotarian'

2617. { **Shri Hari Vishnu Kamath:**  
**Shri Yashpal Singh:**

Will the Minister of Home Affairs be pleased to state:

(a) whether the attention of Government has been drawn to a map of India appearing on page 64 of 'The Rotarian' of January, 1963, published by Rotary International;

(b) if so, whether the map shows the State of Jammu and Kashmir as not being part of the Indian Union; and

(c) what action has been or is being taken by Government in the matter?

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

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

(c) The Rotary Club of Delhi brought the wrong presentation of facts to the notice of the Rotary International who have expressed regret and promised to exercise care in such matters in the future. Government do not, therefore, propose to take any action in the matter.

#### Coal Deposits in Assam and Orissa

2618. **Shri P. C. Borooah:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether according to the latest assessment of the National Coal Development Corporation large opportunities of discovery of hidden coal exist in Assam and Orissa; and

(b) if so, the steps being taken to explore the hidden reserves?

**The Minister of Mines and Fuel (Shri K. D. Malaviya):** (a) Prospecting work undertaken by various agencies like the Geological Survey of India, the Indian Bureau of Mines and the National Coal Development Corporation has shown the presence of large quantities of coal in both Assam and Orissa.

(b) With a view to exploiting the coal reserves in the Garo Hills of Assam, the National Coal Development Corporation is expected to take up detailed prospecting work after the monsoon, that is, by about the middle of October, 1963. The Geological Survey of India has already proved in this area a reserve of 125 million tons. In the Talcher area, the National Coal Development Corporation has already planned for establishing three coal mines, viz. South Balanda, Nandira and Jagannath. The Corporation expects to take up shortly further exploratory work in two new blocks, one on the West of Nandira and the other on the West of Jagannath.

#### तिब्बती बच्चों के लिये बाल-गृह

२६१६. श्री श्रीकारलाल बेरवा : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि ममूरी में तिब्बती बच्चों के लिए आठ बाल-गृह खोले गये हैं ;

(ख) यदि हां, तो इस समय इन बाल-गृहों में कितने तिब्बती लड़के रह रहे हैं ;

(ग) ये बाल-गृह किसकी देख-रेख में चल रहे हैं ; और

(घ) उन पर सालाना कितना व्यय किया जाता है ?

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

(क) जी हां ।

(ख) १६३ बच्चे : ६५ लड़के तथा ९८ लड़कियां ।

(ग) तिब्बती गृह संस्थापन ।

(घ) ये गृह हाल ही में स्थापित किए गए हैं और इन पर होने वाला वार्षिक व्यय कुछ समय के बाद ही मालूम हो सकेगा । जहां तक शिक्षा मन्त्रालय का सम्बन्ध है यह संस्थापन को गृह के निवासियों के अनुरक्षण व्यय के लिए प्रति निवासी ५०-०० रुपये प्रतिमास तक का अनुदान देगा ।

#### विज्ञान गोष्ठी

२६२०. श्री श्रीकारलाल बेरवा : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार एक विज्ञान गोष्ठी करने का विचार कर रही है ;

(ख) यदि हां, तो इस गोष्ठी में किस-किस जगह के अध्यापक बुलाये गये हैं ;

(ग) यह गोष्ठी कहां होगी ; और

(घ) उसके कब तक होने की सम्भावना है ?

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

(क) से (घ). अभी तक सरकार का विज्ञान गोष्ठी करने का कोई विचार नहीं है । किन्तु शैक्षणिक अनुसन्धान और प्रशिक्षण की राष्ट्रीय परिषद्, सेकेंडरी स्कूलों के अध्यापकों के लिए निम्नांकित विषयों में प्रशिक्षण पाठ्यक्रम शुरू करने का विचार कर रही है :—

(१) १० मई से हैदराबाद में और २० मई से देहरादून में एक-एक महीने का सामान्य विज्ञान में पाठ्यक्रम ;

(२) मई, १९६३ के मध्य से भौतिकी, गणित, रसायन और जीव-विज्ञान में दिल्ली, उदयपुर, पूना और मद्रास में क्रमानुसार आठ-आठ सप्ताह का पाठ्यक्रम ।

सामान्य विज्ञान के दोनों पाठ्यक्रमों में ६०-६० और बाकी के चार पाठ्यक्रमों

में ४०-४० शिक्षक प्रशिक्षार्थी होंगे। अध्यापकों का चुनाव राज्य सरकारों की सिफारिशों पर विभिन्न राज्यों के माध्यमिक स्कूलों से किया जाएगा।

#### Rare Images Found in Ballia

2621. **Shri P. Venkatasubbaiah:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that rare images of Lord Siva and Surya were discovered from Lakhneshwari in Ballia district of U.P.;

(b) if so, what are the rare features of these images; and

(c) whether this had led to any historical discoveries?

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) Image of Vishnu and several Siva Lingams were discovered at Lakhneshwari in 1960.

(b) Nil.

(c) The site belongs to post Gupta period.

#### Ancient Relics in an Allahabad Village

2622. **Shri P. Venkatasubbaiah:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any ancient relics were discovered from a ruined temple near the village of Jafot in Allahabad district of Uttar Pradesh;

(b) what is the nature of these relics; and

(c) whether any historical factors have been found out?

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) to (c). The Government of India have no

knowledge, except what has appeared in the press.

#### Polytechnics in Punjab

2623. **Shri Daljit Singh:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the number of polytechnics proposed to be opened in Punjab during the Third Five Year Plan period;

(b) the amount allocated for the said purpose during the Third Plan period; and

(c) whether location of Una and Nangal has been included in the programme?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) Twelve including reorganisation and development of three private polytechnics.

(b) About Rs. 220.00 lakhs.

(c) No, Sir.

#### Grants for Books on Social Education in Punjab

2624. **Shri Daljit Singh:** Will the Minister of Education be pleased to state:

(a) whether any financial assistance was given by the Union Government to the publishers, printers and booksellers of Punjab in the field of Social Education literature during 1961-62 and 1962-63; and

(b) if so, the details thereof?

**The Minister of Education (Dr. K. L. Shrimall):** (a) and (b). No direct assistance was given to publishers, printers and booksellers of Punjab during 1961-62 and 1962-63. However, under the scheme of prize competitions for books for Neo-literates, 1500 copies of each of the four prize winning books were purchased from publishers of Punjab as per statement given below.

STATEMENT

Year	Title of Book purchased	Name of Publisher	Amount paid
			Rs.
1961-62	Lok Raj	M/s. University Publishers, Railway Road, Jullundur City	750.00
1962-63	Char Meel Lambi Sarak	New Book Company, Mai Hiran Gate, Jullundur	1,320.00
	Surag Savera	Lahore Book Shop, Clock Tower, Ludhiana.	1,350.00
	Sanjhi Kheti.	Do.	1,050.00

**Grants for Increase in Pay of Teachers**

2625. **Shri Daljit Singh:** Will the Minister of Education be pleased to state:

(a) whether the affiliated colleges and high schools of the Punjab University and Punjabi University of Punjab have been given financial assistance by the University Grants Commission for improvement in pay scales of teachers during 1962-63; and

(b) if so, the details thereof?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). A statement is laid on the Table of the House. [Placed in the Library. See No. LT-1274/63].

**Central Welfare Committee**

2625-A. **Dr. Sarojini Mahishi:** Will the Minister of Home Affairs be pleased to state:

(a) whether a Central Welfare Committee has been formed to look after the Welfare of Government employees in certain colonies in Delhi; and

(b) if so, how this Committee will function?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chan-514(Ai) LSD-4.**

**drasekhar):** (a) and (b). There is no special Committee as such. But the Central Welfare Organization looks after the welfare of all Central Government employees, both in offices and in residential colonies.

**12 hrs.**

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

**REPORTED DRASTIC CUT IN PIG IRON QUOTA SUPPLIED TO FOUNDRIES IN PUNJAB**

**Shri Yashpal Singh (Kairana):** I call the attention of the Minister of Steel and Heavy Industries to the following matter of urgent public importance and I request that he may make a statement thereon:

"The reported drastic cut in pig iron quota supplied to the foundries in Punjab."

**The Minister of Steel and Heavy Industries (Shri C. Subramaniam):**

Sir, the quota system of pig iron allotment has been abolished from 1st July, 1959. Indents are being entertained from consumers and planned on Producers, after screening, with reference to past consumption and assessed capacity. The main reason for the present shortage of foundry grade pig iron is that while the demand has gone up considerably, due to the foundry capacity having developed rapidly, the availability has not correspondingly increased, as the schemes licenced for production of pig iron have not materialised as originally anticipated. Remedial measures are, therefore, being taken, such as import of pig iron, setting up of short term schemes for increased production, etc., to increase the availability, as quickly as possible.

The Third Five Year Plan envisaged a production of 1.5 million tons of pig iron by 1965-66. The position has since been reviewed in consultation with the Planning Commission and the production is now being planned on the basis of a probable demand of about 2 million tonnes at the end of the Third Plan period.

Demand for pig iron is at present much in excess of availability—the

[Shri C. Subramaniam]

production of pig iron in the country is about 1 million tonnes, against the present estimated foundry capacity of about 2 million tonnes (1.1 million tonnes Central List foundries and about 0.9 million tons State List foundries). A number of schemes for the production of pig iron of a total capacity of 541,000 tonnes have been licenced in the Private Sector. Except for Kalingas in Barbil (Orissa), others have not materialised. Even Kalingas expansion will take some time. The question of cancelling licences of the schemes which are slow in coming up is also under consideration.

To ensure that available supplies are equitably distributed to all types of consumers, a revised scheme of distribution has been introduced, effective from 1-4-1963. Within the overall availability of about 1.1 million tonnes during 1963-64 an allocation of 120,000 tonnes has been earmarked for State list foundries in the country and 176,000 tonnes for Central list foundries. This is in addition to what they may get for executing orders placed by various Government Departments on them. The intention is to limit the supplies to the actual quantity available, thus avoiding over-indenting or over-allocation, which only leads to accumulation of orders by the Producers resulting in the unnecessary blocking up of capital of the indentors. It is also proposed to fix the annual entitlement of each foundry, big or small, within the ceiling indicated. Each foundry should get during 1963-64 its entitlement.

It is obvious that Punjab State, like other States, will get this year less than what their demand is, but they will get a fair share of the available supplies. It is not quite correct to say that there has been a drastic shortfall in the supplies of Pig Iron to Punjab State as during the last three years the despatches to this State were:—

(In '000 metric tons)

1960	77
1961	70
1962	63

The object is to restrict the quantum of supplies/despaches to actual availability. A quota by itself has no meaning unless it is translated into actual supplies, as otherwise it would only go to swell the outstandings.

The action being taken to improve or augment existing supplies is as follows:

- (1) A scheme of the Andhra Pradesh Industrial Development Corporation in the public sector for a pig iron plant of 1,00,000 tons has been approved in principle.
- (2) The Government of Punjab have also agreed, at our suggestion, to put up a pig iron plant in the public sector in the Punjab. Their formal application is awaited.
- (3) The Government of Gujarat have also indicated their desire to set up a pig iron plant in the public sector but no application has yet been received from them.
- (4) The possibility of anticipating the Fourth Plan expansion of Bhilai by initiating immediately the erection of a large blast furnace is being examined. Hindustan Steel Ltd. have been asked to prepare a detailed report for the setting up of a large sixth blast furnace at Bhilai. This furnace should make available about half a million tons of pig iron pending the installation of further steel melting capacity in the Fourth Plan.
- (5) The possibility of utilising the nut coke available at Bhilai, Durgapur and Rourkela Plants is being examined by Hindustan Steel Ltd. who have been asked to put up Project Reports very shortly. These are likely to be small



furnaces of 100 or 200 or 300-ton capacity.

- (6) In addition, to relieve immediate shortage, since the other schemes may take a little time to mature, the possibility of importing certain quantity of pig iron is also being explored.
- (7) Instructions are being issued to reduce the allocation of pig iron for the larger sizes of spun pipes so as to increase their availability for other foundry uses.

**Shri Yashpal Singh:** Have Government assessed the extent of damage and losses to the foundries as a result of this action in Punjab, and why no advance notice was given of this move?

**Shri C. Subramaniam:** It is not possible to make an assessment of the so-called damages. After all, we have to distribute only the pig iron which is available in the country.

**Shri Kapur Singh (Ludhiana):** May I know whether Government have taken note of the recent asseveration of the president of the Punjab Branch of the Engineering Association of India that the present scheme of distribution amounts to 84 per cent. cut in the previous allocation and that it affects about five thousand industrial units and about twenty thousand workers, and if so, what Government propose to do about it?

**Shri C. Subramaniam:** I do not accept the calculation that there is a cut of 84 per cent. As I have already stated, we have allocated for the State list foundries and the Central list foundries. In addition to that, these foundries will be entitled to get the pig iron they need for fulfilling any contract which they may enter into with the railways or with the Central Government, and separate quotas will be available for that purpose.

**Shri Buta Singh (Moga):** I heard the hon. Minister saying that about

eight to ten steps have been taken by Government at the initial stages, and that some of the applications have been received and some are still under consideration. May I know whether his attention has been drawn to the press reports that the Iron and Steel Controller has, it is gathered, allotted about 5,000 tons of pig iron for the financial year 1963-64 against the total assessed capacity, on a single-shift basis, of about 40,000 tons per annum? May I know whether Government are aware that this quota reduction has threatened with closure about 20 foundries employing nearly 500 workers in Batala alone, in Punjab, and if so, what Government propose to do about it?

**Shri C. Subramaniam:** I cannot vouch for the figures which the hon. Member has given. But, as I have already stated, a fair allocation of the available quantity of pig iron is being made to every State, and it is not merely the question of Punjab, but the hardship is with reference to the entire country. As I have already stated, we are taking positive steps to increase the availability as far as possible.

12.09 hrs.

#### RE: POINT OF PRIVILEGE

**Mr. Speaker:** Now, Papers to be laid on the Table.

**Shri Hem Barua (Gauhati):** Before you take up the next item, may I draw your attention to a fundamental issue that challenge the foundation of this parliamentary institution? This is about the remark of our Prime Minister, saying that goondaism has crept into Parliament. May I submit that I had tabled a privilege motion on this, but I do not stick to that, since you have refused consent? But, then, I shall be happy to know from the Prime Minister how far it was correct, whether it was correctly reported or not. I am concerned about this fundamental dignity of this House over which you, Sir, have the proud privilege of presiding.

**Mr. Speaker:** I am also as much concerned, and when he says that he had given notice of a privilege motion....

**Shri Hem Barua:** I do not stick to that.

**Mr. Speaker:** If he does not stick to that, that matter is finished there.

**Shri Hem Barua:** No.

**Mr. Speaker:** He gave notice of a privilege motion, I disallowed it, and he accepts it and says that he does not stick to that, and he does not want to pursue it. So, that matter is finished, so far as that notice was concerned. If he wants to take it up in any other form, then he may write to me, and I shall consider whether I can allow him.

**Shri Hem Barua:** I wanted to know whether the Prime Minister has been correctly reported.

**Mr. Speaker:** He should not interrupt the proceedings in this manner. He can write to me and I will send it on to the Prime Minister. That would be a different thing altogether.

**Shri Hem Barua:** May I submit that I was asked to see you in your Chamber....

**Mr. Speaker:** Yes, I would be very happy if he comes to me.

**Shri Hem Barua:** On this particular matter....

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

**Shrimati Renu Chakravartty** (Barrackpore): I want to point out one thing. Shri Hem Barua could get up at any moment and say anything he likes....

**Mr. Speaker:** Order, order. I am here to look after that.

**Shrimati Renu Chakravartty:** I had also sought permission from you to raise a point. You had asked me not to raise it now, and you will consider it in the evening. But Shri Hem Barua just gets up and goes on con-

tinuously talking and there is no way to prevent him from holding us to ransom everyday.

**Shri Hem Barua:** On a point of personal clarification.

**Mr. Speaker:** Order, order. He should resume his seat.

Shrimati Renu Chakravartty has this complaint. She wrote to me just now that she wanted to raise some point. I asked her that she should not raise it just at this moment, she could see me in my Chamber, I would consider it and if I allow her to raise that matter, she could take it up. In obedience to that, she sat silent and did not raise it. But now when Shri Hem Barua has been told that his privilege motion has been disallowed, he gets up with the same point again. Of course, that is not fair and it should not be repeated again and again and every day. He knows he can come to me and I would certainly discuss it with him. But if he gets up at every moment and begins to say whatever he likes, certainly that is objectionable and it should not be resorted to. I have told him so many times and I repeat it. If he is allowed once, of course all other Members would also be entitled to take the same course and there would be no order maintained here in the House.

I would request him now to take this into his heart and not repeat it. Everytime he can come to me and discuss it; if the point is in order, I will certainly allow him to raise it.

**Shri Hem Barua:** On a point of personal explanation. Since you have become the Speaker and since you have told us not to interrupt you, there has never been a single case—you cannot cite a single case from the proceedings—where we have done this. And if we have drawn any inspiration, of which Shrimati Renu Chakravartty has now complained, we have, unfortunately, drawn the inspiration from the Deputy Leader of the Communist Group who did the same thing yesterday on an adjournment

motion, in spite of the fact that you had disallowed it.

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

**Shri Hem Barua:** Therefore, she should not criticise us. We have been always loyal to you. This is something that is very serious.

**Mr. Speaker:** I am happy that at least in certain objectionable things he gets inspiration from the Deputy Leader of the Communist Group!—He ought to get inspiration in some good things and not in these things.

**Shri Hem Barua:** That inspiration we would get from you.

**Mr. Speaker:** Order, order. Papers to be laid on the Table.

12.13 hrs.

#### PAPERS LAID ON THE TABLE

INTERNATIONAL COPYRIGHT (SECOND AMENDMENT) ORDER, ANNUAL REPORT OF CSIR, ANNUAL ACCOUNTS AND AUDIT REPORT, AND ANNUAL TECHNICAL REPORT OF CSIR

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** I beg to lay on the Table a copy each of the following papers:

- (i) The International Copyright (Second Amendment) Order, 1963 published in Notification No. S.O. 1022, dated the 4th April, 1963, under section 43 of the Copyright Act, 1957. [Placed in Library, See No. LT-1249/63].
- (ii) Annual Report of the Council of Scientific and Industrial Research for the year 1962-63 along with the Annual Accounts for the year 1961-62 and the Audit Report thereon. [Placed in Library, See No. LT-1249/63].
- (iii) Annual Technical Report of the Council of Scientific and Industrial Research for the

year 1961-62. [Placed in library, See No. LT-1250/63.]

#### NOTIFICATIONS UNDER ALL INDIA SERVICES ACT

**The Minister of State in the Ministry of Home Affairs (Shri Hajar-navis):** I beg to lay on the Table a copy each of the following Notifications under sub-section (2) of section 3 of the All India Services Act, 1951:

- (i) G.S.R. No. 515, dated the 30th March, 1963 making certain amendment to schedule III to the Indian Police Service (Pay) Rules, 1954.
- (ii) G.S.R. No. 607, dated the 13th April, 1963 making certain amendment to Schedule III to the Indian Administrative Service (Pay) Rules, 1954. [Placed in Library, See No. LT-1251/63.]

#### PAPERS UNDER DEPOSIT INSURANCE CORPORATION ACT

**Shri Hajar-navis:** On behalf of Shri B. R. Bhagat, I beg to lay on the Table a copy of Report on the working of the Deposit Insurance Corporation for the year ended 31st December 1962, along with the Annual Accounts and the Audit Report thereon, under sub-section (2) of section 32 of the Deposit Insurance Corporation Act, 1961. [Placed in Library, See No. LT-1252/63.]

#### FOREIGN EXCHANGE REGULATION (AMENDMENT) RULES

**The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha):** I beg to lay on the Table a copy of the Foreign Exchange Regulation (Amendment) Rules, 1963, published in Notification No. GSR 461, dated the 14th March, 1963, under sub-section (3) of section 27 of the Foreign Exchange Regulation Act, 1947. [Placed in Library, See No. LT-1253/63.]

12.15 hrs.

## COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

## TWENTY-FIRST REPORT

**Shri Krishnamoorthy Rao** (Shimoga): I beg to present the Twenty-first Report of the Committee on Private Members' Bills and Resolutions.

12.15½ hrs.

## MOTION RE: TERMINATION OF SUSPENSION OF MEMBER

**Shri Bade** (Khargone): I beg to move the following:

"That the order of suspension made against Shri Hukam Chand Kachwai by resolution of this House adopted on 13-4-1963 be terminated and period of suspension already undergone by the Member be treated as sufficient punishment and in view of his letter, dated 22-4-1963 to the Speaker, he may be allowed to resume his duties in the House from today."

I am moving this motion, as there is a proviso under rule 374(2) which says:

"Provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated."

I was not present here on the 13th when some incident occurred here. After the incident Shri Kachhavaia told me that he saw you, and that he felt very unhappy over the incident. He is a member of the Scheduled Castes, and when he saw that the Swamiji was lifted from his place he became emotional and, therefore, that thing happened here. Of course, in the newspapers it was reported that he gave some abuses, but that was a wrong report.

He told us he was very sorry, and we asked him to write a letter to you. He wrote the letter on the 22nd, say-  
lag in Hindi:

"उत्तेजना में आ कर मैंने उस दिन जो  
कुछ किया उस के लिये मुझे खेद है"

He has shown his repentance, and it was not done intentionally. After he left the House, this decision was taken by the House. I submit he has undergone sufficient punishment and, therefore, it may be reconsidered.

I referred to the other Members, and Shri Kamath told me that in the First Lok Sabha there was an incident like this, and that the period of suspension was terminated on a motion being moved.

My party also feels that it was not a good performance, and therefore, we also feel sorry for the whole affair. Therefore, I move this motion.

Shakespeare has said:

"The quality of mercy is not strained  
It droppeth as the gentle rain from  
heaven  
Upon the place beneath. It is twice  
blest.  
It blesseth him that gives and him  
that takes."

Therefore, I appeal to the House to reconsider it and accept the motion. I submit that the punishment of suspension for 18 days that he has undergone is sufficient.

**Mr. Speaker:** Before I placed the motion before the House, because my name has been mentioned and that Shri Kachhavaia saw me, I want to inform the House of that also, so that the House might be aware of it when it takes any decision. Of course, there is no need of any argument. The House is supreme, and the House can terminate the suspension any moment it likes. There is no doubt about it.

About 15 or 20 minutes after that thing had happened, Shri Kachhavaia came to me in the chamber. He did say that what he did was all in excitement and he was sorry for that. But then I told him that it was not in my hands; it had been done by the House, and therefore, a motion would have to be brought before the House.

A letter was sent to me. That has now been circulated to all the Members of the House. I had told Shri Kachhavaia, and then afterwards the leader of the Jana Sangh Party, Shri Trivedi, also, that if any of them wanted to move that motion, there ought to be an unequivocal expression of regret and an apology that in future it shall not so happen at least so far as that Member was concerned. I made that clear, but somehow. I do not know why that has not been done. In his letter that was addressed to me on the 22nd, he has argued that he has not been fairly reported in the Press and that he had not abused the Prime Minister nor had he any intention to do that. After arguing all that, the basis for the discussion of this motion that we find in his letter is this: he says:

उत्तेजना में भाकर मैंने उस दिन जो कुछ कहा उसके लिये मुझे खेद है ।

That is all that he has said. Now it is for the House. This is the motion that I am placing before the House and that has been moved by Shri Bade:

"That the order of suspension made against Shri Hukam Chand Kachwai by resolution of this House adopted on the 13th April, 1963, be terminated."

The other is only an argument. So far as the Rules are concerned, that is all that is wanted here. I have read only that much of the motion. That is now before the House.

**Dr. M. S. Aney (Nagpur):** I support the motion. I do not want to add any argument.

**Some Hon. Members rose—**

**Mr. Speaker:** Hon. Members should not take more than two minutes each.

**Shri Ranga (Chittoor):** Sir, I also support that motion. The word 'khed' ought to be treated as sufficient so far as this purpose is concerned; it should be considered as

sufficient amend. In addition to that he has also given us a guarantee. I request you and the House to accept his expression of regret in regard to whatever has happened that day with regard to that behaviour and I request you to accept this motion.

**Shri Surendranath Dwivedy (Kendrapara):** Sir, I also support this motion. The sentence which you read out in Hindi from his letter expresses his regret.

**Mr. Speaker:** If the hon. Members want to participate and take sometime then I will postpone it to the afternoon.

**Some Hon. Members:** No, no. It may be disposed of now.

**Mr. Speaker:** So many hon. Members rise and if they insist on speaking then we will have to do so... (Interruptions).

**Shri Tyagi (Dehra Dun):** I do not think there is any opposition to it. The House wants to be generous to their colleagues. If he has expressed his regret, I think you may accept it.

**Shri A. K. Gopalan (Kasergod):** Sir, I support the motion.

**Shri Khadilkar (Khed):** It is a question of preserving the dignity of the House and I could not agree with Shri Tyagi on this matter... (Interruptions).

**Shri A. K. Gopalan:** Sir, I support the motion. He has expressed his regret. In future also from his behaviour we can see whether it is genuine expression of regret or not.

**Shri C. K. Bhattacharyya (Raiganj):** My submission is that the language to be used by the hon. Member should be exactly the same as the language that was used by Shri Maniram Bagri. If that is exactly the same we have nothing to object. If that is not exactly the same, the text should be changed and the language that was used by Shri Bagri should be used here also... (Interruptions).

**Mr. Speaker:** I find that there is some difference of opinion in this respect. I do not think that such a decision should be taken by a vote of the House. I will take it up after sometime and I would request the hon. Members to discuss it among themselves so that a unanimous decision might be taken. We should not divide.

**Shri H. N. Mukerjee** (Calcutta Central): May I submit, Sir, that in matters of this description it is the universal convention in parliamentary life that the Leader of the House takes the principal part. The Leader of the House is not present here and the Minister of Parliamentary Affairs who is here does not seem to do anything at all about this..... (Interruptions).

**The Minister of Parliamentary Affairs** (Shri Satya Narayan Sinha): I think the Government's opinion would be communicated to the House after all the hon. Members who wanted to participate in the debate have done so.... (Interruptions).

**Mr. Speaker:** Order, order. I will postpone it to the afternoon. I am calling upon the Law Minister now. We might take it up at 4 O'clock. Would it be convenient? Or, I think 5 O'clock would be all right.

**Shri Priya Gupta** (Katihar): The House should not be extended beyond 5 O'clock today, because today is May Day. (Interruption).

**Shri Hari Vishnu Kamath** (Hoshangabad): We can have it tomorrow.

**Shri Surendranath Dwivedy:** After Question Hour.

**Mr. Speaker:** If the House agrees, we can take it up tomorrow.

**Shri Satya Narayan Sinha:** Yes.

**Mr. Speaker:** We will take it up tomorrow.

12.26 hrs.

CONSTITUTION (FIFTEENTH AMENDMENT) BILL—contd.

**Mr. Speaker:** The House will 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 Committee, be taken into consideration."

Shri A. K. Sen.

**The Minister of Law** (Shri A. K. Sen): Mr. Speaker, Sir, I was dealing yesterday with the points made by Shri Tridib Kumar Chaudhuri, Shri Daji and a few others,—

**Shri Priya Gupta** (Katihar) We cannot hear, Sir.

**Mr. Speaker:** If hon. Members will stop talking, then they will be able to hear. If these conversations go on, certainly it is difficult to hear.

**Shri A. K. Sen:** It is quite true, because I had paused several times in order that I may be audible after there is calm in the House. As I said, Shri Tridib Kumar Chaudhuri, Shri Daji and a few others criticised the provisions by which we propose to determine in case of dispute the age of a judge, whether he is 60 or not, after consultation with the Chief Justice. It has been said that this is a method of coercing the judiciary, and the judgment of the Calcutta High court has been quoted by several hon. Members including Shri Daji and Shri Tridib Kumar Chaudhuri, which is completely different from the judgment of the Punjab High Court on this point; and the matter is *sub judice* because the Supreme Court has given special leave to appeal against that particular judgment. Since portions of that judgment have been quoted, I am constructed to say that I may have to deal with these criticisms of the learned judges and I may have to say that it is unfair that some judges take

a long view of their role and travel beyond the realms of judiciary, to the realms of politics and try to criticise policies of Government with which they are not concerned. They are only concerned with interpreting the policies when they are translated into law. Shri Daji said here is a judgment appealing to Parliament. It would be the end of the judiciary if the judiciary appeals either to Parliament or to the Government. The judiciary will never appeal to anyone, and I hope that the interpretation put on the judgment that the judges have appealed to Parliament is not correct. In any event, the judgment has been quoted; we have not got a copy of the judgment yet.

**Shri Daji (Indore):** I have got a copy.

**Shri A. K. Sen:** I will read from his speech the relevant portion that he has quoted. It says:

"...if the Judges of this Court are so much at the mercy of the Executive that 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..."

May I put the question in a different way? The independence of the judiciary and the rights of citizens will be reduced to a mockery if they find that Judges have delivered judgments either in their favour or in favour of the State or against the State and the judgements are challenged in a court of law as *ultra vires* on the ground that the Judge has reached

the age of 60 years. If after years of litigation, after a lapse of 7 or 8 years, the judgments passed 7 or 8 years ago were declared *ultra vires* and the man who had obtained a judgment or the State which has got a verdict either in a criminal or civil action would find, after 7 or 8 years, that the decree of the civil court is ultimately negated by the Supreme Court, I say with conviction that in such a case, the rights of the citizens would be reduced to a mockery.

It is inherent in a Constitution where an age is fixed that the age is to be determined by someone apart from the Judge himself. It will be a mockery again if a Judge thinks that about the age, whatever he gives is the final thing and it can never be challenged. It is conceded that it can be challenged in a court of law. I was amazed to hear that you should let it be determined by uncertain decisions of dozens of munsiffs' courts going up to the Supreme Court. When I asked Mr. Setalvad, "Do you think it is more consistent with the dignity and independence of the judiciary that these matters, including wrong statements made by a Judge are agitated in a munsiff's court, they are subjected to cross-examination, evidence is adduced and then the matter is dragged up to the Supreme Court; and in the meantime, the litigant is uncertain whether the judgment that the learned Judge will be delivering will be valid or not, or, is it not proper, as has been the practice, that the President in consultation with and on the advice of the Chief Justice determines the age?", there was no answer. He only said, "No, still the civil court should decide".

**Shri C. K. Bhattacharyya (Raiganj):** I beg to interrupt the hon. Law Minister. Mr. Setalvad definitely stated that there is nothing so sacrosanct as not to be subjected to decision by a court of justice.

**Shri A. K. Sen:** It is not a question of sacrosanct; it is a question of great public mischief arising when judg-

[Shri A. K. Sen]

ments of a Judge are not certain and when they are liable to be challenged as *ultra vires* on the ground that the Judge has reached 60 years. Ordinary citizens are entitled, as Mr. Setalvad admitted, to challenge it in a munsiff's court and 8 year later, it may either be determined or not be determined whether the judgment delivered all these years are valid or not.

I am absolutely certain that the Government's decision is not only intended to avoid that great public mischief, but it is more conducive to the preservation of the dignity and independence of the judiciary than what the learned Judges have said. I am constrained to say again with due respect to these Judges that they have completely ignored the concurrent judgment of the Punjab High Court, which was not allowed to be appealed against to the Supreme Court; there is not a reference to it. They have gone into realms which, in my humble opinion, are not meant for judges. They have criticised an amendment which is before Parliament. It is for the Parliament to decide whether in their wisdom they will allow such an amendment or not by way of clarification. But for Judges to say that such amendments are bad, without hearing the pros and cons of it, negatives the very judicial mind with which we have been so far familiar. How can they possibly criticise that amendment without going into the merits of it? The Joint Committee were still in session then; they were still deliberating the matter. Their report was still to come to Parliament. Here three learned Judges sit and pass a judgment without even hearing the Government's point of view. No, Sir; I must say that it will be a bad day for the judiciary if Judges try to enter the realm of politics. In recent times, there has been a noticeable temptation on the part of Judges to do so. In England, repeatedly the Judges have cautioned themselves and others that it is not for the courts to deal with policies of

legislation. It is for them to interpret and to say what it means in the language which has been employed. I hope, Sir, that that golden rule will be followed here as it has been followed so far.

Now, Sir, as I said, it has been forgotten and completely ignored by those who have said that it should be left to the decisions of civil courts what result will follow when in case of dispute about a judge's age the whole thing is kept hanging and the Chief Justice is not, according to these views, to take any action whatsoever and it is left to be determined by a series of civil actions which may either be in favour of the judge or against him.

Further, this is hardly a case—the case which has been cited—which will do credit to the judiciary. Shri Daji said that a judge is sitting and just before his vacation he is asked to quit.

**Shri Daji:** I did not say that. I said that he has retired, he is taking a holiday and when he is taking a party he is called back.

**Shri A. K. Sen:** That is a different thing.

**Shri Daji:** I referred to the case in the Pakistan High Court where the powers were abused. We may not have such powers so that they may not be open to abuse here tomorrow.

**Shri A. K. Sen:** It ignores the great tradition which has been followed in dealing with the judiciary. That answers the point raised by Shri Tridib Kumar Chaudhuri. Even in matters where the Chief Justice is not....

**Shri Daji:** That tradition has been violated when a judge went from the Punjab High Court to the Supreme Court and the very same judge went from the Supreme Court to the Calcutta High Court saying that his



age is something, the President says his age is something else and so on. Therefore, that tradition has gone. We have to take such precautions as to see that no such thing occurs in future.

**Shri A. K. Sen:** It is for us to see that traditions are not gone because of the folly of one particular individual.

**Shri Daji:** Therefore, my point is that you finalise the age in the warrant of appointment, and let it be the final age and let not the President or the Chief Justice have any say on it. Let it be finalised once and for all when he is appointed.

**Shri A. K. Sen:** I did listen to Shri Daji when he spoke yesterday. I will deal with all his points. In fact, I am dealing with them. As far as new appointments are concerned, the Government has already made it a rule that at the time of appointment their age has to be verified. But these disputes have occurred in regard to appointments already made. It was a bad day when judges had to have their age verified, because in olden days the age they gave was accepted. And, it does not do credit for the judiciary that several judges have given their ages which have come to be disputed later on even by their colleagues. But, anyway, the new appointments are certainly made on the basis of verification of age. The disputes are with regard to old appointments which were never verified.

**Shri Tridib Kumar Chaudhuri** (Berrampur): What is the objection of Government in making the statement of age in the warrant of appointment as final?

**Shri A. K. Sen:** That is a different matter. At the present moment we are verifying the disputes.

**Shri Tridib Kumar Chaudhuri:** That would set at rest all disputes. Make whatever enquiries you think proper at the time of appointment and make it final.

**Shri A. K. Sen:** With regard to new appointments that has been the rule.

**Shri Daji:** As long as there is no provision in the Constitution, even if we take their age at the time of appointment as final any citizen can still challenge it. Therefore, unless you make a constitutional amendment it is not possible.

**Shri A. K. Sen:** Shri Daji thinks that he has not made his points clear. They are quite clear to us. We are prepared to deal with them as we are dealing with them. Simply reiterating them will not make them clearer. As I said, Sir, it was a bad day for the judiciary when from 1958 Government was so constrained to have the ages of judges who are going to be appointed verified. It was never done in olden days.

I was dealing with the individual case which has been more or less canvassed here. It is a bad case to be canvassed. I gave the facts originally. I understand, Sir, the particular gentleman is here in Delhi when the Parliament is going on and has been seeing Members of Parliament and giving them extracts from the judgment of the Calcutta High Court.

**Sir Daji:** Sir, I rise to a point of order. It is hardly fair on the part of the Minister to say so. We have not canvassed any case, neither myself nor my colleague Shri Chaudhuri. He says that the judge has been in Delhi and seeing Members of Parliament and canvassing. It is certainly unfair.

**Shri H. N. Mukerjee** (Calcutta Central): He is not here to answer.

**Shri Daji:** It is certainly unfair, coming from the Law Minister. It reflects an impression on us. We have not met anyone.

**Shri A. K. Sen:** It is a bad thing...

**Shri Ramanathan Chettiar** (Karur): Sir, I rise to a point of order. You

[Shri Ramanathan Chettiar]

have ruled that no hon. Member cannot refer to anybody and canvass for the same person in this hon. House. Just now, the hon. Law Minister referred to some hon. Member canvassing on behalf of a particular retired Judge. So, I would like to be enlightened on that.

**Shri A. K. Sen:** I have never said that.

**Mr. Speaker:** Not that any member has been going on canvassing. The objection that was taken by Shri Daji was that an allegation had been made that some judge had been going round to present his case, or canvass support, or brief them to take that case up. That was a different thing altogether.

**Shri Ramanathan Chettiar:** I will make myself clear. I am only supporting the viewpoint of the hon. Law Minister. Because, the hon. Law Minister said that it is a very bad policy to canvass support in this House. I think he said that no hon. Member is permitted to canvass on behalf of another person, much less to canvass for a High Court judge. Only two or three weeks ago there was a ruling on this subject.

**Shri Daji** The hon. Minister first said that some Members canvassed for him and then he said that canvassing is bad. Only two Members have spoken on this, myself and Shri Tridib Kumar Chaudhuri. We have never even mentioned his name and we do not hold any brief for him. We did not say anything about his action, whether it was right or wrong. We have not expressed any opinion on his action in going to the Supreme Court or any other court. We have not been canvassed by him and, certainly, we are above canvassing by any one, be it a High Court judge or be it any other high dignitary. It is not fair to make such charges. (*Inter-uptions*).

**Shrimati Renu Chakravartty (Barackpur):** Sir, this cannot stand be-

cause, on a earlier occasion, when your predecessor was in the Chair, one of the Ministers who is now no longer a Minister, said that a question that I had raised was motivated by the idea of propagating something which I wanted to do. Then the Speaker ruled that such words should not be used and they were expunged. So, I would humbly request that this sort of expression should not be permitted and should be expunged.

**Shri Tyagi (Dehra Dun):** Sir, I protest against this. I have never made that remark and I am the only ex-Minister here.

**Shrimati Renu Chakravartty:** He need not be so touchy about it. He is not the only ex-Minister.

**Mr. Speaker:** The objection that has been taken by Shri Daji is on the ground that the remark has a restricted application because only two hon. Members have spoken. Therefore, it can be attributed only to them—either of them might have been approached or both of them might have been approached. He says that neither of them has been approached. But the position is that, ordinarily, aggrieved persons or those that are interested in any legislation can go to Members. They have got the right to go to the Members.

**Shri Nath Pai (Rajapur):** That is representation; not canvassing.

**Mr. Speaker:** Therefore, I say that any person interested in, or affected by, any measure or legislation can go to any Member and explain to him his point of view so that it might be put before the House and there is no harm in that. Even if any judge might have gone to any Member, though certainly it would not look nice and would not be in keeping with his dignity to approach a Member, there is nothing that we should now take exception to here at this moment. If somebody is interested in getting a law passed or not passed, because

he would be affected, he can go to any Member he likes.

**Shri H. N. Mukerjee:** In this case, the judge whom the Law Minister is referring to is trying frantically in courts of law to get redress, and if in Parliament an insinuatory statement is made about his activities in Delhi in order wrongly to influence Members of Parliament in his behalf, and he is not in a position, because he is not present in the House, to answer the accusation which the Law Minister quite openly made, then surely it is a contravention of the approved procedure of this House, and this kind of thing cannot be permitted.

**Shri Hari Vishnu Kamath (Hosangabad):** Sir, you would agree that the word "canvassing", if I heard him aright, is malodorous and improper in this context and, therefore, it has to be expunged. Canvassing by itself is not right. This is even worse than that. Sir, you have ordered the expunction of my remarks some time ago.

**Mr. Speaker:** I think that expunction is weighing heavily on Shri Kamath.

**Shri Hari Vishnu Kamath:** Because it did not deserve to be expunged.

**Shri Tridib Kumar Chaudhuri:** What Shri Daji said is not correct. In point of fact, I did refer yesterday to the case of Shri J. P. Mitter, and from personal knowledge I can say that Shri J. P. Mitter is in Delhi. He is in Delhi because his case is coming up for hearing before the Supreme Court tomorrow, on the 2nd. To my knowledge, he has not come here to canvass, and I do not know what other knowledge or information the Law Minister has got to say that he has come to canvass his case. I might also point out that so far as this case is concerned, the Special Bench of the Calcutta High Court did not go into the question of the corrections of his age. It is only said.....

**Mr. Speaker:** That is all right now. We have the facts now. I will advise the hon. Law Minister not to use the word "canvassing" unless he has got some reliable information with him.

**Shri Tridib Kumar Chaudhuri:** I was just saying that it was a *rule nisi* and the only question that was decided by the Special Bench of the Court was whether the executive government had any power to retire a judge by any executive action without referring the matter to the Parliament.

**Shri Hari Vishnu Kamath:** I am confident, Sir, that with regard to expunction and other matters you have an equal eye for all Members and would not use two standards for Members and Ministers.

**Mr. Speaker:** I am also confident that he would not throw any reflection on the Chair.

**Shri H. N. Mukerjee:** He has already done so. He has already reflected and you have not stopped him. You have not even directed him not to make further reflections.

**Mr. Speaker:** Whom?

**Shri Hari Vishnu Kamath:** The hon. Minister, Sir.

**Mr. Speaker:** I have asked him.

**Shri H. N. Mukerjee:** You have asked him now not to continue in the manner in which he did before.

**Mr. Speaker:** I have asked him. I have said that the hon. Minister should not say that unless he has got reliable information... (*Information*). That is exactly what I have told him.

**Shri H. N. Mukerjee:** I ask your ruling in this regard. Even assuming that the hon. Minister has got some information against the judge concerned, is it permissible when the judge is nowhere on the scene to refer to these matters? In regard to officers of Government we never make such accusations though we may have a

[Shri H. N. Mukerjee]

*prima facie* a lot of allegations, we never present them. Is the hon. Minister justified to do this kind of a thing?

**Shri A. K. Sen:** It is my duty to answer many of the insinuations that are made against the Government. It was said that the sword of Damocles was hanging on their heads and that they were being retired because they were not popular and so on.

**Mr. Speaker:** Of course, hon. Members have the right to criticize the Ministers and the Government.

**Shri A. K. Sen:** I have never doubted it.

**Mr. Speaker:** But as regards other persons who are not here, the usual procedure that we follow is that we do not make any reference to them that is derogatory to them because they have no opportunity to defend themselves. Unless the hon. Minister has got cogent evidence or information with him, he should not do so.

**Shri A. K. Sen:** I entirely agree with you. As I said, we have not mentioned this particular name. It was specifically mentioned by Shri Tridib Kumar Chaudhuri. That is why I said that it is hardly a case which is worth canvassing here. The word "canvass" is meant in the ordinary way. This case is being canvassed because it was specifically mentioned as an example how the Government dealt with the judges.

As I have said, the facts of the case which I read out when it was raised on the first occasion are contained in the judgment of the Punjab High Court and they hardly do any credit to the person concerned.

In any event it is absolutely necessary, as I said that these matters cannot be left to the uncertainties of civil litigation and must be determined. As I said originally and I repeat it now, the Government has never decided on such matters except

on the advice of the Chief Justice and the cases that I have given to the House are all cases in which the President had made the order exactly as the Chief Justice of India had advised and there was no variation from it. Even in this case that was so done.

With regard to the question about article 311, Shri Daji pointed out, as other representatives of civil servants, that they never wanted the right to adduce further evidence, but that they only wanted the right to make a representation on the proposed penalty. When the representatives of the civil servants saw me, they gave me a draft which contained the words "but only on the evidence already adduced". Instead of the word "already" we have used the words "adduced during the inquiry".

**Shri Priya Gupta:** In case some documents are not produced and the witnesses are not called that should be allowed.

**Shri A. K. Sen:** By this process we shall miss 1 o'clock. I intend to stop at five minutes to 1.

Now, Sir, as I explained, when the motion was first before the House and before it went to the Joint Committee it was never the intention of the Government to vary rule 25 of the civil service rules which provided for representation by the civil servant against the penalty proposed. The point taken was that in future some irresponsible Government might do away with rule 25 ignoring the assurance given to Parliament. Well, then, I told the representatives of the civil servants and other representatives of the INTUC who had come to see me to give me a draft which would make it quite clear that the representation against the penalty proposed would not include any right to insist on further hearing and further evidence being given. They gave me that draft which I have accepted with a slight modification. And I was really

surprised that Mr. Priya Gupta, after all this, had put in an amendment omitting that altogether.

**Shri Priya Gupta:** I was not a party to that.

**Shri A. K. Sen:** I am not saying that. You know what was done.

**Shri Priya Gupta:** I explained the circumstances as to why I had given my amendment.

**Shri A. K. Sen:** Now, Mr. Daji said that the law already is this and he took pains to read from the Supreme Court judgments to make it quite clear that the right of representation on the penalty did not include the right of re-hearing or adducing further evidence. If that is so, as I told so, a clarification would hardly be a matter to which objection can be taken. But I was surprised that when Mr. Krishna Menon spoke he did not agree with Mr. Daji and he said that by denying a right of re-hearing we are really taking away a constitutional safeguard. That proves the truth of what I said. It is seriously contended by no less than a man like Mr. Krishna Menon that even at this stage of representing on the penalty proposed the Constitution provides a right of re-hearing and giving evidence and Mr. Menon, in his usual characteristic manner, emotionally ended by saying that a great safeguard is being taken away, completely contradicting Mr. Daji and Mr. S. M. Banerjee who have taken pains all these months to inform me that even now no hearing is insisted upon at this stage when representation is given on the penalty proposed.

**Shri Bade (Khargone):** After second stage, in departmental enquiries, no evidence is taken.

**Shri A. K. Sen:** If that is so, then Mr. Gupta should be addressed to by you.

**Shri Priya Gupta:** References to certain witnesses not cross-examined and evidence not brought in should be given chance in the second hearing.

**Shri A. K. Sen:** That was the evidence, Mr. Gupta.

**Mr. Speaker:** Now he should conclude.

**Shri A. K. Sen:** I will finish now.

I was pained to hear from Mr. Krishna Menon, when he said that Government presided over by the Prime Minister is still in power and we shall be taking away this safeguard. We have done our utmost to see that the civil servant is completely protected. We gave the assurance that rule 25 will not be varied. Even then, we had put in this amendment and, Sir, to be charged that we are taking away vital rights of the civil servant is hardly fair. I do not agree with Mr. Menon that the Prime Minister is the only democrat here. We all respect him and we are all certainly proud that he leads us. But we certainly do not concede that we are no democrats and the Prime Minister is the only democrat.

**An Hon. Member:** That will be derogatory to Parliament.

**Shri A. K. Sen:** We shall be failing in our devotion to the Prime Minister if we do not subscribe fully to his ideals of democracy.

**Shri Tyagi:** The Prime Minister meant the whole party. The Prime Minister did not mean his person. He meant the whole party.

**Shri A. K. Sen:** I, therefore, dispel any idea, if there is any, that there has been any deviation from the ideals of democracy and preservation of the vital rights not only of civil servants but of the citizens. I hope we shall never deviate from that course because it is our great strength and it is through the processes of democracy that we are functioning, not through the processes of fear or force.

With these words, I commend the Bill to the House.

**Mr. Speaker:** Now there is an amendment by Mr. Tridib Kumar Chaudhuri.

**Shri Tridib Kumar Chaudhuri:** Before you put my amendment to the vote of the House. I have two short questions to ask from the Minister.

**Mr. Speaker:** We will have further proceedings and he can participate in the clause-by-clause consideration of the Bill.

**Shri Tridib Kumar Chaudhuri:** Otherwise, we may not be able to make up our minds.

**Mr. Speaker:** He has made a long speech of 40 minutes.

**Shri Tridib Kumar Chaudhuri:** I know. I only want to ask two short questions; nothing more.

**Mr. Speaker:** But the answers also he would require.

**Shri Tridib Kumar Chaudhuri:** Otherwise, I may not be able to make up my mind whether to ask for a division or not.

13 hrs.

**Mr. Speaker:** I think he had enough of it. Now I put the amendment of Mr. Tridib Kumar Chaudhuri that the Bill as reported by the Joint Committee be circulated for the purpose of eliciting opinion thereon by the 31st of July, 1963.

The question is:

"That the Bill as reported by the Joint Committee be circulated for the purpose of eliciting opinion thereon by the 31st of July 1963." (1).

Those in favour may kindly say 'Aye'.

**Some Hon. Members:** 'Aye'.

**Mr. Speaker:** Those against may kindly say 'No'.

**Several Hon. Members:** 'No'.

**Mr. Speaker:** The 'Noes' have it, the 'Noes' have it.

The amendment is lost.

*The motion was negatived.*

**Mr. Speaker:** Then, there is amendment No. 9 by Mr. S. M. Banerjee.

**Shri Tridib Kumar Chaudhuri:** Sir, I made a mistake I wanted to ask for a division.

**Mr. Speaker:** Then, he might call it on the second one.

The question is:

"That the Bill as reported by the Joint Committee be circulated for the purpose of eliciting opinion thereon by the 1st day of the next session." (2).

Those in favour may kindly say 'Aye'.

**Some Hon. Members:** 'Aye'.

**Mr. Speaker:** Those against may kindly say 'No'.

**Several Hon. Members:** 'No'.

**Mr. Speaker:** The 'Noes' have it, the 'Noes' have it.

**Shri Tridib Kumar Chaudhuri:** The 'Ayes' have it.

**Mr. Speaker:** Then, he is too slow. But I will allow him that now.

**Shri Surendranath Dwivedy (Kendrapara):** This is another amendment by Mr. S. M. Banerjee.

**Mr. Speaker:** There are two amendments. The second one is by Mr. S. M. Banerjee. Lobbies may be cleared.

The question is:

"That the Bill as reported by the Joint Committee be circulated for the purpose of eliciting opinion thereon by the 1st day of the next session."

*The motion was negatived.*

**Mr. Speaker:** The question is:

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

*The Lok Sabha Divided.*

**Shri N. Sreekantan Nair (Quilon):** I have put abstention instead of 'Noes'.

**Shri Nataraja Pillai (Trivandrum):** 'Ayes'.

**Some Hon. Members** rose—

**Mr. Speaker:** Five additional 'Ayes'; Five additional 'Noes'.

## Division No. 26]

## AYES

[12.58 hrs.]

Abdul Rashid, Bakshi  
Abdul Wahid, Shri T.

Achal Singh, Shri

Achuthan, Shri

Alagesan, Shri

Alva, Shri A. S.

Alva, Shri Joachim

Aney, Dr. M. S.

Anjanappa, Shri

Arunachalam, Shri

Babunath Singh, Shri

Bajaj, Shri Kamalnayan

Bal Krishna Singh, Shri

Balakrishnan, Shri

Balmiki, Shri

Banerjee, Dr. R.

Basappa, Shri

Basumatari, Shri

Besra, Shri

Bhakt Darshan, Shri

Bhanja Deo, Shri L. N.

Bhargava, Shri M. B.

Bhatkar, Shri

Bhattacharyya, Shri C. K.

Bist, Shri J.B.S.

Borooh, Shri P. C.

Brahm Prakash, Shri

Brajeshwar Prasad, Shri

Brij Basi Lal, Shri

Chakraverti, Shri P. R.

Chanda, Shrimati Jyotsna

Chandrasekhar, Shrimati

Chaturvedi, Shri S. N.

Chaudhuri, Shri Sachindra

Chaudhuri, Shrimati Kamala

Chav la, Shrimati

Chettiar, Shri Ramanathan

Chuni Lal, Shri

Colaco, Dr.

Dafle, Shri

Daljit Singh, Shri

Das, Dr. M. M.

Das, Shri N. T.

Das, Shri Sudhansu

Dasappa, Shri

Dass, Shri G.

Deo Bhanj, Shri P. C.

Deshmukh, Shri B. D.

Deshmukh, Shri Shivaji Rao S.

Dhuleshwar Meena, Shri

Dighe, Shri

Dinesh Singh, Shri

Dubey, Shri R. G.

Dwivedi, Shri M. L.

Gackwad, Shri Fatehsinhrao

Gaitonde, Dr.

Gajraj Singh Rao, Shri

Ganapati Ram, Shri

Gandhi, Shri V. B.

Ghosh, Shri Atulya

Ghosh, Shri N. R.

Goni, Shri Abdul Ghani

Govind Das, Dr.

Guha, Shri A. C.

Gupta, Shri Shiv Charan

Hajarnavis, Shri

Hansda, Shri Subodh

Hanumanthaiya, Shri

Haq, Shri M. M.

Hazarika, Shri J. N.

Heda, Shri

Hem Raj, Shri

Himatsingka, Shri

Iqbal Singh, Shri

Jadhav, Shri M. L.

Jadhav, Shri Tulshidas

Jaggivan Ram, Shri

Jain, Shri A. P.

Jamunadevi, Shrimati

Jedhe, Shri

Jha, Shri Yogendra

Joshi, Shri A. C.

Jyotishi, Shri J. P.

Kabir, Shri Humayun

Kadadi, Shri

Kajrolkar, Shri

Kamble, Shri

Kanungo, Shri

Kappen, Shri

Karuthiruman, Shri

Kedaria, Shri C. M.

Keishing, Shri Rishang

Khadilkar, Shri

Khan, Shri Osman Ali

Khanna, Shri Mehr Chand

Kindar Lal, Shri

Kisan Veer, Shri

Krishna, Shri M. R.

Krishnamachari, Shri T. T.

Kureel, Shri J. N.

Lakhan Das, Shri

Lakshmikanthamma, Shrimati

Lalit Sen, Shri

Laskar, Shri N. R.

Laxmi Bai, Shrimati

Laxmi Dass, Shri

Lonikar, Shri

Mahtab, Shri

Mahishi, Shrimati Sarojini

Maimoona Sultan, Shrimati

Malaviya, Shri K. D.

Malhotra, Shri Inder J.

Manaen, Shri

Mandal, Dr. P.

Mandal, Shri J.

Maniy angadan, Shri

Mantri, Shri

Masuriya Din, Shri

Matcharaju, Shri

Mehdi, Shri S.A.

Mehrotra, Shri Braj Bihari

Mehta, Shri J. R.

Melkote, Dr.

Mengi, Shri Gopal Datt

Menon, Shri Krishna

Mirra, Shri Bakar Ali

Mishra, Shri Bibhutl

Mishra, Shri Bibudhendra

Mishra, Shri M. P.

Misra, Shri Mahesh Dutta

Mohiuddin, Shri

Mohsin, Shri

Morarka, Shri

More, Shri K. L.

More, Shri S. S.

Mukane, Shri

Mukerjee, Shrimati Sharda

Murthy, Shri B. S.

Murti, Shri M. S.

Musafir, Shri G. S.

Muthiah, Shri

Naidu, Shri V. G.

Naik, Shri D. J.

Naik, Shri Maheswar

Nanda, Shri

Naskar, Shri P. S.

Nayak, Shri Mohan

Nayar, Dr. Sushila

Nehru, Shri Jawaharlal

Nigam, Shrimati Savitri

Niranjan Lal, Shri

Oza, Shri

Paliwal, Shri

Pande, Shri K. N.

Pandey, Shri R. S.

Pandey, Shri Vishwa Nath

Panna Lal, Shri

Pant, Shri K. C.

Paramasivan, Shri

Parashar, Shri

Patel, Shri Chhotubhai

Patel, Shri Man Singh P.

Patel, Shri N. N.

Patel, Shri P. R.

Patil, Shri J. S.

Patil, Shri M. B.

Patil, Shri S. B.

Patil, Shri S. K.

Patil, Shri T. A.

Patnaik, Shri B. C.

Pattabhi Raman, Shri C. R.

Pillai, Shri Natarsaja

Prabhakar, Shri Naval

Pratap Singh, Shri

Puri, Shri D. D.

Raghunath Singh, Shri

Raghubaraiyah, Shri

## Bill

Rai, Shrimati Sahodrabai  
 Raj Bahadur, Shri  
 Raja, Shri C.R.  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr.  
 Ram Swarup, Shri  
 Ramakrishnan, Shri P. R.  
 Ramaswamy, Shri S. V.  
 Ramaswamy, Shri V.K.  
 Ramdhani Das, Shri  
 Rananjai Singh, Shri  
 Rane, Shri  
 Ranga Rao, Shri  
 Ranjit Singh, Shri  
 Rao, Dr. K. L.  
 Rao, Shri Jaganatha  
 Rao, Shri Krishnamoorthy  
 Rao, Shri Muthyal  
 Rao, Shri Ramapathi  
 Rao, Shri Rameshwar  
 Rattan Lal, Shri  
 Raut, Shri Bholaj  
 Ray, Shrimati Renuka  
 Reddi, Dr. B. Gopala  
 Reddiar, Shri  
 Reddy, Shrimati Yashoda  
 Roy, Shri Bishwanath  
 Saha, Dr. S. K.  
 Sahu, Shri Rameshwar  
 Saigal, Shri A. S.  
 Samanta, Shri S. C.  
 Samnani, Shri

Sanji Rupji, Shri  
 Saraf, Shri Sham Lal  
 Satyabhama Devi, Shrimati  
 Sen, Shri A. K.  
 Sen, Shri P. G.  
 Shah, Shri Manabendra  
 Shah, Shri Manubhai  
 Shah, Shrimati Jayaben  
 Sham Nath, Shri  
 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  
 Shrimali, Dr. K. L.  
 Siddiah, Shri  
 Sidheshwar Prasad, Shri  
 Singh, Shri D. N.  
 Singh, Shri K. K.  
 Sinha, Shri Satya Narayan  
 Sinha, Shrimati Ramdulari  
 Sinha, Shrimati Tarkeshwari  
 Sinhasan Singh, Shri  
 Sonavane, Shri  
 Srinivasan, Dr. P.  
 Subbaraman, Shri  
 Subramaniam, Shri C.  
 Subramanyam, Shri T.  
 Sumat Prasad, Shri

Surendra Pal Singh, Shri  
 Swaran Singh, Shri  
 Tahir, Shri Mohammad  
 Tantia, Shri Rameshwar  
 Thimmaiah, Shri  
 Thomas, Shri A. M.  
 Tiwary, Shri D. N.  
 Tiwary, Shri K. N.  
 Tiwary, Shri R. S.  
 Tombi, Shri  
 Tirpathi, Shri Krishna Deo  
 Tyagi, Shri  
 Uikay, Shri  
 Ulaka, Shri  
 Upadhyaya, Shri Shiva Dutt  
 Vaishya, Shri M. B.  
 Varma, Shri Ravindra  
 Veerabasappa, Shri  
 Veerappa, Shri  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Balgovind  
 Verma, Shri K. K.  
 Vidyalkar, Shri A. N.  
 Virbhadra Singh, Shri  
 Vyas, Shri Radhelal  
 Wadiwa, Shri  
 Wasnik, Shri Balkrishna  
 Yadav, Shri N. P.  
 Yadav, Shri Ram Harkh  
 Yadava, Shri B.P.  
 Yusuf, Shri Mohammad

## NOES

Bade, Shri  
 Barua, Shri Hem  
 Barua, Shri R.  
 Basant Kunwari, Shrimati  
 Bhattacharya, Shri Dinen  
 Buta Singh, Shri  
 Chakravarty, Shrimati Renu  
 Chatterjee, Shri H. P.  
 Chaudhuri, Shri Tridib Kumar  
 Daji, Shri  
 Dharamalingam, Shri  
 Dwivedy, Shri Surendranath  
 Gopalan, Shri A. K.  
 Gupta, Shri Indrajit  
 Gupta, Shri Kanashi Ram  
 Gupta, Shri Priya  
 Himmatsinhji, Shri

Imbichibava, Shri  
 Ismail, Shri Muhammad  
 Kamath, Shri Hari Vishnu  
 Kandappan, Shri S.  
 Kapur Singh, Shri  
 Kar, Shri Prabhat  
 Kohor, Shri  
 Kunhan, Shri P.  
 Manoharan, Shri  
 Marandi, Shri  
 Mukerjee, Shri H. N.  
 Murmu, Shri Sarkar  
 Nair, Shri N. Sreekantan  
 Nair, Shri Vasudevan  
 Nath Pai, Shri  
 Pandey, Shri Sarjoo

Pottakkatt, Shri  
 Raghavan, Shri A. V.  
 Rajyalaxmi, Shrimati  
 Ranga, Shri  
 Reddy, Shri Narasimha  
 Roy, Dr. Saradish  
 Sen, Dr. Ranen  
 Sezhiyan, Shri  
 Shashank Manjari, Shrimati  
 Singh, Shri J. B.  
 Singha, Shri Y. N.  
 Singhhvi Dr. L. M.  
 Soy, Shri H. C.  
 Swamy, Shri Sivamurthi  
 Utya, Shri  
 Warrior, Shri

**Mr. Speaker:** The result of the Division is:

Ayes 270; Noes 51.

'Ayes' have it; 'Ayes' have it. The motion is carried by a majority of the total membership of the House and

by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

**Mr. Speaker:** We now take up clause by clause consideration.



**Clause 2—(Amendment of article 124)**

**Shri Sumat Prasad** (Muzaffarnagar):  
I beg to move:

Page 1, for lines 7 to 9 substitute—

“(2A) If any question arises as to the age of any Judge of the Supreme Court, the question shall be decided by the President in consultation with a Board consisting of three Judges of the Supreme Court nominated by the President. The age so determined shall not be questioned in any court of law.”. (10).

**Shri P. R. Patel** (Patan): I beg to move:

Page 1, for lines 7 to 9 substitute—

“(2A) The age of a Judge of the Supreme Court admitted at the time of his appointment shall not be questioned after his appointment.”. (11).

**Shri Tridib Kumar Chaudhuri**:  
I am not moving.

**Shri Braj Behari Mehrotra** (Bilhaur): I am not moving the amendment.

**Shri S. N. Chaturvedi** (Firozabad):  
I beg to move:

Page 1, for lines 7 to 9 substitute—

“(2A) The age of a Judge of the Supreme Court shall be determined by the President after consultation with the Chief Justice of India, and such determination shall be final.”. (22).

**Shri Tridib Kumar Chaudhuri**:  
I want to move amendment No. 23 in list No. 5.

**Mr. Speaker**: All right; No. 23 also moved.

**Shri Tridib Kumar Chaudhuri**:  
I beg to move:

Page 1, for lines 7 to 9 substitute—

“(2A) The correct age of a Judge of the Supreme Court shall be determined by the President at the time of his appointment and shall be entered into the warrant of his appointment.

(2B) If a question arises as to the age of a Judge of the Supreme Court other than the Chief Justice, the question shall be referred to the President and his decision shall be final.

(2C) Before giving decision on any such question, the President shall obtain the opinion of the Chief Justice of India and shall act according to such opinion.

(2D) If a question arises as to the age of the Chief Justice of India, the question shall be decided by the President and his decision shall be final.

(2E) Before giving any decision on any such question, the President shall obtain the opinion of a Board of three Judges of the Supreme Court, other than the Chief Justice, to be nominated by the President for the purpose and he shall act according to such opinion:

Provided that where the age of a Judge of the Supreme Court has been stated in his warrant of appointment that statement of his age shall be final.”. (23).

**Shri Sumat Prasad**: Mr. Speaker, in this Bill, provision has been made for the determination of the age of a Judge of a High Court, but no provision has been made for the determination of the age of a Supreme Court Judge. Clause 2 provides that a separate Bill has got to be moved.

**The Minister of Parliamentary Affairs** (Shri Satya Narayan Sinha): May we have an idea as to when the next voting will take place?

**Shri Hari Vishnu Kamath**: After 2:30.

## Bill

**Mr. Speaker:** So far as voting is concerned, we might put it a little later, about 4 o'clock, because all the clauses we might discuss and having the voting at one time.

**Shri Sayta Narayan Sinha:** The voting will take place at 4 o'clock?

**Shri Hari Vishnu Kamath:** May I submit, Sir, there is some objection to that procedure, because some of the clauses are inter-dependent, clauses 4 and 6, regarding the raising of the age to 62. If the earlier clause is defeated, the second clause cannot be discussed. Unless the result of the earlier . . .

**Mr. Speaker:** Only the time that was spent in the discussion must have been lost.

**Shri Hari Vishnu Kamath:** It is infructuous.

**Mr. Speaker:** Of course. We must give an idea to the Members so that they might come . . .

**Shri Hari Vishnu Kamath:** Those clauses only which are not inter-dependent can be taken. Those which are so dependent cannot be taken.

**Mr. Speaker:** We will take up one by one. Only discussion will take place. Voting takes place . . .

**Shri Hari Vishnu Kamath:** May I explain? Clause 4 relates to the raising of the age of retirement of a Judge from 60 to 62. Clause 6 substitutes 62 for 60. Suppose the earlier clause is rejected, the clause 6 will not arise.

**Mr. Speaker:** It would be rejected by a vote.

**Shri Hari Vishnu Kamath:** Unless voting is done . . .

**Mr. Speaker:** Only the time spent would have gone un-utilised; that is what he says.

**Shri Hari Vishnu Kamath:** The time taken on the discussion of the later clause will be wasted.

**Mr. Speaker:** I also say that it will be wasted. Members want some idea about voting. Therefore, I have to give it. I realise that.

**Shri Sumat Prasad:** Clause 2 says:

"The age of a Judge of the Supreme Court shall be determined by such authority and in such manner as Parliament may by law provide."

The amendment that I have moved says:

"If any question arises as to the age of any Judge of the Supreme Court, the question shall be decided by the President in consultation with a Board consisting of three Judges of the Supreme Court nominated by the President. The age so determined shall not be questioned in any court of law."

In this Bill, there is a provision for the determination of the age of a High Court Judge. I see no reason why provision should not be made in this Bill itself for the determination of the age of a Supreme Court Judge and why a separate Act should be made for this purpose.

**Shri Tridib Kumar Chaudhuri:** Sir, I also more or less agree in principle with the previous speaker about the question of the age of a Judge of the Supreme Court. This and the question about the age of a Judge of the High Court should be decided on the same principle and the whole thing should be taken out of the purview of the courts and provision should be incorporated in the Constitution so as to make it non-justiciable. This is what I have tried to provide in my amendment with regard to clause 2 of the Bill which speaks about the age of a Judge of the Supreme Court.

I do not think I need add anything more to what I have said at the time of the discussion of the Consideration motion. The only point I want to add is that the age should be finally determined at the time of appointment and

it should be entered in the warrant of appointment of the Judges and that entry shall be final, and it shall not be called into question before any court of law. Only difficulty would arise in the case of the existing Judges. There, I am prepared to meet the Government point of view half way that the question may be referred to the Chief Justice. The Chief Justice should decide this question in his judicial capacity. The Chief Justice should not be associated in any administrative decision of the Government which the present practice of the Government amounts to whatever might be the intention of the Government. That is why I want to ensure firstly that the age of a judge should be entered into his warrant of appointment. Secondly, if any question arises as to the correct age of a judge, that should be referred to the Supreme Court. In this case, I have simply copied the language in article 103 of the Constitution where the question of disqualification of Members of Parliament has been dealt with. If any question arises as to whether any sitting Member of Parliament has become subject of disqualification, then that question can only be referred to the President under the Constitution, and the President's decision is final but the President is not a free agent, for, before coming to a decision, he has to refer the matter to the Election Commission and he is bound by the opinion expressed by the Election Commission. I have simply copied the language of article 103 in this matter.

**Shri Joachim Alva (Kanara):** It is a great pity that this clause has got to be included in this Bill in regard to the age of the judges. This question raises the entire question in regard to the character and appointment of the judges. If that point had been settled firmly and in a well laid-out manner, all these things could not have arisen. I am surprised that this matter of age has arisen in regard to the judges.

In my own community, wherever I am born, my age is immediately not-

ed down, because the Church register is there. Whichever church it may be, whether it is a church of 50 people or 500 people, that register is scrupulously maintained, and the matter is settled straightway.

This also raises a very important point that it is time that in the Indian law as a whole, we formulate an enactment by which the age of every child of every community, in every language, in every district and even in a tiny village is registered immediately after a birth. This is a lacuna which exists at present. When we find that even the age of a judge is in doubt, what is going to happen? It almost seems as if the foundations of our State are in doubt. I say this with all the sense of responsibility that if a gentleman comes and says, this is my age, I must believe him. If the gentleman has given his age from his childhood onwards, in his matriculation certificate, in his B. A. register, at the time of marriage, when he had his first child, when he applied for his first job, when he applied for Membership of Parliament and so on, if his age is consistent from the beginning up to the last stage, then the veracity cannot be doubted.

13.12 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

At least give him a chance to say he is a gentleman and he has given it correctly.

Today, if this Parliament has to debate about the point in regard to the age of a judge, I do not know where we have come to. We seem to have lost the character of the great judges who ruled over us, whether they were British judges or Indian judges, who were great judges and scholars, and whose word was the last word in law. Even if we were harshly dealt with by them and sent to jail, we felt happy that we had justice meted out to us, and we felt justice meted out at the hands of a strict and humanitarian judge and a

[Shri Joachim Alva]

judge who never cared for any kind of influence, religious, communal, family or even national.

But, today, when we are debating the question of the determination of the age of a judge, I am really wondering where we have come to. This is what I feel, I who have been hauled up before six High Court judges, three of them the ablest judges of India; and thank God, I got off from the executive action which was proposed by the British raj. This is what I who have surveyed the character, the deportment and personality of the judges feel in regard to this matter.

In fact, I had once gone to the Nagpur High Court to see what kind of a judge he was who handled a particular case, because I had written an article. 'Halt this march to the gallows', and that article was reproduced in Nagpur, and Mr. Mani or some other journalist was hauled up. I went to see what kind of judge he was. It was a hot afternoon, and I went to see Mr. Justice Vivian Bose, and the impression about him which was in my mind fifteen years ago has been more than fortified by the character of Mr. Vivian Bose. We want judges of the character of Mr. Vivian Bose whose word is the last law in the land. I went also to see two other judges of the Allahabad High Court, and one of those judges was an European judge. Mr. B. G. Hornimann, one of our greatest journalists had written an inoffensive two-line reference in his paper, the *Bombay Sentinel* most harmless, most informal, but the Allahabad High Court Decree was that the judges decreed that the body of Mr. Hornimann shall be produced before the Allahabad High Court. I think that that was one of the last briefs at the lower level which I had handled, and I am very proud of the briefs which I handled on behalf of Mr. Hornimann, particularly the one in which this greatest journalist was involved, and

I won all those cases. He was very keen that I should come to the High Court also, where Mr. Munshi argued out his case. The European Chief Justice of the Bombay High Court, one of the ablest and the fairest among the judges, Sir John Beaumont just threw out the case and said that the body of Mr. Hornimann shall not be handed over to the Allahabad High Court. This is the character of the judges which we want. Sir John Beaumont when he came from England just confirmed the death sentence on four famous Sholapur patriots, and they were hanged. And how did Sir John Beaumont come to that judgment? I know this because I discussed it with him. At that time he was Chief Justice of the Bombay High Court, and later on, he became a judge of the Privy Council in England. He said that he had thought that a police writ or police evidence contained unchallenged veracity and whatever the police wrote was law. He had come from England and, therefore, he said 'I confirm this sentence'.

**Mr. Deputy-Speaker:** The hon. Member has to address the Chair.

**Shri Joachim Alva:** Sir, you and I always clash with each other. I did not get my chance yesterday. I am coming to the point. You and I always clash with each other. You did not give me a chance yesterday. This is a matter affecting our future. Therefore, please allow me to go on.

**Mr. Deputy-Speaker:** The hon. Member will have to address the Chair and not be turning this side and that side.

**Shri Joachim Alva:** I have been hauled up before six judges. Therefore, please hear me. I am mentioning what happened then. Mr. Bhulabhai Desai, who was one of our greatest patriots, the man who defended the INA—I lived with him in Nasik Jail, and when he died, I wept—... in the appeal.

**Mr. Deputy-Speaker:** We are, on clause 2 now.

**Shri Joachim Alva:** He argued out the appeal of the Sholapur accused, and the Chief Justice Sir John Beaumont within no time came to the conclusion that whatever the police had put up before the High Court was correct, and true. But later on realising the truth he began to slash at the police and hammer the police, so much so that the British *raj* was shaken up and felt 'What is this Chief Justice doing? He was a European Chief Justice brought from England, and was later throwing out all the cases brought up by the police'. And that happened, of course, at the cost of four great patriots, who were hanged, and, therefore, nothing could be done.

**Mr. Deputy-Speaker:** What has all this to do with the clause?

**Shri Joachim Alva:** I am coming to the question of the character of the judges.

**Mr. Deputy-Speaker:** We are on clause 2 now.

**Shri Joachim Alva:** Please do not interrupt me. If you want, I shall sit down.

**Mr. Deputy-Speaker:** We are concerned with the age of the Supreme Court Judges.

**Shri Joachim Alva:** If I am a judge of the High Court, and if I make a declaration in regard to my age, and it is challenged, then there is something rotten somewhere, which we have got to put right. That is what I am coming to. If you do not understand my line of argument, I can sit down.

**Mr. Deputy-Speaker:** We are concerned with the age of the Supreme Court judges in clause 2.

**Shri Joachim Alva:** We are concerned with that. I do know that.

**Mr. Deputy-Speaker:** The hon. Member has to be relevant.

**Shri Joachim Alva:** In all humility, I may point out that you are barricading me for nothing. If you want, I shall sit down. It is a very important point. The character of the judges is at stake.

**Mr. Deputy-Speaker:** We are not concerned with the character of the judges. . .

**Shri Joachim Alva:** Please allow me, Sir, to continue.

**Mr. Deputy-Speaker:** We are concerned only with the age, in this clause.

**Shri Joachim Alva:** We are concerned with the age. But you are not allowing me to develop my point.

**Mr. Deputy-Speaker:** We are not concerned with the character of the judges. We are concerned only with the age of the judges of the Supreme Court in clause 2.

**Shri Joachim Alva:** What I mean to say is that when a judge makes a statement in regard to his age, it must be sacrosanct and it must not be challenged. It must be sacrosanct and it must not be challenged; that is what I am submitting. It is a great pity that this Parliament is being called upon to debate about the age of the judges. The age is also connected in many cases with many other things, such as an association, an appointment, nationality, religion, his being the next-door neighbour of somebody, his brother-in-law and so on.

One of the Ministers of a State in South India who is now here moved the whole law to be changed because he had a relation of his to be brought in as a High Court judge. I say nothing other than what I saw in the newspapers. If the Chief Justice of the Supreme Court of India attends a party thrown in his honour by a

gentleman who is involved in a report we are going to take up, then it is time that we picked up strength and put matters right. I am saying nothing which has not appeared in the newspapers. In all humility, I repeat that a gentleman whose conduct is impugned by the Vivian Bose Commission's report threw a party in honour of the present Chief Justice of India on his sixtieth birthday. I ask whether the Chief Justice could attend that party. These are the points that we have got to consider. We have to consider what these things will come to.

I submit that the age of a judge must be settled in a sacrosanct manner. Either it should be in the municipal record or in the record of the legislature, or we should come to some arrangement by which everybody's age will be registered in a perfect and fool-proof manner, which can never be challenged by anybody. What is the use of embarrassing a judge by saying that the President of India will decide his age or that somebody else would decide it. What an embarrassment it will be if somebody's age is challenged tomorrow. If I have been giving my age correctly, right from birth up to the last point, in a uniform, correct and consistent manner, then no one can dare challenge it.

**Shri S. N. Chaturvedi:** I have an amendment to this clause, and I shall not take very long. It is very unfortunate that the question of the determination of age of judges has to be brought before this House. But, as has been pointed out by the hon. Minister, circumstances have arisen and we have seen the unedifying spectacle of the age of a judge being disputed in courts and in public forums and that has necessitated this legislation meet that contingency.

My objection to the proposed article 2A is that, first of all, it does not

agree with the article which has been provided for the determination of the age of Judges of High Courts. There should be some uniformity of procedure in these matters; there is no justification for any differentiation. Secondly, I think it is not at all unnecessary for Parliament to pass a separate law for the purpose. My amendment reads:

"The age of a Judge of the Supreme Court shall be determined by the President after consultation with the Chief Justice of India, and such determination shall be final".

I think a lot has been said about the possibility of the Judiciary being subjected to Executive pressure, if the power of determination of age of the judges is vested in the President. If the amendment as proposed by me is accepted, the President will exercise this power in consultation with the Chief Justice of India. If he cannot be trusted to exercise impartial judgment even in consultation with the Chief Justice, I am really surprised what things are coming to. We cannot trust the head of the State and the head of the Judiciary sitting together and deciding the question about the age of Judge; we are thinking in terms of forming a Board of three Judges and framing other decrees. But we cannot do the very simple thing that is available to us. We asked some of the very eminent witnesses who appeared before the Joint Committee what was the alternative. They said this matter could be agitated in courts of law. The spectacle we are seeing is by no means very edifying where a Bench of a High Court is issuing writs against the orders of its own Chief Justice. Is the question of the age of a High Court Judge or Supreme Court Judge going to be agitated or decided in a munsif's court? Will that be conducive to the dignity of our judiciary, of the High Courts and the Supreme Court?

The Joint Committee has suggested that the age of a Judge of the Supreme Court shall be determined by such authority and in such manner as Parliament may by law provide. I have already said that a separate law is not necessary. But the contingency about disputes about age arising has to be met. My amendment provides for it. Most of the Members who have spoken are of the opinion that the age of a Judge should be determined at the time of his appointment and it should be entered into the warrant of appointment. At that time, it can be easily done. My amendment provides for that. I have also left room open for cases of those Judges whose age has not been so determined and who are still in service and a question has arisen or may arise about their age. My amendment provides for that also. So I think it will be a very fit and suitable amendment and there will be no dispute for which provision has not been made. Instead of Parliament having to legislate again on this point, I think it will be very desirable to accept my amendment.

Another point made is that it will not be right and proper to involve the President and especially the Chief Justice in such sort of administrative decisions. May I point out that this is the whole scheme of the Constitution? It appears that we have swallowed a camel and are straining at a gnat. The President has the power of appointment, first and foremost, in consultation with the Chief Justice. He has the power of appointing temporary Chief Justice or officiating Chief Justice without even consultation with the Chief Justice. He has the power of transferring Judges of High Courts from one place to another in consultation with the Chief Justice. All these powers are there. But merely the power of determination of age of a Judge will give him some power which will affect the independence and dignity of the judiciary—I fail to see the logic of this argument.

I think my amendment is fully consistent with the scheme of the Constitution and I commend it.

**Shri P. R. Patel:** I do not understand the amendment proposed by Government. It is not at all desirable to bring a Bill and discuss it and pass it according to which the age of a Supreme Court Judge will be determined. A Supreme Court Judge generally comes from a High Court.

**Shri A. K. Sen:** May I correct the hon. Member? The amendment in clause 2 was moved by Shri Kamath in the Joint Committee, it is not a Government amendment.

**Shri P. R. Patel:** It is provided that the age of a Judge of the Supreme Court shall be determined by such authority and in such manner as Parliament may by law provide. Instead of that, I am proposing the amendment that the age of a Judge of the Supreme Court admitted at the time of his appointment shall not be questioned after his appointment. What I desire is that once a Judge is appointed in the Supreme Court, the question of his age should not be raised by him or by anybody else. What will happen We have today Judges in the Supreme Court. Tomorrow the executive may think that the age entered of certain Judges is not correct and the matter crops up. Is that desirable in the interest of the dignity and independence of our Supreme Court? Such questions should not be raised at all. We must put a stop to it. So I am proposing that whatever age is admitted at the time of his appointment should be taken as final and nobody should be allowed to question it.

Today our Supreme Court is known for its integrity and independence. We know that an independent judiciary is the bulwark of our democracy. If we weaken our judiciary, our democracy will fall to the ground. Nothing should be done which would weaken or tend to weaken the judiciary. Such questions of age and

[Shri P. R. Patel]

other small things should not be allowed to be raised, and the Government also should decide not to raise such questions. I know the independence of our judiciary and I am very proud of it. Very recently there was an election case in which the Gujarat High Court delivered a judgment, and those who wanted to appeal asked for copies and they could not get them even though one month passed. They came to the Supreme Court and the Supreme Court, without hesitation or delay, wired the Chief Justice of the Gujarat High Court asking whether the judgment was ready. So, the Supreme Court is absolutely independent and it could do it.

If there is anything which would weaken our Judges, I think that would be a bad day for the country and for democracy. If my amendment is not proper, we should consider some way out to put an end to this question of age of the Supreme Court or High Court Judge.

What has happened in Calcutta is not a good thing I know. The Bench issued a writ against the Chief Justice. Whether it is good or bad, it shows the independence of the judiciary, and it could pass an order against the Chief Justice under whom it was working. It is a worthy and good thing, and we want to maintain it.

Appointments of High Court Judges are now taking place as a result of consultations between the Chief Justice and the Chief Minister. I think the opinion of the Chief Minister of the State should not be taken. It should be the concern of the judiciary only, and at the earliest possible moment the judiciary should be separated from the executive absolutely. I hope the Minister will consider it.

**Mr. Deputy-Speaker:** Shri Prabhat Kar. I want the hon. Members to take only two or three minutes. We are

on amendments. He has no amendments.

**Shri Prabhat Kar** (Hooghly): Shri Daji has moved an amendment.

**Mr. Deputy-Speaker:** No, he has not moved any to Clause 2. There are no amendments of his party.

**Shri Prabhat Kar:** I agree entirely that so far as the age of the Supreme Court or High Court Judges is concerned—here it is concerned with Supreme Court Judges only—under no circumstances should any question be allowed to be raised either by the Government or by the Judge himself.

The Supreme Court Judges are appointed generally after serving some time as High Court Judges, or they should have had practice for ten years as advocate. They are educated persons and have got their bachelor's degree. Naturally, their age is recorded all right. Whenever they are appointed, they know the age that is entered and also the time when they would be retiring. Therefore, no controversy should be raised either by Government or the Judge himself.

**Mr. Deputy-Speaker:** In this clause we are concerned only with the age of the Supreme Court Judge. He may confine himself to this clause. The age of the High Court Judges is coming in another clause.

**Shri Prabhat Kar:** Generally he would have been a Judge of the High Court for some time. That means his age is already recorded as a Judge. That is why under no circumstances, the question should be allowed to be reopened.

Secondly, article 124(4) states:

"A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the



total membership of that House  
....."

But now a Judge of the Supreme Court who otherwise cannot be removed can be removed by the President at the instance of the Government because the Government can *suo moto* raise this question and refer the matter to the President. This is in contradiction with the article I have referred to. Therefore, I do not agree with this amendment.

**Shri Kashi Ram Gupta** (Alwar):

This clause has been inserted on two grounds. One is that it is not good to put in such a thing as age in the Constitution, but if it is at all to be put, it should be in a way which is quite in agreement with the basic principles of the Constitution.

If the age of a person is questioned at all, it has to be decided by a court of law, and not by any one else. Even the evidence before the Joint Committee was like that.

When this clause was substituted, the main purpose was that there should be power to the President by himself or in concurrence with the Chief Justice to determine the age. As a matter of fact, the Law Minister had given his opinion that this question might not at all arise, but if it did arise, this was the only good way to face it.

My predecessors have given the argument that a Judge of the Supreme Court may generally be promoted from the High Courts, and because their age would have been decided already, the question may not arise. If that is so, this amending article put in by the Joint Committee is all right, and I think it should be retained.

**Shri Man Sinh P. Patel** (Mehsana):

I have heard the hon. Members who have spoken in support of their amendments on the Clause. I would only like to support the main clause of the Joint Committee.

What we are considering is not the character of the Judges or the circumstances under which their appointments might have been made, but how to decide the question of age if sometimes it is agitated.

It has been clearly stated before the Joint Committee that in the last 15 years no question of the age of a Supreme Court Judge was ever agitated, but now as the number of the Supreme Court Judges has increased because of the increasing volume of work, there is a possibility that in future the question might be agitated. How should it be decided then?

Originally, Government came forward with a proposal to amend the Constitution. Now the Joint Committee has suggested that Parliament should once and for all decide how it should be decided. If necessary, the Law Minister will come forward with a new Bill.

My friends suggested that generally a High Court Judge is appointed a Judge of the Supreme Court, and therefore his age would have been determined. I do not take this argument at its face value. The Constitution provides that even outsiders with eminent practice might be directly appointed. Further, we know that the birth registers are not accurate. In the case of some eminent people born in small rural places, there are no notings of their birth. Sometimes, such eminent persons are not anxious to join the judicial service, but at the invitation of some eminent Judges of the High Court, they join the service in order to serve the people through the judiciary. They have never known at that time what was their actual age or that a particular date is being registered. There may be a date in the matriculation or university certificate. He may never have dreamt that he would join the service. So, if some question arises, there should be a judicious decision of it. The judgment is not only to be judicious but it should be understood that it is judiciously given. There are three or four

[Shri Man Singh P. Patel]

amendments which are suggesting small and trivial remedies. They will not serve the real purpose. Some friends ask: why different legislations for deciding the age of High Court Judges and Supreme Court Judges. When the matter concerns a High Court the Chief Justice of the Supreme Court will be in a position to guide the President. The Chief Justice is himself a Judge of the Supreme Court and so the question arises as to who should direct it and what should be the procedure. There should not be the slightest doubt or ambiguity in the minds of the people about the possibility of the so-called interference of the executive or of the Government. Some Members even referred to it. Here the special legislation will help. Therefore, I support this clause.

**Mr. Deputy-Speaker:** The hon. Law Minister.

**Shri C. K. Bhattacharyya:** Sir, I want to speak.

**Mr. Deputy-Speaker:** Every Member cannot go on speaking like this. I can understand those who have tabled amendments wanting to speak. We have to finish this by 4 O'clock.

**Dr. L. M. Singhvi (Jodhpur):** If that is the view taken, the point of view of the Select Committee would have to go by default, that is if only those who have moved amendments are to be permitted.

**Mr. Deputy-Speaker:** I have allowed others also to speak but there should be some limit. The others may take 2-3 minutes.... (Interruptions.)

**Shri C. K. Bhattacharyya:** Sir, I will take only two or three minutes. This particular amendment creates a discrimination. While the age of the High Court Judge is being put in the Constitution itself, the age of the Supreme Court Judge is left to be determined by Parliament by law. In case the age of a High Court Judge

has got to be changed the Constitution will have to be changed but the age of the Supreme Court Judge can be changed by modification of common law that Parliament may pass. In this matter the Supreme Court Judges are being put in a disadvantageous position as compared to the High Court Judges.

My second submission is this, I do not see any need for this amendment at all. This amendment invests Parliament with power of passing a law to fix the age of Supreme Court Judges. I have gone through the Constitution and I do not find anywhere in the Constitution where it denies the Parliament's power of passing such law. When Constitution does not deny the Parliament the power to pass such a law what is the use of putting this in the Constitution again so that Parliament may have a power which, I believe, it already has.

**Dr. L. M. Singhvi:** I have to say only a few words. My submission is that the Select Committee arrived at the proposed draft after prolonged discussion and consideration of the matter. There were conflicting considerations both for the insertion and exclusion of such a draft. It is true that some of the distinguished witnesses who appeared before us thought it better to leave the matter as it was but the form in which the draft is put has made it clear that the processes and methods for the determination of the age of a Supreme Court Judge is left to be determined by means of legislation under the common law of the land. By this draft we have actually been able to steer clear of the pitfalls of leaving it to executive decision or even to executive decision aided by judicial advice. This draft represents a compromise of the various conflicting considerations and it should commend itself for acceptance by the House.

श्री सिंहासन सिंह (गोरखपुर) : उपाध्यक्ष महोदय, यह जो इस धारा के द्वारा

आप संविधान में संशोधन करने जा रहे हैं, यह समझ में नहीं आता है। एक घटना हो गई कलकत्ता की और उसको लेकर आप संविधान में परिवर्तन करें यह संविधान के लिए भी शोभा नहीं देता है...

**एक माननीय सदस्य :** ज्यादा हुए हैं।

**श्री सिंहासन सिंह :** चाहे कितने भी केस हुए हों, यह चीज शोभा नहीं देती है।

यहां पर सुप्रीम कोर्ट और हाई कोर्ट्स के जजों की अवस्था का सवाल है और उस पर विचार किया जा रहा है। अगर आप देखें तो इनकी अवस्था का ही सवाल नहीं है, और भी बहुत सी सर्विसेस हैं, जिनकी अवस्था का सवाल पैदा हो सकता है। यूनिन कमीशन है, स्टेट कमीशन है, उनके मੈम्बरो की अवस्था ६५ बरस और ६० बरस दी हुई है। फिर पार्लिमेंट के मेम्बरो की अवस्था का भी सवाल पैदा होता है। उनकी अवस्था भी कहा गया है कि पच्चीस साल से कम नहीं होनी चाहिये। क्या आप इन सब की अवस्थाओं का फेसला इस तरह से करते फिर सकते हैं। आदमी एक बार पैदा होता है, बार बार पैदा नहीं होता है। आदमी की अवस्था एक होती है, वह बदला नहीं करती है। जब वह पैदा होता है तो उसकी अवस्था एक ही होती है। उसका रिकार्ड भी होता है, वह अवस्था म्युनिसिपैलिटी के रिकार्ड में दर्ज रहती है, गांव के चौकीदार के पास दर्ज रहती है, गांव सभा में दर्ज रहती है। इसके अलावा वह जब स्कूल में पढ़ने के लिए जाता है तो उसके मां बाप उसकी एज वहां दर्ज कराते हैं। वह हाई स्कूल पास करता है, बी० ए० पास करता है, एम० ए० पास करता है, हर जगह उम्र दर्ज होती है। इस सबके बावजूद भी अगर झगड़ा होता है तो इसका मतलब केवल यही निकल सकता है कि कहीं गड़बड़ी है, हमारे ख्याल में गड़बड़ी है। आप इस तरह का प्राविजन संविधान में करके चरित्र को नीचे करने जा रहे हैं और उम्र को भी झगड़े में रख

रहे हैं। मेरे विचार में ये दोनों बातें लाना हाईकोर्ट और सुप्रीम कोर्ट के लिए, इस सदन को शोभा नहीं देता है। जो भी कानून आप बनायें सबके लिए एक सा बनायें। अगर आप इनके लिए इस तरह से करते हैं तो क्या आप आई०ए०एस० में जो हैं, या तो यूनिन कमीशन में हैं या दूसरे हैं, उन सबके झगड़े मिटाते फिरेंगे। फिर लोकसभा की सदस्यता के लिए जो पचीस साल की उम्र रखी गई है, उसको कौन तय करेगा, पटवारी तय करेगा, हम तय करेंगे, कौन करेगा। यूनिन पब्लिक सर्विस कमीशन के सदस्यों की जो पैंसठ साल की उम्र रखी हुई है, उसको कौन तय करेगा। कौन तय करेगा कि यह साठ का हो गया है या नहीं, पैंसठ का हो गया है या नहीं। बंगाल के एक दो केसिस को लेकर जो झगड़ा हो गया, उसको लेकर आप जो संविधान में परिवर्तन कर रहे हैं, वह उचित नहीं है। मैं उसका विरोध करता हूँ। यह संविधान के लिए शोभा की बात नहीं है। जब संविधान बनाया गया था तो बहुत सोच समझ कर बनाया गया था और उम्मीद की गई थी कि सभी हाईकोर्ट के जज अपनी उम्र ठीक बतायेंगे।

सुप्रीम कोर्ट के चीफ जस्टिस ने अपनी एक चिट्ठी में जो इसके बारे में लिखा था, उम्र के झगड़े के बारे में लिखा था, उसको पढ़ कर मैं आपको सुनाना चाहता हूँ। उन्होंने उसमें कहा था कि हमारी डिगनिटी के लिए, आपकी डिगनिटी के लिए यह बड़ा जरूरी है कि हम लोग उम्र का झगड़ा न उठायें, जो मैट्रिकुलेशन के सर्टिफिकेट में उम्र दर्ज है, या जां यूनिवर्सिटी में दर्ज है, उसी को रखें। आपकी जानकारी के लिए उस चिट्ठी में से थोड़ा सा हिस्सा आपको पढ़ कर मैं सुनाना चाहता हूँ।

“Neither the Government of India, nor anybody, far less the Supreme Court, would do anything to detract from the prestige of a High Court which must de-

[Shri Sinhasan Singh]

pend upon the respect in which the Judges of the Court are held by all concerned. Certainly we would not do anything to cast aspersions on the veracity of a Judge of a High Court; but in order to save the Judge himself and the Government from any embarrassment in Court and out of Court this policy has been adopted."

**Mr. Deputy-Speaker:** It is not concerned with this clause. You yourself are a lawyer.

**Shri Sinhasan Singh:** They are formulating a policy. The letter continues:

"In pursuance of this policy, I understand, all those who have been appointed as High Court Judges in recent years have been asked to submit their matriculation certificate or any other evidence of age, as it appears in the University records."

**Mr. Deputy-Speaker:** That is as regards high court judges.

**Shri Sinhasan Singh:** But there is no provision in regard to the Supreme Court judges here. I say that the whole basis of the amendment is wrong. You are having two standards for two categories of judges: you are having one standard for the high court judges and another standard for the Supreme Court judges. That is also wrong. If the judges are to have one standard, the standard should be same for both the Supreme Court judges and the high court judges. So, my submission is that we are not enhancing either the prestige or the independence of the judiciary by this provision. I therefore submit that the hon. Minister should not press it and he should withdraw it.

**Shri A. K. Sen:** Mr. Deputy-Speaker, Sir, the Joint Committee after hearing the Government and the diverse points of view have decided upon this particular form. It is no doubt diffe-

rent from the Government point of view. In fact, appearing for the Government, I did say that we would not be sorry if there was no provision for the Supreme Court Judges, and I stated that the problem would not be very important because in the case of most of the judges appointed in the Supreme Court after 1958,—those who are now serving—the age has already been verified at the time of their appointment. There would be only a few who have been appointed before 1958, and in their case the question would be completely academic. Shri Kamath apparently had a better advocacy than myself when he carried the Joint Committee with him.

**Shri Hari Vishnu Kamath:** Because you agreed with me.

**Shri A. K. Sen:** Since the Joint Committee had passed it, we have kept it. There is no objection on principle, because the power is given to Parliament. If the Parliament thinks that the problem does not arise, we will not pass any law. But it is absolutely necessary that the power is taken away from every individual to go to court and challenge the age. That is what is necessary, because we do not want any odd individual to go to court and challenge a judge's age which has the effect of invalidating all his judgments during the period of the litigation.

**Shri S. N. Chaturvedi:** Then, would it not be essential to pass a law?

**Shri A. K. Sen:** As a point of fact, it is not so necessary.

**Shri S. N. Chaturvedi:** Anybody might challenge it.

**Shri A. K. Sen:** If such a problem arises, the Parliament can think it necessary. What I am saying is in the case of the Supreme Court it has not arisen up till now and it is unlikely to arise. But if any occasion like this arises, Parliament takes the power to do so, instead of giving it by way of a constitutional amendment—

**Shri Sinhasan Singh:** You must have a law before a case arises. If you go on making laws after every case, then I think it will be bad.

**Shri A. K. Sen:** It is not every case. It is general. Therefore, I think we better have it.

**Mr. Deputy-Speaker:** Are you accepting any amendment?

**Shri A. K. Sen:** I am not accepting any amendment.

**Mr. Deputy-Speaker:** Is Shri Sumat Prasad pressing his amendment?

**Shri Sumat Prasad:** I beg leave to withdraw the amendment.

*Amendment No. 10 was, by leave, withdrawn.*

**Shri Tridib Kumar Chaudhuri:** I do not press my amendment No. 23.

*Amendment No. 23 was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** Amendment No. 11 by Shri P. R. Patel. He is absent. I shall put it to the vote.

*Amendment No. 11 was put and negatived.*

**Shri S. N. Chaturvedi:** I am not pressing my amendment.

*Amendment No. 22 was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** We will hold over the voting on clause 2 till a later hour....

**Clause 3.—(Amendment of article 128)**

**Mr. Deputy-Speaker:** There are two amendments. Shri Daji, Shri S. M. Banerjee and Shri Mohammed Elias are not here.

**Shri Prabhat Kar:** I beg to move:  
Page 1, after line 13, insert—

‘(b) after the existing proviso, the following new proviso shall be inserted, namely:

“Provided further that the appointment shall be for a

definite period not exceeding three months”.’ (24)

The question is about the judges who have already retired being again re-appointed. My amendment is because of this: because of the accumulation of work, or due to some other extraordinary circumstances, it may be felt that a judge whom we have retired should be reappointed, but then it should be for a very short period. That is why I have moved this amendment, although I had said earlier that we do not agree that judges who have already retired should again be appointed.

**Shri A. K. Sen:** I explained earlier why we do not want to fix a period, because the very purpose of appointing an *ad hoc* judge would be frustrated. The necessity for appointing *ad hoc* judges arises during the temporary absence of a sitting judge either through illness or otherwise. The appointment is to be made during the period of the temporary absence of a sitting judge. As I said, it is quite different from the appointment of additional judges. We do not, therefore, know how long the temporary absence will continue. If you put a time-limit, it will frustrate the very object.

**Mr. Deputy-Speaker:** Those in favour of amendment No. 24 will please say Aye. But then, are you pressing your amendment, Shri Prabhat Kar?

**Shri Prabhat Kar:** No.

**An Hon. Member:** After his reply.

**Dr. L. M. Singhvi:** Is clause 3 of the Bill being finished like this?

**Mr. Deputy-Speaker:** The hon. Minister has replied.

**Dr. L. M. Singhvi:** This is very strange. After all, clause 3 is an important clause. We want to speak on it and we want to explain as to why we were persuaded to append a note of dissent.

## Bill

**Mr. Deputy-Speaker:** He did not get up.

**Dr. L. M. Singhvi:** How could I get up while another hon. Member was speaking?

**Mr. Deputy-Speaker:** I called the hon. Minister, and he has replied.

**Dr. L. M. Singhvi:** I thought the Law Minister's reply was to a particular query raised by Shri Prabhat Kar.

**Mr. Deputy-Speaker:** The hon. Member moved an amendment and he spoke on the amendment; the hon. Minister was called and he has replied. Dr. Singhvi did not get up. I am sorry.

**Dr. L. M. Singhvi:** I certainly feel that this is an important question. (*Interruption*).

**Mr. Deputy-Speaker:** I cannot reopen the question.

**Dr. L. M. Singhvi:** The Law Minister was asked only to give an answer to the query raised by Shri Prabhat Kar.

**Mr. Deputy-Speaker:** It was not a query. He moved an amendment. Are you withdrawing your amendment, Shri Prabhat Kar?

**Shri Prabhat Kar:** Yes.

**Mr. Deputy-Speaker:** Those in favour of withdrawal of amendment No. 24 will please say Aye.

**Some Hon. Members:** Aye.

**Mr. Deputy-Speaker:** Those against will please say No.

**Dr. L. M. Singhvi:** No. He does not have leave to withdraw. The Noes have it. You put this question to the House and the House said No. (*Interruption*).

**Shri Hari Vishnu Kamath:** When you asked whether the hon. Member had the leave of the House, he said "No".

**Mr. Deputy-Speaker:** Shall I put the amendment?

**Shri Hari Vishnu Kamath:** The leave of the House to withdraw the amendment should be granted unanimously.

**Mr. Deputy-Speaker:** I will put the question again. The question is:

"That leave be granted to Shri Prabhat Kar to withdraw his amendment."

Those for the motion will please say Aye.

**Some Hon. Members:** Aye.

**Mr. Deputy-Speaker:** Those against it will please say No.

**Dr. L. M. Singhvi:** No.

**Mr. Deputy-Speaker:** So, I shall put the amendment to the vote.

*Amendment No. 24 was put and negatived.*

**Mr. Deputy-Speaker:** The voting on clause 3 will be held over.

**Clause 4.**—(*Amendment of article 217*)

**Shri Hari Vishnu Kamath:** I beg to move:

(i) Page 1,—

omit lines 15 and 16.

(ii) Page 2,—

for lines 3 to 6, substitute—

"“(3) If any question arises as to the age of a Judge of a High Court, the question shall be decided by such authority and in such manner as Parliament may by law provide.” (31)

**Shri K. C. Sharma (Sardhana):** I beg to move:

(i) Page 1, line 16,—

for "sixty-two years" substitute—  
"sixty-five years". (2)

(ii) Page 2, line 4,—

for "President" substitute—  
"Chief Justice of the High Court". (4)

**Dr. L. M. Singhvi:** I beg to move:

Page 1, line 16,—

for "sixty-two years", substitute—

"sixty-four years". (42)

(ii) Page 2,—

for lines 3 to 6, substitute—

"“(3) The age of a Judge of a High Court shall be determined by such authority and in such manner as Parliament may by law provide.”’ (44)

(iii) Page 2,—

for lines 3 to 6, substitute—

"“(3) The age of a Judge of a High Court shall be stated in the warrant of his appointment and shall not be questioned in any court of law or otherwise.”’ (45)

**Shri Kashi Ram Gupta:** I beg to move:

(i) Page 1, line 16,—

for "sixty-two years" substitute—

"sixty-five years, with no right to practise after retirement," (26)

**Shri C. K. Bhattacharyya:** I beg to move:

Page 2,—

for lines 3 to 6, substitute—

"“(3) The age of a Judge of a High Court shall be determined by such authority and in such manner as Parliament may by law provide.”’ (30)

**Shri Tridib Kumar Chaudhuri:** I beg to move:

Page 2,—

for line 3 to 6, substitute—

"“(3) The correct age of a Judge of a High Court shall be determined by the President and entered into the warrant of his appointment.

(4) If any question arises as to the age of a Judge of a High

Court, the question shall be referred for the decision of the President and his decision shall be final.

(5) Before giving any decision on any such question, the President shall obtain the opinion of the Chief Justice of India and shall act according to such opinion:

Provided that where the age of a Judge has been stated in his warrant of appointment, that statement about his age shall be final.”’ (28)

**Shri Prabhat Kar:** I beg to move:

Page 2,—

for lines 3 to 6, substitute—

"“(3) The age of a Judge of a High Court shall be stated in the warrant of his appointment and the date so stated shall be final.”’ (29)

**Shri S. N. Chaturvedi:** I beg to move:

Page 2,—

for lines 3 to 6, substitute—

"“(3) The age of a Judge of a High Court shall be determined by the President after consultation with the Chief Justice of India and such determination shall be final.”’ (27)

**Shri C. K. Bhattacharyya:** I beg to move:

(i) Page 2, line 5,—

for "after" substitute "in" (32)

(ii) Page 2, lines 5 and 6,—

for "the decision of the President" substitute "such decision". (33)

**Shri K. C. Sharma:** Mr. Deputy-Speaker, Sir, this is an important question about the retirement age of judges. It is not a question of employment as such as some hon. friends have taken it or have understood it,

[Shri K. C. Sharma]

but it is the question of the functioning of a judge. A judge interprets the law. But, at the same time, he also make the law. It is a strange irony that in India we have now the seventh Chief Justice within twelve years, while in USA the seven Chief Justices have been presiding over the deliberations of the Supreme Court for over 170 years. From 1789 up to the Present day, only 14 Supreme Court Chief Justices have taken their seats in USA. Some of the Chief justices there have held office for as long as 30 years. So, my respectful submission is that the Judge's tenure of office should not be looked upon as a matter of job or employment, but as a matter of function, as a matter of service to the people and laying down the foundations of a valid law for generations to come.

14 hrs.

My suggestion is that the High Court Judge should be appointed at the age of 55 and should be in office up to 65. In 10 years, a mature Judge can lay down the law for future Judges to look into and for the people to get justice in the right way and in a valid way. For Supreme Court Judges, I put in a Bill, which has not come. I requested the Law Minister and he agreed with me that a Supreme Court Judge should remain in office up to 70. It is not that I want they should get employment up to 70 years. For employment, I agree with Mr. Menon that they should be appointed for life. That is not the question. The simple question is, at the age of 60 a High Court Judge comes to the Supreme Court and for 10 years he remains there. He lays down certain doctrines of constitutional law, which would be a guide for the future generations. My respectful submission is that the age of retirement for High Court Judges should be raised to 65 years. I appeal to the lawyers' conscience of the Law Minister whether these 2 years of extension are going to help. Are we reducing the High

Court Judge to the position of a clerk in the office? I say it is insulting to introduce this sort of amendment and bring it before this august House. 65 years will have some meaning. At least in India, we generally think in terms of 5, 10, 50, 100 and so on, and not like as at the shop who think in terms of 2 and 3. My friend here tells me that not even at the shop they think like that. Have we reduced the High Court Judge to a position worse than the men at the shop?

It is a fantastic conception that it will help the Judges in any way and it is bad in logic, because the gentlemen who are competent to give opinion on this have given the opinion that the age should be raised to 65. It is bad logic not to accept their opinion based on experience and have an arbitrary and illogical extension of 2 years.

I have put in an amendment that the age of the High Court Judge should be decided by the Chief Justice of the High Court. My respectful submission in regard to that provision is that they have the doctrine of estoppel in the Evidence Act under section 115. When a Judge is appointed, he puts down his age at the time of appointment as Judge or at the time of enrolment as an advocate. Once having given his age, he is estopped from contesting it. What is good for a citizen in the street must be followed in the case of a Judge also, because the Judge lays down the law for the man in the street. Therefore, it is not open to him to question what he has given at the time of appointment as Judge or enrolment as advocate. If a larger question arises, that should be left to the Chief Justice. I do not think the Chief Justice will do any injustice to his own colleague, from that exalted Chair. This is my submission, Sir.

Shri Prabhat Kar: I have said in my amendment No. 29 that the following should be substituted in place of sub-clause (3):



"The age of a Judge of a High Court shall be stated in the warrant of his appointment and the date so stated shall be final."

Sub-clause (3) as it stands reads as follows:

"If any question arises as to the age of a Judge of a High Court, the question shall be decided by the President after consultation with the Chief Justice of India and the decision of the President shall be final."

So far as the first part is concerned, while the Constitution (Fifteenth Amendment) Bill was being referred to a Joint Committee, at that time I drew the attention of the House to the fact that there was no reason why there should be any difference between the High Court Judge and the Supreme Court Judge in the matter of age of retirement and why if a Supreme Court Judge can carry on up to 65, a High Court Judge also cannot go up to 65. But I find that the Joint Committee has not agreed to that proposition and it has made a difference between the age of Supreme Court Judge and High Court Judge.

So far as the second part of it is concerned, it is very unfortunate that very recently this question has given rise to so many controversies and also court proceedings. A Judge is appointed from eminent people in the Bar and raised to the Bench. In the case of educated persons, their age is recorded in their matriculation certificate and also in the degrees. Not only that. When they are called to the Bar, their age is recorded. So, how can there be any controversy about the determination of a Judge's age? At the time of appointment, he must have given an age, which has been verified. So, I do not see why that age should not be the final thing; I am really surprised at this. So far as the particular amendment suggested in this Bill is concerned, apprehensions

have been raised even in the Bar Associations. I may just draw attention to the resolution adopted by the Calcutta Bar Association:

"This Association feels that the security of tenure of office of a High Court Judge as fixed at the time of his appointment is the very essence of the independence of the Judiciary. It is only during a fixed tenure of office that a Judge can discharge his judicial duties without fear or favour and without interference, executive or otherwise. Therefore, this Association apprehends that the provision for any possible dispute about age and its determination by the President after it has been once determined at the time of his appointment, will leave the tenure of office of a High Court Judge in perpetual peril and inevitably affect his judicial independence."

At the time of appointment, the age is required to be given and at that time that age is verified. Once the age has been verified, the question of raising any dispute over it either by the Judge himself or by the Government should not be allowed. Earlier the Law Minister, while speaking, made certain references to a particular case of a Calcutta High Court Judge. I do not hold any brief for anybody. So, I say that neither the Judge will be allowed to raise any dispute about the age which has been already given rightly or wrongly nor the Government will have the right to raise a dispute about the age of a Judge. The Law Commission has also made reference that various extraneous circumstances are taken into consideration at the time of appointment of a Judge.

**Mr. Deputy-Speaker:** Your amendment relates to future appointments. The Law Minister has already made it clear that they are taking particular care about future appointments.

**Shri Prabhat Kar:** Already, in the case of the sitting judges, their ages have been recorded. No further question should be raised about that.

**Mr. Deputy-Speaker:** Your amendment does not read like that.

**Shri Prabhat Kar:** Already there is a warrant of appointment in which the age has been recorded. That age which has been recorded should not be controverted by the judge himself or by the Government. That should be the final thing. In view of certain disputes which have been raised, these apprehensions have come in that there might be some difference of opinion. My point is, whatever be the difference of opinion, whether the record is right or wrong, the judge as well as the Government should not be allowed to raise any dispute.

As I pointed out earlier, if this matter is left to the Government—because the “President” means that the President will act on the advice of the Ministry and Ministry means a government department—there will be perpetual apprehensions in the minds of the people that the independence of the judiciary is being interfered with. What do we find today? It has been said here on the floor of the House that at the time of appointment certain extraneous matters are taken into consideration. If again at the time of retirement this question can be raised and a controversy can be raised by the judge or by the Government and it has to be settled by the Government, then the independence of the judiciary will be interfered with. That is why we do not want at any stage any dispute to be allowed to be raised. All disputes should be set at rest at the time of appointment, and the age put in the warrant of appointment should be taken as final. Therefore, Sir, we do not agree with the amendment that is proposed.

**Shri Hari Vishnu Kamath:** Mr. Deputy-Speaker, Sir, I move amendments Nos. 25 and 31 standing in my name.

**Mr. Deputy-Speaker:** They were taken as moved.

**Shri Hari Vishnu Kamath:** I shall briefly deal with each one of them. I shall first take my amendment No. 25 which seeks to omit the sub-clause relating to the raising of the retirement age of High Court judges. Yesterday, I briefly referred to this matter, but for lack of time I could not adequately deal with the curious argument made by the Law Minister in the course of his speech in the first reading, that we have got some experienced judges, some very experienced judges, and that it will be unfortunate for the country if we are forced or compelled to lose the benefit of their services for the High Courts, for the country. This, Sir, to say the least, is a very strange argument embodying, what I may, the doctrine of indispensability of individuals in human affairs. I do not at all, and I am sure my colleagues also do not, subscribe to the doctrine of indispensability of individuals in human affairs and, if I may say so with all respect, only God is indispensable and no individual however great can be deemed to be indispensable. Individuals are important, some are more important than others, some are more necessary than others; but to say that any individual is indispensable or even to hint at such a possibility is derogatory to all conceptions of human history that we have been taught to believe in. Great men have come and gone and yet the world, yet India goes on, and I am sure the High Court and the Supreme Court also will go on whether some judges are there or some judges are not there. Yesterday I demanded—I do not know whether the Speaker took it in the spirit in which I had said it—what the facts are. I said, let us have the facts so that this House can bring to bear an unbiased and serious view on the matter and come to a decision. Who has written to whom? Has the Chief Justice of India written to the Law Minister or to the Prime Minister that such and such judges are very experienced, very competent that it

may be difficult to find substitutes for these judges and therefore some law must be passed by Parliament to accommodate individual judges? whether judges or somebody else, this Constitution, however, embodying the eternal verity of justice, liberty, equality and fraternity in the preamble, is not meant, and I hope it will not be meant, to accommodate a few individuals at every turn of history. That will be a sad day for our country if the Constitution will be prostituted to accommodate individuals. I use the word advisedly. The Constitution should embody principles, should embody certain policies, should embody certain ideals and those that we have been taught to believe in.

But, Sir, today we had the said spectacle of the Law Minister of the country coming and telling the House that just because there are a few judges who retire on such and such a date and if they retire it will be a loss to the High Courts, we should try to ensure their continuity in service. What will happen after one year when they retire at the age of 62? We are raising their age to 62. After a year and half or, I suppose, after two years, they will retire or they will be compelled to retire. What will happen then? Will the same argument be trotted out by the Law Minister saying that they are retiring at their age of 62, we will lose their services and therefore we should amend the Constitution again? I think, Sir, that this sort of argument should not have been reared by the Law Minister. He should have brought out some other argument saying that some of the judges are retiring at 60 and that they should be enabled to serve till they reach 62 when they may retire. But he has not answered this query, this counter-argument as to what will happen when they become 62. What will happen then? They will have to retire then. How will you stop them from retiring? How will you enable them to continue in service then?

Therefore, Sir, I am constrained to say that ever since this Bill was brought on the anvil of Parliament—just before that or perhaps soon after that—not merely the case of Mr. Justice Mitter has been brought before the House—it has been referred to by the Law Minister and other Members of the House also—but I have got a signed letter from a friend in a State—I will pass it on to the Law Minister and I hope he will enquire into the matter, because I do not know whether the facts he has quoted are true—saying that the Chief Justice in a State—a service judge unlike Justice Mitter—who has all along given his date of birth as one thing according to which in December, 1962....

**Mr. Deputy-Speaker:** You may write a letter to the Law Minister instead of bringing it before the House.

**Shri A. K. Sen:** You better pass it on to me.

**Shri Hari Vishnu Kamath:** He has recently changed his date of birth, that is what I am told. I will pass on this letter to the Law Minister to enquire into the matter. As you say, I will pass it on to him for such enquiry as he may deem fit. But it is very bad that this sort of infection is spreading all round.

Now, Sir, I will come to the second amendment. It is unfortunate that these two sub-clauses which deal with separate matters have been lumped together, because those of my colleagues who may like to vote for one and may not like to vote for the other sub-clause may not vote at all now. I do not know whether when it come to voting you will be pleased or the Speaker will be pleased to direct that the two sub-clauses may be put separately. They are quite different matters. I do not want that they should be jumbled together. This Bill is jumbled even as it is, and this may make it still worse.

The second part of my amendment No. 31 seeks to put the High Court Judges on a par with Supreme Court

[Shri Hari Vishnu Kamath]

Judges. Because clause 2 has been accepted by the Government—I cannot say accepted by the House because so far the House has not voted on it, but as the Minister has accepted it, the Government has accepted it and I am sure the ruling party will vote for it and there is no question of the ruling party not voting for it when once the Minister has accepted it, and I take it that the House has accepted clause 2.....

**Shri Sinhasan Singh:** You cannot say that the House has accepted it because it has not yet been voted upon.

**Shri Hari Vishnu Kamath:** I hope it does not occur. Necessarily, uniformly, whenever Government accepts a thing the ruling party accepts it. I know this House has not been an exception to that rule. Unfortunately, there are no exceptions to that rule. I wish there were exceptions to that rule where even when the Government accepts the ruling party votes against. Now, coming to the second amendment, Government have accepted clause 2, seeking to provide . . .

**Mr. Deputy-Speaker:** Clause 2 is in the Bill.

**Shri Hari Vishnu Kamath:** In the Joint Committee, Government were not willing to accept it, but the Joint Committee decided in favour of it. Now the Minister has accepted it. It seeks to provide that the age of a Judge of the Supreme Court shall be determined by such authority and in such manner as Parliament may by law provide. I am glad to see that a colleague of mine of the Congress Party, Shri C. K. Bhattacharyya, is also of the same view, shares my view in this matter. He has tabled an amendment almost on the same lines as I have done.

**Shri Kashi Ram Gupta:** I have also tabled an amendment.

**Shri Hari Vishnu Kamath:** But you are in the opposition. We are together. The Congress Party is in a different boat. If it is carried, if he convinces the Law Minister of the soundness of his amendment, I would be glad, because then my amendment will not come to voting; otherwise, my amendment will come for voting.

Then, so far as High Court judges are concerned, I submit that the President should not be brought into the picture. The President is the executive head of the Union, and the President, as I said yesterday briefly, acts on the advice of the Council of Ministers. So, whatever the President does in this matter means *ipso facto* what the Council of Ministers, or that particular Minister, says in the matter. How he advises the President in the matter or how the President obtains the advice is not relevant. In any case, it is not his individual judgment; it is not acting in his discretion. When he acts on the advice of the Ministers, here also it will be some Secretary of the Government in the Law Ministry or the Home Ministry who will decide the question, or it will be even at a lower level, by the Deputy-Secretary or the Joint Secretary, and it will be placed before him for his approval. I am sure in most cases of this type the President will ditto what the Minister has said or the Ministry has said. Therefore, I am very reluctant to drag the President into such controversial matters. I would be very happy if the matter is sought to be determined in exactly the same manner as the age of the Supreme Court Judge is sought to be determined.

**Dr. L. M. Singhvi:** Mr. Deputy-Speaker, Sir, the proposed amendment before us, which is embodied in clause 4, seeks two objectives—one is to raise the age of retirement of High Court Judges from 60 to 62 years and the other is to provide for cases in which the age of a High Court judge might become subject-matter of

a dispute. I have moved certain amendments to clause 4, and I commend them for the consideration of this House.

My amendment No. 42 seeks to raise the age of retirement to 64 years. My second amendment, No. 44, seeks to provide for the determination of the age of a judge of a High Court in the same manner as it is sought to be provided in clause 2 of the Bill before us. My third amendment, No. 45, seeks to provide for the statement of the age of a High Court judge in the warrant of his appointment and make it unquestionably final in any court of law or otherwise.

Mr. Deputy-Speaker, You would recall that the Joint Committee, over which you presided with distinction, had to devote itself at great length in this matter, because this has been a much vexed question, this has been a question on which conflicting opinions were available to us and on which the policy considerations weighing with the Government were definitely at variance with some of the evidence that was adduced before us.

So far as the general question of age is concerned, I shall, first of all, deal with the idea of giving retrospective effect, which was suggested by many members of the Joint Committee and which has been discussed and bandied about on the floor of this House time and again. It seems to me that the Government have, in their wisdom, adopted a policy of sheer opportunism, a policy which has been shifting and swinging from one position to another, policy which bespeaks lack of legislative leadership and initiative. I feel this has actually made the matter much worse than what it would have been otherwise. Now, naturally, motives are imputed when arguments are advanced as if persons who had suggested giving retrospective effect to this particular provision of the Constitution were interested in one particular judge or another. Sir, I repudiate the suggestion, because I have also made this suggestion in an

indirect way by saying that the Government had greatly delayed the passing of this Bill and thereby denied a certain number of distinguished High Court judges the opportunity of serving in their respective High Courts for a longer term.

So far as the general question of raising the age of retirement is concerned, I shall invite the attention of the House to what the Law Commission had to say in the matter. The Law Commission says:

"The information gathered by us shows that a large number of retired judges of the High Courts have been in Government employment of some kind or other after retirement. The recent constitutional change which permits retired judges to practise in the Supreme Court has resulted in a fair number of them setting up practice in the Supreme Court."

Then it goes on to say:

"No doubt, we have been told of a few cases in which the High Court Judges have not been able to reach even the age of 60 years with their physical or mental capacity unimpaired. These, however, are exceptions. We think that we are justified in concluding that the average and the normal High Court Judge would be able to discharge his duties efficiently even if the age-limit is raised to sixty-five years. It will be remembered that there is no age-limit for the retirement of High Court Judges in other countries and where the age limits exists they are higher than sixty-five years. So great is the importance attached to a judge's ripe experience that justices of foreign countries who have visited India have often expressed surprise at the age-limit of retirement which prevails in our country. These considerations lead us to recommend that the age limit of High

[Dr. L. M. Singhvi]

Court Judges be raised to sixty-five years."

**Mr. Deputy-Speaker:** Please be brief.

**Dr. L. M. Singhvi:** As a matter of fact, I am speaking on this Bill for the first time. So, I have to speak at some length. Further, this is an important Bill.

**Mr. Deputy-Speaker:** This is the amendment stage.

**Dr. L. M. Singhvi:** I am speaking on the amendments. I am not speaking on the general question. I am saying why the age limit should not be 62 or 65.

**Mr. Deputy-Speaker:** We have to finish all the stages by 4 o'clock. Then, there are other hon. Members who are wanting to speak on this.

**Dr. L. M. Singhvi:** In that case, certainly, the time must be extended. Or, I shall not speak. Because, after all, it is not possible, to do justice to the subject matter within a very short time. This is a matter of great constitutional significance. If you simply desire me to say "yes" or "no", or say things in a perfunctory manner, certainly, I refuse to participate in the debate. If that is your pleasure, I will sit down. If even the Constitution is to be discussed in the way in which sometimes routine legislation is being passed in this House, Well, I certainly take exception to it.

**Mr. Deputy-Speaker:** I would request the hon. Member to be as brief as possible.

**Dr. L. M. Singhvi:** In suggesting the age of 64 years, I was persuaded by the consideration that was before the judges of the then Federal Court and the Chief Justices of the High Courts at the time of constitution-making. They had felt at that time that the difference of three or five years between the age of retirement

of High Court judges and the age of retirement of Supreme Court judges should be maintained. This is a matter which has been dealt with by the Law Commission in this manner. The Law Commission says:

"We have already indicated elsewhere that the appointment of High Court Judges at a late age to the Supreme Court is not necessarily an advantage. If judges are selected at a younger age from the High Court for the Supreme Court we shall have among other things succeeded in having in the Supreme Court, judges with long tenures".

a matter to which Shri Sharma referred during the discussion on another clause. This then would be a real solution. The Law Commission has also observed that subsequent experience does not justify the recommendation made that there should be substantial difference between the age of retirement of a High Court Judge and the age of retirement of a Supreme Court Judge.

They have also recommended that it should be stipulated the service conditions of all High Court Judges necessarily to accept appointment to the Supreme Court. This, I say, because there have been cases in the past where some judges of the High Court were sought to be elevated to the Supreme Court, and even though the status of the Supreme Court judges is higher, certain High Court judges had expressed their reluctance to agree to be elevated to the Supreme Court. Therefore, this problem has to be resolved by providing it as a service condition, as recommended by the Law Commission.

In this connection, I should like to justify why I have suggested 64 years of age. The idea is that there should be at least a difference of one year, and this difference of one year may, in some cases, prove to be decisive in certain cases of Judges or Chief

Justices of ripe experience of the High Courts in enabling them to accept judgeship of the Supreme Court so that they may serve for one more year. Sir, above all, our consideration should be to secure efficient judges in the High Courts. In that respect I should like the Government to consider the recommendations made by the Law Commission to recruit them at a younger age, to "catch them while they are young", if I may use a somewhat lighter phrase used at one time by the Chief Justice of India, and not to delay the appointments till the age of fifty-five when the prospect of elevation becomes rather unattractive.

In respect of the second amendment of mine which seeks that the age of a High Court judge shall be determined by such authority and in such manner as Parliament may by law provide, I am persuaded to suggest this amendment because I find that this is precisely the formula which we have adopted in clause 2 of this Bill. There is no reason why there should be a distinction. The duality is a denial of all constitutional consistency and logic, as I have submitted in my note of dissent. After all, what reasons impel us to provide a different procedure in determining the age of a judge of the High Court and in determining the age of a judge of the Supreme Court? There is absolutely no logic, no justification for making this distinction. I suggest therefore that in the interests of constitutional consistency, in the interests of logic, in the interests of a proper arrangement of the articles of the Constitution, it is necessary to adopt and to repeat the same formula for the determination of the age of a High Court judge as we have adopted in the case of Supreme Court judges.

I would also mention here, in passing, that if we have to attract judges of calibre to the High Court we must increase the pensions. I would invite the attention of the House and the Government to the fact that this was consistently the point made by all the

spokesmen of the All India Bar Association and the Indian Law Institute, who came to tender evidence before the Joint Committee. Sir, this a matter which requires to be approached by the Government with an open mind, with an undaunted mind, because they perhaps feel that they would then be laying themselves open to the charge that by increasing these emoluments, they are increasing economic disparities in our national life. This is not so. This is an argument which is very unrealistic, and I would plead with the Government through you, Sir, that the matter of pensions and salaries and other benefits available to judges should be reviewed in a wholesale manner so as to attract the best possible talent and so as to arrest the visible decline in judicial standards in our country.

Before I conclude, I would like to say a word or two about clause 4(b), because I feel that clause 4(b) has been prompted more by, what I may be permitted to call, vendetta or by personal considerations or by considerations of a particular case which has been engaging the attention of the Government in a very disproportionate measure. I do not think that it behoves us in this House, nor does it behove the Government, to bestow so much attention to a particular case. This almost presents the spectacle of deliberate, calculated victimisation. The matter is *sub-judice*; the matter is being adjudicated upon by the courts of law under the law of the land in this country. The Law Minister time and again bandies words which are neither respectful to the judiciary in this country nor proper in the perspective of Parliamentary deliberations. It is likely to cause prejudice to the proceedings which are pending. My friend Mr. Chaudhuri mentioned that the case is due to be heard tomorrow in the Supreme Court. But just before he mentioned this, the Law Minister had talked rather freely about the case and a particular judgment. I think this is a tendency which at least those who are interested and committed to the

[Dr. L. M. Singhvi]

preservation of the rule of law in this country must avoid.

I would suggest that so far as clause 4(b) is concerned, the determination of the age of a judge of the High Court, if disputed, should be made in accordance with the same formula that we have adopted for the determination of age of the judges of the Supreme Court and that the age should be stated in the warrant of appointment.

**Shri Kashi Ram Gupta:** Mr. Deputy Speaker, Sir, so far as the question of this age limit is concerned, after hearing the Law Minister I came to the conclusion that there is no logic or solid ground behind what he has said. The thing is otherwise. It seems that he was under the influence of that feeling that so many judges are going to retire, and most probably those judges or some agency on their behalf must have given out that if two more years are given to them, that will suffice for them. Otherwise there is no logic at all in putting the figure 2 over 60. Of course, he argues what logic there can be if it is to be sixty-five or beyond. The logic is very simple. The age limit, the general age limit of people in India has increased much above this, and we have to see it from the point of view of the benefits to the people and not only of the benefits to the judges. Raising the age to sixty-five will benefit both the people as well as the judges. It will benefit the people in this way that those judges who are mature, they will continue, and people will benefit by their judgments. It will benefit the judges because they will have at least a sufficient period before them during which they can work, act satisfactorily and silently. At present the age is sixty. Now, if it is only raised to sixty-two, how can the person who is working as a judge today feel that after two years he will be quite safe and sound in his house—when the economic conditions are what they are, when this particular Constitution is going to provide for so many other

things about them, when the question of poor pension is there. And the foremost thing is that these people who come from the Bar, they get little time to work on the Bench, and providing them the right of practice means demoralising them. So the Government has taken a step which, instead of benefiting the judges or the people, will demoralise the people, will demoralise the judges to this extent that they will think "all right, let us have two years more, and after that we will be able to practise somewhere or get a job here or there". That way of thinking is not conducive to the good of the country. And when we talk of the high standard of morality of our judges of High Courts and the Supreme Court, it must follow that our Constitution provides such things which may not go against the interests of judges and against the interests of the public.

We have been hearing the arguments of so many hon. Members here. Most of the Members, even in the Joint Committee and also here, have been in favour of raising the age to sixty-five. The Law Commission in its report has recommended it. The evidence before the Joint Committee was all in its favour. I fail to understand what then are the reasons behind all this logic of our Law Minister. Most probably the reason may be that there may have been some party pressures or matters of that sort, or the decision must have been taken in a hurry without giving due consideration to it. So when all the hon. Members.....

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri Kashi Ram Gupta:** Sir, let me have some more time, because I could not speak earlier, being a Member of the Joint Committee.

**Mr. Deputy-Speaker:** There is only one amendment, and he was a Member of the Joint Committee.



**Shri Kashi Ram Gupta:** I had no chance to speak here in the general discussion. It is an important point and I am elaborating on it. (*An hon Member: Very important*).

It is not only from the opposition side, but Members on the other side of the House are also in agreement with us, and to a large extent. So, in the face of all these arguments there must be no ground for refusing to raise the age-limit to sixty-five. No doubt there should be a limit, and I have in my amendment put in that he must not have the right to practise. That too must be there, because this practice is rather derogatory to the status of judges. So all these points lead us only to one conclusion and it is that our Law Minister has not based his decision to put the age at sixty-two on any scientific grounds. It may be on some grounds which may be best known to him. At least his reasonings have not convinced anybody in this House. So, through you, Sir, I again request the hon. Law Minister to see to the wishes of the House in this respect, amend the article and raise the age to 65 years.

As for my second amendment I have nothing much to say. Already my hon. friends, Shri Kamath and Dr. Singhvi, have elaborated this as also Shri Bhattacharyya. This is completely in line with clause 2 and, I think, the hon. Law Minister is only hesitating because certain decisions have been taken by the Government regarding certain judges. He wants to validate those decisions by putting this clause in the Constitution; otherwise, that clause has no meaning and it will give rise to so many complications later on.

**Shri Tridib Kumar Chaudhuri:** In discussing clause 4 which seeks to raise the retirement age of High Court Judges to 62 years, I am intrigued with one question which I had also put at the time of the general discussion and about which I have got no satisfactory answer in the course

of the reply given by the hon. Law Minister. The hon. Law Minister told us that the Government is seriously considering the question of giving the benefit of this raising of the age to 62 years to a number of High Court Judges who were due to retire on the 1st January this year.

**Shri A. K. Sen:** I said that we shall consider seriously Shri Tyagi's amendment. But I understand that he is not moving it.

**Mr. Deputy-Speaker:** That will come later on. He should confine his remarks to his own amendment.

**Shri Tridib Kumar Chaudhuri:** I am not discussing Shri Tyagi's amendment. This is another question. I wanted to know as to what the decision has been with regard to those judges who were due to retire on the 1st January, 1963.

**Shri A. K. Sen:** They have retired. They could not but retire. If Shri Tyagi's amendment is moved and accepted, the effect would be to reinstate them with effect from the date of retirement.

**Shri Sinhasan Singh:** Is it not being moved?

**Shri A. K. Sen:** So I hear. He is not here.

**Shri C. K. Bhattacharyya:** Let us not raise that question now.

**Shri Tridib Kumar Chaudhuri:** Anyway; the next thing is my substantive amendment as to how he question about the correct age of a Judge of the High Court shall be determined. I have more or less suggested the same procedure as I suggested in the case of Supreme Court Judges and have said that the correct age of a Judge of the High Court shall be determined at the time of appointment by the President and entered into the warrant of appointment and if any question arises at any subsequent stage, which can very well arise

[Shri Tridib Kumar Chaudhuri]

in the case of the existing judges, in that case the question shall be referred to the President and the President will have to refer the whole matter to the judicial decision of the Chief Justice of India and shall have to act according to that. I do not want to add anything to what I have said earlier.

**Shri Bakar Ali Mirza** (Warangal):  
Mr. Deputy-Speaker, Sir, the question before the House is as to what should be the retiring age of a Judge of the High Court, whether it should be 62 or 65 or whether the sky should be the limit. The independence of the judiciary is highly important for the maintenance of a democratic government. No good government can really exist without a sound and fearless judiciary. It follows then that even a good government should not only not interfere in the administration of justice but should not also have the power or the opportunity to make such an interference or to affect the judicial mind of a judge. So, anything that we examine today will have to stand that test.

I submit that judges are expected to be very impartial, independent, fearless and all that. Compare them with the members of the Public Service Commissions. A member of the Public Service Commission who functions only in a limited field and that too for a period of six years cannot become either an Ambassador to any country or the Chairman of any public undertaking. He cannot hold any office under the Government. Then, why can a Judge before he retires, or even during his service, be shifted as Ambassador here or as Chairman of some Commission and so on and so forth? If the restriction placed on the members of the Public Service Commission is in the interest of creating an atmosphere of impartiality, surely those conditions are not different in the case of the judges; rather, the requirement is much more. Therefore if the Government is not going

to have the same prohibitions for the judges as they have for members of Public Service Commissions then this problem could be solved by tackling this question of age.

Some say that it should be 62 years and some say that it should be 65. I might say that it is arbitrarily fixed for no apparent good reasons in the interest of administration. They want the judges to continue. They are not finding talent and all that. That is not the basis on which a Constitution is made. Therefore I submit to the House that if we put no limit to the age of a Judge and have a Judge for life then with one sweep we remove all these difficulties that I have just now mentioned. You cannot offer any other office to him then and he is not in a position to accept. So, temptation is out of the way in the judges' garden. No Eve is allowed to enter there; there are only the apples. This question is very important and I am in complete agreement with Shri Krishna Menon who yesterday pleaded for having the appointment of judges for life.

Further, it will also save in pension. Now we are paying the Judge who is working and we are also paying pension to the ex-Judge. The proposal is to raise the pension. Why not raise it a little further and, instead of having one milking cow and one dry cow, have one good cow.

Dr. Singhvi suggested that it should be 64 or 65, as if we are trying to tempt them or we are putting a net to get these judges in. After all, if a little life of one year more of service is so important then that man is not worth having. Before this, people who had been earning Rs. 20,000/- to Rs. 30,000/- came for Rs. 3,000/- or Rs. 4,000/-. They considered it as an honour. So, if we have judges for life then we will find a better administration of justice and this question of determination of age will also be solved because then there will be no ques-

tion. There will be no need for declaring his age.

One last word and I am through. If you think—and that is in the Constitution itself; the idea is there—that a judge is capable, when about 60 years or so, of fishing out an old horseshoe from his grandfather's chest giving an age which now gives him an opportunity to serve one or two years more. Look at the approach and standard that you have set up. If you have that mental reservation in your mind while you are framing the Constitution naturally it will not have a good effect. I, therefore, plead that the judges be appointed for life according to the suggestion of Mr. Krishna Menon.

**Shri C. K. Bhattacharyya:** Sir, we have already accepted the amendment to clause 2. The hon. Law Minister gave out his mind that he did not like the age of the judge to be determined by the courts of justice. But the amendment that has been accepted already leaves it open for the Parliament to pass any law, that the age of the judge could be determined by the courts of justice. What the hon. Law Minister wanted not to be done has really been opened to be done by the amendment to clause 2 that has already been accepted. According to that, Parliament may pass any law for determining the age of the judges and in passing such a law, Parliament, of course, may decide that the age of the judge will be determined by the courts of justice. Here, we are adopting a different method, that is, in regard to the judges of the High Courts, we are investing the power in the President—the question shall be decided by the President after consultation with the Chief Justice of India. That is what I feel. High Court judges are put on a different pedestal. I do not want the High Court judges to have any advantages which are not open to the Supreme Court judges and I do not want them to suffer any disadvantages from which the Supreme Court

Judges do not suffer. In fact, this also introduces another element in the Constitution to which Mr. Setalvad took objection. He said, "by investing the President with the authority of determining the ages of the judges, we will be introducing in the Constitution his acting on individual judgment which, I think, would not be wise to do." That was the ex-Attorney General's comment on the proposal that is embodied in the Bill now.

I have two suggestions more to make. Firstly, I want to change the word 'after' to 'in'. The reason for this is this. If it is that the President after consultation with the Chief Justice decides the age, that means after consulting the Chief Justice, when he decides, he decides individually and that he may ignore the advice of the Chief Justice altogether. By changing the word 'after' into 'in', my intention is, when the President decides the age of the judge, that is a joint decision of the President and the Chief Justice together. That is my intention. That is why I have also given another amendment that on page 2 in lines 5 and 6, for "the decision of the President" substitute "such decision". That was my object in putting forward this amendment.

**Mr. Deputy-Speaker:** The Law Minister.

**Shri S. N. Chaturvedi:** There is my amendment also. I also want to speak.

**Mr. Deputy-Speaker:** All right. The hon. Member may take two minutes.

**Shri S. N. Chaturvedi:** The Law Minister has already accepted that the age of a judge should henceforth be determined at the time of his appointment. In this case, as the clause stands, if any question arises as to the age of the judge of the High Court, the question shall be decided by the President after consultation with the Chief Justice. What is being done now is under executive orders.

[Shri S. N. Chaturvedi]

It has no sanction of the Constitution. If my amendment is accepted then it will have the authority of the Constitution. This matter will not wait until a question arises about the age of a judge. But it will be done automatically at the time of appointment. So, that is the advantage I see if my amendment is accepted. I think it is not also desirable that we should leave the question of the determination of the age of a judge to a time when a question arises. Now, what we are doing is that it is determined at the time of his appointment so that no future question may arise. That is the advantage I see which, I think, my draft will give over the present one. That is why I commend it for the acceptance of the House.

**Shri A. K. Sen:** Mr. Deputy-Speaker, Sir, I have really made my point in the course of my reply to the main motion. I have explained why it has been thought necessary to have a determination of the age of a High Court judge apart from leaving it to the courts of law which is a highly unsatisfactory and uncertain state of affairs. The only point that was made in the Joint Committee was that the assurance to Parliament that this power will never be exercised except in consultation with the Chief Justice of India should be translated into a constitutional measure and we agreed to it. I do not see how, after this, anything more can be said against the provision as it now stands after the Joint Committee's report.

**Shri C. K. Bhattacharyya:** The hon. Law Minister may kindly explain the reason for differentiating between High Court judges and Supreme Court judges in choosing the method of determining the age.

**Shri A. K. Sen:** I said so even in reply to the other clause, that is, clause 2, that the Supreme Court is Supreme Court, the High Court is High Court. There are very few judges of the Supreme Court. There are many more judges of the High Court.

The problem has arisen in the High Court. It has not arisen in the Supreme Court. The problem is not likely to arise in the Supreme Court. It is likely to arise in the High Court.

**Shri Tyagi:** My friend does not realise that the spelling is different.

**Shri Hari Vishnu Kamath:** Words, not spelling.

**Shri A. K. Sen:** As I said, the question of discrimination is relevant in respect of equals—equality for equals. When peoples are placed differently, it does not mean any discrimination if the provisions are made different. Therefore there is no question of that. The power should be exercised in consultation with the Chief Justice as it has been done so far. It becomes a constitutional provision. The only point made by Mr. Bhattacharyya is that the wording should be 'in consultation' and not 'after consultation'. The wording 'after consultation' has been introduced as has been used in the Constitution itself in regard to the appointment of High Court judges and Supreme Court judges. This is the expression used:

"Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary....".

**Shri C. K. Bhattacharyya:** But there the President does not decide a question of fact. Here he will have to decide a question of fact.

**Shri A. K. Sen:** He decides a very important question of fact, namely, whether a particular person is fit and proper to be a judge of the Supreme Court.

**Shri C. K. Bhattacharyya:** It is a matter of opinion.

**Shri A. K. Sen:** Of course, not. He has to decide a question of fact.

**Dr. L. M. Singhvi:** It is a mixed question perhaps.

**Shri A. K. Sen:** Of course, not. It is a pure question of fact. He has to find out who is the most capable person under the circumstances amongst a large number of people. He has to evaluate the history, the capabilities and various other things of various persons. As to whether it is a question of fact or not is immaterial. The question is, he has to have the consultation with the President. The expression that we have borrowed has been used already in the Constitution itself. Therefore, we thought it proper to keep the same form of expression as has been used when the provision for consultation with the Chief Justice has been provided for in the other articles. Therefore, there is no valid reason in my submission, with due respect to those who have moved the amendments, why we should not accept the report of the Joint Committee.

**Mr. Deputy-Speaker:** There is an amendment No. 25 of Mr. Kamath. Does he want to press it? Am I to put it to the vote of the House?

**Shri Hari Vishnu Kamath:** Yes.

**Mr. Deputy-Speaker:** There is another amendment No. 31 also by Mr. Kamath. Shall I put them together?

**Shri Hari Vishnu Kamath:** No, Sir. They may be put separately.

**Mr. Deputy-Speaker:** All right.

The question is:

"Page 1,—

Omit lines 15 and 16. (25)

Those in favour may kindly say 'Aye'.

**Some Hon. Members:** 'Aye'.

**Mr. Deputy-Speaker:** Those against may kindly say 'No'.

**Several Hon. Members:** 'No'.

**Mr. Deputy-Speaker:** The 'Noes' have it. . .

**Shri Hari Vishnu Kamath:** The 'Ayes' have it.

**Mr. Deputy-Speaker:** All right. You want to have a division on it?

**Shri Hari Vishnu Kamath:** I want to have a division on this.

**Mr. Deputy-Speaker:** So, voting on amendment No. 25 is held over.

Now, I put amendment No. 31 to the vote of the House. The question is:

"Page 2,—

for lines 3 to 6, substitute—

"(3) if any question arises as to the age of a Judge of a High Court, the question shall be decided by such authority and in such manner as Parliament may by law provide."  
(31)

Those in favour may say 'Aye'.

**Some Hon. Members:** 'Aye'.

**Mr. Deputy-Speaker:** Those against may kindly say 'No'.

**Several Hon. Members:** 'No'.

**Mr. Deputy-Speaker:** The 'Noes' have it. . .

**Shri Hari Vishnu Kamath:** The 'Ayes' have it.

**Mr. Deputy-Speaker:** All right. You want a division on this also.

**Shri Hari Vishnu Kamath:** Yes.

**Mr. Deputy-Speaker:** So, this amendment also is held over.

Voting on both the amendments Nos. 25 and 31 is held over.

15 hrs.

**Mr. Deputy-Speaker:** Shri K. C. Sharma: Does he press his amendments?

**Shri K. C. Sharma:** Yes.

**Mr. Deputy-Speaker:** Both of them?

**Shri K. C. Sharma:** Yes.

**Mr. Deputy-Speaker:** Shall I put them together?

**Shri K. C. Sharma:** Yes.

**Mr. Deputy-Speaker:** The question is.

(i) Page 1, line 16, for "sixty-two years" substitute—

"sixty-five years". (2).

(ii) Page 2, line 4, for 'President' substitute "Chief Justice of the High Court." (4).

*The motion was negatived.*

**Mr. Deputy Speaker:** The question is:

Page 1, line 16, for "sixty-two years" substitute "Sixty-four years". (42)

*The motion was negatived.*

**Mr Deputy-Speaker:** Amendment No. 44 is the same as 30. I will put amendment No. 30 first.

**Shri C. K. Bhattacharyya:** I do not press it.

**Shri Kashi Ram Gupta:** I press.

**Mr. Deputy-Speaker:** The question is:

Page 2, for lines 3 to 6, substitute—

"(3) The age of a Judge of a High Court shall be determined by such authority and in such manner as Parliament may by law provide." (30).

Those in favour may say 'Aye'.

**Some Hon. Members:** 'Aye'.

**Mr. Deputy Speaker:** Those against may say 'No'.

**Some Hon. Members:** 'No'.

**Mr. Deputy-Speaker:** The 'Noes' have it.

**Shri Kashi Ram Gupta:** The 'Ayes' have it.

**Mr. Deputy-Speaker:** All right. Amendment No. 44 is barred.

The question is:

Page 2, for lines 3 to 6, substitute—

"(3) The age of a Judge of a High Court shall be stated

in the warrant of his appointment and shall not be questioned in any court of law or otherwise." (45).

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 1, line 16, for "sixty-two years" substitute—

"sixty-five years, with no right to practice after retirement," (26). Those in favour may say 'Aye'.

**Some Hon. Members:** 'Aye'.

**Mr. Deputy-Speaker:** Those against may say 'No'.

**Some Hon. Members:** 'No'.

**Mr. Deputy-Speaker:** The 'Noes' have it.

**Shri Kashi Ram Gupta:** The 'Ayes' have it.

**Mr. Deputy-Speaker:** You want a division?

**Shri Kashi Ram Gupta:** Yes.

**Mr. Deputy-Speaker:** Held over. Amendment No. 28 Shri Tridib Kumar Chaudhuri is not here.

The question is:

Page 2, for lines 3 to 6, substitute—

"(3) The correct age of a Judge of a High Court shall be determined by the President and entered into the warrant of his appointment.

(4) If any question arises as to the age of a Judge of a High Court, the question shall be referred for the decision of the President and his decision shall be final.

(5) Before giving any decision on any such question, the President shall obtain the opinion of the Chief Justice of India and shall act according to such opinion:

Provided that where the age of a Judge has been stated in his warrant of appointment, that statement about his age shall be final." (28).

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, for lines 3 to 6, substitute—

“(3) The age of a Judge of a High Court shall be stated in the warrant of his appointment and the date so stated shall be final. Those in favour may say ‘Aye’.

**Some Hon. Members ‘Ayes’.**

**Mr. Deputy-Speaker:** Those against may say ‘No’.

**Some Hon. Members:** ‘No’.

**Mr. Deputy-Speaker:** The ‘Noes’ have it.

**Shri Prabhat Kar:** The Ayes’ have it.

**Mr. Deputy-Speaker:** Held over. Amendment No. 27. Does the press?

**Shri S. N. Chaturvedi:** No.

Amendment No. 27 was, by leave, withdrawn.

**Mr. Deputy-Speaker:** Amendment Nos. 32 and 33.

**Shri C. K. Bhattacharyya:** I do not press.

Amendments Nos. 32 and 33 were, by leave, withdrawn.

**Mr. Deputy-Speaker:** We will take up the amendments, four of them, which are held over and the clause afterwards. Clause 5.

**Clause 5—(Amendment of article 222).**

**Shri Kashi Ram Gupta:** I beg to move:

Page 2, for lines 10 to 16, substitute—

“(2) 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, not be entitled to receive any compensatory allowance, in addition to his salary.” (34).

**Dr. L. M. Singhji:** I beg to move:

Page 2, line 16, for “by order fix” substitute—

“fix by notification to be published in the official Gazette and laid on the Table of both Houses of Parliament as soon as may be” (46).

**Shri Kashi Ram Gupta:** Mr. Deputy-Speaker, after seeing this amendment for allowing allowances to Judges, it came to my mind that unless an amendment in the way I have put it comes in, the matter may be worsened in the future. I am not able to understand the logic behind this question of giving allowances on transfer. Our putting it in the Constitution itself is all the more an important matter. There are thousands of government servants, senior government servants get more or less the same pay as Judges of the High Courts. It is said because there is a convention not to transfer them, that convention now can be converted into a provision for transfer only if allowances are given to them. This is a very peculiar argument. It means that we are going to make the Judges money-minded and nothing else. If at all they are not adequately paid, the pay may be raised. If their pension is poor, as it is, the pension may be raised. But, to put in a discriminatory clause like this in the Constitution itself does go against the very spirit of the Constitution. People in other countries will try to formulate the opinion that Indian Judges of High Courts are persons who get themselves transferred only if they are given an allowance, and otherwise they will not prefer. The Law Minister himself has said that unless this provision is there, why should a Judge get himself transferred at all. I do not understand all that logic at all. This is a country which has been a country of saints and sages, a country in which at least one class, brahmins has been the picture, symbol of sacrifice and dedication. Judges come in that category of Brahmin. If Judges cannot sacrifice like that, I do not know. (Interruption) Ancient Brahmin or modern Brahmin, everything is the same.

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

**Shri Kashi Ram Gupta:** The definition applies equally to both. Please do not object to the word brahmin. It is a scientific word. When these very people as lawyers who had a practice of Rs. 20,000 or 50,000 and who are expected to pay honestly income-tax on it—because, otherwise had there been no honesty, these people could not be taken as Judges at all—when they are honest people, and they have sacrificed so much and they have come to the Bench, in that position, how can we satisfy their ego by providing them with a small allowance of Rs. 400 or 500 a month? My request is that this point may not be taken lightly. This is very serious. If this would not have had far-reaching repercussions, I would not have come forward with this amendment in the opposite direction. The amendment in the opposite direction is there to show that Judges shall never care for having transfer on the basis of having allowances. This point is also connected with the other aspects of this amendment. I may add one thing very clearly that the whole edifice of appointment and functioning of Judges is now being built on monetary thinking and nothing else, and even that in a crude way. Any persons who come to this post, when they sacrifice so much, they must be regarded as persons above others, and not as ordinary people. This will be a discriminatory provision. This can be challenged in a court of law. Because, in our constitution we cannot provide a certain thing for one class of persons which is not the same for another class of persons. From this point of view, I am of opinion that this clause should be deleted, or otherwise my amendment should be accepted.

**Dr. L. M. Singhvi:** Sir, unfortunately, appointment of Judges of High Courts has not been free from political strings and stigma. As a matter of fact, a body, so well placed to pass a judgment in the matter as the Law Commission was, has itself more than

casually reflected on the deficiencies which attend and surround recruitment to the High Court. In this connection, I need hardly cite what the Law Commission had to say, particularly in respect of the State Governments having rival nominations for recruitment to the High Court judiciary.

Sir, the Law Commission had suggested a specific amendment. I express, in the first place, my regret that while the Government has been so alert and has exhibited so much alacrity in bringing as many as a dozen amendments to the Constitution, it has not acted in consonance with the recommendations of the Law Commission to amend article 217 (1) of the Constitution as recommended by the Law Commission.

In this respect, I would like to pay a tribute to the work of the Joint Committee of which, in all humility, I too happened to be a Member. The House would recall that the Bill as it was introduced in the House contained a highly objectionable and obnoxious provision in the form of enabling retired Judges to go back to their respective High Courts and to practise as Advocates in those High Courts also.

The House would recall that there is a ban on this at present in the Constitution, and it is a very salutary provision of the existing Constitution, which precludes a judge retired from a particular High Court from going back to his own former jurisdiction and from practising there. This particular proposal of the Government, when the Bill was introduced, was outvoted and abandoned at the stage of the Joint Committee. I am glad that the Government have shown in this particular respect a certain responsiveness to the demand almost unanimously made by the witnesses who appeared before us, by the country at large, by the Bar Association of India and by the Members of the Joint Committee, in giving up this provi-



sion which would have otherwise enabled retired judges to practise in their own High Courts.

I would draw the attention of the House only to two pieces of evidence before us, at pages 11 and 35 of the Joint Committee's report, that is, the evidence part of it. Mr. Setalvad had this to say in answer to a question by me. He said:

"The view of the Institute seems to be that any alarm which tends to make a judge seek some favour either from his Chief Justice or from the executive is to be deprecated. That I understand to be the principle behind the memorandum.

Thus, in respect of the proposed amendment in clause 5, in which it is provided 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 have appended a note of dissent. In appending this minute of dissent, I have made certain submissions, one of which I shall read out before the House. I have said:

"The provision of compensatory allowance is not altogether undesirable in itself, but as a pecuniary inducement to facilitate transfer of Judges from one High Court to another, it has nothing to commend itself; indeed, several undesirable and unbecoming consequences may arise particularly by way of patronage and by way of opening up possibilities of manipulation of seniority with

an eye on Chief Justiceship in this or that High Court."

And I have submitted this on the strength of certain memoranda submitted before the Joint Committee, as you, Sir, are very well aware.

I would also invite the attention of the House to page 35 of the evidence part of the report, wherein one of the distinguished witnesses who appeared before us in the Joint Committee had this to say. My question was:

"Would you like in case of transfers to completely preclude any transfer without the consent of the judge sought to be transferred? Would you say that the Chief Justice of India may tender such advice to the President as it is provided in the present provisions on transfer of a judge? Or would you say that in all cases, the consent of the judge must be the necessary prerequisite to the transfer of any judge from one court to another?"

The witness who appeared on behalf of the Bar Association of India, Mr. Purushottam Trikamdass had this to say:

"A Convention to that effect has grown. I would like that convention to remain and to be respected, and if the convention is not being respected, then it is time enough for you to consider an amendment and put it in the Constitution."

It is clear that the evidence before the Joint Committee was persuasive enough and was forceful enough to convince us that transfers should not be countenanced as a rule, that transfers should be discouraged, particularly because, apart from the reasons already given by me just now, there would also be the difficulties of the understanding of a judge of the language of another State, and the records cannot be prepared at the expense of the litigants

[Dr. L. M. Singhvi]

either in English or in the language which is known to the judge so transferred to a different court.

I would also like to invite your attention to another observation that I have made in my minute of dissent in regard to this question of transfer of judges. I have said:

"Transfer as a means of promoting national integration is irrelevant except as a homage of hypocrisy to a slogan. Transfers from one court to another are also fraught with practical difficulties of an insurmountable character because the records of a large number of cases even at the level of a High Court are kept in the language commonly spoken in that State."

To say that such transfers on a large scale would promote national integration, as I have said, is very hypocritical, and will not serve the interests of judicial integrity and judicial efficiency.

**Mr. Deputy-Speaker:** The hon. Member's amendment is to the effect that the emolument so should be fixed by notification in the Official Gazette. All that the hon. Member has said so far has nothing to do with that amendment.

**Dr. L. M. Singhvi:** I should also like to say that, after all, the Bill as introduced in the House did provide for certain things. The present proposal before the House has omitted that. There should be some reasons for that; the House is entitled to know why there have been these changes.

There was a large volume of opinion in the evidence tendered before the Joint Committee, and in this case, the Members of the Joint Committee almost unanimously agreed; so, I feel should be a complete or as a large a measure as possible that there of ban or prohibition written in the Constitution against enabling a retired judge

to practise after his retirement. This ought to be provided, and if this is not provided, then, many complications will arise.

15.16 hrs.

[MR. SPEAKER in the Chair]

My amendment to clause 5 is of a limited character. Clause 5 says that the compensatory allowances may be fixed by order by the President, until the Parliament may by law provide\* otherwise. I have suggested that the compensatory allowances should be fixed by notification to be published in the Official Gazette and laid on the Table of both Houses of Parliament as soon as may be. I hope that the Law Minister could not have any objection to inserting this relatively innocuous and unexceptionable safeguard so that Parliament may take cognizance of such an order being made under this constitutional amendment. I commend this amendment to the acceptance of the House, and I hope that the Law Minister would agree to insert this amendment proposed by me.

**Shri A. K. Sen:** I have already made my submissions on these points in detail, and I am afraid that I am unable to accept the amendment of Dr. L. M. Singhvi or any of the other amendments.

**Mr. Speaker:** Should I put the amendments to vote?

**Dr. L. M. Singhvi:** Yes, you may put them to vote.

**Mr. Speaker:** I shall now put amendment No. 46 to vote. What about amendment No. 34 standing in the name of Shri Kashi Ram Gupta?

**Shri Kashi Ram Gupta:** I have already asked for a division on that.

**Dr. L. M. Singhvi:** After all, the Law Minister has in a very brief manner and summarily declared that he

cannot entertain these amendments. So, they might be put to vote. Without giving any reasons he has declined to entertain them and, therefore, I have no real option.

**Mr. Speaker:** The reasons may not be there. We are only concerned now with whether he insists on a division.

**Dr. L. M. Singhvi:** I shall press my amendment to a division unless reasons are given.

**Mr. Speaker:** Then, these amendments will also be taken up at 4 p.m.

**Clause 6 (Amendment of article 224).**

**Mr. Speaker:** We shall now take up clause 6.

**Shri Hari Vishnu Kamath:** I have an objection to this clause being taken up now, which I have mentioned earlier to you, that unless clause 2 is finally decided one way or the other, we cannot proceed with the discussion of this clause.

**Mr. Speaker:** We can have the discussion, even though, if a decision is taken otherwise, the time spent on it might probably have been lost or wasted, as he says, to which I agree; but, of course, we cannot keep it pending without discussion.

So, we shall now take up clause 6. Are there any amendments to this clause?

**Dr. L. M. Singhvi:** I have an amendment. But the reasons are quite the same as have been given by me before.

**Shri A. K. Sen:** I may say, with regard to Dr. L. M. Singhvi's amendment to clause 5 that we do propose to put such notifications or such orders of the President before Parliament.

**Dr. L. M. Singhvi:** This could have been stated at least in reply to the discussion on that clause. We cannot possibly appreciate a complete and

summary denial of any explanation to us.

**Mr. Speaker:** Now that he has given, I think the hon. Member may not press it to a division.

**Dr. L. M. Singhvi:** I would not have wanted to press it to a division if we had had this explanation then.

**Shri Kashi Ram Gupta:** I beg to move:

Page 2, line 18,—for "sixty-two years" substitute—"sixty-five years" (35).

I do not want to make a speech on this, because it is connected with the other thing and the same reasons hold good here.

**Dr. L. M. Singhvi:** I beg to move:

Page 2, line 18,—for "sixty-two years" substitute—"sixty-four years" (47).

The reasons are the same as I have already stated.

**Mr. Speaker:** These amendments are moved. Shall I put them to a voice vote?

**Shri Kashi Ram Gupta:** These can be voted only after the other amendments are voted on.

**Mr. Speaker:** I will hold over these amendments as well as the clause.

**Clause 7.—(Insertion of new article 224A)**

**Shri P. R. Patel:** I beg to move:

Page 2, line 25,—after "State" insert—"for a period not exceeding three months". (18)

**Mr. Speaker:** Almost all views have been expressed now. He need not make a speech.

**Shri P. R. Patel:** I only say this. The services of a retired Judge may be had, according to this clause. I fail

[Shri P. R. Patel]

to understand why, when there are so many young persons in the Bar, the services of retired Judges should be had. If at all it is necessary, it should be for a period of three months and not more.

**Shri Daji:** We have finished with that clause.

**Shri P. R. Patel:** If more experience is necessary, the age limit may be raised from 62 to 65. Once they retire, they should not be called back, because that will lead to temptation. Those retired Judges who would be in the favour of the Chief Justice or of the executive may get the chance. We should maintain the integrity and independence of the Judges; if at all it is necessary to have their services, after retirement, it should be for a period not more than three months. That is my submission.

**Shri Prabhat Kar:** I beg to move:

Page 2,—after line 33, insert—  
“Provided further that the appointment shall be for a definite period not exceeding three months”. (36)

I have already spoken on this amendment.

**Mr. Speaker:** Amendments Nos. 18 and 36 are before the House.

**श्री सिंहासन सिंह :** अध्यक्ष महोदय, इस एमेंडमेंट के जरिये आप आर्टिकल ३२४ का अमेंडमेंट करने जा रहे हैं। मुझे बड़े खेद के साथ कहना पड़ता है कि इसके द्वारा आप हाई कोर्ट के जजों में सुप्रीम कोर्ट के जजों में जो आज इतनी ईमानदारी पाई जाती है, उम्र पर व्याघात करने जा रहे हैं। आप उनको लालच देने जा रहे हैं कि किसी हाई कोर्ट के जज को फिर से थोड़े असें के लिए एप्वाइंट किया जा सकता है। उसको अगर इस बात का आशा हो जाए कि रिटायर होने के बाद फिर से उम्रको रखा जा सकता है, तो इससे उसकी इंडिपेंडेंस में आप कुछ व्याघात करेंगे। दूसरा बात यह है कि किसी सविस की ईमान-

दारी के लिए यह चीज बहुत जरूरी है कि अगर उसने कोई ऐसा काम किया तो उसका प्रमोशन रुक सकता है, उसकी तरक्की रुक सकती है। मैं उसूलन इस बात के खिलाफ हूँ कि रिटायर होने के बाद किसी आदमी को फिर से एप्वाइंट किया जाए। रिटायर होने के बाद उसको कोई डर नहीं रहता है कि उसका प्रमोशन रुकने वाला है, तरक्की रुकने वाली है और अगर वह बेईमानी करना चाहता है तो खुले आम कर सकता है और अगर कोई नाराज हो जाता है तो वह उसके खिलाफ कुछ नहीं कर सकता है क्योंकि वह हटा हुआ तो है ही। अगर हाई कोर्ट के जज में इस तरह की कोई भावना रही कि चीफ जस्टिस या कोई उसका जूनियर, उसके ६२ साल की उम्र के बाद रिटायर हो जाने पर, उसको दुबारा रख सकता है, तो इससे उसकी जो इंडिपेंडेंस है, उस पर व्याघात पहुंचेगा। वह उनके पास जाकर प्रार्थना करेगा कि मुझे रख लो।

फिर आपने यह भी कही नहीं कहा है कि कितने असें के लिए उसको रखा जा सकता है। कितने दिनों के लिए रखा जा सकता है। एक बरस के लिए, दो बरस के लिए, एक महीने के लिए या तीन महीने के लिए और क्या इनको उम्र होनी चाहिये। आर्टिकल २२४ के अन्दर आपको यह पावर मिली हुई है कि अगर जरूरत पड़े तो नए आदमी को रखा जा सकता है, टेम्पोरेरी जजिज मुकरर किए जा सकते हैं। ऐसी हालत में हाईकोर्ट का जो जज रिटायर हो चुका है, उसको फिर से लेने की क्या जरूरत आपको पड़ें। क्या हमारे देश में टेनेंट की कर्मा आपको दिखाई देती है? यह बात अगर कही जात है तो इसको माना नहीं जा सकता है। मैं चाहता हूँ कि आप कोर्टस के जजिज को इस तरह का कोई मौका न दें कि वे फिर से नीचे गिरें और अगर ऐसा होता है तो इससे उनकी इंडिपेंडेंस पर बड़ा व्याघात पहुंचेगा।

**Dr. L. M. Singhvi:** Politics has always been plagued by the demon of patronage. Under the banner of the proposed article 224A, I sense the likelihood of the demon of patronage seeking entrance. I feel the Government should have respected the more or less unanimous opinion in this matter of the various professional associations and of distinguished jurists who felt that there was no great need for the creation of the institution of *ad hoc* Judges. As a member of the Constituent Assembly, Sir, you would recall that the institution of *ad hoc* Judges was not countenanced in our Constitution, and for very good reason. I hope that there is time enough even now,—though usually at this stage the Government is not in a responsive enough mood to listen to arguments, howsoever persuasive they may be—to rectify matters. I feel that it is unfair and invidious to the Constitution which is a product of great historic deliberations to seek to change any and every provision of it every now and then in a casual and cavalier manner. The proposal embodied in the proposed clause 7 would open the floodgates for the distribution of patronage by Government or by those who count in the elevation of members of the Bar to the Bench. I hope the House will not countenance the proposed amendment.

**Shri Hari Vishnu Kamath:** At the outset, may I appeal to you earnestly to see that this Bill being a Bill to amend the Constitution, it is all the more necessary, more than in the case of ordinary Bills, that discussion on it should not be throttled or the debate should not be hustled? We would look up to you to ensure that that is not done—I am sure you will see that it is not done, and if necessary, the time would be extended. A Bill to amend the Constitution is a very serious matter and cannot be dealt with as if it is the same as minor Bills, and the time, if necessary, must be extended. I am sure you would do it, if you feel that the House needs more time.

**Shri Kapur Singh (Ladhiana):** He is so sure of yourself.

**Shri Hari Vishnu Kamath:** May I refer you to article 224, to which this is a bit remotely, not directly, related? That article provides for the appointment of additional and acting Judges in clauses (1) and (2) thereof. In both cases, the appointment should be by the President. But here is a new article sought to be inserted as article 224A, whereby the Chief Justice of a High Court is sought to be empowered to make appointments as *ad hoc* Judges of persons who have held the office of High Court Judge. That is, after retirement, they will come back and function in those High Courts with all the jurisdiction and powers and privileges of a High Court Judge, but shall not, of course, be deemed to be High Court Judges. I am afraid the President is only brought into this picture in so far as his consent has got to be obtained by the Chief Justice. I am afraid that if this clause is accepted by the House and a new article is inserted in the Constitution, it is liable to be misused for appointments on grounds unrelated to necessity or public interest.

There is a proviso to this clause to the effect that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as a Judge of that High Court unless he consents so to do. First of all, the President's consent, and now it has been very safely provided with a sort of flourish that the Judge, who is sought to be appointed by the Chief Justice, must also give his consent. This is, if I may use the expression, as events will prove, is a laughable provision, because in the words of Charles Dickens, of whom I am told the Law Minister is very fond...

**Shri A. K. Sen:** I was as a child. I am more sophisticated now.

**Shri Hari Vishnu Kamath:** I am sorry he is sophisticated. It is better to be child-like, I do not say childish. I wish he had used a word other than

[Shri Hari Vishnu Kamath]

"sophisticated". I do not know what exactly is meant by "sophisticated".

**Mr. Speaker:** Does he want me to extend the time for these things?

**Shri Hari Vishnu Kamath:** No. I was only provoked by his own remarks.

In the words of the British author, of whom I was told that he is very fond,—it was said by Dickens with regard to Barkis that Barkis was very willing—in all these cases I am sure every person, every retired High Court Judge who would be appointed to the High Court will be found to be very willing.

That is all I have got to say. It should not be misused.

**Shri Bade:** This provision was there originally, but it was deleted in 1956. There is a remark in a booklet which I have got here as follows:

"The Bill adds similar provision to Article 224 with a view to facilitating the retired judges of the High Courts to sit and act in the High Courts. It may be interesting to note that what has now been proposed to be added to the Constitution as Article 224A originally occupied the place of Article 224 and it was deleted in 1956 and in its place the present provision was substituted." The reason advanced at that time for the omission of the provision was: "The provision in article 224 for recalling retired judges to function on the bench for short periods has been found to be neither adequate nor satisfactory...."

That was the reason given.

We consider the Constitution to be Manu Smriti. It should not be changed now and then like this, for every little thing. In 1956 there was Shri Datar, now it is Shri Sen. When the Minister is changed, the Constitution is changed according to his whims. This change which was not desired

or accepted in 1956, should not be brought forward before the House saying that there is growth of arrears and therefore we employ them, just as we employ labourers to cut the grass, that the arrears should be done away with by having *ad hoc* judges. That is not desirable. There is criticism of this clause in all the pamphlets we receive.

**Shri Tyagi:** I want a clarification. This clause says:

"...to sit and act as a Judge of the High Court for that State, and every such person so requested shall, while so sitting and acting, be entitled to such allowances...."

There is no mention of his consent here.

**Dr. L. M. Singhvi:** There is proviso to this.

**Shri Tyagi:** But it should be mentioned in the main clause instead of in the proviso, because it is stated here that the Judge so requested shall have the powers and privileges of a Judge of that High Court.

**Shri A. K. Sen:** It will be appreciated that article 224 as it now stands gives power to the President to appoint an Additional Judge or an Acting Judge for two reasons: that it appears to the President that there are arrears of work, or there is a temporary increase in the business of the High Court. But there have been cases frequently where, without there being an increase in the volume of the work, or without the arrears having increased, due to temporary reasons, such appointments become necessary. For instance, a Judge is absent either due to illness or leave or being assigned some other work. When Shri Jagannada Das was sitting as a Supreme Court Judge, he was made the Chairman of the Pay Commission, and in his place we had to appoint an *ad hoc* Judge. Such cases are not covered.

Unfortunately, when article 224 was amended, it was not appreciated that there might be cases where a temporary appointment might become necessary though the volume of work had not increased or arrears had not accumulated. In such case it has been felt that it would be improper to get a man from the Bar just for a few months, so that he goes back to the Bar. It is a practice which has been deprecated by every one. The charge of nepotism which Dr. Singhvi has given expression to so frequently in this debate is more inherent in article 224 as it is where it is the President who has to form an opinion and appoint, whereas the amendment says it will be the Chief Justice who is empowered to call upon a retired Judge of the High Court.

**Dr. L. M. Singhvi:** Those are the tenure appointments, these are the *ad hoc* appointments.

**Shri A. K. Sen:** Therefore, this is in line with article 128 relating to the Supreme Court, where the same power is enjoyed by the Chief Justice to call upon any retired Judge to sit at the Supreme Court when there is a temporary absence of a sitting Judge.

Therefore, it is a highly necessary thing. Instead of getting a man from the Bar for a few months, so that he goes back from the Bench to the Bar with added prestige, it is better to appoint for such temporary purposes a man who has been a Judge as in the case of the Supreme Court. I should have thought that this would be welcomed because the Bar has everywhere deprecated the practice of appointing a man only for a few months.

**Shri Joachim Alva:** One question. What happens to a High Court where the Chief Justice does not finish the cases in his own hands? I am talking of a case which I know, and I shall hand it over on a bit of paper to the hon. Minister.

**Mr. Speaker:** He may hand it over.

**Dr. L. M. Singhvi:** There is one clarification which I would seek because this is a very important constitutional change, namely whether the *ad hoc* Judge, in the understanding of the Law Minister, will be able to go back to the Bar, because there is at present a ban on going back to the Bar?

**Shri A. K. Sen:** An ex-Judge cannot go back to the Bar. He can only go to the Supreme Court.

**Dr. L. M. Singhvi:** Let me mention that the relevant clause says:

"He shall be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a Judge of that High Court."

**Mr. Speaker:** Already he has been a Judge there.

**Shri A. K. Sen:** The disability of practising in the High Court already attaches to him. This provision is to distinguish him from a regular Judge.

**Shri Tyagi:** Is there any possibility of the Government accommodating those Judges who are retiring in the meantime?

**Shri A. K. Sen:** Each case we judge on merits.

**Mr. Speaker:** Clause 8.

I put amendment Nos. 18 and 36 to the vote of the House.  
Amendments Nos. 18 and 36 were put and negatived.

**Mr. Speaker:** There is no amendment to clause 8.

**Shri Kashi Ram Gupta:** There is an amendment for the insertion of a new clause—8A.

**Mr. Speaker:** I am coming to that. He has made sufficient speeches and he will be brief now.

## Bill

**Shri Kashi Ram Gupta:** Sir, I beg to move my amendment. I will be brief. Page 3,—

after line 8, insert.

8A. In article 276 of the Constitution, the proviso to clause (2) shall be omitted." (37).

Due to oversight this could not be taken up at the time of the Joint Committee meeting. There were representations from certain areas which go to show that in those areas the proviso to article 276 applies and naturally they have to pay very much more taxes, sometimes 4 times or even eight times. The Joint Committee unanimously decided not to increase Rs. 250 to Rs. 500. At that time the representations were not before us because only one copy was there and copies were not distributed to Members. The proviso reads:

"Provided that if in the financial year immediately preceding the commencement of this Constitution there in force in the case of any State or any such municipality, board or authority a tax on professions, trades, callings or employments the rate, or the maximum rate, of which exceeded two hundred and fifty rupees per annum, such tax may continue to be levied until provision to the contrary is made by Parliament by law, and any law so made by Parliament may be made either generally or in relation to any specified States, municipalities, boards or authorities."

If this proviso is not deleted, then those municipalities or local boards which are authorised to do so by this proviso will go on multiplying their taxes and the people will suffer for no fault of theirs. We have at present come to the decision that the present rate of Rs. 250 should not be enhanced and naturally it should apply to those areas also so that they may be at par with the other areas. Otherwise, it will be a sort of discrimination and the people there will suffer financial

harassment. It is not just that they shall always be harassed like this. I request the hon. Minister to accept this amendment.

**Shri A. K. Sen:** Mr. Speaker, with due respect to the hon. Member, I am afraid that there is not much substance in this amendment. Parliament can, if it so chooses, negative such an enactment. The proviso says:

"Provided that if in the financial year immediately preceding the commencement of this Constitution there was in force... a tax on professions... the maximum rate of which exceeded two hundred and fifty rupees per annum, such tax may continue... until provision to the contrary is made by Parliament by law...".

The existing taxes which were there before the commencement of the Constitution are validated until Parliament by law decides otherwise. It is not necessary to have a constitutional amendment as Parliament can, if it so chooses, decide it.

**Shri Kashi Ram Gupta:** Those municipalities are authorised to levy a tax upto 5 or 6 times more. What is the remedy for it?

**Shri A. K. Sen:** I said Parliament could pass a law.

**Shri Kashi Ram Gupta:** Is he prepared to come forward with that law?

**Shri A. K. Sen:** I cannot commit the Government off hand.

**Mr. Speaker:** I shall now put amendment No. 37 to the vote of the House.

*Amendment No. 37 was put and Negatived.*

**Mr. Speaker:** We shall take up clause 9.

**Dr. L. M. Singhvi:** Sir clause 8 is very important concerning the jurisdiction of the High Courts and we would



like to speak on it, not necessarily by way of amendment.

**Mr. Speaker:** I called out that clause and said there were no amendments.

**Dr. L. M. Singhvi:** While you were standing we could not possibly get up.

**Mr. Speaker:** I am sorry that he is misunderstanding me. I called that clause long ago. After that Shri Kashi Ram Gupta moved his amendment for the insertion of a new clause 8-A but he is referring to my standing now.

**Shri Hari Vishnu Kamath:** Mr. Speaker, I submit at the outset that the hon. Minister of Law should not take things for granted. Neither during his first speech on the motion for reference to the Committee nor in his speech yesterday or even today, did he explain to the House what exactly this phrase 'continental shelf' means. I would like to have some light on this matter. He may get it passed by the majority that is already assured to him but he should not think that just because it is somewhat a technical term used in international law everybody is supposed to know it and that, in any event, there is no need to explain it fully. It will be passed in any case because of the majority behind him but we would like to know exactly what we are voting for. He must have at least that courtesy to explain it to us, to the House what this phrase means.

**Dr. L. M. Singhvi:** Sir, I welcome the proposed clause 9 amending article 297 thereby seeking to enlarge the jurisdiction of the Union in matters of continental shelf. As is well known this amendment has been brought in consonance with developments in the field of international law. This amendment is somewhat belated but it is nevertheless to be welcomed very much that the Government is enlarging the jurisdiction of the Union of India over the continental shelf. Perhaps in the years to come it will be of

great and decisive importance in the economic growth and development of the country. I feel, Sir, that the concepts of international law which are so very important to our economic well being should be sought to be popularised than taking them for granted, as my friend Shri Kamath said just now.

**Shri A. K. Sen:** Sir, I must frankly apologise to Mr. Kamath for not anticipating that he needed enlightenment on a subject of which I have no doubt he has perfect knowledge.

**Shri Hari Vishnu Kamath:** No, no. I am ignorant and that is why I raised that point.

**Shri A. K. Sen:** We were merely following the well-known method of not taking up the time of the House on matters over which there was no controversy. This was a step which was welcomed when the motion was referred to the Joint Committee and every single Member who spoke welcomed this provision. There was not a single voice against it. If there was any demand for an explanation of it, I would have been too glad to give it.

**Shri Hari Vishnu Kamath:** I am not against it. Please explain it.

**Shri A. K. Sen:** I am not saying against; why should I be against it? But he did make a point of my not dealing with what continental shelf meant. It is that part of the ocean, beyond the territorial sea, which has been now regarded as belonging to the adjoining State, so far as the natural resources, mineral resources and other things are concerned which are embodied in the continental shelf. It has now been agreed in the Law of the Sea convention that these resources belong to the State adjoining the continental shelf, because it has been found that many important minerals lie in the continental shelf, and so it will be best appropriated by the adjoining State itself. It is distinguished from the territorial sea which according to the Indian proclamation extends

[Shri A. K. Sen]

up to six miles from the coast, and that is part of the country itself for all purposes; it is a part over which the sovereign authority of the adjoining State completely extends.

**Shri Hari Vishnu Kamath:** Was it not been increased to 12 miles now?

**Shri A. K. Sen:** So far as India is concerned, the proclamation is six miles. Burma also—

**Shri Ranga (Chittoor):** Up to what distance can India exercise her right?

**Shri A. K. Sen:** 200 miles. But the continental shelf differs from the territorial waters in that the State adjoining the continental shelf owns the minerals and other natural resources, but for other purposes it is not part of the territory of the country. That is the difference. Since our Constitution did not provide for the continental shelf, which is now agreed all over the world as belonging to the State so far as the natural resources and mineral resources are concerned, we are amending the Constitution.

**Shri Hari Vishnu Kamath:** Is it a fact that different countries have different concepts with regard to the territorial waters? Some countries have stipulated 12 miles and others have stipulated six miles.

**Shri A. K. Sen:** There has been no agreement on the width of territorial waters. In fact, that is one matter on which the conference on the Law of the Sea could not come to an agreement.

**Mr. Speaker:** Now, we take up clause 10.

**Clause 10—(Amendment of article 311).**

**Shri Hari Vishnu Kamath:** I beg to move:

(i) Page 3, lines 17 and 18,—  
for "of being heard in respect of

those charges" substitute—"of showing cause why the action proposed to be taken against him should not be taken" (38).

(ii) Page 3, line 18,—

add at the end—

"and also a reasonable opportunity of showing cause against the action proposed to be taken against him." (40).

**Shri A. K. Sen:** I beg to move: 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 inquiry." (41).

**Shri Bade:** I beg to move:

Page 3, line 18,—

add at the end—

"and after giving an opportunity of showing cause against the action proposed to be taken or punishment proposed to be imposed on him" (20).

**Shri Prabhat Kar:** I beg to move:

Page 3, line 18,—

add at the end—

"and given an opportunity to represent against the action proposed to be taken against him." (21)

**Dr. L. M. Singhvi:** I beg to move:

That in the amendment proposed by Shri Asoke K. Sen, printed as No. 41 in List No. 6 of amendments,—

for "has been given a reasonable opportunity of making representation on the penalty"

substitute—

—“has also been given a reasonable opportunity of being heard in respect of the penalty” (53).

**Shri Priya Gupta:** I beg to move:

(i) That in the amendment proposed by Shri Asoke K. Sen, printed as No. 41 in List No. 6 of amendments,—

for “representation on” substitute—

“representation against” (51).

(ii) That in the amendment proposed by Shri Asoke K. Sen, printed as No. 41 in List No. 6 of amendments,—

omit “but only on the basis of the evidence adduced during such inquiry” (52).

**Shri Hari Vishnu Kamath:** Mr. Speaker, Sir, by a remarkable coincidence today, on May Day, a day sacred to the cause of the workers by head and by hand all over the world, this clause relating to the workers' rights is being discussed in our Parliament, the Lok Sabha. (*Interruption*). There are workers by head and workers by hand.

**Shri A. K. Sen:** We are workers.

**Shri Hari Vishnu Kamath:** There is no doubt in my mind that the amendment to the clause as has been moved by the Law Minister is a gross invasion of the rights that have been guaranteed to civil employees. Not merely today but even during the British regime the workers have always responded magnificently to the call of the nation and even in 1960, in the days of the general strike, when stringent action was taken against hundreds of workers, the workers behaved with discipline and decorum and dignity. Recently, when the whole nation rose as one man to meet the

challenge of the Chinese invasion, the workers pledged not merely their labour but all their lives for the sacred cause of the nation, it is unfortunate that after this stirring episode in our national history, the Government have thought it fit to curtail the rights guaranteed to the employees.

The Law Minister moved an amendment yesterday—the second amendment—which was read out and now it has been circulated to the Members. He seems to be willing to go half way or perhaps a quarter way to meet the demands of the Opposition. I fail to see why even now there is hesitation, this reluctance—I would not say intransigence, but reluctance,—to restore the article to its original pristine purity. That would be the best way out of the difficulty, the only honourable course for the Government to meet the difficulty now created by themselves. His ex-colleague, the ex-Defence Minister, also criticised him in regard to this measure I am doubtful whether, had he continued as Minister of Defence, he would have said the same thing. Perhaps, as his colleague in the Government he would not have said so. I do not know whether the ex-Defence Minister would welcome such a change with regard to the law and regulations to employees in communist countries in Europe and elsewhere over which he seems to have at times a sneaking affection. I do not know about that—whether he would like a similar change with regard to the Government employees in those countries. But I would plead with the Law Minister to restore the article and drop this amendment not shilly-shally about this measure. Do not move amendments which only make matters worse, to make confusion worse confounded. I would request him to give an assurance to the employees who have stood as one man, who have risen to the nation's call every time, to ensure that their rights are not jeopardised in any manner.

[Shri Hari Vishnu Kamath]

I am told that with regard to the railway employees there is what is called the notorious rule 149, in the Railway Establishment Code or Act, whereby the General Managers are empowered to terminate the services of railway employees without giving any reasons, without any enquiry. If that is so, it is high time....

**Shri A. K. Sen:** Where?

**Shri Priya Gupta:** It is rule 149 of Indian Railway Establishment Code Vol. I, under which without assigning any reasons, they can terminate the services of even confirmed Railway employees.

**Shri Hari Vishnu Kamath:** If that is so—if the hon. Law Minister doubts it . . .

**Mr. Speaker:** He will find out.

**Shri Hari Vishnu Kamath:** If that is so, I would urge that this should be deleted from the Code as soon as possible, and I would urge therefore that my amendments be accepted by the House.

**श्री बड़े :** अध्यक्ष महोदय, यह बलाज जब प्रमोडमेंट के वास्ते सामने आया तो मैं कहना चाहता हूँ कि जितने भी कर्मचारी हैं तथा शासन के कर्मचारी हैं उन के दिल में इसकी लेकर एक डर का भावना घर कर गयी। एक तरफ तो कांग्रेस सोशलिस्टिक पैटर्न आफ सोसाइटी कायम करने जा रही है, ऐसा होते हुए यह समझ में नहीं आता है कि यह सैंक्रेड अपोरचुनिटी का जो राइट है उसे यह सरकार क्यों छानने जा रहा है ?

इस के बारे में आनरेबल मिनिस्टर साहब ने जो अभी प्रमोडमेंट किया है उसमें यह लिखा है :—

“and where it is proposed, after such enquiry, to impose on him, any such penalty until he has been given a reasonable oppor-

tunity of making representation on the penalty proposed.....”

कांस्टीट्यूशन का जो प्रोरोजनल आर्टिकल ३११ (२) है उसमें यह शब्द लिखे हुए हैं :—

“..... until he has been given a reasonable opportunity of showing cause against the action proposed to be taken.....”

अब रीजनेबल अपोरचुनिटी ऑफ मॅकिंग रिप्रेजेंटेशन इसका मतलब शोइंग काज, कैसे हो गया ? माननीय मन्त्री प्रोरोजनल आर्टिकल का जो वर्डिज है उनको कायम नहीं रखना चाहते हैं। मेरा कहना है कि उसमें गवर्नमेंट जो संशोधन कर रहा है उसका उद्देश्य कर्मचारियों का जो सैंक्रेड अपोरचुनिटी का हक है उसको नष्ट करना है। संविधान की वर्तमान शब्दावली के कायम रहने से कभी कभी हाईकोर्ट्स में शासन को नाचा देखना पड़ता है, उससे शासन इसमें संशोधन करके हमेशा के लिये खत्म कर देना चाहता है। इसी कारण कर्मचारियों के इस बुनियादी हक पर इस प्रकार से कुठाराघात हो रहा है।

अगर यह सरकार दरअसल दिल से इस देश में सोशलिस्टिक पैटर्न आफ सोसाइटी जो कायम करना चाहती है और यह चाहती है कि सरकारी कर्मचारियों के राइट्स पर कुठाराघात न हो और वे सुरक्षित रहे और जैसा कि कल हाउस में मन्त्री महोदय ने कहा भी है तो मैं कहता हूँ कि उनको यह शोइंग काज रखने में कौनसा आपात्त है ?

इसलिए मैं कहता हूँ कि अगर केवल यहाँ रहेगा कि वह अपना रिप्रेजेंटेशन लिख कर दे सकता है तो वह पर्याप्त न होगा और इसलिए मैं पुनः कहता हूँ कि यह रिप्रेजेंटेशन का शब्द निकलना चाहिए और उसके बजा शोइंग काज जैसा कि पहले था वही कायम रहना चाहिए। मैंने यह देखा है कि आज के जैसा शासन का रवैया जनता के प्रति है उसके

मुकाबले जब कांस्टीट्यूशन बन रहा था और पास किया जा रहा था तब शासन की जनता के प्रति उदार कल्पना थी। अब सरकार धीरे-धीरे उस कल्पना को निकाल कर एक दूसरी कल्पना को अपना रहा है और जनता के हकों को अपने हाथ में लेकर एक ब्यूरोक्रैटिक गवर्नमेंट और हिटलर का गवर्नमेंट स्थापित करने और अतंक जमाने के उद्देश्य से काम कर रहा है। मैं कहना चाहता हूँ कि डेमोक्रेसी में पोलिटिकल पार्टीज का स्थान होता है और उन पोलिटिकल पार्टीज में प्रजा सोशलिस्ट पार्टी, जनसंघ और कम्युनिस्ट पार्टी जैसी अर्पोर्जाशन पार्टियां भी हैं। यदि कोई भी एक अधि कर्मचारी मेरे पास या जनसंघ के पास गया, तो अट उसके खिलाफ एप्लीकेशन दे दी जाती है, क्योंकि जो छोटे-छोटे नेता और छटभंये नेता होते हैं, वे उस कर्मचारी के खिलाफ आरोप लगाने लगते हैं। इस अवस्था में उसके विरुद्ध एन्क्वायरी करने के बाद उस को सैकंड अपार्टूनिटी न देना उचित नहीं है। डेमोक्रेसी में गांव-गांव में पोलिटिकल पार्टीज का वातावरण रहता है। इसलिए कर्मचारियों के हकों को कायम रखने के लिए माननीय मंत्री जी को अरिजिनल क्लॉज को ही रखना चाहिए। तभी जनता और साधारण कर्मचारियों में शासन के प्रति विश्वास उत्पन्न होगा।

16 hrs.

**Shri Prabhat Kar:** Sir, I request the Law Minister to withdraw the amendment sought to be made in article 311. So far as the amendment that he has now moved is concerned, no doubt he has granted a little concession, but it does not go a long way. So far as the civil servants are concerned, the fundamental right which is guaranteed to them under article 311 is sought to be taken away. There cannot be any presumption that this summary power will not be exercised arbitrarily. Up till now it has not been explained by the hon. Minister as to why it was necessary to amend this

article 311. This article has given certain rights to the civil servants who are denied ordinary rights under the industrial legislation. Under these circumstances, to take away this fundamental right and put them at the mercy of the officers at this particular moment is wrong. Already we know what part they have played in building up the administration. These employees have manifested their intelligence and integrity during the days of the emergency. At this particular moment, to ask Parliament to amend this article 311 is very wrong. All those who gave evidence before the Joint Committee on this matter have spoken against this amendment. From every section of the House there have been requests to the Law Minister that there should not be any amendment of article 311. Therefore, I request the hon. Law Minister, even now, to withdraw the amendment of article 311.

**Shri Priya Gupta:** Sir, I rise to oppose the amendment proposed by the Law Minister. Just imagine what the other countries in the world will say. They will say that the rights of the labourers in India have been curtailed and the party running the Government must have changed. There has been some change in those who are the party in power. What is the change? After independence, there came the Avadi Congress session and the Congress Party took the decision to become socialistic—establish socialist pattern of society. That they are going to implement today by curtailing further rights of the labourers. This is the view others outside will take, because whenever there is a fundamental change in the country, outsiders look at it and ask, what is the reason.

The hon. Labour Minister is sitting over there. I would appeal to him, to kindly refer to the Resolution on the industrial truce that was agreed upon by the different central organisations of labour, the employers and the Government, and it was decided that no unilateral decision in respect of the

[Shri Priya Gupta]

service conditions will be taken in view of the emergency. Now there is a clear unilateral departure from it on the part of Government. When somebody said in the Rajya-Sabha that in the time of emergency, the right to strike should be taken away, our Labour Minister was pleased to say, "No; this right must remain". I do not understand how this amendment is being made now. Already there is provision in rule 149 of Indian Railway Establishment Code Vol. I, that an employee's job can be taken away without any reason being assigned. If you look at this paragraph, there is also provision that this can be done even if employees are permanent and confirmed. I do not understand this. I appeal to the Law Ministry and the Home Ministry also that if these things are done, these will be rather curtailing the rights of the labourers. I think this has been done due to the change of conception of "Rights", the Congress Party had due to the unnoticed infiltration into their minds of Communist ideology of curtailment of civic rights, during the Chinese aggression on India. The labourers will not tolerate it. We will have it restored. When we get power, we will show how the Government runs more smoothly taking the labour into confidence. I protest and request the Law Minister not to take this unwarranted step. This is just curtailment of the fundamental rights given under the Constitution of India.

Dr. L. M. Singhvi: Sir, so stupendous is the Government's decision, so large is the number of people involved in this proposed amendment before us and so great is the likelihood of the State emerging as the main employer in the country in not unforeseeable future, that the concern expressed has been countrywide in this matter. I feel that the detailed memoranda and emphatic evidence tendered before the Joint Committee are proof positive of the fact that the amendments of the Government initially proposed were

looked at with great apprehension. I am glad that in response to the legitimate pressure from the Members of Parliament and indeed from all sections of the country, the Government have finally agreed to omit the proposed removal of guarantee in respect of the reduction of rank, which is at present on par with termination and removal.

The Government had not agreed to allow at the Joint Committee stage the continuance of a second opportunity in respect of the proposed penalty to be inflicted on an employee. Now the Law Minister has come forward with an amendment which I welcome, though it is entitled to our endorsement only partially. The Law Minister has proposed that the second opportunity would remain, but that it would be only on the basis of the evidence adduced at the enquiry. The distinguished Law Minister has said that the matter is not free from doubt, but perhaps that is not the correct position. What is sought to be provided now is mere representation. A representation, we very well know, is a very mechanical device; if we know the various official echelons in the bureaucracy in the country, we know it very well that the destination of a representation is the waste paper basket, with a short stoppage on the table of the official concerned. As a matter of fact, even the second opportunity has quite often been an illusion, but I feel the Government need not destroy that illusion, and need not cause alarm and apprehension in the country. I feel the Government should actually proceed to provide for a more effective appeal on record so that the legitimate grievances of employees who may have been victims of illegal or wilful actions by their superiors may be remedied.

With these words, I commend the amendment which I have proposed and put before the House, namely, that the employee would have the opportunity of being heard in respect of the

penalty proposed to be awarded to him.

**Shri Ranga:** Sir, I endorse all that has been said by my hon. friends on this side of the House belonging to different parties. I am opposed to this amendment that is proposed by the hon. Law Minister. Even ordinarily it is a dangerous thing, because an employee however high placed he may be is always in danger of being treated in an arbitrary manner by his superior. Especially in civil service that danger becomes even more glaring, more intolerable. When we know for a fact through our own bitter experience during the past sixteen years of our freedom that more and more of politics is being brought into all these disputes that arise in regard to the activities of our civil servants and all those who have got to work with them, it is not possible I am sure for the Law Minister to gainsay the experience that we are having all over that political interests are coming more and more into play and people who are in authority in politics are trying to interfere, not in all cases but in some cases at least, with the freedom or with the power to use their sense of responsibility and their discretion which is vested in so many of our civil servants. Whichever employee fails to kowtow to their political superiors is in danger of being victimised, punished, demoted and made to suffer various other disabilities because of the frowns that he has won from his political superiors. Therefore, under these circumstances, it is much better for us not to make any change at all in the Constitution and we should continue to allow our civil service, which is growing very rapidly, as we all know, and lakhs and lakhs of people are coming within its purview, the privilege of enjoying the protection of the Constitution that was given to them instead of trying to tamper with it.

In conclusion, I would like to say that if we are to upset even this last remnant of independent administra-

tive element through our political impatience with them and their readiness, their courage to exercise the initiative, enterprise and spirit of independence, we are likely to endanger the very foundations of our social life here in our country as it is being buttressed by our Constitution.

So I appeal to the Government and the Congress friends even at this last moment to yield themselves, not so much to the voice of protest but to the voice of warning that is being sounded not from one political opposition party but all opposition parties in this House.

**Some Hon. Members rose—**

**Mr. Speaker:** Hon. Members of the Congress also want to speak on this? We are already very late.

**Shri S. N. Chaturvedi:** Sir, I may be given two minutes.

**Shri D. C. Sharma (Gurdaspur):** There should be some time for the Third Reading.

**Mr. Speaker:** Hon. Members may put one or two questions if they so desire—Shri Chaturvedi.

**Shri S. N. Chaturvedi:** Sir, we have heard one side of the question that has been agitating the minds of everybody, and I want to put the other side of the case. As compared to the common man the Government employees are very well organised and they are almost a privileged class in this country. It is possible sometimes that they might suffer injustice at the hands of their superiors. But for a common man it is very difficult to get redress against an injustice that is done to him by a Government servant. If we compare the opportunities that are afforded for defending themselves in this country with what is given in other countries like the United States, Australia and other countries, we find that they are much better secure and protected here than anywhere else. In other countries a charge-sheet is given and they are asked to submit

[Shri S. N. Chaturvedi]

their explanations within five or seven days.

**Shri Priya Gupta:** Let the common man's privilege be given to us; we do not mind it.

**Mr. Speaker:** Order, order. He has had his chance. He should hear others now.

**Shri S. N. Chaturvedi:** I am only pleading that we should look at this question with the background of the common man who is helpless and unorganised, and I dare say that we are voicing vociferously the case of the government servants because they are organised and they have strength behind them. Besides, as I have said, they have ample safeguards to protect them. Here is a study made by the Indian Law Institute about the utility of this second opportunity. I will read out only two or three sentences from this. In the *Disciplinary Proceedings Against Government Servants*, a case study conducted by the Indian Law Institute, it is said:

"It is, therefore, believed on the basis of this study that the second opportunity given to the accused officer in disciplinary proceeding does not seem to be serving any useful function. It only protracts the proceedings". . . Placing a technical construction on the expression 'action proposed' it may be easy for one to ask: what is the harm in giving two opportunities? But it is also difficult to answer the counter question: why should there be two? The explanation that at that stage an accused officer can plead for the reduction in the proposed penalty is not convincing especially after Hukam Chand's case where the Supreme Court not only upheld a notice in which all the possible major penalties were inserted but sought to rationalise it. Even admitting that the above is a valid consideration, still it is not intelligible why a distinct opportunity is to

be given to an accused officer for this limited purpose. He can as well plead for a lesser penalty even if he is given one opportunity. Further, he has ample opportunity to address himself to this aspect in an appeal. Indeed our study discloses that at the appellate stage the accused officers often successfully prosecute their case for the mitigation of the penalties."

Sir, I will quote only one sentence more and then conclude.

**Mr. Speaker:** Is that as long as the previous one?

**Shri S. N. Chaturvedi:** I will quote only one sentence and then conclude. Here it is said:

"In response to the second notice the accused officers almost invariably repeat the very contentions that they had already raised in their defence statement though by that time the stage would be too much advanced to canvass the correctness of findings of fact. Their anxiety even at that stage was not so much to plead for the reduction in the quantum of punishment proposed in the second show-cause notice as to establish their innocence. They would think presumably that such plea might be construed as an admission of guilt. When the disciplinary authority came to a finding of guilt on the basis of the evidence supplied by the accused officer as well as the department during the enquiry, it would be unlikely that he would arrive at the finding of not guilty on repetitious contentions."

This is the other aspect of this question.

**An Hon. Member:** Is it one sentence?

**Mr. Speaker:** There was no full stop in between. Now, the hon. Minister.



**Shri Daji:** Sir, before that, I would like to have half a minute.

**Mr. Speaker:** I have refused others.

**Shri Daji:** I have moved amendments. They have not moved any amendment.

**Mr. Speaker:** I was calling every hon. Member who was present on this side. Only after I exhausted all of them I turned to the other side. If I allow him now, I will have to allow others also.

**Shri Daji:** I only want to ask one clarification from the hon. Minister. That is why I have given the amendment. I want to ask the meaning of the term "on the penalty proposed". Does that not mean that the aggrieved employee can only make submissions regarding deduction of penalty and not against the penalty? That is why I have used the term "against the penalty". It may be on the same evidence. He need not give any further evidence. On the same evidence which has been recorded once, he should be allowed to make submissions in respect of both deduction in penalty and also against it, that he should not be given any penalty at all.

**Shri Bakar Ali Mirza:** This is a fundamental change in the conditions of service of the civil servants. A Government employee cannot get any legal help when the first inquiry is being conducted. That being the case, what advantage the Government are getting except saving some time, I do not know. A number of legal pronouncements have already made the position clear. Further, this has been there for a very long time, even during the British time. So, why make this fundamental change in the conditions of service now?

**Shri A. N. Vidyalkar (Hoshiarpur):** I do not think the amendment that the Law Minister has been pleased to move now will satisfy the requirements of justice. We are

dealing with the punishment, an extreme penalty of removal, discharge or reduction in rank. The penalty being extreme, the requirements of justice demand that the employees should be given full opportunity. Also, psychologically and from the administrative point of view, the acceptance of this amendment will create a situation where the attitude of the officers will grow more stiff and they will take a cue from this amendment as to what their general attitude towards their subordinates during the inquiry should be. Therefore, I am of the opinion that this will not only not meet the requirements of justice, but rather produce contrary results.

**Shri A. K. Sen:** Mr. Speaker, Sir, it is not very often that the civil servant gets a bouquet from everywhere, but on this occasion he has been made the subject matter of a May Day rally—he has been called a labourer, he has been called a worker—and I think the civil servants will be certainly delighted to hear it.

**Shri Prabhat Kar:** He is.

**Shri Hari Vishnu Kamath:** We are all workers.

**Shri A. K. Sen:** He will be happy to know that besides Government, there are others who think of him.

Now, the point is that I am confirmed in my original belief that the Constitution, as it stood, had led many people to think that the expressions used in article 311 enabled the officer concerned, even after the first inquiry, to have more or less a second inquiry. I was told by Shri Daji and others, when the original motion was adopted here, in the Joint Committee and here again now that all that they wanted was the right of representation on the penalty proposed and that they did not think that article 311, as it stands now, provides for a second opportunity, in the sense of a second hearing. Shri Daji has stated in his speech even as late as yesterday:

[Shri A. K. Sen]

"If one inquiry has been gone into before the show-cause notice has been given, it would not be reasonable for him to ask for a second inquiry. That is the considered view."

Then he quotes Khemchand's case and tells me that I have read the case wrongly. Well, after hearing Shri Krishna Menon and others, it is now quite clear that there is a great divergence of view in this matter, and the suggestion that some vital right is being taken away, as voiced by Shri Priya Gupta, even though the Government amendments specifically grant it in so many words the constitutional right to make a representation on the penalty proposed shows that what is needed is not a representation on the penalty proposed but more or less a re-hearing on the question of innocence, as read out from Santhanam Committee's report.

**Shri Priya Gupta:** You do that. Then it is very good. You become more socialist day by day by curtailing of the privileges and rights of the labour!

**Shri Krishna Menon** (Bombay City North): The Law Minister has thought it fit to interpret what I said. What I said was about the removal of the constitutional safeguard.

**Dr. L. M. Singhvi:** Sir, on a point of order. The Law Minister should yield to Shri Menon. When Shri Menon is making a statement, he should yield.

**Shri A. K. Sen:** Shri Menon said that I had interpreted him wrongly and what he said...

**Shri Krishna Menon:** I did not say "wrongly interpreted". I said that he interpreted me. I said that the constitutional safeguard has been removed.

**Shri Ranga:** Sir, on a point of order. When one Member is speak-

ing, you should not allow another Member to stand.

**Shri Tyagi:** Then, how is he standing, Sir? (*Interruptions*)

**Shri Ranga:** He must sit down and not we.

**Mr. Speaker:** Order, order. He repeats the same thing which he accuses in others.

**Shri Prabhat Kar:** The Law Minister is still standing. Let him sit down.

**Shri Ranga:** Even in spite of all this, he is doing the same thing, standing.

**Shri Priya Gupta:** Instead of this, let us come to some serious business.

**Mr. Speaker:** There are some who stand up and begin to interrupt or attempt to interrupt and say something. There are others who remain sitting, even though they are interrupting.

**Shri Ranga:** That does not justify this. Why do you not say this is not in order?

**Mr. Speaker:** Order, order. He is not prepared to listen to me.

**Shri Ranga:** Excuse me, Sir, this does not call for an omnibus observation. I have called your attention to one particular impropriety committed by the Law Minister. We will be content if you will give your simple ruling over it.

**Mr. Speaker:** If there are three or four Members who have raised some points, why should I not refer to all of them?

**Shri Ranga:** You need not refer to all of them.

**Mr. Speaker:** Why not? Why should I not take that opportunity to refer

to all of them? Am I required only to refer to the point of the hon. Member and not of the others, who have also raised some points?

**Shri Ranga:** This is the only point which we have raised.

**Mr. Speaker:** No, no. Others have also raised it, apart from Shri Ranga. I am referring to all of them. This is a specific case that Shri Ranga has referred to. But there are other Members who continue to interrupt. Should the Member in possession of the House keep silent? That is what I was referring to. Some do take objection to some impropriety, as Shri Ranga did, but there are some others who go on interrupting, while they are sitting, and they do not take that much trouble of standing up and then saying something to which the other Member can answer. It is a proper acknowledged procedure that if one hon. Member, be he a Minister or a Member, is in possession of the House, then others have to listen to him patiently. If there is an interruption, courtesy demands that the hon. Member or Minister, who is in possession of the House, should ordinarily yield to him.

**Dr. L. M. Singhvi:** That is what I have suggested.

**Mr. Speaker:** Then, he has to listen to what the interrupter has to say. But, if he does not yield, then the interrupter should sit down and wait for his opportunity when the other Member has finished. That is the procedure and normally every hon. Member should observe that.

**Shri A. K. Sen:** Mr. Speaker, when there is an interruption, particularly when it comes from behind, it is very difficult to watch whether the interrupter has sat down. In this case, by the time I looked back, I found Shri Menon had sat down, and I started answering him.

**Shrimati Renu Chakravartty:** He was standing and still the hon. Minister did not yield or resume his seat.

**Shri A. K. Sen:** Shrimati Chakravartty need not stand up for Shri Menon. He can speak for himself.

**Shrimati Renu Chakravartty:** See the arrogance of the Minister. It is absolutely unbearable.

**Shri C. K. Bhattacharyya:** The hon. Member is sitting and interrupting.

**Shri A. K. Sen:** As I read Shri Menon's observations, I find that Shri Menon has said that a great constitutional safeguard was being taken away by the proposed amendment. I find that we are bringing into the Constitution by the proposed amendment, which I moved yesterday, something in addition to what was there when the Joint Committee had reported, a right which, I was told by hon. Members on the other side, was the only right which was demanded, namely, the right to make a representation on the penalty proposed, because article 311, as will be seen, before it was referred to the Joint Committee, did give a right of representation and a right of hearing on the charges framed against the officer concerned, and a reasonable opportunity of being heard in respect of those charges. What was sought was that even after the hearing on the charges and a conclusion on the facts, the officer should have a right to make a representation on the penalty proposed when the facts are found and the penalty is proposed. It was then, after the representatives of the civil servants had seen me and made it clear that they do not want a right of re-hearing in the matter again and a repetition of the entire proceedings but only a right to represent against the penalty proposed, that I brought this amendment.

[Shri A. K. Sen]

The draft originally given to me only mentioned the words "on the evidence already adduced" and I changed those words into "on the evidence adduced during the inquiry". The enquiry that I had in the Lobby, one from Shri Daji, was whether the expression "right of representation on the penalty proposed" was equivalent to "against the penalty proposed". I can understand that, but to say that a great constitutional safeguard is being taken away is in my submission completely unfounded.

**Shri Frank Anthony** (Nominated—Anglo-Indians): May I ask the hon. Law Minister one question?

**Mr. Speaker:** If he yields.

**Shri Frank Anthony:** I agree entirely that this amendment merely spells out the decision of the Supreme Court. The Supreme Court said clearly that the second opportunity is only an opportunity to represent against the penalty proposed. Then why not leave article 311 as it was? Unfortunately, for no rhyme or reason laymen, MPs are suspecting that because you are changing it, you are taking it away. Actually this merely spells out the Supreme Court judgement.

**Shri A. K. Sen:** Shri Anthony and others will remember that the decision of the Supreme Court makes it quite clear that the second opportunity was merely an opportunity to make a representation on the penalty proposed. If that is so, I said, there was no harm in having it clarified.

**Shri Hari Vishnu Kamath:** Why amend the article?

**Shri A. K. Sen:** Because there are persons of responsibility, like, Shri Menon, who think that a great constitutional safeguard is being taken away. If that is so, the Government is entitled to make it clear. . . . (Inter-ruption). I am afraid I cannot make it clear further. The Government having regard to the decision of the

Supreme Court is entitled to make the matter clear beyond doubt so that there will be no controversy on the question

**Shri Priya Gupta:** Are you not satisfied with the Supreme Court's clarification?

**Shri A. K. Sen:** Now the next question is about the clarification of this question as to whether opportunity to make representation on the penalty proposed is as good as "against the penalty proposed". In my submission—and of course—"opportunity to make a representation on the penalty proposed" is as good as "opportunity against the penalty proposed". In fact, it is a little wider because it need not be confined to "against the penalty" but may cover anything connected with the penalty. Therefore in my submission when we put the words "on the penalty", we have a mind to make it as comprehensive as possible to make representation connected with the penalty.

This disposes of most of the objections. If it is agreed that what the Government proposes to do by the new amendment is only what the Supreme Court has made clear in the course of its decision—if that was the position—we should make it clear because every time this comes up we are told that the second opportunity is something wider than an opportunity to make a representation merely on the penalty proposed, as we have heard here. I quite concede that these submissions are made genuinely under a genuine impression that this is the law, namely, that the second opportunity is much wider than what has been construed by judicial authorities and what the Government considers to be the proper scope of the article. Because of these misapprehensions it has been thought absolutely necessary to put such an important article beyond any shadow of doubt.

**Mr. Speaker:** Can I put any of these amendments to a voice vote?

**Shri Hari Vishnu Kamath:** No, Sir; I would press for a division.

**Shri Bade:** I would also press for a division.

**Shri Prabhat Kar:** I also will press for a division.

**Mr. Speaker:** There is no amendment to clause 11. Is Shri Tyagi going to move his amendment No. 7 for the insertion of New Clause 11 A?

**Shri Tyagi:** I had given notice of an amendment to clause 11. I wanted to move amendment No. 8.....

**Mr. Speaker:** No. 7 is not moved then.

**Shri Tyagi:** No, Sir.

**Mr. Speaker:** Shri Muhammad Ismail is not here; so, his amendment also goes. Then what about amendment No. 8 for insertion of New Clause 13?

**Shri Tyagi:** This is an amendment which I proposed to move because I felt that there were a number of judges who were retiring during the course of consideration of this Bill, but in deference to the opinion of some of the hon. friends on this side....

**Shri A. P. Jain (Tumkur):** Mine also.

**Shri Tyagi:** .... advocates and those who are well-versed with law—I also had a doubt—that an amendment to the Constitution which would give retrospective effect would not look very well, in the hope that Government will accommodate these retiring judges under another clause, I do not feel like moving this amendment. I feel that I must respect the wishes and the comments of learned people on this side.

**Mr. Speaker:** So, this amendment is not moved. Now I am putting the clauses to the vote of the House one by one. Every clause is to be voted upon. So, let the lobbies be cleared..

The question is:

“That clause 2 stand part of the Bill”.

Division.

**Shri Tyagi:** We could not understand this.

**Mr. Speaker:** I could not follow what the objection was. I was directly calling for the division because nothing can be decided by a voice vote here. That statutory majority is necessary in any case. Therefore, voice vote is not necessary. The hon. Members should get ready now. I am calling for the division.

**Shri Radhelal Vyas (Ujjain):** Some of the Members who just came do not know on what clause the division is.

**Mr. Speaker:** I am putting it again.

The question is:

“That clause 2 stand part of the Bill.”

*The Lok Sabha divided*

\*Division No. 27

**Mr. Speaker:** The result of the division is:

Ayes—300

Noes—9

The ‘Ayes’ have it, the ‘Ayes’ have it. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

*Clause 2 was added to the Bill.*

\*The names of the Members could not be recorded due to mechanical defect in the voting machine.

**Mr. Speaker:** The question is:

"That clause 3 stand part of the Bill".

*The Lok Sabha divided.*

\*Division No. 28

**Mr. Speaker:** The result of the division is:

*Ayes—288*

*Noes—35*

The 'Ayes' have it, the 'Ayes' have it. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

*Clause 3 was added to the Bill.*

**Mr. Speaker:** Clause 4: amendment No. 25.

The question is:

Page 1. omit lines 15 and 16. (25)

*The Lok Sabha divided.*

\*Division No 29

**Some Hon. Members** rose—

**Mr. Speaker:** Four more for 'Noes' and one more for 'Aves'.

The result of the Division is:

*Ayes 37; Noes 288.*

The 'Noes' have it: the 'Noes' have it; the amendment is lost.

*The motion was negatived.*

**Mr. Speaker:** The question is:

Page 2, for lines 3 to 6. substitute—

"(3) If any question arises as to the age of a Judge of a High Court, the question shall be decid-

ed by such authority and in such manner as Parliament may by law provide." (31)

*The Lok Sabha divided.*

\*Division No. 30

**Some Hon. Members** rose—

**Mr. Speaker:** Four more for 'Ayes'

The result of the Division is:

*Ayes 32; Noes 290.*

The 'Noes' have it; the 'Noes' have it. The amendment is lost.

*The motion was negatived.*

**Mr. Speaker:** Is every amendment to be divided?

**Shri Hari Vishnu Kamath:** I have no more amendments.

**Some Hon. Members:** Voice vote

**Mr. Speaker:** Any other amendment?

**Shri Kashi Ram Gupta:** Nos. 26 and 30.

**Shri Prabhat Kar:** No. 29

**Mr. Speaker:** The question is:

Page 2, for lines 3 to 6, substitute—

"(3) the age of a Judge of a High Court shall be determined by such authority and in such manner as Parliament may by law provide." (30)

*The motion was negatived.*

**Mr. Speaker:** The question is:

Page 1, line 16, for "sixty-two years", substitute—

"sixty-five years, with no right to practise after retirement," (26).

*The motion was negatived.*

\*The names of the Members could not be recorded due to mechanical defect in the voting machine.

**Mr. Speaker:** I shall now put amendment No. 29 to vote.

The question is:

Page 2, for lines 3 to 6, substitute—

“(3) The age of a Judge of a High Court shall be stated in the warrant of his appointment and the date so stated shall be final.”. (29)

*The motion was negatived.*

**Mr. Speaker:** Amendment No. 29 is lost. All the amendments which were moved to clause 4 are lost. There is no Government amendment to this clause. I shall now put clause 4 to vote.

**Shri Hari Vishnu Kamath:** May I submit that there are two sub-clauses to this clause, and they are wholly unrelated to each other? While one may like to vote for one sub-clause, one may like to vote against the other sub-clause. I think that Government have not been well advised on this matter.

**Mr. Speaker:** At this moment, I might not be able to put them separately.

The question is:

“That clause 4 stand part of the Bill”.

Let the Lobby be cleared.

**Shri Bhagwat Jha Azad** (Bhagalpur): I would like to submit that many of us could not vote in the earlier stages, because the bell was not ringing in the Library and in the adjacent portion of the Parliament House. The bell must be properly tested beforehand. About seven Members were there in the Library, and the bell did not ring there, and, therefore, we have been deprived of our vote on the earlier clauses. I would only like to draw your attention to this that the ringing of the bell should be properly tested in advance.

**Mr. Speaker:** How could the others hear it? Most other Members have

heard it and they have been able to come.

**Shrimati Renu Chakravartty:** It happened the other day also. We were in the Select Committee, and the bell did not ring at all.

**Mr. Speaker:** I shall get it tested again. I shall send some messenger to find out whether the bell is ringing now. Now, the Lobby has been cleared.

The question is:

“That clause 4 stand part of the Bill”.

*The Lok Sabha divided.*

\*Division No. 31

**Mr. Speaker:** The result of the division is: Ayes 291: Noes 37. The ‘Ayes’ have it; the ‘Ayes’ have it. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clause 5*

**Mr. Speaker:** I shall now put amendment No. 46 to vote. The question is:

“Page 2, line 16, —for “by order fix” substitute—

“fix by notification to be published in the official Gazette and laid on the Table of both Houses of Parliament as soon as may be”. (46).

*The motion was negatived.*

*Amendment No. 34 was also put and negatived.*

**Mr. Speaker:** The question is:

“That clause 5 stand part of the Bill”.

*The Lok Sabha divided.*

\*The names of the Members could not be recorded due to mechanical defect in the voting machine.

## Division No. 32]

## AYES

[16.55 hrs.

Abdul Rashid, Bakshi	Dhuleshwar Meena, Shri	Kureel, Shri B. N.
Abdul Wahid, Shri T.	Dighe, Shri	Lakhan Das, Shri
Achal Singh, Shri	Dinesh Singh, Shri	Lakshmikanthamma, Shrimati
Achuthan, Shri	Dubey, Shri R. G.	Lalit Sen, Shri
Akkamma Devi, Shrimati	Dwivedi, Shri M. L.	Laskar, Shri N. R.
Alagesan, Shri	Ering, Shri D.	Laxmi Bai, Shrimati
Alva, Shri A. S.	Firodia, Shri	Lonikar, Shri
Alva, Shri Joachim	Gaekwad, Shri Fatehsinharao	Mahtab, Shri
Aney, Dr. M. S.	Gahmari, Shri	Maimoona Sultan, Shrimati
Anjanappa, Shri	Gaitonde, Dr.	Malaviya, Shri K. D.
Arunachalam, Shri	Gajraj Singh Rao, Shri	Malhotra, Shri Inder J.
Azad, Shri Bhagwat Jha	Gandhi, Shri V. B.	Malliah, Shri U. S.
Babunath Singh, Shri	Ganga Devi, Shrimati	Mallick, Shri
Bajaj, Shri Kamalnayan	Ghosh, Shri Atulya	Manaan, Shri
Bal Krishna Singh, Shri	Ghosh, Shri N. R.	Mandal, Dr. P.
Baakrishnan, Shri	Goni, Shri Abdul Ghani	Mandal, Shri J.
Balmiki, Shri	Gopalan, Shri A. K.	Mandal, Shri Yamuna Prasad
Banerjee Dr. R.	Govind Das, Dr.	Maniyangadan, Shri
Barkataki, Shrimati Renuka	Guha, Shri A. C.	Mantri, Shri
Barupal, Shri P. L.	Gupta, Shri Priya	Maruthiah, Shri
Basant Kunwari, Shrimati	Gupta, Shri Ram Ratan	Masuriya Din, Shri
Basappa, Shri	Gupta, Shri Shiv Charan	Matcharaju, Shri
Basumatari, Shri	Hajrmaavis, Shri	Mehdi, Shri S. A.
Baswant, Shri	Hansda, Shri Subodh	Mehrotra, Shri Braj Bihari
Berwa, Shri Onkarlal	Hanumanthaiya, Shri	Mehta, Shri J. R.
Besra, Shri	Haq, Shri M. M.	Melkote, Dr.
Bhagat, Shri B. R.	Hazarika, Shri J. N.	Mengi, Shri Gopal Datt
Bhakt Darshan, Shri	Heda, Shri	Menon, Shri Krishna
Bhanja Deo, Shri L. N.	Himatsingka, Shri	Mirza, Shri Bakar Ali
Bhargava, Shri M. B.	Himmatsinhji, Shri	Mishra, Shri Bibhuti
Bhatkar, Shri	Imbichibava, Shri	Mishra, Shri Bibudhendra
Bhattacharyya, Shri C. K.	Iqbal Singh, Shri	Mishra, Shri M. P.
Bhattacharya, Shri Dinen	Jadhav, Shri M. L.	Misra, Dr. U.
Bist, Shri J. B. S.	Jadhav, Shri Tulshidas	Misra, Shri Mahesh Dutta
Brahm Prakash, Shri	Jagjivan Ram, Shri	Mohanty, Shri G.
Brajeshwar Prasad, Shri	Jain, Shri A. P.	Mohiuddin, Shri
Brij Basi Lal, Shri	Jamunadevi, Shrimati	Mohsin, Shri
Chakravartty, Shrimati Renu	Jayaraman, Shri	Morarka, Shri
Chakraverti, Shri P. R.	Jedhe, Shri	More, Shri K. L.
Chanda, Shrimati Jyotana	Joahi, Shri A. C.	More, Shri S. S.
Chandrasekhar, Shrimati	Jyotishi, Shri J. P.	Mukane, Shri
Chaturvedi, Shri S. N.	Kabir, Shri Humayun	Mukerjee, Shri H. N.
Chaudhry, Shri C. L.	Kadadi, Shri	Mukerjee, Shrimati Sharda
Chaudhuri, Shri Sachindra	Kamble, Shri	Murmu, Shri Sarkar
Chaudhuri, Shrimati Kamala	Kanungo, Shri	Murthy, Shri B. S.
Chavan, Shri D. R.	Kappen, Shri	Murti, Shri M. S.
Chavda, Shrimati	Kapur Singh, Shri	Musafir, Shri G. S.
Chettiar, Shri Ramanathan	Kar, Shri Prabhat	Muthiah, Shri
Chuni Lal, Shri	Karuthirumān, Shri	Naidu, Shri V. G.
Dafle, Shri	Kedaria, Shri C. M.	Naik, Shri D. J.
Daji, Shri	Khadilkar, Shri	Naik, Shri Maheswar
Daljit Singh, Shri	Khan, Shri Osman Ali	Nair, Shri Vasudevan
Das, Dr. M. M.	Khanna, Shri Mehr Chand	Nanda, Shri
Das, Shri N. T.	Khanna, Shri P. K.	Naskar, Shri P. S.
Das, Shri Sudhanau	Kindar Lal, Shri	Nayak, Shri Mohan
Dasappa, Shri	Kisan Veer, Shri	Nayar, Dr. Sushila
Dasa, Shri C.	Kripa Shankar, Shri	Nehru, Shri Jawaharlal
Deo Bhan, Shri F. C.	Krishna, Shri M. R.	Nigam Shrimati Savitri
Deshmukh, Shri B. D.	Krishnamachari, Shri T. T.	Niranjan Lal, Shri
Deshmukh, Shri Shivaji Rao S.	Krishnapal Singh, Shri	Oza, Shri



Paliwal, Shri	Rao, Shri Krishnamoorthy	Sinha, Shri Satya Narayan
Pande, Shri K. N.	Rao, Shri Muthyal	Sirha, Shrimati Ramdulari
Pandey, Shri R. S.	Rao, Shri Ramapathi	Sinha, Shrimati Tarkeshwar
Pandey, Shri Sarjoo	Rao, Shri Rameshwar	Sinhasan Singh, Shri
Pandey, Shri Vishwa Nath	Rao, Shri Thirumala	Srinavane, Shri
Panna Lal, Shri	Rattan Lal, Shri	Srinivasan Dr. P.
Pant, Shri K. C.	Raut, Shri Bhola	Subramaniam, Shri C.
Paramasivan, Shri	Ray, Shrimati Renuka	Subramanyam, Shri T.
Parashar, Shri	Reddi, Dr. B. Gopala	Sumat Prasad, Shri
Patel, Shri Chhotubhai	Reddiar, Shri	Sunder Lal, Shri
Patel, Shri Man Singh P.	Reddy, Shri Yallamanda	Surendra Pal Singh, Shri
Patel, Shri N. N.	Reddy, Shrimati Yashoda	Swamy, Shri M. P.
Patel, Shri P. R.	Roy, Dr. Saradiab	Swarn Singh, Shri
Patil, Shri D. S.	Roy, Shri Bishwanath	Tahir, Shri Mohammad
Patil, Shri M. B.	Sadhu Ram, Shri	Tantia, Shri Rameshwar
Patil, Shri S. B.	Saha, Dr. S. K.	Thimmaiah, Shri
Patil, Shri S. K.	Sahu, Shri Rameshwar	Thomas, Shri A. M.
Patil, Shri T. A.	Saigal, Shri A. S.	Tiwary, Shri D. N.
Patnaik, Shri B. C.	Samanta, Shri S. C.	Tiwary, Shri R. S.
Pattabhi Raman, Shri C. R.	Sanji Rupji, Shri	Tombi, Shri
Pillai, Shri Nataraja	Saraf, Shri Sham	Tripathi, Shri Krishna Deo
Pottekkatt, Shri	Sarma, Shri A. T.	Tyagi, Shri
Prabhakar, Shri Naval	Satyabhama Devi, Shrimati	Uikey, Shri
Pratap Singh, Shri	Sen, Dr Ranen	Ulaka, Shri
Puri, Shri D. D.	Sen, Shri A. K.	Upadhyaya, Shri Shiva Dutt
Raghavan, Shri A. V.	Sen Shri P. G.	Vaishya, Shri M. B.
Raghunath Singh, Shri	Shah, Shri Manabendra	Varma, Shri Ravind
Raghuramaiah, Shri	Shah, Shrimati Jayben	Veerabasappa, Shri
Rai, Shrimati Sahodrabai	Sham Nath, Shri	Veerappa, Shri
Raj Bahadur, Shri	Shankaraiya, Shri	Venkatasubbaiah, Shri P.
Raja, Shri C. R.	Sharma, Shri A. P.	Verma, Shri Balgovind
Raju, Dr. D. S.	Sharma, Shri D. C.	Verma, Shri K. K.
Rem, Shri T.	Sharma, Shri K. C.	Vidyalankar, Shri A. N.
Ram Sewak, Shri	Shashi Ranjan, Shri	Vimla Devi, Shrimati
Ram Subhag Singh, Dr.	Shastri, Shri Lal Bahadur	Virbhadra Singh, Shri
Ram Swarup, Shri	Shastri, Shri Ramanand	Vyas, Shri Radhelal
Ramakrishnan, Shri P. R.	Sheo Narain, Shri	Wadiwa, Shri
Ramaswamy, Shri S. V.	Shinde, Shri	Warior, Shri
Ramaswamy, Shri V. K.	Shree Narayan Das, Shri	Wasnik, Shri Balkrishna
Ramdhani Das, Shri	Shrimali, Dr. K. L.	Yadav, Shri N. P.
Rananjai Singh, Shri	Siddiah, Shri	Yadav, Shri Ram Harkh
Rane, Shri	Sidheshwar Prasad, Shri	Yadava, Shri B. P.
Ranga Rao, Shri	Singh, Shri D. N.	Yusuf, Shri Mohammad
Rao, Dr. K. L.	Singh, Shri K. K.	
Rao, Shri Jaganatha	Singh, Shri R. P.	

## NOES

Bade, Shri  
Gupta, Shri Kashi Ram  
Kamath, Shri Hari Vishnu  
Marandi, Shri

Ranga, Shri  
Reddy, Shri Narasimha  
Shashank Manjri, Shrimati  
Singhvi, Dr. L. M.

Swamy, Shri Sivamurthi  
Tan Singh, Shri  
Utiya, Shri

**Mr. Speaker:** The result of the Division is: Ayes 313; Noes 11.

The 'Ayes' have it; the 'Ayes' have it. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

*Clause 5 was added to the Bill.*

## Clause 6

**Mr. Speaker:** The question is:

"Page 2, line 18,—for "sixty-two years" substitute—"sixty-five years". (35).

*The motion was negatived.*

**Mr. Speaker:** The question is:

"Page 2, line 18,—for "sixty-two years" substitute—"sixty-four years". (47)

*The motion was negatived.*

**Mr. Speaker:** The question is:

"That clause 6 stand part of the Bill".

*The Lok Sabha divided:*

**Division No. 33]**

**AYES**

**[16.57 hrs.**

Abdul Rashid, Bakshi  
Abdul Wahid, Shri T.  
Achal Singh, Shri  
Achuthan, Shri  
Akkamma Devi, Shrimati  
Alagesan, Shri  
Alva, Shri A. S.  
Alva, Shri Joachim  
Aney Dr. M. S.  
Anjanappa, Shri  
Arunachalam, Shri  
Azad, Shri Bhagwat Jha  
Babunath Singh, Shri  
Bajaj, Shri Kamalnayan  
Bal Krishna Singh, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Banerjee, Dr. R.  
Barkatki Shrimati Renuka  
Barupal Shri P. L.  
Basant Kunwari, Shrimati  
Basappa, Shri  
Basumatari, Shri  
Baswant, Shri  
Besra, Shri  
Bhagat Shri B. R.  
Bhakt Darshan, Shri  
Bhanja Deo, Shri L. N.  
Bhargava, Shri M. B.  
Bhatkar Shri  
Bhattacharyya, Shri. C. K.  
Bhattacharya, Shri Dinen  
Bisai, Shri J. B. S.  
Brahm Prakash, Shri  
Brajeshwar Prasad, Shri  
Brij Basi Lal, Shri  
Chakravarty, Shrimati Renu  
Chakraverti, Shri P. R.  
Chanda, Shrimati Jyotona  
Chandrasekhar, Shrimati  
Chaturvedi, Shri S. N.  
Chaudhry, Shri C. L.  
Chaudhuri, Shri Sachindra  
Chauchuri, Shrimati Kamala  
Chavan, Shri D. R.  
Chavda, Shrimati  
Chettiar, Shri Ramanathan  
Chuni Lal Shri  
Dafre, Shri  
Daljit Singh, Shri  
Das, Dr. M. M.  
Das, Shri N. T.  
Das, Shri Sudhanou

Dasappa, Shri  
Dass, Shri C.  
Deo Bhanj, Shri P. C.  
Deshmukh, Shri B. D.  
Deshmukh, Shri Shivaji Rao  
Dhuleshwar Meena, Shri  
Dighe, Shri  
Dinesh Singh, Shri  
Dubey, Shri R. G.  
Dwivedi, Shri M. L.  
Ering, Shri D.  
Firodia, Shri  
Gaekwad, Shri Farchunhrao  
Gahmari, Shri  
Gaitonde, Dr.  
Gajraj Singh Rao, Shri  
Gandhi, Shri V. B.  
Ganga Devi, Shrimati  
Gosh, Shri Atulya  
Ghoosh, Shri N. R.  
Goni, Shri Abdul Ghani  
Gopalan Shri A. K.  
Govind Das, Dr.  
Guha, Shri A. C.  
Gupta, Shri Ram Ratan  
Gupta, Shri Shiv Charan  
Hajarnavis, Shri  
Hansda, Shri Subodh  
Hanumanthaiya, Shri  
Haq, Shri M. M.  
Hazarika, Shri J. N.  
Heda, Shri  
Himatsingka, Shri  
Himmatsinghi, Shri  
Imbichibava, Shri  
Iqbal Singh Shri  
Jadhav, Shri M. L.  
Jadhav, Shri Tulahidas  
Jagjivan Ram, Shri  
Jain, Shri A. P.  
Jamunadevi, Shrimati  
Jayaraman, Shri  
Jedhe, Shri  
Joshi, Shri A. C.  
Jyotishi, Shri J. P.  
Kabir, Shri Humayun  
Kadadi, Shri  
Kamble, Shri  
Kanungo, Shri  
Kappen, Shri  
Kar, Shri Prabhat  
Karuthiruman, Shri  
Kedarla, Shri C. M.

Khadilkar, Shri  
Khan, Shri Osman Ali  
Khanna, Shri Mehr Chand  
Khanna, Shri P. K.  
Kindar Lal, Shri  
Kishan Veer, Shri  
Koya, Shri  
Kripa Shankar, Shri  
Krishna, Shri M. R.  
Krishnamachari, Shri T. T.  
Kureel, Shri B. N.  
Lakhan Das, Shri  
Lakshminanthamma, Shrimati  
Lalit Sen, Shri  
Laskar, Shri N. R.  
Laxmi Bai, Shrimati  
Lonikar, Shri  
Mahatab, Shri  
Maimoona Sultan, Shrimati  
Malaviya, Shri K. D.  
Malhotra, Shri Inder J.  
Malliah, Shri U. S.  
Mallick, Shri  
Manaan, Shri  
Mandal, Dr. P.  
Mandal, Shri B. N.  
Mandal, Shri Yamuna Prasad  
Maniyangadan, Shri  
Mantri, Shri  
Maruthiah, Shri  
Masuriya Din, Shri  
Matcharaju, Shri  
Mehdi, Shri S. A.  
Mehrotra, Shri Braj Bihar  
Mehtre, Shri J. R.  
Melkote, Dr.  
Mengli, Shri Gopal Datt  
Menoa, Shri Krishna  
Mirza, Shri Bakar Ali  
Mishra, Shri Bibhuti  
Mishra, Shri Bibudhendra  
Mishra, Shri M. P.  
Misra, Dr. U.  
Misra, Shri Mahesh Dutta  
Mohanty, Shri G.  
Mohiuddin, Shri  
Mohain, Shri  
Morarka, Shri  
More, Shri K. L.  
More, Shri S. S.  
Mukane, Shri  
Mukerjee, Shri H. N.  
Mukerjee, Shrimati Sharda

Murmu, Shri Sarkar	Ram Subhag Singh, Dr.	Shrimali, Dr. K. L.
Murthy Shri B. S.	Ram Swarup, Shri	Siddiah, Shri
Murti, Shri M. S.	Ramakrishnan, Shri P. R.	Sidheshwar Prasad, Shri
Musafir, Shri G. S.	Ramaswamy, Shri S. V.	Singh, Shri D. N.
Muthiah, Shri	Ramaswamy, Shri V. K.	Singh, Shri K. K.
Naidu, Shri V. G.	Ramdhani Das, Shri	Singh, Shri R. P.
Naik, Shri D. J.	Rananjai Singh, Shri	Sinha, Shri Satya Narayan
Naik Shri Maheswar	Rane, Shri	Sinha, Shrimati Ramdulari
Nair, Shri Vasudevan	Ranga, Shri	Sinha, Shrimati Tarkeshwari
Nanda, Shri	Ranga Rao, Shri	Sinhasan Singh, Shri
Naskar, Shri P. S.	Rao, Dr. K. L.	Sonavane, Shri
Nayak, Shri Mohan	Rao, Shri Jagannatha	Srinivasan, Dr. P.
Nayar, Dr. Sushila	Rao, Shri Krishnamoorthy	Subbaraman, Shri
Nehru, Shri Jawaharlal	Rao, Shri Muthyal	Subramaniam, Shri C.
Nagam, Shrimati Savitri	Rao, Shri Ramapathi	Subramanyam, Shri T.
Niranjan Lal, Shri	Rao, Shri Rameshwar	Sumat Prasad, Shri
Oza, Shri	Rao, Shri Thirumala	Sunder Lal, Shri
Paliwal, Shri	Rattan Lal, Shri	Surendra Pal Singh, Shri
Pande, Shri K. N.	Raut, Shri Bhol	Swamy, Shri M. P.
Pandey, Shri R. S.	Ray, Shrimati Renuka	Swaran Singh, Shri
Pandey, Shri Sarjoo	Reddi, Dr. B. Gopala	Tahir, Shri Mohammad
Pandey, Shri Vishwa Nat	Reddiar, Shri	Tantia, Shri Rameshwar
Panna Lal, Shri	Reddy, Shri Yallamanda	Thimmaiah, Shri
Pant Shri K. C.	Reddy, Shrimati Yashoda	Thomas, Shri A. M.
Paramasivan, Shri	Roy, Dr. Saradish	Tiwary, Shri D. N.
Parasahar, Shri	Roy, Shri Bishwanath	Tiwary, Shri R. S.
Patel, Shri Chhotubhai	Sadhu Ram, Shri	Tombi, Shri
Patel, Shri Man Singh P.	Saha, Dr. S. K.	Tripathi, Shri Krishna Deo
Patel, Shri N. N.	Sahu, Shri Rameshwar	Tyagi, Shri
Patel, Shri P. R.	Saigal, Shri A. S.	Uikey, Shri
Patil, Shri D. S.	Samanta, Shri S. C.	Ulaka, Shri
Patil, Shri M. B.	Sanji Rupji, Shri	Upadhyaya, Shri Shiva Dutt
Patil, Shri S. B.	Saraf, Shri Sham Lal	Vaishya, Shri M. B.
Patil, Shri S. K.	Sarma, Shri A. T.	Varma, Shri Ravindra
Patil, Shri T. A.	Satyabhama Devi, Shrimati	Veerabasappa, Shri
Patnaik, Shri B. G.	Sen, Dr. Ranen	Veerappa, Shri
Pattabhi Raman, Shri C. R.	Sen, Shri A. K.	Venkatasubbaiah, Shri P.
Pillai, Shri Nataraja	Sen, Shri P. G.	Verma, Shri Balgovind
Pottekkatt, Shri	Shah, Shri Manabendra	Verma, Shri K. K.
Prabhakar, Shri Naval	Shah, Shrimati Jayaben	Vidyalankar, Shri A. N.
Pratap Singh, Shri	Sham Nath, Shri	Vimla Devi, Shrimati
Puri, Shri D. D.	Shankaraiya, Shri	Virbhadra Singh, Shri
Raghavan, Shri A. V.	Sharma, Shri A. P.	Vyas, Shri Radhelal
Raghunath Singh, Shri	Sharma, Shri D. C.	Wadiwa, Shri
Raghuramaiah, Shri	Sharma, Shri K. C.	Warior, Shri
Rai, Shrimati Sahodrabai	Shashi Ranjan, Shri	Wasnik, Shri Balkrishna
Raj Bahadur, Shri	Shastri, Shri Lal Bahadur	Yadab, Shri N. P.
Raja, Shri C. R.	Shastri, Shri Ramanand	Yadav, Shri Ram Harkh
Raju, Dr. D. S.	Sheo Narain, Shri	Yadava, Shri B. P.
Ram, Shri T.	Shinde, Shri	Yusuf, Shri Mohammad
Ram Sewak, Shri	Shree Narayan Das, Shri	

## NOES

Bade, Shri	Kamath, Shri Hari Vishnu	Soy, Shri H. C.
Berwa, Shri Onkarlal	Mahto, Shri Bhajahari	Swamy, Shri Sivamurthi
Chaudhuri, Shri Tridib Kumar	Shashank Manjri, Shrimati	Tan Singh, Shri
Daji, Shri	Marandi, Shri	Utiya, Shri
Gupta, Shri Kashi Ram	Reddy, Shri Narasimha	

**Mr. Speaker:** The result is: Ayes 310; Noes 14.

The 'Ayes' have it; the 'Ayes' have it. The motion is carried by a majority of the total membership of the

House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

*Clause 6 was added to the Bill.*

17 hrs.

17 hrs.

Mr. Speaker: The question is:

Let the Lobby be cleared.

"That clause 7 stand part of the

The Lok Sabha divided:

## Division No. 34]

## AYES

[16.59 hrs.

Abdul Rashid, Bakshi  
 Abdul Wahid, Shri T.  
 Achal Singh, Shri  
 Achuthan, Shri  
 Akkamma Devi, Shrimati  
 Alagesan, Shri  
 Alva, Shri A. S.  
 Alva, Shri Joachim  
 Alva, Shri Joachim  
 Aney, Dr. M. S.  
 Anjanappa, Shri  
 Arunachalam, Shri  
 Azad, Shri Bhagwat Jha  
 Babunath Singh, Shri  
 Bajaj, Shri Kamalnayan  
 Bal Krishna Singh, Shri  
 Balakrishnan, Shri  
 Balmiki, Shri  
 Banerjee, Dr. R.  
 Barkataki Shrimati, Renuka  
 Barupal, Shri P. L.  
 Basappa, Shri  
 Basu, Shri G.  
 Basumatari, Shri  
 Baswant, Shri  
 Beera, Shri  
 Bhagat, Shri B. R.  
 Bhakt Darshan, Shri  
 Bhanja Deo, Shri L. N.  
 Bhargava, Shri M. B.  
 Bhatkar, Shri  
 Bhattacharyya, Shri C. K.  
 Bist, Shri J. B. S.  
 Brahm Prakash, Shri  
 Brajeshwar Prasad, Shri  
 Brij Basi Lal, Shri  
 Chakraverti, Shri P. R.  
 Chanda, Shrimati Jyotsna  
 Chandrasekhar, Shrimati  
 Chaturvedi, Shri S. N.  
 Chaudhary, Shri Y. S.  
 Chaudhry, Shri C. L.  
 Chaudhuri, Shri Sachindra  
 Chaudhuri, Shrimati Kamala  
 Chavan, Shri D. R.  
 Chavda, Shrimati  
 Chettiar, Shri Ramanathan  
 Chuni Lal, Shri  
 Daffe, Shri  
 Daljit Singh, Shri  
 Das, Dr. M. M.  
 Das, Shri N. T.  
 Das, Shri Sudhansu  
 Dasappa, Shri  
 Dass, Shri C.

Deo Bhani, Shri P. C.  
 Deshmukh, Shri B. D.  
 Deshmukh, Shri Shivaji Rao S.  
 Dhuleswar Meena, Shri  
 Dighe, Shri  
 Dinesh Singh, Shri  
 Dubey, Shri R. G.  
 Dwivedi, Shri M. L.  
 Ering, Shri D.  
 Firodia, Shri  
 Gaekwad, Shri Fatehsinhrao  
 Gahmari, Shri  
 Gaitonde, Dr.  
 Gajraj Singh Rao, Shri  
 Gandhi, Shri V. B.  
 Ganga Devi, Shrimati  
 Ghosh, Shri Atulya  
 Ghosh, Shri, N. R.  
 Goni, Shri Abdul Ghani  
 Govind Das, Dr.  
 Guha, Shri A. C.  
 Gupta, Shri Ram Ratan  
 Gupta, Shri Shiv Charan  
 Hajarnavis, Shri  
 Hansda, Shri Subodh  
 Hanumanthaiya, Shri  
 Haq, Shri M. M.  
 Hazarika, Shri J. N.  
 Heda, Shri  
 Himatsingka, Shri  
 Iqbal Singh, Shri  
 Jadhav, Shri M. L.  
 Jadhav, Shri Tulshidas  
 Jaijivan Ram, Shri  
 Jain, Shri A. P.  
 Jaganmoadi, Shrimati  
 Jayaraman, Shri  
 Jedhe, Shri  
 Joshi, Shri A. C.  
 Jyotishi, Shri J. P.  
 Kabir, Shri Humayun  
 Kadadi, Shri  
 Kamble, Shri  
 Kanungo, Shri  
 Kappen, Shri  
 Karuthiruman, Shri  
 Kedari, Shri C. M.  
 Khadiikar, Shri  
 Khan, Shri Osman Ali  
 Khanna, Shri Mehr Chand  
 Khanna, Shri P. K.  
 Kindar Lal, Shri  
 Kishan Veer, Shri  
 Kishan Shankar, Shri  
 Kishan, Shri M. R.  
 Krishnamachari, Shri T. T.  
 Kureel, Shri B. N.  
 Lakhan Das, Shri  
 Lakshminanthamma, Shrimati  
 Lalit, Sen, Shri  
 Laskar, Shri N. R.  
 Laxmi Bai, Shrimati  
 Lonikar, Shri  
 Mahtab, Shri  
 Maimoona Sultan, Shrimati  
 Malaviya, Shri K. D.  
 Malhotra, Shri Inder J.  
 Malliah, Shri U. S.  
 Mallick, Shri  
 Manaen, Shri  
 Mandal, Dr. P.  
 Mandal, Shri J.  
 Mandal, Shri Yamuna Prasad  
 Maniyangadan, Shri  
 Mantri, Shri  
 Maruthiah, Shri  
 Masuriya Din, Shri  
 Matcharaju, Shri  
 Mehdi, Shri S. A.  
 Mehrotra, Shri Braj Bihari  
 Mehta, Shri Jashvant  
 Melkote, Dr.  
 Mengi, Shri Gopal Datt  
 Menon, Shri Krishna  
 Mirza, Shri Bakar Ali  
 Mishra, Shri Bibhuti  
 Mishra, Shri Bibudendra  
 Mishra, Shri M. P.  
 Mahesh Dutt Misra, Shri  
 Mohanty, Shri G.  
 Mohiuddin Shri  
 Mohsin, Shri  
 Morarka, Shri  
 More, Shri K. L.  
 More, Shri S. S.  
 Mukane, Shri  
 Mukerjee, Shrimati Sharda  
 Murthy, Shri B. S.  
 Murti, Shri M. S.  
 Musafir, Shri G. S.  
 Muthiah, Shri  
 Naidu, Shri V. G.  
 Naik Shri D. J.  
 Naik, Shri Maheswar  
 Nambiar, Shri  
 Naskar, Shri P. S.  
 Nayak, Shri Mohan  
 Nayar, Dr. Sushila  
 Nehru, Shri Jawaharlal  
 Nigam, Shrimati Savitri

Niranjana Lal, Shri  
Oza, Shri  
Paliwal, Shri  
Pande, Shri K. N.  
Pandey, Shri R. S.  
Pandey, Shri Vishwa Nath  
Panna Lal, Shri  
Pant, Shri K. C.  
Parasivan, Shri  
Parashar, Shri  
Patel, Shri Chhotubhai  
Patel, Shri Man Singh P.  
Patel, Shri N. N.  
Patel, Shri P. R.  
Patil, Shri D. S.  
Patil, Shri M. B.  
Patil, S. B.  
Patil, Shri S. K.  
Patil, Shri T. A.  
Patnaik, Shri B. C.  
Pattabhi Raman, Shri C. R.  
Prabhakar, Shri Naval  
Pratap Singh, Shri  
Puri, Shri D. D.  
Raghunath Singh, Shri  
Raghuramaiah, Shri  
Rai, Shrimati Sahodrabai  
Raj Bahadur, Shri  
Raja, Shri C. R.  
Raju, Dr. D. S.  
Ram Sewak, Shri  
Ram Subhag Singh, Dr.  
Ram Swarup, Shri  
Ramakrishnan, Shri P. R.  
Ramaswamy, Shri S. V.  
Ramaswamy, Shri V. K.  
Ramdhani Das, Shri  
Rananjai Singh, Shri  
Rane, Shri  
Ranga Rao, Shri  
Rao, Dr. K. L.  
Rao, Shri Jaganatha

Rao, Shri Krishnamoorthy  
Rao, Shri Muthyal  
Rao, Shri Ramapathi  
Rao, Shri Rameshwar  
Rao, Shri Thirumala  
Rattan Lal, Shri  
Raut, Shri Bhola  
Ray, Shrimati Renuka  
Reddi, Dr. B. Gopala  
Reddiar, Shri  
Reddy, Shrimati Yashoda  
Roy, Shri Bishwanath  
Sadhu Ram, Shri  
Saha, Dr. S. K.  
Sahu, Shri Rameshwar  
Saigal, Shri A. S.  
Samanta, Shri S. C.  
Sanji Rupji, Shri  
Saraf, Shri Sham Lal  
Satma, Shri A. T.  
Satyabhama Devi, Shrimati  
Sen, Shri A. K.  
Sen, Shri P. G.  
Shah, Shri Manabendra  
Shah, Shrimati Jayaben  
Sham Nath, Shri  
Shankaraiya, Shri  
Sharma, Shri A. P.  
Sharma, Shri D. C.  
Sharma, Shri K. C.  
Shashi Ranjan, Shri  
Shastri, Shri Lal Bahadur  
Shastri, Shri Ramanand  
Sheo Narain, Shri  
Shinde, Shri  
Shre Narayan Das, Shri  
Shrimati, Dr. K. L.  
Siddiah, Shri  
Sidheshwar Prasad, Shri  
Singh, Shri D. N.  
Singh, Shri K. K.  
Singh, Shri R. P.

#### NOES

Kamath, Shri Hari Vishnu  
Kapur Singh, Shri  
Kar, Shri Prabhat  
Krishnapal Singh, Shri  
Marandi, Shri  
Misra, Dr. U.  
Mukerjee, Shri H. N.  
Murmu, Shri Sarkar  
Nair, Shri Vasudevan  
Nath Pai, Shri  
Pandey, Shri Sarjoo  
Pottakkatt, Shri  
Raghavan, Shri A. V.  
Ranga, Shri

#### Amendment) Bill

Sinha, Shri Satya Narayan  
Sinha, Shrimati Ramdulari  
Sinha, Shrimati Tarkeshwari  
Sonavane, Shri  
Srinivasan, Dr. P.  
Subbaraman, Shri C.  
Subramaniam, Shri C.  
Subramanyam, Shri T.  
Sumat Prasad, Shri  
Sunder Lal, Shri  
Sundera Pal Singh, Shri  
Swamy, Shri M. P.  
Swaran Singh, Shri  
Tahir, Shri Mohammad  
Tantia, Shri Rameshwar  
Thimmiah, Shri  
Thomas, Shri A. M.  
Tiwary, Shri D. N.  
Tiwary, Shri R. P.  
Tombi, Shri  
Tripathi, Shri Krishna Deo  
Tula Ram, Shri  
Tyagi, Shri  
Uikey, Shri  
Ulaka, Shri  
Upadhyaya, Shri Shiva Dutt  
Vaishya, Shri M. B.  
Varma, Shri Ravindra  
Veerabasappa, Shri  
Veerappa, Shri P.  
Venkatasubbajah, Shri  
Verma, Shri Balgovind  
Verma, Shri K. K.  
Vidyalankar, Shri A. N.  
Virbhadra Singh, Shri  
Vyas, Shri Radhelal  
Wadiwa, Shri  
Wasnik, Shri Balkrishna  
Yadav, Shri N. P.  
Yadav, Shri Ram Harkh  
Yadava, Shri B. P.  
Yusuf Shri Mohammad

Reddy, Shri Narasimha  
Reddy, Shri Yallamanda  
Roy, Dr. Saradish  
Sen, Dr. Rane  
Shashank Manjantri, Shrimati  
Singhvi, Dr. L. M.  
Sinhasan Singh, Shri  
Soy, Shri H. C.  
Swamy, Shri Sivamurthi  
Tan Sigh, Shri  
Utiya, Shri  
Vimla Devi, Shrimati  
Warior, Shri

Bade, Shri  
Barua, Shri R.  
Basant Kunwari, Shrimati  
Berwa Kotah, Shri  
Bhattacharya, Shri Dinen  
Chakravarty, Shrimati Renu  
Chaudhuri, Shri Tridib Kumar  
Daji Shri  
Gokaran Prasad, Shri  
Gopalan, Shri A. K.  
Gupta, Shri Kashi Ram  
Gupta, Shri Priya  
Himmatsinhji, Shri  
Imchibava, Shri

**Mr. Speaker:** The result of the division is:

\*Ayes: 289; Noes: 41

The 'Ayes' have it; the 'Ayes' have it. The motion is carried by a major

ity of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. Therefore, clause 7 stands part of the Bill.

*The motion was adopted.*

\*Ayes: Name of one Member could not be included.

Clause 7 was added to the Bill.

Bill".

Mr. Speaker: The question is:

Let the Lobby be cleared.

"That clause 8 stand part of the

The Lok Sabha divided:

Division No. 35]

AYES

- [17.01 hrs.

Abdul Rashid, Bakshi	Daji, Shri	Kabir, Shri Humayun
Abdul Wahid, Shri T.	Daljit Singh, Shri	Kadadi, Shri
Achal Singh, Shri	Das, Dr. M. M.	Kamath, Shri Hari Vishnu
Achuthan, Shri	Das, Shri N. T.	Kamble, Shri,
Akkamma Devi, Shrimati	Das, Shri Sudhansu	Kanungo, Shri
Alagesan, Shri	Dasappa, Shri	Kappen, Shri
Alva, Shri A. S.	Dass, Shri C.	Kapur Singh, Shri
Alva, Shri Joachim	Deo Bhanj, Shri P. C.	Kar, Shri Prabhat
Aney, Shri M. S.	Deshmukh, Shri B. D.	Karuthiruman, Shri
Anjanappa, Shri	Deshmukh, Shri Shivaji Rao S.	Kedaria, Shri C. M.
Arunachalam, Shri	Dhuleshwar Meena, Shri	Khadilkar, Shri
Arunachalam, Shri	Dighe, Shri	Khari, Shri Osman Ali
Azad, Shri Bhagwat Jha	Dinesh Singh, Shri	Khanna, Shri Mehr Chand
Babunath Singh, Shri	Dubey, Shri R. G.	Khanna, Shri P. K.
Bade, Shri	Dwivedi, Shri M. L.	Kinjar Lal, Shri
Bajaj, Shri Kamalnayan	Ering, Shri D.	Kisan Veer, Shri
Bal Krishna Singh, Shri	Pirojia, Shri	Kripa Shankar, Shri
Balakrishna, Shri	Gaekwad, Shri Patevinrho	Krishna, Shri M.R.
Balakrishnan, Shri	Gahmari, Shri	Krishnamachari, Shri T. T.
Balmiki Shri	Gaitonde, Dr.	Krishnapal Singh, Shri
Banerjee, Dr. R.	Gajraj Singh Rao, Shri	Kureel, Shri B. N.
Barkataki, Shrimati Renuka	Gardhi, Shri V. B.	Lakhan Das, Shri
Barua, Shri R.	Ganga Devi, Shrimati	Lakshminanthamma, Shrimati
Barupal, Shri P. L.	Ghosh, Shri Atulya	Lalit Sen, Shri
Basant Kunwari, Shrimati	Ghosh, Shri N. R.	Laskar, Shri N. R.
Basappa, Shri	Gori, Shri Abdul Ghani	Laxmi Bai, Shrimati
Basumatari, Shri	Gopalan, Shri A. K.	Laxmi Dass, Shri
Baswant, Shri	Govind Das, Dr.	Lonikar, Shri
Berwa Onkarlal, Shri	Guha, Shri A. C.	Mahtab, Shri
Besra, Shri	Gupta, Shri Indrajit	Maimoona Sultan, Shrimati
Bhagat, Shri B. R.	Gupta, Shri Kanshi R.	Malaviya, Shri K. D.
Bhakt Darshan, Shri	Gupta, Shri Priya	Malhotra, Shri Inder J.
Bhanja Deo, Shri L. N.	Gupta, Shri Ram Ratan	Malliah, Shri U. S.
Bhargava, Shri M. B.	Gpta, Shri Shiv Charan	Mallick, Shri
Bhatkar, Shri	Hajirani, Shri	Manan, Shri
Bhattacharyya, Shri C. K.	Hansa, Shri Subodh	Mandal, Dr. P.
Bhattacharya, Shri Dinen	Hanumanthaiya, Shri	Mandal, Shri J.
Bist, Shri J. B. S.	Haq, Shri M. M.	Mandal, Shri Yamuna Prasad
Brahm Prakash, Shri	Hazarika, Shri J. N.	Maniyangadan, Shri
Brajeshwar Prasad, Shri	Heda, Shri	Mantri, Shri
FrijBasi, Lal, Shri	Himatsingka, Shri	Marandi, Shri
Chakravartty, Shrimati Renu	Himmatsinhji, Shri	Maruthiah, Shri
Chakraverti, Shri P. R.	Imbichibava, Shri	Masuriya Din, Shri
Chanda, Shrimati Jyotsna	Iqbal Singh, Shri	Matcharaju, Shri
Chandrasekhar Shrimati	Jadhav, Shri M.L.	Mehdi, Shri S. A.
Chaturvedi, Shri S. N.	Jadhav, Shri Tulshidas	Mehrotra, Shri Braj Bihari
Chaudhry, Shri C. L.	Jagjivan Ram, Shri	Mehta, Shri J. R.
Chaudhuri, Shri Sachindra	Jain, Shri. A. P.	Melkote, Dr.
Chaudhuri, Shri Tridib Kumar	Jaamunadevi, Shrimati	Mengi, Shri Gopal Datt
Chaudhuri, Shrimati Kamala	Jayaraman, Shri	Menon, Shri Krishna
Chavan, Shri D. R.	Jedhe, Shri	Mirza, Shri Bakar Ali
Chettiar, Shri Ramasathan	Joshi, Shri A. C.	Mishra, Shri Bibhuti
Chuni Lal, Shri	Jyotishi, Shri J. P.	Mishra, Shri Bibudhendra
Dafle, Shri		

Mishra, Shri M.P.	Raj, Shrimati Sahodrabai	Sheo Narain, Shri
Misra, Dr. U.	Raj Bahadur, Shri	Shinde, Shri
Misra, Shri Mahesh Dutta	Raja, Shri C. R.	Shree Narayan Das, Shri
Mohanty, Shri G.	Raju, Dr. D. S.	Shrimali, Dr. K. L.
Mohiuddin Shri	Ram, Shri T.	Siddiah, Shri
Mohsin, Shri	Ram Sewak, Shri	Sidheshwar Prasad, Shri
Morarka, Shri	Ram Subhag Singh, Dr.	Singh, Shri D. N.
More, Shri K. L.	Ram Swarup, Shri	Singh, Shri K. K.
More, Shri S. S.	Ramakrishnan, Shri P. R.	Singh, Shri R. P.
Mukane, Shri	Ramaswamy, Shri S. V.	Singhvi, Dr. L. M.
Mukerjee, Shri H. N.	Ramaswamy, Shri V. K.	Sinha, Shri Satya Narayan
Mukerjee, Shrimati Sharda	Ramdhani Das, Shri	Sinha, Shrimati Ramduari
Murthy, Shri B. S.	Rananjal Singh, Shri	Sinha, Shrimati Tarkeshwar
Murti, Shri M. S.	Rane, Shri	Sinhasan Singh, Shri
Musafir, Shri G. S.	Ranga, Shri	Sonavane, Shri
Muthiab, Shri	Ranga Rao, Shri	Soy, Shri H. C.
Naidu, Shri V. G.	Rao, Dr. K. L.	Srinivasan, Dr. P.
Naik, Shri D. J.	Rao, Shri Jaganatha	Subbaraman, Shri
Naik, Shri Maheswar	Rao, Shri Krishnamoorthy	Subramaniam, Shri C.
Nair, Shri Vasudevan	Rao, Shri Muthyal	Subramanyam, Shri T.
Nanda, Shri	Rao, Shri Ramapathi	Sumat Prasad, Shri
Naikar Shri P. S.	Rao, Shri Rameshwar	Sunder Lal, Shri
Nath Pai, Shri	Rattan Lal, Shri	Surendra Pal Singh, Shri
Nayak, Shri Mohan	Raut, Shri Bhola	Swamy, Shri M. P.
Nayar, Dr. Sushila	Ray, Shrimati Renuka	Swamy, Shri Sivamurthi
Nehru, Shri Jawaharlal	Reddi, Dr. B. Gopala	Swaran Singh, Shri
Nigam, Shrimati Savitri	Reddi, Shri R. N.	Tahir, Shri Mohammad
Niranjana Lal, Shri	Reddiar, Shri	Tantia, Shri Rameshwar
Oza, Shri	Reddy, Shri Narasimha	Thomas, Shri A. M.
Pande, Shri K. N.	Reddy, Shri Yallamanda	Tiwary, Shri D. N.
Pandey, Shri R. S.	Reddy, Shrimati Yashoda	Tombi, Shri
Pandey, Shri Sarjoo	Roy, Shri Bishwanath	Tripathi, Shri Krishna Deo
Pandey, Shri Vishwa Nath	Sadhu Ram, Shri	Tyagi, Shri
Panna Lal, Shri	Saha, Dr. S. K.	Uikey, Shri
Pant, Shri K. C.	Sahu, Shri Rameshwar	Uleka, Shri
Paramasivan, Shri	Saigal, Shri A. S.	Upadhyaya, Shri Shiva Dutt
Parasahar, Shri	Samanta, Shri S. C.	Utiya, Shri
Patel, Shri Chhotubhai	Sanji Rupji, Shri	Vaishya, Shri M. B.
Patel, Shri Man Singh P.	Saraf, Shri Sham Lal	Varma, Shri Ravindra
Patel, Shri N. N.	Sarma, Shri A. T.	Veerabasappa, Shri
Patel, Shri P. R.	Satyabhama Devi, Shrimati	Veerappa, Shri
Patil, Shri D. S.	Sen, Dr. Ranen	Venkatasubbaiah, Shri P.
Patil, Shri M. B.	Sen, Shri A. K.	Verma, Shri Balgovind
Patil, Shri S. B.	Sen, Shri P. G.	Verma, Shri K. K.
Patil, Shri S. K.	Shah, Shri Manabendra	Vidyalankar, Shri A. N.
Patil, Shri T. A.	Shah, Shrimati Jayaben	Vimla Devi, Shrimati
Patnaik, Shri B. C.	Sham Nath, Shri	Virbhadra Singh, Shri
Pattabhi Raman, Shri C. R.	Shankaraiya, Shri	Vyas, Shri Radhelal
Pillai, Shri Nataraja	Sharma, Shri A. P.	Wadiwa, Shri
Pottakkatt, Shri	Sharma, Shri D.C.	Warior, Shri
Prabhakar, Shri Naval	Sharma, Shri K. C.	Wasnik, Shri Balkrishna
Pratap Singh, Shri	Shashank Manjari, Shrimati	Yadav, Shri N. P.
Puri, Shri D. D.	Shashi Ranjan, Shri	Yadav, Shri Ram Harkh
Raghavan, Shri A.V.	Shastri, Shri Lal Bahadur	Yadava, Shri B. P.
Raghunath Singh, Shri	Shastri, Shri Ramanand	Yusuf, Shri Mohammad
Raghubarasaiah, Shri		

## NOES

Nil

**Mr. Speaker:** The result of the division is:

\*Ayes, 324; Noes, Nil

\*Ayes: Names of three Members could not be recorded.

The 'Ayes' have it; the 'Ayes' have it. The motion is carried by a majority of the total membership of the House and by a majority of not less

[Mr. Speaker]

than two-thirds of the Members present and voting. Clause 8 stands part of the Bill.

The motion was adopted.

Clause 8 was added to the Bill.

Mr. Speaker: The question is:

"That clause 9 stand part of the Bill".

Let the Lobby be cleared.

The Lok Sabha divided:

### Division No. 36]

### AYES

[17.02 hrs.]

Abdul Rasheed, Bakshi  
Abdul Wahid, Shri T.  
Achal Singh, Shri  
Achuthan, Shri  
Akkamma Devi, Shrimati  
Alagesan, Shri  
Alva, Shri A. S.  
Alva, Shri Joachim  
Aney, Dr. M. S.  
Anjamma, Shri  
Arunachalam, Shri  
Azad, Shri Bhagwat Jha  
Babunath Singh, Shri  
Bade, Shri  
Bajaj, Shri Kamalnayan  
Bal Krishna Singh, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Banerjee, Dr. R.  
Barkataki, Shrimati Renuka  
Barua, Shri R.  
Barupal, Shri P. L.  
Basant Kunwari, Shrimati  
Basappa, Shri  
Basumatari, Shri  
Baswant, Shri  
Berwa, Shri Onkar Lal  
Besra, Shri  
Bhagat, Shri B. R.  
Bhakt Darshan, Shri  
Bhanja Deo, Shri L. N. J  
Bhargava, Shri M. B.  
Bhatkar, Shri  
Bhattacharyya, Shri C.K.  
Bhattacharya, Shri Dinen  
Bisot, Shri J. B. S.  
Brahm Prakash, Shri  
Brajeshwar Prasad, Shri  
Beij Basi Lal, Shri  
Chakravarty, Shrimati Renu  
Chakraverti, Shri P. R.  
Chanda, Shrimati Jyotsna  
Chandrasekhar, Shrimati  
Chaturvedi, Shri S. N.  
Chaudhry, Shri C.L.  
Chaudhuri, Shri Sachindra  
Chaudhuri, Shri Tridib Kumar  
Chaudhuri, Shrimati Kamala  
Chavan, Shri D.R.  
Chavda, Shrimati  
Chettiar, Shri Ramanathan  
Chuni Lal, Shri  
Dasg, Shri

Daji, Shri  
Daljit Singh, Shri  
Das, Dr. M.M.  
Das, Shri N. T.  
Das, Shri Sudhansu  
Dasappa, Shri  
Dasa, Shri C.  
Deo Bhanj, Shri P. C.  
Deshmukh, Shri B. D.  
Deshmukh, Shri Shivaji Rao S.  
Dhuleshwar Meena, Shri  
Dighe, Shri  
Dinesh Singh, Shri  
Dubey, Shri R. G.  
Dwivedi, Shri M. L.  
Ering, Shri D.  
Firodia, Shri  
Gackwad, Shri Panchalshrao  
Gahmari, Shri  
Gaitonde, Dr.  
Gajraj Singh Rao, Shri  
Gandhi, Shri V. B.  
Ganga Devi, Shrimati  
Ghosh, Shri Atulya  
Ghosh, Shri N. R.  
Gokaran Prasad, Shri  
Goni, Shri Abdul Ghani  
Gopalan, Shri A. K.  
Govind Das, Dr.  
Guba, Shri A. C.  
Gupta, Shri Kanahi Ram  
Gupta, Shri Priya  
Gupta, Shri Ram Ratan  
Gupta, Shri Shiv Charan  
Hajarnavis, Shri  
Hansda, Shri Subodh  
Hanumanthaiya, Shri  
Haq, Shri M. M.  
Hazarika, Shri J. N.  
Heda, Shri  
Himatsingka, Shri  
Himmatsinhji, Shri  
Imbichibava, Shri  
Iqbal Singh, Shri  
Jadhav, Shri M.L.  
Jadhav, Shri Tulshidas  
Jaggiwan Ram, Shri  
Jain, Shri A. P.  
Jamunadevi, Shrimati  
Jayaraman, Shri  
Jedhe, Shri  
Joshi, Shri A. C.  
Jyotishi, Shri J.P.  
Kebir, Shri Humayun  
Kadadi, Shri  
Kamath, Shri Hari Vishnu  
Kamble, Shri  
Kanungo, Shri  
Kappen, Shri  
Kapoor Singh, Shri  
Kar, Shri Prabhat  
Karuthiruman, Shri  
Kedaria, Shri C. M.  
Khadilkar, Shri  
Khan, Shri Osman Ali  
Khanna, Shri Mehr Chand  
Khanna, Shri P. K.  
Kindar Lal, Shri  
Kisan Veer, Shri  
Kripa Shankar, Shri  
Krishna, Shri M. R.  
Krishnamachari, Shri T.T.  
Krishnapal Singh, Shri  
Kureel, Shri B.N.  
Lakhan Das, Shri  
Lakshminathanamma, Shrimati  
Lalit Sen, Shri  
Laskar, Shri N. R.  
Laxmi Bai, Shrimati  
Lonikar, Shri  
Mahtab, Shri  
Maimoona Sultan, Shrimati  
Malaviya, K. D.  
Malhotra, Shri Inder J.  
Malliah, Shri U. S.  
Mallick, Shri  
Mansan, Shri  
Mandal, Dr. P.  
Mandal, Shri J.  
Mandal, Shri Yemuna Prasad  
Maniyangadan, Shri  
Mantri, Shri  
Marandi, Shri  
Maruthiah, Shri  
Masuriya Din, Shri  
Matcharaju, Shri  
Mehdi, Shri S.A.  
Mehrotra Shri Brij Bihar i  
Mehta, Shri J.R.  
Melkote, Dr.  
Mengi, Shri Gopal Datt  
Menon, Shri Krishna  
Mirza, Shri Bakar A I  
Mishra, Shri Bibhuti  
Mishra, Shri Bibudhendra



Mishra, Shri M. P.	Rai, Shrimati Sahodrabai	Shree Narayan Das, Shri
Misra, Dr. U.	Raj Bahadur, Shri	Shrimali, Dr. K.L.
Misra, Shri Mahesh Dutta	Raja, Shri C. R.	Siddiah, Shri
Mohanty, Shri G.	Raju, Dr. D.S.	Sidheshwar Prasad, Shri
Mohiuddin, Shri	Ram Sewak, Shri	Singh, Shri D.N.
Mohsin, Shri	Ram Subhag Singh, Dr.	Singh, Shri K.K.
Morarka, Shri	Ram Swarup, Shri	Singh, Shri R. P.
More, Shri K. L.	Ramakrishnan, Shri P. R.	Singhvi, Dr. L. M.
More, Shri S.S.	Ramaswamy, Shri S. V.	Sinha, Shri Satya Narayan
Mukane, Shri	Ramaswamy, V. K.	Sinha, Shrimati Ramdulari
Mukerjee, Shri H. N.	Ramdhani Das, Shri	Sinha, Shrimati Tarkeshwari
Mukerjee, Shrimati Sharda	Rananjai Singh, Shri	Sinha, Shrimati Ramdulari
Murmu, Shri Sarkar	Rane, Shri	Sonavane, Shri
Murthy, Shri B. S.	Ranga, Shri	Soy, Shri H.C.
Murti, Shri M.S.	Ranga Rao, Shri	Srinivasan, Dr. P.
Musafir, Shri G. S.	Rao, Dr. K. L.	Subbaraman, Shri
Muthiah, Shri	Rao Shri Isanatha	Subbaramaniam, Shri C.
Naidu, Shri V. G.	Rao, Shri Krishnamoorthy	Subramanyam, Shri T.
Naik, Shri D. J.	Rao, Shri Muthyal	Sumat Prasad, Shri
Naik, Shri Maheswar	Rao, Shri Ramapathi	Sunder Lal, Shri
Nair, Shri Vasudevan	Rao, Shri Rameshwar	Surendra Pal Singh, Shri
Nanda, Shri	Rao, Shri Thirumala	Swamy, Shri M.P.
Naskar, Shri P. S.	Rattan Lal, Shri	Swamy, Shri Sivamurthi
Nath Pai, Shri	Raut, Shri Bhola	Swaran Singh, Shri
Nayak, Shri Mohan	Ray, Shrimati Renuka	Tahir, Shri Mohammad
Nayar, Dr. Sushila	Reddi, Dr. B. Gopala	Tantia, Shri Rameshwar
Nehru, Shri Jawaharlal	Reddiar, Shri	Thimmaiah, Shri
Nigam, Shrimati Savitri	Reddy, Shri Narasimha	Thomas, Shri A.M.
Niranjan Lal, Shri	Reddy, Shri Yallamanda	Tiwary, Shri D.N.
Oza, Shri	Reddy, Shrimati Yashoda	Tiwary, Shri R.S.
Paliwal, Shri	Roy, Dr. Saradish	Tombi, Shri
Pande, Shri K. N.	Roy, Shri Vishwanath	Tripathi, Shri Krishna Deo
Pandey, Shri R. S.	Sadhu Ram, Shri	Tula Ram, Shri
Pandey, Shri Sarjoo	Saha, D.- S.K.	Tyagi, Shri
Pandey, Shri Vishwa Nath	Sahu, Shri Rameshwar	Uikey, Shri
Panna Lal, Shri	Saikal, Shri A. S.	Ulaka, Shri
Pant, Shri K. C.	Samanta, Shri S. C.	Upadhyaya, Shri Shiva Dutt
Parasivan, Shri	Sanji Rupji, Shri	Utiya, Shri
Parashar, Shri	Saraf, Shri Sham Lal	Vaishya, Shri M.B.
Patel, Shri Man Siub P.	Sarma, Shri A. T.	Varma, Shri Ravindra
Patel, Shri N. N.	Satyabhama Devi, Shrimati	Vecrabasappa, Shri
Patel, Shri P. R.	Sen, Dr. Ranen	Vecrappa, Shri
Patil, Shri D.S.	Sen, Shri A.K.	Venkatasubbalah, Shri P.
Patil, Shri M.B.	Sen, Shri P. G.	Verma, Shri Balgovind
Patil, Shri S. B.	Shah, Shri Manabendra	Verma, Shri K. K.
Patil, Shri S.K.	Shah, Shrimati Jayaben	Vidyalankar, Shri A. N.
Patil, Shri T. A.	Sham Nath, Shri	Vimla Devi, Shrimati
Patnaik, Shri B. C.	Shankaraiya, Shri	Virbadra Singh, Shri
Fattabhi Raman, Shri C. R.	Sharma, Shri A. P.	Vyas, Shri Radhelal
Pillai, Shri Nataraja	Sharma, Shri D.C.	Wadiwa, Shri
Pottakkatt, Shri	Sharma, Shri K. C.	Warior, Shri
Prabhakar, Shri Naval	Shashank Manjari, Shrimati	Wasnik, Shri Balkrishna
Pratap Singh, Shri	Shashi Ranjan, Shri	Yadab, Shri N.P.
Puri, Shri D.D.	Shastri, Shri Lal Bahadur	Yadav, Shri Ram Harkh
Raghavan, Shri A.V.	Shastri, Shri Ramanand	Yadav, Shri Ram Sewak
Raghunath Singh, Shri	Sheo Narain, Shri	Yadava, Shri B. P.
Raghuramesh, Shri	Shinde, Shri	Yusuf, Shri Mohammad

Mr. Speaker: The result of the division is:

Ayes: 328; Noes: Nil

The 'Ayes' have it, the 'Ayes' have it. The motion is carried by a majority of the total Membership of the House and by a majority of not less

## Bill

[Mr. Speaker]  
than two-thirds of the Members present and voting. Clause 9 stands part of the Bill.

*The motion was adopted.*

*Clause 9 was added to the Bill.*

## Clause 10

**Mr. Speaker:** There are amendments to be put to vote. Any particular amendment on which the House would like to divide?

**Shri Hari Vishnu Kamath:** I beg leave of the House to withdraw amendment No. 38, but press amendment No. 40 to a division.

*Amendment No. 38 was, by leave, withdrawn.*

**Mr. Speaker:** The question is:

"That in the amendment proposed by Shri Asoke K. Sen printed as No. 41 in List No. 6 of amendments,—

for "has been given a reasonable opportunity of making representation on the penalty".

substitute—

"has also been given a reason-

able opportunity of being heard in respect of the penalty". (53)

*The motion was negatived.*

**Mr. Speaker:** The question is:

"That in the amendment proposed by Shri Asoke K. Sen printed as No. 41 in List No. 6 of amendments,—

for "representation on" substitute—"representation against" (51).

"That in the amendment proposed by Shri Asoke K. Sen printed as No. 41 in List No. 6 of amendments,—

omit "but only on the basis of the evidence adduced during such inquiry". (52)

*The motion was negatived.*

**Mr. Speaker:** The question is:

"Page 3, line 18, —add at the end—

"and also a reasonable opportunity of showing cause against the action proposed to be taken against him". (40)

*The Lok Sabha divided:*

## Division No. 37]

Bade, Shri  
Barua, Shri R.  
Basant Kunwarl, Shrimati  
Berwa Kotah, Shri  
Bhattacharya, Shri Dinen  
Chakravarty, Shrimati Renu  
Chaudhuri, Shri Tridib Kumar  
Daji, Shri  
Gokaran Prasad, Shri  
Gopalan, Shri A. K.  
Gupta, Shri Kashi Ram  
Gupta, Shri Pajiya

## AYES

Himmatsinhji, Shri  
Imbichibava, Shri  
Kamath, Shri Hari Vishnu  
Kapur Singh, Shri  
Kar, Shri Prabhat  
Krishnapal Singh, Shri  
Misra, Dr. U  
Mukerjee, Shri H. N.  
Murmu, Shri Sarkar  
Nair, Shri Vasudevan  
Pottakkatt, Shri  
Raghavan, Shri A. V.

[17' 07 hrs.

Ranga, Shri  
Reddy, Shri Narasimha  
Reddy, Shri Yallamanja  
Sen, Dr. Ranen  
Shah, Shrimati Jayaben  
Shashank Manjari, Shrimati  
Singhvi, Dr. L. M.  
Swamy, Shri Sivamurthi  
Tan Singh, Shri  
Utiya, Shri  
Vimla Devi, Shrimati  
Warior, Shri

## NOES

Abdul Rashid, Bakhshi  
Abdul Wahid, Shri T.  
Achal Singh, Shri  
Achuthan, Shri  
Akkamma Devi, Shrimati  
Alagesan, Shri  
Alva, Shri A. S.  
Alva, Shri Joachim

Auey, Dr. M. S.  
Anjanappa, Shri  
Arunachalam, Shri  
Azad, Shri Bhagwat Jha  
Babunath Singh, Shri  
Bajaj, Shri Kamalnayan  
Bal Krishna Singh, Shri  
Balakrishnan, Shri

Balmiki, Shri  
Banerjee, Dr. R.  
Barkataki, Shrimati Renuka  
Barupal, Shri P. L.  
Basappa, Shri  
Basumatari, Shri  
Baswant, Shri  
Bera, Shri

Bhagat, Shri B. R.	Jeyaraman, Shri	Muthiah, Shri
Bhakt Darshan, Shri	Jedhe, Shri	Naidu, Shri V.G.
Bhanja Deo, Shri L.N.	Joshi, Shri A.C.	Naik, Shri D.J.
Bhargava, Shri M. B.	Jyotishi, Shri J. P.	Naik, Shri Maheswar
Bhatkar, Shri	Kabir, Shri Humayun	Nambiar, Shri
Bhattacharyya, Shri C.K.	Kadadi, Shri	Naskar, Shri P. S.
Bisat, Shri J.B.S.	Kamble, Shri	Nayak, Shri Mohan
Brahm Prakash, Shri	Kanungo, Shri	Nayar, Dr. Sushila
Brajeshwar Prasad, Shri	Kappen, Shri	Nehru, Shri Jawaharlal
Brij Basi Lal, Shri	Karuthiruman, Shri	Nigam, Shrimati Savjtri
Chakravarti, Shri P. R.	Kedaria, Shri C.M.	Niranjan Lal, Shri
Chanda, Shrimati Jyotsna	Khadilkar, Shri	Oza, Shri
Chandrasekhar, Shrimati	Khan, Shri Osman Ali	Paliwal, Shri
Chaturvedi, Shri S. N.	Khanna, Shri Mehr Chand	Pande, Shri K.N.
Chaudhry, Shri C. L.	Khanna, Shri P. K.	Pandey, Shri R.S.
Chaudhuri, Shri Sachindra	Kindar Lal, Shri	Pandey, Shri Vishwa Nath
Chaudhuri, Shrimati Kamala	Kisan Veer, Shri	Panna Lal, Shri
Chavan, Shri D.R.	Kripa Shankar, Shri	Pant, Shri K. C.
Chavda, Shrimati	Krishna, Shri M. R.	Paramasivan, Shri
Chettiar, Shri Ramanathan	Krishnamachari, Shri T.T.	Parashar, Shri
Chuni Lal, Shri	Kureel, Shri B. N.	Patel, Shri Chhotubhai
Dafle, Shri	Lakhan Das, Shri	Patel, Shri Man Singh P.
Daljit Singh, Shri	Lakshmikanthamma, Shrimati	Patel, Shri N. N.
Das, Dr. M.M.	Lalit Sen, Shri	Patel, Shri P. R.
Das, Shri N.T.	L. skar, Shri N. R.	Patil, Shri D.S.
Das, Shri Sudhansu	Lonikar, Shri	Patil, Shri M.B.
Dasappa, Shri	Mahtab, Shri	Patil, Shri S.B.
Das, Shri C.	Maimoona Sultan, Shrimati	Patil, Shri S. K.
Deo Bhanj, Shri P. C.	Malaviya, Shri K. D.	Patil, Shri T.A.
Deshmukh, Dr. P. S.]	Malhotra, Shri Inder J.	Patnaik, Shri B. C.
Deshmukh, Shri B.D.	Malliah, Shri U. S.	Pattabhi Raman, Shri C.R.
Dhulechwar Meena, Shri	Mallick, Shri	Pillai, Shri Nataraja
Dighe, Shri	Mansaen, Shri	Prabhakar, Shri Naval
Dinesh Singh, Shri	Mandal, Dr. P.	ratap Singh, Shri
Dubey, Shri R. G.	Mandal, Shri J.	Puri, Shri D.D.
Dwivedi, Shri M. L.	Mandal, Shri Yamuna Prasad	Raghunath Singh, Shri
Ering, Shri D.	Maniyaganadan, Shri	Raghubamaiah, Shri
Firodia, Shri	Mantri, Shri	Rai, Shrimati Sahodrabai
Gaekwad, Shri Fatehsinhroo	Marandi, Shri	Raj Bahadur, Shri
Gahmari, Shri	Maruthiah, Shri	Raja, Shri C. R.
Gaitonde, Dr.	Masuriya Din, Shri	Raju, Dr. D.S.
Gajraj Singh Rao, Shri	Matcharaju, Shri	Ram Sewak, Shri
Gandhi, Shri V. B.	Mehdi, Shri S.A.	Ram Subhag Singh, Dr.
Ganga Devi, Shrimati	Mehrotra, Shri Braj Bihari	Ram Swarup, Shri
Ghosh, Shri Atulya	Mehta, Shri Jashvant	Ramakrishnan, Shri P. R.
Ghosh, Shri N.R.	Melkote, Dr.	Ramaswamy, Shri S.V.
Goni, Shri Abdul Ghani	Mengi, Shri Gopal Datt	Ramaswamy, Shri V. K.
Govind Das, Dr.	Menon, Shri Krishna	Ramdhani Das, Shri
Guha, Shri A.C.	Mirza, Shri Bakar Ali	Rananjai Singh, Shri
Gupta, Shri Ram Ratan	Mishra, Shri Bibhuti	Rane, Shri
Gupta, Shri Shiv Charan	Mishra, Shri Bibudhendra	Ranga Rao, Shri
Hajarnavis, Shri	Mishra, Shri M. P.	Rao, Dr. K.L.
Hanumanthaiya, Shri	Misra, Shri Mahesh Dutta	Rao, Shri Jaganatha
Haq, Shri M. M.	Mohiuddin, Shri	Rao, Shri Krishnamoorthy
Hazarika, Shri J. N.	Mohsin, Shri	Rao, Shri Muthyal
Heda, Shri	Morarka, Shri	Rao, Shri Ramapathi
Himatsingka, Shri	More, Shri K. L.	Rao, Shri Rameshwar
Iqbal Singh, Shri	More, Shri S. S.	Rao, Shri Thirumala
Jadhav, Shri M. L.	Mukane, Shri	Rattan Lal, Shri
Jadhav, Shri Tulshidas	Mukerjee, Shrimati Sharda	Raut, Shri Bhola
Jagivan Ram, Shri	Murthy, Shri B. S.	Ray, Shrimati Renuka
Jain, Shri A. P.	Murri, Shri M.S.	Reddi, Dr. B. Gopala
amunadevi, Shrimati	Musafir, Shri G.S.	Reddiar, Shri

## Bill

Reddy, Shrimati Yashoda	Shrimall, Dr. K.L.	Tiwary, Shri R.S.
Roy, Shri Bishwanath	Siddiah, Shri	Tombi, Shri
Sadhu Ram, Shri	Sidheshwar Prasad, Shri	Tripathi, Shri Krishna Das
Saha, Dr. S.K.	Singh, Shri D.N.	Tula Ram, Shri
Sahu, Shri Rameshwar	Singh, Shri K.K.	Tyagi, Shri
Saigal, Shri A.S.	Singh, Shri R.P.	Uikey, Shri
Samanta, Shri S.C.	Sinha, Shri Satya Narayan	Ulaka, Shri
Sanji Rupji, Shri	Sinha, Shrimati Ramdulari	Upadhyaya, Shri Shiva Das
Saraf, Shri Sham Lal	Sinha, Shrimati Tarkeshwari	Vaishya, Shri M.B.
Sarma, Shri A.T.	Sinhasan Singh, Shri	Varma, Shri Ravindra
Satyabhama Devi, Shrimati	Sonavane, Shri	Veerabasaappa, Shri
Sea, Shri A.K.	Soy, Shri H.C.	Veerappa, Shri
Sen, Shri P.G.	Sririvasan, Dr. P.	Venkatasubbalah, Shri P.
Sezhiyan, Shri	Subbaraman, Shri C.	Verma, Shri Balgovind
Shah, Shri Manabendra	Subramaniam, Shri C.	Verma, Shri K.K.
Sham Nath, Shri	Subramanyam, Shri T.	Vidyalankar, Shri A.N.
Shankaraiya, Shri	Sumat Prasad, Shri	Virbhadra Singh, Shri
Sharma, Shri A.P.	Sunder Lal, Shri	Vishram Prasad, Shri
Sharma, Shri D.C.	Surendra Pal Singh, Shri	Vyas, Shri Redhelal
Sharma, Shri K.C.	Swamy, Shri M.P.	Wadiwa, Shri
Shashi Ranjan, Shri	Swaran Singh, Shri	Wasnik, Shri Balkrishna
Shastri, Shri Lal Bahadur	Tahir, Shri Mohammad	Yadav, Shri N.P.
Shastri, Shri Ramanand	Tantia, Shri Ramchewar	Yadav, Shri Ram Harkh
Sheo Narain, Shri	Thimmaiah, Shri	Yadava, Shri B.P.
Shinde, Shri	Thomas, Shri A.M.	Yusuf, Shri Mohammad ]
Shree Narayan Das, Shri	Tiwary, Shri D.N.	

Mr. Speaker: The result of the division is: Ayes\* 38; Noes\* 290.

The 'Noes' have it; the 'Noes' have it. The amendment is lost.

*The motion was negatived.*

Mr. Speaker: The question is:

"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 inquiry". " (41).

*The motion was adopted.*

Mr. Speaker: The question is:

(i) "Page 3, line 18,—add at the end—

"and after giving an opportunity of showing cause against the action proposed to be taken or punishment proposed to be imposed on him". (20)

"Page 3, line 18, —add at the end—

"and given an opportunity to represent against the action proposed to be taken against him". (21).

*The motion was negatived.*

Mr. Speaker: The question is:

"That clause 10, as amended, stand part of the Bill".

Let the Lobby be cleared.

*The Lok Sabha divided:*

\*\*Division No. 38

\*Ayes: 2 names and Noes: 2 names, could not be recorded.

\*\*The names of the Members could not be recorded due to mechanical defects in the voting machine.

**Mr. Speaker:** The result of the division is:

Ayes: 287; Noes: 41

The 'Ayes' have it, the 'Ayes' have it. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting....

**Shri A. K. Gopalan:** I want to make a submission. There is no necessity for amending this article. The position has already been explained here. The unanimous opinion of the Opposition and wish of the majority of the people outside has not been accepted. As a protest against that, we walk out.

17.12 hrs.

(**Shri A. K. Gopalan and some other hon. Members left the House**)

**Shri Hari Vishnu Kamath:** It is a very sad day. I register my protest and walk out. It is a very sad day.

(**Shri Hari Vishnu Kamath and some other hon. Members left the House**)

**Shri Ranga:** I also join my other hon. friends and walk out in protest.

(**Shri Ranga and some other hon. Members left the House**)

*The motion was adopted.*

**Clause 10, as amended, was added to the Bill.**

**Mr. Speaker:** Now, I shall put clause 11 to vote. Those who are inside the House must be attentive.

**Dr. L. M. Singhvi:** You may give them some time perhaps to come back.

**Mr. Speaker:** The question is:

"That clause 11 stand part of the Bill."

Let the Lobby be cleared.

*The Lok Sabha divided:*

"Division No.

**Mr. Speaker:** The result of the division is:

Ayes: 290; Noes: Nil.

The 'Ayes' have it; the 'Ayes' have it, the motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. Clause 11 stands part of the Bill.

*The Motion was adopted.*

*Clause 11 was added to the Bill.*

**Clause 12**

**Mr. Speaker:** The question is:

"That clause 12 stand part of the Bill".

*The Lok Sabha divided:*

Ayes: 289; Noes: 1.

\*Division No. 40

The 'Ayes' have it; the 'Ayes' have it. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

*Clause 12 was added to the Bill.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

**Shri A. K. Sen:** I move:

"That the Bill, as amended, be passed."

**Mr. Speaker:** The question is:

"That the Bill, as amended, be passed."

*The Lok Sabha divided:*

---

\*The names of the Members could not be recorded due to mechanical defect in the voting machine.

## Division No. 41]

## AYES

[17.17 hrs.]

Abdul Rashid, Bakhshi	Gaekward, Shri Fatehsingrao	ani yangadan, Shri
Abdul Wahid, Shri T.	Gabmari, Shri	Mantri Shri
Achal Singh, Shri	Gaitonde, Dr.	Maruthiah, Shri
Achuthan, Shri	Gajraj Singh Rao, Shri	Maauriya Din, Shri
Akkamma Devi, Shrimati	Gandhi, Shri V. B.	Matcharaju, Shri
Alagesan, Shri	Ganga Devi, Shrimati	Mehdi, Shri S.A.
Alva, Shri A.S.	Ghosh, Shri Atulva	Mehrota, Shri Braj Bihari
Alva, Shri Joachim	Ghosh, Shri N.R.	Mehta, Shri J.R.
Ancy, Dr. M.S.	Goni, Shri Abdul Ghani	Melkote, Dr.
Anjanappa, Shri	Govind Das, Dr.	Mengi, Shri Gopal Datt
Arunachalam, Shri	Guha, Shri A.C.	Menon, Shri Krishna
Azad, Shri Bhagwat Jha	Gupta, Shri Ram Ratan	Mirza, Shri Bakar Ali
Babunath Singh, Shri	Gupta, Shri Shiv Charan	Mishra, Shri Bibhuti
Bajaj, Shri Kamalnayan	Hajarnavis, Shri	Mishra, Shri Bibudhendra
Bal Krishna Singh, Shri	Hanada, Shri Subodh	Mishra, Shri M.P.
Balakrishnan, Shri	Hanumanthaiya, Shri	Misra, Shri Mahesh Dutt
Balmiki, Shri	Haq, Shri M. M.	Mohanty, Shri G.
Banerjee, Dr. R.	Hazariya, Shri J. N.	Mohiuddin, Shri
Barkataki, Shrimati Renuka	Heda, Shri	Mohsin, Shri
Barupal, Shri P.L.	Himatsingka, Shri	Morarka, Shri
Basappa, Shri	Iqbal Singh, Shri	More, Shri K. L.
Basumatari, Shri	Jadhav, Shri Tushidas	More, Shri S.S.
Baswant, Shri	Jajjivan Rami Shri	Mukane, Shri
Beera, Shri	Jain, Shri A.P.	Mukerjee, Shrimati Sharda
Bhagat, Shri B.R.	Jamunadevi, Shrimati	Murthy, Shri B.S.
Bhakt Darshan, Shri	Jayeraman, Shri	Murti, Shri M.S.
Bhanja Deo, Shri L.N.	Jedhe, Shri	Musafir, Shri G.S.
Bhargava, Shri M.B.	Joshi, Shri A.C.	Muthiah, Shri
Bhatkar, Shri	Jyotishi, Shri I.P.	Naidu, Shri V.G.
Bhattacharyya, Shri C.K.	Kabir, Shri Humayun	Naik, Shri D.J.
Bisai, Shri J.B.S.	Kadadi, Shri	Naik, Shri Maheswar
Brahm Prakash, Shri	Kamble, Shri	Nanda, Shri
Brajeshwar Prasad, Shri	Kanungo, Shri	Naskar, Shri P.S.
Brij Basi Lal, Shri	Kappen, Shri	Nayak, Shri Mohan
Chakraverti, Shri P.R.	Karuthiruman, Shri	Nayar, Dr. Sushila
Chanda, Shrimati Jyotsna	Kedaria, Shri C.M.	Nehru, Shri Jawaharlal
Chandrasekhar, Shrimati	Khadilkar, Shri	Nigam, Shrimati Savitri
Chaturvedi, Shri S.N.	Khan, Shri Osman Ali	Niranjan Lal, Shri
Chaudhry, Shri C.L.	Khanna, Shri Mehr Chand	Oza, Shri
Chaudhuri, Shri Sachindra	Khanna, Shri P.K.	Paliwal, Shri
Chaudhuri, Shrimati Kamala	Kindar Lal, Shri	Pande, Shri K.N.
Chavan, Shri D.R.	Kisan Veer, Shri	Pandey, Shri R.S.
Chavda, Shrimati	Kripa Shankar, Shri	Pandey, Shri Vishwa Nath
Chettiar, Shri Ramnathan	Krishna, Shri M.R.	Panna Lal, Shri
Chuni Lal, Shri	Krishnamahari, Shri T.T.	Pant, Shri K.C.
Dafle, Shri	Kureel, Shri B.N.	Paramasivan, Shri
Daljit Singh, Shri	Lakhan Das, Shri	Parashar, Shri
Das, Dr. M.M.	Lakshmikanthamma, Shrimati	Patel, Shri Chhotubhai
Das, Shri N. T.	Lalit Sen, Shri	Patel, Shri Man Singh P.
Das, Shri Sudhansu	Laskar, Shri N.R.	Patel, Shri N.N.
Dasappa, Shri	Laxmi Bai Shrimati	Patel, Shri P.R.
Dasa, Shri C.	Lonikar, Shri	Patil, Shri D.S.
Deo Bhanj, Shri P.C.	Mahtab, Shri	Patil, Shri M.B.
Deshmukh, Shri B.D.	Maimoona Sultan, Shrimati	Patil, Shri S.B.
Deshmukh, Shri Shivaji Rao S.	Malaviya, Shri K.D.	Patil, Shri S.K.
Dhuleshwar Meena, Shri	Mathotra, Shri Inder J.	Patil, Shri T.A.
Dighe, Shri	Malliah, Shri U.S.	Patnaik, Shri B.C.
Dinesh Singh, Shri	Mallick, Shri	Pattabhi Raman, Shri C. E.
Dubey, Shri R.G.	Manaan, Shri	Pillari, Shri Nataraja
Dwivedi, Shri M.L.	Manuel, Dr. P.	Prabhu, Shri P. S.
Bring, Shri D.	Mandal, Shri J.	Pratap Singh, Shri
Pirodia, Shri	Manda, Shri Yamuna Prasad	Puri, Shri D.D.

Raghunath Singh, Shri	Sanji Rupji, Shri	Sumat Prasad, Shri
Raghuramaiah, Shri	Sara', Shri Sham Lal	Sunder Lal, Shri
Rai, Shrimati Sahodrabai	Sarma Shri A. T.	Surendra Pal Singh, Shri
Raj Bahadur, Shri	Satyabhama Devi, Shrimati	Swaran, Shri M.P.
Raja, Shri C. R.	Sen, Shri A.K.	Swaran Singh, Shri
Raju, Dr. D.S.	Sen, Shri P.G.	Tahir, Shri Mohammad
Ram, Shri T.	Shah, Shri Manabendra	Tantia, Shri Rameshwar
Ram Sewak, Shri	Shah, Shrimati Jayaben	Thimmaiah, Shri
Ram Subhag Singh, Dr.	Sham Nath, Shri	Thomas, Shri A. M.
Ram Swarup, Shri	Shankaraiya, Shri	Tiwary, Shri D.N.
Ramakrishnan, Shri P.R.	Sharma, Shri A.P.	Tiwary, Shri R.S.
Ramaswamy, Shri S.V.	Sharma, Shri D.C.	Tombi, Shri
Ramaswamy, Shri V.K.	Sharma, Shri K.C.	Tripathi Shri Krishna De
Ramdhani Das, Shri	Shashi Ranjan Shri	Tyagi, Shri
Rananjai Singh, Shri	Shastri, Shri Lal Bahadur	Uikey, Shri
Rane, Shri	hastri, Shri Ramanand	Ulaka, Shri
Ranga Rao, Shri	eo r ra in, :	Upadhyaya, Shri Shiva Dut
Rao, Dr. K.L.	Shinde, Shri	Vaishya, Shri M.B.
Rao, Shri Jaganatha	Shree Narayan Das, Shri	Varma, Shri Ravindra
Rao, Shri Krishnamoorthy	Shrimali, Dr. K.L.	Veerabasappa, Shri
Rao, Shri Muthyal	Siddiah, Shri	Veerappa, Shri
Rao, Shri Rampathi	Sidheshwar Prasad, Shri	Venkatasubbaiah, Shri P.
Rao, Shri Thirumala	Singh, Shri D.N.	Verma, Shri Balgovind
Rattan Lal, Shri	Singh, Shri K. K.	Verma, Shri K.K.
Raut, Shri Bhola	Singh, Shri R.P.	Vidyalankar, Shri A.N.
Ray Shrimati Renuka	Sinha, Shri Satya Narayan	Virbhandra Singh, Shri
Reddi, Dr. B. Gopala	Sinha, Shrimati Ramdu'a	Vyas, Shri Radhelal
Reddier, Shri	Sinha, Shrimati Tarkeshwari	Wadiwa, Shri
reddy, Shrimati Yashoda	Sinhasan Singh, Shri	Wasnik, Shri Balkrishna
Roy, Shri Bishwanath	Sonavane, Shri	Yadav, Shri N.P.
Sadhu Ram, Shri	Srinivasan, Dr. P.	Yadav, Shri Ram Harkh
Saha, Dr. S.K.	Subbaraman, Shri	Yadava, Shri B.P.
Saigal, Shri A.S.	Subramaniam, Shri C.	Yusuf, Shri Mohammad
Samants, Shri S.C.	Subramanyam, Shri T.	

## NOES

Singhvi, Dr. L.M.

Mr. Speaker: The result of the division is:

\*Ayes 290; Noes 1.

The 'Ayes' have it; the 'Ayes' have it. The motion is carried and the Constitution (Fifteenth Amendment) Bill, as amended, is passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

17.20 hrs.

RE: BUSINESS OF THE HOUSE

Mr. Speaker: Does Shri Swaran Singh want to make any statement?

The Minister of Railways (Shri Swaran Singh): No Sir, I am not making any statement.

Mr. Speaker: Does he intend to make a statement on the Kashmir talks,—because I have been getting so many notices—here in this House, not at this moment, but later on? I just want to know.

\*Ayes: The name of one Member could not be recorded.

**The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru):** I hope to make a statement not only about various occurrences but events that have taken place recently, before the House adjourns. At the present moment, Sir, you will appreciate that all manner of persons have come here, and we are having talks. It is better that after that is over, I make the statement. I hope to make a statement before the House adjourns.

**Shri Hari Vishnu Kamath (Hoshangabad):** May I invite the attention of the Prime Minister to the press report to the effect that the Railway Minister has already referred to this matter and made a statement on the subject at the Congress Party meeting? Parliament should have had precedence over this matter. We should have had that statement first here. We would not mind if the press reports had not been there, but the press reports are already there

**Mr. Speaker:** Now, we shall take up the half-an-hour discussion.

17.21 hrs.

#### RE: DIVISIONS

**Shri Hem Barua (Gauhati):** May I seek your guidance on one thing? There were as many as 13 divisions here. My information is this, that after every division the bell should be rung and the doors should be opened. We came here and we were locked out for all the 13 divisions. We might have missed the first one or the second, but we could have participated in the other divisions.

**Mr. Speaker:** Today they were shut out?

**Shri Hem Barua:** Yes.

**Mr. Speaker:** In between I allowed the Members. Once at least the doors were opened. I remember that.

**Shri Hem Barua:** We were waiting there, at least three or four of us, and the doors were not opened.

**Mr. Speaker:** They might have gone. I assure them that at least once I had asked that the doors might be opened.

**Shri Hem Barua:** But then we did not find the door open. We were locked out.

**Mr. Speaker:** I am sorry.

**Shri Sezhiyan (Perambur):** I came when the first bell was rung. I found the doors closed. Afterwards I could not come in.

**Mr. Speaker:** Shri Kamath might proceed.

**Shri Hari Vishnu Kamath (Hoshangabad):** If you are so minded, I will be happy if it is postponed, if you are tired.

**Mr. Speaker:** I am not. I can request the Deputy-Speaker to sit. Tomorrow we might have some other business.

**Shri Hari Vishnu Kamath:** Another half-an-hour discussion? Very well.

12.23 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

17.24 hrs.

#### FOOD ADULTERATION IN DELHI\*

**Shri Hari Vishnu Kamath (Hoshangabad):** I seek to raise a discussion on what has become a very important matter to say the least, which in reality is a life and death issue for the vast and teeming millions of our country. Food adulteration today has reached such alarming proportions that what was only dirt, insects and vermin—not vermins, but vermin—...

\*Half-an-Hour Division.



**An Hon. Member:** The old controversy.

**Shri Hari Vishnu Kamath:**... till a few months ago has, since the well-intentioned and earnest but rather ineffective Minister has taken over the portfolio, reached a stage where poisons are sought to be adulterated with foodstuffs and drugs.

I need adduce no other testimony than the speech of the Minister herself in Calcutta some days ago, to which I referred in the course of a question which was asked on the 18th April here. The Deputy Minister naturally could not throw any light on that, he having not made that speech. The senior Minister, the Health Minister, is reported to have said that adulterants are now produced on a mass scale, on a factory scale, and I am sure she has been correctly reported. Anyway, there has been no contradiction of that speech by her or by any one in the Ministry. I take it that she has been well and truly reported by the Press. The points on which I would like to stress have been listed in the notice which I gave some days ago. Before I proceed to these matters I would briefly refer to what her predecessor Mr. Karmarkar, once said in the last Parliament. I was not here; I read it in the papers. He said that the adulterators are potential, if not actual, murderers and the only sentence that should be awarded to them is capital sentence. The Chief Minister of Andhra, Mr. Sanjiva Reddy sometime last year referred to this matter in the Assembly and said that more than half the quantity of foods and drugs that were being sold in his Pradesh, Andhra Pradesh—he had reason to believe—were adulterated. It has become a flourishing and thriving industry. Who are the beneficiaries? They are well-known to the Government. The only cause for dissatisfaction or anger is that Government has not the will to act in spite of good intentions. Government, I am sorry to say, has not got the will to act and

the various measures that the Minister has told the House she would bring forward are still in the offing and we do not know yet when the Bill is being brought forward and what deterrent penalties and what methods for detecting adulteration are going to be formulated and implemented by the Government. We are still in the dark about them.

There has been a very wide gulf between the formulation and the implementation that is bedevilling and dogging the footsteps of the Minister and the Ministry as well. We are formulating so many things on paper but are unable to implement them on account of either inefficient or inadequate staff or corrupt or semi-corrupt staff. Such circumstances are fatal to the implementation of even good measures.

I venture to assert that the laboratories and the other paraphernalia and apparatus for the detection of adulterants are inadequate in our country and the Government has not bestowed enough thought and adequate attention upon this aspect of the matter.

The notice I gave refers to four issues. I do not know whether it was my own bad handwriting which contributed to the slight mistake but the first item should have read:

“Minister’s (Senior) reported speech in Calcutta regarding mass production of food adulterations.”

The Minister’s speech is put here as a sort of a preamble to all the four. It should not have been like that. Anyway it does not matter very much.

The second point is the measures proposed to be taken against these factories manufacturing adulterants. It is strange that the Minister has herself admitted that these are produced on a mass scale or factory-produced so-to-say. Right in Delhi, I believe, there are underground cellars and factories to produce these. Both food stuffs and drugs cannot now be ob-

[Shri Hari Vishnu Kamath]

tained pure. There was a story which I heard sometime ago that even poisons are adulterated. Perhaps that is a redeeming feature of the matter, of this case because I was told the person wanted to die and got some poison and he took that poison.

**Mr. Deputy-Speaker:** We are concerned with food now.

**Shri Hari Vishnu Kamath:** Food is mixed with poison; poison is mixed with something else. So, he could not die. Later on, the poison which he took was analysed and it was found that it was adulterated; and death did not take place. We are not concerned with that, Sir, as you rightly said. We are concerned with the life, with the mere existence of millions of our countrymen.

The recent, latest UN survey published in yesterday's newspapers gives us the cost of living index. The UN survey says that Delhi is almost as dear as New York. The cost of living in Delhi is 93 per cent of the cost of living in New York. If that is so, what are we paying for, what are the poor men, the middle class men, paying for? When the citizen pays in the New York, the citizen in New York gets quality, gets good stuff for what he pays. But here, for the money he pays, he does not get food; he does not get drugs; he does not get medicines. He gets adulterants; he gets poisons. The Health Minister will do well to institute a survey, very quick survey—I do not want this question to be deferred till Doomsday—if they have got a very reliable, adequate staff, to find out by a sort of random survey, sample survey, how many of these drugs sold on the pavement by not so reputable shops are pure drugs of adulterated drugs. Foodstuffs like rice, soda water, ice, are adulterated. The other day, there was a case of toffee or chocolates containing wire piece. The person put it into his mouth and tried to chew but he tasted a wire piece. The toffee or

chocolate has been manufactured in Delhi or perhaps some nearby place in India. If a child had taken that toffee or chocolate it would have died, because the wire piece would have stuck in the gullet, or trachea or oesophagus and the child would have died. But when this adult person tried to chew it in his mouth he tasted the wire and spat it out. Such is the condition of India in 1963. I have no words to describe this state of affairs in 1963—16 years after Independence.

The Minister of Health can very well plead that it is not all due to her and that she took over office only one year back. I realise her difficulties. There have been three predecessors or rather two predecessors in the past 15 years. One predecessor was there for 10 years and another for five years. She can very well ask what they did: what did Rajkumari Amrit Kaur do and what did Shri Karmarkar do? But that argument may be reasonable but not enough. What has she done during the period she has been in office? Has she done, has she undertaken adequate measures, and why is this delay taking place with regard even to bringing a Bill before Parliament? We urged last August, I believe, when that Government Bill was before the House—even then we argued—that there must be a Bill before the House. The Bill has not come as yet. I would say it is not merely this better staff or adequate staff that is needed, but that deterrent penalties are needed. In Soviet Russia—I do not wish the Government to emulate them in all other respects and in every respect—even there, which has been a sort of workers' paradise, they are fighting corruption today. They are fighting corruption and they have not hesitated to impose capital sentence. Once her predecessor suggested that these murderers, these merchants of death, deserve the death penalty. I do not know whether he meant it seriously. Otherwise, he would have brought in a Bill here. Shri Karmarkar did not bring a Bill

before the House. Perhaps he did not mean it seriously. But I would suggest that the least deterrent penalty, the least that I can imagine, that I can suggest, is, as I have suggested before, for corruption the penalty of public flogging, and a substantive sentence of imprisonment. Not merely fine; recently the Minister laid a statement on the Table of the House to the effect that some persons who were caught for adulteration were let off with fines of Rs. 200 or Rs. 300. That would not do. That must stop. There must be a substantive punishment; it must be imprisonment plus this flogging in public. For repeated offences, there must be deprivation of civil rights. That must be given thought to by the Government.

**Shri Sinhasan Singh (Gorakhpur):** Deprivation of property.

**Shri Hari Vishnu Kamath:** No. Deprivation of civil rights. For repeated offences, if the person persists in adulteration, finally his property must be completely confiscated. I hope the Government will think of this. This is a desperate remedy, but the disease is also desperate. As goes the adage desperate diseases demand desperate remedies. It may be cruel. The other day, the Home Minister said, flogging is very cruel. But may I say, in all humility, with all earnestness, if you want to run the Government, you have got to be cruel to a few, if you want to be kind to the many. There is no other way.

“नान्यः पन्था विद्यते” ।

I would, only, therefore, earnestly plead with the hon. Minister that she devote more time, more attention, more of her earnest mind to this measure and see to it that all her good intentions do not go waste and all her actions are in conformity with her intentions, that she will be more effective in dealing with this menace to public health, menace to public life and national life, menace to our

reputation abroad. In independent India, what has the Government done? If this is the state of affairs in regard to food and other things, what has the Government done? That is the reputation that India has earned abroad. This, she must bear in mind. I hope she will pay heed to it betimes and remedy this disease, lest worse befall.

**Some Hon. Members rose—**

**Mr. Deputy-Speaker:** Only those who have given prior notice can put questions and not others. **Shri Hem Barua.**

**Shri Hem Barua (Gauhati):** May I draw the attention of the hon. Health Minister to a statement made by her in Calcutta to the effect that there are factories that are engaged in producing ingredients and they are flourishing factories also. Besides sermonizing on that account or indulging in perorations, may I know what positive steps Government propose to take to put down these factories who are dealing with ingredients that lead to death?

**The Minister of Health (Dr. Sushila Nayar):** Mr. Deputy-Speaker, Sir, I am very grateful to Mr. Kamath and Mr. Hem Barua who have provided me with an opportunity to explain what the position is with regard to adulteration, what action has been taken and what action is proposed to be taken. It is true that in my speech at Calcutta I had mentioned that it is reported that there are factories producing adulterants. I had asked the person who had given me this information to take me to the factory, but he has not done it so far.

**Shri Hem Barua:** What about your intelligence department?

**Dr. Sushila Nayar:** Please let him have a little patience.

**Shri Nath Pai (Rajapur):** Why little? We have infinite patience.

**Dr. Sushila Nayar:** In the meantime, we tried to find out and I would share the two instances that I have before me with the hon. Members. There was one factory in Maharashtra. They have indulged in preparing a drink called Golden Drink by treating husks of gram tur with ferrous iron and non-permitted dye material viz., metanil yellow and marketing the same under the name 'Golden Drink'. The firm had also contrived to secure a patent of this. When this was brought to the notice of Government, the patent was revoked and the Maharashtra Government was asked to prosecute and take legal action against the firm under the provisions of section 79 of the Trade and Merchandise Marks Act, 1958 for sale of goods with a false trade description after obtaining necessary evidence in this regard.

There is another factory in Punjab. In this factory, they prepared very fine coloured paper cuttings which are used to adulterate saffron and make money in that fashion. That State Government have asked the Central Government to prohibit the manufacture of this stuff under the powers vested in the Central Government under section 23(1)(1) of the Prevention of Food Adulteration Act. After consultation with the central committee for good standards the Central Government can make rules prohibiting or regulating the manufacture etc., of any article known to be used as an adulterant of food. This, Sir, has come to us on the 28th of March, 1963, and action is being taken.

Besides that, Sir, we have received a letter from a firm in Rajasthan which has intimated that items of building material such as marble chips and marble powder which are meant for terrazo flooring were being purchased by certain people from Uttar Pradesh manufacturing gur sheera for the purpose of adulteration. Copies of the firm's letter have been sent to the governments of Rajasthan and Uttar Pradesh for necessary action.

These are the three things which have come to our notice. There may be others.....

**Shri Nath Pal:** Has it been brought to the notice of the hon. Minister that there is a widespread supposition that large quantities of blotting paper are used in the manufacture of ice cream in cities like Bombay and cases have been detected?

**Dr. Sushila Nayar:** Well, Sir, this is a new piece of information. We have not received any information to that effect up till now. But there is a report that used tea leaves are used for mixing with fresh tea leaves as adulterant. It has also been reported that in some places they make very fine stones to mix with rice. All these matters are being investigated. We had addressed communications to the State Governments asking them for information in this respect. Six of them have reported to us that there are no such factories in their jurisdiction and several others have said that they are still investigating and they will let us know in due course of time.

The hon. Member mentioned that there are underground cellars for preparing some adulterants. I think he would give us some detailed information rather than make these announcements in the course of a half-an-hour discussion, because it is the duty of every individual who knows anything about any of these anti-social activities to bring them to the notice of the Government, and the the help and co-operation of the citizens and only with the help of the police (*Interruption*). The police help is there. But I would like to bring to the notice of hon. Members that when the good inspectors go to take samples the statutory provisions require that there should be two independent witnesses and it is terribly difficult to get people to come and be the witnesses when the samples are being taken. Many cases fail because of this one flaw. In fact, in the proposed amendments that we have, we are intending to reduce the

umber necessary to one witness although they may still try to have two witnesses. But the case should not all because two witnesses were not available.

Therefore, Sir, it is necessary, to check widespread anti-social activities of this nature, to have vigilant public opinion, consumers organisations and other methods by which the consumers themselves will also be as vigilant as possible. I am not saying this in order to take away the responsibility of the Government. The Government is responsible to take action, and they should take action and provide deterrent penalties.

Sir, I might mention that the penalties, even as they stand at present, provide for imprisonment up to two years and fine up to Rs. 2,000, and if this is reduced the magistrate is supposed to give in writing the reasons. But there is so much apathy about these matters that the magistrates have not taken very serious notice of some of these offences with the result that the proposed amending Act that is expected to come before this House—I do not know whether the Minister of Parliamentary Affairs will find the time to take it up during the present session or whether it will have to wait for the next session.

**Shri Hari Vishnu Kamath:** Next session.

**Dr. Sushila Nayar:** ...but the amendment proposes to take away the discretion from the magistrate and make imprisonment up to six months compulsory.

**Shri Hari Vishnu Kamath:** Only six months?

**Dr. Sushila Nayar:** The maximum is six years. For the first offence, it is an imprisonment of six months and a fine of Rs. 2,000, for the second year three years' imprisonment and a fine of Rs. 3,000 and for the third year six years' imprisonment and a fine which is still higher. Further, when

the Bill comes before the House, it may be necessary to take it to a Select Committee so that if hon. Members wish to make any further provisions in it for making the provisions still more stringent, that can be looked into. There are a number of smaller amendments but the major amendments relate to making the penalties much more stringent and imprisonment compulsory even for the first offence.

The second point is with regard to the enforcement staff, on which we have made some suggestions to the State Governments. One of the suggestions is that the post of food inspectors should be provincialised so that they can be moved from one place to another and in this fashion there can be better enforcement and preventive action against forming any kind of illegal liaison. Apart from that, the machinery is being strengthened. In the amending Act we propose to take powers to appoint some central inspectors as well to launch prosecutions. At the present moment, only the State Governments have the power to appoint inspectors or start prosecutions. After the amendment is passed into law, it will be possible for the Central Government to take initiative in these matters as well.

Then, this conception that in Delhi things are going from bad to worse and people are being poisoned etc., is not quite correct. I have with me figures of samples taken, the number that were found adulterated and the fines recovered. From 1-1-58 to 30-6-58 2,167 samples were taken, out of which 862 were found to be adulterated. The percentage is 39.8 and the fines recovered Rs. 37,665. I will leave the figures in between, where there is a gradual reduction of the percentage of adulteration, increase in the fines collected and increase in the samples taken as well. Then, I will take the figures from 1-7-62 to 31-12-62—samples taken 4,063, cases found adulterated 818, percentage 20.1 and fines collected Rs. 1,35,050. It is

[Dr. Sushila Nayar]

obvious from these figures in the statement that the machinery is being made more effective, resulting in lowering the percentage of adulteration and increasing the collection of fines.

**Shri Hari Vishnu Kamath:** What about the analysis in laboratories?

**Dr. Sushila Nayar:** Regarding laboratory analysis, some laboratories have been started.

We have been in touch with the State Governments all along that the laboratories have to be increased, expanded and strengthened and action is being taken. But these are matters which do not happen with a magic wand. It all takes time. All that I can say is that we are very well aware of the problem and we have succeeded to create this awareness and arouse public opinion so that today, that is, this year, I think, our papers are quite alive to these things which is bound to have effect upon the trade as well.

We are not only taking the negative approach of punishments, we are also having conferences and meetings with the representatives of the trade so that we can enlist their wholehearted cooperation to fight this menace.

I do not want to say much more except to repeat what I have said already, namely, that we have to have this approach on the one hand, for better and more effective laws, deterrent punishment and better implementation of those laws and, on the other, an educative approach—education of the consumer and of the trader. We are doing that.

**Shri Sinhasan Singh:** Do you mean to say that if I am hungry and I go to a shop, get a little food which is adulterated, I will not take it? How can education have any effect if a man is bent upon supplying bad food? You have to take it or starve.

**Dr. Sushila Nayar:** Education can do a great deal. It has done in all countries. Once consumers find that bad stuff is given by one shop, they will avoid that shop and will not go to that shop again.

**Shri Sinhasan Singh:** All the shops are like that.

**Dr. Sushila Nayar:** What happens is that the consumer goes to the cheapest possible shop. At some places things are sold so cheap that they cannot possibly give good stuff. It is necessary for consumers to realise that it is not possible to get good, genuine stuff at the prices at which it is offered by some of these shopkeepers. Therefore they should avoid those shopkeepers. It is not such an impossible thing as my hon. friend seems to think. Consumers have played a very important role in checking adulteration in all countries in the world and I am confident that they will do so in this country as well.

**Shri Hari Vishnu Kamath:** Will the hon. Minister check up on the factories to which she referred in her speech at Calcutta and say whether these factories are working in Delhi or not?

**Dr. Sushila Nayar:** We have no evidence of any factories in Delhi. I have never referred to the factories being in Delhi.

**Shri Hari Vishnu Kamath:** Anywhere in the country.

**Dr. Sushila Nayar:** I have given information about three already. We have no information about others at the present moment. But several State Governments, as I have stated, are still investigating and if they come across any factories they will let us know.

**Shri Nath Pal:** Only last year we were told that cockroaches in beer, lizards in milk and rats in ice were found.

**Dr. Sushila Nayar:** If I may say so, lizards, lice and all these things are not prepared in factories.

**Shri Nath Pai:** Ice is prepared in the factories.

**Dr. Sushila Nayar:** Those unlicensed factories have been closed down long ago.

**Dr. Melkote (Hyderabad):** In many countries foodstuffs can be carried direct from the shops into the fire for cooking purposes. There is no necessity for cleaning. Here in India there is not a single shop where we can get such foodstuffs anywhere. Adulteration is so rampant. If two or three cases only for the whole of India are placed before us, what are we to feel? Can you at any place show that here is a shop where consumers could go and purchase pure foodstuffs? I will thank the Health Ministry if that could be brought about where clean

and pure foodgrains are made available.

**Dr. Sushila Nayar:** There are shops in every place where everyone has the confidence and the stuff is good. I was recently in Patna. There was a 'kiriyana' store which was very popular. Anybody could go there and get genuine stuff. There was no adulteration of any kind . . . (*Interruption*). 'Kiriyana' means . . .

**Shri Nath Pai:** You are mispronouncing it. It is 'kirana'.

**Dr. Sushila Nayar:** Like that there are shops in other places also. Let the consumers pay the price, go to the good shop and purchase the stuff.

17.55 hrs.

*The Lok Sabha adjourned till Eleven of the Clock on Thursday, May 2, 1963/Vaisakha 12, 1885 (Saka).*

Wednesday, May 1, 1963/Vaisakha 11, 1885(Saka)

COLUMNS		WRITTEN ANSWERS TO QUESTIONS—contd.	
ORAL ANSWERS TO QU- ESTIONS . . . . .	13029—65	U.S.Q. Subject	COLUMNS
<b>S.Q. Subject</b>		<b>U.S.Q. Subject</b>	
<b>No.</b>		<b>No.</b>	
1109 Petro-chemical deve- lopment at Barauni . . . . .	13029—32	2556 Bharat Sewak Seamaj, Ori- ssa . . . . .	13073—74
1110 Compulsory Hindi exami- nations in Madras . . . . .	13032—36	2557 Vigilance Department of Orissa . . . . .	13074
1111 Rupee loans for collieries . . . . .	13036—39	2558 Engineering colleges in Orissa . . . . .	13074—76
1113 Oil refinery in Madras . . . . .	13039	2559 Oil survey in Orissa . . . . .	13076
1114 Concentrated composite foods . . . . .	13040—43	2560 Supply of articles to Govern- ment employees at fair price . . . . .	13076—77
1115 Minicoy Islands . . . . .	13043—45	2561 Repairs to Jama Masjid and Red Fort in Delhi . . . . .	13077
1116 Political sufferers . . . . .	13045—50	2562 Adult education in Andhra Pradesh . . . . .	13078
1117 Attorney-General's ad- vice on affairs of a firm. . . . .	13050—54	2563 Sale of produces of Lac- cadive island . . . . .	13078
1118 Petro-chemicals industry . . . . .	13054	2564 Chnging of unauthorised fees from students by schools of Delhi . . . . .	13078—79
1120 Chinese internees in India. . . . .	13054—60	2565 Border districts . . . . .	13079—80
1121 Age concessions for I.A.S. examination . . . . .	13061—63	2566 Mata Tila Project . . . . .	13080
1122. Diversion of students to vacational courses . . . . .	13063—65	2567 Home Guards . . . . .	13081
<b>WRITTEN ANSWERS TO QUESTIONS . . . . .</b>		2568 House-building in hire- purchase system . . . . .	13082
<b>S.Q. Subject</b>	<b>3065—125</b>	2569 Recovery of arms in Gan- ganagar . . . . .	13082—83
<b>No.</b>		2570 Delhi Co-operative Housing Societies . . . . .	13083—84
1112 Failures in examination in English . . . . .	13065	2571 Living conditions of Uni- versity students . . . . .	13084
1119 Mining leases for private sec- tor . . . . .	13066	2572 Research pilot project . . . . .	13084—85
1123 Co-education . . . . .	13066—67	2573 Complaint against personnel of All India Services . . . . .	13085
1124 Allocation on Primary edu- cation . . . . .	13068	2574 Code of Conduct for Police . . . . .	13085—86
1125 Institutes for border child- ren . . . . .	13068	2575 Sodium Sillicate Factory at Hoshiarpur . . . . .	13086—87
1126 Rural higher education . . . . .	13069	2576 Income of Primary School teachers . . . . .	13087
1127 Banaras and Aligarh Uni- versities . . . . .	13069	2577 Police strength of Delhi . . . . .	13087
1128 Cut in staff of Central Mi- nistries . . . . .	13070	2578 Welfare of S.Cs. and Back- ward Classes in Punjab . . . . .	13087—88
1129 High Level Enquiry Com- mittee on C.S. & I.R. . . . .	13070—71	2579 Geological Survey in U.P. . . . .	13088—93
1130 Archaeological excavations in Uzbekistan . . . . .	13071	2580 Writ petitions in High Courts . . . . .	13093
1131 Oil at Sanand (Gujarat) . . . . .	13072	2581 Enquiries against Officers of All India Cadre . . . . .	13093—94
<b>U.S.Q.</b>		2582 Indian delegation of scient- ists to Geneva . . . . .	13094—95
<b>No.</b>		2583 Detentions under Defence of India Rules . . . . .	13095
2552 General education . . . . .	13072	2584 Eye-sight standard for En- gineering students . . . . .	13096
2553 Third Division students in Delhi university . . . . .	13072—73		
2554 Coal wagons for Orissa . . . . .			
2555 Coal wagons for Rajas- than . . . . .	13073		



WRITTEN ANSWERS TO  
QUESTIONS—*contd.*

U.S.Q. No.	Subject	COLUMNS
2585	Non-completion of road in Delhi State	13096-97
2586	Use of Hindi by Delhi Administration	13097-98
2587	Women's polytechnic at Calicut	13098-99
2588	Polytechnic at Cannanore	13099-13100
2589	High Court in Delhi	13100
2590	Hostels for Technical Institutes in Kerala	13100-02
2591	Junior technical schools in Cannanore and Calicut	13102
2592	Development of Ladakh	13102-03
2593	Welfare of backward classes	13103
2594	Post-matric scholarships to Scheduled Caste students in Delhi	13103-04
2595	Indo-Pak campaign to liquidate dacoits in Rajasthan	13104
2596	India International Centre	13105
2597	Marriages and divorces in Laccadives	13105-06
2598	Teacher's Workshop Project	13106
2599	Edinburgh Music Festival	13106-07
2600	Manganese Ore Ltd.	13107-08
2601	Explorations of Flourite in Rajasthan	13108-09
2602	Scholarships to poor students	13109-10
2603	Conferer ce of English teaching experts	13110
2604	Pending cases in Andhra Pradesh High Court	13110-11
2605	Welfare of S.C. and S.T. in Andhra Pradesh	13111
2606	China clay mining in Kerala	13111-12
2607	Language statistics for Rajasthan	13112
2608	Notified area of Rajasthan State	13112
2609	Coal washeries	13113-14
2610	B.A., B.T. teachers in Delhi	13114-15
2611	Section Officers' Grade Examination	13115-16
2612	Loans to States from Education Ministry	13116
2613	Indian Institute of Astronomical and Sanskrit Research	13117-18
2614	Transfer of Technical Officers	13118-19

WRITTEN ANSWERS TO  
QUESTIONS—*contd.*

U.S.Q. No.	Subject	COLUMNS
2615	Indian Economic and Statistical Services	13119
2616	Coal mines in Madhya Pradesh	13119-20
2617	India's map shown in "The Rotarian"	13120
2618	Coal deposits in Assam and Orissa	13120-21
2619	Tibetan children's Homes	13121-22
2620	Science symposium	13122-23
2621	Rare images found in Ballia	13123
2622	Ancient relics in an Allahabad village	13123
2623	Polytechnics in Punjab	13124
2624	Grants for books on Social education in Punjab	13124-25
2625	Grants for increase in pay of teachers	13125
2625-A	Central Welfare Committee	13125-26

CALLING ATTENTION TO  
MATTER OF URGENT  
PUBLIC IMPORTANCE

13126-30  
Shri Yashpal Singh called the attention of the Minister of Steel and Heavy Industries to the reported drastic cut in pig iron quota supplied to the foundries in Punjab.

The Minister of Steel and Heavy Industries (Shri C. Subramaniam) made a statement in regard thereto.

PAPERS LAID ON THE  
TABLE—

13133-34  
(i) A copy of the following papers :-

- (i) The International Copyright (Second Amendment) Order, 1963 published in Notification No. S.O. 1022 dated the 4th April, 1963, under section 43 of the Copyright Act, 1957.
- (ii) Annual Report of the Council of Scientific & Industrial Research for the year 1962-63, along with the Annual Accounts for the year 1961-62 and the Audit Report thereon.
- (iii) Annual Technical Report of the Council of Scientific and Industrial Research for the year 1961-62.

PAPERS LAID ON THE  
TABLE—*contd.*

- (2) A copy of the following Notifications under sub-section (2) of section 3 of the All India Services Act, 1951:—
- (i) G.S.R. No. 515 dated the 30th March, 1963 making certain amendment to Schedule III to the Indian Police Service (Pay) Rules, 1954.
- (ii) G.S.R. No. 607 dated the 13th April, 1963 making certain amendment to Schedule III to the Indian Administrative Service (Pay) Rules, 1954.
- (3) A copy of Report on the working of the Deposit Insurance Corporation for the year ended 31st December, 1962 along with the Annual Accounts and the Audit Report thereon, under sub-section (2) of section 32 of the Deposit Insurance Corporation Act, 1961.
- (4) A copy of the Foreign Exchange Regulation (Amendment) Rules, 1963 published in Notification No. G.S.R. 461 dated the 14th March, 1963 under sub-section (3) of section 27 of the Foreign Exchange Regulation Act, 1947.

REPORT OF COMMITTEE  
ON PRIVATE MEMBERS'  
BILLS AND RESOLUTION  
PRESENTED.

Twenty-first report was presented.

MOTION RE: TERMINATION  
OF SUSPENSION  
OF MEMBER

Shri Bade moved for termination of the order of suspension made against Shri Hukam Chand Kachwai through a resolution of the House on 13-4-63. The discussion was postponed till 2-5-63.

COLUMNS

13135

13135—39

BILL PASSED

Discussion on the motion to consider the Constitution (Fifteenth Amendment) Bill, as reported by the Joint Committee concluded. The motion was adopted by a majority of not less than two-thirds of the members present and voting. Ayes 270; Noes 51. After clause-by-clause consideration the Bill, as amended, was passed by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting, the results of the divisions being as under:—

- Clause 2: Ayes 300; Noes 9  
Clause 3: Ayes 288; Noes 35  
Clause 4: Ayes 291; Noes 37  
Clause 5: Ayes 313; Noes 11  
Clause 6: Ayes 310; Noes 14  
Clause 7: Ayes 389; Noes 41  
Clause 8: Ayes 324; Noes nil.  
Clause 9: Ayes 328; Noes nil.  
Clause 10: as amended: Ayes 287; Noes 41  
Clause 11: Ayes 290; Noes nil  
Clause 12: Ayes 289; Noes nil  
Motion to pass, as amended:  
Ayes 290; Noes 1.

HALF-AN-HOUR DISCUSSION

13304—18

Shri Hari Vishnu Kamath raised a half-an-hour discussion on points arising out of the answer given on the 18th April, 1963 to Starred Question No. 933 regarding Food Adulteration in Delhi.

The Minister of Health (Dr. Sushila Nayar) replied to the discussion.

AGENDA FOR THURSDAY,  
MAY 2, 1963/VAISAKHA 12,  
1885 (SAKA).

Consideration and passing of the Constitution (Sixteenth Amendment) Bill, as reported by the Joint Committee and Export (Quality Control and Inspection) Bill.