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Aghrayana 20, 1884 (Saka)

LOK SABHA DEBATES

Third Session
(Third Lok Sabha)



सत्यमेव जयते

LOK SABHA SECRETARIAT
New Delhi

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N.B.—The sign + marked above the name of a member on questions which were orally answered indicates that the question was actually asked on the floor of the House by that Member.

LOK SABHA

Tuesday, December, 11, 1962/Agrahayana 20, 1884 (Saka).

The Lok Sabha met at Twelve of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

SHORT NOTICE QUESTIONS

Indian Troops in Congo

S.N.Q. 13. { Shri Harish Chandra Mathur:
Shri Bade:
Shri Yashpal Singh:

Will the Prime Minister be pleased to state:

(a) when are our troops from Congo likely to return; and

(b) whether Government have heard from the Secretary General, U.N. on the subject?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) and (b). As the Prime Minister stated in this House on November 8th, we have informed the Secretary-General that we would like to get our troops back as soon as United Nations could spare them without putting the success of their peace-keeping operations in jeopardy. The Secretary General of the United Nations has been keeping us informed about developments in the Congo, but is not yet able to fix a date for the return of our troops.

Shri Harish Chandra Mathur: We know the situation in the Congo from the papers as well. But may I know

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whether the Secretary-General has been able to give us any indication as to whether they will be able to spare our troops, and any likely date and any programme of that type—I want to know whether he has been contacted on the telephone or something like that in the light of the emergency.

Shri Dinesh Singh: Sir, the Secretary-General is making arrangements and he has said that we should be able to get these troops back in the near future. He has not been able to fix any definite date so far.

Shri Harish Chandra Mathur: May I know if the Government is aware of any difficulties in this matter? Because, there are many other non-aligned countries who could spare their troops. We have had our troops there for a much longer time. There are many other non-aligned countries and others. What is the difficulty, if any, pointed out by the Secretary-General in finding the troops from various non-aligned countries?

Shri Dinesh Singh: I do not think he has mentioned any difficulty as such. This is a large integrated force. It is a question of finding a large and integrated force from one of these countries.

Shri Bade: May I know what is the strength of our troops deployed in foreign countries, in the Congo and Gaza; and when they are replaced whether the troops are being sent back to the same countries?

Shri Dinesh Singh: I do not have the exact number, but I think it is about five or six thousand in the Congo.

Shri Hari Vishnu Kamath: Now that China has served on India what

is virtually an ultimatum and a threat of war, does Government propose to recall our contingent of troops serving with the UNEF, the United Nations Emergency Force, in the Gaza Strip, and, if not, what is the reason?

Mr. Speaker: Here the question is about Congo.

Shri Hari Vishnu Kamath: On a previous occasion, when there was a question on Congo, supplementary questions on Gaza were allowed, because it is inter-related—troops serving abroad, troops serving outside India. I think it should be allowed.

Mr. Speaker: If the Minister is prepared to answer, I have no objection.

Shri Dinesh Singh: I had given the indication about the troops in the Congo.

Mr. Speaker: He is asking about Gaza. If the Minister is in a position to give the reply he may do so; otherwise it is not directly connected with the present question. The hon. Member is asking if other forces at other places are also being requisitioned back.

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): We would like to withdraw all our troops. But we do not wish to upset the arrangements made by the United Nations or by friendly countries. We are getting a great deal of help from friendly countries. We do not wish to put them in difficulty in regard to this matter. But, as has been stated, the United Nations Secretary-General has told us that he will try to accommodate us as soon as possible.

Shri Ranga: The same answer was given to us by the Prime Minister last time. There does not seem to have been any progress at all. It was said that they would ask the Secretary-General. That is all.

Shri Jawaharlal Nehru: I think we have gone a little further. At that

time what I said was that the matter had been referred to the Secretary-General. We have now had an answer from him saying that he will try to accommodate us as soon as possible.

Shri Hem Barua: In view of the fact that the U.K. and U.S. political circles have seen to the release of our troops from the Indo-Pakistan border—as they have suggested some understanding with Pakistan of late—may I know whether Government propose to exert influence, if necessary, through these political sources, that is the U.K. and U.S. political sources, on the U.N. to release us from this commitment, namely with regard to these troops?

Mr. Speaker: But that answer has been given that the Secretary-General is making arrangements and as soon as...

Shri Hem Barua: I say that some influence might be exerted on the U.N. through these political circles, the U.S. and U.K. political circles, if necessary.

Mr. Speaker: Where is the need for a political pressure or influence when directly they have approached the Secretary-General and he has assured that he is making arrangements?

Next Short Notice Question.

Peking Radio Broadcasts

+

S.N.Q 14. { Shri Hari Vishnu
Kamath:
Shri Hem Barua:
Shri Yashpal Singh:

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

(a) whether efficient arrangements have been made for the monitoring of Peking Radio Broadcasts;

(b) whether it is a fact that Hindi news bulletins broadcast by Peking Radio are read by an Indian; and

(c) if so, whether that person's identity has been established?

The Minister of Information and Broadcasting (Dr. B. Gopala Reddi):

(a) Yes, Sir.

(b) One of the newsreaders in Hindi may be an Indian but we have no knowledge about this.

(c) Does not arise.

Shri Hari Vishnu Kamath: Has the monitoring of Peking Radio broadcasts disclosed the rather unpleasant fact that very often news of events of political importance in India, inside India, are first heard on the Peking Radio before they are broadcast by the All India Radio, and if so, have any attempts been made to unearth secret transmitters, if any, in the possession either of Chinese nationals here, or their foreign allies or their Indian agents in India?

Dr. B. Gopala Reddi: It is a question to be addressed to the Home Ministry. We are monitoring the Peking Radio Broadcasts all right. How messages are broadcast from India to Peking is a different matter.

Shri Hari Vishnu Kamath: He has not followed the question.

Mr. Speaker: He has followed it all right, but he says that it would be for the Home Ministry to give this news.

Shri Hari Vishnu Kamath: The first part of the question relates to monitoring. Is it a fact that events of political importance in India, what is happening, speeches, meetings etc. are first broadcast by the Peking Radio before the All India Radio broadcasts them? Does he know that?

Shri Ranga: Is it not true?

Dr. B. Gopala Reddi: All the monitored broadcasts are placed in the Parliament library.

Shri Ranga: That is not at all the point.

Mr. Speaker: The question is whether the monitoring of these broadcasts has brought to the notice of the

hon. Minister the fact that political developments of events that happen here are first broadcast by their news agency before our news agency broadcasts them.

Dr. B. Gopala Reddi: I do not know. I was hearing from some hon. Members that it is so, but I have no personal knowledge.

Shri Hari Vishnu Kamath: Arising from part (b) of the question...

Some Hon. Members rose—

Mr. Speaker: Order. order. All Members cannot speak simultaneously.

Shri Bade: But the reply is very strange.

Shri Hari Vishnu Kamath: Arising from part (b) of the question, to which he replied "It may be an Indian"—that is how I heard him—has the Government's attention been drawn to a report in a well-known magazine called *Time* to the effect that the person who reads the Hindi News Bulletin of Peking Radio is an Indian woman (*Shri Hem Barua: A young woman*) and, if so, has Government information in its possession as to whether there are Indian nationals, or at present even Indian prisoners of war, working for in the Chinese Information and Broadcasting Services and, if so, has Government made any attempt to establish their identity through our Embassy in Peking?

Dr. B. Gopala Reddi: No, Sir, we have no information at all. Generally a man and a woman broadcast from Peking they do not announce their names as we do in the AIR.

Shri Hari Vishnu Kamath: We have our Embassy there.

Dr. B. Gopala Reddi: We have no means of verifying whether a particular individual is doing it. It may be an Indian.

Shri Ranga: Our Embassy is there; our Ambassador is there.

Shri Hari Vishnu Kamath: What is our Embassy doing? If they cannot find this out, what are they doing? Sir, you must come to our rescue. We are not able to get any clear answer.

Mr. Speaker: I am always at his command, but he should realise that it is only information that he can elicit; he cannot enter into arguments. Here he can get information. He puts a question and an answer is given of whatever is available with the Minister. How can I force the Minister to give something more when he does not possess it?

Shri Hari Vishnu Kamath: The Prime Minister is also here. He can enlighten the House.

Shri Hem Barua: Before I put the question, I want to know one thing.

Mr. Speaker: I want him to put his question.

Shri Hem Barua: The hon. Minister has stated that he does not know whether she is an Indian or not. But may I draw the attention of the hon. Minister to a newspaper report that she is a convent-educated Indian according to her intonation? If so, may I know whether Government propose to enquire about it?

Shri Ranga: That is the point. Let them do it at least now.

Mr. Speaker: There is a suggestion that the Government should make enquiries about that.

An Hon. Member: Through our Embassy there.

Dr. B. Gopala Reddi: We will look into the matter.

Shri Hem Barua: It is a very serious matter. Our army sources describe this girl as the 'Yellow peril' and, at the same time, mention.....

Mr. Speaker: Order, order. He wants the Government to enquire into it and the hon. Minister says that he will make an enquiry.

Shri Hem Barua: He does not say so categorically. I would like him to say that in your words, namely, that he would do it. He has given some sort of a shaky answer.

Mr. Speaker: He was saying that.

श्री यशपाल सिंह : जिस तरह से हमारे हजारों स्टैंड क्वेश्चन और शार्ट नोटिस क्वेश्चन रिजेक्ट कर दिये जाते हैं, अच्छा होता यह भी रिजेक्ट कर दिया जाता जबकि हम को इस की पूरी इत्तला नहीं दी जा रही है।

अध्यक्ष महोदय अब आप सवाल कीजिये।

श्री यशपाल सिंह : मेरा सवाल यह है कि जो महोदय या महोदया वहां से ब्राडकास्ट करते हैं या करती हैं, वह यहां से पासपोर्ट ले कर गये हैं हमारी गवर्नमेंट से या कि बगैर पासपोर्ट के ?

अध्यक्ष महोदय : अभी तो यह इस्टैब्लिशमेंट भी नहीं हुआ कि वह हैं कौन।

Shri S. M. Banerjee: May I know whether the hon. Minister's attention has been drawn to a statement issued by Shrimati Lakshmi Menon, while she was in Colombo, that all news broadcasts of the All India Radio are being jammed by the Chinese? If so, what steps have been taken by us to see that our news broadcasts are properly heard there?

Mr. Speaker: That is quite a different thing.

श्री प्रकाश वीर शास्त्री : क्या मैं जान सकता हूँ कि सूचना मंत्री का ध्यान समाचार पत्रों में प्रकाशित इन समाचारों की ओर गया है कि जिन में गृह मंत्री श्री लाल बहादुर शास्त्री ने अपने देश की जनता से अनुरोध किया है कि जहां तक सम्भव हो वह पीकिंग रेडियो न सुना करे ? यदि हां, तो क्या इस सम्बन्ध में सूचना

मंत्रालय की ओर से कोई कदम उठाये जाने का विचार किया जा रहा है ?

Dr. B. Gopala Reddi: We have examined the possibility of jamming, but it has wide repercussions. They will jam us also.

Shri Ranga: They have done it.

Dr. B. Gopala Reddi: We cannot do it alone. They have very powerful transmitters also.

Shri Bhanu Prakash Singh: The hon. Minister has just now stated that he has no personal knowledge about Peking Radio and that he has heard it from other hon. Members. This point has been brought to the notice of the House many times. What was the Government doing all these days? Why has the Government not made any enquiry about it?

Dr. B. Gopala Reddi: I do not accept the statement.

Shri Hem Barua: There is a lack of seriousness.

Shri Bhanu Prakash Singh: I could not follow what he said.

Mr. Speaker: He was not soliciting any information at all.

Shri Bhanu Prakash Singh: What is the Government doing?

Mr. Speaker: That answer, namely, what the Government is doing, has been given. He is not asking for definite information. The hon. Minister has said what Government has been doing already.

Shri Bhanu Prakash Singh: No; he said that he had no personal knowledge.

Mr. Speaker: Then a question was asked whether they would make enquiries and he said that they would. What else is wanted?

श्री राम सेवक यादव : गृह मंत्री महोदय ने यह कहा था कि पीकिंग रेडियो

न सुना जाये, तो क्या सूचना मंत्रालय इस तरह की कोई व्यवस्था कर रहा है कि लोग पीकिंग रेडियो न सुन सकें ?

प्रश्न महोदय : इस का जवाब तो उन्होंने ने दे दिया है ।

Shri Hem Barua: In view of the fact that Peking Radio broadcasts are not only slanderous but are a sort of a booby trap for the unwary, may I know whether Government, that is, the Information and Broadcasting Ministry, proposed to the Home Ministry to see that the hearing of Peking Radio broadcasts is made an offence under the law?

Mr. Speaker: That is a suggestion for action. Next question.

Shri Hari Vishnu Kamath: On a point of order, Sir, under Rule 43, you have admitted the question. When the Minister answers the question, if he has no information, he should say, "I have no information." He cannot say, "may be an Indian". What is the meaning of "may be an Indian"? Either he must say, I have no information, the Government will collect the information and lay it on the Table of the House. That is the usual practice. Today he has said, "may be an Indian". "May be" is no answer. Either he is an Indian or the Government has no information.

Mr. Speaker: From the questions also that have been put by hon. Members, the only thing that they could allege was that some newspaper reports have appeared and they believe that she is an Indian. (Interruption by Shri Hari Vishnu Kamath) I am coming. Probably, Members also infer from listening to the voice that she is an Indian. The Government cannot simply by that voice or newspaper reports say definitely that she is an Indian lady of such an age as the Members allege. That information, the Government, cannot with responsibility say.

Shri Hem Barua: Government has its usual channels.

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): You have already stated what I proposed to say. We shall, of course, make further enquiries and try to find out. It is not particularly easy to enquire into a particular announcer's name or parentage or nationality in China. We shall try to do that. The fact is, from listening to the voice, it appears that—I have not listened to it; I am told—

Shri Hem Barua: It is a sibilant voice.

Shri Jawaharlal Nehru: I do not know. Anyhow, it appears that it is a person who knows Hindi fairly well. From that, the inference may be drawn that it is an Indian or possibly a Chinese woman who has lived in India and who has learnt enough of the language.

The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna): May be a woman from Pakistan.

Shri Jawaharlal Nehru: May be that either. We shall try to find out in so far as we can.

Shri Hari Vishnu Kamath: By your leave, with regard to your ruling, it is true that reference came to be made to the press report in a supplementary question. The original question was, "whether it is a fact that Hindi news bulletins broadcast by Peking Radio are read by an Indian". There was no reference to press report. Therefore, he should say whether it is a fact or not. 'May be' is no answer.

Mr. Speaker: That is no answer? The Minister says, he may be an Indian. He is not definite. He cannot deny it, he cannot affirm it. Is that not an answer? I am surprised.

Shri Hari Vishnu Kamath: He should have said in the main answer, the Government will get the necessary

information as the Prime Minister has said. The Prime Minister has been kind enough to tell the House that the Government will make further enquiries. Along with that, will the Government also enquire whether prisoners of war are used for broadcasting or whether they also use other Indian nationals there?

Mr. Speaker: When enquiries are made, whatever information is available would be collected.

Shri Hem Barua: May I know whether the Government has direct knowledge.....

Mr. Speaker: I had called the next question. At that stage, Shri Kamath wanted to raise a point of order. That has been disposed of. I must go further now. Next question.

सैनिक अस्पतालों में जल्मी और घायल जवान

S. N. Q. १५. श्री गुलशन : क्या

प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) सीमा पर चीनियों के साथ हाल में हुई मुठभेड़ों के फलस्वरूप कितने जल्मी और घायल जवान इस समय विभिन्न अस्पतालों में पड़े हैं ;

(ख) क्या उन के निकट सम्बन्धियों को सूचित कर दिया गया है या नहीं ; और

(ग) यदि नहीं, तो इस के क्या कारण हैं ?

प्रतिरक्षा मंत्रालय में उपमंत्री (श्री इ० रा० चावन) : (क) दिनांक ६ दिसम्बर, १९६२ तक ४३७ ।

(ख) तथा (ग) वर्तमान नियमों के अन्तर्गत सैनिक अस्पताल रिकर्ड आफिसों । यूनिटों के द्वारा निकट सम्बन्धियों को केवल उम्र दशा में सूचना देते हैं जबकि

बीमार की हालत खराब या बहुत ही खराब होती है। इन मामलों में भी यही प्रक्रिया काम में लाई जाती है। अन्य मामलों में इन अस्पतालों में बीमारों को अपने संबंधियों को पत्र लिखने के लिये प्रोत्साहित किया जाता है और उन्हें इस की सुविधा भी दी जाती है।

श्री गुलशन : क्या रक्षा मंत्री जी यह बताने की कृपा करेंगे कि भिन्न भिन्न अस्पतालों में पड़े भारतीय सैनिक जो जखमी और बीमार हैं उन में से क्या कुछ ऐसे हैं जो भविष्य के लिये नाकारे हो गये हैं ? यदि हाँ, तो भारत सरकार ने उन के और उन के परिवार के जीवन निर्वाह के लिये क्या निर्णय किया है ?

Shri D. R. Chavan: Out of total number who are in the hospitals, there are only four persons who are kept under the 'dangerously ill' list, and 10 persons under the 'seriously ill' list.

Mr. Speaker: The hon. Member wants to enquire what has been done for those who are seriously ill or dangerously ill, in order to sustain them or their families.

Shri D. R. Chavan: They are governed by the Army Pay and Pension rules; the payment of gratuity or other benefits arise only after the casualties occur.

श्री गुलशन : मैं यह समझ नहीं सका, मुझे हिन्दी में समझा दिया जाय।

अध्यक्ष महोदय : जो आर्मी रूल्स हैं उन के मुताबिक कार्रवाई की जा रही है। अस्पतालों में जो ४३७ पड़े हैं उन में सिर्फ चार ऐसे हैं जिन की हालत खतरनाक है और उन पर ध्यान दिया जा रहा है।

Shri Bade: Before casualties occur, compensation etc. can be given, and there are rules to that effect.

Mr. Speaker: If there are rules, the rules shall be obeyed.

Shri Bade: The hon. Deputy Minister does not know even the rules.

Mr. Speaker: Order, order.

Shri Bade: Otherwise, he would not have said that compensation etc. will be paid after the casualties occur.

Mr. Speaker: Order, order. The hon. Member has not been allowed to ask a supplementary question. He is imparting or thrusting some information that he has which he cannot contain within himself, but I think that that may be more useful perhaps on some other occasion.

श्री बूटा सिंह : मैं ने जो मंत्री जी से मुना वह यह है कि जब कोई कैजुएल्टी हो जाती है तो उस के नजदीक वालों को बता दिया जाता है और उन को पेमेंट कर दिया जाता है।

अध्यक्ष महोदय : मिनिस्टर ने तो यह नहीं कहा। कुछ उन्होंने ने कहा और कुछ दूसरों ने कहा, उस को मेम्बर साहब मिला रहे हैं।

श्री बूटा सिंह : क्या मैं जान सकती हूँ कि जो परमानेंटली डिसेबिल हो चुके हैं उन के नजदीकियों के लिये सरकार क्या कर रही है ?

अध्यक्ष महोदय : जो रूल हैं उन का मेम्बर साहब मुताला कर सकते हैं। उस से पता चल जायगा कि जब आदमी परमानेंटली डिसेबिल हो जाता है तो क्या किया जाता है।

Shri S. M. Banerjee: May I know whether in the case of those jawans who are in the hospital and who are either dangerously or seriously ill or even otherwise, deductions will not be made from their salaries and allowances by way of hospital charges during their period of stay in the hospital?

Mr. Speaker: That is all contained in the rules. So, why should we discuss that now?

Shri S. M. Banerjee: Under the rules, they will be deducted.

श्री श्रीकांत लाल बैरवा : चीनियों ने सीज-फायर के बाद जो हमारे जवानों पर गोलियां चलायीं उन में हमारे कितने जवान घायल हुए और कितने मारे गये ?

प्रध्यक्ष महोदय : यह बता दिया गया है ।

Shri Bade: Would the hon. Minister enlighten us on this point whether some pension or some gratuity or some amount of subsistence allowance is given to the persons who are seriously or dangerously or otherwise ill?

Mr. Speaker: We cannot discuss the rules. If those provisions are contained therein, the hon. Member may look into them.

श्री घशपाल सिंह : क्या सरकार बतला सकेगी कि हमारे ब्रिगेडियर होशियार सिंह की जो मृत्यु हुई है वह बर्फ में दब कर हुई है या चीनियों के गोले से ?

Mr. Speaker: That is not pertinent to the main question.

Shri Hari Vishnu Kamath: Has Government by now at least got in its possession accurate or near-accurate figures with regard to the total number of casualties, fatal and otherwise (or non-fatal) in NEFA and Ladakh during the war operations?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am afraid that I cannot give any accurate figures. Possibly, I could give approximate figures; if I had known this question, I might have enquired. But, at the present moment, anyhow, even after enquiry, I would not be able to give any precise figures.

I would like to say about the previous question, if I may, that there are Army rules governing these

things, and they are generally fairly generous. But, quite apart from the Army rules, at present, we have collected, as the House perhaps knows, large sums of money, and the public have been good enough to make contributions for the troops and for amenities to their families, so that any case like that is well looked after, that is, their families or others. Anyhow, not merely waiting for the death of the soldier, but even otherwise, an attempt is made to look after their families.

श्री भक्त बर्शन : श्रीमन्, मैं यह जानना चाहता हूँ कि जो चार सौ से अधिक जट्टमी हमारे अस्पतालों में हैं उन में फ्रास्ट बाइट के कितने केसेज हैं और वास्तविक जख्मी कितने हैं ?

श्री जवाहरलाल नेहरू : इस का जवाब मैं ने पहले दिया था । उस वक्त कहा था कि शायद ६ आदमी फ्रास्ट बाइट के थे । बीस केसेज थे और उनमें फ्रास्ट बाइट के पूरे तौर से आधे के करीब थे यानी दस या ११ । ये ज्यादातर वे लोग थे जो सेला से वापस आये थे । ये लोग जंगलों में हो कर बहुत रोज में वापस आये थे । उन के पैर सूज गये थे । उन को खाना ठीक से नहीं मिला था । ये लोग बीमार थे । इन में कुछ फ्रास्ट बाइट के केस थे और कुछ के पैर और बातों से सूज गये थे ।

अभी जो मैं ने आप से कहा वह मैं ने अपना पुराना जवाब दुहराया था और वह एक खास गिरोह के निस्वत मैं ने बताया था । वह गिरोह बीस आदमियों का था ।

इस सवाल के जवाब में जो बताया गया कि हमारे अस्पतालों में ४३७ आदमी पड़े हैं उन में से ३६१ फ्रास्ट बाइट के केसेज हैं और और भी बीमारियों के ८६२ केसेज हैं । ये जो लोग फ्रास्ट बाइट के केसेज हैं इन को यह तकलीफ वापस आते वक्त हुई थी ।

WRITTEN ANSWERS TO
QUESTIONS

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):
I beg to lay on the Table replies to Questions for Written Answers entered in separate list.

Evacuation of Families of Indian Diplomats from Peking and Lhasa

858. { Shri Hari Vishnu Kamath:
Shri Hem Barua:
Shri Yashpal Singh:
Shri Mohan Swarup:
Shri Bade:

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

(a) whether Indian women and children have been or are being evacuated from Peking, Lhasa and other places in China and Tibet; and

(b) if so, at what stage the operation has reached?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Yes Sir.

(b) Family members of the staff of our Missions in China have been repatriated in stages. In Peking there is only the family of our Charge d' Affaires left behind besides the family of an Indian businessman who is staying on for personal reasons.

महाराष्ट्र में कपास का भाव

८५६. श्री ड० शि० पाटिल : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नवम्बर, १९६२ के दूसरे पखवारे से महाराष्ट्र राज्य में कपास के भाव २० रुपये प्रति क्विंटल गिर गये हैं ;

(ख) क्या टैक्सटाइल कमिश्नर ने कपास को एक जिले से दूसरे जिले में ले जाने पर प्रतिबन्ध लगा दिया है ; और

(ग) क्या यह भी सच है कि कपास के सर्वेक्षण का विदर्भ के जिलों में एक ही सेंटर रखा गया है ?

वाणिज्य तथा उद्योग मंत्रालय में अन्त-राष्ट्रीय व्यापार मंत्री (श्री मनुभाई शाह):
(द) कपास का १९७-३ बिरनार नामक विस्म के भावों के बारे में बताया गया था कि उस के भाव केवल ५ रु० या ६ रु० प्रति क्विंटल गिरे हैं ।

(ख) कुछ समय के लिये प्रतिबन्ध लगा दिया गया था, जो अब हटा लिया गया है ।

(ग) जी, नहीं । कपास के दो सर्वेक्षण केन्द्र हैं, जिन में से एक अकोला में और दूसरा अमरावती में है ।

Implementation of Industrial Truce Resolutions

860. **Shri S. M. Banerjee:** Will the **Minister of Labour and Employment** be pleased to state:

(a) whether the Industrial Truce Resolution on account of emergency has been accepted by the workers and employers; and

(b) if so, whether this has been implemented in all industries?

The Minister of Planning and Labour and Employment (Shri Nanda): (a) Yes, by all Central Employers' and Workers' Organisations.

(b) The Central Employers' and Workers' Organisations and Central and State Implementation Machinery have been advised to ensure implementation of the Resolution by all concerned.

Kerala Agrarian Relations Act

831. { Shri A. V. Raghavan:
 { Shri Pottekkatt:
 { Shri Warrior:
 { Shri Vasudevan Nair:
 { Shri A. K. Gopalan:
 { Shri P. Kunhan:

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

(a) whether Government are aware of two recent full-bench decisions of the Kerala High Court holding that the Kerala Agrarian Relations Act (No. IV of 1961) is not applicable to several types of tenancies in the Malabar and Travancore areas of Kerala;

(b) what action Government propose to take to provide security of tenure in pending ejection suits; and

(c) how far those decisions have impeded the progress of land reform as envisaged by the Planning Commission?

The Minister of Planning and Labour and Employment (Shri Nanda):

(a) and (c). The Kerala High Court in its judgments dated November 5 and 13, 1962 has struck down the Kerala Agrarian Relations Act in its application to lands settled on ryotwari tenure in Malabar area and in respect of *pandaravake*, *viruthi*, *shripandaravaka* and similar tenures in Travancore area.

Action for giving temporary protection to tenants is under the active considerations of the State Government.

The proposal for the amendment of the Constitution with a view to protecting land reform legislation is under consideration of the Government of India.

Insurance Scheme to cover War Risks

862. { Dr. L. M. Singhvi:
 { Shri Yashpal Singh:

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

(a) whether Government are considering the introduction of any Insurance Scheme to cover war risks, especially in the border States and Territories of the Indian Union; and

(b) if so, the details thereof?

The Minister of Finance (Shri Morarji Desai): (a) Yes.

(b) The Emergency Risks (Goods) Insurance Bill, 1962 and the Emergency Risks (Factories) Insurance Bill, 1962 providing for schemes of insurance of goods and factories including inland vessels and certain other establishments against the risk of loss or damage due to enemy action were passed by the Lok Sabha on the 7th December, 1962.

Underloading of Wagons at N.C.D.C. Collieries

863. **Dr. L. M. Singhvi:** Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether Government have received any complaints of underloading of wagons at the N.C.D.C. Collieries;

(b) if so, whether these complaints have been investigated;

(c) what are the conclusions of investigation; and

(d) what steps have been taken to check deliberate and chronic underloading?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) Yes. Some complaints in this regard were received.

(b) to (d). Enquiries have been made. In some of the N.C.D.C. collieries, 100-ton weigh-bridges, which are required to weigh BOX

wagons, have not been installed. Loadings in these are measured by markings in the wagon. It is in a few of such cases that under-loading has been reported. These cannot, however, be said to be cases of deliberate and chronic under-loading. To prevent recurrence of such cases weigh-bridges are being installed in collieries which do not yet have them. Specific instructions have been issued that till weigh-bridges are installed, loadings must be fully according to the markings in the wagons.

Retirement Age of Government Employees

864. { Shri S. M. Benerjee:
Shri Bhakt Darshan:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Government have taken a final decision to raise the retirement age from 55 years to 58 years; and

(b) if so, whether a copy of the Government order will be laid on the Table?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). A copy of the Government's orders containing the decision is laid on the Table of the House. [See Appendix I, annexure No. 98.]

Accumulation of Tea Stocks in Assam

865. { Shri B. K. Das:
Shri Maheswar Naik:
Shri Shree Narayan Das:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that there has been large accumulation of stocks with the tea plantations in Assam for want of transport facilities; and

(b) if so, what steps have been taken to clear the stocks without delay?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). A certain amount of congestion had resulted due to strike by the personnel of the Joint Steamer Companies and this has been remedied by additional supply of railway wagons, availing of plantation labour for loading and unloading of wagons and pressing into service road transport for the movement of tea to Calcutta. As a result of these measures, tea arrivals in Calcutta are showing marked improvement. With the strike now called off, there should be further considerable improvement.

मद्य-निषेध

८६६. श्री भक्त दर्शन क्या गृह कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय सरकार को इस आशय की सूचना मिली है कि उत्तर प्रदेश सरकार ने इस वर्ष १ दिम्बम्बर से अपने राज्य के उन ग्यारह जिलों में पूर्ण मद्य-निषेध को समाप्त करने का निश्चय किया है जहां वह पिछले कई वर्षों से लागू था ;

(ख) यदि हां, तो क्या राज्य सरकार ने इस सम्बन्ध में भारत सरकार की सहमति तथा स्वीकृति प्राप्त कर ली है ; और

(ग) क्या इस मामले में सम्पूर्ण देश को ध्यान में रखते हुए बुनियादी नीति तय कर ली गई है ?

गृह-गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री दातार) : (क) से (ग) नहीं । इस बारे में उत्तर प्रदेश सरकार को लिखा गया है और सूचना यथा समय मभा-पटल पर रख दी जायगी ।

Prohibition

867. Shri Hari Vishnu Kamath: Will the Minister of Home Affairs be pleased to state:

(a) whether the State Governments have communicated their reactions

or proposals in connection with Government's suggestion made to them some months ago regarding extension of prohibition in the States; and

(b) if so, a brief resume of those communications, State-wise?

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

(b) A brief resume of the communications, State-wise is laid on the Table of the House. [See Appendix I, Annexure No. 99.]

Evacuation of Central Government Employees from Assam

868. **Shri Hem Barua:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the families of Central Government employees have been evacuated from Assam during the last few days; and

(b) if so, whether this has been done under orders of Government; in case it is so, what facilities are provided to the employees for removing their families from Assam?

The Minister of State in the Ministry of Home Affairs (Shri B. N. Datar):

(a) and (b). No orders for evacuation of families were issued for civilian employees of the Central Government. Some employees themselves decided to send away their families and arrangements for their travel were made wherever it was possible to do so.

राष्ट्रीय रक्षा कोष

८६६. **श्री प्रकाश वीर शास्त्री :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) उन्हें कुछ ऐसे समाचार भी मिले हैं कि राष्ट्रीय रक्षा कोष का धन सीधे न आ कर बहुत से हाथों में हो कर आ रहा है और इस से जहां धन के आने में देर हो रही है वहां कभी-कभी पूरा धन भी नहीं पहुंच पाता ;

(ख) सरकार ने अब तक जो व्यवस्था इस सम्बन्ध में की है उस में क्या कुछ परिवर्तन करने का विचार है ; और

(ग) क्या राज्य सरकारों को भी इस प्रकार के निर्देश भेजे गये हैं कि वे इस में और सतर्कता बरतें ?

वित्त मंत्री (श्री मोरारजी देसाई) :

(क) राष्ट्रीय रक्षा कोष (नेशनल डिफेंस फण्ड) के लिये इकट्ठा किये गये धन को जमा करने के सम्बन्ध में किसी तरह की देर होने या उस में कमी होने की कोई शिकायत नहीं मिली है ।

(ख) और (ग). (क) में दिये गये उत्तर को देखते हुए य सवाल पैदा ही नहीं होते ।

कोलम्बो जाने वाला अफेशियाई एकता संघ का प्रतिनिधि मण्डल

८७०. **श्री बड़ु :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अफेशियाई एकता संघ की भारतीय शाखा की ओर से एक प्रतिनिधिमण्डल कोलम्बो जाने वाला है ; और

(ख) यदि हां, तो उस के लिये सरकार ने कितनी विदेशी मुद्रा देना मंजूर किया है ?

वित्त मंत्री (श्री मोरारजी देसाई) :

(क) जी, हां ।

(ख) कुछ नहीं ।

Visit of Non-Officials to Ceylon

871. { **Shri Hari Vishnu Kamath:**
Shri Hem Barua:
Shri Bagri:

Will the Minister of Finance be pleased to state:

(a) whether some non-officials have been permitted to visit Ceylon;

- (b) if so, when;
- (c) their names;
- (d) the purpose of their visit; and
- (e) the quantum of foreign exchange allotted to them?

The Minister of Finance (Shri Morarji Desai): (a) Under the regulations, prior permission of the Reserve Bank is not required by travellers proceeding to Colombo from Madras or Tiruchirappally. It is, therefore, not feasible to give the information sought.

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

(e) Presumably, information is required in respect of foreign exchange released for persons visiting Colombo in connection with the certain non-aligned Afro-Asian countries conference. No foreign exchange has been released from our resources except an amount of Rs. 1,000 to a representative of PTI. This does not take into account foreign exchange released for certain correspondents of foreign journals and personnel of foreign embassies visiting Colombo, because it is met out of inward remittances and there is no burden on our resources.

Age Limit for Emergency Commission

872. Shri Yashpal Singh: Will the Minister of Defence be pleased to state:

(a) whether Government are aware of the growing public demand to raise the maximum age of the candidates for Emergency Commission in the Army from 35 years to 40 years;

(b) whether in view of the present Emergency and the need for the Army and also in view of the public demand, Government propose to raise the age to 40 years; and

(c) if not, the reasons therefor?

The Minister of Defence (Shri Y. B. Chavan): (a) No, Sir.

(b) No such proposal is under consideration at present.

(c) The age limit fixed at 35 years already provides considerable relaxation over normal age limits for Army officers. The nature of duties which an Army officer has to perform is such that a larger relaxation in age may not be in the public interest.

12:27 hrs.

RE: NEXT SESSION OF LOK SABHA

Shri Ranga (Tirupati): Now that the Minister of Parliamentary Affairs has taken the floor, may I request you to ascertain what Government's decision is in regard to our suggestions that the House should not be prorogued but should be adjourned to meet again sometime in January and also that leaders of the Opposition as well as others on the Front Bench should be invited for informal consultations as frequently as possible during the recess?

Shri Hari Vishnu Kamath (Hoshangabad): May I repeat the suggestion I made on an earlier occasion that during the recess Government be pleased to send to the Parliament Secretariat a weekly bulletin covering the news of the war and its aftermath, which weekly bulletin—it should be a bulletin issued weekly at least, if not more frequently—the Secretariat will circulate to all Members of the House?

Mr. Speaker: First of all, I will just remind the hon. leader of the Swatantra Group that I did not say that whenever the Minister of Parliamentary Affairs gets up and says something, it gives an opportunity to all Members to bring in their own requisitions, desires—everything. I said that when on weekly days he puts forward the business for the next week, there is an opportunity and everything connected with the business might be discussed at that moment. That is the proper time to do

[Mr. Speaker]

so. Here he was only laying on the Table the Written Answers to Questions. But Prof. Ranga has utilised that occasion to ask whether Parliament is going to be adjourned and when it would meet again.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): So far as adjournment of the House is concerned, Government has decided, in consultation with you, that the House would be adjourned and not prorogued.

Shri Hari Vishnu Kamath: That is right. What about a weekly bulletin? This must be circulated to Members during the recess.

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): This is the first time I learn of this proposal. I do not know that any such weekly bulletin would contain anything more than what the daily newspapers contain. That is obvious, because if it is a secret matter it will not be supplied to the papers and it may not be given in the weekly bulletin. Normally it will be a repetition, may be a smaller repetition of what has appeared in the daily press.

Shri Ranga: It can serve the same purpose as the synopsis that is circulated to us, which is very useful to us.

Shri Tyagi (Dehra Dun): May I seek a clarification from the Minister of Parliamentary Affairs? He said the House is not going to be prorogued, but only adjourned. Does it mean that an interim session will be called?

Mr. Speaker: When it is not to be prorogued, and it is to be adjourned, it is to be done by the Speaker, and during that interval the Speaker has the right to call it at any moment or not. Therefore, no question arises for asking the Government whether it would be called or not called.

Shri Hari Vishnu Kamath: By your leave, with regard to what the Prime Minister said, because he has told the House very often that the press news cannot be relied upon we want authentic news from the Government.

Mr. Speaker: Order, order. Shri Prakash Vir Shastri.

Shri Hari Vishnu Kamath: What is your reaction to that?

Mr. Speaker: I will tell him.

Shri Hem Barua rose—

Mr. Speaker: I have called Shri Shastri.

Shri Hem Barua (Gauhati): It is on a different thing.

Mr. Speaker: I have called another Member, and when that Member is standing, he stands up. That is what I am accused of फ़ट की दीवारें खड़ी हो जाती हैं और उनको देखने मिलता ।

Shri Hem Barua: I am sorry, I did not hear.

श्री प्रकाश वीर शास्त्री (विजयनौर) :
अध्यक्ष महोदय, मैं संसदीय-कार्य मंत्री महोदय से जानना चाहता हूँ कि समाचारपत्रों में आज कुछ ऐसा समाचार भी प्रकाशित हुआ है की लोक-सभा का अगला अधिवेशन २१ जनवरी के लगभग होने की संभावना है

अध्यक्ष महोदय : मैंने कहा तो है कि टाउस एडजोन करते वक़्त मैं एनाउंसमेंट करूंगा कि कल तारीख को लोक-सभा बैठेगी, आप उनसे क्या जानना चाहते हैं ?

श्री प्रकाशवीर शास्त्री : स्थिति की वास्तविकता क्या है ?

प्रश्न महोदय : स्थिति की वास्तविकता वह क्या बतलायेगी ? जब मैं ऐडजोर्न करूंगा तो किसी तारीख के लिये ही करूंगा, इस बात को पृच्छने की क्या जरूरत है ?

Shri Ranga: I have one more point to raise. I raised it once before, and did not get proper response from the Minister. Day before yesterday, the *Hindu* has written an editorial as to the manner in which some of the Congress M.Ps. have been given an opportunity of going to the war front.

Mr. Speaker: That is not the issue at this moment.

Shri Ranga: Do you know what I am going to say?

Mr. Speaker: Whatever he may be going to say.

Shri Ranga: Will you not give me the privilege of completing my submission?

Mr. Speaker: Would he kindly resume his seat?

Shri Ranga: Is there any necessity for interrupting me now?

Mr. Speaker: Yes.

Shri Ranga: I have not even completed what I wanted to say.

Mr. Speaker: Yes, he should hear me and then he might know whether there was any necessity of interrupting him or not. What I wanted to say is that if it is not connected with the business of the House, then it should not be taken up at this moment. That is what I wanted to tell him.

Shri Ranga: All right. This is the last day, and we do not have any opportunity of going to your chamber and consulting you in advance before we can possibly make a suggestion here. Therefore, you would kindly bear with me. You have borne with us all this time, why should you be impatient just now?

Mr. Speaker: I am always accused of being impatient, while I have the same accusation to throw against the hon. Member that he is always impatient, and sometimes casts reflection against my impartiality also.

Shri Ranga: I am prepared to accept your observations, but the only thing is I wanted to draw the attention of the Government to an editorial written in no less a paper than the *Hindu* one of the most important national papers. There seems to be some partiality shown in favour of the Congress Members, and till now no opportunity has been given to Members of the Opposition, even their leaders, even when we have taken the trouble to make a suggestion to the Minister of Parliamentary Affairs. He turned down our request. I made a reference to it again in the House; even then there was no proper response. Therefore, I want the Government to consider this matter and during this recess to give us an opportunity of going to the war front.

Mr. Speaker: The hon. Member himself says that he had put the suggestion to the Government, that it was rejected. He had talked with the Minister of Parliamentary Affairs, but it was not agreed to. What does he want to do now? If the third time also the same response comes, would he put it for the fourth or the fifth time? There ought to be some limit to it.

Shri Ranga: Then the country would know that we have not been remiss in our duty. If we fail to go to those areas, the fault must be placed at the doors of the Government.

Shri Jawaharlal Nehru: I do not know to what the hon. Member refers, about facilities being granted to some Members of the Congress Party.

Shri Ranga: You consult your colleague.

Shri Jawaharlal Nehru: I do not know. Some two or three went about a fortnight ago. They went on their

[Shri Jawaharlal Nehru]

own steam. There is nothing to prevent any Member from going to Assam. There may be some difficulties in getting accommodation on a particular day but they can go the next day. But there is no difficulty at all for anybody going to Assam. The point is that when you reach Assam what facilities are given to go to what is called the front. That is entirely a military matter. I am not aware of a single Congress person barring me who has gone to the front. . . .

Shri Ranga: I mean not just the place where they are fighting each other but the whole of the area.

Shri Jawaharlal Nehru: He used the word 'front' that is why I am saying this. Otherwise I would not have done so. That is entirely a military matter. They do not encourage any Congress or non-Congress Member to go there. They were good enough to take me there not because I happened to belong to the Congress Party but I happened to have a particular position in this country. The General there took me. Nobody else has gone. If the hon. Member wants to go to Tezpur there is nothing to prevent him.

12.36 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED FALL IN COTTON PRICES AND ITS EFFECT ON COTTON PRODUCTION

Mr. Speaker: There is a calling attention notice. But we are going to discuss the price situation and I will give the hon. Member an opportunity. Is there any necessity to take it up separately? If he considers this to be something separate he can read it. . . . (Interruptions).

Shri D. S. Patil (Yeotmal): Sir, under rule 197 I call the attention of the Minister of Food and Agriculture

to the following matter of urgent public importance and I request that he may make a statement thereon:

"The reported fall in cotton prices and its effect on cotton production."

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): For the past one month the future market in raw cotton has been witnessing continuous decline. The quotation at the end of November, 1962 for March, 1963 contract was Rs. 687.50 for three quintals against the end-October quotation of Rs. 745.25. On December 6, the futures contract was quoted at Rs. 677.50. It may, however, be mentioned that though the prices have been declining lately, they are still by and large above the levels prevailing last year as the following table would show:—

	Rs. per 3 quintals	
	1961	1962
September	628.75	739.75
October	636.25	745.25
November	656.25	687.50
December	668.00	677.50*

*Quotation for December 6, 1962.

Note.—Quotations for 1961 relate to March, 1962 delivery and those for 1962 relate to March, 1963 delivery.

Spot prices per quintal during the 3 months, September, October, November at Ahmedabad and Madras markets are given below. It will be seen that the fall in the spot prices is not so steep as in the future prices.

Month	Ahmedabad	Kalyan	Madras	Combodia
	1961	1962	1961	1962
Sep.	210	250	253	295
Oct.	213	248	253	295
Nov.	213	239	253	281

In this connection the Textile Commissioner has been taking certain steps to maintain the cotton prices

within the prescribed ceilings and has been keeping a continuous watch over the prices. In this connection, some Members of Parliament representing the cotton-growing States met the Minister for Food and Agriculture and Minister for Agriculture on 8th December, 1962, and suggested various measures that could be taken for checking the decline of cotton prices. Those suggestions have been passed on to the Ministry of Commerce and Industry, Department of International Trade for taking suitable action thereon.

The Ministry of Commerce and Industry has taken the following action on these suggestions:—

- (i) New quotas for the period 1st December to 31st March, 1963, have been issued to textile mills to cover all the crop that is likely to come into the market during this period;
- (ii) all restrictions on the movement of cotton have been removed; and
- (iii) the number of centres for conducting the survey has been increased.

It may be mentioned that cotton is not the only commodity which has shown a fall both in the futures and ready prices. This fall has been common to many agricultural commodities, such as foodgrains, oilseeds, etc. and is due to a general bearish tendency in the market owing to the coming of a fairly good crop as well as certain extraneous factors.

श्री बे० शि० पाटिल : जब जरीला और कमीडिया कपास के भाव सीलिंग पर नहीं पहुँचे थे, तो टेक्सटाइल कमिश्नर ने उसके निर्यात और सरवे पर रेस्ट्रिक्शन क्यों लगाया ?

डा० राम सुभग सिंह : ८ तारीख को संसद-सदस्यों की जो मीटिंग हुई थी, उस के

बाद खाद्य और कृषि मंत्री महोदय ने कामर्स मिनिस्ट्री को लिखा और फिर वे सब प्रतिबन्ध हटा दिये गये ।

Shri Shivaji Rao S. Deshmukh (Parbhani): The question was why restrictions were imposed. The answer is that they have been removed. So, the question still remains: why they were imposed.

Dr. Ram Subhag Singh: Actually, that concerns the Ministry of Commerce and Industry, and they had put those restrictions with a view to keeping the prices at a reasonable limit.

Shri M. L. Jadhav: (Malegaon): Will the Government raise the floor price of cotton?

Dr. Ram Subhag Singh: It was one of the suggestions that the Members of Parliament had made on the 8th December. We had forwarded all those suggestions to the Minister of Commerce and Industry and the Minister of International Trade was good enough to write to us that he is willing to accept that but it shall have to be discussed with the Minister of Finance and the Planning Commission.

Shri Iqbal Singh (Ferozepur): The question is not regarding the reply but only regarding the other point,—

Mr. Speaker: If it is not regarding the reply, then it cannot be allowed. If it is regarding the reply, then too, he is not a signatory. Therefore, in any case, I cannot allow him to put a question.

12.41½ hrs.

PAPERS LAID ON THE TABLE
INDIAN TELEGRAPH (TWELFTH AMENDMENT) RULES

The Minister of Transport and Communications (Shri Jagjivan Ram): I

[Shri Jagjivan Ram]

beg to lay on the Table a copy of the Indian Telegraph (Twelfth Amendment) Rules, 1962 published in Notification No. G.S.R. 1568 dated the 24th November, 1962, under sub-section (5) of section 7 of the Indian Telegraph Act, 1885. [Placed in Library, see No. LT-649|62].

ANNUAL REPORTS OF HEAVY ENGINEERING CORPORATION AND THE FERTILIZER CORPORATION OF INDIA FOR 1961-62 AND REVIEW BY GOVERNMENT ON THE WORKING OF THE ABOVE CORPORATIONS

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): I beg to lay on the Table a copy each of the following papers:

- (i) (a) Annual Report of the Heavy Engineering Corporation Limited, Ranchi, for the year 1961-62 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A, of the Companies Act, 1956.
- (b) Review by the Government on the working of the above Corporation. [Placed in Library, See No. LT-644|62.]
- (ii) (a) Annual Report of the Fertilizer Corporation of India Limited, New Delhi, for the year 1961-62 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956.
- (b) Review by the Government on the working of the above Corporation.

[Placed in Library, see No. LT-646|62.]

TEA (SECOND AMENDMENT) RULES

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): I beg to lay on the Table a copy of the Tea (Second Amendment) Rules, 1962 published in Notification No. G.S.R. 1558 dated the 24th November, 1962, under sub-section (3) of section 49 of the Tea Act, 1953. (Placed in Library see No. LT-65|62.)

Shri Manubhai Shah: On behalf of Shri Kanungo, I beg to lay on the Table a copy of Statement I referred to in paragraph 2.11 of Chapter II of Annual Report of the Khadi and Village Industries Commission for the year 1960-61 laid on the Table on the 23rd November, 1962. [Placed in Library, see Nos. LT-595|62 and LT-651|62].

INDIAN AIRCRAFT (AMENDMENT) RULES

The Deputy Minister in the Ministry of Transport and Communications (Shri Mohiuddin): I beg to lay on the Table a copy of the Indian Aircraft (Amendment) Rules, 1962 published in Notification No. G.S.R. 1567, dated the 24th November, 1962, under section 14A of the Indian Aircraft Act, 1934, together with an explanatory note. [Placed in Library, see No. LT-652|62.]

REPORT *re.* 46TH SESSION OF INTERNATIONAL LABOUR CONFERENCE

The Deputy Minister in the Ministry of Labour and Employment (Shri R. K. Malviya): On behalf of Shri C. R. Pattabhi Raman, I beg to lay on the Table a copy of Report of the Indian Government Delegation to the 46th Session of the International Labour Conference held at Geneva in June, 1962. [Placed in Library, see No. LT-648|62.]

NOTIFICATION UNDER MINIMUM WAGES
Act

Shri R. K. Malviya: On behalf of Shri C. R. Pattabhi Raman, I beg to lay on the Table a copy of Notification No. S.O. 3552 dated the 24th November, 1962, under section 30A of the Minimum Wages Act, 1948. [Placed in Library, see No. LT-653] 62.]

12.43 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

MINUTES

Shri Krishnamoorthy Rao (Shimoga): I beg to lay on the Table the Minutes of the sittings (Ninth to Twelfth) of the Committee on Private Members' Bills and Resolutions held during the Third Session.

12.43½ hrs.

COMMITTEE ON PETITIONS

MINUTES

Shri Thirumala Rao (Kakinada): I beg to lay on the Table the Minutes of the second sitting of the Committee on Petitions held during the Third Session.

12.43½ hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:

(i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 8th December, 1962, agreed without any amendment to the Defence of India Bill, 1962, which was passed by

the Lok Sabha at its sitting held on the 28th November, 1962."

(ii) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Taxation Laws (Amendment) Bill, 1962, which was passed by the Lok Sabha at its sitting held on the 5th December, 1962, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12.44 hrs.

BUSINESS OF THE HOUSE

Shri Indrajit Gupta (Calcutta South West): May I make a submission? The list of business today includes a discussion on prices right at the end, for which three hours have been allotted. I am rather apprehensive, looking at the remainder of the business, whether we will be able to accommodate this at all.

Shri S. M. Banerjee (Kanpur): We may sit for longer hours,

Shri Indrajit Gupta: The Bills that have been put before the motion may perhaps be shifted. The question of prices has got to be dealt with.

Mr. Speaker: It has been just said that the last motion is for 3 hours and that it is not likely to be taken up, though it was promised that it would be taken up and another Bill—the Hindi Sahitya Sammelan (Amendment) Bill—has been brought before it.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): It is a very simple Bill; it will not take more than half an hour. It is a simple amendment.

Mr. Speaker: But 2 hours have been allotted.

Shri Satya Narayan Sinha: That was under a wrong impression. In the Bill which we passed in the last session, there is some lacuna and they have taken it to the High Court. There is some writ petition or something like that. So, they just want to get over it. There is no controversy about it. I am not responsible for allotting 2 hours for it. If you like, it may be dropped, Sir.

Mr. Speaker: The business allocation is for 8 hours and we have only 5 hours.

Shri Satya Narayan Sinha: We can sit a little late today.

Mr. Speaker: Is the Government prepared to drop the Hindi Sahitya Sammelan (Amendment) Bill?

Shri Hem Barua (Gauhati): That is a very insignificant Bill. How 2 hours were allotted to it, God alone knows. It is better that it is dropped and we discuss the more serious matter, namely, the price-line.

Shri Satya Narayan Sinha: If the hon. Members look into it, they will see that it is a very simple amendment. The Business Advisory Committee insisted on 2 hours; I pleaded...

Mr. Speaker: If the House agrees, the hon. Minister may formally move for the reduction of time allotted to the Bill from 2 hours to $\frac{1}{2}$ hour.

Shri Hari Vishnu Kamath (Hoshangabad): The House may sit tomorrow.

Mr. Speaker: There is no question of sitting tomorrow; hon. Members must already have made arrangements.

Shri Satya Narayan Sinha: I formally move that the time allotted to this Bill may be reduced from 2 hours to $\frac{1}{2}$ hour.

Shri Hari Vishnu Kamath: The Bill is not even before the House. How can he move for reduction of time?

Mr. Speaker: Objection has been taken by Shri Indrajit Gupta that his motion may not be reached. So, the hon. Minister has moved that the time allotted to the Hindi Sahitya Sammelan (Amendment) Bill may be reduced from 2 hours to $\frac{1}{2}$ hour.

Shri Hari Vishnu Kamath: Then, I move an amendment that it may be reduced to 1 hour.

Shri Bade (Khargone): It should be at least 1 hour.

Mr. Speaker: Even then the same difficulty arises that instead of 8 hours, it would be 7 hours. Shall we sit till 8 o'clock?

Shri Hem Barua: It is better that the Bill is postponed to the next session.

Shri Hari Vishnu Kamath: It may be taken up in the January session.

Shri Satya Narayan Sinha: I would not like to inconvenience the House by sitting for 8 hours. In that case, if hon. Members are not prepared to reduce the time to half an hour,....

Mr. Speaker: Is it possible that we may take up the Hindi Sahitya Sammelan (Amendment) Bill after Shri Indrajit Gupta's motion regarding price-line, if there is time?

Shri Satya Narayan Sinha: Yes, Sir.

12.49 hrs. hrs.

CONSTITUTION (FIFTEENTH AMENDMENT) BILL.—contd.

Mr. Speaker: The House will now take up further consideration of the motion moved by the hon. Law Minister for reference of the Constitution (Fifteenth Amendment) Bill to a Joint Committee. Out of 3 hours

allotted, 1 hour and 50 minutes have been taken up. 1 hour and 10 minutes remain.

Shri C. K. Bhattacharyya (Rai-ganj): Sir, when the hon. Law Minister was speaking on this Bill, he told us that as many as 20 cases are there before the department, dealing with the ages of High Court Judges.

12.50 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

He has not disclosed to the House whether in all these 20 cases, it is the judges who have applied to the Government for changing their ages or whether it is the Government which is disputing the ages of those judges, as had happened in the case already known. In the case already known it was not the judge who applied for having his age changed. The case arose because the Government disputed his age and wanted to remove him from the Bench before his time of retirement according to the age already accepted by the High Court. The hon. Law Minister has not stated whether the difficulties about the 20 judges have been about because those judges applied for changing their ages or whether the Government has created this problem by disputing the ages of the judges already accepted by the High Court. If we had known it we might have dealt with this matter. I hope, Sir, when the Law Minister deals with it he will inform the House on this question. The question is, he mentioned to the House that there are 20 cases pending before the Government relating to change of ages of High Court judges.

The Minister of Law (Shri A. K. Sen): I did not say 20; I said there were 5 in one High Court alone. I think Shri Mathur said that there were 20 cases.

Shri C. K. Bhattacharyya: I believe, he said that there were 20 on the whole.

Dr P. S. Deshmukh (Amravati): In the Law Minister's absence some more figures were given.

Shri Tyagi (Dehra Dun): I remember, he said that there were four or five in one High Court.

Shri A. K. Sen: Shri Mathur quoted the figure of 20.

Shri C. K. Bhattacharyya: In any case, whether they are 5 or 20, the question I put to him is this, whether it is those judges who have applied to the Government to change their ages or whether the problem has arisen because the Government is disputing the ages of those judges on the eve of retirement according to the age which has been accepted by the High Court when they were appointed. That is the question I put to him, because in the case already known the problem arose because the Government disputed the age of the judge, when he was going to retire, an year before his proper time of retirement.

Shri Harish Chandra Mathur (Jalore): This must be clarified by the Law Minister to avoid unnecessary argument; otherwise, we are arguing just in the dark. Let the Law Minister clarify it. Why is there a reluctance on the part of the Law Minister to do that?

Mr. Deputy-Speaker: Order, order. The hon. Member is not yielding.

Shri Harish Chandra Mathur: I am addressing you.

Mr. Deputy-Speaker: Unless he yields, the hon. Member cannot go on.

Shri Harish Chandra Mathur: He will yield to you. I am submitting to you.

Shri A. K. Sen: I shall do that.

Mr. Deputy-Speaker: He will clarify that when he replies to the debate.

Shri Harish Chandra Mathur: What is the use then?

Shri C. K. Bhattacharyya: In the Bill that has been placed before us, the question of deciding the age of a High Court Judge finally has been left to the President. The question of deciding the age of a judge is a question of fact. It is not a question of opinion that a Minister may decide it or the President may decide it. Since it is a question of fact it can only be decided by a court of law. There is no other person who has authority to decide a question of fact. In the case that is already known, the judge approached the court not to have his age verified or declared; he approached the court disputing the order of the Government to remove him from the Bench. Had he filed a declaratory suit in a Munsif's court to have his age declared he could have got it done, but being a High Court Judge probably he did not go to a Munsif's court. An ordinary person to establish his age would have at once gone to a Munsif's court and filed a declaratory suit and got his age declared. He would not have left it to the President or the Home Minister to decide what his age is.

Regarding the question of leaving the matter to the President, I believe, some of my hon. friends, Shri Shree Narayan Das and Shri Tridib Kumar Chaudhuri have argued that it should not be left to the President.

I was going through some of the Debates of the Rajya Sabha regarding the Press Council Bill, when the Chairman of the Press Council was proposed to be nominated by the President. And Pandit Hirday Nath Kunzru, while arguing against that, said:

"I do not want him to be appointed by the President of India who will have to act as the Ministry directs him to. The Ministry, though Dr. Keskar may not do so personally, being a political body, may be tempted by political considerations to recommend the ap-

pointment of a person as Chairman of the Council."

Shri H. N. Mukerjee (Calcutta Central): On a point of order, Sir. I have an idea—I am subject to correction—that in this House no reference should be made to the proceedings in the other House, unless it be that reference is made to statements by Ministers. Statements made by ordinary Members of the other House are not entitled to be referred to in this House. That is my impression, I am subject to correction.

Mr. Deputy-Speaker: That is only with reference to the current session, not about the past session. Is that about the current session?

Shri C. K. Bhattacharyya: No, Sir, this is from the 1956 proceedings.

Hr. Deputy-Speaker: The hon. Member may finish soon. The time is very limited.

Shri C. K. Bhattacharyya: I will finish very soon.

Again, the question was that the nomination be left to the Vice President. And about that Pandit Kunzru was prepared to agree to the nomination being left to the Chairman of the Council of States but he would not accept it to be done by the Vice-President. Pointing out the reason for this, he said, "because the Vice-President as such would have to carry out any recommendation made to him by the Government." He was prepared to accept the nomination being done by the same person under another designation but not as Vice-President.

I should quote again the opinion of Shri P. N. Sapru, who was himself a Judge of the Allahabad High Court. He said:

"I would like to say that it would have been better if the President of India had not been made the nominating authority.

I should like to say that. The President does not act in his individual discretion; the President acts on the advice of the Ministry of the day and the Ministry the day is answerable to a political party."

That is the way Pandit Hirday Nath Kunzru and Shri P. N. Sapru interpreted the nomination being left to the President. And here the determination of the age of the High Court Judge is being left to the President. I believe that ought to be changed, and what I would suggest is this. Instead of leaving it to the President, the Law Minister should set up an administrative tribunal composed of Judges of the High Court or the Supreme Court. They may frame their own procedure. And it is this administrative tribunal which will have full authority to determine the age of a Judge when such a question is placed before them. That is my suggestion to him.

Shri Bade (Khargone): I am glad that this Constitution (Amendment) Bill is going to the Select Committee, because there are a number of important points to be considered by the Committee.

The first is the provision which seeks to amend article 217 so that the retirement age of High Court Judges may be increased from sixty to sixty-two. This is being done because the Fourteenth Report of the Law Commission has recommended like that. But I do not know why, when they have recommended sixty-five years, the Government has taken only the golden mean. The Home Ministry has extended the age of retirement of government servants from fifty-five to fifty-eight, that is by three years. Then why have they not proposed an increase from sixty to sixty-three in the case of Judges? What is the

measuring rod? No reasons are given for this.

When the retirement age of High Court Judges is being raised from sixty to sixty-two, the Select Committee should consider why the retirement age of the lower class of Judges, that is District Judges, Additional District Judges, and all Judges should also not be raised. When the law is made, or when there is an amendment made for the retirement age of High Court Judges, the retirement age of the District Judges and Additional District Judges should also be raised.

I am personally against raising the retirement age of Judges. Because, the old people, when they meet, always speak of their insomnia, rheumatism and diabetes. There is no other subject of conversation for them. Whenever they meet each other they always talk of their diseases. Therefore, let old people go and let new blood come in. Because, according to Shakespeare, there are seven stages in life—first a child, then a school boy, then a soldier singing ballads of his mistress' eye-brow, then a judge, then a gentleman wearing all the loose pants of his young age and then he goes to the grave sans eys, sans teeth, sans everything. So, here also old people after 60 or 62 are without teeth, without hearing and they get all sorts of diseases like insomnia, rheumatism and diabetes. They are very slow and slack in their work because they know they have to retire very soon without anything to look forward to.

13 hrs.

Mr. Deputy-Speaker: Dr. Aney is laughing at you.

Shri Bade: That is a case where exception proves the rule. Therefore, I say that young blood should come in and these old people should go. The delay in the disposal of cases in courts is also due to retaining old judges. Of course, some pleaders and advocates are also to be blamed partly for delay. Some judges are too old and they

[Shri Bade]

know they are going to retire without any hope of any extension. So, they do not take enough interest in their work.

Then there is an amendment to give some allowances to judges if they are transferred from one High Court to another High Court. On the other hand, if a civil servant is transferred from Madras to New Delhi, he is not given any additional allowance. Recently, a friend of mine was transferred from Madras to New Delhi and he was not given any allowance. So, it is a matter for consideration whether the Constitution should be amended to give some concessions to the Judges alone.

Then there is an amendment in clause 10 to raise the maximum limit of taxes leviable by local authorities on professions, trades, callings and employment from Rs. 250 to 500. Previously, a municipality could not realise more than Rs. 250 by way of taxes. In my opinion, even this limit of Rs. 500 is very low. If for example, a municipality takes at the rate of Rs. 5 per show in the case of cinema, it will come to Rs. 1,800. But, according to this amended provision, they cannot collect that much amount. So, the maximum limit should be raised further still, as Rs. 500 is too low.

Then I come to the amendment of article 311, which is very mischievous, which takes away a very important right of the Government servants. By this amendment only one opportunity will be given to a Government servant in respect of any departmental enquiry against him. The amended article will read as follows:

"No such person as aforesaid shall be dismissed or removed except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges."

From the original article the words "until he has been given a reasonable

opportunity of showing cause" has been taken away. Now the cause of the substantial enquiry will not be shown to him, because it is mentioned in sub clause (b)

"where the authority empowered to dismiss or remove a person is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry".

So, that inquiry will not be held at all.

I know in one case there was some suspicion of a certain Government servant that he has joined some opposition party and has gone to Nagpur to attend certain semi-political party. He told the inquiry officer that he went to Nagpur to take his wife and child. The inquiry officer was not convinced. He produced his wife and child before the inquiry officer and told him "this is my child. Then the inquiry officer said jokingly "you must have borrowed the child". That is a very funny thing. He is my friend. He brought his wife from Nagpur and showed her to the Enquiry Officer. He said, "I never went to Nagpur for attending any semi-political party meeting but I had gone there to be with my wife who had gone there for delivery." Therefore, so far as Government servants are concerned, if article 311 of the Constitution is amended, it would be taking away a very fundamental right.

The constitution should not be amended every now and then. It is said:

रुद्धिर्नास्त्राद् वल्ययसः ।

If there are practices and those procedures are going on, if people are following them, amendments should not be made often. The Constitution should be flexible. The Manu Smriti is always changed after a hundred years. It is not changed every now and then. The Constitution may be

flexible and elastic but it must not be so flexible or elastic as to go according to the whims of the ruling party.

My submission is that the Joint Committee should see that this amendment of article 311 of the Constitution is a very mischievous amendment and it should not be allowed to go in. At the same time, there is one amendment about the age of judges. There is one principle in law known as the law of estoppel and acquiescence. When one has said that this is his age and one has entered into service, one is stopped by the principle of estoppel to change it. They should not say that their age as given is not the correct age and that it is such-and-such. So, the Joint Committee should see that this amendment regarding the raising of the age from 60 to 62 is not proper. It should at least be 65 and should be made applicable to all the judges, or it should be as it is, that is, 60 years because new blood should be encouraged to come in and do proper service to the nation.

Dr. P. S. Deshmukh: Mr. Deputy-Speaker, Sir, a large number of hon. Members who have spoken on this Bill have almost uniformly opposed these provisions which occur in clauses 2, 4 and so on. It appears to me that the points of view that have been urged so far as these clauses are concerned are very relevant and sufficiently important, which should be considered by the hon. Law Minister as well as by the Joint Committee. I hope, even before the Joint Committee the hon. Law Minister will represent the view which the House has taken as a whole so far as the extension of the retirement age, the determination of the date of birth of judges etc., are concerned.

I also agree with my hon. friends who have said that the Constitution should not be treated with such slight respect as to be amended in small details every now and then. I specially object to giving these judges this special position and privilege be-

cause this amendment evidently has arisen not as a result of interference of the Home Department in the States in bringing down the judges' ages. There has only been one case of this sort which has been pointed out. As against that, according to our information there have been a large number of cases, raised by the judges for getting their ages corrected. We consider the High Court Judges as people with great talent as well as with great character, but, I think, the character becomes suspicious when after years of their having known what their particular date of birth was they are seeking now to get that changed. I think, this is something which, even if there is justification, the High Court Judges should ordinarily be expected to refrain from. If they cannot be restrained in that way, I do not think we should give them a position which is quite separate and distinct from that of an ordinary citizen of the country. As has been mentioned by a friend of mine, if they have a quarrel with the age as recorded, they must go to the ordinary civil court and get it adjudged just as an ordinary citizen will do. Why should be President be bothered about determining the ages of a half a dozen or more people. I object to this provision of bringing in the President one way or the other, whether he interferes according to his own choice or hands over the cases to a tribunal to determine, why should be President be brought in unnecessarily and botheration created in this dispute which is going to benefit after all, a few individuals. I think, as has been mentioned by Dr. Aney the other day, there should be the law of estoppel working against them. They have allowed this thing to continue for so long and it should not be open to them now to change it. The judges being legal people who know the laws are expected to know the law better than anybody else. They should not be ashamed, if there is really a hard case, to go before the Sub-Judge and get it done. In fact, I would go to the extent of saying even that it should not be open to

[Dr. P. S. Deshmukh]

them. Estoppel should work against them and it should not be open to question the once settled age.

The extension of age is neither here nor there. As pointed out by an hon. Member, why 2 years; why not 3 or five. I am not in favour of extending the age of Judges although there is a clamour that longevity of life has increased. It has increased tremendously from 29 to 47 as was mentioned by the Prime Minister in a broadcast or somewhere. Even so, we have not taken it into account in extending the other ages. I think whenever we give extension, it does affect the younger generation. Even if there is need for extension, let us wait for 5 or 10 more years of freedom before we extend the ages so as not to block the coming in of new blood and better qualified people. There is no doubt that the younger generation is better qualified than the older generation so far as qualifications are concerned.

Thirdly, this provision about some allowance on transfer is also a very objectionable feature. This is also a very special sort of a thing intended for the Judges. If you are not getting better recruits because the salaries are lower, than what a clever lawyer gets, let us raise the salaries. But, this way of tempting them or meeting their grievance or to make them more agreeable transfers by giving them these facilities is also not quite proper. I hope the Joint Committee will come to the same conclusion which has been pointed out by so many Members of the House and reject these amendments which have been proposed.

13.13 hrs.

[MR. SPEAKER *in the Chair*]

So far as clause 14 is concerned, I do not like the way in which the amendment has been worded. They are just trying to put in the words

'including vacations'. I do not like the way the amendment has been put by which "vacation" would also figure in the Constitution. I hope that some better brain in the Ministry or somebody in the Joint Committee will be able to suggest a better amendment.

Shri Harish Chandra Mathur: Mr. Speaker, I would again submit, let the Law Minister tell us this, because there has been a discussion from Member to Member that the request for the age to be revised has been from the Judges. We want to know how many Judges have asked for revision. You were not here. The argument all the time has been that it is not the Judges who want to get their ages revised, but, it is the Government which is now taking up the case *suo motu* and wanting to cut down the age of the Judges. We want to know this so that our discussion is informed. They have also mentioned that they have already taken certain steps to revise the age of certain Judges and they want to give this retrospective effect. If they want to give retrospective effect, let us know what they want to give retrospective effect to. Whether they have taken action *suo motu* or whether it is the Judges who had asked, how many cases have been there, we want to know so that our discussion is informed. Every Member has spoken at cross purposes just dealing with one point. So many other amendments have been lost sight of. The hon. Law Minister said that he would be prepared to explain. Let him first give us this much of factual information at least.

Shri Hari Vishnu Kamath (Hoshangabad): The senior Minister is not here.

Mr. Speaker: The Law Minister might be informed so that he might come.

Shri A. N. Vidyalkar (Hoshiarpur): This Bill is a jumble of many

matters, and many issues have been raised. Still, it is not a comprehensive piece of legislation. I wish that Government had brought forward a comprehensive Bill.

Mr. Speaker: This expression 'jumble' is that of Shri Kamath, and it is spreading like a contagion to other Members also.

Shri A. N. Vidyalkar: There are many issues raised, but I shall touch only three points. The first question is with regard to the raising of the retirement age. This matter has been pending for long, and there are many judges who are nearly completing their original retirement age. I want to know whether this measure would be given retrospective effect at least in the case of who retire before this legislation is finally enacted.

The other matter is regarding the determination of the age. I do not think it would be desirable or proper that the President should be bothered in this matter. My suggestion would be that before the appointment is made and before the judge is appointed. The age should be determined first, and thereafter only the appointment should be made. With regard to those judges who are already working, and whose age is yet to be determined because dispute has been raised, I think the President should not be bothered. The Chief Justice of the Supreme Court—if it is considered desirable, he may be assisted by the two judges—should be entrusted with this work, and final decision must be made by him, and the President should not be bothered. There is also another reason why this suggestion should be accepted, because the President naturally would act under the advice of the Home Ministry, and that finally or ultimately amount to a decision by the Home Ministry, and that would mean interference by the executive in the judiciary. I would like that such interference should be avoided. It may even be well-intentioned interference, but still the im-

pression should be avoided that there has been some kind of interference by the executive in the judiciary. Therefore, I think that the matter should be left to the judiciary, and the Chief Justice of the Supreme Court should decide any dispute regarding age.

I agree with the remarks made by Shri Tyagi that such disputes cast very unfavourable reflection on the integrity of our judiciary, and I do not think that these disputes should at all have been allowed to linger long. I personally think that if a judge submits an affidavit about his age that should have been accepted. I do not know why so much of fuss has been created in this matter and why this matter has been allowed to prolong so much.

The question was raised with regard to reappointment after retirement. I would like the House to bear in mind that in some enactments such as the Industrial Disputes Act, for instance, it is provided that the tribunal appointed under the enactment should consist of only a retired High Court judge. So, while fixing or determining the age, we should keep in mind also the fact that under that enactment, no one after the age of 65 can be appointed to serve on the tribunal. If we fix the retirement age for High Court judges at 62, that means that only for three years a retired High Court judge can serve on the tribunal after retirement. Some hon. Members have suggested that the retirement age should be raised from 62 to 65. If the age is raised to 65, we shall have to introduce certain amendments in the other legislation also. This should also be kept in mind.

Shrimati Sarojini Mahishi (Dharwar North): The Constitution (Fifteenth Amendment) Bill that is before the House now consists of a number of provisions which are not apparently connected with each other. This Bill consists of a number of provisions which ought to have been brought be-

[Shrimati Sarojini Mahishi]

fore the House in the fifth amendment to the Constitution, but for various reasons that could not be done. A few of the amendments which could not be brought forward in that Bill and also a few others which have been necessitated with the passage of time have together been brought forward in the Bill now before the House.

In a federal form of Government, the judiciary occupies a very important place. It is one of the important organs of the State. The judiciary stands as the custodian of the Constitution as also its interpreter. Therefore, it has a very important role to play.

The other day when speaking on this Bill, Shri Tyagi referred to deterioration of the Indian judiciary. I do not know why he is so much attached to the British judiciary and why he has spoken so highly of that. I do not think that the Indian judiciary and the eminent Judges of India are in any way inferior to any of the justices in the world. We have got a very brilliant galaxy of justices even prior to the British regime and subsequent to the British regime. If we look at our ancient history, we have got a galaxy of writers of *smritis* and a number of commentators who have written their commentaries to suit the political, social and economic circumstances of the day, making certain amendments in the original *smritis* also. Therefore, subsequent to independence also, we have a galaxy of eminent Judges in the field. I do not know why so much praise is being given to British Judges because, to say the truth, though the Judges who imported pieces of legislation from Britain to India tried to interpret the personal law, either Hindu law or Mohammedan law, with the help of the Pandits and the Maulvis as to how much justice they could do; the instruction given to them was that they should interpret every piece of legislation with equity, good conscience and justice. With all due respect to

those Judges, we must at the same time say that we had also a very brilliant galaxy of eminent Judges.

Coming to the amendments, the first is regarding the raising of the retirement age of the Judges. The retirement age of a High Court Judge was 60 and that of a Supreme Court Judge 65. I do not know why this distinction should be there. The necessary qualifications for being appointed as a Judge of the High Court or of a Supreme Court are practically the same—experience of ten years as an advocate in one or more High Courts or experience of a judicial office for ten years and appointment as a Supreme Court Judge, five years' experience as a High Court Judge. Therefore, when there is no such distinction for appointment, why should there be a distinction in the case of the retirement age of Judges? I do not know why in the case of High Court Judges it should be raised from 60 to 62 only. What harm would have been there if it was raised to 65? I do not know whether High Court Judges who have retired as Judges of High Court at the age of 62 would stand a chance of becoming Supreme Court Judges. It will be by sheer chance that they would be coming as Supreme Court Judges. I hope the Joint Committee will consider this point again.

The second amendment relates to modification of article 220 of the Constitution. Article 220 as it is in the Constitution puts a restriction on a Judge of a High Court resuming practice after retirement in all the High Courts where he has worked as a High Court Judge. The amendment wants to make a provision that if he has served in the last High Court for at least five years, he can resume practice in all the other High Courts except the last High Court. Suppose a particular Judge works for 4½ years in each of the High Court, even in the last High Court, I do not know if he will be entitled to resume practice in all the High Courts. This will be a sort of temptation especially

to resume practice. Sometimes it may be a temptation if he is taken in any of the executive services subsequent to his retirement. Therefore, my request is that instead of taking him in any other service after retirement or allowing him to resume practice, it will be better if the retirement age itself is extended to 65 and then a bar is put upon resuming practice, so that they should not be tempted to take up practice or a job in any executive or any other department.

Article 226 is also being amended so as to give wider powers to the High Courts. Under Article 226, the High Courts have got the power to issue writs, directions or orders. All these constitutional remedies have been guaranteed under article 32 of the Constitution. The High Courts also have the power to redress the grievances of the citizens in this respect, but there is a restriction that except the Punjab High Court, within whose jurisdiction, the seat of the Central Government lies, no other High Court could issue such a writ against the Central Government or any authority of the Central Government or its representative. Therefore, the cause of action has been taken as the main thing. If the cause of action has arisen within the jurisdiction of a particular High Court, that High Court will be entitled to serve the writ direction or order. The remedies given to the citizens have been widened, and the litigants from distant corners of India need not go to the Punjab High Court to get their grievances redressed, but can apply to their own High Courts within whose jurisdiction the cause of action has arisen.

Article 276 is also being amended, and the local authorities can now collect or levy taxes from any trade, calling or profession up to Rs. 500 instead of Rs. 250 as before. I think this will be a burden for the ordinary person who wishes to enter any trade, calling or profession. It may not be a heavy tax for the bigger concerns, but for

the smaller person who wants to enter a profession or calling or start his own undertaking, it may be a burden. In addition to this, he will have to pay a number of other taxes also. Therefore, I hope the authorities will reconsider this and raise the limit to Rs. 300 only and not to Rs. 500. That will be a good means of collection, but at the same time we must see that in order to encourage the trades, callings and professions, the citizens should be able to exercise his fundamental rights to enter any profession, and it is desirable to see that the ordinary person is not taxed.

This amending Bill is welcome, and I hope the changes I have suggested will be taken into consideration.

Shri S. M. Banerjee (Kanpur): I shall confine myself to the proposed amendments to article 311 of the Constitution.

I support the contention of my hon. friends who have spoken about the other articles of the Constitution, regarding the retirement age of the High Court Judges. I fully support the contention of my hon. friends who suggested that it should be 65 instead of 62, as in the case of the Supreme Court Judges.

I must congratulate the Government on bringing an amendment to Article 226. That will eliminate the many difficulties experienced by the Central Government employees in moving for writs in High Courts when the jurisdiction was given only to the Punjab High Court. I am happy the amendment which was suggested long ago by this House when many Members participated in the debate and suggested that this hardship should be mitigated, has been accepted.

Coming to Article 311, it is surprising, and I want to know from the hon. Law Minister or his Deputy the necessity of amending this article. What is the change? The original article reads:

"No such person as aforesaid shall be dismissed or removed or

[Shri S. M. Banerjee]

reduced in rank until he has been given a reasonable opportunity of showing cause against the action propose to be taken in regard to him."

The proposed amendment reads:

"No such person as aforesaid shall be dismissed or removed except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges."

This was one article under which the Central Government or the State Government, the corporation employees or even the people in general could resort to writs whenever injustice was done to them by the officer or the department in reducing their rank and when they were tired of representing to the higher authorities after getting 'no' from every quarter. They took advantage of this article either in High Courts or in the Supreme Court. According to the classification control and appeal rules which is a sort of a charter of liberty for the Government employees, reduction in grade will be taken as a major punishment. When this reduction in rank is taken out of the purview of the article, it will be regarded as a minor punishment. The stoppage of increment for a year or a censure or a warning is a minor punishment now but if and when the amendment is accepted it will be a sort of a suppression of the Fundamental Rights of the Government employees which is already mortgaged in the Home Ministry. A major punishment like the reduction in rank where a man suffers mentally and financially even to the tune of Rs. 100 will be regarded as a minor punishment. I would like to know why this amendment is being proposed. I will read some passages from Basu's compilation which deals very nicely with article 311

"Reduction in rank means the degradation in rank or status of the officer, directed by way of penalty. It thus involves two elements: (a) a reduction in the physical sense: (b) such degradation or demotion must be by way of penalty. (a) Reduction in rank in the physical sense takes place where the Government servant is reduced to a lower post or to a lower pay scale. Even reduction to a lower stage in the same pay scale (ordered by way of penalty) would involve a reduction in rank, for the officer loses his rank or seniority in the gradation list of his substantive rank. Even the stoppage of future chances of promotion may constitute reduction in rank. . . ."

On the other hand where a Government servant has no title to a particular rank under the contract of his employment or conditions of service, there will ordinarily be no reduction in rank within the meaning of article 311(2).

An officer who holds a permanent post in a substantive capacity cannot be transferred to a lower post without complying with article 311(2)."

Now, what is a reasonable opportunity? I am quoting Mr. Basu's compilation because I am not a lawyer myself and I have to meet the arguments of eminent lawyers, our Law Minister and his Deputy. He shows what 'reasonable opportunity' implies:

"In short this clause requires that the civil servant in question is entitled to have an opportunity to show cause at two stages."

Supposing I am guilty of a particular charge. When I reply to the charge-sheet after going through the charges, I am heard in person or a statement is given by me and that is considered by the Board of Enquiry or the Court

of Enquiry, and after that, when the Board or the Court is satisfied, and when the fact-finding committee submits its report proving my guilt, I am given a show-cause notice and am asked to reply as to why my services should not be terminated or why I should not be downgraded and so on. So, I get two opportunities to defend myself; according to the Constitution, a reasonable opportunity of showing cause is given, but it is now denied. I would request the Law Minister to throw some light on this. What were the specific cases in the mind of the Government, which warranted them to bring an amendment to article 311 which is the only safety for the Government employee today

I have been a victim myself and in 1956 I was dismissed from service by the then hon. Minister, but thanks to democracy, he never became a minister again, and I became a Member of Parliament; so both the capacities were equalled. A defence employee is given protection under article 226, there is power given to the high courts to issue certain writs. A rule was issued in my case but thanks to my having been elected—I was elected immediately thereafter—naturally my lawyer said to the high court judge that "my client is now a Member of Parliament", and the case was then withdrawn.

So, I beg to submit that many Government employees today would suffer at this time of emergency if such an amendment is made. When the Central Government employees' meeting was convened by the hon. Home Minister on the 9th, all the Central Government employees' organisations including the railwaymen, defence and posts and telegraphs pledged their unconditional support to the Government and assured the Home Minister and requested him to give assurances to the Prime Minister on their behalf, that they will not do anything which may hamper production or the smooth running of the administration and that they will not strike. Even

after that, such an amendment is being proposed by the Law Minister. I do not know the implications of it. I would submit that in the larger interests and welfare of the Central Government employees, who are the pillars of our parliamentary democracy today, it would be much better that this amendment is withdrawn. Otherwise, let the Minister quote the instances where he is satisfied that the existing provision is defective. I am sure that this amendment is superfluous; it will give a sharp instrument in the hands of those officers who want to punish the Central Government employees under one pretext or the other, and these servants will have no chance to go to the high courts or the Supreme Court

With these words, I once again re-question the hon. Minister to consider this matter objectively. The Heavens are not going to fall if reduction is retained as a major punishment. It is a major punishment today. The moment this Bill is passed, then the definition of major punishment will not include reduction in rank which, according to me, is a severe punishment—financially, mentally and so on—which the poor Government servant has to bear. I request the Minister to withdraw this amendment

Mr. Speaker: Shri Mathur put a question to the hon. Minister. It must have been conveyed to the Minister, I suppose.

Shri Harish Chandra Mathur: After the Minister left, I put the question whether it is possible to have complete information about the cases in respect of which he wanted to give retrospective effect. We want to have complete information.

Shri A. K. Sen: If the names are wanted, I can say that some of them are retired high court judges. We shall give the information. I thought that it would be better to mention that so many cases were there in respect of such and such a thing. I think

[Shri A. K. Sen]

it is rather odious to mention names. There are many

Shri Harish Chandra Mathur: Please mention the nature of the case.

Shri A. K. Sen: If the number is wanted, I shall inform the House.

Shri Harish Chandra Mathur: I am not keen about getting the names. Please tell us, before I speak, the nature of the case. It would be much better to know that in so many cases we have taken the step.

Shri A. K. Sen: Is it your desire, Sir, that I could do so now?

Mr. Speaker: I rather desired that since Shri Mathur had many points to make, he could perhaps be included in the Joint Committee. I would prefer it.

Shri Harish Chandra Mathur: That is not the answer, Sir.

Mr. Speaker: It is not his suggestion; I am making it because I have no time now.

Shri A. K. Sen: After I have spoken, Shri Mathur's questions might perhaps have been cleared, because I have noted his questions.

Shri Harish Chandra Mathur: I have not spoken at all.

Shri A. K. Sen: The hon. Member asked me certain questions.

Shri Harish Chandra Mathur: Yes; I put them on a particular point which was raised. I hope I will get an opportunity to speak.

Mr. Speaker: That is my difficulty. I have to call the hon. Minister now. The hon. Member had said that discussion would not really be complete if that information was not complete. And there is no time which I can now encroach upon! There is no time left. That is my difficulty.

Mr. Speaker: If he can just abridge these remarks within 10 minutes . . .

Shri Harish Chandra Mathur: You will appreciate that we are amending the Constitution. We are touching the judiciary on so many points. We are changing the fabric of the executive.

Mr. Speaker: But we are sending it to the Joint Committee where it is to be considered and again it is to come up here. That was why the House thought that so much time would be enough. Otherwise, they must have given it longer time if we are to dispose it of now itself.

Shri Harish Chandra Mathur: Even if it goes to the Joint Committee, certain fundamental questions are involved which must be ventilated on the floor of the House for public opinion, for enlightenment of Members and for discussion in the Joint Committee. It is not the Joint Committee and a few Members alone who are interested; the entire country is interested.

Mr. Speaker: Can he suggest anything to me now?

Shri Harish Chandra Mathur: We cannot take the amendment of the Constitution lightly. We may extend the time. I am at your disposal, Sir. I feel my conscience pricking; I never gave my name yesterday when we were discussing the Chinese ceasefire proposal, because I knew that the points which I would be making would be made by many other Members and so it was not necessary for me to speak. But I feel very strongly on this . . .

Mr. Speaker: That is why I advised the Minister that he might include Mr. Mathur in the Joint Committee, because he has so many ideas which he wants to put before the Committee.

Shri A. K. Sen: That means we have to remove one Member . . .

Mr. Speaker: The whip may take note whether they can substitute any Member by Mr. Mathur.

Shri Rane (Buldana): We could have done it easily. But now it has

been laid down that the names should be announced clearly at the time of making the motion.

Mr. Speaker: We can adopt a motion here to that effect.

Shri Harish Chandra Mathur: It is very embarrassing for me and it would be embarrassing for any other Member in future also if one who wants to participate in the discussion is to be put on the Select Committee. I deeply appreciate your kindness and your understanding....

Mr. Speaker: I have been misunderstood really. I think I have this right to suggest to the Law Minister—not about Mr. Mathur; he is involved at this moment—that he might include any other Member in the Joint Committee, if I feel that that would serve the purpose of legislation. That is a different thing altogether. If he thinks that I am putting him in an embarrassing position, I would not do it then. I have to call the Minister now if I have to get through the business.

Shri Harish Chandra Mathur: Why not we sit longer today?

Mr. Speaker: There is already business for 8 hours.

Shri Harish Chandra Mathur: I feel very strongly about it and I wish to lodge a protest. If in matters where the Constitution is being amended we do not get an opportunity to speak, I do not know whether this august House will have that respect which it ought to have.

Shri D. C. Sharma (Gurdaspur): I think it should not be hustled like that.

Shri Harish Chandra Mathur: I feel a revolt within myself.

Mr. Speaker: How can I help it, if the House has taken a decision?

Shri Harish Chandra Mathur: I am giving expression to what I feel.

Mr. Speaker: Yes; he is doing that and I am listening to it. When the
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House has taken a decision, I am bound by it. When the House took that decision, at that time they did not raise a voice; they did not object to that allocation of time. They bind my hands and then when it comes to regulating the time, they throw the whole burden upon me. That is my difficulty. It was put to the House and the House approved of that allocation. What should I do now? If any Member can suggest any way out, I am prepared to do it. I have no objection. I do not want to hustle or muzzle...

Shri S. M. Banerjee: Why not sit for an hour more, Sir?

Shri H. P. Chatterjee (Nabadwip): Let his name be included in the Joint Committee, as you suggested.

Mr. Speaker: He says it would put him in an embarrassing position.

Shri P. Venkatasubbaiah (Adoni): Why not extend the time?

Mr. Speaker: Up to what extent? Business for eight hours has already been put down on the Order Paper. If the hon. Members are prepared to sit up to ten o'clock, I have no objection.

Shrimati Renuka Ray (Malda): The debate on the question of prices is very important.

Mr. Speaker: Are the Members prepared to sit up to ten o'clock.

Several Hon. Members: No.

Shri D. C. Sharma: How is it, Sir, you say that business for 8 hours has been put down? You are raising the time in the case of other things, whereas you do not raise the time limit in this case.

Mr. Speaker: That is because there is some room left, some discretion left to me, which I can encroach upon. In this case it was announced on Friday. When the whole business allocation has been taken account of, I shall be left with no authority or discretion

[Mr. Speaker]

to extend the time. It was also made clear, if the hon. Members will consult the debates, in the House. That is my difficulty. Otherwise, I do not have any objection to extend the time.

Shri D. C. Sharma: You can encroach upon some other time for the sake of this.

Shri A. K. Sen: Sir, you have allowed me half-an-hour. Out of that, ten minutes may be given to Shri Mathur to make his points.

Mr. Speaker: He says he wants half-an-hour. I had said that if he could condense his remarks within ten minutes, certainly I will give him that time.

Shrimati Yashoda Reddy (Kurnool): If Shri Indrajit Gupta does not need all the time that is allotted for his motion, we can have some more time for this Bill.

Shri C. K. Bhattacharyya: It is not proper to make such a request.

Shrimati Renuka Ray: The motion on the question of prices is very important in the present emergency.

Mr. Speaker: That we are taking up. Now, Shri Mathur may have ten minutes.

Shri Harish Chandra Mathur: Mr. Speaker, Sir, I am grateful to you for this opportunity though I feel really embarrassed in the circumstances in which I am speaking.

This constitution (Fifteenth Amendment) Bill, you will appreciate, brings about various amendments which touch upon both the judicial administration as well as the executive, and what disturbs me most is that this Bill, as certain things in the past, has given an indication that we are all the time proceeding in a direction which means concentration of power in the hands of the executive. This Bill, especially,

underlines that particular attitude of the Government.

Let us see what is happening all the world over. As a matter of fact, even in the old democracies like the United Kingdom, even in New Zealand, they are quite worried to see how the abuses and malpractices of the executive are to be checked by certain important measures to be brought about. Only recently, in New Zealand they have brought out a Bill for the appointment of a Parliamentary Commissioner for investigations, which is a very strong and sound check on the executive actions, and to protect the rights of the citizen. I first want to emphasise this very important factor, this fundamental principle, which must not be forgotten if democracy is to function in a proper manner. If democracy is to command the respect of the masses. The central and focal point has got to be the citizen, neither the politician, nor the Government, nor the administration, and we have got to see whether the citizen gets proper justice or not. All our actions will have to be judged from that view point.

I mention this particularly because now, again—take amendment to article 311—you are going to make an amendment regarding the government servants. I can quite appreciate that we want to cut out delays and procedural difficulties. That can be done. But if you just examine all the various cases where trouble has arisen because of procedural difficulties under article 311, you will find that it was simply because of the incompetence of the authority making the departmental enquiry, because they made a mistake here or a mistake there. Only the other day I read of a certain case in which a sub-inspector was reinstated after five years. What is the reason? The reason is mere incompetence of the executive authority who was making the investigation. Are we here sitting to amend the Constitution or to make legislation to give a cover to the incompetence of the higher authorities

and to permit them an easy-go at anybody?

I understand from the Home Minister's statement here that he wants to amend article 311 so that he may be able to punish corruption. I do not know how the punishment of corruption will come with the amendment of article 311. We have given them so much power in the anti-corruption measures and the anti-corruption Acts passed one after another, but we have not seen very much result coming out of it. When we amend article 311 and cut out the rights of the Government servants to have a reasonable opportunity to be judged by a certain independent authority, I wish, at the same time, simultaneously, we must think of certain machinery to be provided by which the executive actions of those in authority will be reviewed and considered. There must be some built-in arrangement which will give confidence to the services. While all the procedural delays have got to be eliminated and cut out so that quicker dispensation of justice is obtained and they will not be able to come in the way because of legal wranglings and wranglings, at the same time, we must create confidence in the minds of the Government servants that they will be enabled to maintain their independence and that they will get justice at the hands of the Government.

Even as it is, the position is that the services stand very much demoralised and there is so much of political pressure on them. What is the machinery which will guard against that? I am not here going to quote any facts but I can say this much that there are cases the parallel of which will not be found in the history of maladministration. Therefore, if for sound and valid reasons, it is necessary to amend article 311, simultaneously, we must make certain provisions which will make their working smooth. You may even have an advisory body which will review the work and tell the executive authority, the independent executive body, whether action taken is proper or not. There should be certain high-

powered independent body which will be able to do so. It is very necessary. The administrative machinery is very delicate and if you once shake the fabric of it and if you bring demoralisation into it, if you kill the initiative in the administrative machinery. I am afraid, we will have to be sorry for it.

Then I will pass on to the judiciary. When I speak of the judiciary, I do not want to grudge the better terms and conditions of service that you give to the judges. I will not mind them. You can raise the superannuation age to 62 or 65, whatever is considered reasonable. But judiciary exists for a particular purpose. People and Parliament are interested neither in judges nor in anybody else. We are interested in the quick and speedy dispensation of justice. We would have welcomed it if the hon. Minister, who had paid visits to the East European countries had told us how quick the dispensation of justice in those countries is. If he had brought a Bill for speedy dispensation of justice and in that context he brings in some amendments for the betterment of the conditions of judges, that will go down our throat more easily and we will have some sympathy both for the Government and the judges. But if the emoluments of judges are to be raised, if the pensions of judges are to be increased, if their superannuation age is to be raised and, in spite of all that, if a citizen can get justice only after ten years and if it again takes 4 or 5 years for the paper book to be prepared then we have absolutely no sympathy either for the proposals of the Government or for the judges. When the judges meet here in the annual conference, instead of discussing how their superannuation age should be raised or how their pension or conditions of service should be improved, they should better consider how to have a better standard of judiciary, how to command better respect from the citizens for the judiciary and how to bring in quicker dispensation of justice.

I do not know the rationale behind raising the age to 62 and not to 65. If

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a sessions judge is promoted to the High Court at the age of 54, he can continue in the High Court until he is 62; otherwise, he becomes unfit at the age of 55. I do not know how these two can be reconciled. Then again, we have got to understand the implications of the revision of the age to 62. I do not know whether previously there had been judges who used to sit for 10, 15 or 20 years continuously on the Bench. Now I find from the order of appointment of judges of the Home Ministry that judges to High Court are appointed at the age of, you will be surprised to know, 37, 40, 42 and 45. There are a large number of judges of this age group. They will continue in the High Court for 20 or 25 years, they will get stale. Even in the executive side, in the services, we do not want to keep a departmental head in the superannuation scale for more than 5 or 7 years. When he reaches the top rung of the ladder, he cannot continue there for more than 5 or 7 years. Here, on the other hand, we have got judges who will sit in the Bench for 20 years, because they are appointed as judges at the age of 37 or 40. Therefore, we have to look into the implications of this, and then revise it or do something about it.

Then, it must be clearly understood that judges are also human beings. They also develop prejudices and predilections, consciously, sub-consciously or unconsciously. If they are to remain at a particular place for 15, 20 or 25 years, just consider the effect of it. Therefore, I feel that it is absolutely necessary that no person should be permitted to remain at a particular place for more than 5 or 7 years. He should be transferred after a period of service of 5 or 7 years. Further, the transfer should not be left to the discretion of the judges. They should not be tempted by an allowance of Rs. 400 or Rs. 500. Transfers must be mandatory. They cannot just stay there at one place for more than 5 or 7 years. Then only we can inculcate in them a feeling of absolute independence.

I will finish in two minutes, as I do not want to take undue advantage of your generosity.

Then I come to the alternation of age of judges. I do not want to pass any comments on this subject in ignorance, but we must have a sound and healthy practice that the age accepted at the time of entry is the final age which will never be altered. How will a need arise for altering the age of a judge? Whatever age is accepted after careful consideration at the time of entry, that must remain the age of the High Court judge. It should not be altered under any circumstances. The fundamental principle is that during the tenure of office of a judge we should do nothing to alter the terms and conditions of service which will be adverse to him. Similarly, we should also do nothing which will mean a favour or even a semblance of a favour in the minds of other people. It is a very important thing. We should not have this clause in this Bill. We should categorically say that whatever age was mentioned at the time of their entry will continue to be their age and it cannot be altered under any circumstances.

14 hrs.

Just one last word about standards. I will not go into the standard of the judiciary, how it has fallen and why it has fallen. But one thing which has been mentioned here in the clause, which is pregnant and which further emphasises and reinforces my argument for transfers is that it is not only that judges are being appointed in an irregular way and that judges have been given or are given re-employment that affects their independence but also when judges are in their own home States they have got there so many of their relations, sons-in-law and brothers. After all, judges are also human beings. Their relations are in the service of that particular State Government and the executive influence is always there. I know, a number of things are happening. Therefore the

question of transfer of judges from their home States is very important and, more particularly, the Chief Justice should never be from a State in which he is stationed.

I am grateful to you for giving me this opportunity. I will further care to appear before the Joint Committee rather than being a member of the Joint Committee and have my further say there.

Shri D. C. Sharma: Mr. Speaker, Sir, I think that this Bill has been drafted in a spirit of unfairness and that unfairness runs through most of its clauses. The first thing to which I want to draw the attention of the House is amendment of article 220 of the Constitution. It is a good clause; but do you know, Sir, that I had a Private Members' Bill pending on this very subject in this House? It was partly heard and it was not fully completed. The hon. Law Minister has the goodness to incorporate my Private Members' Bill on this subject into the Constitution (Fifteenth Amendment) Bill without making the slightest possible reference to what I had done. He has not taken any notice of this. Therefore, I wish, you could understand how unfair sometimes these hon. Ministers can be to those persons who describe themselves as Private Members. Here is a private Member who puts forward this amendment of the Constitution and is, of course, not able to see it through for certain reasons. Now the hon. Law Minister comes forth with the Constitution (Amendment) Bill and brings that very amendment forward without referring to the person who suggested it or the person who brought it forward.

An Hon. Member: Very unfair.

Shri D. C. Sharma: I draw your attention to other cases. I think the hon. Law Minister is determined to make free India a veritable paradise for High Court Judges. He wants that High Court Judges should be at the top of the tree and every other member of any other service, judiciary, executive, police or any other service,

should be like a person who does not enjoy the same kind of status as the judge. I see that so many favours are being shown to the judges. Their age-limit is being increased. Why do you not increase the age-limit of magistrates, police officers and all other persons? Why do you do this thing in a vacuum? You should relate the raising of the age-limit of the High Court judges to the raising of the age-limit of all the persons all along the line. But you do not do that. You think that a High Court judge must have his world and heaven too. Therefore you think that their age-limit should be raised. I do not see any reason why this should be done.

14.03 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Again, the High Court judges should retire at 62 years but the Supreme Court judges should retire at 65 years. What is the logic behind it? What is the rationale behind it? What is the justification behind it? You place one judge in one category and another judge in another category. I think, the retirement age of the judges should not be revised upwards till the age of retirement of all the other members of all the services in India are revised upwards. I think that this should surely be a case of unfairness to all other services in this country.

The second point that I want to make is about the transfer of judges. I think, every member of the executive branch of our services is transferred after every three years. That is the normal time. He has his household effects; he has his books; he has his children. He has everything. He does not get any compensatory allowance. But the judges must have compensatory allowance also. I do not know what advantages are going to accrue to these judges. I think, this is certainly what is unthought of.

Again, I would say that we have High Court judges and Supreme Court judges. Now we are going to have

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ad hoc judges. I think, this thing must be existing somewhere in some country of the world, but I have not heard about it. You have *ad hoc* committees and all these things, but we are now going to have *ad hoc* judges also. I think, to become a judge once means that he will also die as a judge and there will be no room for you for having anything else. I think, the appointment of these *ad hoc* judges is barring the way of promotions for those young men who want to go up and show their talent and who are equally qualified to become judges. Such appointments should be absolutely done away with. If you want more judges, have permanent judges, but in no case should you have these *ad hoc* judges.

One point more and I have done.

Mr. Deputy-Speaker: He should close now

Shri D. C. Sharma: I have been waiting all these days. I have to say so much on the Bill. I was submitting very respectfully that we have to respect the executive but we have also to respect our employees to whatever category they may belong. It will be a sad day for India if India takes away some of those privileges which are already given to employees. I ask myself. Which way are we moving? We should move more and more in the direction of democracy; but we are moving more and more in the direction of autocracy. For instance, if a man is dismissed on a criminal charge, I think, he has no case; but if a man is demoted and is given a job which is lower than the job he was holding. I do not know why you do not give him any chance. I think, democracy is the science and art of distribution of chances of equality all along the line and if you do not do that, if you take away this chance from those employees, you are doing the greatest kind of injustice to them. I therefore, think that that clause should be looked into and should be taken away.

Then, municipalities have been given the right to levy the profes-

sional tax upto Rs. 500/-. Already people are groaning under these professional taxes in so many parts of the country. I think, the quantum of this tax should not be raised to Rs. 500/-. After all, has our income gone up? Has it doubled? Has the national income doubled? Has the per capita income doubled? After all, taxes should have some relation to the income that we have. If the per capita income has doubled then I think . . .

Mr. Deputy-Speaker: He should close now.

Shri D. C. Sharma: I am closing with a very sad heart.

If the per capita income has doubled then I think you can also double this tax. But the per capita income has not doubled.

Shri Bade: What about cinema tax?

Shri D. C. Sharma: Taking in view the prices and all those things, I think that this should not be at the figure of Rs. 500/-. If you want to raise it, it should be raised notionally and not in a substantial manner as has been done now.

Shri A. K. Sen: Mr. Deputy-Speaker. Sir, I am very sorry that Shri Sharma had closed with a sad heart.

Shri D. C. Sharma: I think, you will make me sadder still.

Shri A. K. Sen: I have never known him growing sad at all.

Shri D. C. Sharma: I always grow sad when I see this.

Shri A. K. Sen: That makes me sad. Anyway, I want to give a few instances about which there had been a demand from certain hon. Members of this House. Without mentioning names, except the name which has been referred to and whose judgment was read out by Shri Tridib Kumar Chaudhuri and then referred to by others, I shall refer to them.

Three cases which have already been disposed of are the following: One from the Punjab High Court. There is a discrepancy between the age given by him at the time of his appointment and the age as appears from his school and college records and Matriculation certificate and the age given by him at the time of his enrolment as an advocate. Because of this discrepancy, when the matter was enquired into, the advice of the Chief Justice of India was taken and on the materials which were furnished the Chief Justice of India advised that the age as appears from his school and college records and his Matriculation certificate and the age given by him at the time of his being enrolled as an advocate should be accepted in preference to the age he gave at the time of his appointment as a Judge.

Shri Harish Chandra Mathur: No credit to the Judge.

Shri A. K. Sen: No credit to the Judge at all.

Shri Harish Chandra Mathur: It was revised to his advantage? By how many years? That is what we want to know.

Shri A. K. Sen: By nearly 3 years. In each case, the Government had placed all the evidence before the Chief Justice of India before arriving at a decision.

Next, the case of a Judge of the Allahabad High Court. The learned Judge gave an age which was the same as the Matriculation certificate showed. But, when the time for retirement came, he produced certain writings supposed to have been his father's at the time of his birth, according to which he should retire later. This also was placed before the Chief Justice of India. The Chief Justice of India thought that the latter evidence was not convincing and, therefore, the age which he originally gave, which was supported by his Matriculation certificate should be adhered to. This was at the instance of the Judge himself.

There is another case from Patna where a complaint was by a litigant. Because, I would like to remind the House that this age being a constitutional prescription, it does not matter whether the Government condones it or not, if the age, in fact, is over 60 at the time he delivers the judgment, it will be completely without jurisdiction, because he will cease to be a Judge as soon as he reaches the age of 60. Therefore, for the benefit of the public at large, it is absolutely necessary that there should be no dispute about the age of a Judge, when he attains the age of superannuation. It is not merely a question of the Government allowing him. It is a case where the Constitution makes his office completely null and void at the time he is 60.

Shri Harish Chandra Mathur: The point is, why should it not be decided at the time of appointment.

Shri A. K. Sen: If all the evidence is not disclosed, what can be done?

Shri Harish Chandra Mathur: Why should he not do so?

Shri A. K. Sen: Unfortunately, it has happened. In the case in which judicial strictures appeared and the judgment was quoted by Shri Chaudhuri, the learned Judge refused to furnish any evidence.

Shrimati Yashoda Reddy: Don't you ask them to furnish a certificate for date of birth?

Shri A. K. Sen: Now, it is being asked. It is most unfortunate. . . .

Shri Harish Chandra Mathur: No appointment should be made. . . .

Shri A. K. Sen: Now, after all these cases; in the olden cases, until 1958. . . .

Shri A. N. Vidyalkar: Do you mean to say that even if the age is determined before appointment, it can be challenged in the law courts?

Shri A. K. Sen: Of course. That is what the Punjab High Court has

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said. Suppose we determine wrongly and then a conclusive evidence is brought forward? For instance, in one case, the Government upheld the contention of the Judge because he produced a birth certificate which was at variance with the age appearing in the Matriculation certificate. That was conclusive. If it is a Municipal register, that is a different matter.

Shri D. C. Sharma: Names of persons are not given there.

Shri A. K. Sen: Eldest son, second son—you can identify.

An Hon. Member: Sometimes even names appear.

Shri D. C. Sharma: I know people have changed their ages by reference to the Municipal certificates. The second son has been given the age of another.

Shri A. K. Sen: That carries us nowhere. That is why all the evidence is placed before the Chief Justice who is certainly a competent authority to decide. You cannot have a better authority than the Chief Justice of India.

This case of Patna High Court was one in which a litigant brought it to the notice of the Government. It was found that the age given by the learned Judge was 2 years less than the age recorded in the Matriculation certificate. The Chief Justice, on going through the evidence, advised the Government that the age as recorded in the Matriculation certificate should be accepted, because there was hardly any evidence to support the other case. In all cases, the Judges accepted the decision of the Government based on the advice of the Chief Justice.

There is one unfortunate case where a learned Judge of the Calcutta High Court, the judgment in whose case was read out by Mr. Chaudhuri, refused to abide by the decision of the Government though,

according to an affidavit, he took a letter from the Chief Justice on the assurance that he would abide by his advice. There is one affidavit. He told the Chief Justice, I do not mind, I shall accept your advice, but people may think that I had made a false declaration, so if you give me a letter that I may not be disbelieved, then, I shall do nothing else. It is an affidavit. The Chief Justice, on that assurance, gave him a letter saying that there was no question of disbelieving your statement, as a matter of policy the Government accepts the Matriculation Certificate as the correct evidence in the absence of other evidence, therefore on that basis your age was accepted as recorded by the Matriculation certificate and your Civil service examination declaration. After having taken that letter, he annexes that letter and tries to make out a case before the High Court that the Government had acted arbitrarily in the matter. The Punjab High Court had negated the contention and it passed very severe strictures which really do not credit to a Judge or an ex-Judge, and said that there was nothing arbitrarily done by the Government or the Chief Justice and that this Judge refused to furnish any evidence whatsoever. Though for two years he was asked to furnish whatever evidence he had to rebut the age as declared by him at the time of his Matriculation Examination or at the time of his Civil service examination in London, he said, he would do nothing. On that, the Chief Justice advised the Government that the age as recorded by his Matriculation certificate should be accepted. After that, he came to the court. I intend to read the other portions of the judgment. Because Mr. Chaudhuri forgot to read the other parts of the judgment, it will be my duty to read the other parts.

Then, there was another case of a Rajasthan Judge. There, too, on the advice of the Chief Justice, the Government arrived at a decision to the

effect that the learned Judge should accept the age as recorded by his Matriculation Certificate. There, too, the difference was about 1 year.

Shri Harish Chandra Mathur: To his advantage?

Shri A. K. Sen: To the advantage of the Judge.

Shrimati Yashoda Reddi: Otherwise, he would not have raised it. He would have kept quiet.

Shri A. K. Sen: There are five cases pending. These five cases have been brought to the notice of the Government by the colleagues of the Judges. The Judges have brought to the notice of the Government about the age of the other Judges. They are under enquiry. We do not intend to mention them.

Shri D. C. Sharma: Sometimes, they are brought to the notice of the Government by the class fellows of the Judges.

Shri A. K. Sen: Yes. Some of them say, we matriculated in the same year, how is it that this age is so much and that is so much. This is most unsavoury. I must say to the eternal credit of most of the Judges that they accepted it as soon as the decision of the Government was communicated and each decision had stated that the decision had been arrived at on the advice of the Chief Justice of India. In no case did the Government arrive at a decision without the advice or contrary to the advice of the Chief Justice of India. In each case, all the available evidence was placed before the Chief Justice of India for the time being, and whatever the advice of the Chief Justice of India has been has been accepted by Government.

Shri Tridib Kumar Chaudhuri (Berhampur): Would Government be agreeable to incorporate an amendment to that effect in the Bill?

Shri A. K. Sen: To the effect that the Chief Justice shall be consulted? If we have been doing it without an

amendment, why should everything be written in the Constitution? I do not see why that is necessary. In not one case did the Constitution make it obligatory, but in each case Government have consulted the Chief Justice.

Even with regard to transfers, I can say that no transfer is done excepting on the advice of the Chief Justice of the High Court concerned or of the Chief Justice of India.

Now, it is a matter of principle with us that the judiciary should not be dealt with except on the advice of the Chief Justices concerned, and we have never done it. As is known to hon. Members, for instance, the President appoints the judges of the Supreme Court; it is not stated, that it should be on the advice of the Chief Justice of India, or that the advice of the Chief Justice of India would have to be taken, but in each case what happens is that the Chief Justice sends the name, and then the appointment is made. The same thing happens with regard to judges of the High Court; the Chief Justice sends the names, and then they are appointed, unless there is a disagreement between the Chief Justice of India and the Chief Justice of the local High Court.

It is, therefore, necessary to remember that Government have never dealt with a case except by referring it, in the first instance, with all the evidence available, to the Chief Justice of India, and it is only on his advice that we have acted, and the Chief Justice in every case had taken good care to ascertain through the Chief Justice of the High Court what the views are or what the learned judge has to say with regard to all the materials placed against him.

Dr. M. S. Aney (Nagpur): May I ask one question? When Government submit the papers to the Chief Justice, do they make any recommendation of their views also?

Shri A. K. Sen: No. while sending the papers to the Chief Justice of the local High Court?

Dr. M. S. Aney: Who submits the papers to the Chief Justice for investigation?

Shri A. K. Sen: Government.

Dr. M. S. Aney: Do Government make their own recommendations also while sending the papers?

Shri A. K. Sen: Of course, not. Government's recommendation is made only after consulting the Chief Justice of India.

Dr. M. S. Aney: That is what they do as a result of the decision. Before the decision is arrived at, while sending the papers, do they write anything about their own views?

Shri A. K. Sen: Of course, not. It is not sending a note to the Chief Justice, but the evidence is sent, and the Chief Justice is asked to advise us.

Mr. Deputy-Speaker: I think that if the Law Minister addresses the Chair there will be less of interruptions.

Shri A. K. Sen: This is the position. Therefore, there should be no apprehension in the mind of anyone here or outside that any decision of Government has been arrived at without due enquiry or without obtaining the advice of the highest judicial authority in the country.

With regard to the particular case, to which reference was made, namely the case of the judge of the Calcutta High Court, Mr. Justice J. P. Mitter, I would like to read this from the judgment of the Punjab High Court. It says:

"The main argument of the petitioner was that the question of his age cannot be reopened at all, and once the statement of a Judge with regard to his age is accepted at the time of his original appointment, the matter becomes final and conclusive. I am unable to accept this argument. The Constitution lays down that a Judge must retire when he attains

the age of 60 years. Supposing owing to some misapprehension or deliberate misrepresentation a Judge gives a wrong age professing to be younger than he, in fact, is...."

—in fact, that happen to be the position in all the cases—

".... and his statement is accepted, because at that time there is no necessity for holding an enquiry...."

—because when a judge gives it, people accept it straightway and do not go to make an enquiry . . .

Shri Harish Chandra Mathur: Now, you are wiser.

Shri A. K. Sen: Now, the certificate of the university is called for. The judgment continues to say:

or, the Government erroneously believes that his statement is correct, then it must follow that although the Judge has, in fact, on a certain date reached the age of 60, he can go on working as a Judge in violation of the Constitution. If a Judge is, in fact, more than 60 years of age, then the orders passed by him are null and void. Therefore, the question is not of what age has been given by the Judge or what age has been erroneously or through a misapprehension accepted, but what is his actual age."

As I said, it is not for us to accept an erroneous age. If, in fact, he is 60, he must retire.

"This, as I have already observed, must be determined not according to any preconceived policy or any pre-determined standards but in the ordinary way and according to the rules of evidence. When the age is determined in this manner, then the Judge is obliged to retire on attaining the age of 60. The reopening of the question of age is certainly not an incursion into the rights of the

judiciary, nor is it calculated to endanger its independence...."

I address this remark particularly to my hon. friend Shri Tridib Kumar Chaudhuri because he thought that this was an incursion into the independence of the judiciary. The Chief Justice of the Punjab High Court says:

".... nor is it calculated to endanger its independence, provided, of course, the enquiry is made according to law and according to the rules of evidence. Even a private individual can, on coming to know that a certain Judge has exceeded the age of superannuation, question the legality of the orders passed by him...."

—as happened, for instance, in the Patna case.

"In order to do this, he can produce evidence of the Judge's age. This evidence will have to be examined according to law. If it is found that the Judge has, in fact, exceeded the age of 60, then any orders passed by him will be held to be illegal and of no effect. If by a private individual can provoke an enquiry into a Judge's age, the Home Ministry can undoubtedly do so. I should not be taken to mean that there is any special right conferred on any member of the Ministry...."

—that is, on any particular Minister—

".... to institute an enquiry into a Judge's age. Such an enquiry can be started by anyone, but because the administration of justice in so far as it relates to High Courts, is part of the business transacted by the Ministry of Home Affairs, such an enquiry would well come within the scope of the Ministry's business. The petitioner was finally forced to admit that an objective enquiry into a Judge's correct age could be made at all times and that no right-thinking person could have

any objection to his correct age being determined even though there had been no demur to the age given by him on a previous occasion. The main objection of the petitioner is not to the factum of the enquiry but to the manner in which it was conducted. His contention is that the enquiry was made entirely behind his back and he was not given an opportunity of rebutting the material upon which the Home Minister based his final decision. Now, this argument does not seem to have much force when we come to examine it. I have already referred to a letter which the Chief Justice of Calcutta High Court wrote to the petitioner on receiving a copy of the Home Minister's letter. In this letter the Chief Justice asked the petitioner to give him a full statement on all points involved, and also to send him any material which he may consider relevant for the correct ascertainment of his date of birth. Thus, as early as the 17th of April, 1956, the petitioner was provided with an opportunity to represent his case. He was told on that occasion that the evidence against him consisted of the entries in the Bihar and Orissa Gazette. Shortly afterwards he was informed of the second piece of evidence upon which the Home Ministry was proposing to act, namely, the records of the Civil Service Commission in London. For more than two years the matter remained under consideration and several letters were exchanged between the petitioner on the one hand and the Chief Justice of Calcutta, the Chief Justice of India and the Home Secretary on the other. The petitioner on no occasion produced any material which would go to rebut the evidence of the gazette or the report of the Civil Service Commission. Along with the petition he has filed two documents, one of which purports to be his horos-

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cope and the other an entry made by a relative in an almanac. These two documents were never mentioned by him in his correspondence and they certainly were not produced before anyone. If a reference was made by the petitioner in his oral conversation with anyone, no record of such conversation was kept, and it seems to me that this evidence has been produced now for the first time. The petitioner's attitude throughout has been that the matter cannot be reopened at all, because the age which he had given in 1949 just before his appointment as Judge was accepted, and this acceptance cannot now be questioned, and since he took up this position throughout, he did not consider it necessary to produce or even to refer to any evidence which had been in his possession when such evidence might have disproved the correctness of the matriculation age.

"In the circumstances, the determination of his age had perforce to be made upon the material which was available with the Home Ministry, and this consisted of two previous statements made by or on behalf of the petitioner. The petitioner has now sought to explain away these previous admissions or statements in a somewhat naive manner. He does not admit that it was he who gave his age at the time of matriculation. He also says that it was not he who mentioned his age at the time he sat the Indian Civil Service Examination. The age was mentioned in a certificate sent to him from India by some relative—"

whose name he does not mention,—

"The petitioner did not choose to disclose even the name of the relative."

I do not think a harder castigation of any Judge is found anywhere else.

Shri Harish Chandra Mathur: Please do not read it further.

Shri A. K. Sen: It is necessary because this is quoted. There were some inspired sources. I am sure, Shri Tridib Kumar Chaudhuri did not know all the facts; if he did, I am sure he would not have championed this case.

Shri Tridib Kumar Chaudhuri: I would request that the words 'inspired sources' should be removed from the records.

Shri A. K. Sen: Not you. I made it clear that if you had known facts, this would not have been done. I mean by 'inspired sources' people outside this House.

Shri Tridib Kumar Chaudhuri: My whole point, if he would bear with me for a minute, was...

Shri A. K. Sen: I said that if he knew the facts, he would not have done it. I am certain he would not take up a question unless he was convinced about the question. It will never be my suggestion, so far as a respected man like him is concerned, that he was inspired.

He says further :

"It is impossible to believe that the petitioner was ignorant of these facts or that he allowed a false statement of age to be given without being a party to it. At the time he sat the Indian Civil Service Examination in London, he was, according to himself, 21 years of age and according to the age he then stated was 21. In either case, he must be fully conscious of what he was doing. He knew that he could not sit the examination unless he was over the age of 21 and, therefore, at that time according to his own showing, he misrepresented his age in order to sit in the examination. He had done the same thing previously when at the age of 13 (according to him) he had sat the Matriculation Examination. In his letter to the Chief Justice, he had professed ignorance of what he had done when he sent his application to

the Civil Service Commission. I do not think that it is possible to forget such an important event. Also I find it difficult to believe that he revealed all the facts to Sir Trevor Harries in 1949. The fact that he mentions Sir Trevor Harries's name for the first time only after his death is somewhat significant and I have grave doubts about the veracity of the petitioner's statement before us in this respect."

This is what the Chief Justice of the Punjab High Court has said.

Shri D. C. Sharma: The veracity is doubtful.

Shri A. K. Sen: He says further:

"We thus see that there was nothing illegal or unjust in the Home Ministry reopening the matter of the petitioner's age on getting reliable information of an inaccuracy in the High Court records in this respect. Adequate opportunity was given to the petitioner to produce evidence and to represent his case. He did not choose to avail himself of the opportunity and merely contended himself by challenging the right of the Home Ministry to reopen the matter at all. He took this stand on the impregnability of a Judge's position and the inviolate nature of whatever statement he had made on a previous occasion. I cannot see how any Judge has a right to deny a probe into the truth of a most important matter regarding himself. There is nothing to show that the enquiry was started with an ulterior motive."

At the end of it. Their Lordships say:

"The petitioner has, on previous occasions, according to his own professions, made use of a false date of birth to suit himself, and that being so, the granting of the present relief would be putting a premium on falsehood".

Bill

Shri D. C. Sharma: What made you appoint him as a Judge of a High Court?

Shri A. K. Sen: He says:

"On this ground alone I would dismiss the petition".

That is, when a man comes and says that on a false statement I got a thing done and now I want to correct it. He said on that ground alone, he would dismiss the petition.

Shri Harish Chandra Mathur: Nothing has undermined the status of a Judge more than this.

Shri A. K. Sen: That was why I did not mention this or any other case. When I moved for consideration of the motion, I deliberately did not mention either cases which were disposed of or those which are under enquiry. In each case, every Judge said that he will abide by the decision of the Chief Justice of India. Nobody has challenged it. This is the one solitary case where the learned Judge challenged it. And what is worse, after this application was dismissed, he made another application to the Calcutta High Court against the Chief Justice for a writ. That was dismissed and when he went in appeal, he made allegations against the Chief Justice and even brought me into the picture, saying that we were all parties to some conspiracy. He mentioned us by name, which, I think, was most disgraceful on the part of any Judge to have done. I am very sorry that this particular Judge thought that the respect we voluntarily give to Judges should be exploited in this manner.

Shri Hari Vishnu Kamath: He should be sent to a psychiatrist.

Shri A. K. Sen: I entirely agree with the hon. Member.

Shri Sinhasan Singh (Gorakhpur): Has any action been taken against the Judge for making a false statement?

Shri A. K. Sen: What can we do? That will only further degrade the judiciary. We do not want to do it. That was why I did not even mention names.

Shri Tridib Kumar Chaudhuri: I may mention that the case is still being heard by the Calcutta High Court. It has been referred to a third Bench.

Shri A. K. Sen: It has been heard. Judgement is reserved.

Shri Tridib Kumar Chaudhuri: No, it has been referred to a third Bench.

Shri A. K. Sen: I do not mind anyone trying all the processes. But the Supreme Court dismissed the appeal preferred against the Punjab High Court's judgement. The Court refused to give leave.

I must frankly say, and I am sure the whole House will agree with me, that the conduct of this learned Judge was, to say the least, disgraceful.

Shri D. C. Sharma: Will he prefer an appeal to Yamaraj also?

Shri A. K. Sen: Government have never acted without the advice of the Chief Justice. This convention is so well established that we do not need a constitutional safeguard prescribing it and there will be no occasion for Government ever to act in this matter or in any other matter relating to the High Courts or the Supreme Court without the advice of the Chief Justice concerned. This is a matter which we have followed scrupulously because we want our judiciary to function in the way we want it to function, commanding respect of the people, upholding the rights of the ordinary man fearlessly and independently and doing justice as between man and man and between the citizen and the State. That is the greatest function of the courts in a democracy. We therefore do not intend to do anything which would destroy

this confidence which we voluntarily have tried to develop in our judicial structure. I having been one associated all my life with the courts feel proud that our judiciary has lived up to the best traditions of Judges everywhere. I imagine there are lapses everywhere and these lapses only prove that our judiciary in its core has functioned in the most admirable manner through stress and strain, and people know where to go to set the matter right when their rights are invaded. I have no doubt that the Parliament and the Government will join the entire country in developing this proper and healthy respect for the judiciary because without it the rule of law becomes a farce. These unfortunate acts of individual Judges do certainly redound against the judiciary as a whole, but we have confidence that these are very very rare cases

With regard to article 311, I have only a few words to say and then I will finish. All that we have done is not to take away the safeguard of the civil servant to have a hearing, to have a reasonable opportunity of being heard, of charges being given to him and a proper enquiry being made. That is preserved. It is only with regard to a reduction in rank that the constitutional safeguard is going to be taken away, but the civil service regulations should be ample for this purpose, because not only a reduction in rank but any disciplinary punishment involves an enquiry.

Shri S. M. Banerjee: Why can't you amend that?

Shri A. K. Sen: That is a different matter. If we amend it, we can amend it in the Constitution, but the constitutional safeguard is merely for the purpose of a minor punishment. We think it is not appropriate when the rules are quite sufficient for this purpose. If the rules were not sufficient, then it would have been proper

Shri Harish Chandra Mathur: The rules are thrown to the winds and there is no remedy.

Shri A. K. Sen: You can go to the courts to enforce the rules, because the statutory rules are enforceable. It has been held that the civil service classification rules are capable of enforcement by a writ of mandamus. I have heard the hon. Member. It is entirely for the House to decide whether a reduction in rank should be put on the same level as dismissal. All the safeguards of a proper enquiry are there. All that we are doing away with is the unnecessary provision read into this article by judicial decisions which say that the same thing has to be done over and over again when you hear the charges, determine the charges, and then when you actually propose the punishment, the entire gamut has to be reopened.

Shri Prabhāt Kar (Hooghly): So long it has remained in the Constitution and the right was there. What is the difficulty now, and why is it being taken away?

Shri A. K. Sen: The difficulty is to repeat the same trial again at the time of the actual pronouncement of the sentence, because the Supreme Court has said that the original enquiry into the charges would not be enough. This is the position for the major punishment of dismissal. The only safeguard which was intended at the time the Constitution was framed is there, and we are only doing away with the necessity of doing it again at the time of the pronouncement of the sentence, which the decisions of the court have made it necessary.

These are my submissions.

Mr. Deputy-Speaker: What about the amendments?

Shri A. K. Sen: With regard to the amendment of Shri Tyagi, I would accept it.

Mr. Deputy-Speaker: What about Shri Chaudhuri?

Shri Tridib Kumar Chaudhuri: I do not press it.

Mr. Deputy-Speaker: Has he the leave of the House to withdraw his amendment?

Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That in para 3 of the motion, for "by the last day of the first week of the next session" substitute "by the first day of the next session."

The motion was adopted.

Mr. Deputy-Speaker: Now I will put the motion as amended.

Shri Hari Vishnu Kamath: On a point of clarification with regard to the next session. Suppose this session is adjourned with a date, that means a particular date in January. Then the "next" session would be the session following that.

Shri A. K. Sen: This does not prevent it being put in earlier. It is only the limit.

Shri Hari Vishnu Kamath: Will it be binding that it should be brought before the 'next' session?

Mr. Deputy-Speaker: Before the first day of the adjourned session.

Shri Hari Vishnu Kamath: 'Next' session is not the adjourned session, but the February session.

Shri Harish Chandra Mathur: Whether it is January or February, whenever is the next session.

Shri Hari Vishnu Kamath: If this session is adjourned to a particular date in January, that means the January session cannot be the 'next' session, it will be this session itself.

Shri A. K. Sen: Shri Kamath is right, but that does not prevent us from putting it in earlier.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely:

Shri Brij Raj Singh Kotah, Shri S. N. Chaturvedi, Shri Homi F. Daji, Shri Ram Dhani Das, Shri R. Dharmalingam, Shri Kashi Ram Gupta, Sardar Iqbal Singh, Shri Madhavrao Laxmanrao Jadhav, Shri Madeppa Bandappa Kadadi, Shri Hari Vishnu Kamath, Shri Paresh Nath Kayal, Shri Nihar Ranjan Laskar, Shri Harekrushna Mahtab, Shri M. Malaichami, Shri Mathew Maniyangadan, Shri Bibudhendra Misra, Shri F. H. Mohsin, Shri H. N. Mukerjee, Shri D. J. Naik, Shri V. C. Parashar, Shri Ram Swarup, Shri S. V. Krishnamoorthy Rao, Shri C. L. Narasimha Reddy, Shrimati Yashoda Reddy, Sayed Nazir Hussain Samani, Shri Ramshekar Prasad Singh, Dr. L. M. Singhvi, Shri U. M. Trivedi, Shri Balgovind Verma, Shri Asoke K. Sen and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do

join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

14.45 hrs.

MOTION RE. MODIFICATION OF CENTRAL APPRENTICESHIP COUNCIL RULES ETC.

Shri Indrajit Gupta (Calcutta South-West): I beg to move:

(i) "This House resolves that in pursuance of sub-section (3) of section 37 of the Apprentices Act, 1961, the following amendment be made in the Central Apprenticeship Council Rules, 1962, laid on the Table on the 4th September, 1962, namely:

in rule 3, in clause (e), the following be added at the end, namely:

"of whom not less than 4 persons shall be representatives of all-India trade union organisations"

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.' (13)

(ii) "This House resolves that in pursuance of sub-section (3) of section 37 of the Apprentices Act, 1961, the following amendments be made in the Apprenticeship Rules, 1962, laid on the Table on the 4th September, 1962, namely:

in sub-rule (2) of rule 5, omit "have the power to".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.' (1)

"This House resolves that in pursuance of sub-section (3) of section 37 of the Apprentices Act, 1961, the following amendments be made in the Apprenticeship Rules, 1962, laid on the Table on the 4th September, 1962, namely:

in sub-rule (2) of rule 5, for "may" substitute "shall".

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.' (2)

"This House resolves that in pursuance of sub-section (3) of section 37 of the Apprentices Act, 1961, the following amendments be made in the Apprenticeship Rules, 1962, laid on the Table on the 4th September, 1962, namely:

in sub-rule (1) of rule 7, for "Rs. 25 p.m." substitute "Rs. 30 p.m."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.' (3)

"This House resolves that in pursuance of sub-section (3) of section 37 of the Apprentices Act, 1961, the following amendments be made in the Apprenticeship Rules, 1962, laid on the Table on the 4th September, 1962, namely:

in rule 7, omit sub-rule (4).

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.' (4)

"This House resolves that in pursuance of sub-section (3) of section 37 of the Apprentices Act, 1961, the following amendments be made in the Apprenticeship Rules, 1962, laid on the Table on the 4th September, 1962, namely:

in rule 8, in sub-rule (2), the following be added at the end, namely:

"A trainee engaged on training between the hours of 10 p.m. and 6 a.m. shall be paid a suitable additional stipend for the hours during which he is so engaged."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.' (5)

"This House resolves that in pursuance of sub-section (3) of section 37 of the Apprentices Act, 1961, the following amendments be made in the Apprenticeship Rules, 1962, laid on the Table on the 4th September, 1962, namely:

tion 37 of the Apprentices Act, 1961, the following amendments be made in the Apprenticeship Rules, 1962, laid on the Table on the 4th September, 1962, namely:

in sub-rule (1) of rule 10,—

(a) for "quadruplicate" substitute "quintuplicate";

(b) for "three" substitute "four"; and

(c) after clause (iii) add—

"(iv) the apprentice concerned."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.' (6)

"This House resolves that in pursuance of sub-section (3) of section 37 of the Apprentices Act, 1961, the following amendments be made in the Apprenticeship Rules, 1962, laid on the Table on the 4th September, 1962, namely:

in sub-rule (7) of rule 10,—

(a) for "quadruplicate" substitute "quintuplicate";

(b) for "three" substitute "four"; and

(c) after clause (iii), add—

"(iv) the apprentice concerned."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.' (7)

"This House resolves that in pursuance of sub-section (3) of section 37 of the Apprentices Act, 1961, the following amendments be made in the Apprenticeship Rules, 1962, laid on the Table on the 4th September, 1962, namely:

in rule 10, after sub-rule (7), the following sub-rule be inserted, namely:

"(7A) No short-term apprentice shall be paid a stipend of less than Rs. 50 p.m. during the period of his training."

[Shri Indrajit Gupta]

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.' (8).

My amendments are quite simple, and I do not propose to take up much time with them. Before that I wish to make one small observation.

You will observe that when these rules were made and were notified, that was at a time when the present national emergency had not come over this country, and the context in which these rules were made at that time, following the parent Act, namely the Apprentices Act, was, of course, the urgent need for augmenting the cadre of trained technical personnel that we require for industry in which we are suffering from a shortage.

Before taking up the amendments, I would like to emphasize the fact that in the conditions of today, when these rules are actually coming up before the House for discussion, we are meeting in a situation in which the country is now facing a very grave national emergency, and therefore, if anything, the importance of these rules has become even more accentuated. Therefore, I hope that when my amendments are considered, the urgency of this question not only in the context of technical personnel for industry in normal times, but in the context of the defence needs of today, will also be borne in mind, because the people with whom this Act and the rules are concerned, are going to be young boys between the ages of 15 and 20 who are going to come into our factories and establishments as apprentices. I would urge upon the Deputy Minister to keep in mind that the work that they are going to do, the work for which we want to train them, is in no way inferior in importance, if I may say so, to the work and the requirements of our jawans at the front. These boys will be practically the jawans of the rear, if I may say so, upon whom depends the entire industrial resources, without which the armed forces cannot function. There-

fore, I hope my amendments will be regarded from that point of view, so that everything possible can be done to make the conditions of the work of these young boys fair and just, so that they can perform their duties in the way in which the country expects them to do.

The Deputy Minister is also, in a sense, an apprentice in the Government at the moment. I hope he will look into this matter with proper sympathy.

Now I come to the amendments. Rule 3, clause (e) of the Central Apprenticeship Council Rules, 1962, as at present, reads as follows:

"Not more than six persons having knowledge and experience of matters relating to industry and labour."

By an amendment I want that at the end of this the following should be added:

"of whom not less than 4 persons shall be representatives of all-India trade union organisations".

In brief, the reasons for this amendment are as under. Section 18 of the original Act, the Apprentices Act, states:

"Every apprentice undergoing apprenticeship training in a designated trade or establishment shall be a trainee and not a worker, and the provisions of any law with respect to labour shall not apply to or in relation to such apprentice."

That is section 18 of the parent Act. This means that the apprentices should not be treated as workers. No labour laws are going to apply to them. The Indian Trade Unions Act does not apply to them. That means, they are debarred from being members of any particular trade unions. The Apprentices Act visualises that

disputes may arise between the apprentice and the management of the establishment in which he is serving about the terms and conditions of service, etc. The Act says that such disputes will be heard and decided by the apprentice advisers subject to appeal to apprenticeship council. Now, in such a dispute, the two parties involved are: on the one side the management of that particular establishment; on the other side the individual apprentice concerned, which means a young boy of 15 or 18 years, with probably not much of education and certainly very little experience. Now, this apprentice will have to state or argue his case before that apprentice adviser. The opposite party, that is, the management, would probably be represented as usual in such cases by the labour advisers or some official or the manager himself. One can imagine easily the disadvantage at which these young boys would be placed. No trade union can represent them. I am not of course at this stage able to say that they should be represented by trade unions because the parent Act rules that out. Therefore, the least that we can do at this stage is that in the Central Apprenticeship Council—it is a very big body of an advisory nature; it cannot interfere in the day-to-day administration—we can have not less than four representatives of all India trade union organisations. In that council there are 18 representatives of employers, both private and public sector together, 10 representatives of the Central Government, 15 representatives of State Governments and then not more than 6 persons having special knowledge and experience on matters relating to industry and labour. So, Government should at least agree to this much modification that of these six persons at least four should be representatives of the Central trade union organisations. I am making it quite clear; there are generally four organisations more or less recognised by the Government as central organisations and which are represented in various con-

ferences of this type dealing with labour. When the general discussion takes place there at least some trade unionists, persons who have experience of the conditions of labour and working conditions in factories can make certain proposals and suggestions which may be helpful from the point of view of apprentices. This is all I have to say about my first amendment.

The first proposal in my second amendment is about rule 5(2) which says that where an apprentice is unable to complete the full apprenticeship course owing to illness or owing to other circumstances beyond his control, the establishment concerned shall have the power to extend the period of his apprenticeship until the next test. Discretionary power is being given to the management of the establishment to extend the period of his apprenticeship. It may do or may not do it; but the power is there. I want the words 'shall have the power to' to be omitted. If my amendment is accepted it will mean that the establishment concerned shall extend the period of his apprenticeship until the next test is held. There is no reason why the establishment should not in every case extend the period of apprenticeship and why it should be vested with discretionary power. After all it is not in the hands of the apprentice; it is due to illness or other circumstances beyond his control. My second proposal more or less follows from my first one. The next sentence in the same rule says that a similar extension of the period of training may also be allowed in the case of those apprentices who have completed the course but failed in the final test. I want the word 'may' here to be substituted by the word 'shall'. When we are for the first time embarking upon an ambitious scheme of this type and when we want to bring in thousand of boys who are required today in our country both for industrial and for defence purposes we

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should give them an opportunity to imbibe this training properly.

My next amendment is to rule 7 which deals with the minimum rates of stipend payable to the apprentice. It pricks my conscience to bring in this amendment. It is really a token amendment. I have suggested that the minimum rate of stipend, Rs. 25 per month as laid down here, should be raised to Rs. 30 per month. It should not look that he is not even getting one rupee per day, something which a lowest paid unskilled labourer gets today.

The Deputy Minister in the Ministry of Labour and Employment (Shri R. K. Malviya): An unskilled worker gets Rs. 3.

Shri Indrajit Gupta: If an unskilled worker gets Rs. 3 a day and if an apprentice is going to get Rs. 25 a month, it is even more serious. I would appeal to the Government to consider this question and revise the scale of stipend in an upward direction. Even during the period of apprenticeship he is giving a certain amount of output and production to the employer. I see quite a lot of engineering factories in West Bengal. It means that boys who are a little better off, middle class or lower-middle class family boys will be able to go in for this apprenticeship scheme because they may have something else to fall back upon. Boys of the poorer sections would rather prefer to go and work as unskilled labourer if, as the Deputy Minister said, they could get Rs. 3 a day rather than have a technical training where he gets Rs. 25 per month. That means that you are shutting out the boys from the poorest sections. Therefore, it should be seriously considered whether the whole scale of stipends should not be revised upwards. There is also another point of a consequential nature which I have not put in my amendment but I hope the Minister will have no objection if I put forward it here. Where the apprentices are employed on higher rates of stipends, the

employer should not take advantage of these rules to reduce them.

Shri R. K. Malviya: That has been agreed to with the employer.

15 hrs.

Shri Indrajit Gupta: Where the rate is higher than this, whether it should prevail or not is not made clear.

Then in rule 7, I am pleading for the omission of sub-rule (4) which deals with the question of deferred payment,—a portion of the stipend to the apprentice—and deferring the payment of another portion; if this system exists in any establishment, it says that the establishment will try to continue it, provided that the minimum amount is paid and provided it shall not be less than the monthly stipend. I think this should be omitted, when we are trying to bring a uniform scheme. Such low rates of stipend for the time being are inadequate in any case, but to allow the establishment, simply because they have such a system, to deduct a portion even out of that stipend and keep it deferred and pay it only at these rates is not proper. I think it would be a very good gesture, especially when we are at this particular situation, at the moment, if this provision is omitted. These rates should be paid in full, and if the higher rates are there, which are already prevalent, they should be paid at those rates.

Then, in rule 8, sub-rule (2), I have proposed that there should be an addition at the end. Here, it is said that no trainees may be engaged on training between the hours of 10 p.m. and 6 a.m. without the prior approval of the Apprenticeship Adviser. That means, it applies to those trainees who are employed at night. In their case, I wish to add the following:

"A trainee engaged on training between the hours of 10 a.m. and 6 a.m. shall be paid a suitable additional stipend for the hours during which he is so engaged."

This is the normal principle by which some extra remuneration for night work is to be paid. Night work has particular difficulties and problems of its own; the conditions of work or of training are rather onerous during night-time. Everybody knows that there are various problems of different types which come up in regard to work during night-time. These problems include strain to health, transport difficulties, distance from home to factory and all sorts of things. In view of these points, I wish the Government considers these points sympathetically; if the training is held or given during the hours of 10 p.m. to 6 a.m., an additional stipend should be paid for work during the night hours.

Then, as regards rule 10, I do not want to go into each of the changes, the particular verbal changes which I am suggesting. About sub-rule (1) of rule 10 and sub-rule (7) of rule 10, the point is clear that in both the cases provision has been made by the rules to the effect that whether it is full-term or short-term apprentice, an index-card, a record of work, showing the details of that particular apprentice will be maintained in his name. That is a system of filing, a filing system, of index cards. The rules provide that copies of these index-cards will be made available to the Central Apprenticeship Adviser, the State Apprenticeship Adviser and the head of the institute or the establishment only. My suggestion is this, I do not see why there can be any objection to it. My suggestion is that one copy of the index-card should also be in the possession of the apprentice himself, or the boy himself. This is the principle behind the maintenance of employment books, records of service of the employees which are maintained in industrial establishments. In the case of other workmen, they always have a copy with them. Therefore, I do not see why the apprenticeship in this case should be deprived of getting or keeping a copy of his personal record

in which the entry should be made from time to time. He should have a copy with him for ready reference and for checking up also; to some extent, it will give him some confidence and some idea of his own progress. Also, a certain amount of check will enable him to find out the correct position in case there are any lapses on the part of the management in making an entry or making a proper entry in the index-card. Such lapses, if any, could be rectified if he possesses a copy and brings those lapses to the notice of authorities. That is all I have to say regarding sub-rule 7 and sub-rule 1 of rule 10.

Finally, in rule 10, after sub-rule (7), I wish to put in the following:

"No short-term apprentice shall be paid a stipend of less than Rs. 50 p.m. during the period of his training."

I have suggested this addition as rule (7A). The reason for this is, Rs. 50, as you may recall, is the stipend stipulated for the second year of training, as provided in rule 7. But what is the short-term apprenticeship? What is the definition of short-term apprentice? In the definition clause which is section 2, a short-term apprentice is defined as follows:

"... means an apprentice who is undergoing training in a designated trade for a period of six months after having undergone institutional training for 18 months in an institute recognised by the National Council and passed the trade test conducted by that Council."

This boy has already put in 18 months of training in a recognised institute or centre and has got a certificate from that institute and then he comes to one of these establishments and is taken as a short-term apprentice for six months. Why should he also begin on Rs. 25[-? I think the least one can do in recognition of his training of a year and a half—I am putting it as the very minimum—is that

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at least in his case the stipend should be not less than Rs. 50, which is the amount of stipend stipulated for the second year of training in the case of normal apprentices.

These cover my modifications. I wish to say that this is a matter which, I hope, will attract the sympathy of the Government. I hope that the Government will be very careful, when actually finalising the rules, to see that everything possible is done so that the enthusiasm of the boys can be harnessed to the training in order that we can really turn out thousands of good, efficient, technically-trained boys, which is of the utmost importance in maintaining the rear of the country at a time when we are engaged in this war and when this national emergency prevails in the country.

Mr. Deputy-Speaker: The motions are before the House.

Shri Bade (Khargone): Mr. Deputy-Speaker, Sir, I really congratulate my hon. friend Shri Indrajit Gupta for bringing in these amendments and for bringing out the drawbacks in the rules and the attitude of the Government thereto, in the House.

In the rules which have been framed,—the Central Apprenticeship Council Rules—I have seen that the council consists of a chairman and the following members:

- (a) not more than 9 representatives of employers in establishments in the public sector,
- (b) not more than 9 representatives of employers in a establishment in the private sector,
- (c) not more than 10 representatives of the Central Government,
- (d) not more than 15 representatives of State Governments,
- (e) not more than 6 persons having special knowledge and experience

on matters relating to industry and labour."

So, this council will consist of 49 people besides the chairman. While there will be ten representatives of the Central Government, there will be only six people having special knowledge and experience on matters relating to industry and labour. I do not know why the Government is so miserly in giving this lesser number—it is only six—in regard to industry and labour. If they really want that this should be a socialist pattern of society, they should see that members from the working class, who have special knowledge and experience, should also be included in the council. This number should be larger. Then, I do not understand why such a big council is needed.

Therefore, I think the amendment suggested by Shri Gupta is proper and it will serve the purpose of persons who will come as trainees. Though I have not given an amendment myself, I think instead of 6, there should be 15 representatives in the Council having special knowledge and experience on matters relating to industry and labour.

Then, I come to rule 7, about payment of stipend to apprentices. The minimum rate of stipend payable to an apprentice is, Rs. 25 p.m. during the first year of training. This is to cover the mid-day meals for the students who attend the schools. They will get only gram, tea or milk. That is not sufficient at all. I do not know how the Government have fixed Rs. 25 in these days of rising prices. During the second year, the stipend is Rs. 50 p.m. and during the third year, it is Rs. 60 p.m. During the second and third years the difference is Rs. 10. But between the first and second years, there is a difference of Rs. 25. Does it mean that after the first year, the trainees will have more appetite and they will require Rs. 50, whereas in

the beginning, they will require only Rs. 25. When there are so many learned Ministers I am really surprised how they could fix Rs. 25 p.m. Even for adivasis, who eat only gram and macca roti, Rs. 25 is not sufficient. How is it sufficient for a trainee to be trained in certain industries? I am afraid no trainee will come on these terms. They will work as coolies and get more.

Shri Ranga (Chittoor): Only upper middleclass people can come.

Shri Bade: They come for the sake of their belly; at the same time they come to serve the nation also. But if they find that the Government is so harsh as to give only Rs. 25, they will not come. I think it should be raised to Ps. 50 and not Rs. 30, as Shri Gupta has put in the amendment. He also said that it should be more than Rs. 30, but at the time of putting the amendment, he has said he has made only a token suggestion.

So, I think it should not be less than Rs. 50.

I now come to the amendment to rule 5 (2). This rule says:

"Where an apprentice is unable to complete the full apprenticeship course within the period prescribed in sub-rule (1) or to take the final test owing to illness or other circumstances beyond his control, the establishment concerned shall have the power to extend the period of his apprenticeship...."

Why "shall have the power"? If they want to favour the trainees to come and join industries, they ought to have said "shall extend the period." As regards the word "may" occurring in this sub-rule, of course, sometimes "may" is interpreted as "shall" also.

The other amendment is about the deferred payment. The Minister said that it will not be retrospective and not applicable to those trainees who

are already working in industries. In sub-rule (4) of rule 7, it is said:

"Notwithstanding anything contained in this rule, where an establishment has a system of deferred payment whereby only a portion of the stipend is paid to the apprentice every month and the balance is paid to the apprentice on the completion of the training, such establishment shall be free to continue the system...."

They have given retrospective effect. That is, if any trainee goes to the court or to the Council saying that he is not paid according to the rules, this Act is not applicable to them. Why should they have made this rule here? On the contrary, if Government wants to encourage trainees and young boys to come and join the industries, they should have some attractive scheme before them.

I again congratulate Mr. Indrajit Gupta and I request the Government to have more attractive rules, in the interest of the nation, in this emergency period, so that more and more trainees may come and join the industries.

श्री बूटा सिंह (मोगा) : जनाव डिट्टी सपीकर साहब, आनरेबल मेम्बर, श्री इन्द्रजीत गुप्त ने, इस हाउस के सामने जो प्रस्ताव पेश किया है, उससे पता चलता है कि इस आज हाउस का ध्यान देश के उन शिक्षार्थियों की ओर गया है, जो कि महंगाई के इस समय में बहुत थोड़े मुआवजे पर ट्रेनिंग लेते हैं। हमारी सरकार एप्रेन्टिसशिप के इस सिस्टम के जरिये हरिजनों के बच्चों को टेक्निकल ट्रेनिंग देकर इस देश के लाखों नहीं बल्कि करोड़ों हरिजनों की स्थिति में सुधार कर सकती थी और हरिजनों की बहुत दूर से चली आ रही और बहुत ही गम्भीर समस्या का हल निकाल सकती थी। हरिजनों के बाग़े में मौजूदा सरकार का जो रवैया है उस को देख कर मुझे बहुत दुख होता है। मगर आज इतना ही दुख मुझे यह देख कर हुआ कि हमारे

[श्री बूटा सिंह]

मित्र, श्री इन्द्रजीत गुप्त ने, जो कि एक ऐसी पार्टी से सम्बन्ध रखते हैं, जो कि गरीबों और मजदूरों के हितों की रक्षा के लिये काम करने का दावा करती है, अपना प्रस्ताव रखते हुए हरिजनों, शिड्यूल्ड कास्ट्स या दूसरे दलित वर्गों का नाम नहीं लिया।

सैंट्रल एप्रेंटिसशिप कौंसिल रूलज के रूल ७ के सब-रूल (१) में जो संशोधन पेश किया गया है, उसके बारे में मैं सरकार का ध्यान इस बात की ओर आकर्षित करना चाहता हूँ कि बहुत अफसोस के साथ यह कहना पड़ता है कि जो रीम्युनेशन, माहवारी मुआवजा, दिया जाना है, वह सिर्फ पच्चीस रुपये से शुरू होता है। इससे पता चलता है कि सरकार की पालिसी, उसकी नीति, किस डायरेक्शन को जाती है और उसका ध्यान किस तरफ है। मैं अर्ज करना चाहता हूँ कि पच्चीस रुपये पर तो सिर्फ वे अमीर आदमी ही अपने बच्चों को ट्रेनिंग के लिये भेज सकते हैं, जो कि उनकी पोशाक, खुदक दगैरह दूसरी जरूरियात के लिये खुद खर्च कर सकते हैं। मैं यकीन के साथ कह सकता हूँ कि कोई भी गरीब परिवार, और खासकर कोई भी हरिजन परिवार, ट्रेनिंग के दौरान में अपने बच्चों पर कुछ खर्च करने की स्थिति में नहीं होता है, क्योंकि उनके पास कोई पूंजी या रुपया न होने की वजह से वे इस बात पर डिपेंड, निर्भर, करते हैं कि उनके बच्चे ट्रेनिंग के दौरान में मां-बाप के लिये कुछ कमा कर लायें। हम देखते हैं कि पच्चीस रुपये से तीस रुपये करने की मांग वे करते हैं, जो कि अपने आपको गरीबों के हितैषी कहते हैं। मैं चाहता हूँ कि इस रकम को कम से कम पचास रुपये तक बढ़ाया जाये, जिस से गरीब के बच्चे, और खासकर हरिजनों के बच्चे, इस तरफ आकर्षित होकर ट्रेनिंग हासिल कर सकें।

रूल ३ की क्लॉज (ई) में यह लिखा हुआ है : "नाट मोर दैन सिक्स पर्सन्ज हैविंग सोगल नालेज एंड एक्सपीरियंस आन मेटर्ज रिलेटिंग टु इंडस्ट्री एंड लेबर"। माननीय सदस्य ने यह संशोधन दिया है कि उन में से कम से कम चार ऐसे आदमी होने चाहिए, जो कि आल इंडिया ट्रेड यूनियन आरगनाइजेशन के प्रतिनिधि हों। मगर मैं इससे मुत्तफिक नहीं हूँ क्योंकि शिक्षार्थी को सियासत या राजनीति से जितना दूर रखा जाये, उतना ही अच्छा है। न सिर्फ इंडस्ट्रीज के लिये यह अच्छा है, बल्कि शिक्षार्थी के अपने जीवन के लिये यह अच्छा है, क्योंकि ट्रेड यूनियन्ज के अपने मोटिव होने हैं। उनको रिप्रिजेंटेशन देने का मतलब यह होता है कि जो स्किल्ड वर्कर्स हैं, जो ट्रेड वर्कर्स हैं वे अपने अपने यूनियंस बना लें और इसी तरह से एप्रेंटिसिस में अपने अपने यूनियंस बन जायें। इसका खतरा यह हो सकता है कि जो ट्रेनीज है, वे ट्रेनिंग खरम होने से पहले ही एक या दो सैन्ज में बंट जायेंगे। सरकार को नहीं चाहिये कि वह ऐसी कोई नीति धारण करे। यह जो संशोधन है इसके बजाय यह होना चाहिये कि आल इंडिया यूनियंस को रिप्रिजेंटेशन दिया जाए और उसमें यह हो कि चार आदमी लिये जायें, जो कि शिक्षार्थियों में से हों और इन चार में से कम-अज-कम श्री शिड्यूल्ड कास्ट्स और अदर बैकवर्ड क्लासिस के नुमाइंदे हों ताकि वे देख सकें कि इन जातियों के, इन पिछड़े हुए लोगों के जो एप्रेंटिस हैं, उन के जो ट्रेनीज हैं, उनके इंटरिस्ट, उनके हकूक महफूज हैं या नहीं है।

दूसरी बात जो संशोधन में पेश की गई है उसमें कहा गया है कि जो अधिकार है, जो 'हैव दी पावर टू' शब्द है, इनको ओमिट कर दिया जाए और साथ ही साथ "मे" के स्थान पर "शैल" रख दिया जाए। सरकारी जो कारखाने हैं, पब्लिक सैक्टर में जो कारखाने हैं, जिन पर सरकार का कंट्रोल

है, उन में तो यह बात ठीक हो सकती है, लेकिन जो प्राइवेट एंटरप्राइज़ हैं, जो प्राइवेट फ़ैक्ट्रीज़ हैं, उनमें जो आदमी काम करते हैं उनके बारे में यह जो संशोधन है, इसको परवान कर ही दिया जाना चाहिये ।

Shri K. N. Pande (Hata): Mr. Deputy-Speaker, Sir, I have heard Shri Indrajit Gupta attentively, and I can say that as full facts have not come to the notice of Shri Gupta these amendments were brought before the House.

The Apprenticeship Council is already represented by the central organisations. Although it is not written on paper, all the central organisations are represented on the Council. About the rules also, I think, before they came into existence the organisations were consulted and then only they were framed.

So far as stipend is concerned I can say that what has been said here is very much justified, because in some of the industries, by agreement, the trainees are getting more than what has been suggested here. I can say about the sugar industry. There the trainees who are taking training are getting 60 per cent of the pay fixed for a post where they are taking training. Therefore taking into consideration all these facts, the sum of Rs. 25 is very meagre and insufficient for a trainee to meet his requirements. On the question of these rules a conference was called by the Ministry of Labour. There I had suggested that the minimum should be increased and it must be brought at least to Rs. 50 or something in between Rs. 25 and Rs. 50. After great discussion there was some opinion from one corner that we would be satisfied if the Government could provide mid-day meal to the trainees. It is a fact that only poor persons go for training and as they cannot live within Rs. 25 in the first year it will be a great help to them if the mid-day meal is provided to them. The Ministry was considering over this matter. I hope the hon. Minister will

explain and clarify the position to the House as to what happened to that proposal.

The only apprehension in the mind of the Government is that if they agree to increase this Rs. 25 in the initial stage the result may be that in the ITI also, where the stipend is paid from the treasury, the Government may have to increase the amount. But here the payment is to be made by the employers. In the Government owned factories in Bhopal and elsewhere I know the rate of payment to trainees is much higher than what is going to be paid in the third year. So I think this proposal requires serious consideration. I hope the Government will consider over this matter of raising the amount of stipend in the initial year. In the absence of that and till it is done, my proposal is that at least the mid-day meal should be provided to the trainees so that the poor trainees may be able to carry on there. -

So far as the apprehension of Shri Gupta about payment to those who come from ITI is concerned, I think that point has already been met. As they have already taken training for 18 months and they have to take their training in the next year in the factory, they are entitled to get Rs. 50. That is what I think, and I hope the hon. Minister will clarify this point. One trainee is required to put in three years training. When 18 months have already expired in ITI, and those trainees enter a factory for practical training they have to take training only for the remaining 18 months. Therefore, when they enter the factory for training, immediately they are entitled to Rs. 50. I think there is no doubt about this, and the Minister will clarify this point also. •

I have doubt about only one point. The scheme is that after one year the rate of stipend shall increase from Rs. 25 to Rs. 50, because it is expected that as within one year the trainee must have attained some knowledge and, therefore, he will be put on the actual work. This argument was also

[Shri K. N. Pande]

given that as the factory is going to take some work from the trainee he should be paid more. My feeling is, if the trainees are required to work as other workers naturally the rate of payment is less and the payment should be determined taking into consideration his work. Therefore, my suggestion is that the whole scheme for payment should be considered again by the Government.

Lastly, there is no provision here saying whether after completion of the period of three years training a trainee will be absorbed in the factory or not, and in case he is absorbed whether he will be given the same post where he had been working on the same grade that he would be entitled to. This is a doubtful matter. I hope the Ministry will take steps in this regard, so that justice is done to the trainees. I hope that after training they will be provided with proper jobs and given proper grades.

श्री कछवाय (देवास) : उपाध्यक्ष महोदय, जो प्रस्ताव रखा गया है, इसका मैं हृदय से समर्थन करता हूँ। इस प्रस्ताव को यहाँ रखने के लिये मैं माननीय श्री इन्द्रजीत गुप्त जी को धन्यवाद देता हूँ।

आज सारे देश में जो स्थिति पैदा हो गई है, जो वातावरण छा गया है, उसको देखते हुए हरिजन भाइयों तथा पिछड़े हुए भाइयों को ऊपर उठाने के सम्बन्ध में जो यह प्रस्ताव रखा गया है, यह सराहनीय है और इसका समर्थन किया जाना चाहिये। आज के समय में, हरिजनों के जो बालक होते हैं, उनको शिक्षा देने के लिए जो तनख्वाह देने की बात रखी गई है, वह आज जो हालत है, उसको देखते हुए बहुत कम है। आज हरिजन भाई या हरिजन मजदूर या दूसरे मजदूर कहीं से भी सर्बिस करके पच्चीस रुपये बड़ी आसानी से कमा सकते हैं, बड़े शौक से कमा सकते हैं। ऐसे समय में उनकी जो तनख्वाह है, उनका जो प्राइड है, इसको

बढ़ाना बहुत जरूरी है और मैं चाहता हूँ कि इसको पच्चीस से बढ़ा कर पचास कर दिया जाए। अगर शुरू से ही ऐसा कर दिया जाए तो मैं समझता हूँ ज्यादा अच्छा होगा। आज मजदूर का बालक यह सोचता है और मजदूर भी यही सोचता है कि उसका बच्चा जब होशियार हो जायेगा तब उसको ज्यादा तनख्वाह मिलनी चाहिये। चूँकि उसको बहुत कम तनख्वाह मिलती है इसलिये उसके होशियार होते ही वह उसको किसी होटल में लगाता है या कहीं और लगाता है ताकि वह कहीं से चालीस या पचास रुपये कमा कर ला सके। वह स्टेशन पर र कुली का काम करके या मोटर गाड़ी पर काम करके कहीं से भी इतने रुपये ला सकता है। अगर आज उनको प्रोत्साहन देना है तो हमको जो शुरूआत का वेतन है उसको ज्यादा करना पड़ेगा। आज की स्थिति को देखते हुए, आज की महंगाई को देखते हुए, २५ रु० बहुत कम है। आजकेल के समय में, मुझे अच्छी तरह पता है क्योंकि मैं मजदूर क्षेत्रों में काम करता हूँ और मजदूर होने के नाते मैं जानता हूँ कि मजदूरों की हालत क्या है। जैसा मैंने कहा मजदूर आज यह सोचता है कि जब मेरा बच्चा होशियार हो जायगा तो उसको ऐसी जगह वह लगायेगा जहाँ पर काम करके उस के बुढ़ापे में वह परिवार के लिये एक सहारा बन के हर तरह से कोशिश करके वह और जगहों पर अपने बच्चे को लगवाता है। या तो मिल में लगवाता है या फिर चपरसी ही बना देता है ताकि उसको अच्छी तनख्वाह मिल सके और वह परिवार को चलाने के लिये ज्यादा पैसा ला सके। यदि शासन को इस और कुछ ध्यान देना है और उन लोगों को आगे बढ़ाना है तो उसके लिये यह आवश्यक है कि जो ऐसे लोगों की शुरूआत की तनख्वाह रखी गई है उसको और बढ़ावें। अगर हमने उन लोगों के वेतन को बढ़ा दिया तो इससे उन लोगों को भी लाभ पहुँचेगा, उन लोगों के बच्चों को लाभ पहुँचेगा और

उसके साथ हमारे देश का भी उत्थान होगा, हमारे उद्योग तरक्की पर जायेंगे और आज जो पिछड़ी जातियां हैं सारे देश में उनको भी बहुत जल्दी आगे बढ़ाने का प्रयत्न कर सकेंगे ।

Shri R. K. Malviya: Mr. Deputy-Speaker, Sir, before I make observations on the two Resolutions of Shri Indrajit Gupta, I wish to submit that the Apprentice Training Act and, for the matter of that, all other labour enactments are the result of very hard labour outside Parliament by several tripartite committees. The House knows that for every industry we have got a committee and all the major decisions with regard to wages, service, conditions etc. are taken only after consultation and discussion in those tripartite conferences. The House also knows that besides these legislations other subjects are also dealt with by these tripartite committees and major decisions with regard to industrial truce, wage boards etc. are also taken.

In this particular case, I may submit, that after the Act was passed, a conference was called in the month of August, to be more exact on the 16th and 17th of August, here in Delhi and the representatives of all concerned interests—Government, experts, the management and workers—were present in that body, and these rules were framed on the basis of the decisions which have been taken by that conference. I would not take the time of the House by quoting exactly what has been decided, but I may assure the House that the rules which have been framed are just the rules which have been passed by that conference. Of course, they have to be sent to the Law Ministry, where certain formal modifications are made to give them proper shape, but they come in the same form. So, I may assure the House that these rules have been framed after consultation with all interests in the country.

So far as my friend, Shri Gupta, is concerned, I submit that the representative of his organisation was also present and he has taken part in the discussions and ultimately, may be said, all those decisions were agreed decisions between all concerned.

Dr. M. S. Aney (Nagpur): Were those decisions unanimous in the committee?

Shri R. K. Malviya: Generally they are unanimous. Differences are there but after discussions they are settled.

So far as the training programme is concerned, I may humbly submit that it is unique in the whole world.

Shri Bade: It is unique because you give Rs. 25 in the first year.

Shri R. K. Malviya: Please bear with me; I will come to that also.

There are industrial training programmes in other countries also and, may be, in a very good form. But, then, they have all been voluntary. Here, in India, for the first time, we have the support of law for training apprentices. Whenever Government wants such a big programme, it has to pay consideration to the magnitude of the finances, to the magnitude of the problem and so those considerations have played a very important part in framing these rules.

While I will deal with the amendments individually, I will make my observations and point out to the hon. House that, in the circumstances in which the rules have been framed, they have been properly framed. Scope for improvement is always there. If the circumstances permit, or if it is found desirable, we will change the rules, or even the Act. They are not there for all time to come.

Shri Indrajit Gupta: Were they framed with the emergency in mind?

Shri R. K. Malviya: At that time there was no emergency, I admit. But, at the same time, I may submit

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that if it is a question of emergency the House is seized with it and the people outside are also seized with it. I may submit that if this question was raised by Shri Gupta before that body and that body had been allowed to consider those amendments, it would have been better.

Shri Indrajit Gupta: On a point of explanation. The representative of my organisation in the Central Apprenticeship Council Meeting made many of the proposals which are embodied in my amendments. They were not accepted.

Shri R. K. Malviya: That is true. Though amendments were suggested, ultimately a decision was taken by all concerned, including the representative of the organisation of Shri Gupta. Amendments were there as they are there in the House with every enactment or Bill. Those were considered in that body. Generally, in these tripartite conferences there are agreed solutions and these rules are the result of an agreed solution.

Shri K. N. Pande: I was also there in that conference and one thing is quite clear that I never agreed to this stipend of Rs. 25/-.

Shri R. K. Malviya: It is on the record and I will have to check it up. But ultimately he has also.....

Shri K. N. Pande: There was some proposal of providing that in the Bill and therefore that amendment was talked out.

An Hon. Member: Therefore that is true also.

Shri R. K. Malviya: Now coming to the amendments, amendment No. 1 seeks to add at the end of rule 3 in clause (e) the following, namely:—

“of whom not less than 4 persons shall be representatives of all-India trade union organisations”.

It will be recalled that the Apprentices Bill originally provided for representatives of trade and industry. The idea was to give representation to persons who have expert knowledge of matters relating to training in industry. But when the question of representation to workers was pressed by Members of Parliament, the hon. Labour Minister agreed to substitute those words by ‘industry and labour’. Accordingly, out of the six seats reserved for persons having special knowledge and experience of matters relating to industry and labour, three seats have been allotted to persons having special knowledge of industry and the remaining three to the all-India organisations of workers to ensure parity between the two interests. Instead of three persons from labour being nominated by the hon. Labour Minister himself it was left to the organisation, that is, the INTUC, the AITUC and the HMS, to nominate their representatives.

Shri Indrajit Gupta: Why not take all the four? Why leave out one?

Shri R. K. Malviya: Shri Gupta has raised this point. It will be difficult now unless the others were also consulted. This decision has been taken after due consideration and I am not in a position to accept this amendment.

Shri Indrajit Gupta: The hon. Deputy Minister has said just now about this practice of having three people representing the labour and three representing the industry out of those six. Is it now accepted as a settled practice? Is it going to be a convention? Is there some objection to putting it specifically in the rule? What is the position?

Shri R. K. Malviya: They are not representing the industry. Out of these six persons, three are experts and three are labour representatives.

Shri Indrajit Gupta: You say that three of them are from the three trade

union' organisations, that is, the AITUC, the INTUC and the HMS. Has that now been accepted by the Government as a settled practice for the future? Is it going to be followed?

Shri R. K. Malviya: I was giving information to the hon. Member by saying that at present these are the three members representing the three organisations.

With regard to amendment No. 2, it has been recognised that apprentices are learners and not workers. It is their duty to devote full time and energy, as one hon. friend has suggested, to their training and complete the apprenticeship successfully. To ensure that the employers play their full part and impart training according to syllabi etc., there will be regular inspections by the apprenticeship advisers and periodical tests will also be conducted for the purpose. Wherever, however, it is not possible for a person to complete the training for reasons beyond his control, provision has been made in the rules for employers to consider all the relevant aspects and extend the period of training. If the apprentice gets an idea that the employer is invariably bound to extend the period of training if he fails in the final test, there is a likelihood that the apprentice would not take as much interest in the training as he otherwise would do. This would be detrimental both to the interests of the scheme and of the apprentices. Obviously, it is not the intention to place a premium on failures on the part of apprentices. In case, however, after some experience it is found that the employers are not using their discretion judiciously, the question of amending the rules could be considered. On these considerations I would not accept these amendments of Shri Gupta.

Mr. Deputy-Speaker: Shri Gupta:

Shri R. K. Malviya: I have not finished, Sir.

An Hon. Member: There are other amendments also.

Shri Indrajit Gupta: May I, with due respect to you and to the hon. Deputy Minister, make a suggestion to save time? If he could tell us whether he is prepared to accept any of these amendments in any form....

Mr. Deputy-Speaker: Is the hon. Minister willing to accept them?

Shri R. K. Malviya: No, Sir.

Mr. Deputy-Speaker: He is not willing to accept them.

Shri Indrajit Gupta: Then, I think, it is better to proceed with the other business because I am not particularly interested in hearing him. I will not press them and I do not want to put the hon. Minister to the trouble of giving these long explanations.

Mr. Deputy-Speaker: He is not pressing them. He will withdraw them.

Shri Narendra Singh Mahida (Anand): Will the hon. Deputy Minister tell us whether they will at all consider the raising of this stipend from Rs. 25/- to Rs. 50/- in future?

Shri R. K. Malviya: The whole trouble is this. We have got a training programme ourselves and we are paying only Rs. 25/- a month to 33 per cent students on poverty-cum-merit basis.

Shri Indrajit Gupta: They are also human beings.

Shri R. K. Malviya: This point has been considered thoroughly. This is only applicable for one year.

Shri Bade: Another hon. Member of the Congress Party is not accepting that.

Shri R. K. Malviya: It will be considered after one year and as the circumstances prevail then, we will see to it.

Mr. Deputy-Speaker: Does Shri Gupta withdraw his motions?

Shri Indrajit Gupta: I have either to withdraw them or they will all be

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rejected. So, it is better that they go ahead with their scheme and learn.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw both his motions?

The motions were, by leave, withdrawn.

15.49 hrs.

MOTION RE: MAINTAINING PRICES OF ESSENTIAL COMMODITIES AT REASONABLE LEVELS

Mr. Deputy-Speaker: The House shall now take up the motion re: maintaining prices of essential commodities at reasonable levels. Shri Indrajit Gupta.

Shri Bada (Kharagone): What is the time allotted for it?

Mr. Deputy-Speaker: Three hours have been allotted for it. We will sit till 7 o'clock.

Shri Indrajit Gupta (Calcutta South West): Sir, with your permission, I beg to move the following:—

"That this House takes note of the statement laid on the Table of the House on the 10th November, 1962 by the Minister of Planning and Labour and Employment on measures for maintaining prices of essential commodities at reasonable levels."

Shrimati Renuka Ray (Malda): There are some amendments.

Mr. Deputy-Speaker: Later. **Mr. Indrajit Gupta** may make his speech.

Shri Indrajit Gupta: As far as the statement, which the Minister has laid on the Table or made in the House on the 10th of November is concerned, I have not got very much to say because certain measures were outlined in the statement which were welcomed by everybody in the House

as evidence of a certain sense of urgency dawning upon the Government in the present situation. Because, I think everybody realises that the question of holding the price line, in the present emergency, is not simply an economic question, though it is primarily an economic question, but it is also a question of morale. I am very happy to say that, during the few weeks that have passed since the declaration of the emergency, there has come into operation a very powerful and what one might call a social conscience of the community which is expressing itself in various ways and in various forms, and to an extent which I do not myself remember ever happening before on any previous occasion in this country. A certain psychological atmosphere certainly exists which is a very welcome thing, acting as a brake upon those elements in our people who could have, perhaps, liked to exploit the present situation in order to raise the prices and enrich themselves. How long the effect of such a psychological brake will last is, of course, a very different question and I would not care to prophesy. For the moment it is really, I would say, the common people of this country who are the mass of consumers, people of low income groups, middle income groups and fixed income groups which have been very vocal in different ways and they have made it very clear that the nation is in no mood to tolerate any kind of anti-social practice on the score of blackmarketing or hoarding or raising of prices. In fact, I do not wish to question the bonafides of certain very prominent organisations of captiins of industry in this country. I take at their face value the very good statements that have been made and the intentions that have been expressed of doing everything in their power also to see that prices are maintained and that prices do not rise. But, I think it is, above all, to the credit of the common people of this country that pressure of their conscience and expression of their con-

science has told upon the captains of industry and has left them with no alternative but to come out with certain statements which are certainly very good on paper as far as they go.

As far as the proposals made by the Government in the statement of the 10th of November are concerned, I do not wish to analyse them. I hope the Minister, when he speaks, will tell us as to what progress has been made on the basis of that statement: for example, whether the Price Stabilisation Committee has actually been set up or not, how it is functioning and so on, as well as the progress, if any, made on the other measures which are outlined here. As far as they go, they are quite good. But, my whole contention today is going to be that these measures do not go far enough. The statement, perhaps, unintentionally breathes a certain sense of complacency for the simple reason that the statement devotes itself to what I might call certain practically ad hoc measures which are quite good in so far as they are stated there, but tends to ignore many of the great fundamental economic factors which are at play, which are at work in this country and which may, in the long run, and I am sure, will, in the long run, force themselves to the forefront and unleash tendencies which would require all our efforts and all our resources to keep in check.

I would just remind the House that it is true that since the emergency commenced, there has not been a very marked or rapid or comprehensive rise in prices all along the line. There have been some to which I will refer later on. But, we should remember that if we go back to the 8th September line—I am not referring to the 8th September line which we discuss here so often now in regard to the settlement of the border question; I am referring to the 8th September price line; there is a price line of 8th September—it will be seen—as we know the wholesale price index takes the March 1953 index as equivalent to

100—that this index had risen for the week ending 8th September, 1962, to 130.8. This was 5 per cent higher than what it was a year previous to that. Within the general index, it is seen that the index for food articles went up in the same period by 9.3 from 121.3 to 130.6. There has been a subsequent fall, a slight fall, a welcome fall. But, I feel that this subsequent fall is, to some extent deceptive in the sense that we have now entered upon the usual season or period when new crops begin to come on to the market, both of foodgrains and other agricultural commodities and therefore it is natural at this time to have a slight downward trend in price level. But, we should not allow this to lull us into complacency because I do not think it is more than a phase. Nor can prices be maintained simply on the basis of appeals to patriotism. Appeals to patriotism and response to the appeals are very good. But, if we depend simply on these, then, I am afraid, in the long run, we may not be able to cope with operation of the very hard and, I must say, the iron laws of economics which are bound to operate and which have operated in the past in this country.

I am apprehensive to think that in the next budget which will be placed before the House perhaps in February, we will be faced with a situation where the increased requirements of our Third Five Year Plan have to be augmented by a completely new factor and that is the increased expenditure for defence. I do not know what the magnitude of the increase in defence expenditure is likely to be. Various opinions are being expressed in the country at the moment, almost doubling the normal defence expenditure, going up to Rs. 400 crores.

Dr. M. S. Aney (Nagpur): What is your estimate?

Shri Indrajit Gupta: If that is so, it would mean that a magnitude of taxation might be imposed, might have to be imposed which would generate almost unbearable inflationary

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pressures as far as the low income and fixed income groups are concerned. It is these groups which have been particularly in the forefront in the matter of making sacrifices, in the form of donations to the National Defence Fund. It is these groups which have come forward for the voluntary savings campaign in the interests of national defence. Proportionately, relatively I would say that these groups—the lower income groups—have given much more in relation to their limited resources than the higher income groups have done. If we are faced with an economic situation in which the doubling of defence expenditure plus increased expenditure required for our Third Plan force upon us a taxation bill which will generate inflationary pressures of a kind which will make it practically impossible for these groups to save any more, then, we are going to be faced with a very serious situation apart from the resentment which may be created.

There is the question of the other factor which has not been taken into account in the statement, because the statement is of a very limited scope, and that is the question of deficit financing. We all know, in the present economic system in which we are operating in this country, deficit financing, that is to say, releasing larger volumes of printed money, means that this volume of money will go, at least a big part will go, into the hands of commercial banks and from the commercial banks, through the machinery of loans, advances, discounts, overdrafts and banking methods, go into the hands of the private sector. This money expansion, in the opinion of many renowned economists of this country, has led to a degree of over-investment which is one of the main causes of price rises. I would like to know from the Government, in the conditions of today, in the situation where we are on the eve of another budget, perhaps, what is going to be a momentous budget, what is going to

be the Government's attitude in relation to holding the price line and the question of deficit financing. From 1954-55 to 1961-62, the volume of money in this country expanded by 60 per cent; during the same period, the national production of this country went up by 27 per cent; in other words, it lagged far behind, and in this period we find that the prices rose by 34 per cent.

16 hrs.

Deficit financing is one of the main factors responsible for the very heavy inflationary pressures which have taken place in the past in this country. We should think ahead now. We are not very far off from February, and if certain lines of policy are not decided upon from now, then all this psychological pressure and social conscience of the community may be rendered absolutely valueless in the ultimate conflict with these economic laws.

The diversion of resources to defence expenditure and defence requirements is taking place and will have to take place. As a result of that, of course, some sections of the community will get some increased purchasing power in their hands. I do not quite know, but there may even be some temporary increase in employment, in emergency employment connected with defence work. As you know all these are factors which produce inflationary pressures. They all combine to produce inflationary pressures. I think it is true to say that inflation is and has always been a camp-follower of war.

16.01 hrs.

[SHRI MULCHAND DUBE in the Chair]

We do not know of a war at any time in any country in the world which has not been accompanied by tremendous inflationary pressures. Inflation is one of the camp-followers of war, and, therefore, we have to consider this problem more seriously than to think that we can cope with it simply by

setting up a few co-operative stores or asking the shop-keepers to display the prices of the commodities they sell and measures like that. These measures are very good, and I have no quarrel with them, but they are just tinkering with the problem, in my opinion.

I just wish to refer to one or two pointers or eye-openers in recent weeks which should put Government on guard. I do not wish to go into the details of this recent kerosene racket that took place here in Delhi, which has been discussed in this House already. But we know that this was an eye-opener in the sense that it appeared to catch Government napping. My concern is not that something like this may occur here and there, now and then. But the point is that here under the very nose of the Central Government, something took place; of course, it was checked, and though, I believe the conditions have not yet returned completely to normal, Government took certain action, and I congratulate them on that. But the point is that the whole thing occurred here under the nose of the Central Government, and it appeared to catch them napping. It was a combination of hoarding, of some illegal export or diversion of supplies from Delhi to UP because the sales tax there is higher, or a combination of short supply by the oil companies themselves, and then, of course, as a corollary of this, some panic-buying which took place from the side of consumers who apprehended that supplies were going to run out. All these factors combined to produce this state of affairs. So, we have to be on guard, because this kind of thing is likely to happen over and over again.

Then, there is a report in yesterday's newspaper, also about Delhi, about the very steep rise in the prices of building materials. Many hon. Members may have noticed that report. "A flourishing blackmarket has grown up in cement in Delhi just at the time when land values have begun

to fall. There is a fall in land values, but there is a steep rise in building costs. The report in *The Statesman* says as follows in regard to cement:

"A bag of cement previously sold at a little over Rs. 7 now sells at Rs. 11-50 in the black-market. The prices of steel, wood and other materials have also risen. It is estimated that at these prices, the cost of a building will increase by nearly 50 per cent."

Why is this being allowed to happen? Cement is a controlled commodity, and yet, blackmarketing is taking place. With great acclamation, the House passed the Defence of India Bill the other day and, I am sure, not only to arrest Communists but also to take action in other directions; at least, I hope so.

Then, we have the question of cloth, to which a reference was made this morning in a calling-attention-notice, and yesterday too. Here again is the same contradictory feature, namely a fall in production and a rise in stocks. Production has gone down in the mills from 423 million yards in May to 384 million yards in October. During the same period, the mills complained that stocks had gone up from 322 lakhs of bales to 431 lakhs of bales. I notice that the mill-owners are complaining about the intention of Government to compel them to divert a larger part of their output to coarse cloth. I do not wish to quote, though I can quote any number of objections to this plan of Government. But I would like to know one thing. Why is it not possible for these stocks which the mills claim are held up with them to be diverted through fair price shops to the consumers? Is it because the price of cloth generally in the country is likely to come down a bit and the mill-owners are objecting to it? The papers are reporting about this every day that the mill-owners do not want these stocks to be released lest there should be a general slight fall in the price of cloth in the

[Shri Indrajit Gupta]

country? But, has cloth become so cheap in our country already that the country cannot afford a further decline? These stocks have to be cleared; otherwise, tomorrow, they will have an effect on production, and production will begin to be restricted.

Therefore, I would suggest that Government should take steps to see that these stocks which the Minister of International Trade told us yesterday, amount to only six weeks' stocks—and yet a big hue and cry is going on about it—are diverted through fair price shops to the customers or to the ordinary public, and they can be diverted if energetic steps are taken in that direction.

About foodgrains, I have spoken about it already. At the moment, the season is one when the new crop is coming in and there is a certain downward trend. But we know what may happen later on. Everybody in this House who goes for shopping for his own personal requirements knows that during these past few weeks the prices have risen. Take, for example, toilet goods; take any variety of toilet soap or tooth-paste or hair oils or razor blades and so on; somebody may say that these are luxury items; I do not know; I do not think the middle class in our country nowadays considers these to be luxury items; the poorest people may, and of course, they do. Then, again, take items like stationery goods. The Prime Minister has told us over and over again when people have raised the question of pruning the Plan in the name of defence that education is one of the things which can never be given up. But in these few weeks, the prices of things like exercise books, which students have to buy, of paper and other stationery goods have been going up, in every retail shop by two annas or three annas or four annas every week. If you ask the shopkeeper, he says 'What can we do? The wholesalers from whom we buy these things are putting up the prices, or the original manufacturer is put-

ting up his prices; we do not know'. Why is this kind of thing happening?

Then, in the statement, there is also a reference made to certain plans which Government wish to undertake, for increasing the production of supplementary foods, other than cereals and grains, like dairy produce, and eggs and fish and so on. That is very good, though, no plan, as far as I know, has been drawn up yet. But I would just like to point out also for your information that some contrary factors in the situation are also at work. For example, in my State where fish is not considered to be only a supplementary food but almost the staple food, just at the time when the Government of India are coming forward with their declared intention of increasing the production of fish and the supply of these things in my State, a very ambitious scheme of augmenting the supply of fish by deep sea fishing by trawlers, undertaken by the State Government of West Bengal at the cost of some crores of rupees, which have already been spent, has only the other day been declared to have been abandoned. I do not know how the supply of fish is going to be increased. This will have to be gone into.

Another point. The statement refers to maintenance of prices of essential commodities. We are of course naturally inclined to consider only the question of price rises, but when it is a question of maintaining prices we have to consider the opposite thing also, certain commodities in respect of which the Government should prevent any undue fall in prices.

I am referring only to agricultural commodities. As a matter of fact, the statement states in one place that measures should be taken to see that the primary producer is assured of the minimum price which gives him the necessary incentive to invest in improved agricultural practices, and

whatever the level of production, to be put in a position to reckon on an assured reasonable return for his produce. That is the other side of the picture. One is the rise in prices of essential commodities, the other relates to preventing an undue fall in the prices of those commodities with which lakhs of agricultural people and farmers are concerned.

Here during this very week, do you know what is happening to raw jute? We have discussed about jute on so many occasions in this House and the Government has told us so many times that steps are being taken to maintain some sort of minimum price. But here I will read one little paragraph from the official organ of the Indian Central Jute Committee, a government body, namely the *Jute Bulletin*. The point I wish to emphasise is that for the first time it is stated here that in all past wars it has been found that war or warlike conditions have always seen jute growers thriving in the past, but this is the first time that there is no past parallel for this odd development that the worst hit by the Chinese aggression is raw jute.

Shri Shivaji Rao S. Deshmukh (Parbhani): The same thing applies to cotton.

Shri Indrajit Gupta: Possibly.

It says that at time when jute seems well set for many months of prosperous trading, what has been happening is distress sales of jute. The Indian Central Jute Committee has been compelled to state that 'everything possible should be done by the mills and other agencies—I do not know why they have left the Government out—to disabuse the feeling shared by the masses of jute growers that their sorry plight has offered an opportunity for callous exploitation. If there is to be no recurrence of the famine conditions of 1960-61, it is commonsense that no sacrifice at this stage can be too big to stop growers

getting away with the feeling that jute cultivation is a losing game'. If this is allowed to continue, the next year acreage will be diverted again from jute to other crops and we will face a famine of raw jute again, and our biggest foreign exchange earner will be put into the thorns of another crisis.

Therefore, I would like the Minister to say something not only about how he proposes to check rising prices but also how he proposes to arrest falling prices where it is necessary to arrest them.

I have only one or two more points to urge. There is a lot said in the statement about co-operatives. It has been said that in the beginning there will be 200 wholesale co-operative depots and 400 primary stores set up in cities and towns with a minimum population of one lakh each. Anybody who knows the figures will know that this is only going to touch the barest fringe of the urban population, because cities and towns with a minimum population of one lakh and more at present in our country are just 107 and the combined population of these 107 towns and cities is 3.5 crores. To cope with their requirements, we are proposing 200 wholesale and 400 primary co-operative stores or depots. This is not going to touch the fringe of the problem.

Besides, I would like Government to consider another question. What is their plan for seeing that these co-operatives will get adequate supplies of essential commodities at reasonable prices? I feel that under the present system, this is really a sort of Achilles heel of the whole co-operative system which is being proposed because if the co-operatives are not linked directly with the producers, whether they be industrial or agricultural, these will have to depend entirely on the private sector and the prices ruling in the private sector for their supplies. I was looking at the latest Report of the Registrar of Co-operative Societies of one of the foremost States in co-

[Shri Indrajit Gupta]

operation in our country, Madras. It says that 75 per cent of the goods obtained are obtained by the co-operatives from private manufacturers or wholesale dealers. This means that it is not as though co-operatives can influence market prices; it is the other way round. Market prices dictate to the co-operatives inevitably when they have to depend on non-co-operative sources for their supplies. All that the co-operatives can do then is that when there is a bigger margin between their own procurement price and the prices at which they sell, they can declare a bigger dividend to the shareholders. But as a factor in controlling market prices, the co-operatives are virtually useless unless they are guaranteed adequate supplies of essential commodities at reasonable prices.

Therefore, Government must arrange for adequate supplies at stipulated prices. We should have that kind of co-operative chain all over the country. I strongly suggest that it should be supplemented by a very far-flung network of fair price shops at the rate of one shop for 500 or 1000 families. Unless these are also brought into being, I am afraid these proposals that have been put before us for a small number of co-operatives are not going to make any dent in the situation at all.

Finally, I wish to make some proposals because though there are many aspects, there is no time to go into them and there are other hon. Members also wishing to speak. I have already suggested the urgent need to have a network of fair price shops. By leaving them out and depending only on very precarious types of co-operatives, we are heading for trouble. Secondly, with all the powers Government has now taken, why should not stocks of various types of goods—essential commodities—be frozen by Government for distribution through certain planned channels as and when required? I have already mentioned about cloth lying with the mills. But

this will come up from time to time in the case of many commodities and I think instead of leaving them to what are called the regular channels and depending entirely on them, the comprehensive powers of Government should be used now whenever necessary in the social interest to freeze stocks, wherever necessary, and channel them in directions required. (An Hon. Member: Of what goods?) Let him tell us. I do not mind.

The prices of these essential commodities should be fixed by Government. I would also suggest abolition of taxes on foodgrains and other essential commodities. I do not know what is coming in the next budget. But if foodgrains and other essential commodities are going to be taxed directly or indirectly, then all the inflationary pressures I have mentioned earlier will come into operation and with the best will in the world we will not be able to control the situation.

Then I come to bank advances against foodgrains. There are lots of malpractices, misuse of credit for speculative purposes. I do not wish to go into details. But certainly bank advances against foodgrains should be stopped altogether. There was a time in 1959-60 when prices went very high, when a ceiling was put, I think of Rs. 50,000, on bank advances against foodgrains. But it proved how easy it was to circumvent that kind of restriction, how people operating in the trade knew how to get advances under different names but all operating in the same combine, and use them to pile up foodgrains, hoard them and then put up prices and indulge in speculation. Therefore, I would suggest the present emergency calls for stronger measures to put a stop to bank advances against foodgrains.

Minimum prices for agricultural produce—this is an old hardy annual in this House. But since everything is now being discussed in the new context, I hope Government will treat it

likewise and do the needful. I have referred to the question of jute. There is the question of cotton and so many other things. Minimum prices for agricultural produce should be fixed and Government should make it clear to the farmers that wherever necessary and whenever necessary, they will purchase directly at those prices. Unless this is done, there is no other way by which the farmer can be given confidence.

Then, I would also suggest that some kind of a crash or emergency programme should be worked by the Centre in conjunction with the States for raising the production of supplementary foods like meat, fish, milk, eggs, vegetables and so on. It is there in the statement, but I would like to know what steps are being taken. My experience in West Bengal is something contrary to that.

As far as administrative measures are concerned, I would suggest that along with the other things which are already being taken up by the Government, there should be some system of a very thorough inspection, inspection of all godowns of wholesalers, what are called *adats* of the *adatdars*, stocks in mills, cold storages etc. If necessary surprise inspection should be instituted to see that there are no malpractices going on.

Government is experimenting with many things. I suggest they might also care to experiment with the setting up of a few price courts. They may appoint economic assessors, and let people who are suspected or accused of trading malpractices be brought up before such price courts for trial and judgment, in addition to all the other kinds of courts that we have got.

These are some of the positive suggestions that I want to make. In conclusion, I will simply say that Government can be assured of full co-operation from everybody in this House, I hope, and certainly from the vast mass of ordinary people in the country outside in every measure

which they decide to take and which they care to take to hold the price line. I consider this to be no less important than holding the front line, because the people who are in the rear have got to be given confidence that they will be protected against any kind of anti-social behaviour and practice, and it is only with that confidence that they will be able to give of their best in every walk and field of life where they are working, and in that way alone will we be able to go ahead to the ultimate success of our country.

Mr. Chairman: Motion moved:

"That this House takes note of the statement laid on the Table of the House on the 10th November, 1962 by the Minister of Planning and Labour and Employment on measures for maintaining prices of essential commodities at reasonable levels."

Shri Ram Sewak Yadav (Barabanki): I beg to move:

That at the end of the motion, the following be added namely:—

"and resolves that Government should take the following steps to stabilise the prices—

- (i) the prices of foodgrains should not rise more than one anna per seer between two crop seasons;
- (ii) the prices of essential factory products such as cloth (coarse), kerosene oil, cement iron, sugar and medicines should not be more than one and a half times of their cost;
- (iii) the prices of foodgrains and raw materials produced by the agriculturists should be sufficient for their livelihood besides recovering the cost of production and balance should be maintained between the prices of agricultural and industrial products." (1).

Shri D. S. Patil (Yeotmal): I beg to move:

That at the end of the motion, the following be added, namely:—

“and urges upon the Government to assure the cultivators that the prices of foodgrains and other commodities produced by the agriculturists shall not be allowed to fall below a reasonable minimum level.” (4).

Shrimati Renuka Ray: I beg to move:

That at the end of the motion, the following be added, namely:—

“and urges upon the Government to utilize the powers conferred on it under the Defence of India Rules without delay to conserve the use of essential commodities in short supply and to effectively check the activities of all anti-national elements, such as war profiteers and black-marketers.” (5).

Shri Sivamurthi Swami (Koppal): I beg to move:

That at the end of the motion, the following be added, namely:—

“and resolves that—

- (i) the inflation of money should be controlled on a reasonable level to reduce the prices of essential goods;
- (ii) the production should be increased by helping the agriculturists; and
- (iii) steps should be taken for equitable distribution through Co-operative Societies of such commodities that are in short supply”. (6).

Shri Bibhuti Mishra (Motihari): I beg to move:

That at the end of the motion, the following be added, namely:—

“and resolves that the prices of agricultural products should be

fixed taking into account their cost of production and other necessities of life of the producers and should also be linked with the prices of utility articles produced in the factories so that the cultivators may not suffer loss.” (7).

Mr. Chairman: There is a large number of speakers. I would request hon. Members to confine their remarks to five or seven minutes.

Dr. P. S. Deshmukh (Amravati): It is highly gratifying that even at the fag end of the session we are getting an opportunity to discuss this very important subject.

I am very happy that the Mover of this Resolution has put the case in a very appropriate manner. I think he deserves congratulation for the way in which he has made his observations. He has not shown his inclinations or political propensities in any manner in his speech. He has been very reasonable because all of us feared that the party to which he belongs was generally making capital out of the rising of prices.

Shri Indrajit Gupta: You should not make any political capital either.

Dr. P. S. Deshmukh: I am thanking you because you have not done so.

Shri Indrajit Gupta: This thanks itself has got a political flavour.

Shri S. M. Banerjee (Kanpur): This is political thanks.

Dr. P. S. Deshmukh: I am just referring to the apprehensions that we had when the subject was brought before the House, that in all probability we would be treated to some alarmist sort of attitude and there would only be one side of the question which would be dealt with predominantly, but I am glad Shri Gupta has also paid attention to the producers, especially the agricultural producers, and he has made out a very strong case for protecting the interests of the farmers. That was the reason why I have gone out of the way to congratulate him on what he has said.

This is a very difficult subject, and it is not an easy task for any Government to maintain prices, especially in a vast country like ours where not only production but various circumstances differ from place to place, and when our law and order situation or our controls and our administration is hopelessly weak. This country suffers from bad administration in many respects, a very weak administration. Whatever intentions are proclaimed, they are never able to carry them out. Whenever they try to fix the prices, it only encourages black market. Nobody gets anything at the price fixed or even 25 to 50 per cent more. That is generally our experience so far, and I am therefore glad that the Government has not rushed all of a sudden to try to fix the prices of any commodity.

There is a section in the Cabinet and certain other people who are devoted to controls, because they think that with the plans that we have, we must have a controlled economy; but controlled economy does not mean controlling everything, or controlling some things foolishly. There should be a line drawn of what is practicable, what we can really control, the benefit of which we can give to the people, and what lies beyond our capacity. So, from that point of view, I welcome the fact that no control has so far been placed.

But I do not know what really this vigilance committee that has been proclaimed by the Planning Minister is going to do. Now they are thinking of this vigilance committee, and some strong and high level committee—we always have high-level, high-powered and high command, everything high in this country—and therefore there is going to be some high-level committee. Our friend Shri Patil had proclaimed this high level committee long ago. God knows what has happened to that high level committee that he had proposed.

Dr. M. S. Aney: They will have to come down to take up these matters.

Dr. P. S. Deshmukh: Probably it required the Chinese to help him to

get this committee established. It required an emergency. This is also another subject which is the result, it appears, only of the emergency. Otherwise, to the ordinary commonsense of the administrators of the country this did not appeal.

* **Shrimati Yashoda Reddy (Kurnool):** We can confine ourselves to the price, and not to the Ministers.

Shri Shivaji Rao S. Deshmukh: The learned doctor did not transgress even by an inch.

Dr. P. S. Deshmukh: I think the lady Member has not paid much attention to what I have said and the subject before us.

Shrimati Yashoda Reddy: I have paid very good attention.

Dr. P. S. Deshmukh: There is a statement of Nandaji which we are discussing and it contains a plan of action by which he thinks that we will be able to maintain the prices, and in that there is something like consumers' co-operatives. What I was driving at was that it required the Chinese aggression to remind the Government that there is some use so far as co-operative consumer stores are concerned, and this has been done. The importance of this subject is being realised only because of and only when we are in this emergency. The Government is going to establish consumer co-operatives. I do not know how the Government is going to do it. Is it the joint registrars or the registrar's subordinates who are going to bring them about as in the case of the service co-operatives? It is hardly a proper method of encouraging co-operatives. They are voluntary organisations; they have to be done by people. Very often these consumer co-operatives have been asking for assistance from Government but it was felt that it was not Government's duty to help consumer co-operatives but that they should stand on their own legs and therefore,

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no assistance was given. Now, all of a sudden large sums of money are going to be allocated for co-operatives but I do not think the way in which Government is trying to do this will ever succeed. If they want to do it they will have to do it in a very systematic manner and give it to the people who are really devoted to the co-operative principles. I am glad that Shri Gupta has dealt with this subject in a very good manner because unless you help these co-operatives with goods and articles at some concessional rates things will not improve because what the ordinary merchants can do—adulteration, short weights and measures etc.—the co-operatives cannot. It is by these methods that the ordinary shopkeeper brings the co-operatives to naught. If, as Mr. Gupta suggested, goods are given at concessional rates on a wholesale basis they will be able to distribute the goods honestly at fair prices. There should be regular supply. Unfortunately my experience in this Government is that they talk tall about co-operatives but they do not know what co-operatives are or how and where to assist them. I have innumerable instances to quote of talking big and loud about co-operatives but actual assistance is nil. The co-operatives are in many places deliberately done harm by the administration, by many of their officers and people who proclaim their faith in co-operation. There is one co-operative general insurance company, only one in the whole of India. It has taken up crop and cattle insurance. What is their experience? For some reasons, Government prefers very often to go to an ordinary joint stock insurance company and they take away the business already given to the co-operative general insurance company. This type of experience is very common so far as co-operatives are concerned. Now that their importance is realised by Government, I hope it will tackle it properly and give the people a chance to prove its worth. Otherwise, very often we

talk of co-operatives but do things in a way by which co-operatives cannot exist.

Many people say: look here we had a co-operative here but it had failed. Very often they are themselves instrumental for the failure of the co-operatives. They want to use these arguments to discredit them. I hope Nandaji will take care to see that this does not happen in the present circumstances.

I am particularly happy that for the sake of seeing that the price line is maintained, Mr. Gupta has not advocated some lower prices to be paid to the agriculturists and producers of these goods, especially foodgrains, cotton, jute, etc. I support his suggestion that not only the minimum price should be fixed but operative steps should be taken to enter the market as soon prices go below a level.

There is another trouble which has now arisen. I do not know whom the Textile Commissioner serves but it is not the agriculturists' interests that he serves nor the interests of the country. On his own sweet will he starts taking action when there is no need. There are ceiling and floor prices for cotton. If the ceiling was pierced, he may have interfered. But just because somebody—it must be the big business—impressed upon him the desirability or the fear that the prices are likely to go up, he started doing things when prices were Rs. 100 or Rs. 200 below the ceiling and interfering with the free movement and free purchase of these commodities. If this is the way Government is going to maintain the price line, I am afraid it will maintain neither the prices nor the cultivators nor will it get more production.

In the same way they have referred to supplementary food. It is a very wrong description. It is ordinary food, fruits, eggs, fish and all that. Supplementary food has a

different meaning something like the "Meals for the Millions", multi-purpose food or something that goes to balance the nutritive quality of peoples' diet.

I had many more observations to make but since your bell is ringing, I will conclude shortly. I support the way in which Shri Gupta has made the suggestions, namely, trying to protect consumers on the one hand without sacrificing the producers. I am going soon to launch a producer-cum-consumer co-operative and I hope ample help from the Government, in view of what they have declared, will be available to me so as to see that we function, taking care of the interests of both the producers and consumers.

Shri Hem Barua (Gauhati): Sir, the prices in our country have a tendency to spiral up. This emergency has added an edge to it. But the beauty of it is that there is no serious attempt made on behalf of Government to arrest these prices. If we take the wholesale price index, it was 124.1 in August 1961 compared to 132.9 in August 1962. This shows the tendency of prices to rise. Compared to 1959 index, it is an increase of 4 per cent; in some commodities it may be less; in others, more. The purchasing power of the buyer has not gone up commensurate with this increase; it has not proved as dynamic as the rise in prices.

I would say that prices are inter-linked with planning. What about our plans? Our prices showed signs of restiveness during the First Plan period. In the middle of the Second Plan period, the prices started spiralling up and when we entered the Third Plan period prices spiralled up still more. This emergency has added a cause for anxiety in this matter. There is inadequacy of supplies of essential commodities. That is why I say that Plans must have a purpose to see that prices do not rise. Then alone we can arrest the rise in prices. What about the Plan targets? We

have planned for a 30 per cent increase in national income during the Third Plan period—a six per cent increase per annum. In 1961-62 the rise in national income was only 3.5 per cent. No serious or concrete steps are taken to arrest the prices and to link planning with prices.

Agriculture is the pivot of our economy as also our price policy. Recently, foodgrain prices have rather marked a slight decline. Both the Ministers, Dr. Ram Subhag Singh and Shri Patil, have been saying that the measures that they have taken have succeeded to a certain extent, but they forget the fact that because the harvest season is very near and because we are going to have a bumper crop there might be a slight decline in the prices of foodgrains. We must not forget that the monsoon-gods should smile on our fields. Then and then alone we will have a good harvest for a bumper crop.

What about the measures taken by the Government? The measures are inadequate. There is an acute shortage of fertilisers. There is an acute shortage of irrigation facilities. There is lack of concentrated effort towards agriculture. Unless and until these factors are taken into account, to say that we would arrest rise in prices is a very difficult thing to be achieved. In spite of all the measures taken by the Ministers, in spite of all the measures that are being propagated or enunciated in the note, I would say that these measures would not succeed.

My hon. friend Shri Indrajit Gupta said something about deficit financing. It is a fact that deficit financing has an inflationary tendency, and this inflationary tendency has always an impact on prices. During this emergency, this inflationary tendency is likely to go up, and that is why I say that during the second Plan period the total investment in the public sector was to the tune of Rs. 4,657 crores out of which the deficit financ-

[Shri Hem Barua]

ing was Rs. 950 crores. During the third Plan period, the total investment so far as the public sector is concerned is Rs. 7,500 crores. Out of this, Rs. 550 crores are estimated as deficit financing. I would say that we must try to limit this deficit financing as far as possible, or else it is going to have an inflationary impact on prices. I am not opposed to deficit financing as such, because in a developing economy, this deficit financing is unavoidable, but because we are faced with the war crisis today, we should see that inflation does not rise in this country and as a result the whole economy of our country is thrown out of gear.

We talk about voluntary gifts to the war fund. I commend those people who have come forward with voluntary gifts for the war fund. But so far we have succeeded in collecting only Rs. 15 crores. This is a very negligible amount compared to the tremendous task that we have to do in order to step up our defence measures. What do we find? On the other hand, we find Prof. Kalder saying that Rs. 200 crores are annually evaded by income-tax payers. There are people in this country who do not pay taxes, not to speak of prohibition on which we spend another Rs. 200 crores. I would say, as my hon. friends have already suggested, that there should be a temporary suspension of prohibition during this period, and we should gear up our tax-collecting machinery to a point where no tax evasion is possible in this country. In order to avoid inflation, so that it might not affect the rise in prices, we must see that if necessary we impose fresh taxation for the purpose of this emergency.

Now, we are face to face with a crisis. There is an emergency today, and we have to gear up our defence machinery. There is no doubt about it. We have to defend our country, and that is why we have to reorganise and introduce some sort of discipline in our economy. When I

speak about the reorganisation of our economy, I do not say that the Plan is to be pruned. I would, however, say that the frills of the Plan ought to be pruned. The production pattern has to be reorganised and there should be priorities. These priorities should be organised. Then we must see that more energy and vitality are ploughed into the Plan so that we might produce more goods and avoid rise in prices. Unless we have a buffer-stock of essential commodities, there would be a rise in prices. You cannot avoid it.

What about agriculture? We say that we have a bumper crop. But we must not forget that food stocks are being cushioned also by the aid of PL 480! That is the fate of this country. 70 per cent or rather more of our people are engaged in agriculture; in fact, it is more than 70 per cent. But in the USA, 70 per cent of the population are engaged in industry. Only 10 per cent are engaged in agriculture there. But here is a country where more than 70 per cent of the population are engaged in agriculture and yet has to go to the USA, where only 10 per cent are engaged in agriculture, with a begging bowl for food. Therefore, our economy has to be geared up. Unless and until we reorganise our economy in the context of this emergency, we cannot succeed.

The British power during the last world war did not reorganise the economy of our country when this country had to face that emergency. As a result of that, there was the Bengal famine. That is why I say that we should reorganise our economy.

What about the Federation of Indian Chambers of Commerce and Industry? They have co-operated with the Government in this critical moment, and they have come out with certain concrete proposals for the setting up of price vigilance committees in different zones of our country. That is all right, but then the kerosene scandal in this capital is a pointer to

the fact that there are black-sheep in every flock. We must not forget that they want to take some advantage out of this emergency, out of the abnormal conditions that prevail in the country. What happened in regard to the kerosene scandal? This scandal was brought to the notice of this House by Shri S. M. Banerjee. Then the Minister came out with a statement and assured the House that he would take stern measures against those who indulge in anti-national activities. What was the Government doing till then? Why was it that the Government did not take any stern measures against those people, before it was brought to the notice of the Government on the floor of this House? I find some Ministers going about thundering that they would take stern measures against these anti-social elements. I know Shri Nanda thundered about it. Unless and until this sort of thundering is buttressed with positive, concrete action, this would not have any effect on the black-marketeers and profiteers. Why don't you, even for once, in this context of emergency, try to implement that ancient slogan of our Prime Minister, Shri Jawaharlal Nehru, who said that he wanted to hang black-marketeers on the nearest lamp-post? Try to do it once and save the country and the people from this catastrophe organised by these anti-social elements.

The note says about 200 wholesale stores and 4,000 branch and primary stores. Do they cover the entire population? What about the rest of the population? My hon. friend said that there are 107 cities in this country each with a population of a lakh and more, and the total population of such cities is three and a half crores. What about other people? Hoarding of commodities in bank accounts by the wholesalers can be verified, because banks make advances towards certain goods. We can find out the real truth by looking into them.

In short, I would say that there is a crisis facing our country, and in

view of that crisis, we should see that no anti-social elements are allowed to flourish and thrive and reap harvest out of the miseries and misfortunes of the people.

Shrimati Renuka Ray: Mr. Chairman, Sir, yesterday, speaking in this House, the Prime Minister pointed out that we are going to face a long war and for this we must be prepared in the front line; and what is of equal significance, in the rear also, people have come forward splendidly. The response has been magnificent. But we have to build our economic system in a manner that it has a proper strength and is able to gear up to the war effort. Let us analyse the statement of Mr. Nanda in this respect. He has mentioned that we face a state of emergency and therefore, there is urgency behind all this. But after reading through the statement, one is left with a sense of bewilderment, because we are told about the first phase which will be put into operation; and, it has been put into operation. But we are dependent even now to a large extent on the good offices of industry and trade. I do not dispute the patriotic fervour of any man in this country. Far be it from me to say that industry and trade are not trying to help. But do we leave it to the good offices of any non-official organisation to find out and curb the activities of anti-social elements and of those who do propaganda directly against the country and vitiate the war effort? Have we not empowered the Government under the Defence of India Act to take swift and ruthless action? I do not speak of responsible leaders of industry and trade. But it is absolutely essential that against anti-social elements in this country, who thrive on the misery of others, during times of war in particular, we should take action quickly, swiftly and relentlessly from now.

Other speakers have spoken about the cement scandal in Delhi, scandals about textiles and so many other

[Shrimati Renuka Ray]

things. But what about wool? The Textile Commissioner fixes the price of wool and the wool disappears from the market. That is the kind of thing that is happening and will happen in a greater measure in forward areas than perhaps in Delhi, where you can watch and arrest somebody after some incident takes place. I would request somebody after some incident takes the Government to take measures here and now, particularly in the forward areas.

Take the example of war-time Britain. It was not a country which believed in nationalisation or even in any measure of socialisation in those days. From 1939 to 1941 there was no adequate machinery there to deal with the prices and the cost of living index went up in a manner that they could not control. From 1941 to 1945, effective measures were brought in and it went up only by 3 per cent. Many plans might have been pruned then, but they did not prune any plan for the children. In fact, it was during war-time in Britain that the children came into their own and the education expenditure went up five times. We should take a lesson from the example of Britain in these things.

I now turn to a country of free enterprise, U.S.A. What happened during the war time? They set up an office of production and office of price administration and Government control, which dealt with the production, supply and distribution of commodities for war and civilian use and to check prices. That was the experience of U.S.A., a country of free enterprise. Lastly I come to my own country. Mr. Hem Barua mentioned about the Bengal famine. I was in Bengal when that man-made famine came. We heard the cries of dying men and women and we used to pick up children from the streets. Even in Calcutta where the Japanese bombs were being dropped, they did not create such horrors as this man-made famine created. Government should take note of it.

Now Assam and West Bengal are forward areas. I know the word creates prejudice amongst some in this House, but rationing is necessary in these areas. Dr. Ram Subhag Singh will tell us that we have created buffer-stocks, warehousing facilities and the like. But I would submit that unless you take steps right from now, you may not be able to deal with the situation when it goes out of hand in Assam or Bengal or in other border areas. So, please keep the machinery ready, so that the people do not suffer and nothing like that man-made famine can come again. It is not a short-term measure. I would remind Dr. Ram Subhag Singh that it is a long-term sustained effort we have to make today, because the war may be a long one.

The other point to which I would draw the attention of the House is the need for conserving commodities in short supply. I do not mean only commodities which are not necessarily in short supply today, but conserving commodities essential to the war effort and for the consumers in the rear. Take petrol and petroleum products. We have already heard of the kerosene scandal. Whatever may be the quality of petrol that we have in this country, if a war has to be carried on, surely we should conserve petrol and bring in rationing right from now. After three years or so let us not say, there is not enough petrol for the war effort and we must stop civilian use. Let us plan out these things right from now.

There are so many other things. We are told that the prices of foodgrains have come down. As others have mentioned, this is the time of the crop when it goes down. But what about fish, vegetables and other things, which are also food? Their prices have not come down but are going up.

A similar conservation of supplies should be done about electricity, coal, iron and steel and cement. It should

be done now and immediately. We hear so much talk about all these, but no machinery is there by which black-marketing can be avoided. Let us gear up the machinery of the Government in the economic sphere to deal with these things in a proper manner from now on. The Finance Minister has brought in a very good thing—gold bonds. But what is the response from the public? There is very good response from the middle class, but what about the wealthier classes? What about their response to the offer made by the Finance Minister for helping the country? Apart from donating their gold, even to buy gold bonds, they are not coming forward in large numbers.

In the Planning Minister's speech, there is no mention about the idle capacity in industry. It should have been there. I do not know what is being done to gear up the idle capacity in industry to the war effort. Let us not have only statements about how we are gearing up our war efforts and our production needs. Let us actually do it. People feel confused when they hear about such wonderful things that are sought to be done, but yet they are not done. Let us not make any statement until the thing is done. If this golden rule is followed, it will lead to a great deal of optimism rather than frustration on people's part.

17 hrs.

[MR. SPEAKER in the Chair]

My neighbour says that then people will have nothing to talk about. Perhaps they can talk about less dangerous things than those that vitiate the war effort.

I have already said what war-time Britain did about education. Today in our country it is in the air that the plan has to be pruned. Where? Some people think education does not help the war effort in the sense that it does not help the front line. But our resources are in men also. If the future

citizens of this country suffer during this period in any manner because we have this unimaginative attitude towards what is of the vital consequence to the future of the nation, to the children of this nation, that would be a very harmful thing to the country. Let us, on the other hand, learn from the experience of Britain and other countries and utilise this emergency for the betterment of the future citizens of this country. Let us also remember that when we are working for a society where we want improved conditions and a more equitable economic society, then we should at least utilise the emergency today to bring such conditions among the people. The poorest among them has shown a wonderful response to that. Let us be able to handle it in such a manner, let us be able to utilise it in such a manner that the people of this country feel that the Government has come forward with measures through which we shall fight the enemy. In so doing, we shall be able to improve our nation. We shall be able not only to improve the armaments position with which we have to fight the enemy, but we shall also be able to take adequate measures through which the health, the physique of the nation is improved. At least the children who will have to carry on when we have gone should have better physique, better health. That is what Britain did during war time. Surely, during war time India can look to this whole problem in that perspective.

With these words, Sir, I should like to commend my amendment. One word has been wrongly typed there. It should be "anti-social" instead of "anti-national". I hope the hon. Minister—he is not here at the moment—when he comes will be agreeable to accept my amendment because I feel sure that the mover will not have an objection. What I want is only this:

"and urges upon the Government to utilise the powers conferred on it under the Defence of

[Shrimati Renuka Ray]

India Rules without delay to conserve the use of essential commodities in short supply and to effectively check the activities of all anti-social elements, such as war profiteers and black-market-ers."

Surely, there is nothing wrong in this.

Before I end, Sir, I want to say one word more. I do not for one moment suggest that the farmer should not be paid a fair and just price. He must, of course, be paid a just price. We want to expand our agriculture, so he as to be given initiative. But most of all we want that the interests of the largest section of the people who are also consumers namely the agriculturists—the cultivators, should be looked after. But we do not want profiteering. We must take every step to check it and we must not be complacent about it.

With these words, Sir, I hope that my amendment will be accepted.

Mr. Speaker: I wanted to know the pleasure of the House. I have got 30 names with me of hon. Members who want to participate in this debate. How long would they like to sit?

Shri S. M. Banerjee: Up to 7.00. Three hours are allotted for this motion.

Mr. Speaker: Three hours are there. Out of those three hours one hour must be reserved for the hon. Minister.

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): I would also like to say something.

Shri Hem Barua: Each speaker should have only five minutes.

Mr. Speaker: In spite of my ringing the bell, the last speaker has taken 12 minutes.

Shri Hem Barua: We took only five minutes.

Mr. Speaker: I was going to find out the desire of the House. Even if we spend three hours, at the end of that I am sure I would have left many hon. Members dissatisfied, discontented and, probably, they will be accusing me because of that. If the hon. Members agree we might just put it off to the next session. On Friday, the last day, the 2½ hours for non-official business we will devote to this. Then we can also take into account the developments that take place by that time.

Shri Shivaji Rao S. Deshmukh: So far as cotton growers are concerned they have lost millions of rupees because of the steep decline in prices. That is a burning problem. If that criticism is voiced today, it will have an immediate effect on the Government.

Mr. Speaker: Does the House want that cotton prices must be restored just now? What would he gain by that. He has voiced his grievance. That would go to the Minister also. I think we might postpone this discussion to the next session.

Shri Indrajit Gupta: If the House is agreeable to your suggestion that this discussion be left over to the next session, may I suggest, in that case, that the time be extended, the time for the discussion in the next session?

Mr. Speaker: I am giving 2½ hours more.

Shri Indrajit Gupta: 2½ hours more is not going to exhaust the list.

Mr. Speaker: That list of Members who desire to speak would never be exhausted. I also want that it should never be exhausted. That should go on pouring in more and more.

Shri Indrajit Gupta: The hon. Minister for Planning gave me to understand . . .

Mr. Speaker: That we will see then. Now the House is of the opinion that this might be put off to the next session—not the next session but the session we are having on the 21st January, 1963.

Shri Indrajit Gupta: How long we will continue today?

Mr. Speaker: I am going to adjourn just now. This is the last day and I thought that was the desire of the House

Several Hon. Members: Yes.

Mr. Speaker: So we are going to adjourn the House. I hope hon Members remember the vow that they have taken. They have to go to their constituencies. I have been receiving letters and telegrams from many persons. They have enquired from me what we will be doing here by continuing the session. They want us to go to the constituencies and work there. There is enough of work that we have to do for the civil defence, for keeping up the morale and other things. (*Interruption*). I am just giving you what the people—some of the people, of course there would be always difference of opinion; some might be thinking in one way and others just the other way—think (*Interruption*).

Yes, we have spent the time very usefully. This will go down certainly as a very memorable session. We

had this emergency, and the unity that we have demonstrated, of course, would go down in history, that under the spur of these reverses and this adversity we have united together to a man and shown to the people that we are really a nation forgetting all the differences that we have. I hope when you go back you will remember this.

Another thing is, I am thankful to the hon. Members that they have agreed that this session might not be prorogued though they would not be entitled to their allowance three days in advance when they come back in January. That is a sacrifice by the Members which will go as a patriotic act on the part of the Members that they were prepared to forego all this, they are not here simply for the sake of money and what they want is to do service to the country. That also they must remember.

I hope they will come back refreshed and with greater confidence to serve the country, which objective we all have in our view.

The House will now stand adjourned to meet again on 21st January at eleven o'clock.

17.08 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, 21st January, 1963.

[Tuesday, December 11, 1962/Agrahayana 20, 1884 (Saka)]

ORAL ANSWERS TO
QUESTIONS COLUMNS
5231-46

S.N.O. No.	Subject	COLUMNS
13	Indian troops in Congo	5231-34
14	Peking Radio Broadcasts	5234-42
15	Injured and wounded Jawan in Military Hospi- tals	5242-46

WRITTEN ANSWERS TO
QUESTIONS COLUMNS
5247-56

U.S.Q. No.	Subject	COLUMNS
858	Evacuation of families of Indian diplomats from Peking and Lhasa	5247
859	Price of cotton in Maharash- tra	5247-48
860	Implementation of Indus- trial Truce Resolutions	5248
861	Kerala Agrarian Relations Act	5249
862	Insurance Scheme to cover war risks	5250
863	Underloading of wagons at N.C.D.C. collieries	5250-51
864	Retirement age of Govern- ment employees	5251
865	Accumulation of tea stocks in Assam	5251-52
866	Prohibition in U.P.	5252
867	Prohibition	5252-53
868	Evacuation of Central Government employees from Assam	5253
869	National Defence Fund	5253-54
870	Afro-Asian Solidarity Committee's declaration to Colombo	5254
871	Visit of non-officials: o Ceylon	5254-55
872	Age limit for Emergency Commission	5255-56

CALLING ATTENTION TO
MATTER OF URGENT
PUBLIC IMPORTANCE COLUMNS
5261-64

Shri D.S. Patil called the atten-
tion of the Minister of Food
and Agriculture to the reported
fall in cotton prices and its
effect on cotton production.

The Minister of State in the
Minister of Food and Agri-
cultural Dr. Ram Subhag
Singh made a statement in
regard thereto.

PAPERS LAID ON THE
TABLE COLUMNS
5264-67

- (1) A copy of the Indian Tele-
graph (Twelfth Amend-
ment) Rules, 1962 publish-
ed in Notification No.G.S.
R. 1568 dated the 24th No-
vember, 1962, under sub-
section (5) of section 7 of
the Indian Telegraph Act,
1885.
- (2) A copy each of the following
papers :-
 - (i) (a) Annual Report of the
Heavy Engineering Cor-
poration Limited, Ran-
chi, for the year 1961-62
along with the Audited
Accounts and the com-
ments of the Comptroller
and Auditor General there-
on, under sub-section (1)
of section 619A of the
Companies Act, 1956.
 - (b) Review by the Government
on the working of the above
Corporation.
 - (ii) (a) Annual Report of the
Fertilizer Corporation
of India Limited, New
Delhi, for the year 1961-
62 along with the audited
Accounts and the com-
ments of the Comptroller
and Auditor General
there on under sub-sec-
tion (1) of section 619A
the Companies Act,
1956.
 - (b) Review by the Government
on the working of the
above Corporation.
- (3) A copy of the Tea (Second
Amendment) Rules, 1962,
published in Notification
No.G.S.R. 1558 dated the
24th November, 1962, under
sub-section (3) of sec-
tion 49 of the Tea Act,
1953.
- (4) A copy of Statement-I
referred to in paragraph
2.11 of Chapter II of
Annual Report of the
Khadi & Village Industries
Commission for the year
1960-61 laid on the Table
on the 23rd November,
1962.

COLUMNS

COLUMNS

PAPERS LAID ON THE
TABLE—contd.

- (5) A copy of the Indian Aircraft (Amendment) Rules, 1962 published in Notification No. G. S. R. 1967 dated the 24th November, 1962, under section 14A of the Indian Aircraft Act, 1934, together with an explanatory note.
- (6) A copy of Report of the Indian Government Delegation to the 46th Session of the International Labour Conference held at Geneva in June, 1962.
- (7) A copy of Notification No. S.O. 3552 dated the 24th November, 1962 under Section 30A of the Minimum Wages Act, 1948.
- (8) The Minutes of the sittings (Ninth to Twelfth) of the Committee on Private Members' Bills and Resolutions held during the Third Session.
- (9) The Minutes of the second sitting of the Committee on Petitions held during the Third Session.

MESSAGES FROM RAJYA
SABHA.

5267

Secretary reported the following messages from Rajya Sabha:—

- (i) That Rajya Sabha had agreed without any amendment to the Defence of India Bill, 1962, passed by Lok Sabha on the 28th November, 1962.
- (ii) That Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Taxation Laws (Amendment) Bill, 1962, passed by Lok Sabha on the 5th December, 1962.

MOTION TO REFER BILL
TO JOINT COMMITTEE
ADOPTED 5270—5326

Further discussion on the motion to refer the Constitution (Fifteenth Amendment) Bill to a Joint Committee and amendments thereto moved on 8-12-62 continued. The Minister of Law (Shri A.K. Sen) replied to the debate. The amendment of Shri Tridib Kumar Chaudhuri for circulation of the Bill was, by leave, withdrawn. The amendment of Shri Tyagi was adopted. The motion, as modified by Shri Tyagi's amendment thereto, was adopted.

MOTIONS FOR MODIFICA-
TION OF CENTRAL
APPRENTICESHIP COUN-
CIL RULES, 1962 AND
APPRENTICESHIP RULES,
1962. 5326—53

Shri Indrajit Gupta, moved two amendments for modification of the Central Apprenticeship Council Rules, 1962 and the Apprenticeship Rules, 1962. After discussion thereon both the amendments were, by leave withdrawn.

MOTION RE: MAINTAINING
PRICES OF ESSENTIAL CO-
MMODITIES AT REASON-
ABLE LEVELS 5353—88

Shri Indrajit Gupta moved a motion re: Maintaining prices of essential commodities at reasonable levels with reference to the statement thereon laid on the Table on 10.11.62. Five amendments to the motion were also moved. The discussion was not concluded.

Lok Sabha adjourned till 11 A.M. on Monday, January 21st, 1963.

RESUME

of the 3rd Session Part I the of Third Lok Sabha.

PERIOD OF THE SESSION]	8th Nov. to 11th Dec., 1962	NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (MATTERS OF URGENT PUBLIC IMPORTANCE):	
NUMBER OF MEETINGS HELD	26	(i) Notices received	17
TOTAL NUMBER OF SITTING HOURS.	16 hours 15 minutes	(ii) Discussions held	nil
NUMBER OF DIVISIONS HELD	14	NUMBER OF STATEMENTS MADE UNDER RULE 197 (CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE):	
GOVERNMENT BILLS :—		(i) Notices received	294
(i) Pending at the commence- ment of the session	9	(ii) Statements made by Ministers	10
(ii) Introduced	27	HALF-AN-HOUR DISCUSSION HELD	Nil
(iii) Laid on the Table as passed by Rajya Sabha	4	GOVERNMENT RESOLUTIONS :—	
(iv) Referred to Select Com- mittee	1	(i) Moved	1
(v) Referred to Joint Com- mittee	1	(ii) Adopted	1
(vi) Reported by Select Com- mittee	1	PRIVATE MEMBERS' RESOLU- TIONS :	
(vii) Reported by Joint Committee	1	(i) Received	739
(viii) Passed	25	(ii) Admitted	584
(ix) Returned by Rajya Sabha without any amendment	7	(iii) Discussed	5
(x) Returned by Rajya Sabha with any amend- ment		(iv) Withdrawn	1
(xi) Pending at the end of the session	15	(v) Negatived	2
		(vi) Adopted	Nil
		(vii) Part discussed	2
		GOVERNMENT MOTIONS:	
		(i) Moved	1
		(ii) Adopted	1
PRIVATE MEMBERS' BILLS :—		PRIVATE MEMBERS' MOTIONS	
(i) Pending at the commen- cement of the session	39	(i) Received	131 Notices of Motions
(ii) Introduced	6	(ii) Admitted	41
(iii) Discussed	5	(iii) Moved	3
(iv) Withdrawn	4	(iv) Adopted	2
(v) Negatived	1	(v) Part discussed	1
(vi) Passed		MOTIONS RE MODIFICATIONS TO STATUTORY RULES :—	
(vii) Part Discussed		(i) Received	13
(viii) Discussion postponed		(ii) Admitted	9
(ix) Pending at the end of the session	40	(iii) Moved	9

NUMBER OF ADJOURNMENT
MOTIONS :—

(i) Brought before the House	Nil
(ii) Admitted but leave not granted by the House	Nil
(iii) Ruled out of order	Nil
(iv) Consent withheld by Speaker	Nil

TOTAL NUMBER OF QUESTIONS
ADMITTED:

(i) Starred	359
(ii) Unstarred (including starred questions converted as unstarred questions)	853
(iii) Short Notice Questions	15

NUMBER OF REPORTS OF VARIOUS
PARLIAMENTARY COMMITTEES
PRESENTED TO THE LOK
SABHA:

1. Public Accounts Committee	4
2. Estimates Committee	4
3. Business Advisory Committee	4
4. Committee on Absence of Members from the sittings of the House	1

NUMBER OF MEMBERS GRANTED
LEAVE OF ABSENCE

9

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