

LOK SABHA DEBATES

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LOK SABHA SECRETARIAT

NEW DELHI

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LOK SABHA

Friday, April 1, 1966/Chaitra 11, 1888
(Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

सोने के स्थानों (स्लोपिंग बर्थ) का धारक्षण

+

- * 892. श्री भागवत झा धाजाब :
श्री म० सा० द्विवेदी :
श्री सुबोध हंसदा :
श्री स० चं० सामन्त :

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि लोगों को रेलगाड़ियों में सोने के स्थानों का धारक्षण कराने में बड़ी कठिनाई होती है, जब कि बस देकर स्थान का धारक्षण कराने वाले लोगों को कोई कठिनाई नहीं होती ;

(ख) सोने के स्थानों का धारक्षण कराने में लोगों को भ्रष्टाचार का जिकार होने से बचाने के लिये क्या कार्यवाही की गई है ; और

(ग) स्थानों के धारक्षण के बारे में सीसरी श्रेणी से यात्रा करने वाले यात्रियों के लिये उसी प्रकार की व्यवस्था न किये जाने के क्या कारण हैं, जिस प्रकार की व्यवस्था वाताणुकूलित तथा प्रथम श्रेणी में यात्रा करने वाले यात्रियों के लिये है ?

रेलवे मंत्रालय में राज्य-मंत्री (डा० राम सुभग सिंह) : (क) जी नहीं। कभी-कभी, खासकर भीड़-भाड़ के दिनों में, ऐसा अवसर होता है कि यात्रियों को शायिका प्राप्त करने में कठिनाई होती है, क्योंकि शायिकाओं की मांग बहुत अधिक होती है।

(ख) एक बयान सभा-पटल पर रख दिया गया है। [एस्तकालय में रखा गया, देखिये संख्या एल० टी०—5958/66]

(ग) स्थान धारक्षण के सामान्य नियम सभी वर्गों के लिए एक जैसे हैं। तीसरे वर्ग में सीटों के धारक्षण का प्रबंध कई रेलों पर है। लेकिन, जितनी गाड़ियां उपलब्ध हैं उसे देखते हुए इस सुविधा का पूरी तरह विस्तार करना संभव नहीं है।

श्री भागवत झा धाजाब : क्या हम यह मान लें कि जिस जोर के साथ माननीय मंत्री जी ने कहा कि स्थानों के धारक्षण में कोई बेईमानी नहीं होती, उतनी ही यह बात सच है ? अगर यह बात उतनी ही सच है, तो क्या कभी माननीय मंत्री जी ने तूफान में, धागे से तक ही सही, यात्रा करके देखा है कि रास्ते में किस प्रकार चार पांच रुपए में बर्थ मिल जाता है ?

डा० राम सुभग सिंह : जितने जोरों से मैंने कहा मैं उसके पक्ष में हूँ क्योंकि प्रश्न भी तो उतने ही जोरों से पूछा गया है। उसमें लिखा है कि क्या "बस दे कर स्थान का धारक्षण कराने वाले लोगों को कोई कठिनाई नहीं होती"। तो जितनी मजबूती से यह प्रश्न किया गया उतनी ही मजबूती से इस का जवाब दिया गया। इतना मैं मानता हूँ कि कहीं कहीं कठिनाइयां हैं और गड़बड़ियां

हैं, और इसके कारण लोग डिसमिस भी किए जाते हैं ।

श्री भागवत झा आजाद : क्या यह बात सच नहीं है कि जैसे प्रारक्षण के लिए मांगने पर तो कोई बर्थ नहीं रहती, पर हैडक्वार्टर के नाम पर और अन्य विभिन्न तरीकों से रेलवे कर्मचारी कुछ बर्थें रख लेते हैं और रास्ते में पैसा ले कर उनको रिलीज करते हैं ?

डा० राम सुभग सिंह : ऐसी शिकायत है हैडक्वार्टर पर और उसके खिलाफ एक्शन लिए गए हैं । कुछ लोगों को इन मामलों में नौकरी से हटाया गया है । और कुछ पर एक्शन लिया जा रहा है । एक और बात है कि हैडक्वार्टर पर, जहां से गाड़ियां रवाना होती हैं, वहां पर ही सीटें रहती हैं, और इस का कुछ लोग दुरुपयोग भी करते हैं, क्योंकि बीच के स्टेशनों के लिए कोई कोटा निश्चित नहीं है ।

Shri B. S. Pandey: Taking into consideration the great difficulties that the passengers have to face, may I know whether the Railway Ministry has jotted down a certain programme by which they promise that they are going to provide this facility to the passengers? How much time will it take?

Dr. Ram Subhag Singh: We are planning to provide sleeper accommodation to all the passengers who are going to travel for the night time latest by the end of the Fourth Five Year Plan. We had undertaken this work and both for the metre gauge as well as for the broad gauge suitable number of sleeper coaches are going to be constructed, about 550 for metre gauge and 555 for broad gauge.

श्री यक्षपाल सिंह : क्या सरकार इस बात को जानती है कि जब तक डिमांड ज्यादा रहेगी और सप्लाय कम रहेगी उस वक्त तक करप्शन नहीं हट सकता । इसमें क्या बड़ी बात है कि सरकार ज्यादा स्लीपिंग कोचेज बना ले । यह कोई चीन या पाकिस्तान

के मुकाबले की सी तो बात नहीं है । इसमें ज्यादा कोशिश करने का सवाल नहीं है । यह तो रेलवे की कमाई का सिलसिला है । मैं जानना चाहता हूँ कि हम इस मामले में कब तक सेल्फ-सफाई हो जाएंगे ।

डा० राम सुभग सिंह : प्रसल में प्रारक्ष-निर्भरता के लिए कोई एक निश्चित लकीर खींचने में कठिनाई है किसी भी काम के लिए । और करप्शन के बारे में तो माननीय प्रश्नकर्ता ने स्वयं जवाब दे दिया है कि जब तक डिमांड से सप्लाय कम है उस वक्त तक यह चलता रहेगा । लेकिन सरकार का यही कर्तव्य है कि हर नाजायज हरकत को रोकने का प्रयास करे । मैं यह जरूर भरोसा दिलाना चाहूंगा कि इस दिशा में प्रयास करने में कोई हिचकिचाहट नहीं होगी ।

श्री सिद्धेश्वर प्रसाद : प्रश्नी एक पूरक प्रश्न का उत्तर देते हुए माननीय मंत्री जी ने बताया कि हैडक्वार्टर के अतिरिक्त बहुत कम स्टेशनों से प्रारक्षण की सुविधाएं प्राप्त हैं । मैं यह जानना चाहता हूँ कि प्रारक्षण की सुविधाओं के विस्तार में रेलवे मंत्रालय की क्या कठिनाई है, और अधिक स्टेशनों से प्रारक्षण की सुविधा प्राप्त हो सके इसकी व्यवस्था कब तक की जाएगी ?

डा० राम सुभग सिंह : प्रसल में हावड़ा, बम्बई, दिल्ली, मद्रास जैसे स्टेशनों पर . . .

एक माननीय सवस्य : लखनऊ भी है ।

डा० राम सुभग सिंह : वहां भी कुछ शिकायतें हैं यह मैं मानता हूँ । वहां से भी कुछ गाड़ियां चलती हैं । इन्हीं स्टेशनों से गाड़ियां बहुधा चलती हैं और वहां प्रारक्षण होता है । केवल 113 पेयर गाड़ियों के अन्दर स्लीपिंग कोच एकोमोडेशन हैं हालांकि गाड़ियों की तादाद 5613 है । इनमें से केवल 113 पेयर्स में स्लीपिंग एकोमोडेशन की सुविधा है । ब्राड गेज में 606 डब्बे हैं स्लीपिंग कोचेज के और मीटर गेज में 376 हैं । तो इसके लिए

प्रेषण ज्यादा रहता है और इसीलिए सब स्टेशनों से भारक्षण देना सम्भव नहीं है। इसका विस्तार किया जा रहा है। जो डिस्ट्रिक्ट हैडक्वार्टर के स्टेशन हैं और दूसरे भी जो कुछ बड़े स्टेशन हैं, और कहीं कहीं छोटों पर भी यथासाध्य यह सुविधा बढ़ाने का प्रयास किया जा रहा है।

श्री हुकम चन्द कश्यप : स्लीपिंग कोच में जो कंक्टोर रहते हैं उन्हें रात रात भर बैठ जाना पड़ता है। उन्हें लेटने की सुविधा नहीं मिलती। क्या सरकार उनके लिए कुछ स्थान रखने का विचार रखती है ?

क्या यह बात सही है कि जो संसद सदस्य स्लीपिंग कोच में सफर करते हैं उनको भी साढ़े तीन रुपये देना पड़ता है बर्न के लिए। क्या कोई ऐसा सरकुलर निकाला गया है, यदि हां तो उसका क्या कारण है ?

डा० राम सुभग सिंह : अगर कोई ऐसा सरकुलर होगा तो मैं उसको देखूंगा और वह वापस ले लिया जाएगा क्योंकि पार्लियामेंट के सदस्यों के पास तो फर्स्ट क्लास का पास होता है और मैं मानता हूँ कि उनको यह सुविधा मिलना वाजिब है। अगर कहीं वृद्धि है तो उसको दूर कर दिया जाएगा।

जहां तक कंक्टोर गाइड का सवाल है, उसको बडं क्लास की स्लीपिंग कोच में बैठने की जगह दी जाए या सोने की ? माननीय सदस्य बैठने की जगह के लिए पूछ रहे हैं या सोने की जगह के लिए ? अगर उसको बैठने की जगह की कठिनाई है तो उसका प्रबंध किया जाएगा। जहां तक लेटने की सुविधा का प्रश्न है हम पहले बडं क्लास के लोगों को सहूलियत देने का प्रयास कर रहे हैं। जब तक उनको यह सुविधा न मिल जाए, रेलवे वालों के लिए यह सुविधा देना उचित नहीं होगा।

पटसन का मूल्य

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* 893. श्री विमूर्ति मिश्र :

श्री क० ना० तिवारी :

क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि इस वर्ष पटसन का मूल्य 40 से 45 रुपए प्रति मन तक रहा है ; और

(ख) यदि हां, तो क्या 1966 में सरकार का विचार किसानों से एक निश्चित दर पर पटसन खरीदने का है ?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi) : (a) and (b). Due to the shortage of raw jute crop, the price of Assam Bottom variety of raw jute delivered at Calcutta ranged between Rs. 112.53 and Rs. 178.17 per quintal (corresponding to Rs. 42.00 and Rs. 66.50 per maund respectively) during the season 1965-66. This is already much higher than the minimum support price of Rs. 30—per maund and hence there is no need to purchase raw jute at any fixed rate.

श्री विमूर्ति मिश्र : सरकार ने कहा था कि वह कलकत्ता में जूट 30 रुपया मन खरीदेगी। उस समय प्राइमरी मारकेट में उसका मूल्य बीस या पच्चीस रुपए मन था। आज प्राइमरी मारकेट में जूट की कीमत 60 रुपए मन हो गयी है। तो मैं जानना चाहता हूँ कि सरकार को इस रेट पर कलकत्ता में खरीदने में क्या दिक्कत है ?

श्री शफी कुरेशी : सवाल यह है कि जूट की शार्टेज की वजह से कीमतें बढ़ गयी थी, तो हमने एक मिनिमम प्राइस फिक्स की है और एग्जीक्यूटिव प्राइस कमीशन ने भी 35 रुपए का निर्बंध मुकर्रर किया है। हमारी कोशिश यह है कि जो 90 बाब बेल्ट हम प्रोड्यूस करना चाहते हैं उनकी कीमत 35 रुपए से कम न हो। हमारी कोशिश यह है

कि मिनिमम प्राइस 30 रुपए तक रहे उससे नीचे न भावे। भ्राज जो जूट की कीमत बढ़ गयी है वह इस वजह से कि प्रोडक्शन कम हुआ है इसलिए डिमांड बढ़ गयी है।

श्री विभूति मिश्र : मेरे प्रश्न का जवाब नहीं आया है। मैं दूसरा प्रश्न बाद में करूंगा। मैं अपने इसी प्रश्न का पहले जवाब चाहता हूँ। सरकार ने पहल कहा था कि 30 रुपये मन हम कलकत्ता में खरीदेंगे। तब प्राइमरी मार्किट में 25 रुपये बिकता था। लेकिन भ्राज प्राइमरी मार्किट में 55 रुपये और 60 रुपये बिकता है जबकि सरकार कहती है कि वह कलकत्ता में तीस रुपये मन ही खरीदेगी। यह उस समय था जबकि पाकिस्तान का भी जूट का व्यापार खुला था और हमारे जूट का भी खुला था। मैं जानना चाहता हूँ कि सरकार किसान को इतना देने के अब हक में क्यों नहीं है ?

बाणिलय शंभू (श्री अनुभाई शाह) : यह खुशकिस्मती की बात है कि शार्टेज की बजह से दाम बढ़ गए हैं। दाम आसमान को छू रहे हैं। इसका मतलब यह नहीं है कि सामाजिक न्याय की तुलना पर हमने जो मिनिमम प्राइसिंस फिक्स की हैं उन से ज्यादा सरकार दाम कर दे। यह तो कहीं नहीं कहा है कि फिक्सड प्राइस पर ही कोई खरीदे। लेकिन मिनिमम प्राइस हमने तय की है।

श्री विभूति मिश्र : सामाजिक न्याय किसानों के लिए भी है और दूसरों के लिए भी है। सामाजिक न्याय के अनुसार खुली मार्किट में 60 और 55 रुपये मन बिकता है। मैं जानना चाहता हूँ कि सरकार कलकत्ता में किसानों को क्यों मजबूर करती है कि वे तीस रुपये मन बेचें ?

श्री अनुभाई शाह : मजबूर नहीं करती है। सरकार खरीद ही नहीं रही है।

श्री विभूति मिश्र : बेरा सबाल तो भ्राज सुन लें। ऐसा लगता है कि सरकार मजबूर करती है किसानों को कि जहाँ फी मार्किट

में 55 और 60 रुपये भाव है वहाँ वे 30 रुपये मन बेचें कलकत्ता में। हमारे लिए सामाजिक न्याय की बात क्यों नहीं करती है ? क्यों नहीं सरकार प्राइमरी मार्किट में 55 रुपये के भाव से खरीदती है ?

श्री अनुभाई शाह : बात यह है कि स्पॉट प्राइस का मतलब यह है कि जब दाम गिरता हो तो सरकार दखल दे मार्किट में ताकि प्रोड्रर्ज को, कायतकारों को कम से कम उतना दाम तो मिले, एक अच्छा दाम तो मिले। सालों के अनुभव के बाद तीस रुपये मन असम बाटम का कलकत्ता में दाम फिक्स किया गया था। यह तो एक एक्सीडेंट है कि क्राप फेल हो गई है और 80 लाख के बजाय 52 लाख बेल्ट का प्रोडक्शन हुआ है और दाम बढ़ गए हैं। इससे प्रोड्रर्ज को फायदा हुआ है। लेकिन इसका मतलब यह नहीं है कि स्पॉट प्राइस को भी बढ़ा दिया जाए।

Taking over of Textile Mills by States

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*894. **Shri S. C. Samanta:**
Shri Subodh Hansda:
Shri Bhagwat Jha Asad:
Shri M. L. Dwivedi:
Shri P. C. Borooah:

Will the Minister of Commerce be pleased to state:

(a) whether it is a fact that the textile mills taken over by the State Governments have become financial liability to the States concerned;

(b) if so, whether the policy of taking over of the mills is undergoing any change; and

(c) the action the Central Government propose to take in this regard?

The Deputy Minister in the Ministry of Commerce (Shri Shaif Qureshi):
 (a) to (c). It is for the State Governments concerned to consider the position; the Central Government have no information on this as far as such mills which are taken over by the States are concerned. Mills being

run by the Central Government are generally running well and at some profit.

Shri S. C. Samanta: May I know whether the State Governments which took over some mills running badly approached the Central Government for some financial help?

Shri Shafi Qureshi: So far 10 mills have been taken over by the Centre on the recommendations of the State Governments.

Shri S. C. Samanta: May I know on what conditions the Central Government will enter into taking charge of the mills which are running at a loss?

Shri Shafi Qureshi: So far as the financial liability of the mills is concerned, it will be shared on a fifty-fifty basis. 50 per cent will be borne by the States and 50 per cent by the Centre.

श्री भागवत झा झाबाद: क्या सरकार यह उचित नहीं समझती है कि जिन मिलों को राज्य सरकारें ले लेती हैं और जिन पर वैसे भी व्यय किये जाते हैं और उन पैसों को देने में केन्द्रीय सरकार का भी हाथ रहता है, वह भी देती है, समय समय पर इस बात को देखा जाए कि वे मिलें व्यवस्थित ढंग से चलें, चाटे पर न चलें? क्या कोई कोर्पोरेशनन प्रायके द्वारा चलाया गया है इन मिलों के सम्बन्ध में या नहीं?

श्री कृष्ण कुपेसी : जिस वक्त हम वहाँ पर कंट्रोलर मुकरर करते हैं तो खयाल तो यही रहता है कि मिलों को फायदे पर चलाया जाए और उसकी बाकायदा जांच होती है, बक्तन-फक्तन जांच होती है। ताकि मिलों को फायदे पर चलाया जा सके। लेकिन जैसे जैसे अज्ञ किया है कि जो मिलें सेंटर ने टेक ओवर की हैं, वे इस बक्त चाटे में नहीं फायदे में चल रही हैं।

Shri P. C. Borooah: May I know how many textile mills there are in

the country on the verge of closing down, how many of them can be revitalised and how many have to be scrapped altogether and if they are scrapped whether new mills are going to be set up in their place?

Shri Shafi Qureshi: So far information only about 10 mills is available. We have taken over 10 mills. Whenever any necessity arises and after investigation is held it is found that some mills are not running at a profit or they cause unemployment, government will step in and take them over.

श्री रामेश्वर दंडिया : सरकार ने कानपुर की म्योर मिल लेने का निश्चय किया था और इस निश्चय को किए हुए छः महीने हो गए हैं। अभी तक उस मिल को चलाया नहीं गया है। इसकी वजह से सात हजार मजदूर बेकार बैठे हैं। मैं जानना चाहता हूँ कि इसके बारे में सरकार क्या कार्रवाई कर रही है, ताकि जल्दी से जल्दी इस मिल को चलाया जा सके ?

The Minister of Commerce (Shri Manubhai Shah): If I may supplement the answer to the previous question, there are 583 mills in the country, of which only 18 are affected by the threat of closure, of which 10 have been taken over by the Centre. Out of the remaining 8, investigation is going on with regard to 3 mills, 5 mills are declared to be scrapped, because they are no more fit for economic working. Out of the 10 mills taken over, 2 are run by the Central Government and the other 8 are run by the State Governments. About the Muir Mills, which the hon. Member referred to, it has already been taken over by the authorised controller and orders have been issued to give them a loan of Rs. 60 lakhs. We hope that during the month of April the mill will start working.

Shri D. C. Sharma: May I know on what principles the Government of India decides whether a mill should be taken over by a State Government

or by the Central Government, and whether these principles have been followed all along the line?

Shri P. C. Borooah: My question is not answered, Sir.

Shri Manubhai Shah: The broad principles are these. Both the governments are the same as far as taking over the responsibility is concerned, because in law even when a State Government runs it, it is really under the proper ownership and total legal control of the Central Government. The distinction is only this that where the mills are smaller or where the corpus of the fund required is not a very large amount, the local government expresses a desire that they would like to run them and the Central Government generally permits them to run them on their own financial responsibility. Where the corpus of the fund is very large or where for particular reasons the Centre feels, for instance, in the State of Pondicherry or some other area, that the Central Government should move in, then it is generally run by the Central Government. There are no hard and fast rules because both the things, State and the Centre, mean the same thing here.

बी काशी राम गुप्त: इंदौर की एक मिल बन्द पड़ी है। उसको मजदूर संगठन ने रुपया लगा कर लेने की बात कही बी किन्तु कोर्ट ने यह फैसला दिया कि मजदूर संगठन का रुपया इन बातों में नहीं लगाया जा सकता है। मैं यह जानना चाहता हूँ कि क्या मंत्री महोदय इस प्रकार का निर्णय सरकार से लेंगे कि भविष्य में मजदूर संगठन भी रुपया लगा कर मिलों को चलाने की अनुमति मांगें तो वह उनको मिल जाए ?

बी मनुभाई शाह: मिलें जब बरबाद हो जाती हैं और जिन में लाखों करोड़ों रुपये की जरूरत होती है उन में गरीब मजदूरों का पैसा डालना और फिर सरकार द्वारा बही सारा पैसा उनको देना यह कोई प्रैक्टिकल या

व्यावहारिक बात नहीं है। लेकिन जहां नई मिलें लगाने की बात होती है, कोप्रोटिक्विमिस्ट्स लगाने की बात होती है वहां वर्कर्स की कोप्रोटिक्विमिस्ट्स को, एग्जिक्यूटिविस्ट्स की कोप्रोटिक्विमिस्ट्स को, लेबर यूनियंस की कोप्रोटिक्विमिस्ट्स को हम एनकरेज करते हैं।

Shri R. S. Pandey: Sir, generally, it has been found that so long as the management get profit they go on running the mill. When there is no profit or less profit, they try to hand over the mill, like a dead baby, to the Government. Before the Government takes over textile mills which are closed down, there must be a proper investigation to find out the reasons. I know of several mills where the managements have tried to exploit the funds and when they found that there was nothing left in them they tried to hand them over to the Government.

Mr. Speaker: The hon. Member is giving information.

Shri R. S. Pandey: I want to know what is the hesitation on the part of the Government in nationalising those mills that have been closed down?

Shri Manubhai Shah: The hon. House will appreciate that every year more than 30 to 40 new mills are coming up. It will be a very wide exaggeration to suggest that all the mills, all the 600 of them which I mentioned, are running at a loss or that the industrialists are running the mills and mismanaging them. I agree, there are bad people and bad management.

Shri R. S. Pandey: What about them?

Shri Manubhai Shah: I am coming to that. First I must remove or dispel the anxiety in the minds of hon. Members of this House created by the question that has been put, that all mills are running in a bad way. I must say most of the mills are in fact running very efficiently and producing good cloth. There are marginal, 20

or 25, mills which are running for the last 50 or 100 or 150 years and which either due to mismanagement, bad machinery or lack of finance changed hands. In those cases, as I have already submitted to this hon. House, we are bringing a Bill amending the Industries Act whereby, where a mill is taken over by the Centre or by the State Government and where they find that the corpus is worth running economically, instead of handing them over back to the old management, the controlling interest in such mills will be taken over by the Central Government or the State Government.

श्री मुकम चन्द कछवाय : जो मिलें मैनेजमेंट के या मालिकों के कुप्रबन्ध के कारण घाटे में चलती हैं उनके सम्बन्ध में क्या सरकार ने इस बात पर विचार किया है या करेगी कि 25 परसेंट उन में राज्य सरकार का हिस्सा हो, 25 परसेंट केन्द्रीय सरकार का हो और पचास प्रतिशत मजदूरों का हो और उसके आधार पर उस मिल को चलाया जाए और जरूरत हो तो मजदूरों की जो प्राविडेंट फंड की रकम है, उसको भी शेयरों के रूप में लगाया जा सकता है ?

Shri Manubhai Shah: It is a suggestion for action.

Shri S. M. Banerjee: In reply to a question by Shri Rameshwar Tantia the hon. Minister stated that Government is giving Rs. 60 lakhs for the running of the Muir Mills. I want to know whether it is a fact that Muir mills has not been re-opened because its financial requirements is more than Rs. 1 crore. I would also like to know whether this money has been paid or is being paid because the State Government has assured that the Mill will be re-opened on the 1st of May 1966.

Shri Manubhai Shah: I do not know from where the hon. Member

has collected his figure. Our preliminary estimate of their requirement is Rs. 60 lakhs and not Rs. 1.66 crores. If further amounts are needed for renovation, they will be paid.

Shri S. M. Banerjee: Has the amount been paid?

Shri Manubhai Shah: We have already passed orders. The State Bank of India will give Rs. 60 lakhs to the authorised Controller of Muir Mills of which Rs. 10 lakhs has already been paid. Another Rs. 50 lakhs will be paid to him soon. If more funds are required in future we shall look into it.

Shri Jashvant Mehta: What is the total capital investment of the Central and State Governments in the mills which have been taken over by Government?

Shri Manubhai Shah: Generally speaking, capital investment does not arise because we have no proprietary rights in these mills. We are only taking over as authorised Controller for a period of 5 or 10 years. Therefore, all the amounts are debited as loans to those institutions.

Shri Jashvant Mehta: What is the amount?

Shri Manubhai Shah: It is different for different mills.

Shri P. R. Chakraverti: In the context of the working of the textile mills in Bengal, may I know whether they are reluctant to go in for new designs? Have Government indicated to all the mills that they should take to rationalisation instead of going to Government for aid?

Shri Manubhai Shah: I am glad the hon. Member has asked this question. I had the privilege of opening a mill in Bengal two months back. One of the most modern mills called Kalyani was set up in West Bengal. Nobody wants to put up a mill which is out-moded. The other day I had the

pleasure of opening a mill at Jaipur, called Podar Textile Mills which will rank as perhaps one of the best in the whole world.

Shri K. D. Malaviya: Am I correct in my presumption that when some mills becomes inefficient from any point of view, Government have a right to take them over and they do take them over and after some time when they become efficient they hand them over to the same old party which is inefficient and which has not done its duty to the society?

Shri Manubhai Shah: We are now examining that aspect. Very soon a Bill will come before the House under which we will take controlling interest over such mills where it is worth taking over controlling interest because they have become profitable after taking over by Government.

Tractors' Unit in M.P.

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- *896. **Shri R. S. Pandey:**
Shri Shiva Dutt Upadhyaya:
Shri Ulkey:
Shri A. S. Saigal:
Shri R. S. Tiwary:
Shri Chandak:
Shri J. P. Jyotishi:
Shri Onkar Lal Berwa:
Shri Wadiwa:
Shri Parashar:

Will the Minister of Industry be pleased to state:

(a) whether the application from Madhya Pradesh Government for the setting up of an agricultural tractors manufacturing unit in Madhya Pradesh has been rejected on the ground of non-availability of spare capacity; and

(b) whether, in view of the urgent need of the increased production in agricultural, Government propose to revise the target capacity and reconsider the application?

The Minister of Industry (Shri D. Sanjivayya): (a) and (b). Schemes

envisaging adequate capacity for meeting the anticipated demand for tractors at the end of the Fourth Plan period had already been approved by Government when the application of the Madhya Pradesh Government was received. As there is no scope for further licensing, the State Government's scheme has not been approved.

Shri R. S. Pandey: Taking into consideration the necessity for producing more foodgrains, may I know whether Government are going to give serious consideration to the proposal to give substantial aid to Madhya Pradesh in order to establish a tractor factory?

Shri D. Sanjivayya: The whole question was reviewed sometime towards the end of 1963 and we found that the gap between demand and installed capacity was too much. Therefore, a public notice was issued on the 13th January 1964, inviting applications for the manufacture of tractors. The last date was 29th February 1964 and the application of the Madhya Pradesh Government was received only towards the end of 1964. In the mean while, a decision was taken on the 10th November 1964 to allot quotas of tractors as follows: 20 to 35 HP TAPE, Madras 7,000; International Tractors 7,000; Tractors and Bulldozers 2,000; Escorts 7,000; Eicher Tractors Corporation 2,000; 35 to 50 HP Tractors and Bulldozers 5,000. In addition, there will be a factory in the public sector to manufacture 12,000 tractors. The total estimated demand at the end of the Fourth Plan is 40,000 per annum.

Shri R. S. Pandey: The hon. Minister says that the application from the Madhya Pradesh Government has come a little late. Instead of being strict on that technical point will Government consider that application of the Madhya Pradesh Government also and include it for implementation in the Fourth Plan?

Shri D. Sanjivayya: As I said earlier, the expected demand per

year would be about 40,000 tractors and we have now licensed for the production of 42,000 tractors. I do not think there is any need now for further licensing.

Shri Harish Chandra Mathur: Is it not a fact that in various sectors of industry you have licensed for beyond the target fixed and, if so, how is it that in this particular sector of the industry where we are giving all the emphasis for agricultural development and where the application is from a public sector and a State Government. It is being treated in such a manner?

Shri D. Sanjivayya: As I said, the requirement was only 40,000 and we have licensed for 42,000. Excepting the public sector project the remaining five are existing factories which have applied for expansion and which have been granted. Their performance during the Third Five Year Plan period has been satisfactory and we have no doubt whatsoever that they would not fall short of production.

Shri Harish Chandra Mathur: The question was, whether in almost all the sectors of industry, they have licensed far beyond the targets fixed and, if so, how is it that in this particular sector of industry this is being done. If that is not so, he should refute that they have not done it, that is, it is only upto the target, fixed that they have done the licensing. What I submitted was whether in almost all the sectors of industry they have licensed far beyond the targets fixed. How is it that in this particular industry, they are doing like this where a public sector and a State Government are concerned?

Shri D. Sanjivayya: I have already answered that question, namely, that it is not a question of permitting any private sector project to come into being. Private sector projects are already there. Their performance during the Third Plan period has been satisfactory and we have confidence that they would fulfil the target and,

therefore, there is no necessity to give any more licence.

Shri Harish Chandra Mathur: Sir, are you satisfied with the answer? My question was whether they have been licensing far beyond the targets in almost all the sectors or not. But here, they want 40,000 tractors and they have licensed for 42,000 tractors. Why in this particular sector of the industry are they doing like this?

Shri D. Sanjivayya: It is correct that in various sectors; the licensed capacity is much more than the anticipated production or the required production. But that is so whenever we think of licensing new parties. But here are parties who have been already licensed and who are in production and their performance is satisfactory. We feel confident that they would certainly fulfil the target.

श्री यशपाल सिंह : क्या सरकार यह बतला सकती है कि मध्य प्रदेश में कितने कास्तकार ऐसे हैं जो रुपया लिये फिरते हैं और सरकार उनको ट्रैक्टर दे नहीं सकती, कब तक सरकार इस काम को कर लेगी और कब तक कास्तकार रुपया दे कर ट्रैक्टर ले सकेंगे ।

Shri D. Sanjivayya: That is very difficult for me to answer.

Shri Kapur Singh: Have Government considered the urgency of setting up a tractor manufacturing unit in Punjab and, if not, why not?

Shri D. Sanjivayya: I have already given the programme for the Fourth Plan period and I do not think there is any necessity to set up another factory either in Punjab or in Uttar Pradesh or any other place.

Shri Kapur Singh: I asked if not, why not. He has not answered that:

Shri D. Sanjivayya: As I said, one project in the public sector is going to be started. The location has not

been decided upon. So, Punjab is not ruled out.

श्री रामेश्वरानन्द : भारत में अधिकतर छोटे किसान हैं और उन के पास थोड़ी थोड़ी जमीन है, बड़े कृषक बहुत थोड़े हैं। मैं जानना चाहता हूँ कि क्या कोई ऐसा हल तैयार किया जा रहा है जो बैलों के साथ सम्बद्ध हो सके ताकि दो बैलों से अधिक से अधिक भूमि किसान बाह सके और हमारे उत्पादन में अधिक से अधिक वृद्धि हो सके।

Shri D. Sanjivayya: There are also tillers and other smaller implements that are being manufactured.

Shrimati Lakshmi Kanthamma: Is the Government aware that there is a dearth of tractors, boring machinery and bull-dozers, and that farmers even after applying for two or three years are not able to get them, and if so, may I know whether new factories in the public sector will be set up in the Fourth Five-Year Plan?

Shri D. Sanjivayya: I do not know about other machines. So far as tractors are concerned, there is demand and, therefore, we are trying to produce more.

Shri Warrior: In view of the fact that the Centre has not as yet even decided where the tractor factory should be set up, may I know why the application of the Madhya Pradesh Government which is already there cannot be considered favourably and why the Centre should take the responsibility?

Shri D. Sanjivayya: This is a Central project and we are doing it with Czech collaboration. They are providing some credit, and, therefore, we are taking advantage of that. Madhya Pradesh also will not be ruled out.

Shri Firodia: What will be the horse-power of the tractor which will be produced in the public sector?

Shri D. Sanjivayya: In the public sector, it will be between 12 and 18 horse-power.

श्री हुकम चन्द कछवाय : मैं यह जानना चाहता हूँ कि मध्य प्रदेश अधिक भन्न उपजाऊ एरिया है, इसको ध्यान में रखते हुए क्या आप भविष्य में जैसा माननीय मंत्री जी ने कहा है कि हम वहाँ खोलने को इनकार नहीं कर सकते तो कब तक कारखाना वहाँ खोलने को तैयार होंगे और यह जो लाइसेंस दिये गए यह किस आधार पर दिए गए ? जो एरिया ज्यादा उपजाऊ हैं उनको दिये गए हैं या जो उपजाऊ नहीं है उनको दिए गए हैं ?

Shri D. Sanjivayya: Licences have already been given. There is no question of issuing further licences. For the production of the new tractors in the public sector undertaking, it will take 18 months from 1st January 1967.

Mr. Speaker: On what considerations were the licences given? That is what he wants to know.

Shri D. Sanjivayya: As I said, so far as the expansion programme is concerned, no new licence was issued. They are already there: one in Madras, another in Baroda, yet another in Bombay, still another in Faridabad, etc. Therefore, there is no question of considering any locations.

Decontrol of Cement

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*897. **Shri Vishwa Nath Pandey:**
Shri Ramachandra Ulka:
Shri Dhuleshwar Meena:

Will the Minister of Industry be pleased to refer to the reply given to Starred Question No. 791 on the 10th December, 1965 and state:

(a) whether Government have considered the proposal to set up a Committee composed of Members of Parliament to watch the working of the experiment of decontrol of cement;

(b) if so, the composition of the Committee; and

(c) the functions and powers thereof?

The Minister of Industry (Shri D. Sanjivayya): (a) to (c). Taking into account the various points made in the course of the debate, it is proposed not to constitute a separate committee composed of Members of Parliament to watch the working of decontrol of cement; instead, it is proposed to bring up a quarterly review of decontrol before the Informal Consultative Committee concerned with this Ministry.

श्री विश्वनाथ पांडेय : मैं यह जानना चाहता हूँ कि जब से सरकार ने सीमेंट पर से नियंत्रण हटा लिया है तब से देश के ग्रन्डर सीमेंट की क्या स्थिति है ? क्या बाजार में भाव बढ़ गया है या घट गया है और लोगों को सीमेंट सुलभ है या दुर्लभ है ?

Shri D. Sanjivayya: Cement is available; the price also has been fixed; therefore, at a fixed price cement is available. But, all the same, a few complaints have been received and they have been passed on to the organisation set up by the cement manufacturers' association called Cement Allocation and Co-ordinating Organisation and they are looking into them. As I promised, there will be a review every quarter.

श्री विश्वनाथ पांडेय : मैं यह जानना चाहता हूँ कि जो यह कंट्रोल हटाया गया था यह प्रयोगात्मक रूप का है या स्थायी रूप का है ? एक्सपरिमेंटल बेसिस पर किया गया है या परमानेंट बेसिस पर किया गया है ?

Shri D. Sanjivayya: Whenever a decision is taken, it will stand unless we revoke it. Unless there are sufficient reasons, for instance, the decontrol does not work properly or there are difficulties for the consumers or other organisations, there is no question of going back.

Shri P. C. Borooah: May I know whether there is any increase in the production of cement since it has gone off the control sector and what is the increased production expected by the end of the decontrol period?

Shri D. Sanjivayya: There will be an increase in production, of about a million tonnes by the end of July or September.

Shri Bhagwat Jha Azad: The All India Cement Producers' Association and those who have favoured decontrol say that the position of cement has eased in the market. May I know from the hon. Minister whether, in these three months when decontrol has been there, the production of cement had increased or the shortage which was there during control has disappeared because there was collusion between the producer and the dealer?

Shri D. Sanjivayya: The question of increase in production will not depend on the control of cement. But according to the decontrol order, we contemplate that the increase given in the price would be funded and that should be utilised for expanding existing cement plants or putting up new cement plants. They would save at the rate of Rs. 4 crores per year; so, in the next five years, the amount would be about Rs. 20 crores, and this money would be utilised for expanding the existing units or for putting up new units. That way we increase cement production.

Mr. Speaker: He wants to know whether cement production has increased as a matter of fact.

Shri D. Sanjivayya: How can we say in these three months? It is very difficult.

Shri Sham Lal Saraf: May I know whether with the decontrol of cement, care is being taken to see that cement is made available in far off places, particularly places like Jammu and Kashmir and other States?

Shri D. Sanjivayya: Yes, 50 per cent is given to all State Governments and also the Central Government under what is known as the rate contract system, and the price will also be less. Of the remaining 50 per cent, 30 per cent will be given to stocking and wagon-loar consumers for meeting the requirements of the public for repair new constructions, and for agricultural purposes in mofussil areas, 10 per cent to organised industries which were hitherto looked after by authorities such as the Director-General of Technical Development, the Textile Commissioner, the Coal Controller etc and 10 per cent to quasi-Government organisations, small-scale industries, agriculture etc. as suggested by the State Governments.

Shri S. Kandappan: Even after the decontrol of cement, in Madras, even the small farmers who want to purchase one or two bags of cement are asked to submit authorised forms from the village munsiff or the karnam in order to get the cement. What is the purpose behind this?

Shri D. Sanjivayya: I shall make enquiries whether such a thing is there.

Shri Kashi Ram Gupta: The hon. Minister has just stated that he has received some complaints about the non-availability of cement. May I know whether these complaints have been received from the dealers to the effect that the manufacturers are not giving them supply in time?

Shri D. Sanjivayya: The complaints are not from dealers, but on the other hand, they are from consumers and also from some State Governments.

Shri Kashi Ram Gupta: The complaints have been sent by the dealers to the hon. Minister, and copies of the same have been received by me also.

Shri Firodia: Is it a fact that the State Governments and the Central Government had lifted much less than

what they usually lift, during the three months after the decontrol?

Shri D. Sanjivayya: I shall not be able to say what amount they have lifted.

Shri D. C. Sharma: May I know what percentage of this decontrolled cement is getting into the blackmarket, and whether the incidence of blackmarket has not been ironed out more than it had been when cement was under control, and whether Government have made any investigation into that problem?

Shri D. Sanjivayya: It has not been brought to our notice that cement has gone into blackmarket. If it is brought to our notice, we shall certainly investigate.

Shri Kapur Singh: We would like to know what blackmarket means in the context of a free, competitive and open market? How can there be a blackmarket where there is laissez-faire?

श्री लहटन चौधरी : डी-कंट्रोल होने के बाद बिहार में प्राज भी कई जगहों पर सब डिबीजनल हेडक्वार्टरस तक में लाइसेंसी को एक छटांक भी सीमेंट नहीं मिल रहा है क्या यह सही है ?

Shri D. Sanjivayya: If any complaint is received, we shall certainly ask the manufacturers, as I said earlier, to see that cement is made available.

Shri Jashvant Mehta: At the time of the decontrol of cement, the price of cement had been increased and it was stated that Government wanted the profit earned by the increase in price to be ploughed back. May I know whether Government have evolved any machinery to keep a check on the private manufacturers about how they plough back this amount in the industry again?

Shri D. Sanjivayya: Yes, they have to maintain separate accounts for this increased amount, and no pie out of

it should be spent without the permission of Government, and it should be spent only for expansion of or setting up new units.

Allahabad High Court's Judgement Regarding Railway Administration

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*898. Shri C. K. Bhattacharyya:
Shri D. N. Tiwary:

Will the Minister of Railways be pleased to state:

(a) whether his attention has been drawn to the judgement of justice Shri Dhawan of the Allahabad High Court in December, 1965, criticising the Railway administration for raising technical objection to defeat a suit for compensation;

(b) the principles of Kautilya's Arthashastra prescribing the conduct of the public sector quoted by the judge; and

(c) whether he has directed the Railway administration to follow those principles?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): (a) and (b). Yes, Sir.

(c) Suitable instructions have been issued to Railway administrations, that purely technical objections should not be taken to defeat payment of claims otherwise due.

Shri C. K. Bhattacharyya: May I take it that a general instruction has been issued that where parties suffer due to the failure of the State or the Railways, the State or the Railways would help the parties concerned to establish their claims rather than try to defeat those claims by taking to technical and minor objections?

Shri Sham Nath: The Railway Administration had always instructions that claims should be fairly disposed of and no claim should be repudiated purely on technical grounds. These instructions have now been re-emphasised.

As regards the other part, it is always the policy of the Railway Board and the Railway Ministry not to resort to purely technical objections. But in this case, I accept that a technical objection was taken which ought not to have been taken.

Shri A. P. Sharma: Looking to the fact that most of the cases brought to the courts against the railways have been lost by the railways, may I know whether these losses or unfavourable decisions are due to the fact that these cases are not fit to be contested? Or is it due to the inefficient working of the law department? If one or both are true, what action do Government propose to take to rectify matters?

Shri Sham Nath: I have not got the figures of the cases the railways have lost and so could not say in how many of them it was due to inefficient handling of the cases. But as far as I know, no such complaint has come to our notice that there was any inefficient handling of any cases of the railways.

Shri A. P. Sharma: Will he make enquiries and let us know about the position because it is our general experience that the railways are losing all the cases..

Mr. Speaker: Order, order. Shri Trivedi.

Shri U. M. Trivedi: Has it been brought to the notice of the Ministry that the conduct of railway cases has always been found to be most inefficient, and except that lawyers engaged for the purpose make money by sitting in the courts and watching the number of cases to come up, no tangible result is obtained in railway cases by these lawyers?

Shri Sham Nath: I do not admit that the position is as bad as stated by the hon. Member.

**Merger of Indian Bureau of Mines
with Geological Survey of India**

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*899. **Shri P. R. Chakraverti:**
Shri Onkar Lal Berwa:

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

(a) whether Government have decided to transfer the prospecting, drilling and mining divisions of the Indian Bureau of Mines to the administrative and operational control of the Geological Survey of India;

(b) how far the new system will help the operational control, specially regarding the detailed probing operations as distinct from exploratory drilling;

(c) whether the various units and physical analysis laboratories will continue to work as separate entities of the Geological Survey of India; and

(d) the work that will now rest with the Indian Bureau of Mines?

The Deputy Minister in the Ministry of Mines and Metals (Shri S. A. Mehdi): (a) Yes, Sir. The transfer took effect on 1-1-1966.

(b) Under the revised arrangements, the responsibility for the entire prospecting operations will vest in one organisation i.e., Geological Survey of India. This will ensure continuity of background knowledge, expertise and operational control and avoid possible overlapping and duplication of functions between two different organisations.

(c) Yes, Sir.

(d) The Indian Bureau of Mines will be responsible for the administration of Mineral Conservation and Development Rules, 1958, collection and printing of statistical data of minerals and ore dressing laboratory.

Shri P. R. Chakraverti: With the introduction of this new method, will the Indian Bureau of Mines be a department of the Geological Survey or will it be practically merged with it?

Shri Mehdi: At the moment, it is a department of the Geological Survey.

Shri P. R. Chakraverti: What is the specific extent of improvement likely to be introduced by this innovation?

The Minister of Mines and Metals (Shri S. K. Dey): I think the House will appreciate that there is an acute limitation of technical talent in the field of geology, geophysics, geochemistry and geo-engineering. Apart from this, there is also an acute shortage of equipment such as drills and also equipment for laboratory tests in the field of geology and geochemistry. Naturally, we cannot afford, in the conditions of today, to allow overlapping of functions between two organisations working for the same purpose.

Shri Sham Lal Saraf: As we understand it, the Geological Survey of India was set up for the general surveys, and as far as intensive surveys are concerned, certain areas were marked out where Indian Bureau of Mines would conduct intensive surveys. May I know what action will now be taken by which the country will be assured that wherever areas are marked, there will be intensive surveys, and what will be the agency that will look after intensive surveys?

Shri S. K. Dey: The same functions will be carried out even more intensively because both the organisations will work together, and they will deploy their resources according to priorities.

Shri K. D. Malaviya: While accepting the correctness of such integration between the two and making the Geological Survey of India the main administrative unit, am I correct in presuming that the entire detailed exploration and the proving of mineral ore will be left to the Indian Bureau of Mines and not be divided between the Geological Survey of India and the Indian Bureau of Mines?

Shri S. K. Dey: As has been mentioned in the reply, a part of the old organisation of the Indian Bureau of Mines has been transferred to the control of the Geological Survey of India. It will function as a separate organisation called the Exploration wing of the Geological Survey of India.

Shri K. D. Malaviya: I am referring to the detailed proving.

Shri S. K. Dey: That will be done by the Exploration Wing of the Geological Survey of India.

Delegation from Nepal

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*900. **Shri P. C. Borooah:**
Shri Ram Hark Yadav:

Will the Minister of Commerce be pleased to state:

(a) whether a Nepalese Trade Team recently visited India; and

(b) if so, what trade arrangements were thrashed out as a result of the discussions with that team?

The Minister of Commerce (Shri Manubhai Shah): (a) Yes, Sir. The Delegation visited this country in January, 1966 at the invitation of the Federation of Indian Chambers of Commerce and Industry.

(b) The Delegation was in main interested in exploring possibilities of Indian collaboration in joint ventures in Nepal. No Trade Arrangement was finalised although trade matters were in general terms discussed with the Delegation.

Shri P. C. Borooah: May I know whether this delegation sought Indian collaboration in the manufacture of certain items in industries, and if so, in what types of industries, and what is the response from the Indian counterparts?

Shri Manubhai Shah: They were very friendly, and they wanted closer and closer economic and trade co-operation between India and Nepal. As a matter of fact, they evinced

great interest in several industries which Indian industrialists along with Nepalese industrialists could set up in Nepal.

Shri P. C. Borooah: What is the present balance of trade between the two countries and how far will the trade between these two countries be expanded under the present trade agreement?

Shri Manubhai Shah: The trade between our two countries has gone up three to four times—in the last few years. As for the balance of account, there is no convertible currency, nor is there a rupee account. Nepal and Indian rupees are interchangeable in terms of monetary value.

Shri Bhagwat Jha Azad: Do we have any idea of the size and the industries in which the delegation was seeking Indian collaboration?

Shri Manubhai Shah: They wanted some weaving factories, some fruit juice factories, cheese and some assembly of cycles and some utensil factories.

Ancillary-Industries Sub-Committee

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*902. **Shri Hukam Chand**
Kachhavaitya:

Shri A. S. Saigal:

Shri R. S. Tiwary:

Shri Chandak:

Dr. Chandrabhan Singh:

Shri Wadiwa:

Shri Parashar:

Will the Minister of Industry be pleased to refer to the reply given to Unstarred Question No. 482 on the 12th November, 1965 and state:

(a) the names of personnel in the Ancillary Industries Subcommittee established for Madhya Pradesh;

(b) how many meetings of the Committee have since taken place; and

(c) whether the Committee has made any recommendations?

The Minister of Industry (Shri D. Sanjivayya): (a) A statement is laid on the Table of the House. [Placed in Library. See No. LT-5959/66]

(b) The first meeting has since been held.

(c) Recommendations are awaited.

श्री हुकूम चन्व कछवाय : मैं यह जानना चाहता हूँ कि यह जो पहली बैठक हुई इस में किस किस प्रकार के सुझाव सपकार के सामने आये हैं ?

Shri D. Sanjivayya: As I said, the first meeting took place very recently on 5th March at Bhopal. We have not yet received the minutes, and unless we receive them, I will not be in a position to say what suggestions were made.

श्री हुकूम चन्व कछवाय : मध्य प्रदेश एक बहुत पिछड़ा हुआ इलाका है इस को ध्यान में रखते हुए क्या सरकार उस क्षेत्र में अधिक कारखाने खोले जायें ऐसा कोई सुझाव रखती है ?

Shri D. Sanjivayya: Yes, we know that Madhya Pradesh is a backward area industrially. We will certainly keep the opinion of the hon. Member in mind.

Shri Jashvant Mehta: As Government had invited applications in May, 1965 for manufacturing scooters, may I know whether any final decision has been taken regarding the allocation of finance for manufacture of new scooters?

Shri D. Sanjivayya: This does not arise out of that. Probably he has the previous question in mind.

Shri Bhagwat Jha Asad: May I know whether the formation of this committee the details of which are given is only for Madhya Pradesh or it is part of a story for the country and whether any time-schedule has been fixed for their report or they will take their own time?

Shri D. Sanjivayya: It is not merely for Madhya Pradesh. The small scale industries board set up an ancillary industries committee which advised that regional committees should be established. To start with they started in Delhi, Bombay, Calcutta and Bangalore and later on in Gujrat, Madras and Bihar. M. P. also requested that they should have a regional committee. It has been done. Meanwhile Assam and U.P. have set up their own committees. Later on it was suggested in the informal consultative committee of this ministry that a sub-regional committee should be appointed for each state. It is being examined. So far as any time-limit is concerned, we have not fixed any time-limit.

Mr. Speaker: Next question.

Shri P. C. Borooah: Sir, this question in identical words appeared as an Unstarred Question No. 2028 on 11th March and it was transferred.

Mr. Speaker: I will get it examined.

Shri P. C. Borooah: My name is missing here.

Mr. Speaker: I will give him a chance.

Small Car Project

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*903. **Shri Yashpal Singh:**
Shri Vasudevan Nair:
Shri Warrior:

Will the Minister of Industry be pleased to state:

(a) whether Government's attention has been drawn to the news item published in the 'Times of India', dated the 28th February, 1966 (page 4) to the effect that a local automobile firm in Trivandrum has produced a small car;

(b) if so, whether any inquiry has been made in this regard; and

(c) whether Government propose to develop this venture as a small car project?

The Minister of Industry (Shri D. Sanjivayya): (a) Yes, Sir.

(b) Full details were called for from the firm. These have since been received and are being examined.

(c) The question of establishment of such a project in the country during the Fourth Five Year Plan is under consideration.

श्री यशपाल सिंह : वह समय कब आयेगा, जब यह सरकार बिड़ला साहब के हुकम में संशोधन कर के पब्लिक के लिए कुछ राहत पैदा करेगी और छोटी कारों का निर्माण हो सकेगा ?

Shri D. Sanjivayya: At the moment, the proposal to start a project in the public sector is under consideration and so far as the industries department is concerned, they have examined the case thoroughly and it will go before the cabinet.

श्री यशपाल सिंह : अगर एक फियट कार को बुक कराया जाये, तो आज कल आम तौर से कितना समय लग जाता है, कितने दिन तक नम्बर आ जाता है, कितने साल लग जाते हैं ?

Shri D. Sanjivayya: For a Fiat car, it will take fifteen years to get one.

श्री हुकम चन्द कडवाय : मैं यह जानना चाहता हूँ कि क्या गैर-सरकारी क्षेत्र श्री सरकार के पास इस आशय के आवेदन पत्र आए हैं कि वे छोटी कार बना सकते हैं और क्या सरकार उन को लाइसेंस देने के लिए तैयार है ; यदि हाँ, तो ये छोटी कारें कम से कम कितनी कीमत की होंगी ?

Shri D. Sanjivayya: There are applications from private parties to produce a small car but we do not want to take any decision on that unless we take a decision whether we can start one in the public sector. Some three years ago in the public

sector a French firm quoted that they would be able to produce a small car at a price of Rs. 5,100 exclusive of excise duty if they were asked to produce 50,000 cars per year. If it was 20,000 cars the price will be Rs. 6,000.

Shri P. C. Boroach: May I know whether the manufacture of scooters and buses was given preference to the manufacture of small cars?

Shri D. Sanjivayya: As I said there are some applications and we have not taken any decision.

Shri Kapur Singh: Is it true that the reason for not allowing a small car to be produced in this country is precisely identical to the reason which stands in the way of colorisation of vanaspati?

Shri D. Sanjivayya: I do not know about vanaspati ghee. So far as this is concerned, I am particular it should be done in the public sector.

Shri Kapur Singh: The ignorance of the government is colossal.

Shri S. M. Banerjee: Is the hon. Minister aware that the price of Ambassador car is being increased practically every day, and that of Fiat also, and it has become impossible for people to purchase it unless they pay Rs. 4,000 or more in blackmarket? If so, what steps have been taken by Government to see that the prices are reduced by the manufacturers?

Shri D. Sanjivayya: It is very difficult to reduce the prices, because the price of tyres is going up and the cost of labour is going up and so many other factors are coming into play. Therefore, it is very difficult to ask them to reduce the prices.

Shri Dinesh Bhattacharya: May I know whether it is a fact that apart from the price structure, the quality of the Ambassador car manufactured by Hindustan Motors is deteriorating daily and, if so, whether there is any machinery to check the quality of the car that is manufactured?

Shri D. Sanjivayya: Some complaints have come. We are just examining as to how we should go into this question and ask them to improve the quality.

Shri Harish Chandra Mathur: Do Government realise that they have reduced themselves almost to a ridiculous position in not being able to decide this question for the last 15 years, that more than six Cabinet Ministers have dealt with this question and more than half a dozen times this has gone to the Planning Commission and to the Cabinet and, if so, may I know whether they will redeem their honour by deciding this question within a month's time?

Shri D. Sanjivayya: It is very difficult to fix any date within which a decision can be taken. But the Planning Commission and the Government of India will have to take into consideration the priorities and the necessities of the people of this country. In fact, the other day, there was the question about television sets. (*Interruption*). Let me finish. Two hon. Members of the House got up and said that it was a luxury item and we should not manufacture them. Therefore, Government will have to consider all these aspects.

श्री दिवाक नारायण : भ्रगर टाटा और बिड़ला वगैरह इस को मीनेज नहीं कर सकते हैं, तो गवर्नमेंट इस काम को प्राइवेट सैक्टर वालों को न दे कर इस को खुद चालू क्यों नहीं करती है ? जब वह यह एनाउंस कर चुकी है कि हम सोशलिस्ट सोसाइटी बनाने जा रहे हैं, तब गवर्नमेंट यह काम खुद क्यों नहीं करती है ?

अध्यक्ष महोदय : मिनिस्टर साहब ने यही कहा है ।

Shri D. Sanjivayya: Birlas and Tatas need not look to the amenities and facilities of the public.

Shri D. C. Sharma: Evidently, from the replies given by the hon. Minister, it appears that the Government is on the horns of a dilemma. It does not want to undertake the production of the small car by itself and it does not want to hand over the work of production of small cars to private enterprise. May I know if some foreign experts will be invited by the Planning Commission and by the Government of India to help the Government of India out of this predicament?

Shri D. Sanjivayya: There is no need for such a thing. Government themselves can take a decision.

Shri Bakar Ali Mirza: Is it not a fact that there is idle capacity in this automobile industry and it is not utilised?

Shri D. Sanjivayya: No, Sir. On the other hand, they have produced much more than the capacity. The capacity is 20,000; they have produced 24,000.

श्री काशी राम गुप्त : इस कम्पनी ने यह जो कार बनाई है, इस के पुर्जे शत प्रतिशत भारतीय होंगे या नहीं ? वह कम्पनी इस कार की जो कीमत बताती है, उस को देखने के बाद सरकार उस को पेटेंट कराने की इजाजत देगी ?

Shri D. Sanjivayya: They have produced a car at Rs. 9,000 odd. But they have used several parts; for instance, the engine is the Fiat engine; it is an old engine they have used. Similarly, there are various other parts. The whole matter is under examination by the Technical Development Committee.

Shri Bhagwat Jha Azad: In a debate raised in this House by me and my hon. friend, the then Minister said that there is difficulty in the production of these cars and therefore the Government is giving active consideration. Now, again, we are told

that it is still under consideration. Do we understand that the principle itself is still under consideration or is it just under consideration?

Shri D. Sanjivayya: It is just under consideration. Because on the 9th August, 1962, a statement was made by one of my predecessors saying that the time is not propitious. And then we have again revived the question. We are considering it and we will take a decision soon.

Shri Tyagi: As my hon. friend has said, it is becoming difficult for us to justify this delay. May I know what is the protective duty in percentage against these cars which are imported? For instance, for the imported Fiat, what is the customs duty charged per car?

Shri D. Sanjivayya: I will not be able to say immediately.

Shri Tyagi: Is it double the price of the car itself?

Mr. Speaker: Seth Achal Singh.

श्री अचल सिंह : क्या यह बात सही नहीं है कि जो कार बनाने वाले मैन्युफैक्चरर्स हैं, उनकी यह कोशिश है कि छोटी कार बनाने की इजाजत नहीं दी जाय, ताकि वे ज्यादा से ज्यादा फायदा उठा सकें ?

Shri D. Sanjivayya: No, Sir.

WRITTEN ANSWERS TO QUESTIONS

बिहार का औद्योगिक विकास

891. श्री डा० ना० तिवारी : क्या उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बिहार के औद्योगिक विकास की गति बहुत धीमी और असन्तोषजनक रही है ;

(ख) क्या यह भी सच है कि अन्य राज्यों की तुलना में बिहार को विदेशी

मुद्रा, झलीह धातु और अन्य आयातित माल कम दिया जाता है ; और

(ग) यदि हां, तो इसके क्या कारण हैं ?

उद्योग मंत्री (श्री व० संजीवय्या) : (क) जी, नहीं ।

(ख) तकनीकी विकास के महानिदेशालय के रजिस्टर में औद्योगिक कारखानों के लिए विदेशी मुद्रा का आवंटन, जहाँ वे बिहार में स्थापित हों या न हों, इन कारखानों द्वारा सम्बन्धित लाइसेंस प्रवधि के दौरान अनुमानित उत्पादन तथा उसी समय की आयातित कच्चे माल और पुर्जों की मांग के अनुसार मोटे तौर से किया जाता है । बशर्ते कि किसी उपक्रम द्वारा निर्माण कार्यक्रम के लिए निर्धारित शर्तों के लिए सरकार द्वारा स्वीकृति दी गई है । और इतनी विदेशी मुद्रा उपलब्ध हो जिससे उनकी आवश्यकता पूरी की जा सके ।

राज्यवार कोटा केवल लघु उद्योगों के लिए ही दिया जाता है और वह भी इस क्षेत्र के उत्पादन पर निर्भर करता है किन्तु सम्पूर्ण रूप से विदेशी मुद्रा की कमी के कारण झलीह धातुओं, लोहा और इस्पात इत्यादि का आयात करने के लिए 1965-66 में बहुत सीमित विदेशी मुद्रा जारी की गई थी । विभिन्न राज्यों के आवंटन में, जिसमें बिहार शामिल है, उसी के अनुसार कमी कर दी गई थी ।

(ग) प्रश्न ही नहीं उठता ।

Cashew Industry

*895. **Shri Karni Singhji:** Will the Minister of Commerce be pleased to state:

(a) the amount of foreign exchange earned by cashew industry in the country during 1965-66;

(b) whether Government are aware of the set back suffered during 1965-66

owing to the shortage of tin containers for packing cashew kernels for export; and

(c) if so, the action taken in this regard?

The Minister of Commerce (Shri Manubhai Shah): (a) Rs. 22.74 crores (April-December, 1965).

(b) and (c). No set back in exports has been suffered. Some difficulty with regard to supply of tinplates was brought to the notice of the Government. Necessary arrangements were made for supply of tinplates from alternative indigenous sources. A sum of Rs. 10 lakhs free foreign exchange was also released for import of block tin for tinning indigenous black tin sheets to be utilised entirely for the cashew industry.

Manufacture of Cars and Scooters

***901. Shri Dhuleshwar Meena:**
Shri Ramachandra Ulaka:

Will the Minister of Industry be pleased to state:

(a) whether it is a fact that the output of cars and scooters has considerably gone down in the country;

(b) if so, the reasons therefor; and

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

The Minister of Industry (Shri D. Sanjivayya): (a) The overall production of cars and Scooters has not gone down so far.

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

Modernising Coal Mines

***904. Shri S. C. Samanta:**
Shri Sabodh Hansda:

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

(a) whether Government have drawn up any plan to help the coal industry in modernising the mining operations in the public as well as the private sectors;

(b) the foreign exchange allotted for import of mining equipment and parts during the last five years, Sector-wise; and

(c) the amount being earmarked for 1966-67?

The Minister of Mines and Metals (Shri S. K. Dey): (a) Foreign exchange is released for importing mining equipments against specific demands depending upon the overall foreign exchange position. No plan as such has yet been drawn up to modernise mining operations.

(b) The foreign exchange released during the last five years for the import of mining equipment by the public sector amounts to Rs. 26.87 crores and that by private sector Rs. 13.78 crores.

(c) The requirement is being assessed and the allocation will be made depending upon the availability of foreign exchange.

Supply of Pipes by Hindustan Steel Ltd.

***905. Dr. Ranen Sen:** Will the Minister of Iron and Steel be pleased to state:

(a) whether it is a fact that the Hindustan Steel Ltd. does not accept orders from clients for Electric Resistance Weld Pipes for less than a certain amount or weight and size resulting in difficulties for consultant companies;

(b) whether it is also a fact that Hindustan Steel Ltd. does not run piping section throughout the year; and

(c) if so, whether Government have any plan to remedy this state of affairs?

The Minister of Iron and Steel (Shri T. N. Singh): (a) Orders of less than a wagon load are normally not accepted by the plants as they are uneconomic but such orders can be booked through authorised stockists who book small orders when placing indents on the steel plants.

(b) The Plant has had to operate at reduced capacity from time to time for want of sufficient orders; and

(c) Strenuous efforts are being constantly made to secure orders both from the Home as well as the foreign markets.

Idle Capacity of Industries

*906. Shri R. Barua: Will the Minister of Supply and Technical Development be pleased to state:

(a) whether the scaling down of maintenance imports has increased the idle capacity of the Industries;

(b) if so, the main Industries affected by this process; and

(c) the steps proposed to be taken by Government in this regard?

The Minister of Supply, Technical Development and Materials Planning (Shri K. Raghuramaiah): (a) and (b). Yes, Sir. The main industries in which short-fall in production is already noticeable are non-ferrous metal processing industries, such as, galvanised pipes, tubes and sheets, road rollers and passenger cars, scooters and motor-cycles, industries dependent on imported alloy steels, dry batteries, sulphuric acid and fertilizers dependent on sulphur and rock-phosphate and asbestos cement products.

(c) Steps instituted are broadly:

(i) substitution of imported materials to the maximum extent feasible;

(ii) enhanced allocation of free foreign exchange;

(iii) diversification of production;

(iv) development of ancillary industries with a view to allow manufacture of items which were being imported;

(v) Export Promotion Schemes facilitating import of raw material and components; and

(vi) Import facilities under the National Defence Remittance Scheme.

दुर्लभ पदार्थों का आयात

*907. श्री हुकम चन्द कछवाय : क्या उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मुरादाबाद तथा अन्य स्थानों में पीतल के बर्तनों के निर्माण करने वाले लघु उद्योग 'दुर्लभ औद्योगिक धातु नियंत्रण आदेश' के प्रवर्तन के परिणाम-स्वरूप बन्द हो गये हैं ;

(ख) ऐसे कितने उद्योगों पर इसका प्रभाव पड़ा है और इसके फलस्वरूप कितने कर्मचारी बेरोजगार हो गये हैं ;

(ग) क्या उद्योगों के बन्द हो जाने के कारण हाथ से बने हुए नक्काशी वाले पीतल के बर्तनों के निर्यात पर भी प्रतिकूल प्रभाव पड़ा है ; और

(घ) इस सम्बन्ध में सरकार का क्या कार्यवाही करने का विचार है ?

उद्योग मंत्री (श्री द० संजीवय्या) :

(क) और (ख). सरकार को दुर्लभ औद्योगिक वस्तु (नियंत्रण) आदेश, 1965 में लागू किये जाने के कारण बर्तन मुरादाबाद अथवा अन्य किसी स्थान में बनाने वाले किसी भी कारखाने के पूरी तरह बन्द हो जाने के बारे में कोई भी जानकारी नहीं है। ये कारखाने बाजार से पीतल का कुछ कबाड़ मिल जाने से किसी प्रकार अपना काम फिलहाल चला रहे हैं। इन्होंने अल्युमिनियम का इस्तेमाल करना शुरू कर दिया है।

(ग) पीतल पर नक्काशी किये हुए हाथ से बने बर्तनों के निर्यात पर प्रतिकूल प्रभाव पड़ा है क्योंकि उन्हें कच्चा माल निर्यात प्रोत्साहन योजना के अधीन मिलता है।

(घ) बर्तन निर्माताओं को अल्युमिनियम का इस्तेमाल करने के लिए प्रोत्साहित किया जा

रहा है। ये कारखाने तांबे और पीतल के कबाड़ का भी इस्तेमाल कर सकते हैं क्योंकि अब इस पर से कंट्रोल हटा दिया गया है। ज्योंही तांबे और जस्ते की पूर्ति संबंधी स्थिति में सुधार हो जायेगा, बर्तन निर्माताओं को इन धातुओं का देना संभव हो सकेगा।

New Railway Project for Bastar

*908. Shri R. S. Pandey:
Shri Yashpal Singh:

Will the Minister of Railways be pleased to state:

(a) whether the report of the experts in respect of the new Railway Project for Bastar, Madhya Pradesh, has been submitted to Government;

(b) whether Government have considered the report and taken a decision in the matter; and

(c) if so, the nature thereof?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): (a) to (c). Presumably the hon. Members are referring to the Report of the team headed by Dr. Nagaraja Rao for Techno-Economic appraisal of the Indravati and Sabri Basin submitted to the Ministry of Rehabilitation in October, 1965. With a view to assist in the integrated development of major industries in the Dandakaranya area, the Railways, are also conducting certain investigations for new links in the area. A decision regarding the construction of a new line will be taken after the investigations are completed and plans evolved simultaneously for the development of the associated industries and mining projects.

रेलवे पटरी के साथवाली भूमि का प्रावधान

*909. श्री पं० ला० बाबूराव : क्या रेलवे मंत्री 25 फरवरी, 1966 के प्रतागंकित प्रश्न संख्या 1072 के उत्तर के सम्बन्ध में

यह बताने की कृपा करेंगे कि :

(क) 'अधिक भ्रम उपजाओ' योजना के अनुसरण में रेलवे पटरियों के साथवाली भूमि का कृषकों को दिये जाने के सम्बन्ध में क्या प्रक्रिया है ; और

(ख) क्या कृषकों को प्रार्थनापत्र सीधे रेलवे मंत्रालय को भ्रमवा सम्बन्धित राज्य के राजस्व मंत्री को देने पड़ते हैं ?

रेलवे मंत्रालय में राज्य-मंत्री (डा० राम सुभग सिंह) : (क) और (ख) अधिक भ्रम उपजाओ योजना को सफल बनाने के उद्देश्य से नवम्बर, 1965 से पहले, रेलवे की खेती योग्य फ़ालतू ज़मीन किसानों को देने के लिए सम्बन्धित राज्य सरकारों को दे दी जाती थी। इस तरह राज्य सरकारों को दी गयी ज़मीन के लिए किसानों को सीधे राज्य सरकार के प्राधिकारियों को आवेदन देना होता है।

भ्रमाज की वर्तमान कमी के संदर्भ में नवम्बर, 1965 में रेलों को हिदायत दी गयी कि स्टेशनों के बीच रेलवे की खेती के योग्य सारी फ़ालतू ज़मीन पर (जिसे राज्य सरकारों के ज़रिए पहले लाइसेंस पर न दिया जा चुका हो) साथ के खेतों के मालिकों को परीक्षण के रूप में जून, 1966 तक बिना किसी तरह का प्रभार लिये खेती करने की अनुमति दे दी जाये। ऐसे मामलों में किसानों को सीधे सम्बन्धित रेल प्रशासनों को आवेदन देना होता है।

रेलवे मुद्रणालय

*910. श्री जगदेव सिंह सिद्धान्ती : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) रेलवे के विभिन्न मुद्रणालयों की हिन्दी की छपाई की कितनी क्षमता है और पिछले तीन वर्षों में उनकी क्षमता में कितनी वृद्धि हुई है ;

(ख) क्या गत दो वर्षों में ऐसे कुछ अवसर आये हैं जब कि मुद्रणालयों में हिन्दी की छपाई का काम इस आधार पर लौटा दिया गया था कि वे उसे करने में असमर्थ हैं ; और

(ग) हिन्दी के बढ़ते हुए काम को पूरा कर सकने के लिए रेलवे मुद्रणालयों की क्षमता में वृद्धि करने के लिए क्या कार्यवाही की गई है ?

रेलवे मंत्रालय में राब्य-मंत्री (डा० राम सुभग सिंह) : (क) से (ग) अपेक्षित सूचना तत्काल उपलब्ध नहीं है। सूचना रेल प्रशासनों से मंगायी जा रही है और मिलने के बाद शीघ्र प्रस्तुत कर दी जायेगी।

Muir Mills Ltd., Kanpur

*911. Shri S. M. Banerjee: Will the Minister of Commerce be pleased to refer to the reply given to Starred Question No. 216 on the 25th February, 1966 and state:

(a) whether it is a fact that the Muir Mills Ltd., Kanpur has not started functioning;

(b) if so, whether this is due to the fact that the financial assistance promised by the Centre has not been given so far; and

(c) if so, the steps proposed to be taken in this regard?

The Deputy Minister in the Ministry of Commerce (Shri Shaif Qureshi):

(a) Yes, Sir.

(b) and (c). It has been agreed that the Central and State Governments should stand guarantee to the State Bank of India for the advance of the necessary loan to the mills. A part of the loan has already been advanced to the mills and steps are under way to make the balance available within the next few days.

Revision of Lists of S.C. and S.T.

*912. Shri D. C. Sharma: Will the Minister of Social Welfare be pleased to state:

(a) whether any decision has been taken for revising the lists of Scheduled Castes and Scheduled Tribes on the recommendations of the Advisory Committee; and

(b) if so, the nature thereof?

The Deputy Minister in the Department of Social Welfare (Shrimati Chandrasekhar): (a) and (b). The whole question is still under consideration.

बोकारो इस्पात कारखाना

*913. श्री डा० ना० तिवारी :
श्री यशपाल सिंह :

क्या लोहा और इस्पात मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बोकारो इस्पात कारखाने के लिए अपेक्षित इस्पात के बारे में कोई अनुमानित ब्यौरा तैयार किया गया है ;

(ख) क्या इस बात का भी पता लगा लिया गया है कि इसके लिये देश में उपलब्ध स्रोतों से कितना सामान मिल जायेगा और कितना सामान बाहर से मंगाना पड़ेगा ; और

(ग) इस से अब तक प्राप्त पुर्जों तथा सस्तीयों की संख्या कितनी है ?

लोहा और इस्पात मंत्री (श्री त्रि० ना० सिंह) : (क) जी, हाँ।

(ख) 85 प्रतिशत के लगभग इस्पात के ढांचे, 60 प्रतिशत के लगभग संयंत्र और उपकरण और 93 प्रतिशत के लगभग उष्मसह देश में उपलब्ध स्रोतों से प्राप्त किये जायेंगे और बाकी सामान रूस से मंगाया जाएगा।

(ग) अभी तक कोई उपकरण और सामान रूस से प्राप्त नहीं हुआ है क्योंकि

कारखाने के लिए अभी तक आर्डर नहीं दिये गये हैं ।

H.E.C., Ranchi

*914. **Shri Bibhuti Mishra:**
Shri K. N. Tiwary:

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

(a) whether it is a fact that the Heavy Engineering Corporation at Hatia has been spending Rs. 60 lakhs per month on establishment; and

(b) whether it is a fact that the industry has got no work to do?

The Minister of Industry (Shri D. Sanjivayya): (a) and (b). No, Sir.

Licensing of Powerlooms

*915. **Shri Vishwa Nath Pandey:**
Shri R. Barua:
Shri R. S. Pandey:
Shri Ramachandra Ulaka:
Shri Dhuleshwar Meena:

Will the Minister of **Commerce** be pleased to refer to the reply given to Starred Question No. 633 on the 3rd December, 1965 and state:

(a) whether the report regarding the system of licensing of powerlooms has since been considered by Government; and

(b) if so, the result thereof?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi): (a) and (b). Yes, Sir. Government's decisions are expected to be announced shortly.

10-year Perspective Steel Plan for Heavy Engineering Corporation, Ranchi.

*916. **Shri P. R. Chakraverti:** Will the Minister of **Iron and Steel** be pleased to state:

(a) whether Government have drawn up a 10-year perspective plan for steel to take up a firm decision with regard to the production sche-

dule of the Heavy Engineering Corporation Ranchi.

(b) whether the H.E.C., Ranchi has been fully equipped and rationalised to meet the requirements of the blast furnaces for the country's steel plants;

(c) how far the steel plants have agreed to utilise the indigenous resources in their different stages of expansion for the next 10 years; and

(d) whether the H.E.C., Ranchi has been asked to make its enormous engineering capacities available for this purpose to tackle the foreign exchange crisis?

The Minister of Iron and Steel (Shri T. N. Singh): (a) A ten-year perspective plan for steel has yet to be finalised. The Heavy Engineering Corporation, have however, worked out their tentative production programme on the basis of 16.5 million tonnes ingot steel capacity by 1970-71 and 28 million tonnes by 1975-76.

(b) Yes, Sir.

(c) and (d). It is fully agreed that all available indigenous resources shall be utilised to the maximum extent possible. Orders for plant and equipment will be placed as and when the requirements of the steel plants actually arise.

Import of Newsprint from U.S.S.R.

*917. **Shri Yashpal Singh:**
Shri P. C. Borooah:
Shri Rameshwar Tantia:

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

(a) whether it is proposed to import more newsprint from Soviet Union;

(b) if so, the quantity to be imported; and

(c) how it will be distributed?

The Minister of Commerce (Shri Manubhai Shah): (a) Yes, Sir.

(b) The Soviet Union, under the Trade Agreement recently concluded, have agreed to supply increasing

quantities of Newsprint from 35,000 tons, with additional possibilities of 10,000 tons in 1966 to 75,000 tons in 1970.

(c) The distribution of imported Newsprint after allowing some buffer stock will be made primarily to actual users on the recommendation of the Registrar of Newspapers, Ministry of Information and Broadcasting.

Manufacture of Transistor Sets

*918. Shri P. C. Borooah:
Shri Onkar Lal Berwa:

Will the Minister of Industry be pleased to state—

(a) whether there is a proposal for the manufacture of cheap transistor sets in India;

(b) if so, whether it is proposed to manufacture such sets in the public sector; and

(c) the estimated price at which these sets are likely to be available in the market and the salient features thereof?

The Minister of Industry (Shri D. Sanjivayya): (a) Yes, Sir.

(b) No, Sir.

(c) The estimated price is approximately Rs. 70 each. The sets would be medium wave Transistor receivers as per specifications indicated in the statement laid on the Table of the House. [Placed in Library. See No. LT-5960/66].

Steel Plant at Balladilla

*919. Shri P. E. Chakravarti:
Shri Lakhman Bhawan:

Will the Minister of Iron and Steel be pleased to state:

(a) whether the Balladilla area in Madhya Pradesh with its iron ore potential was to have a steel plant; and

(b) if so, when Government propose to turn this area into an industrial hub of the country?

The Minister of Iron and Steel (Shri T. N. Singh): (a) and (b). Balladilla is one of the possible sites being considered for the location of the fifth public sector steel plant. A decision on this location has not yet been taken.

सरकारी तथा गैर-सरकारी क्षेत्रों में कारखाने

*920. श्री विभूति मिश्र : क्या उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार का उद्देश्य भारत में प्रजासत्तात्मक समाजवाद की स्थापना करने का है ;

(ख) यदि हाँ, तो वर्ष 1964 और 1965 में सरकारी तथा गैर सरकारी क्षेत्रों में प्रलग प्रलग कितने बड़े तथा महल्ले पैमाने के कारखाने खोले गये ; और

(ग) जनता के लिये किस क्षेत्र के कारखाने अधिक लाभदायक सिद्ध हुये हैं ?

उद्योग मंत्री (श्री इ० संजीवय्या) : (क) जी, हाँ।

(ख) 1964 और 1965 में जारी किये गये औद्योगिक लाइसेंसों की संख्या क्रमशः 762 और 519 है। ये लाइसेंस कार्यान्वित किये जाने की विभिन्न अवस्थाओं में हैं। 1964 और 1965 में केन्द्रीय सरकार के क्षेत्र में स्थापित किये गये औद्योगिक कारखानों की संख्या क्रमशः 4 और 6 है।

(ग) जैसा कि 1956 के औद्योगिक नीति संकल्प में बताया जा चुका है कि सरकारी और गैर सरकारी दोनों ही क्षेत्र एक दूसरे के पूरक हैं और दोनों ने देश के औद्योगिक विकास में योग दिया है।

Toy Manufacturing Unit in Kerala

3088. Shri A. K. Gopalan: Will the Minister of Industry be pleased to state:

(a) whether Government propose to start a toy manufacturing unit at Kallai in Kerala using saw dust;

(b) if so, the capital required for the establishment of this unit; and

(c) when the work on this is likely to begin?

The Minister of Industry (Shri D. Sanjivayya): (a) No, Sir.

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

Slate Pencil Manufacturing unit in Kerala

3089. Shri A. K. Gopalan: Will the Minister of Industry be pleased to state:

(a) whether a Slate Pencil manufacturing unit is likely to be started at Cheruvannoor, Kerala;

(b) if so, the capital required for this unit and its employment potential; and

(c) when it is likely to be started?

The Minister of Industry (Shri D. Sanjivayya): (a) No, Sir.

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

Ernakulam-Trivandrum Railway Line

3090. Shri A. K. Gopalan: Will the Minister of Railways be pleased to state:

(a) whether Government have received any representation to convert the Ernakulam-Trivandrum railway line into broad gauge; and

(b) if so, the action taken thereon?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): (a) Yes.

(b) The proposals for conversions to be taken up in the Fourth Plan are yet to be finalised. In the studies of the different sections, to determine the justification for their conversions, in future, the Quilon-Ernakulam section will also be kept in view. However,

from a preliminary study of the available capacity and the traffic prospects, it appears that this section may not merit adequate priority to justify its inclusion in the Fourth Plan, especially with the paramount need for maximum economy in expenditure at present.

Shelter over passenger platform at Bahadurgarh

3091. Shri Jagdev Singh Siddhanti: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that provision of shelter over the passenger platform at Bahadurgarh on the Delhi-Bhatinda Section was made in the Works Programme of the Northern Railway for 1965-66;

(b) if so, whether the work in question has been started;

(c) if not, the reasons therefor; and

(d) the steps being taken to get the matter expedited?

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

(b) Yes.

(c) Question does not arise.

(d) The drawings and estimates have been approved and sanctioned. The fabrication of steel work is in hand.

Train between Delhi and Rohtak

3092. Shri Jagdev Singh Siddhanti: Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 1405 on the 3rd September, 1965 and state:

(a) whether Government propose to introduce an additional train/shuttle from Delhi towards Rohtak between 11.10 and 16.40 hours as soon as line capacity between Delhi Kishanganj and Shakurbasti is augmented; and

(b) if so, when the line capacity between the aforesaid stations is likely to be augmented?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): (a) The introduction of an additional train from Delhi towards Rohtak will be duly considered when line capacity between Delhi-Kishanganj and Shakurbasti is available.

(b) The requisite capacity will be created after the doubling of this section which has been programmed in the Budget for 1966-67 is completed. The total cost of the work is estimated to be Rs. 54 lakhs out of which Rs. 8 lakhs only is proposed as outlay for 1966-67. The date of completion of the work will depend on the availability of funds for such works in the coming years.

Accommodation in through Bogies

3093. Shrimati Ramdulari Sinha: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that due to over-crowding by the local and short distance passengers, long distance passengers do not get any accommodation in through bogies meant for long distance passengers;

(b) whether it is a fact that previously there used to be clear marking on such bogies indicating the distance restriction;

(c) if so, under what circumstances that marking has been removed; and

(d) whether Government propose to re-impose the distance restriction and marking system?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh):

(a) No.

(b) and (c). Yes. Even now indication boards/markings are provided on certain trains.

Most of these long distance coaches have been replaced by III class sleeper coaches where, in the matter of reservation, preference is given to long distance passengers.

(d) Does not arise.

Railway Feeder Roads

3094. Shrimati Ramdulari Sinha: Will the Minister of Railways be pleased to state:

(a) whether the Railways used to make lumpsum grants to District Boards for maintenance of Railway feeder roads in Bihar and other States;

(b) if so why this practice has been stopped;

(c) whether Government are aware that due to the discontinuance of such practice, the railway passengers have to face much difficulty; and

(d) whether Government propose to restore the previous practice?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): Presumably the Hon'ble Member is referring to the maintenance of Railway station approach roads, if so, the reply is as under:

(a) No.

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

Tea Stalls on Railway Stations

3095. Shrimati Ramdulari Sinha: Will the Minister of Railways be pleased to state how, in what manner and by whom the quality and quantity of supply of tea from the tea-stalls in earthen cups on various stations is checked up?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): Quality and quantity of tea, sold in earthen cups is checked at frequent intervals, during inspections of catering establishment, by officers and supervisory staff of Commercial and

Medical Departments, including the Station Masters at the Station. Quality is judged by tasting tea, and quantity by comparing the contents with the prescribed quantities as laid down, viz. 200 c.c. for cup of bigger size and 100 c.c. for the smaller cup.

मैट्रिक-उपरान्त छात्रवृत्तियां

3096. श्री बे० सि० वाटिल :

श्री तुलसीदास जाधव :

क्या समाज-कल्याण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार का विचार अनुसूचित आदिम जातियों के उन विद्यार्थियों को मैट्रिक-उपरान्त छात्रवृत्तियां देने का है, जो अनुसूचित तथा निर्धारित क्षेत्रों से बाहर रहते हैं ;

(ख) यदि हां, तो उसका व्योरा क्या है ;

(ग) क्या महाराष्ट्र सरकार ने प्रार्थना की है कि विदर्भ के विद्यार्थियों को ये छात्रवृत्तियां दी जानी चाहियें ; और

(घ) यदि हां, तो उस पर क्या कार्यवाही की गई है ?

समाज-कल्याण विभाग में उपमंत्री (श्रीमती चन्द्रशेखर) : (क) और (ख). मैट्रिकोपरान्त छात्रवृत्ति अनुसूचित आदिम जातियों के सभी छात्रों को मिल सकती है। इसके लिये यह आवश्यक नहीं कि वे क्षेत्र अनुसूचित हों। कुछ राज्यों में इस प्रकार की पाबन्दी है कि केवल विशिष्ट क्षेत्रों में रहने वाली जातियों को ही अनुसूचित जातियां समझा जाता है। मैट्रिकोपरान्त छात्रवृत्ति देने की यही कसौटी है कि संबंधित छात्र किसी अनुसूचित आदिम जाति से संबंधित हैं अथवा नहीं।

(ग) हां।

(घ) विदर्भ में कुछ आदिम जातियों से संबंधित अनुसूचितों के पुनरीक्षण का प्रश्न

विचाराधीन है। यदि उन्हें अनुसूचितों में शामिल कर लिया गया तो उन्हें छात्रवृत्तियां मिल सकेंगी।

Transport of Potatoes from U. P.

3097. श्री Ram Harkh Yadav: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that U. P. has approached the Central Government for more liberal supply of railway wagons for the movement of the potatoes to other States; and

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

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh):

(a) Yes.

(b) Action to meet the demands for movement placed on the Railways in coordination with the Uttar Pradesh Government, has already been initiated.

Railway Siding at Mannargudi Station

3098. श्री M. G. Thengondar: Will the Minister of Railways be pleased to state:

(a) whether there is a proposal to have a railway siding connecting Mannargudi Station (Southern Railway) to the foodgrain godown which will reduce the cost of handling and transport; and

(b) if so, at what stage the proposal stands?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath):

(a) Yes; as a private siding.

(b) The cost of the proposed siding from Mannargudi to the foodgrain godown has been advised to the Civil Supplies Department, Government of Madras for their acceptance, which is awaited.

**यवतमाल और दरवाह स्टेशनों पर
सायवान (शौड)**

3100. श्री हे० शि० पाटिल :
श्री कांबले :

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि महाराष्ट्र में यवतमाल और दरवाह स्टेशनों पर यान्त्रियों के लिये सायवान (शौड) नहीं है ; और

(ख) यदि हां, तो इन स्टेशनों पर कब सायवान लगाने का सरकार का विचार है ?

रेलवे मंत्रालय में राज्य मंत्री (डा० राम सुभग सिंह) : (क) जी हां। लेकिन यवतमाल स्टेशन पर 900 वर्ग फुट का और दरवाह स्टेशन पर 816 वर्ग फुट का मुसाफिरखाना मौजूद है।

(ख) अभी ऐसा कोई प्रस्ताव विचाराधीन नहीं है, क्योंकि ये दोनों स्टेशन मुर्तजापुर-यवतमाल लाइन पर स्थित हैं, जो सेंट्रल प्राविसेंज, रेलवे कम्पनी की लाइन है, लेकिन जिसका संचालन सरकार द्वारा किया जाता है। इस रेलवे से बराबर आवर्ती हानि हो रही है और ऐसी परिस्थिति में सुधार के कामों पर विचार नहीं किया जा सकता।

Manufacture of Tractors

3101. Shri Shashi Ranjan:
Shri Subodh Hanada:

Will the Minister of Commerce be pleased to state:

(a) whether Government have banned the import of 48/50 H.P. Tractors from U.S.S.R.;

(b) if so, how far the indigenous manufacturers have been able to meet the demand of the country;

(c) whether any factory has been set up for the manufacture of tractors; and

(d) how far the prices of the tractor, indigenously manufactured compare with the prices of the imported ones, particularly from U.S.S.R.?

The Minister of Commerce (Shri Manubhai Shah): (a) Import of 48/50 H.P. Byelarus Tractors from U.S.S.R. has been discontinued in view of the availability of 50 H.P. 'Hindustan' Tractors from indigenous production of M/s. Tractor & Bulldozers Ltd., Baroda.

(b) and (c). It is expected that the indigenous manufacturers can meet the entire demand of the country in 50 H.P. range. To meet the demand of the tractors of various ranges the following companies have been licensed for the manufacture of agricultural tractors—

S. No.	Name of the Company	Range H.P.	Nos. per annum
1.	Messrs Tractors & Farm Equipment Ltd. Madras	20-30	7,000
2.	Messrs Tractors & Bulldozers Ltd. Bombay	20-30 over 35	2,000 5,000
3.	Messrs Escorts Ltd. New Delhi	20-30	7,000
4.	M/s Eicher Tractors Corp New Delhi	20-30	2,000
5.	M/s International Tractors Bombay	20-30	7,000
			30,000

(d) The prices of indigenous tractors are generally higher than the imported ones. As against the sale price of Rs. 11,750/- and 14,225/- ex-godown, Delhi of Byelarus and MTZ-50 PL tractors of 48-50 H.P. respectively the sale price of 'Hindustan' Tractors is Rs. 16,100/-. The prices of the indigenous tractors of other ranges are:

TAFE (Ferguson- 35 BHP)	Rs. 15,750
EICHER (26.5 BHP)	Rs. 14,495
International Harvester (25 BHP)	Rs. 16,380
Hindustan (35 BHP)	Rs. 12,500
Escorts (34.5 BHP)	Rs. 14,669

Export of Dried Prawn to Burma

**3102. Shri Vasudevan Nair:
Shri Warrior:**

Will the Minister of Commerce be pleased to state:

(a) whether the export of dried prawn to Burma declined during 1965-66;

(b) if so, the steps taken to boost up their export to Burma; and

(c) the foreign exchange earned by export of dried prawn to Burma in 1964-65 and 1965-1966?

The Minister of Commerce (Shri Manubhai Shah): (a) Yes, Sir.

(b) The Embassy of India in Rangoon are in touch with the Burmese authorities with a view to persuading them for more purchases of dried prawn from India.

(c) The foreign exchange earned by export of this item to Burma amounted to Rs. 21.39 lakhs in April-December, 1964 and Rs. 15.55 lakhs during the same period, 1965, respectively.

Closure of Parvathi Mills in Kerala

**3103. Shri Vasudevan Nair:
Shri Warrior:**

Will the Minister of Commerce be pleased to state:

(a) whether the Parvathi Mills, Quilon, and Alind, Kundera (Kerala State) have been closed down due to power cut;

(b) if so, the number of workers affected by this closure; and

(c) the estimated loss in value of production per month due to this closure?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi): (a) Parvathi Mills, Quilon, closed down from 10th March, 1966, due to power cut; but the power-cut at Alind, Kundera, was only 50 per cent.

(b) 980 workers were affected in Parvathi Mills and twelve thousand man days lost in Alind.

(c) The estimated loss is of Rs. 16 lakhs due to closure of Parvathi Mills and Rs. 28 lakhs due to power-cut in Alind.

Derailment near Ferozepore

3104. Shri Ram Harkh Yadav: Will the Minister of Railways be pleased to state:

(a) whether the engine of the Fazilka-Ferozepore Passenger derailed on the evening of the 15th March, 1966 near the outer signal of the Ferozepore Railway Station;

(b) if so, the details thereof; and

(c) the loss of life and property, if any?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): (a) and (b). On 15-3-66 at about 13.38 hours, while mixed train No. 4 FF Down was approaching Ferozepore City, the train engine derailed near the outer signal.

(c) There was no loss of life. The cost of damage to railway property was estimated at approximately Rs. 600/-.

Demand for Tractors

3105. Shri Maurya: Will the Minister of Commerce be pleased to state:

(a) the demand for various types of tractors in the non-agricultural sectors; and

(b) the steps Government propose to take to ensure that the tractors meant for agricultural uses are not diverted to non-agricultural uses?

The Minister of Commerce (Shri Manubhai Shah): (a) and (b). There is no restriction on sale of tractors excepting those imported from U.S.S.R., which are meant mainly for agricultural purposes. Tractors upto 50 Draw Bar Horse Power are mainly

required for agricultural purposes. While most of the imported tractors are utilised for agricultural purposes, a small number is diverted by Government for purposes other than agricultural purposes keeping in view the urgency and importance of the requirement, like that of compost making farms etc.

Cement Factory in Andhra Pradesh

3106. Shri Eswara Reddy: Will the Minister of Industry be pleased to state:

(a) whether any private party has been given licence to set up a cement factory at Yerraguntla in Cuddapah District, Andhra Pradesh and, if so, the name of the party;

(b) the estimated cost of the factory, its production potential, and when it is scheduled to be completed; and

(c) whether any preliminary work has been done to set up the factory and the nature of progress made so far?

The Minister of Industry (Shri D. Sanjivayya): (a) to (c). M/s. Hindustan Sugar Mills Limited were granted a letter of intent for setting up a cement factory at Yerraguntla in Cuddapah District, Andhra Pradesh for an annual installed capacity of 200,000 tonnes. The party's estimate of the cost of the project was Rs. 401.5 lakhs. The applicants reported having purchased 263 acres of limestone bearing land in Yerraguntla from another Firm which had conducted prospecting operations in the area. The party indicated that they hoped to go into production by about the middle of 1970. Meanwhile, the validity period of the letter of intent has expired on 31st December, 1965 and the party has applied for extension.

Reservation Office Staff

3107. Shri H. N. Mukerjee: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that under

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the existing railway regulations the reservation office staff is entitled to a day of rest after every 6 working days;

(b) whether it is also a fact that at Madras and other places this staff sometimes do not get any day of rest even after working continuously for 10 to 25 days;

(c) whether this practice of not giving the staff regular day of rest after every 6 working days has been in existence since 1950; and

(d) if so, the measures taken to secure adherence to the regulations in respect of the day of rest?

The Minister of State in the Ministry of Railways (Dr. Ram Subhas Singh): (a) Yes.

(b) In the Enquiry Office at Madras due to casualties, there have recently been some occasions when the staff had to forgo their weekly off. Such a situation has not come to notice at other places.

(c) No.

(d) Steps have been taken to provide necessary additional staff. Meanwhile, as a temporary measure services of other suitable staff are utilised to enable weekly off being given when casualties are high.

ट्यूब बनाने वाले कारखाने

3108. श्री डा० ना० तिवारी : क्या उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि जस्ते की कमी के कारण ट्यूब बनाने वाले बहुत से कारखाने बन्द होने वाले हैं ;

(ख) क्या यह भी सच है कि पिछले कुछ महीनों में ट्यूबों के उत्पादन में कमी हो गई है; और

(ग) यदि हाँ, ट्यूबों का उत्पादन कम न होने पाये इसके लिए क्या उपाय किये गये हैं ?

उद्योग मंत्री (श्री बा० संबीष्य्या) :
(क) और (ख) जस्ते की कमी होने के कारण इस्पात ट्यूब निर्माण करने वाले कारखानों को कठिनाई हो रही है। फिर भी ट्यूबों के उत्पादन में अधिक कमी नहीं हुई है और इसके किसी भी कारखाने के बन्द होने का समाचार नहीं मिला है।

(ग) मितव्ययता के रूप में यह निश्चय किया गया है कि केवल 1 इंच के आकार की ट्यूबों पर ही जस्ता चढ़ाया जाना चाहिए अथवा अन्य ट्यूबें या तो काली ही रहने देनी चाहिए या संभव हो सके तो बिटूमन चढ़ा देना चाहिए। फिर भी निर्यात हकदारी के बचले कमाये गये जस्ते का इस्तेमाल करने पर कोई प्रतिबन्ध नहीं है।

Export of Trucks and Buses

3109. Dr. P. N. Khan:
Shri Subodh Hansda:
Shri P. C. Borooh:

Will the Minister of Commerce be pleased to state:

(a) whether trucks and buses are exported from India;

(b) if so, to which countries; and

(c) the number out of them exported in 1964 and the value of those exports?

The Minister of Commerce (Shri Manubhai Shah): (a) Yes, Sir.

(b) and (c). A statement is laid on the Table of the House. [Placed in Library. See No. LT-5961/66].

Export of Coal

3110. Shri Subodh Hansda:
Shri S. C. Samanta:
Shri Bhagwat Jha Azad:
Shri M. L. Dwivedi:
Shri P. C. Borooh:

Will the Minister of Commerce be pleased to state:

(a) whether there is any possibility to boost up the export of coal;

(b) if so, to which countries;

(c) which are the countries that consume Indian Coal; and

(d) the quality of coal consumed by them?

The Minister of Commerce (Shri Manubhai Shah): (a) Yes, Sir.

(b) to (d). Till recently, we were exporting coal only to Pakistan; their requirement was mainly of Grade I non-coking coal with some quantities of Select Grades of non-coking coal. Since the middle of 1964, we have also re-entered the Burma market and the present contract extends till 1967; their requirement is also of non-coking coal, with some quantities of coke. Lastly, from the end of 1965, we have regained the Ceylon market; their requirement is of Select A Grade of non-coking coal. We are also exploring possibilities of exporting some non-coking coal to other destinations such as Singapore and Hong Kong. In this region, barring Japan, consumption of coal is not very substantial and in several countries is in fact on the decline due to replacement by oil. In the Japanese market, there is a heavy demand for coking coal but, in that category, we do not have at present surplus for exports.

Trains run with Diesel Locomotives

3111. Shri Linga Reddy: Will the Minister of Railways be pleased to state the number of trains run at present with diesel locomotives, both goods and passenger, separately?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): The actual number of goods trains hauled by Diesel Locomotives daily varies from day to day, depending upon the traffic and operating conditions. On an approximate average, the following numbers of trains are run daily by Diesel Locomotives.

	Goods	Passenger
Broad Gauge	512	4
Metre Gauge	124	—
Narrow Gauge	28	12

डुमरांव और टुडीगंज स्टेशनों के बीच मालगाड़ी का लूटा जाना

3112. श्री हुकम चन्द कछबाय :
श्री यशपाल सिंह :

क्या रेलवे मंत्री 26 नवम्बर, 1965 के प्रतारंकित प्रश्न संख्या 1332 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या 6/7 अक्टूबर, 1965 को पूर्ब रेलवे के डुमरांव और टुडीगंज स्टेशनों के बीच मालगाड़ी के लूटे जाने की घटना के सम्बन्ध में जांच अब पूरी हो चुकी है; और

(ख) यदि हां, तो उसका ब्योरा क्या है ?

रेलवे मंत्रालय में राज्य मंत्री (डा० राम सुभग सिंह) : (क) और (ख) : जी हां, लेकिन यह घोरी का एक साधारण मामला था। बक्सर की सरकारी रेलवे पुलिस ने इस मामले की जांच की थी। उसने अपनी अन्तिम रिपोर्ट में कहा है कि भारतीय दण्ड संहिता की धारा 379 के अधीन कोई सुराग नहीं मिला।

बरेली के निकट रेलगाड़ी में डकैती

3113. श्री हुकम चन्द कछबाय :
श्री यशपाल सिंह :

क्या रेलवे मंत्री 26 नवम्बर, 1965 के तारंकित प्रश्न संख्या 505 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या 8 नवम्बर, 1965 को बरेली के निकट भकरोली और घनेरी स्टेशनों के बीच रेलगाड़ी में हुई डकैती के मामले की जांच अब पूरी हो गई है; और

(ख) यदि हां, तो उसका ब्योरा क्या है ?

रेलवे मंत्रालय में राज्य मंत्री (डा० राम सुभग सिंह) : (क) और (ख),

इस मामले में सात बाहरी व्यक्तियों का हाथ पाया गया। इनमें से तीन का चालान कर दिया गया है, दो की शिनाख्त नहीं हो सकी और उन्हें दण्ड प्रक्रिया संहिता की धारा 169 के अधीन रिहा कर दिया गया। एक जेल में है और उसकी शिनाख्त अभी होनी है। सातवां व्यक्ति अभी तक फरार है और मुरादाबाद की सरकारी रेलवे पुलिस उसे गिरफ्तार करने की कोशिश कर रही है। यह मामला प्रदात में है।

Textile Mills in African and Latin American Countries

3114. Shri P. C. Borooah:
Shri M. L. Dwivedi:
Shri Bhagwat Jha Azad:
Shri S. C. Samanta:
Shri Subodh Hansda:
Shri R. S. Pandey:

Will the Minister of Commerce be pleased to state:

(a) whether there is a proposal for an Indo-Japanese collaboration for the supply of complete textile mills to under-developed countries in Africa, Asia and Latin America; and

(b) if so, the progress so far made in this regard?

The Minister of Commerce (Shri Manubhai Shah): (a) No, Sir.

(b) Does not arise.

रेलवे की पटरियों पर विस्फोट

3115. श्री हुकम चन्द कछबाय :
क्या रेलवे मंत्री 5 नवम्बर, 1965 के प्रतारंकित प्रश्न संख्या 167 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या दक्षिण पूर्ब रेलवे के लानीमार याई, और भागरा फोर्ट तथा ईचवाह रेलवे स्टेशनों पर हुए विस्फोटों की जांच पुलिस द्वारा पूरी कर ली गई है ;

(ख) यदि हां, तो क्या दोषी व्यक्तियों का पता लगा लिया गया है; और

(ग) उनके विरुद्ध क्या कार्यवाही की गई है ?

रेलवे मंत्रालय में राज्य मंत्री (डा० राम सुभग सिंह) : (क) से (ग), शालीमार यार्ड की घटना के बारे में शालीमार की सरकारी रेलवे पुलिस ने अन्तिम रिपोर्ट में कहा है कि विस्फोट की बात गलत है क्योंकि भ्रामक संयोगवश लग गयी थी। जिस व्यक्ति को सन्देश में गिरफ्तार किया गया था, उसे बाद में छोड़ दिया गया।

2-10-1965 को आगरा किला और ईदगाह स्टेशनों के बीच रेलवे लाइन के करीब जो विस्फोट हुआ था, अभी पुलिस द्वारा उसकी जांच की जा रही है। इस मामले में जो दो व्यक्ति गिरफ्तार किये गये थे, उन्हें अदालत ने जांच पूरी होने तक जमानत पर छोड़ दिया है।

Heavy Engineering Corporation, Ranchi

3116. Shri Vishwa Nath Pandey: Will the Minister of Industry be pleased to refer to the reply given to Unstarred Question No. 2257 on the 10th December, 1965 and state:

(a) whether Government have since considered the scheme for setting up a model farm at Ranchi with the collaboration of the Government of Bihar to utilise the effluent for the purpose of agriculture;

(b) the main features of the scheme; and

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

The Minister of Industry (Shri D. Sanjivayya): (a) to (c). Government of Bihar had originally agreed to the establishment of a vegetable farm in village Tanko where the Sewerage Treatment plant was to be set up. On the advice of Public Health Experts, the site of the plant has been shifted to village Jaratoli, two miles away from the original

site; Heavy Engineering Corporation Limited, are exploring in consultation with the State Government the possibility of setting up a farm in the new place.

Ban on Excavation of Sand

3117. Shri Bibhuti Mishra: Will the Minister of Mines and Metals be pleased to state:

(a) whether it is a fact that recently a ban has been imposed on kisans to excavate sand from under the land for brick-making or for other building purposes unless they pay royalty to Government for the sand;

(b) whether five years ago there was no royalty and kisans were free to use the sand; and

(c) whether Government propose to give full and free facilities to kisans to use the sand?

The Minister of Mines and Metals (Shri S. K. Dey): (a) and (b). No, Sir. We are not aware of any such restriction on the use of sand for brick making or building purposes. Since sand is a minor mineral, the State Governments have been empowered to make rules under Section 15(1) of the Mines & Minerals (Regulation & Development) Act, 1957 in regard to the grant of mining rights. They are competent to prescribe royalty also.

(c) It is for the State Governments to consider the matter and take appropriate decision.

Hair offered in Tirupati Temple, Andhra

3118. Shri P. R., Chakraverti: Shri Kindar Lal: Shri Vishwa Nath Pandey: Shri Dasartha Deb: Shri Sezhayan:

Will the Minister of Commerce be pleased to state:

(a) whether the Tirupati Temple in Andhra has agreed to export hair

offered to the Deity by thousands of pilgrims every day;

(b) whether Government have explored the prospects of earning foreign exchange through the export of hair for the manufacture of wigs which are in great demand in the West; and

(c) whether it is a fact that an American Company has offered to collaborate in setting up a factory here to manufacture wigs?

The Minister of Commerce (Shri Manubhai Shah): (a) Yes, Sir. The Tirupati Tirumalai Temple authorities have agreed to sell the hair offered by the pilgrims to State Trading Corporation for export purposes.

(b) Strenuous efforts are being made to explore foreign markets and augment exchange earnings through the export of human hair processed and manufactured into wigs and wiglets. The export of human hair has been entrusted to State Trading Corporation who have entered into a collaboration agreement with a Hongkong firm for manufacturing wigs and wiglets for export. A pilot plant has already gone into operation.

(c) No, Sir.

Textile Industry in West Bengal

3119. **Shri P. R. Chakravarti:**
Shrimati Renu Chakravartty:

Will the Minister of Commerce be pleased to state:

(a) whether Government have received any report from the Government of West Bengal that the textile industry there was facing a crisis due to over-production;

(b) whether the market for traditional textiles dwindled because of severe competition from the Bombay mills who are placing new designs of textiles in the market;

(c) how far the Pakistani aggression has added to the slump in the market; and

(d) the extent to which this crisis will lead to loss of employment to the textile workers, thereby creating a fresh problem for West Bengal?

The Deputy Minister in the Ministry of Commerce (Shri Shaif Qureshi): (a) No, Sir.

(b) No, Sir. The West Bengal Mills produce textile goods mostly of medium and coarse varieties which have a traditional market of their own.

(c) and (d). It is not possible to specify the extent of depression that might have been caused by the Pakistani aggression. The general recession in the trading activity witnessed for sometime following the recent hostilities with Pakistan reportedly had its impact also on the textile trade. The textile market has since started reviving and there has been an appreciable decline in mill textile stocks.

Export of Human Hair

3120. **Shri Daljit Singh:** Will the Minister of Commerce be pleased to refer to the reply given to Unstarred Question No. 1950 on the 10th September, 1965 and state:

(a) whether any length is fixed in respect of the human hair being supplied to some foreign countries; and

(b) if not, whether the collection of human hair can be extended to barbers for more export?

The Minister of Commerce (Shri Manubhai Shah): (a) There is no foreign regulation regarding the length of human hair that could be exported. Since, however, hair less than 6" in length cannot be used in the manufacture of wigs, wiglets or Hair pieces. Wig Manufacturers abroad generally prefer to buy Human Hair of 6" and more length;

(b) As regards ordinary hair-cutting saloons and barber shops, the hair normally available with them is usual in the form of sweepings consisting of hair in very short length. However, collection of hair can be extended to any source if supplies are forthcoming and there is demand from foreign countries at workable prices.

Railway Lands

3121. Shri Maheswar Nalk: Will the Minister of Railways be pleased to state:

(a) whether the authorities of the South Eastern Railway have offered cultivable railway lands along the rail tracks to the Governments of the States in order that it may aid the Nations' drive for self-sufficiency in food; and

(b) the total lands thus made available and also the land which will serve the purpose of pisciculture?

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

(b) About 4839.44 acres of South Eastern Railway land is available for purposes of cultivation out of which about 1743.411 acres have been taken over by the State Governments concerned. Besides, there are about 123 tanks of various sizes which can be utilized for purposes of pisciculture.

Shortage of Wagons

3122. Shri Dhuleshwar Meena:
Shri Ramachandra Ulaka:

Will the Minister of Railways be pleased to state:

(a) whether there is any shortage of wagons at present;

(b) if so, the shortfall of carrying capacity at the end of 1965; and

(c) how long the shortage will continue and the action taken to meet the shortage?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath):
(a) No.

(b) Does not arise.

(c) Does not arise.

Small Tractors

3123. Shri Dhuleshwar Meena:
Shri Ramachandra Ulaka:

Will the Minister of Industry be pleased to state:

(a) the present demand for small tractors in the country; and

(b) the manner and extent to which it has been met?

The Minister of Industry (Shri D. Sanjivayya): (a) and (b). Small tractors can be divided into two types, viz. 4-wheeled and 2-wheeled. The latter is usually known as power tiller. The demand for small 4-wheeled tractors (in the range below 20 HP) has been estimated as about 12,000 Nos. per annum. As power tillers have not so far been extensively used in the country, it has not been possible to assess the demand for it with any degree of accuracy. A tentative target of 60,000 per annum by the end of 4th Plan period has been recommended.

2. Only one firm had been licensed for the manufacture of small 4-wheeled tractors. This firm has not, however, made any significant progress so far. The present demand for this type of tractors is being met to the extent possible by imports from Russia. As regards power tillers, there is only one unit now in production with a licensed capacity of 3,000 Nos. per annum. This unit is being expanded to produce 6,000 tillers per annum. In addition, Letters of Intent have been issued to 5 parties for a total capacity of 57,000 Nos. per annum. Two other schemes for a total capacity of 27,000 have also been approved. In the meantime, with a view to familiarise the farmers with the use of power tillers and to enable a proper assessment of demand, arrangements have been

made to import about 1,000 power tillers.

Fall in the Production of Coal

**3124. Shri Dhuleshwar Meena:
Shri Ramachandra Ulaka:**

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

(a) whether it is a fact that the production of coal has gone down;

(b) if so, the reasons therefor; and

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

The Minister of Mines and Metals (Shri S. K. Dey): (a) No, Sir. The production of coal in the year 1965-66 is expected to be about 66.5 million tonnes as compared to 62.8 million tonnes in 1964-65.

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

Production of Ball Bearings

**3125. Shri Ramachandra Ulaka:
Shri Dhuleshwar Meena:**

Will the Minister of Industry be pleased to state:

(a) whether it is a fact that the production of ball bearings has gone down;

(b) if so, the reasons therefor; and

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

The Minister of Industry (Shri D. Sanjivayya): (a) No, Sir. The production of ball bearings has actually gone up from 58,84,603 Nos. in 1964 to 82,49,960 Nos. in 1965.

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

Over-bridge at Rayagada

**3126. Shri Ramachandra Ulaka:
Shri Dhuleshwar Meena:**

Will the Minister of Railways be pleased to refer to the reply given to

Unstarred Question No. 1360 on the 28th November, 1965 and state:

(a) whether Government have received any reply from the Orissa Government regarding the selection of the site for the over-bridge and the alignment for the approaches; and

(b) if so, the details thereof?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): (a) In spite of two reminders, the reply from the State Government is still awaited.

(b) Does not arise.

Handicraft Industries in Orissa

**3127. Shri Ramachandra Ulaka:
Shri Dhuleshwar Meena:**

Will the Minister of Commerce be pleased to state:

(a) the amount actually given by the Central Government to Orissa for the development of Handicraft Industries in the State during 1965-66; and

(b) the amount proposed to be given to that State for the same purpose during 1966-67?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi): (a) Rs. 47,000 towards grant and Rs. 17,000 towards loan, making a total of Rs. 64,000.

(b) For the Year 1966-67, the total Plan allocation for development of Handicrafts in Orissa is Re. 2,01,000, the quantum of Central Assistance included in this amount has not yet been decided.

Colonies for S.C. and S.T. in Orissa

**3128. Shri Dhuleshwar Meena:
Shri Ramachandra Ulaka:**

Will the Minister of Social Welfare be pleased to state:

(a) whether there is any proposal for the construction of colonies for the Scheduled Tribes people in Orissa during the current financial year;

(b) if so, the details thereof; and

(c) the total amount sanctioned for the purpose during the same period?

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

(b) Provision for the construction of 115 houses has been made during 1965-66.

(c) Rs. 1.38 lakhs.

Amber Charkha Training Course in Orissa

**3129. Shri Ramachandra Ulaka:
Shri Dhuleshwar Meena:**

Will the Minister of Commerce be pleased to state:

(a) the number of Amber Charkha training courses conducted in Orissa during December, 1965; and

(b) the total number of trainees who took part and the total expenditure incurred thereon during the same period?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi): (a) 15.

(b) 342 trainees took part. Information in respect of the expenditure incurred is awaited from the Khadi Commission.

Small Scale Industries in Orissa

**3130. Shri Ramachandra Ulaka:
Shri Dhuleshwar Meena:**

Will the Minister of Industry be pleased to state:

(a) whether any schemes have been received for the development of small scale industries in Orissa during 1966-67; and

(b) if so, the nature thereof and the amount proposed to be allotted?

The Minister of Industry (Shri D. Sanjivayya): (a) and (b). The State Government of Orissa have included the following schemes in their State

Annual Plan for the year 1966-67 and the Working Group on Village and Small Industries have recommended a provision of Rs. 13.30 lakhs for the same.

1. Loans under State Aid to Industries Act.
2. Share and working capital loans to industrial cooperative societies.
3. Participation in equity capital of Panchayat Samiti industries.
4. Subsidy for equalisation of power tariff.
5. Investment in Small Industries Corporation, Pilot Projects, etc.
6. Training of Audit and Accounts staff of industrial cooperatives.
7. Subsidy to financing agencies on interest payable by the industrial cooperatives.

Exports to Pakistan

3131. Shri Badshah Gupta: Will the Minister of Commerce be pleased to state the annual value of exports of coal, iron and bidi leaves separately to Pakistan during the last three years?

The Minister of Commerce (Shri Manubhai Shah): Figures of exports of coal, coke and briquettes, iron and steel and bidi leaves to Pakistan during the last three years were as follows:—

	(Value in lakhs of Rs.)		
	1963-64	1964-65	1965-66 (April 65 to Sept. 65)
Coal, coke and briquettes	213	350	177
Iron and steel	—	40	80
Bidi leaves	28	41	7

During 1965-66, no exports were made to Pakistan after the 10th September, 1965, on account of suspension of trade with that country.

Export of Tea to U.K.

3132. **Shri Basumatari:** Will the Minister of Commerce be pleased to state:

(a) whether it is a fact that the Tea Exports from North India to Britain declined sharply during 1965;

(b) if so, the reasons therefor; and

(c) the action proposed to be taken to increase the export of tea to U.K.?

The Deputy Minister in the Ministry of Commerce (Shri Shaif Qureshi):

(a) Yes, Sir.

(b) The main reasons are the short fall in production in North India, the very large stocks of tea in London, higher internal auction prices of tea in India than in the auctions in the U.K., and the tight monetary position in the U.K., resulting in less money being available for the purchase of tea from the London auctions.

(c) To increase exports of tea to U.K. it is necessary to promote tea consumption in that country, which has tended to remain static. The Government of India has, therefore organised in collaboration with the Government of Ceylon and the U.K. Tea Trade an intensive "DRINK MORE TEA" campaign involving an annual expenditure of £ 600,000 with a view to establish the image of tea as a more fashionable, exciting, modern and youthful beverage and to win the younger generation over to drinking tea in preference to other competitive beverages.

Sales Section in Europe

3133. **Shri Kolla Venkatah:**
Shri M. N. Swamy:
Shri Laxmi Das:

Will the Minister of Commerce be pleased to state:

(a) whether the Public Sector industrial units and other units have

sent any scheme to establish a sales section in Europe;

(b) if so, the broad details thereof; and

(c) the decision taken by Government thereon?

The Minister of Commerce (Shri Manubhai Shah): (a) Yes, Sir.

(b) Apart from the sales offices already functioning in Europe, the following proposals for opening additional sales offices by the Public Sector Undertakings have been received.

I. Hindustan Machine Tools

(i) A Sales office-cum-show-room in Frankfurt (West Germany) for sales and servicing of machine tools;

(ii) Posting of an officer at Amsterdam (Netherlands) for co-ordinating efforts to promote exports to East European Countries alongwith State Trading Corporation.

II. State Trading Corporation

In order to assist our mutual trade, the State Trading Corporation has proposed opening of an office in G.D.R.

III. Handicrafts and Handlooms Exports Corporation of India

(i) Sample office-cum-retail shop in Paris for wholesale as well as retail sale of our goods, for advising on the steps to be taken in improving the sale of our goods and for undertaking extensive publicity campaign.

(c) While the proposal of the H.H.E.C. for opening a sample office-cum-retail shop has been approved by Government, other proposals are still under consideration.

Eggs booked from Tirur

3134. Shri Onkar Lal Berwa: Will the Minister of Railways be pleased to state:

(a) the total number of consignments of eggs booked from Tirur, Eranakulam Junction, Changanacheri, Calicut and Madras Central to Delhi Junction and to the different railway stations of Northern Railway via Delhi Junction during the period from 1st April to 31st December, 1965;

(b) the number of consignments which have not reached destinations or had reached destinations in pilfered condition; and

(c) the total amount of claims paid by the Railway Administration for these shortages?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): (a) 2875 consignments for Delhi Junction and 2805 for stations of Northern Railway via Delhi Junction.

(b) 53.

(c) Rs. 678.57.

Betel Leaves booked from Tirur

3135. Shri Onkar Lal Berwa: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the consignments of betel leaves booked from Tirur to Bareilly and via Bareilly and Rampur railway stations which are received at Delhi railway station for transshipment are not despatched by the direct train 376 Down; and

(b) if so, the reasons therefor?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): (a) Yes.

(b) The betel leaf consignments numbering about 2000 from Tirur are received at Delhi in a sealed van by 17 Dn. Madras-Delhi Janata Express at 18.20 hours. It is not possible due to operational difficulties to unload and sort out all parcels received in

the sealed van before the scheduled departure of 376, DN Delhi-Allahabad Passenger at 22.30 hours. The consignment are, however, cleared by the next available train 2MD leaving Delhi at 04.25 hours.

रेलवे में परिचालक वर्ग (रनिग स्टाफ)

3136. श्री हुकम चन्द कछवाय : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रेलवे में परिचालक वर्ग के कर्मचारियों को वर्ष में केवल तीन दिन की मजूरी प्रतिरिक्त वेतन के रूप में दी जाती है ;

(ख) क्या यह भी सच है कि डाक तथा तार विभाग के परिचालक वर्ग के कर्मचारियों (रनिग स्टाफ) को वर्ष में नौ दिन की मजूरी प्रतिरिक्त वेतन के रूप में दी जाती है; और

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

रेलवे मंत्रालय में राज्य मंत्री (डा० राम सुभग सिंह) : (क) यदि आग्य तीन राष्ट्रीय छुट्टियों के दिन ड्यूटी पर उपस्थित रहने के लिये रनिग कर्मचारियों को दिये जाने वाले आर्थिक प्रतिकर से है, तो उत्तर 'हां' में है।

(ख) डाक और तार विभाग में रेलों के 'रनिग कर्मचारी' वर्ग के समान कोई वर्ग नहीं है। रेल डाक सेवा के रनिग सेवकान के कर्मचारियों को केवल तीन राष्ट्रीय छुट्टियां मिलती हैं और जब वे उन दिनों ड्यूटी पर रहते हैं तो उन्हें प्रतिकर के रूप में समयोपरि भत्ता दिया जाता है।

(ग) सवाल नहीं उठता।

कागज का आयात

3137. श्री श्रीकार लाल बरबा : क्या बाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि देश में कागज उद्योग के विकास को तथा आयात में कटौती करने की आवश्यकता को ध्यान में रखते हुए केवल अठारह किस्म का ही कागज आयात करने की अनुमति दी गई है ;

(ख) यदि हां, तो 1966-67 में इन किस्मों के कागज का आयात करने पर कितनी विदेशी मुद्रा खर्च होगी; और

(ग) इस समय किन-किन किस्मों के कागजों के आयात के लिए लाइसेंस दिये जाते हैं ?

बाणिज्य मंत्री (श्री मनुभाई शाह) :

(क) तथा (ग). केवल उन्नीस किस्मों का कागज आयात करने की इस समय अनुमति दी जाती है। इसका ब्योरा सार्वजनिक सूचना सं० 29—आई० टी० सी० (पी० एन०) / 66, दिनांक 9-2-66 में तथा जैसा कि सूचना सं० 35—आई० टी० सी० (पी० एन०) / 66 दिनांक 26-2-66 द्वारा संशोधित में दिया गया है।

(ख) इस समय यह अनुमान लगाना कठिन है कि 1966-67 में इन मर्चों के लिए लाइसेंस जारी करने हेतु कितनी विदेशी मुद्रा अपेक्षित होगी।

H. M. T. Factory

3138. Shri Daljit Singh: Will the Minister of Industry be pleased to state:

(a) whether it is a fact that the H.M.T. factory at Pinjore in Punjab is running at a loss; and

(b) if so, the annual loss and the reasons therefor?

The Minister of Industry (Shri D. Sanjivayya): (a) Yes, Sir.

(b) Loss in 1965-66 upto January 1966 was Rs. 54.92 lakhs. This is due to the poor off-take of the sophisticated all electric milling machines manufactured in this factory, as a result of the general slowing down of industrial activity.

Closure of a Colliery

3139. Dr. Ranen Sen: Will the Minister of Mines and Metals be pleased to state:

(a) whether the Serampur Colliery in Gididih under the N.C.D.C. is likely to be closed down soon; and

(b) if so, the reasons therefor?

The Minister of Mines and Metals (Shri S. K. Dey): (a) and (b). As a result of working for more than 90 years, reserves of coal in Serampur Colliery have been depleted. This mine is being progressively closed.

गुदला स्टेशन पर दुर्घटना

3140. श्री श्रीकार लाल बरबा :
श्री श्रीकार सिंह :
श्री हुकम चन्द कछवाय :
क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि 18 जून, 1965 को गुदला स्टेशन की मुख्य लाइन पर हुई दुर्घटना में जिन व्यक्तियों की मृत्यु हो गई थी और जो जखमी हो गये थे उनके परिवारों के निकटतम सम्बन्धियों को मंजूर की गई प्रतिकर-धनराशि का उनको अभी तक भुगतान नहीं किया गया है ;

(ख) क्या यह भी सच है कि यह धनराशि राज्य सरकार को सौंप दी गई है; और

(ग) यदि हां, तो इस के क्या कारण हैं ?

(ग) यदि हां, तो इस के क्या कारण हैं ?

रेलवे मंत्रालय में राज्य-मंत्री (डा० राम सुभग सिंह) : (क) से (ग) दुघटना में मृत व्यक्तियों को देय प्रतिकर की रकम कर्मकार प्रतिकर आयुक्त के पास जमा कर दी गई है। जो भुगतान सीधे किये गये, वे इस प्रकार हैं : चायल व्यक्तियों को अर्ध-मासिक भुगतान और अनुग्रह के रूप में प्रत्येक मृत व्यक्ति के प्राश्रितों को 200 रुपये का तथा प्रत्येक चायल व्यक्ति को 100 रुपये का भुगतान।

कर्मकार प्रतिकर अधिनियम के अधीन मृत्यु के मामले में देय प्रतिकर का सीधा भुगतान नहीं किया जा सकता, बल्कि उसे, अधिकारी दावेदारों में बांटने के लिए, कर्मकार प्रतिकर आयुक्त के पास जमा करना पड़ता है।

पश्चिम जर्मनी को चाय का निर्यात

3141. श्री श्रींकार लाल बेरबा :
श्री श्रींकार सिंह :
श्री हुकम चन्द कछवाय :

क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पश्चिम जर्मनी भारत से चाय खरीदने के लिए तैयार है ;

(ख) यदि हाँ, तो किस भाव पर ; और

(ग) भारत उस के बदले में कौन सी वस्तु लेगा ?

वाणिज्य उपमंत्री (श्री झकी कुरेशी) : (क) तथा (ख) भारत पश्चिमी जर्मनी को चाय का प्रमुख सम्भरणकर्ता है। गत तीन वर्षों में उस देश को निर्यात की गई भारतीय चाय का जहाज तक निःशुल्क औसत मूल्य 7.94 रु० प्रति कि० भा० रहा है।

(ग) पश्चिमी जर्मनी को किये जाने वाले चाय के निर्यात से मुक्त विदेशी मुद्रा प्राप्त होती है। जिससे पश्चिमी जर्मनी से भारत में घाने वाली पूंजीगत माल, औद्योगिक मशीनों तथा भारी रसायनों के मूल्य का भुगतान किया जाता है।

Vegetarian Kitchens on Railway Stations.

3142. Shri Bade:
Shri Hukam Chand
Kachhavaia:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that facilities for separate vegetarian kitchens have been withdrawn at most of the stations such as Ludhiana in Punjab;

(b) if so, the reasons for ignoring the religious sentiments of the pure vegetarians; and

(c) whether Government propose to change the present mixed food kitchens into vegetarian ones only as all the non-vegetarians can take the vegetarian food?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): (a) and (b). No. Separate kitchens for cooking vegetarian and non-vegetarian meals are available at Ludhiana.

(c) No.

Export of Monkeys

3143. Shri-Bade:
Shri Hukam Chand
Kachhavaia:

Will the Minister of Commerce be pleased to state:

(a) the number of monkeys exported during the last five years;

(b) the average age and weight of these monkeys and the total foreign exchange earned;

(c) the names and addresses of the main exporters and importers and of the towns and jungles from where they are brought to Delhi;

(d) whether Government are aware that these monkeys are transported under very inhuman conditions without any supply of water and food for as long as 18 hours and many of them get faint and wounded during the transit; and

(e) the number of other species of animals exported for vivisection?

The Minister of Commerce (Shri Manubhai Shah): (a) The number of monkeys exported during the last five years have been as under:—

	Nos. in '000'
1961-62	93
1962-63	80
1963-64	76
1964-65	45
1965-66	26

(upto Dec.' 65)

(b) It is difficult to determine the average age of monkeys exported. However monkeys which weigh less than 4 lbs. are treated 'baby monkeys' and the same are not allowed for exports. Adult Rhesus monkeys weighing 4 lbs. and above are alone allowed for export. The value of exports of monkeys from 1961-62 to 1965-66 (upto December 1965) is given as under:—

	Value in lakhs of Rs.
1961-62	55
1962-63	45
1963-64	35
1964-65	22
1965-66	13

(upto Dec.' 65)

(c) A list of the approved exporters of monkeys along with the list of foreign consignees is laid on the Table of the House. [Placed in Library. See No. LT-5962/66]. Monkeys are brought

to Delhi for exports mostly from Kanpur, Saharanpur and Shahjahanpur areas of U.P. State.

(d) As a pre-requisite for grant of export licence, all the approved exporters of monkeys give an undertaking to the Government to the effect that during the transit the animal will receive humane treatment which will include proper protection from the elements, adequate supply of food and water and proper handling during transit and further that non-perishable food-stuff (mixed grains or grain, maize, grams, groundnuts etc.) will be provided on the scale of lb. per monkey per day, augmented with fresh vegetables. Moreover all the monkeys, before air lifting, are certified by veterinary Surgeon so far as the size of the cage and the health of the monkeys are concerned. The consignments are test checked by the Inspector of Monkeys appointed for the purpose by the Government.

(e) No other species of animals other than monkeys are exported for vivisection.

Discovery of New Mines in Bihar

3144. Shri Yashpal Singh: Will the Minister of Mines and Metals be pleased to state:

(a) whether it is a fact that a new mine has been discovered in the Singhbhum District of Bihar which is capable of producing 'Apatite' which is good for fertilizers; and

(b) if so, the exact quantity likely to be available there?

The Minister of Mines and Metals (Shri S. K. Dey): (a) No, Sir. The deposit of Apatite in Singhbhum district was discovered in village Itagarh in 1963-64. The grade of the ore is somewhat poor. The ore is, however, suitable for upgrading by beneficiation processes. The product thus obtained is considered suitable for manufacture of phosphatic fertilizer.

(b) The reserves have been estimated to be of the order of 1.06 million tonnes.

Attendants of Upper Class Passengers

3145. Shrimati Ramdulari Sinha: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that in the absence of any specific rules in regard to permitting attendants of the upper class passengers, to go in upper class Compartment, whenever required, the utility of the attendant is minimised and sometimes such attendants are charged when found even in the corridor of the coaches; and

(b) if so, whether Government propose to amend these rules suitably at least in the case of ladies travelling in I Class with an attendant holding a ticket of III class?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh):

(a) Attendants can attend to upper class passengers only during halts at stations. They are not allowed to travel in the corridors of first class coaches.

(b) Rules already provide for a lady travelling alone or with children under 12 years of age at night in a First Class compartment reserved for ladies, to take with her in the same compartment one female attendant holding a Third Class ticket for the portion of the journey performed between 8 P.M. and 6 A.M. This relaxation, however, does not apply when two or more ladies are travelling in the same compartment.

Changes in Railway Fares on Tickets

3146. Shrimati Ramdulari Sinha: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that changes regarding the increase or decrease in the railway fares are carried out on the tickets of previous stock as and when such changes are announced;

(b) whether this creates a lot of confusion in the minds of passengers about the correctness of the changes;

(c) whether Government propose to prohibit the sale of tickets of the previous stock and issue fresh stencilled tickets in order to eliminate malpractices of charging excess fares according to the revised rates; and

(d) how does the arrangement for stencilled tickets and self-typing machine differ in working and cost?

The Deputy Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): (a) Yes.

(b) and (c). No, because wide publicity is given in the press to such changes and revised fare tables, in both English and the regional language are put up at booking windows. Prohibiting the sale of tickets on hand would entail considerable wastage and it would not be feasible, within the time available, to issue millions of tickets, to thousands of stations.

(d) There is no system of issuing stencilled tickets. The cost of stencilling tickets has naturally not been estimated.

Paucity of Funds for Purchase of Wagons

3147. Shri Yashpal Singh: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Railways are not in a position to buy more wagons from the private manufacturers for want of funds; and

(b) if so, the reasons therefor?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): (a) and (b). The regulation of deliveries of wagons during the year 1966-67 has become necessary in consideration of the fact that the traffic expected to be generated during the Third Five Year Plan has not fully materialised with the result that surplus wagons are idling even in the present month when usually there is peak traffic. Considering the difficult ways and means position of Gov-

ernment and the reduced overall capital allotment for the Railways, the allotment of funds for procurement of Rolling Stock has had to be made consistent with the requirements of rolling stock and the need for keeping up the production at a reasonable level.

Shooting of a Railway Passenger at Sahawar Station

3148. Shri Vishwa Nath Pandey: Will the Minister of Railways be pleased to state:

(a) whether it is fact that a passenger in a third class compartment of the 121 Up Farrukhabad-Kasganj Passenger was shot dead outside the railway compartment at Sahawar Railway Station on the 5th March, 1966; and

(b) if so, the action taken in this regard?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): (a) Yes, but the passenger was shot dead inside the compartment itself on 4-3-1966.

(b) The Government Railway Police Kasganj, have registered a case under section 306/302 I.P.C. and are investigating it. No arrest has so far been made.

Accident at Moradabad Station

3149. Shri Vishwa Nath Pandey:
Shri Ram Harkh Yadav:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that some persons were run over and killed and injured by 51 Up Sealdah-Pathankot Express on the 5th March, 1966 at Moradabad Railway Station;

(b) if so, the causes of this accident; and

(c) the action taken in this regard?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): (a) One passenger was run over and killed while another sustained injuries.

(b) The accident was due to the passengers trespassing the railway yard instead of using the overbridge.

(c) The travelling public are exhorted not to trespass through the public address system at stations and are advised of the hazard involved in trespassing.

Closure of Spinning and Weaving Mills in Madras

3150. Shri Balakrishnan: Will the Minister of Commerce be pleased to state:

(a) whether it is a fact that the spinning and weaving textile mills in Madras State are closed for the last few months;

(b) if so, the reasons therefore; and

(c) the action taken in this regard?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi): (a) 5 cotton textile mills, comprising 3 spinning units and 2 composite units, are lying closed in Madras State.

(b) The main reasons for closure are reported to be financial difficulties and labour trouble.

(c) It is understood that the State Government is making efforts for re-starting these units.

Educational Development among non-Christian adivasis.

3151. Shri H. C. Soy: Will the Minister of Social Welfare be pleased to state:

(a) whether it is a fact that the educational development among the Non-Christian Adivasis is too low as compared to the educational development among Christian Adivasis and the major share of the educational and other welfare grants meant for Adivasis is being appropriated by Christian Adivasis; and

(b) if so, the corrective steps to be taken in the next plan?

The Deputy Minister in the Department of Social Welfare (Shrimati Chandrasekhar): (a) and (b). No survey or studies have been undertaken to investigate this matter. However, all the facilities under the programme for the welfare of Backward Classes, including those for their educational development, are extended to all Scheduled Tribes, irrespective of the religion which they profess. The question of providing educational facilities in tribal areas, where they are not adequate, is under examination.

Retrenchment in Chakradharpur Railway Division.

3152. Shri H. C. Soy: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that large retrenchment of class IV employees has been effected in Chakradharpur Railway Division in the South-Eastern Railway and also employees in the authorised pay scales have been deprived of their pay scale; and

(b) if so, the reasons therefor?

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

(b) Does not arise.

Small-scale Industries in Maharashtra

3153. Shri D. D. Mantri: Will the Minister of Industry be pleased to state:

(a) the number of small scale units benefited by the Industrial Extension Service in Maharashtra during 1965-66; and

(b) the amount of loans granted to such units in Maharashtra during the same period?

The Minister of Industry (Shri D. Sanjivayya): (a) The required information is as follows:

	1965-66 (upto Feb. 1966)
I. <i>Technical Assistance</i> :	
1. Number of parties contacted including units visited by Technical officers to render on the spot advice.	20,109
2. No. of parties given purely technical advice.	3,347
3. No. of parties given information to start new industries.	4,457
4. No. of demonstrations given (other than mobile workshops)	570
5. No. of parties given other assistance.	9,535
II. <i>Mobile Workshops</i> :	
1. No. of demonstrations held	1,013
2. No. of artisans trained.	1,878
III. <i>Activities of Workshops</i> :	
1. No. of parties actually assisted in job work.	1,557
IV. <i>Publications</i> :	
1. No. of model schemes prepared	86
2. No. of designs & drawings prepared.	127
3. No. of blue prints prepared.	1,296
4. No. of Technical Bulletins prepared.	13

1965-66
(upto Nov.)

V. *Enlistment under Govt. Stores Purchase Programme* : 1965)

1. No. of units registered with NSIC on the recommendations of the SISI.	89
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(b) Lump-sum loans are given by the Centre to the State Governments for utilising their schemes, namely, advancing of loans to Small-scale Units under the State Aid to Industries Act, Industrial Cooperatives, Common Service Facility Centres/Workshops, Production Centres. The Central Assistance, according to the existing procedure for the above

mentioned schemes, is sanctioned at the end of the financial year on the basis of the annual statement of actual expenditure for the first three quarters and the anticipated expenditure for the fourth quarter, and the State Governments' meet their expenditure out of the 'Ways and Means Advances' placed at their disposal by the Ministry of Finance. However, a loan of Rs. 14.89 lakhs as provisional payment for the development of Small Scale Industries for the Maharashtra Government has been sanctioned during the year 1965-66.

Tribal Blocks in Maharashtra

3154. Shri D. D. Mantri: Will the Minister of Social Welfare be pleased to state:

(a) the number of tribal blocks at present in Maharashtra State;

(b) the number of such blocks proposed to be opened during 1966-67; and

(c) the number of tribal blocks proposed to be opened in Bihar District of Maharashtra during 1966-67?

The Deputy Minister in the Department of Social Welfare (Shrimati Chandrasekhar): (a) Forty four.

(b) Four.

(c) The information is being collected and will be placed on the Table of the House as soon as received.

Handicrafts Industry in Maharashtra

3155. Shri D. D. Mantri: Will the Minister of Commerce be pleased to state:

(a) whether any amount was given by the Central Government to Maharashtra for the development of Handicrafts Industries in the State in 1965-66; and

(b) if so, the details thereof?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi):

(a) Yes, Sir.

(b) Rs. 18,000 as Grant and Rs. 8,000 as Loan, making a total of Rs. 26,000.

Export of Labour-intensive Products

3156. Shri R. Barua: Will the Minister of Commerce be pleased to state:

(a) whether any assessment has been made of the labour-intensive products with a view to boost up the exports thereof to countries where such products are produced with imported labour and/or at a higher cost; and

(b) if so, the result thereof?

The Minister of Commerce (Shri Manubhai Shah): (a) and (b). No, Sir. In the matter of exports, no distinction is made between labour-intensive products and others. Efforts are made to push up the export of all commodities in general and non-traditional items in particular.

Import of Cars

3157. Shri P. C. Borooah: Will the Minister of Commerce be pleased to state:

(a) whether it is a fact that diplomatic staff of foreign embassies in India is given permission to import cars; and

(b) if so, the number of cars imported and sold to State Trading Corporation during the last five years?

The Minister of Commerce (Shri Manubhai Shah): (a) Yes, Sir.

(b) Information relating to the import of cars by diplomatic staff of Embassies during the years 1963-65 is given below:

Year	No. of cars imported	
	(Personal use)	(Official use)
1963	227	174
1964	317	288
1965	283	244

Information relating to years 1961 and 1962 is being collected. Information about the number of cars purchased by the S.T.C. from diplomats and the diplomatic missions during the last five years is given below:

1961-62	Nil
1962-63	24
1963-64	300
1964-65	376
1965-66	356
(upto 31-12-1965)	Total 1056

Production of Coffee

3158. Shri Linga Reddy: Will the Minister of Commerce be pleased to state:

(a) whether there is a shortage in the production of coffee during the current year;

(b) whether the prices of coffee are consequently rising;

(c) the steps taken to arrest the rise in prices and to make the country self-sufficient in coffee production; and

(d) the quantity of coffee grown in Mysore along with its acreage?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi):

(a) to (c). Estimated production of coffee this year (1965-66) is almost the same as last year's viz., 60,000 tonnes. There is thus no shortage in production of coffee, in which the country is already self-sufficient. The recent rise in prices of coffee is due to a larger allocation for export out of the current crop than from the previous year's crop. To minimise competition among dealers participating in the internal sales, which pushes up the price, and to distribute the available quantity to as many dealers as possible, the maximum quantity of coffee that can be declared to a dealer in internal auctions has been reduced:

(d) Season	(Production in Mysore)
a	(Tonnes)
1961-62	31,900
1962-63	40,890
1963-64	52,685
1964-65	43,780
1965-66	44,180
(Estimated)	

Average for 5 years: about 42,700 tonnes.

Fire in Howrah-bound Express at Balikuda

3159. Shri P. C. Borooah: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a parcel van of the Howrah-bound Madras Express caught fire on or about the 12th March, 1966 at the Balikuda station;

(b) if so, the extent of damage suffered; and

(c) the cause of the fire?

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

(b) Rs. 16,300, including value of parcels.

(c) *Prima facie* cause is suspected to be some electrical defect, but no definite conclusions have been arrived at so far.

Manufacture of Road Rollers

3160. Shri Maniyangadan: Will the Minister of Industry be pleased to state:

(a) whether it is a fact that a licence was issued for the setting up of a factory in Kerala for the manufacture of road rollers;

(b) whether the site for the factory has been allowed to be shifted from Kerala and, if so, the reasons therefor;

(c) whether licence has now been issued to some other person or concern to start the factory in Kerala; and

(d) if so, why the first licence was cancelled and a new licence issued to the other party?

The Minister of Industry (Shri D. Sanjivayya): (a) Yes, Sir.

(b) The party applied for permission for change of location of the proposed new industrial undertaking from Kerala to Bangalore in Mysore State, amongst others, for the following reasons:

- (1) Bangalore is centrally situated in the southern part of India.
- (2) The demand for road rollers in Mysore State is comparatively greater than that in other States in the south.
- (3) Land, power and water are easily available in Bangalore.
- (4) Because of the development of ancillary units in and around Bangalore, procurement of bought-out items, other accessories and raw materials would be comparatively easier.
- (5) The location of the factory in Bangalore would result in considerable saving in freight in the movement of raw materials and finished road rollers. After careful consideration of all factors, the request of the party was allowed.

(c) No, Sir. Kerala Government have been advised that on the termination of the present ban on industrial licensing, any worthwhile scheme sponsored by that Government will be considered.

(d) Does not arise.

Heavy Plate and Vessels Project

3161. Shri Maniyangadan: Will the Minister of Industry be pleased to refer to the reply given to Unstarred Question No. 924 on the 25th February, 1966 and state:

(a) whether the opinion of experts has been obtained regarding the location of the Heavy Plate and Vessels Project;

(b) which are the places, in the order of priority, suggested by the Committee; and

(c) whether any decision has been taken in this regard?

The Minister of Industry (Shri D. Sanjivayya): (a) The recommendation of the Czechoslovakian Experts in regard to the location of the project has been obtained.

(b) They have considered the sites Madras, Visakhapatnam and Cochin suitable, but have recommended that as correct data regarding contours, soil bearing capacity, etc., were not available at the time of their visit, a final decision could be taken only on the basis of more detailed data to be collected for these three sites.

(c) No final decision has so far been taken in this regard?

नकली रेशम का आयात

3162. श्री सिद्धेश्वर प्रसाद : क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) पिछले तीन वर्षों में प्रतिवर्ष चीनी का निर्यात कर के किन-किन देशों से और कितने कितने नकली रेशम का आयात किया गया ;

(ख) क्या उन देशों से नकली रेशम के बदले ट्रेक्टरों के पुर्जों का आयात करने का कोई प्रस्ताव है; और

(ग) यदि हां, तो उसका मोटा ब्यौरा क्या है ?

बाणिज्य मंत्री (श्री मनुभाई शाह) :

(क) चीनी भेज कर कृत्रिम रेशम का कोई आयात नहीं किया गया है ।

(ख) तथा (ग). प्रश्न ही नहीं उठते ।

Price of Coal

3163. Shri Mohammad Elias:
Shri S. M. Banerjee:

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

(a) whether it is a fact that the price of coal available at Asansol and Dhanbad has been raised; and

(b) if so, the increase in price and the reasons therefor?

The Minister of Mines and Metals (Shri S. K. Dey): (a) and (b). A price increase of 60 paise per tonne of coal was granted with effect from the 3rd February, 1966, in the case of Bengal-Bihar coal-fields, due to the increase of royalty rate in the case of pre-1949 mining leases.

Jute Factory in Tripura

3164. Shri Dasaratha Deb: Will the Minister of Commerce be pleased to state:

(a) whether it is a fact that the Union territory of Tripura has asked for Central assistance for establishing a jute factory in Tripura;

(b) if so, Government's reaction thereto; and

(c) whether Government intend to start a medium size jute factory in Tripura during the Fourth Plan period?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi):

(a) The Tripura Administration had recommended the grant of an Indus-

trial Licence for a new jute mill in Tripura.

(b) A Letter of Intent has been issued by Government to the party recommended by the Tripura Administration.

(c) No, Sir.

Licensing of Powerlooms

3165. Shri S. Kandappan: Will the Minister of Commerce be pleased to state:

(a) the present total number of powerlooms installed, State-wise;

(b) whether the licensing policy is uniform in all the States; and

(c) what is the impact of this sector on handlooms?

The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi):

(a) A statement is laid on the Table of the House. [Placed in Library. See No. LT-5963/66].

(b) Yes, Sir.

(c) The impact of the growth of powerlooms on the handloom industry has on the whole been beneficial. On the one hand it has reduced the strain of operation of handloom weavers and on the other, it has increased their efficiency and productivity and increased their earnings.

Revision of List of S.C. and S.T.

3166. Shrimati Subhadra Joshi: Will the Minister of Social Welfare be pleased to state:

(a) when Government propose to bring forward a Bill to revise the lists of Scheduled Castes and Scheduled Tribes; and

(b) whether the Tharus are going to be included in the list of Scheduled Tribes?

The Deputy Minister in the Department of Social Welfare (Shrimati Chandrasekhar): (a) The whole ques-

tion is under consideration and no final decisions have been taken yet. However it is hoped that the matter would be finalised and a Bill brought forward very soon.

(b) Yes.

Air-conditioned Coaches

3167. Shri D. C. Sharma: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Northern Railway is introducing first class air-conditioned accommodation on certain trains and expanding simi-

lar accommodation on others from the 1st April, 1966; and

(b) if so, the trains on which the air-conditioned first class accommodation is to be introduced and expanded?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): (a) and (b). The air-conditioned accommodation is augmented during summer months every year having regard to the requirements of traffic. Accordingly, in the time table to come into force from 1st April, 1966, first class air-conditioned accommodation will be provided on the following trains running on Northern Railway:

Train No.	Stations between and frequency.	Remarks.
1 Up/2 Dn Howrah-Delhi-Kalka Mails.	Delhi and Kalka (Daily)	The present triweekly service will be replaced by a daily service.
41 Up/42 Dn. Mussoorie Expresses.	Dehli & Dehra Dun (Daily)	Air-conditioned accommodation is being introduced from 1-4-66 to 15-10-66 as is done every year
3 Dn/33 Up and 34 Dn/4 Up Frontier/Kashmir Mails.	Bombay Central and Pathankot (Daily)	One air-conditioned coach running at present between Bombay Central and Amritsar by 3 Dn 31 Up and 32 Dn/4 Up will be diverted to run between Bombay Central and Pathankot by 3 Dn/33 Up and 34 Dn/4 Up during summer months, as is done every year.
21 Dn/22 Up Expresses.	Madras & New Delhi (Five days a week)	This is being provided by with drawing partially air-conditioned coach, at present, running tri-weekly on G.T. Expresses.
19 Dn/20 Up Dehra Dun Expresses.	Kota and Delhi (Tri-weekly).	The existing biweekly partial air conditioned service on these trains between Kota and Dehra Dun will be curtailed to run only between Kota and Delhi and its frequency increased to tri-weekly.
91 Up/92 Dn. Bikaner Mails.	Delhi & Bikaner (Biweekly)	From 1-4-66 to 31-7-66 as is done every year.
93 Up/94 Dn. Jodhpur Mails.	Delhi and Jodhpur (Tri-weekly)	Present biweekly service is being made tri-weekly.

Paper Plants in Bihar

3168. **Shri Dasaratha Deb:** Will the Minister of Industry be pleased to state:

(a) whether the Japanese expert team now on tour in the State of Bihar has submitted any report on the possibilities of starting paper plants in Bihar;

(b) if so, what were their findings; and

(c) whether Government have asked the team to explore the possibility of starting paper plants in Assam and Tripura?

The Minister of Industry (Shri D. Sanjivayya): (a) Not yet, Sir.

(b) Does not arise.

(c) No, Sir.

Trade Delegation from Bulgaria

3169. **Shri D. C. Sharma:** Will the Minister of Commerce be pleased to state:

(a) whether a Five-member Government Trade-Delegation from Bulgaria visited India during the third week of March, 1966 for discussion on trade expansion; and

(b) if so, the outcome of their visit?

The Minister of Commerce (Shri Manubhai Shah): (a) and (b). The negotiations are going on currently to formulate the Indo-Bulgarian Trade Plan for the year 1966.

Damage to Railway Property in Punjab

3170. **Shri D. C. Sharma:**
Shri Daljit Singh:
Shri Kolla Venkalah:

Will the Minister of Railways be pleased to state:

(a) the extent of damage caused to the Railway property in Punjab during the recent Punjabi Suba riots; and

(b) the steps taken in this regard?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): (a) The loss on account of damage caused to Railway Buildings, Coaching Stock, Signal Equipment etc. has been estimated at Rs. 53,000 approximately. The damage done to the Railway property of City Booking Agency, Jullundur City is being assessed.

(b) Security arrangements were made before the anti-Punjabi Suba agitation started in the Punjab. The Armed Wing personnel of the Railway Protection Force were deployed at strategic points in the Punjab. Fire Service staff of the Railway Protection Force were alerted to meet any eventuality. Two companies of Special Emergency Force of the Railway Protection Force were also detailed for duties in affected areas. Necessary liaison between the State and Railway authorities was maintained.

Booking offices at Sontalai and Bakanj Stations.

3171. **Shri Hari Vishnu Kamath:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that at Sontalai and Bakanj stations on the Central Railway (Itarsi-Jabalpur Section) there are still no booking offices for passenger traffic;

(b) if so, the reasons therefor; and

(c) when such booking will commence?

The Deputy Minister in the Ministry of Railways (Shri Sham Nath): (a) and (b). Sontalai crossing station is already open for passengers and their luggage in local booking. Booking is done by the Assistant Station Master from the Assistant Station Master's room. Bakanj crossing station is, however, not open for passenger booking as its opening for passenger traffic was not found justified.

(c) Opening of Bakanj station for passenger traffic will be considered as and when the area develops and the traffic prospects improve.

Rubber Factory in Kerala

3172. Shri Vasudevan Nair: Will the Minister of Industry be pleased to state:

(a) whether it is proposed to set up a large scale rubber factory in Kerala in the Cooperative sector;

(b) if so, the details thereof; and

(c) when the factory is expected to be set up?

The Minister of Industry (Shri D. Sanjivayya): (a) to (c). Information is being collected and will be laid on the Table of the House.

Production Centre in Kerala

3173. Shri Maniyangadan: Will the Minister of Industry be pleased to state:

(a) whether there is any proposal to hand over the production centre of Ettumanoor, Kerala to the State Government or to any Corporation;

(b) if so, the details thereof and the reasons for such handing over;

(c) whether any representation has been received from the public objecting to any change in the present set up and;

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

The Minister of Industry (Shri D. Sanjivayya): (a) and (b). The attention of the hon'ble Member is invited to the answer given by me on 25-2-66 in reply to a similar question No. 918 by Sarvashri Vasudevan Nair and Warrior.

(c) Yes, Sir.

(d) It is not proposed to transfer any of the Production Centres in Kerala to the State Government or any Corporation or to alter the exist-

ing set up under which the Production Centres in Kerala are part of Organisation of the Development Commissioner, small scale Industries, in the Government of India, Ministry of Industry.

Parcel siding at Chandigarh Station

3174. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there is no covered shed in the Parcel siding at Chandigarh station resulting in damage to parcels during the rainy season; and

(b) if so, the steps taken in this regard?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): (a) There is no separate parcel siding and no covered shed on any siding at Chandigarh station. However, there is a parcel godown at the station where parcels are stored. In case of overflow of parcels the same are kept on the open platform and are covered with tarpaulins to prevent any damage.

(b) A proposal to construct a large parcel godown and a parcel office at Chandigarh station is under consideration.

Halt of Bilaspur-Indore Express at Bankhedi

3175. Shri Hari Vishnu Kamath: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that representations have been made urging a brief halt of the Bilaspur-Indore Express at Bankhedi (on Itarsi Jabalpur Section, Central Railway);

(b) whether these representations have been considered; and

(c) if so, the result thereof?

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): (a) No representation for

[Dr. Ram Subhag Singh]

provision of stoppage of Bilaspur-Indore Expresses at Bankhedi has been received recently.

(b) and (c). An examination of the pattern of traffic offering at Bankhedi has shown that the quantum of long distance traffic dealt with there is too meagre to warrant stoppage of Bilaspur-Indore Expresses. Two pairs of trains scheduled to stop there have been found adequate to cater to the needs of traffic offering.

12.01 hrs.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

HEALTH OF CERTAIN MEMBERS IN DETENTION

Shri H. N. Mukerjee (Calcutta Central): Sir, I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon:—

“The deterioration in the health of Dr. Saradish Roy, M. P. now detained under D.I.R. in Dum Dum Central Jail, West Bengal.

Mr. Speaker: I have received another notice about two other Members of Parliament this morning.

श्री हुकम चन्द कछवाय (दवास) : विषय एक ही है, सबकी एक ही समस्या है।

Shri S. M. Banerjee (Kanpur): Shri Biren Dutt.

Mr. Speaker: Would it not be better if a statement is made about all together or would he want it to be made today?

Shri Dinen Bhattacharya (Serampore): There is another Member of Raja Sabha.

Shri H. N. Mukerjee: As you like, Sir. I only want information.

Shri Kapur Singh (Ludhiana): Sir, if we take them together, it will be better.

Mr. Speaker: A statement might be made on Monday.

The Deputy Minister in the Ministry of Home Affairs (Shri P. S. Naskar): Including this, Sir?

Mr. Speaker: Including this.

Shri S. M. Banerjee: But let him say about his condition. How is he?

12 hrs.

RE. SUSPENSION OF MEMBERS

Mr. Speaker: Calling attention notice. Shri Mukerjee.

डा० राम मनोहर लोहिया: (फरखाबाद) : अध्यक्ष महोदय, मेरा एक व्यवस्था का प्रश्न है।

अध्यक्ष महोदय : कोई व्यवस्था का प्रश्न नहीं उठेगा। पहले आप बैठ जाइये।

डा० राम मनोहर लोहिया : मैं आपको पढ़ कर सुनाता हूँ।

अध्यक्ष महोदय : नहीं, आप बैठ जाइये।

डा० राम मनोहर लोहिया : कल वीर कानूनी कार्यवाही कर के कुछ घादमियों को बाहर निकाला गया है।

अध्यक्ष महोदय : मैं इजाजत नहीं देता हूँ, आप बैठ जाइये।

डा० राम मनोहर लोहिया : व्यवस्था पर भी आप मुझे बोलने नहीं देंगे।

अध्यक्ष महोदय : मैंने मुखर्जी साहब को बुलाया है।

12.02 hrs.

RE. POINTS OF ORDER

Mr. Speaker: Papers to be laid.

डा० राम मनोहर लोहिया (फर्रुखाबाद) : अध्यक्ष महोदय

अध्यक्ष महोदय : मैंने कन्सेन्ट नहीं दी है ।

डा० राम मनोहर लोहिया : मैं व्यवस्था का प्रश्न उठाना चाहता हूँ ।

अध्यक्ष महोदय : कौनसी व्यवस्था है, जब कोई प्राइम सामने नहीं है ।

डा० राम मनोहर लोहिया : उसी के सम्बन्ध में । मैं 376 की उपधारा 2 की तरफ आपका ध्यान खींचना चाहता हूँ ।

अध्यक्ष महोदय : 376 में ऐसी कोई बात नहीं है ।

डा० राम मनोहर लोहिया : मैं पढ़ कर सुनाता हूँ, आप सुन लीजिये ।

अध्यक्ष महोदय : डा० साहब, आप बिना वजह रकावट न डालिये ।

डा० राम मनोहर लोहिया : मैं विरोध करता हूँ ।

अध्यक्ष महोदय : मैंने 376 को देखा है ।

डा० राम मनोहर लोहिया : उसकी उपधारा (2) ।

अध्यक्ष महोदय : कौन से बिजनेस के सामने कहना चाहते हैं ।

Dr. Ram Manohar Lohia: "...relates to maintenance of order in, or arrangement of business before, the House."

तीन सदस्यों को इस घर से निकाला गया है और-छानूनी कार्यवाही कर के ।

अध्यक्ष महोदय : वह बिजनेस नहीं है ।

डा० राम मनोहर लोहिया : वह बिजनेस इस वक्त धाता है ।

अध्यक्ष महोदय : वह बिजनेस नहीं है ।

डा० राम मनोहर लोहिया : क्योंकि आपने कानून को तोड़ दिया है ।

श्री म० ला० डिबेबी (हमीरपुर) : यह माननीय सदस्य अध्यक्ष के खड़े होने पर भी खड़े हैं ।

अध्यक्ष महोदय : वह बिजनेस हाउस के सामने नहीं है । इस आर्डर-पेपर के मुताबिक कोई प्वाइन्ट आफ आर्डर नहीं उठाया जा सकता ।

डा० राम मनोहर लोहिया : यह आपका फीसला है ।

अध्यक्ष महोदय : मेरा फीसला जो है, वही यहां माना जायगा ।

डा० राम मनोहर लोहिया : बिना सुने फीसला कर सकते हैं ?

अध्यक्ष महोदय : मैंने आपका प्वाइन्ट आफ आर्डर सुन लिया है ।

डा० राम मनोहर लोहिया : कहां सुन लिया है ?

अध्यक्ष महोदय : डाक्टर साहब, यह ठीक नहीं है, कि आप इस तरह से कहते चले । जो आप कहें, वही चले, यह ठीक नहीं है ।

डा० राम मनोहर लोहिया : मैं 367 के सम्बन्ध में कहना चाहता हूँ । मैंने यहां पत्र कूड़ा . .

अध्यक्ष महोदय : जो मामला कल खत्म हो चुका, उसको उठाने की इजाजत नहीं दे सकता। उसको उठाने की मैं कन्सेन्ट नहीं देता, इस बास्ते कोई मेम्बर इसको रेफर नहीं कर सकता।

डा० राम मनोहर लोहिया : नियम तोड़ा गया है—मत विभाजन का, 367 का नियम तोड़ा गया है, आपने उसको तोड़ा है।

अध्यक्ष महोदय : मैंने तोड़ा है, तो भी वह कल खत्म हो गया, आज उसको नहीं उठाया जा सकता।

12.04 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF THE MINERALS AND METALS TRADING CORPORATION OF INDIA

The Minister of Commerce (Shri Manubhai Shah): I beg to lay on the Table a copy each of the following papers:—

- (1) Annual Report of the Minerals and Metals Trading Corporation of India Limited New Delhi for the year 1964-65 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 610A of the Companies Act, 1956.
- (2) Review by the Government on the working of the above Company.

[Placed in Library. See No. LT-5954/66].

COLLIERY CONTROL (AMENDMENT) ORDER

The Minister of Mines and Metals (Shri S. K. Dey): I beg to lay on the Table a copy of the Colliery Control (Amendment) Order 1966 published in Notification No. G.S.R. 383 in Gazette of India dated the 19th March, 1966, under sub-section (6) of section 2 of the Essential Commodities Act,

1965. [Placed in Library. See No. LT-5955/66].

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT

The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon): I beg to lay on the Table a copy each of the following Notifications under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

- (1) The Foodgrains (Prohibition of Use in Manufacture of Starch) Order 1966 published in Notification No. G.S.R. 426 in Gazette of India dated the 21st March 1966.
- (2) The Wheat Roller Flour Mills (Licensing and Control) Amendment Order, 1966, published in Notification No. G.S.R. 462, in Gazette of India dated the 24th March, 1966. [Placed in Library. See No. LT-5956/66].

COFFEE (AMENDMENT) RULES

The Minister of State in the Ministry of Railways (Dr. Ram Subhag Singh): On behalf of Shri Mohammad Shafi, Qureshi. I beg to lay on the Table a copy of the Coffee (Amendment) Rules, 1966, published in Notification No. G.S.R. 302 in Gazette of India dated the 5th March, 1966, under sub-section (3) of section 48 of the Coffee Act, 1942. [Placed in Library. See No. LT-5957/66].

12.05 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 sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Kerala Appropriation Bill, 1966, which was passed

by the Lok Sabha at its sitting held on the 24th March, 1966, 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.'

(ii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Kerala Appropriation (Vote on Account) Bill, 1966, which was passed by the Lok Sabha at its sitting held on the 25th March, 1966, 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."

12.05½ hrs.

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I lay on the Table following two Bills passed by the Houses of Parliament during the current Session and assented to by the President since a report was last made to the House on the 25th March, 1966:

- (i) The Seamen's Provident Fund Bill, 1966.
- (ii) The Appropriation (Vote on Account) Bill, 1966.

12.06 hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government Business in this House for the week commencing 4th April, 1966, will consist of:-

- (1) Consideration of any item of Government Business carried over from today's Order Paper.

- (2) Discussion and voting of the Demands for Grants relating to the Ministries of Transport and Aviation; Irrigation and Power; Labour, Employment and Rehabilitation; Health and Family Planning.

Shri S. M. Banerjee (Kanpur): Sir, I would like to refer to two or three points which I want to be included. The first thing is that a motion has already been tabled by Professor Ranga and others regarding the serious situation in Bastar. You, Sir, in your wisdom, disallowed the adjournment motion, but you said that you would consider such a motion if it is tabled. Since the situation is very serious and our information is that more than 200 men . . . (Interruption).

An hon. Member: 600.

Shri S. M. Banerjee: Since more than 600 men have been killed and there is a serious situation, discussion should take place next week.

The second point is that a statement should be made by the Home Minister on the proposed *hartal* on the 6th April in Calcutta. Shri Jyoti Basu, the Leader of the Opposition in the West Bengal Assembly, has sent a letter to Shri Dinesh Singh in the absence of Indiraji requesting him to ask Shri P. C. Sen to ensure that the *hartal* called by the United Leftist Front on 6th April is allowed to be observed peacefully. He has asked for intervention. If the letter has been sent by Shri Jyoti Basu to Shri Dinesh Singh and if Central intervention can avert the crisis, I would request that a statement should be made.

The third point is that we have read in the newspapers that the Air-India strike is still going on and there is the news that Shri Poonacha, with the help of some hon. Members here—I must thank them—has arrived at some settlement. I would request that some statement should also be made about it next week.

[Shri S. M. Banerjee]

So, I want these three things, namely, discussion about Bastar, and statements about the Bengal situation and Air-India to be taken up next week.

Shri Kapur Singh (Ludhiana): From what I have just now heard from the statement of the hon. Minister of Parliamentary Affairs, it seems that a discussion on the Demands of his Ministry is not going to be taken up during the next week. I want to know whether that is the true position. This item we had on the agenda day before yesterday.

Shri Satya Narayan Sinha: It will be taken up on Monday.

Shri M. R. Masani (Rajkot): Towards the end of the proceedings the other day you were good enough to observe that the motion which my leader, Professor Ranga, had given notice of would be considered for admissibility in regard to the developments in Bastar or such part of them as would not be involved in the *sub-judice* rule. I think, in view of the urgency of the matter and the unanimity of feeling on the part of all Opposition groups which, I am sure, is shared by many Members of the ruling party themselves . . .

Some hon. Members: No.

Shri M. R. Masani: . . . an early opportunity should be provided for discussion of those aspects of the matter which are not concerned with the Commission of Inquiry. I hope that you will give us that facility in consultation with the Leader of the House at a very early date.

Shri H. N. Mukerjee (Calcutta Centre): As a co-signatory with Professor Ranga to the motion to which reference has already been made, I would request you, in view specially of what happened the other day, that a discussion is held as soon as possible because in the meantime we are getting all kinds of telegrams and letter from that area and some people

have actually arrived in order to report the state of things which allegedly is extremely serious. The other day the Minister himself had said that even though the entire district of Bastar may not be a scheduled unit, a large part of it is and comes very definitely within the ambit of the Central Government and the Minister of Social Security, who belongs to the totality of Government, is responsible in regard to that. That being so, we feel that a very early discussion is necessitated and the situation in that area, which is a particularly delicate and sensitive area on account of being inhabited by the Adivasis in such large proportions, is such that a very early discussion is indicated most seriously and urgently. Even though the financial business is thereon the agenda and we have to make whatever haste we can possibly make in regard to that, at the same time you will surely, considering this aspect of the matter, give the House an opportunity to discuss it. Even though some of us may not be here in this House and we may not be able to take part in the discussion, the matter has to be taken note of by Parliament and a discussion ought to be allowed as soon as ever you permit it to be done.

Shri U. M. Trivedi (Mandsaur): Sir, about Bastar, we are receiving different types of messages. It is vexing our mind since the last four days and it would be quite meet and proper for the government to decide to have a discussion on this Bastar affair as soon as possible next week.

At the same time, our country is losing about Rs. 50 lakhs—it has already lost—in this hartal by Air India navigators. Under these circumstances, I would like that the discussion on the Demands of the Ministry of Transport and Civil Aviation may be taken up earlier than the Demands of the Ministry of Works, Housing and Supply next week. That will help in solving this question.

Shri Frank Anthony (Nominated—Anglo-Indians): Sir, I would respectfully support the request for a very early discussion on Bastar. I am one of those who would not at all be inclined to prejudice a matter which will have to be considered by the Commission of Inquiry. But I think Mr. Masani was right when he said that there is general feeling of not only disquiet but of deep distress in the country. I think the government here would be very wise indeed to allow a discussion, because the adivasis are the direct responsibility of the Centre. I would appeal to the Home Minister to assume direct responsibility in this matter. Mr. Chatterjee has made it clear that it will cast no reflection on the Judge. But since the State Government has virtually become a principal accused, the Centre must assume responsibility and *suo motu* associate somebody else with this enquiry, so that the enquiry will not only be impartial, but will seem to be impartial.

Shri N. C. Chatterjee (Burdwan): Sir, I want to make it clear, with your permission, that there is no question of casting aspersions on a High Court Judge. As a matter of fact, I only want to remind that Ministers who are sitting there that when the Chief Minister of a State was concerned, they associated with the enquiry Mr. S. R. Das, an ex-Chief Justice of India. Then again, for the investigation of the conduct of an ex-Chief Minister of Jammu and Kashmir, we have associated with that enquiry a retired Supreme Court Judge, Mr. Justice Rajagopala Iyengar. Therefore, there is no question of any aspersion or reflection on the integrity of any High Court Judge, but having regard to the issues involved and the charges levelled against the Chief Minister, in his own interest, the State Government should welcome this opportunity of associating a Supreme Court Judge or an ex-Chief Justice of India. There is no question of any rigid legalistic attitude in this. The whole country is deeply perturbed. Therefore, in the

interests of all concerned, specially in the interests of that State and the Government here who have got some responsibility with regard to the adivasis, the matter should be thrashed out in this House.

श्री राम मनोहर लोहिया : (फर्रुखाबाद) : इसी विषय पर आपने स्वयं प्रस्ताव को नामंजूर किया इसलिये कि वह विचाराधीन विषय की बात उठाता है। सब-जुडिस। मैं आप से भयं करना चाहता हूँ कि जब आप यह बहा देते हैं तब वही नियम इस पर भी लागू हो जाता है क्योंकि अगर विचाराधीन कोई विषय है तो फिर बहस चाहे 193 के अनुसार हो और चाहे स्थगन प्रस्ताव के अनुसार वह मामला एक जैसा हो जाता है।

मैं जानता हूँ कि आपकी तरफ से यह कहा गया था कि जो स्थगन प्रस्ताव है उसमें तो साफ तौर से लिखा हुआ है कि किसी भी विचाराधीन प्रश्न पर जो किसी जज के सामने या जांच कमिशन के सामने होगा यहाँ पर बहस नहीं हो सकती है और जो और बहस हैं, साधारण बहस हैं उन में यह बात स्पष्ट तौर से नहीं लिखी हुई है। आपका ध्यान मैं प्रक्रिया के नियम 352 की तरफ खींचना चाहता हूँ।

अध्यक्ष महोदय : जो नोटिस है उसको मैं देखूंगा और इसको भी मैं देख लूंगा।

"A Member while speaking shall not refer to any matter of fact..."

उस वक्त इसको देखा जाएगा।

श्री राम मनोहर लोहिया : इस के मैं कुछ नतीजे तो निकाल सकता हूँ। वे नियम आपके बनाये हुए हैं मेरे बनाये हुए नहीं हैं। आपके नियमों का मैं आपके खिलाफ इस्तेमाल कर रहा हूँ—

श्री म० ला० द्विवेदी (हरमीपुर) : ये सदन के नियम हैं।

डा० राम मनोहर लोहिया : मैं चाहता हूँ कि आप इन नियमों पर जरा ध्यान से गौर करें। मैं कर चुका हूँ और मैं आप से भी उम्मीद करता हूँ कि आप भी करें। अगर स्थगन प्रस्ताव पर वह लागू होता है तो इस बहस पर भी लागू होगा। लेकिन मुझे आप से यह अर्ज करना है कि इसमें कोई विचाराधीन बात प्राती ही नहीं है। इसका कारण यह है जो जांच बिठाई गई उसके बारे में श्री नन्दा ने साफ तौर पर यहाँ पर कहा है कि वह जांच एक तो इस बात के बारे में है

"To inquire into and report on the disturbances in Jagdhalpur on the 25th and 28th March resulting in the deaths of some persons."

दूसरे इस बात के बारे में

"Report on whether the firing was justified."

और तीसरे इस बात के बारे में

"Report on the adequacy or otherwise of the action taken to deal with these disturbances."

ये तीनों चीजें जगदलपुर शहर की स्थानीय चीज हैं, भ्रफसरों के सम्बन्ध में हैं, जो बटनग 25 और 26 को हुई जन्ही के बारे में हैं। लेकिन जो यहाँ पर स्थगन प्रस्ताव के द्वारा या 193 के द्वारा बहस होगी उसका तो बड़ा व्यापक स्तर है, राज्य को चलाने की गतिविधि से है, पूरी हमारी राजनीति से है। भिसाल के लिए अगर यह साबित हो जाए कि मध्य प्रदेश का कोई भ्रफसर जो इस वक्त राज्य की सारी कार्यवाही कर रहा है वह किसी जमाने में उस कमिश्नरी का कमिश्नर भी था जिस में बस्तर है और उससे महाराजा का झगड़ा हुआ था खास तौर से इसलिए कि महाराजा बस्तर, बस्तर के भ्रन्दर पादरियों को अपना काम करने नहीं देना चाहते थे और वह इसाई है, उसे यह बात जगवार गुजरी और...

अध्यक्ष महोदय : डा० साहब, सारी बहस तो नहीं हो सकती है।

डा० राम मनोहर लोहिया : दूसरी बात यह है कि जो जज...

अध्यक्ष महोदय : डा० साहब मैं आप से यह कह रहा हूँ कि अगर स्थगन प्रस्ताव नहीं आ सकता तो यह जो आप...

डा० राम मनोहर लोहिया : मैं कहता हूँ कि आ सकता है।

अध्यक्ष महोदय : वह तो चल गयी है। वह तो खत्म हो चुका है।

डा० राम मनोहर लोहिया : उसी तरीके पर जिस पर आप बहस दे रहे हैं, मैं ने अर्ज किया है...

अध्यक्ष महोदय : उसको अब आप छोड़ दें।

डा० राम मनोहर लोहिया : एक अर्ज मैं करना चाहता हूँ। जो श्री हिरेन मुखर्जी ने कहा था उस बात को मैं सौ फीसदी मानता हूँ। हमें इस लोक सभा को एरो चलाना चाहिये कि जिससे मामला कुछ जम सके। मुझे भी दुख है। आपको भी दुख होना चाहिए। हम सब को होना चाहिए जो चीज यहाँ हुई। लेकिन दुख का मतलब यह नहीं है कि एकतरफा फैसला हो। क्या जो कुछ यहाँ हुआ है उसको लेकर ऐसा रास्ता नहीं निकालना चाहिये...

अध्यक्ष महोदय : वह सारा मामला इस वक्त सामने नहीं है। सिर्फ ये जो प्राइटज्म है इनके बारे में...

डा० राम मनोहर लोहिया : इसाई भी हैं, जज भी हैं। अगर यह साबित हो

गया कि वह जज श्री द्वारिका प्रसाद मिश्र के मामले में ऐसा फैसला दे चुके हैं जो कि वहाँ के सर्वोच्च न्यायालय ने रद्द किया था और अगर यह साबित हो सकता है कि श्री नन्दा और श्री द्वारिका प्रसाद मिश्र इस में

अध्यक्ष महोदय प्रश्न आप बैठ जाइये ।

श्री त्यागी (देहरादून) : हम लोगों को भी अवसर दिया जाए ।

अध्यक्ष महोदय : जब तक मैं न बुलाऊ, कोई उठ कर बोलना शुरू न कर दे । आप सब बैठ जायें ।

श्री त्यागी : ताकि कोई गलतफहमी पैदा न हो, मैं लीडर आफ दी हाउस से दरखवास्त करूंगा कि इस बस्तर के मामले में सचमुच मुखालिफ लोगों में और ग्राम पब्लिक में भी बहुत सी गलत फहमी पैदा हो गई है । हमारी पार्टी का ग्राम तौर से रिवाज यह है कि जब कभी भी कोई चार्ज लगता है तो खुले तौर से हम बहस के लिए तैयार रहते हैं ताकि कोई यह न महसूस करे कि हम गिलटी हैं । मेरा इयाल यह है कि हम को दो बंटे की बहस मान लेनी चाहिए और आपको इसकी इजाजत दे देनी चाहिए । इस में कोई दिक्कत नहीं होनी चाहिए । हमें इस में कोई इन्कार नहीं है । आपने पिछली बार कहा था कि जो सब-जुडिस है उस पर बात नहीं हो सकती है । उसको रोकते हुए और जो सब-जुडिस से बाहर के मामले हैं अगर हमारे दोस्त उन पर कोई बहस करना चाहते हैं तो हमारी पार्टी को खुले दिल से उसकी इजाजत दे देना चाहिए वना हम को दिक्कत पड़नी ।

Mr. Speaker: The Home Minister.

Shri Hari Vishnu Kamath (Hoshangabad): Sir, on the last occasion you did not give me an opportunity. . . .

Mr. Speaker: I will call him later. The Home Minister wants to say something about this particular matter. Let us hear him.

श्री प्रकाशवीर शास्त्री : (बिज नॉर) : अध्यक्ष महोदय, गृह मंत्री जी कुछ कहें उस से पहले

Mr. Speaker: I cannot understand this. If the Home Minister is going to say something particular which might satisfy the hon. Members, why should they be in such a great hurry. . . .

श्री प्रकाशवीर शास्त्री : अध्यक्ष महोदय, आप जरा मेरा निवेदन तो सुन लें कि मैं क्या कहना चाहता हू । शायद गृह मंत्री को उस के बाद कहने में आसानी हो

अध्यक्ष महोदय : आप उन को कह लने दीजिये, मैं आप को भी बुला लूंगा ।

The Minister of Home Affairs (Shri Nanda): May I submit that before my hon. friend, Shri Tyagi, rose I was prepared to say something in line with the kind of request that he has made. I may assure you and the House that even the other day there was no question of any reluctance on our part to have any discussion. But the only thing is, the House has to consider and you have to consider whether anything and everything can be discussed here. There are certain rules.

Shri Hari Vishnu Kamath: That the Speaker will decide. Why should you say that? (Interruptions). Why should you but in there?

Shri Nanda: I was submitting. . . .

Mr. Speaker: Government have just to give their reaction.

Shri Nanda: Subject to the rules governing the procedure.

Mr. Speaker: That I will have to regulate.

Shri Nanda: That is right. We are prepared to have a discussion on the subject which will not be covered by the inquiry or other rules which may rule out any such discussion.

Mr. Speaker: The rules part I will ensure.

श्री प्रकाशबीर शास्त्री : अध्यक्ष महोदय, श्री प्रवीरचन्द्र भंजदेव के देहान्त के उपरांत जितनी तेजी के साथ उन के शव को जलाया गया और उस के पीछे जो रहस्य था, मैं उस से भी आगे जा कर आप के माध्यम से सरकार से कहना चाहता हूँ कि मध्य प्रदेश की सरकार एक एक घंटे का लाभ उठा कर उन सारे प्रमाणों को नष्ट कर रही है जिन के माध्यम से जांच अयोग किसी परिणाम पर पहुंच सकता था। अब भी समय है, जो कुछ प्रमाण बाकी हैं, उनमें गवाहों को मारना या धमकाना और दूसरी भी इसी तरह की चीजें हो रही हैं लेकिन जो प्रमाण अब भी शेष हैं उन को केन्द्रीय सरकार अपनी देखरेख में ले ले तब तो जांच का कुछ परिणाम निकलेगा, अन्यथा अगर वह चीज केन्द्रीय सरकार की देख रेख में नहीं आती है तो कोई जांच होने वाली नहीं है। यह हमें पहले सोच लेना चाहिए।

श्री लक्ष्मू भवानी (बस्तर) : केन्द्रीय सरकार द्वारा इस की जांच होनी चाहिए।

अध्यक्ष महोदय : अच्छी बात है।

श्री बागड़ी (हिसार) : अध्यक्ष महोदय, मैं आप की खिदमत में सिर्फ यह भर्ज करना चाहता हूँ कि गृह मंत्री ने जो सुझाव दिया था कि कोई बात यहां नहीं आ सकती कि जज प्रेजुडिस्ड है...

अध्यक्ष महोदय : यह भी हम देख लेंगे।

श्री बागड़ी : मैं इसी के बारे में यह कहना चाहता हूँ कि जो विषय केन्द्र से सम्बन्धित हैं उन के बारे में अगर कोई जांच वगैरह केन्द्रीय सरकार की राय के की जाती है तो उस की तहकीकात भी जरूरी है क्योंकि जब केन्द्र सरकार की जिम्मेदारी आती है तब वगैर उस की राय के तहकीकात हो रही है इस का मतलब यह है कि उस जांच पर पर्दा डाला जा रहा है। जब केन्द्र सरकार का इस से सीधा सम्बन्ध है तब क्यों सरकार इस बात पर भड़की हुई है कि जहां पांच छः सौ आदिवासियों...

अध्यक्ष महोदय : यह तो उन्होंने कहा कि हम डिस्कशन करायेंगे।

श्री बागड़ी : अध्यक्ष महोदय, अगर काम रोको प्रस्ताव नहीं आता तो इस का मतलब है कि सरकार जिम्मेदारी से बच जाती है...

अध्यक्ष महोदय : इस की बहस नहीं हो सकती। अब आप बैठ जाइये।

श्री बागड़ी : जब हम इस तरह के मामले में अच्छी तरह से बहस नहीं कर सके तब कौन सी बहस यहां आयेंगी।

Shri Dinen Bhattacharya (Serampur): I support what Shri S. M. Banerjee has stated regarding the West Bengal situation. I only want to add that military personnel are being called by the West Bengal Government and discussion is going on. We apprehend that from the Government side a situation may be created where it will very soon go beyond their control. So, I would request the Centre not only to make a statement but to intervene so that there may not be unnecessary use of military and police which will provoke the people and make the situation still worse.

Shri Nath Pal (Rajapur): Mr. Speaker, Sir, I have been trying very humbly to catch your eye since day

before yesterday and I feel that somehow there is a premium on the volume of those who try to catch your eye and I hope things will improve. We would like to cooperate in this. I fully endorse the plea entered by Shri Masani, Prof. Mukerjee. . . .

Shri S. M. Banerjee: I raised it first.

Shri Nath Pai: Does he promise to behave? If he promises to behave, yes, even by Mr. Banerjee. I should like to point out in this context that everyday, as those who preceded me have pointed out to you, strange kind of telegrams, avalanche of them, are landing at the flats of some of the M.P.s, and some of them are so disturbing like the one sent by the brother of the late Maharaja. We, therefore, think that it is appropriate that the Government should agree to this. I am glad Mr. Nanda did it.

Sir, before I sit down, I would like to point out that it is precisely this kind of failure on the part of the Treasury Benches and the Leader of the House to take the initiative at the proper time that has brought about this situation. Today we have come in the light of your clear preference for a discussion as you indicated during the unhappy proceedings of day before yesterday. In any event, it was the duty of the Leader of the House to come forth and say that the Government is willing to have a discussion. It is this continued failure which is one of the main causes that leads to the events like the ones which happened the day before yesterday.

Shri Sham Lal Saraf (Jammu and Kashmir): The contention expressed by the hon. Members on both sides of the House is that some discussion should take place. You expressed it the other day and now the Government has expressed its mind. I do not know what purpose will be served by discussing it further.

Shri Harish Chandra Mathur (Jalore): Sir, can I catch your eye?

I have been standing half a dozen times.

Mr. Speaker: Everybody complains about it. I have been calling them. He may also have his say.

Shri Harish Chandra Mathur: I would like to submit that we do not consider this subject to be a party issue at all. I do not know how you consider it to be a case which can be discussed, even if no adjournment motion is admissible. A certain issue which has been raised in which the whole country is interested. I think, Sir, it is as much the right of the Members sitting on this side to have a little say on the subject as is the right of the hon. Members sitting on that side. Therefore, I would most earnestly request you to kindly show us the same consideration when we rise in our seats and permit us to say something when we like to say something on a subject like this.

We all feel that this subject which has been raised on the floor of the House has created a little confusion in our minds when you stated the other day that you cannot allow an adjournment motion but you will allow a discussion on it. I, first want to seek a little clarification from you before you proceed further in the matter. The first thing which I would like to know, before we lend our support to it, the nature of the motion which is before you. My second point is this. As I look into your Rules, I find Rule 188 about a motion for raising discussion on matters before tribunals, commissions, etc. Sir, you have the discretionary power under an adjournment motion but that is finished. Now, the only Rule which I find in this book of Rules of Procedure is Rule 188. It says:

"No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter

[Shri Harish Chandra Mathur]

shall ordinarily be permitted to be moved:

Provided that the Speaker may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry."

We want to be clear in our minds as to whether you are acting under your original thoughts or now, after this motion has been moved, under provisions of Rule 188 or you have got something else in your mind. We would like to know that before we lend our support. I might assure the House and our hon. friend sitting on the opposite that I believe in a living and kicking democracy; it must function effectively; there is not the least doubt about it. But we have got to function within the rules and the provisions and with dignity and decorum in this House. This House is being watched not only by the legislatures of this country but also by the legislatures of other democracies outside. Therefore, it is our anxiety that while we should give the fullest sympathy to the demands of the Opposition and go all the length that we possibly can to meet their requests—we must function effectively and in a living manner—we cannot go beyond the rules in any manner. We cannot do anything which will hurt the dignity and the decorum of this House and that is our anxiety. So before we lend our support, before the Hon. Home Minister says anything, we would like to be guided by you as to what is the scope of the discussion which you are now going to permit and whether the permission which you are according is under Rule 188 or some other rule.

As a matter of fact, we are always open for a discussion; we want nothing

but an open discussion. We are match for anything. We have nothing to hide. The responsibility of the ruling Party is far greater than that of anybody sitting in this House because it is the responsibility of the ruling Party which is at stake. We would not like to funk any discussion. Please let us know where we stand, how we stand and what we are going to discuss.

Shri Khadilkar (Khed): With your permission, I would like to make a few observations. As the hon. Member, Mr. Mathur, has said, we fully share the anxiety over the happening that has taken place at Bastar. But I would like to point out one thing. The question was raised as to within what limits discussion could be permitted. I would like to point out that the Supreme Court has held—I have not got the judgement before me just now—that a Commission appointed under the Commissions of Inquiry Act is a fact-finding body.—I have quoted this judgement before—and it is neither a judicial nor a quasi-judicial body. In order to help to determine the limits within which we could discuss this matter, I have quoted this decision of the Supreme Court regarding a Commission appointed under the Commission of Inquiry Act.

श्री हुकम चन्द कछवाय (देवास) :
 मैंने भी एक नोटिस दिया है अध्यक्ष महोदय, श्रीर बस्तर की जो घटना है उस पर तो चर्चा होनी चाहिये लेकिन परसों जो एक दुर्भाग्यपूर्ण घटना इस सदन में हुई जिससे हमें दुनिया के देशों के अन्दर बड़ा नीचा देखना पड़ा है, मैंने इसकी भी मांग की है कि उस पर भी चर्चा होनी चाहिए। कुछ लोगों के द्वारा इस सदन की अर्थात् को काफी नीचे गिराया गया है और इस सदन को अपमानित किया गया है। तो मैं चाहता हूँ कि इस पर भी चर्चा हो तो ज्यादा अच्छा है।

Shri D. C. Sharma (Gurdaspur): I think the whole House, whether it is

on the ruling Party side or on the Opposition side, feels anxious, feels very much concerned, about what has happened at Bastar and nobody should get away with the impression that Bastar is the concern only of the Opposition and that the ruling Party or the members of the Congress Benches are absolutely indifferent to it. We all want that the facts of that deplorable happening should be aired properly in a spirit keeping with the dignity and decorum of this House.

I wanted to read out the same thing which Mr. Mathur has read out. There are two things in that: in the first place, it is in your discretion, Sir, to allow a discussion and I hope that, as you have always used this discretion in favour of strengthening the procedure of democracy, you will do so this time also.

So far as the appointment of the tribunal or a statutory body or some kind of inquiry body is concerned, there is a very good term written there namely 'ordinarily'. The English language is a very flexible language, and the English language always provides a loophole to those persons who want to act wisely and prudently and in the interests of the nation. Therefore, I would say that taking advantage of those two words 'ordinarily' and 'discretion' you may be good enough to tell this House that this thing should be discussed on the floor of the House.

My next point is this. The President of the People's Republic of China has visited Pakistan, and many grave and threatening statements have been made which have a far-reaching impact on this country with reference to our relations with Pakistan. I think the hon. Minister of External Affairs should make a statement on that here.

Then, I would point out that so many trucks are off the road, and I think that this is going to create difficulties so far as the food problem of the country is concerned. I believe that the Ministry of Transport should do something about it and should

make a statement about how to overcome it. I am not bothered about the trucks, but I am bothered about the food scarcity in this country and the suffering which will be entailed because of the non-availability of the trucks on the road.

Shri G. N. Dixit (Etawah): I have not been able to appreciate the point raised by my hon. friend Shri Harish Chandra Mathur. I have not been able to follow how he relies on rule 188. When the motion was made, all the speakers had said, . . .

Shri Bhagwat Jha Azad (Bhagalpur): We would like to know what the motion is.

Shri G. N. Dixit: . . . that the sub-judice matter was to be excluded from the discussion. The Home Minister had also accepted the motion excluding matters *sub judice*. Therefore, rule 188 does not apply. The only rule which applies is rule 184, and it is entirely within your competence to give your consent to the motion that is made. . . .

Shri Sham Lal Saraf: What is the motion?

Shri G. N. Dixit: . . . by Shri Ranga that the matters relating to Bastar excluding the matters *sub-judice* may be allowed to be discussed in this House. This motion is not covered by rule 188, but by rule 184, and it is entirely within your competence to permit a discussion.

Mr. Speaker: Has the hon. Minister anything to say?

Shri Bhagwat Jha Azad: We would like to know what the motion before you is.

Mr. Speaker: The House will know it when it comes up before it.

Shri Satya Narayan Sinha: My hon. friend Shri Nath Pal must have noticed that about this motion there is a divided opinion still in this House whether it should be for 2½ hours or something like that. . . .

Shri Bhagwat Jha Asad: What is the motion?

Shri Satya Narayan Sinha: I do not know.

Mr. Speaker: Before I have given my consent, how can I disclose the motion? That cannot be placed before the House now.

Shri M. L. Dwivedi: Then, how can we discuss?

Mr. Speaker: We are not discussing that now.

Shri M. L. Dwivedi: We do not know what the motion is.

Mr. Speaker: I only wanted to know the reaction of Government. We are not discussing it yet. We are not going to discuss it now. The discussion was only about the time that was to be allotted for it.

An hon. Member: Could Government tell us what motion is?

Mr. Speaker: I would not ask them to disclose it unless I have first given my consent.

I had been asked how I had proposed having that discussion when I had disallowed the adjournment motion, because the same rules regarding *sub-judice* applied to any other discussion as well. That has been clearly said by Dr. Ram Manohar Lohia; he had decimated me or dissipated me. There is a clear rule 59 which bars the discussion of the adjournment motion. But so far as other discussion is concerned, I have to see whether really any discussion that takes place prejudices the inquiry or not; I shall regulate that, if I allow it or give my consent and that is admitted; now, Government have also expressed their willingness and said that they are prepared to have a discussion, and so far as the motion is concerned also, the sponsors feel that except those matters that are *sub-judice*, the other things should be discussed; therefore, there is no harm in having that discussion, and Government have expressed their willingness.

So far as the other matters raised are concerned, the hon. Minister may say what he wants to say.

Shri Satya Narayan Sinha: So far as Bastar is concerned, you have already disposed of the matter relating to that. As regards other matters, Shri Kachhavaia said. . . .

Shri Nath Pai: What about the failure of this Government?

Mr. Speaker: Order, order. This cannot be discussed.

श्री बागड़ी : बस्तर पर बोलो ।

अध्यक्ष महोदय : प्रार्थन, प्रार्थन ।

Shri Satya Narayan Sinha: As regards Civil Aviation, we are putting it first in the next week's agenda, and hon. Members will have the opportunity to discuss it. As regards West Bengal. . . .

Shri S. M. Banerjee: Kindly hear our points . . . (*Interruption*).

Some Hon. Members: Sit down.

श्री बागड़ी : अध्यक्ष महोदय, बस्तर की बड़ी विचित्र बात है उस को न दबाया जाय . .

अध्यक्ष महोदय : प्राप बैठ जाइये ।

श्री बागड़ी : जब बनर्जी साहब बोलने लगे तब उधर से शोर मचाया जाने लगा तो प्राप उधर के लिए तो कुछ कहते नहीं हैं हमें ही कहते रहते हैं ।

अध्यक्ष महोदय : प्राप बैठ जाइये ।

Shri Satya Narayan Sinha: As regards West Bengal, I think we have more than once discussed this matter in the House and I do not think Government are going to make any statement with regard to this immediately.

Mr. Speaker: Bill to be introduced.

Shri Nath Pai: What about the Air India International strike?

श्री हुक्म चन्द कछवाय : मेरे प्रश्न का उत्तर नहीं प्राया ?

अध्यक्ष महोदय : नहीं प्राया तो रहने दीजिये ।

12.42 hrs.

PRODUCE CESS BILL*

The Minister of Food, Agriculture, Community Development and Co-operation (Shri C. Subramaniam): I beg to move for leave to introduce a Bill to provide for the imposition of cess on certain produce for the improvement and development of the methods of cultivation and marketing of such produce and for matters connected therewith.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the imposition of cess on certain produce for the improvement and development of the methods of cultivation and marketing of such produce and for matters, connected therewith".

The motion was adopted.

Shri C. Subramaniam: I introduce the Bill.

डा० राम मनोहर लोहिया : (फरेंबा-बाद) : अध्यक्ष महोदय, मेरा विशेषाधिकार का प्रश्न.....

अध्यक्ष महोदय : आर्डर, आर्डर ।

डा० राम मनोहर लोहिया : अध्यक्ष महोदय, विशेषाधिकार का प्रश्न मेरा...

अध्यक्ष महोदय : मैं इस तरीके से इजाजत नहीं देता । जब तक मैं कॅसेट न दूँ मैं इस तरीके से उठाने की इजाजत नहीं दे सकता हूँ ।

डा० राम मनोहर लोहिया : मुझे आप कुछ कहने का तो अधिकार दीजिये ?

Mr. Speaker: No. I have not given him my consent. He cannot raise it.

12.43 hrs.

DEMANDS FOR GRANTS—contd.
MINISTRY OF LAW—contd.

Mr. Speaker: The House will now proceed with the further discussion and voting on the Demands for Grants under the control of the Ministry of Law, Nos. 75 to 77, for which 3 hours have been allotted.

DEMAND NO. 75—MINISTRY OF LAW

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 59,55,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March 1967 in respect of 'Ministry of Law'."

DEMAND NO. 76—ELECTIONS

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 2,82,53,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March 1967 in respect of 'Election'."

DEMAND NO. 77—OTHER REVENUE EXPENDITURE OF THE MINISTRY OF LAW

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 39,46,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the

*Published in Gazette of India Extraordinary, Part II, section 2, dated 1-4-66.

†Introduced with the recommendation of the President.

*Moved with the recommendation of the President.

[Mr. Speaker].

31st day of March 1967 in respect of 'Other Revenue Expenditure of the Ministry of Law'."

Hon. Members desirous of moving cut motions may send their slips to the Table within 15 minutes. Shri U. M. Trivedi to continue his speech.

श्री बागड़ी (हिसार) : मैं एक जानकारी चाहता हूँ ?

अध्यक्ष महोदय : मैंने आप को नहीं बताया है ।

श्री बागड़ी : विज्ञापिका के बारे में मैं तबाल उठाना चाहता हूँ . .

अध्यक्ष महोदय : मैं आप को इंजाउत नहीं देता ।

No Member shall speak unless I recognise him.

श्री बागड़ी : ऐसे तो मुश्किल ही होगा ।

अध्यक्ष महोदय : जी हाँ मैं भी समझता हूँ कि इस तरह से चलने देना मुश्किल होगा ।

Shri U. M. Trivedi (Mandsaur):
Mr. Speaker, Sir, the other day when I was called, it was impossible for me to proceed with my speech.

It is unfortunate that the question of the Law Ministry has been relegated to the background. We have now to discuss the smallest of the reports emanating from the various Ministries. If we read this Report of the Law Ministry, in all there are four sections of this Ministry in the Department of Legal Affairs. They are the Litigation Section, the Central Agency Section, the Judicial Section and the Election Section. These are the important sections of this Ministry. But I find that the judicial section has got no judicial approach and has nothing to do with justice in India; Judges of High Court or of the Supreme Court or all those who have got anything to do with justice have nothing to do with the Law Ministry.

It is the Home Ministry which determines the fitness or otherwise of the Judges of the High Courts and the Law Minister, however learned he may be, has no voice in the appointment of the Judges of the High Courts, and it is the Home Minister, however much a layman he may be, who carries that responsibility and duty. It has resulted in this that public prosecutors and the so-called Deputy Government Advocates and Government Advocates are appointed to posts of Judges of the High Court. I think it is high time that we put a step to this. The colour of the ruling party is imparted to Judges and from Judges to expect any judgment of an impartial nature where the litigation is between the subject and the Government becomes a difficult problem. The present Law Minister is an eminent lawyer and has also been a Judge of the High Court. He should see to it that this pernicious system of appointing Government Advocates and Public Prosecutors to the posts of Judges of the High Court ceases.

The same thing is happening about the appointments to the presiding posts of industrial tribunals.

This morning you remember a question was put about the Railway Ministry agreeing to pass orders regarding technical objections in litigation between the Government and the States. Would it not be proper for the Law Ministry also to see to it that technical objections are not raised in defeating the claims, just claims, of subjects where liability in tort, apparent and patent on the face of it, is made out against the Government? It is unfortunate that we could get time to change the foot lb second system into the metric system, pass a special law for coinage, but had no time whatsoever to pass the Government Liability in Tort Bill. A very recent judgment of the Supreme Court has brought to the fore this question of liability in torts. All over India, the citizens are suffering, but the Govern-

ment has not paid any attention to this particular subject.

Similarly, there is no effort whatsoever to codify the civil law for all the citizens of this country. The Government was jealous, or I should call it liberal, reformist, where Hindus were concerned, but is entirely funk of legislation so far as Christians or Mohammedans are concerned. Why? What makes it afraid of making the law? Is a Mohammedan woman not to be respected? Does she not deserve the same sympathy which the Hindu woman did? Is it meet and proper in these days of the twentieth century that the Mohammedan should be allowed to have four wives? Is such a conception to continue in our country?

Shri D. C. Sharma (Gurdaspur): What is the harm?

Shri U. M. Trivedi: Very recently the Christian Marriage Bill was being discussed. It has not yet seen the light of day. Evidence was given to the effect that notwithstanding the fact that they were converted to Christianity, they want to adhere to the customs of the caste from which they had been converted. Such a state of affairs must be mended, and mended soon. I will draw your attention to this government litigation section. Where as in Bombay advice can be given by the branch to one and sundary of the central government so far as litigation is concerned, there is a limitation put upon the advice to be given by Calcutta. How long are we going to be steeped deep in this tradition of red tapism? This must end. Day in and day out complaints have been received and I see with my own eyes sometimes that in cases against the railways, if the case is put on the board whether it is likely to reach in ten days or 30 days, even if the lawyer has got full work otherwise he is paid at the rate of Rs. 50 per day for waiting charge. The second appeal may involve only Rs. 700; yet it will cost the government tremendously. Huge amounts are spent

for writ petitions arising out of service conditions; government does not come to terms; even if the officers know that they have committed a mistake they carry on that litigation. Is it not the duty of the law ministry to see that this sort of burden should not fall unnecessarily on the exchequer.

From the list of translations given at the end I find that the translation section and the official language (Legislative) commission had translated 9 Acts in Tamil and 8 Acts in Malayalam and 5 Acts in Telugu. How is it that they have translated only two Acts, Transfer of property Act and the Indian Contract, into Gujarati whereas all the Acts existed in Gujarati in the Baroda state. This could have easily been published. Yet, why has Gujarati been made to lag behind; it is one of the foremost languages of India with the greatest vocabulary available. I would say that when applying this criteria of translation, the richness of the language and the standards to which it has reached must always be taken into consideration. The fear complex of the southerners crying or the northerners crying should not come in the way and government should discharge its duty without fear or favour.

I would like to refer to the nature of amendments which are being sought to be made to the Representation of people Act. We have the case of Biren Mitra, of Shri Biju Patnaik and some others whom I do not want to name. They have escaped the consequences which ordinarily must follow on grounds of morality and propriety. Why? Because government thought it fit to do away with the provision contained in the first Representation of people Act that if a person was directly or indirectly concerned with any contract with the government, he was disqualified. This word "indirectly" having been removed, the Election Commission now finds it difficult to drive out a Minister or a Chief Minister who makes and declares from housetops that he has made Rs. 25 lakhs in one year or Rs. 16 lakhs in

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two years and goes on accumulating wealth. We ought to take a lesson from the United Kingdom also where this provision still remains, and if we want to raise our morals high and keep up our morals as high as the others have done, then the norms and standards require that we should go back to that condition which was there when we first passed the Representation of the People Act.

One word more. It is high time that we did this thing; the hon. Minister of Law must know it, and I am sure he knows it very well. There is no use leaving the decision on election matters in the hands of district judges and one-man tribunals. Many of us have suffered, and suffered tremendously, on account of this one-man tribunal, and all applications made for transfer of such petitions from their file to another, have also not succeeded, because the Election Commission is not a man of a judicial turn of mind. It is, therefore, necessary that the law must be so amended that such tribunals must be from amongst the judges of high courts or from such other persons who have retired from the post of a high court judge if they so agree, because I find that some of the retired judges are now no longer agreeable to become election tribunals; they even hate the very idea of becoming such. But, in any case, some method must be found out whereby persons of integrity, honesty, unchallengeable in that respect,—must be appointed for the determination of these questions.

As the Ministry has now taken up under it the working of the company law, it is very necessary that the Government should also consider this proposition which I reiterate again, that the appointment of the Judges of the high courts must be carried out by the Law Ministry and it may not be left in the hands of the Home Ministry. Very recently, there was an occasion when, on account of the bombing of Jodhpur, it was said that the judges of the Jodhpur High Court suggested that an alternative provision must be

made whereby in the case of any emergency arising they may utilise the place, where they can shift, without any further consideration. This is a question of organisation of a high court. The organisation of the high courts is a subject absolutely within the control of the Central Government. But I am told, and I believe that my information is true, that the Chief Minister of Rajasthan turned down the proposal without consulting the Central Government in this respect. What right has the Chief Minister of Rajasthan, regarding the organisation of a high court? But then, the Chief Ministers are now growing stronger, stronger and stronger, with the net result that the day is not far off when they can even shake off the yoke which appears to be laid upon them by the present Central Government.

Shri H. N. Mukerjee (Calcutta Central): Mr. Speaker, Sir, I am sure my hon. friend the Law Minister will not take it in bad part if I say that after going through the slim, little brochure that he has produced as the report of his Ministry, I recall Shakespeare who being classic cannot be unparliamentary, and who said that the law is an ass. There is between law and vested interests a kind of historic link which at one time made Jack Cade in the British rebellion of the 14th century say, "Let us go and kill all the lawyers," . . .

Mr. Speaker: Not your neighbour;

Shri H. N. Mukerjee: . . . which is perhaps out of place in a country like ours which is supposedly moving towards a socialist society,—

13 hrs.

Mr. Speaker: Shri Hiren Mukerjee did not listen to what I said. I said, "Not your neighbour". You can kill other lawyers.

Shri H. N. Mukerjee: We can laugh at ourselves. Perhaps, that is some assurance of self-confidence.

I remember how Mr. Justice Holmes of the United States of America had

once said that there is an inarticulate major premise behind all legal formulations of the present day which is that property and other allied rights are paramount.

Now, there is a link between law and vested interests and there is no link, as far as I can discover from a perusal of this kind of a report, between the law of our country and the needs of our society let alone the proclaimed objective of socialist pattern of life.

We have reference here to the work of the Law Commission and I have been constrained to find that from year's end to year's end the Law Commission goes on with its activity, preparing digests, examining codes of criminal procedure and so on and so forth, but there is not the remotest hint of a suggestion of a basic reform either in the sphere of substantive law or of procedure—nothing of that sort at all. Even when you come down to palliatives like the provision for legal aid to the poor or the elimination of law's delays, I do not find anything in the report of the Law Ministry to indicate that anything serious is sought to be done. It may be that between the Law Ministry and the Home Ministry certain jurisdictions overlap sometimes to the detriment of the rule of law in this country as my hon. friend, Shri Trivedi, has tried to point out, but we find that even these palliatives are not looked after properly.

I do not quite know what to make of the sudden transference of the Company Law Administration. I am a little uneasy because I fear that our friend, the Law Minister, has rather gentle hands and he may not be able to deal with the kind of people who operate in that sphere in the manner that they deserve without the kind of teeth which his Ministry needs in its apparatus, largely even without the know-how necessary to deal with seasoned operators on the stock exchange and similar areas of unsavoury

activity. I do not quite know how the Law Minister will carry on his activity.

I hear of sales being surreptitiously conducted often implying huge foreign exchange swindles of tea gardens in Assam—I do not see my hon. friend Shri Boroah, over there who knows a lot about it—and of companies as well known as Gillanders Arbuthnot, sometimes even to *benemdars* of big hours interests like the Birlas. This kind of a thing goes on. I will not make any reference to the case which is now before the Supreme Court about the Barium Chemicals concern, but there are notorious incidents like the BI Corporation, Dalmia-Jain Airways and so many other—I am sorry to have to say—rackets about which the Company Law Administration has to come down with a very heavy hand. I do hope that strength is given to the elbow of the Law Minister so that his section which deals with Company Law Administration can perform its job properly.

My hon. friend, Shri Trivedi, has referred to the Election Commission. I am sorry, here again, I am constrained to say that it is not a happy thing that, whatever political life we have got, the Election Commission appears sometimes to get entangled in the ruling party's interest and machinations. No by-elections have been held for quite a long time now and the result is most anomalous and undesirable because it has caused a particularly queer paradoxical situation when the Prime Minister of the country has no seat in this House nor will she have a seat in the House for the duration of this Parliament if the present posture of affairs continues. This is a very bad precedent being created, for a seat in the other House for the Prime Minister is by no means enough. Everybody knows how Lord Home in the United Kingdom had to give up his seat in the other House and his baronetcy or whatever it was before he could become the Prime Minister of his country. And we find

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here that on account of the Government's failure to hold by-elections, which should certainly have been held—there is nothing to prevent in the constituency which is now vacant on account of the death of the late Prime Minister, Lal Bahadur Shastri, in that kind of area there is nothing to prevent a by-election being held and for the Prime Minister to have contested it—but they take shelter behind all kinds of umbrellas and the result is that with the Election Commission's failure to hold by-elections, are not taking place.

Then again, I cannot understand how, if we are having a rule of law, which the Law Ministry has at least some share in trying to implement, there is no representation in the other House, the Rajya Sabha, for Kerala. This is a fraud on democracy and the principle of States' representation in the Union. India, that is Bharat, is a Union of States and in the two Houses the States are represented. The other House, the Rajya Sabha, is a Council of States, and a council of states without the representation of one of the constituent States of the Indian Union is a very lame duck and it cannot operate in the manner that it should as far as its position in the Constitution is concerned.

Again, we discover the Election Commission getting entangled in the politics of the ruling party when the Election Commission seems to have recommended—at least that is what we were told in this House—that in Orissa the elections which were due should be held over. I do not understand it. Five years ago or a little more there was an occasion when some of us had a feeling that on account of the poverty of the people of Orissa and perhaps other regions which prevailed at that time, which I need not recall the elections should have been postponed. But they were not postponed even though Pandit Jawaharlal Nehru himself was there on the scene in those days and the

elections were held because the times were propitious for Congress success in Orissa. Now, only day before yesterday, Shri Kishen Pattanayak referred to starvation deaths in Orissa which the Food Minister could not repudiate. The condition of things in Orissa is going from bad to worse and in the ranks of the ruling party there is seething corruption of a sort—I am not going into the details of that—which needed the corrective of popular elections, particularly at this point of time. But the Election Commission and the Law Ministry between them, goaded on perhaps by the Home Ministry with all its authoritarian tendencies, decided that there should be no elections in Orissa.

I find also that the Election Commission sometimes behaves as if it is not very willing that the ceiling regarding election expenses should be enforced properly. It is throwing out suggestions as if the ceiling is unreal and, therefore, should be given up; that is to say, whoever has the maximum amount of money in his pockets to throw about and try to win over by all kinds of corrupt practices should have the freedom of the election sphere. That is a kind of thing which goes against the grain of any decent democracy. But the Election Commission seems to suggest things which would help the ruling party because the ruling party has got all the money in the world at their command and it is they who really can play this ugly role of making money play a very important role during the elections.

I fear that all this is a cry in the wilderness because we live in a period of, what used to be called, lawless law. When Shri Setalvad, the leading jurist in our country today, used the expression "constitutional dictatorship", I thought, it was a very polite and characteristic euphemism which he employed in order not to have to use that bad, malodorous word "lawless law" which at one

time was current in the political vocabulary of our country. Now there is this lawless law in operation. The Government knows very well that recently all former Chief Justices, whoever is living among them, and leading citizens made an appeal to the Prime Minister asking for the restoration of fundamental rights and the revocation of the emergency. These people, including the Chief Justices of our country, said:—

"The Defence of India Act and Rules, some of the provisions, contravened the provision of articles 14, 21 and 22 of the Constitution. These provisions are unconstitutional and void. Notwithstanding this incontrovertible position, these void provisions have continued to be on the statute book of a free and democratic republic for over three years."

These are not my words, the words of somebody whom you can dismiss as a mere agitator, who has no place in this kind of a forum. But here are words used by Chief Justices of our country who weigh every single syllable of whatever they say. Later they go on to say that glaring abuses have come to light in the operation of these laws which are at bottom unconstitutional. They say:

"It would not in our view be an exaggeration to say if ours was a police state and we had never heard of democracy and the rule of law. Orders passed in such a case would not have been more arbitrary and oppressive than the orders with which we are dealing."

This is the language which they use, which the highest judiciary in our country is using now because this is a kind of condition to which this country has been reduced.

The Law Minister is a very polite and personable kind of individual, but he

gratuitously went to Allahabad some time ago and made a speech defending the continuation of the emergency and all that kind of thing. Maybe, he discovered that he had been shunted into this cabinet, and there is a kind of Cabinet responsibility, and therefore he should go about talking in that kind of way. But, as a former judge, as a person who has been inducted into this Ministry because he is supposed to have imbibed the principles of jurisprudence of the highest sort, he should have thought thrice before landing himself to participation in the game of the kind of politics which Mr. Nanda might very well be playing, but he has no business to have gone to Allahabad and to have talked against the tenor of whatever is being said by all the leading jurists of the country. Mr. Chatterjee is here. He is one of those who are signatories to this particular document. But this is a kind of thing which is taking place. The Law Minister should have some say in regard to the Home Minister, his colleague. The *Shankar's Weekly* wrote only the other day that in his long political life he has never made a joke except in the case of the notorious White Paper on the Left Communists, about which people are laughing, and still they cannot hold their sides because laughter seems to be convulsing them. This is the kind of thing which takes place in this country and the Law Ministry has abdicated its responsibility. It is a pity we have to remind a man like the Law Minister of the *Liversidge Case*. Lord Justice Atkin has said words which everybody who has anything to do with law remembers. He said: "Even in the clash of arms, the laws of England are not silent." This is what he said right in the thick of the Second World War. But our laws are in cold storage. The Law Minister is conducting—I do not know what kind of operation it is—doing something which means nothing at all. The Election Commission is acting arbitrarily in a manner which again is drawing the disapproval of these democratic elements in our

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country. Our laws are in cold storage and this Report is really worth very little, because, nothing is being done either to have a fundamental re-shaping of our laws, or even to see to it that elementary principles of decency which should animate our lives should be maintained. Let not our Law Minister merely tell me that he is passing on the buck to Mr. Nanda. And it is not his cup of tea; Mr. Nanda is having enough. You are a Cabinet functioning together and you should do something to alleviate the kind of agony which he goes through from day to day. Particularly, the Law Minister has special responsibility regarding this kind of constitutional dictatorship which stinks in the nostrils of all decent people; and I do hope that if he puts his weight—he has no axe to grind as far as professional politics is concerned—he will be able to do something in order to act in the spirit which animated Mr. Setalvad. In view of his great record as a jurist, he does not hesitate to say what has got to be said, if it is necessary to call a spade a spade or even bloody shovel; he does it because he thinks it is his duty to do so. And I hope that as far as the Law Ministry is concerned, the hon. Minister would try to do something to bring back some sanity, some sense, some decency in the working of our laws and other apparatus which are under his command.

13.13 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

But I know it is a complicated jungle where all kinds of things are done in the old bureaucratic way, but even so, it is his duty to do a kind of thing which Mr. Setalvad has indicated. That is what I want him to remind himself of.

Mr. Deputy-Speaker: Shri G. N. Dixit.

Shri G. N. Dixit (Etawah): Mr. Deputy-Speaker, Sir . . .

श्री हुक्म चन्द्र कडवाय (देवास) :
उपाध्यक्ष महोदय, मैं एक ब्यक्त्या चाहता हूँ। सदन में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The bell is being rung—Now, there is quorum. The hon. Member may continue his speech.

Shri G. N. Dixit: Mr. Deputy Speaker, Sir, I rise to support the demand and to oppose all the cut motions. The system of democracy envisages the rule of law; and in my opinion, this department, which deserves to be of sufficient importance, has not been given that importance so far, although the enactment of law and litigation and the Official Languages Commission have been the principal part or the principal task of this Ministry.

Before I come to the other two parts I will like to make one or two small submissions about the Official Languages Commission which, according to me, has not received that importance which it should have received.

Sir, as you are aware, no nation can be built without its language and our constitution-makers thought of a way. They enacted a particular Part, Part XVII, about the Official Language, and in Article 343, sub-rule (1) it is categorically stated that "the official language of the Union shall be Hindi in Devanagari script". It has also been provided therein that there shall be an Official Language Commission and their functions could be found in the subsequent article, Article 344, and onwards. Now it is in consonance with those provisions that we have an Official Language Commission at the moment functioning under this Ministry. My submission is this. On account of so many political considerations this subject has not received that consideration which it should have received.

Sir, I have gone through the speech of our late Prime Minister, Pandit Jawaharlal Nehru who was the principal architect of democracy in this country and I would like to refer to some parts of the speech which he made in the Constituent Assembly about this language question. Well, with your permission, Sir, I will read some parts of it, He said:

"The question before us is a very vital question and it is right that vital people should feel vitally about it."

Then he said:

"A very wise man, the Father of our Nation, thought of this question, as he thought of so many important questions affecting our national future. He paid a great deal of attention to it and throughout his career he went on repeating his advice in regard to it. Now, that showed that, as with other things, he always chose the fundamentals of our national existence. Almost everything he touched, you will remember, was a basic thing, was fundamental thing."

"He put this question on the same high level and looked upon it from the point of view of a step which might either help us to build a powerful and enlightened India or be a disintegrating or weakening factor."

That was the angle from which the Father of Nation looked at this question. Panditji further said:

"Now the first thing Gandhiji taught us was this: that while English is a great language—and I think it is perfectly right to say that English has done us a lot of good and we have learnt much from it and progressed much—nevertheless no nation can become great on the basis of a foreign language. Why? Because a foreign language can never be

the language of the people, for you will have two strata or more—those who live in thought and action of a foreign tongue and those who live in another world. So, he taught us that we must do our work more and more in our own language.

Partly he succeeded in that, only partly, possibly because of the inherent difficulties of the situation. For, it is a fact that in spite of all his teaching and in spite of the efforts of many of the honourable members present who are keen and anxious to push up our own languages, the fact is that we continue to do a great deal of our political and other work in the English language."

In the same speech, he further said:

"The Britishers have gone. Are we going to think of going back in mind, thought and action to that type of culture which once brought us to slavery? Of course, every hon. member will say 'No'. Yet, I say this line of thought is intimately related to what I say. It leads you to that. If you look backward, if you talk in the terms in which some hon. members have talked today and yesterday, I say it inevitably leads to that conclusion . . ."

Then Panditji went on to advocate that we must have our own language and that language has to be the Hindi language. It was as a result of this view of Panditji that these articles were enacted in the Constitution. When the Constitution was enacted, it was envisaged by the Constitution-makers that within a span of 15 years, the Official Language Commission will succeed in giving text-books in Hindi to all the courts in India. But I am sorry to say in no court we've got any books in Hindi which are being used. The result is, now it has become just a technical matter. The Official Languages Commission functions as a technical body, not a body

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whose primary responsibility is to see that at the earliest opportunity Hindi becomes the language of this country. Hindi can become the language of the country only when the district courts start functioning in Hindi, when they have got books written in Hindi in a manner that they can be used by lawyers, and not to be read by a student. Unless you create literature in Hindi which can be used in every district court, High Court and the Supreme Court, there is no hope of Hindi ever becoming the language of the country at any time, because it is the language of the court which is to be the language of the country. Unless you make Hindi the language of the court, you cannot make it the language of the country. I am advocating the cause of Hindi in English so that my friends who are not conversant with Hindi must be persuaded to agree to Hindi, because this is the only way to build up our languages.

Really it is a matter of shame for us that even today in the Supreme Court all the records are in English and not a chit of paper can be read there which is in Hindi, although it has been laid down by the Constitution-makers that grievances of any type can be presented to any authority or court or person in any language of this country. I beseech the hon. Law Minister about whom this House has got very great hopes, because this is something which touches every man's heart in this country; I have great hopes that what has not been done during these 15 years will be done by him and he will hear the voice of the country and, the voice of the Father of the Nation and execute what Panditji wanted, so that the day will come when Hindi shall be the language of the country.

Shri Muthyal Rao (Mahbubnagar): May I request the hon. member to speak in Hindi, because he is a protagonist of Hindi? The Law Minister knows Hindi well.

Shri G. N. Dixit: I am speaking purposefully in English for the benefit of those of my friends who are not conversant with Hindi, so that they may be converted to my point of view. ,

So far as law is concerned, enactment of law is a very difficult thing. It is said nobody in India knows what the law is, whether he is an officer or lawyer or a High Court Judge or Supreme Court Judge. Law has become so complex and complicated and voluminous that nobody knows what the law is. Those who have the onerous duty to execute the law do not know whether a crime has been committed or not. So, the law has to be simplified, so that everybody knows what are the offences and what are the rights and duties. As I said the other day, thrice amendments were made to the Constitution only relating to High Court Judges. But the important matters of the Constitution must be considered; the law must be considered as a whole if you want to revise it.

I want to draw the attention of the Minister that if there is a difference of view between the civil judge and the High Court in a matter, the valuation of which is more than Rs. 20,000, the judgments being at variance, the litigant has got the right as of law to go on appeal to the Supreme Court if there is a question of law involved. But if a man is sentenced to death and the judgment of the lower court is at variance with the judgment of the High Court, there is no right of appeal. When a man's life is involved, there is no right of appeal. I have just pointed out one matter. There are so many like that. The entire matter relating to the Constitution and law needs to be examined. I am sure the Law Minister, who has had the reputation of being a very hard-working lawyer at the top will put into this Ministry all his zeal which he has put into his profession all his life.

Shri Tyagi (Dehra Dun): Law Minister should be proud of his junior!

Shri G. N. Dixit: For that, I will suggest Mr. Tyagi will be very helpful, because what is required is zeal and we know what an amount of zeal Mr. Tyagi has got at this age! Therefore, the entire law and the Constitution needs to be reconsidered and it should be seen as to what is to be done.

With regard to litigation, after all things have to go on principles. Sometime back a circular was circulated amongst Members of Parliament about the principles on which an Attorney-General should be appointed. The citation was from the system obtaining in America and England that only a party man should be appointed. He should be a party man who must go with the government and must come in with the government. If the opposition comes into power, they must have their own men as Attorney-General. I do not know what has happened to those principles which were circulated. Later on the system was given up. The Law Ministry must apply its mind to this point and decide whether it is going to accept what is the practice in England, America and other democratic countries. Matters should not be carried on just because they are to be carried on. Matters must be decided on the basis of certain principles.

A new department has been added on to this Law Ministry, namely, the Company Law Department. I have said twice in this House and I repeat it. As a result of the findings of the Vivian Bose Commission, it was found that public money to the tune of more than Rs. 2 crores has gone into the pockets of the directors. The Home Ministry has prosecuted the offenders. In spite of the report of the Attorney-General of India that it was a weak case, the Home Ministry and its advisers thought it fit that they must be prosecuted. I do not see any reason why the Company Law Department should not act accordingly and file

civil proceedings for the refund of that money to the tune of Rs. 2 crores.

My submission is this and I appeal to the hon. Law Minister to examine this point. Mr. T. T. Krishnamachari who was then the Finance Minister was in charge of the Company Law Administration; he would have gone into the whole thing. I hope you will also look into the matter and see that the right thing is done. Why cannot the Company Law Administration do the same thing? I hope this matter will be examined. I congratulate the Government of India in having such eminent lawyers in the Law Ministry.

Mr. Pathak and Mr. C. R. Pattabi Raman are names which are known to every lawyer and I have great hopes in them that things will be done well indeed.

Shri N. C. Chatterjee (Bardwan): Mr. Deputy Speaker, Sir, twelve years back, I had the privilege to sponsor a suggestion in this House, in the First Lok Sabha, that a Law Commission should be instituted because it was perfectly true that our laws had not been touched or reshaped for fifty years or more. Therefore, Sir, I strongly advocated the appointment of a Law Commission. The then Law Minister, Mr. C. C. Biswas—you know, he was a good lawyer and a former judge of the Calcutta High Court—immediately responded to this and accepted my suggestion on behalf of Government. But, I am sorry to say that even today our hopes have not been fulfilled. The Law Commission has gone on, as my friend was saying, year in and year out, but nothing much has been done. I do not know why. I would request the Law Minister to give a shape to the Law Commission and to see that it functions effectively and properly. Even today, you know, Sir, the old Indian Contract Act is holding the field, because it was drafted by eminent lawyers on the basis of the English Law. But that English law has been completely altered. That is a part of the common law and therefore it could be altered

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by judicial interpretations. Why should we be lagging behind in India? We are still clinging to the old statute. I do not know why nothing has been done as yet. We have got a very good man as the Chairman of the Law Commission. Perhaps he is being saddled with too many duties. He was appointed the Chairman on the De-limitation Commission and now we have given him an important assignment as the head of the Commission to go into the question of oppression of minorities. Possibly that is holding up this work. Therefore, I am appealing to the Law Minister that he should see that the Law Commission functions effectively and properly and our statute book is radically altered and brought into consonance with the latest norms and latest developments in the legal field.

I would like to make another suggestion today. I did not agree at all with what was sought to be done when Mr. Setalvad was retiring, namely, the attempt to combine the two portfolios of Attorney-General and Law Minister. That was quite wrong.

I was one of those who were strongly opposed to it. I am glad that that system was not introduced. My learned friend said just now that that is happening in England. India is not England and we need not blindly follow whatever is being done in England. You know that Lord Reading was the Chief Justice, but before that he was the Attorney General. He had condemned this system. Even Sir John Simon, who was the Attorney General and who also held a portfolio like that of our Law Minister, had stated that this system did not work. I remember, Sir, I had the privilege of arguing an important case. There the Supreme Court accepted my submissions and struck it down.

The Minister of Law (Shri G. S. Pathak): I do not aspire to become Attorney General.

Shri N. C. Chatterjee: All that I was saying was that all we did was perfectly right and proper and the Attorney General could sit in judgment even over the decisions of the Cabinet and give his honest opinion. I can give one illustration. When the Bengal Immunity case was decided and the Supreme Court held that the Act challenged was illegal and *ultra vires*, another statute was sought to be introduced nullifying the judgment of the Supreme Court. I challenged that as illegal. Probably you may remember, Sir, that the then Prime Minister said that he would bring the Attorney General to give his considered opinion. Shri Setalvad came and gave his opinion in this House. We want, therefore, that the Attorney General should give his independent judgment even on the decisions of the Cabinet. That is the type of Attorney General we would like to have in India. Today I am pleading with my non-friend, Shri Pathak, that he should take steps to appoint immediately an all-India Commission for tackling one serious problem which is bringing the whole administration of law and justice into disrepute. There is a scandalous delay in Bengal both in regard to civil and in criminal litigations.

When I left the Calcutta High Court, the Chief Justice told me 'you are going away, Mr. Chatterjee, but, there are 11,000 cases pending on the original side in the high court.' Last January, I had the privilege to preside over the Regional Council Forum of the Bar Association of India which was held in Calcutta on the 29th of January and I put myself in touch with the leaders of the bar. These are the facts which I have collected which I have sent on to the Law Minister. And I think and I hope Mr. Pathak would give his serious thought to this.

Shri G. S. Pathak: I have not got them as yet.

Shri N. C. Chatterjee: Let me first give the facts, I have got the facts from the leaders of the bar of the Calcutta High Court both on the civil side . . .

Shri G. S. Pathak: Will you kindly send them to me because I have not got them as yet?

Shri N. C. Chatterjee: I shall forward them to you. I should give some examples which the House should know.

For an alleged offence committed in the year 1950, trial had not yet been brought to an end till this date i.e., till 28th or 29th January, 1966.'

A group of criminal appeals filed in the High Court of Calcutta in the year 1961 by a persons who was a highly placed government servants have not yet been heard until today and the appellant had to be put in custody for over one year before he could obtain even a bail order from the High Court. I am saying that Calcutta High Court is not peculiar; Calcutta High Court is typical and there are other High Courts where the same thing is happening. In Calcutta High Court so far as I know—I gather from the leaders of the profession and from the leaders of the criminal bar—in the some cases of persons who are in custody since 1962 have not yet been heard. It is a sad state of things both in civil as well as in criminal litigations. What is the good of saying that we have got a wonderful Constitution and we have wonderful administration of law and justice?

I am therefore pleading, let Mr. Pathak who is our Law Minister, on whom we have high hopes, see that there shall be an all-India Commission which will tackle this serious problem and put the house in order. I am quite sure that the entire profession will welcome it and we shall all do our best to give constructive suggestions to that Commission and do our best to eradicate this evil and purge it out of our legal system. Particularly, Sir, after the D.I.R. has

come into operation, practically bail is out of question and that means for days and months, the man is locked up in custody without any bail because there is some reference to D.I.R. This is a horrible thing.

Mr. Mukerjee was passionately pleading that the periphery of the Law Ministry should be extended; I am also pleading very seriously that the authority of the Law Ministry should be windened. I am pleading seriously and I have been all these years in this Parliament that it is totally unfair and we are still suffering from the hangover from the British imperialistic methods. Why don't you place the judiciary under the Law Minister? What is the good of having Mr. Pathak, a distinguish lawyer and an ex-judge of the Allahabad High Court and a man of erudition and calibre, if we do not trust him with the administration of justice? Why do you place it under the Home Ministry? You know that the historical reason was that Sir S. P. Sinha, who later became Lord Sinha, was appointed as a Law Minister and since 1907 an Indian was appointed as a Law Minister. The Britishers would not trust Indians with the responsibility of appointing High Court judges. Therefore, they kept that under Sir William Vicent or some other trusted ICS officers who were invariably Home Ministers. Why should you suffer from that complex in independent India? Why should Shri Nanda or any other Home Minister—I am not talking of any particular person—do that? It is entirely wrong for the Home Minister to do this. The other thing is, if it is placed under an eminent lawyer like Shri Pathak or a Law Minister of his calibre, then the situation would have been different. Not one single suggestion has been accepted, which has been given by the Law Commission with regard to improving the status and prospects of the judiciary in India. Why? The Home Ministry turned it down. Mr. Justice Gajendragadkar, the then Chief Justice of India, convened from time to time conferences of all Chief

[Shri N. C. Chatterjee]

Justices in India. All of them met and made certain suggestions. It may be that certain suggestions are perfectly good. A man like Chief Justice Gajendragadkar and other Chief Justices, all responsible men, would not do anything which would be improper. But all their suggestions have been turned down by the Home Ministry. It is thoroughly disparaging, thoroughly wrong. It should be placed under the Law Minister. I am quite sure, if it had come to man like Shri Pathak he would have considered it favourably. There are some suggestions about travelling allowances, about improvement of conditions with regard to pension and so on. You know, Sir, the salary of judges was fixed years and years ago. That has been reduced to Rs. 3,500 now. How can you possibly maintain standards unless you improve the prospects of the judiciary? This is false economy. You know what has happened in England. They were getting 4,000 and it has been raised to 8,000. Some partes have been made free of income-tax also. In our country we do not do that. Therefore, you do not get the best men from the bar for the purpose of occupying responsible positions in the High Court. Are you going to make it a second-class court or a third-class court? You cannot maintain standards unless you improve the prospects of the judiciary. Therefore, the Law Commission made these recommendations. I think Shri Setalved was the Chairman when this was done. They put forward certain suggestions which were all turned down.

Shri G. S. Pathak: I was a member too.

Shri N. C. Chatterjee: You were a member too. Your suggestion was rejected. Now, I hope you will remember that. I am thankful to Shri Pathak, Sir, for reminding me that he was a member of the Law Commission. Therefore, his recommendations were also turned down. If I

remember correctly, it was a unanimous recommendation of the Law Commission. You cannot raise the judiciary and make it function properly unless you improve their economic side. It is not very much, but still this is only false economy if you do not do that. I am, therefore, pleading for a real extension of the periphery of the authority of the Law Ministry. I am asking for the widening of his horizon and his jurisdiction in India's interest, and am asking for the immediate appointment of a Commission.

Sir, I remember, the day I retired from the Bench of the Calcutta High Court, Dr. B.C. Roy, the then Chief Minister, wrote to me saying that he was appointing a commission for tackling laws delays in the Calcutta High Court. You will be surprised to know that there is a peccauliar system prevailing there. Every commercial suit should be finished in six months, every liquidated claim in nine months or one year and any other suit would take three years, four years, five years and so on. It is an un-ending thing. Therefore, that thing happened and it went on. That Law Commission was presided over by Justice Harries. I was a member of that Commission. We made certain recommendations. The result was that the City Civil Court was instituted and there was definite improvement in that State and in the Calcutta High Court. I want Shri Pathak to tackle this problem of laws delays seriously on an all India level and apoint an all-India Commission for this purpose. It is something, some cog in the wheel of administration of justice both civil and criminal, particularly criminal. I want procedural laws to be completely overhauled, and it cannot be done, I regret to say, although I was a strong advocate of Law commission, if it is left only to the Law Commission. It must be tackled, efficiently and properly. I am quite sure if the Law Minister takes interest in it, it can be done.

Sir, some months back I went to the Commonwealth Law Conference held in Sydney in Australia I found one thing. We are very backward—and this is a disgrace for India—in the system of legal aid. What is the good of telling people that we have given ourselves a wonderful Constitution, a liberal Constitution, under which article 14 says that all citizens are equal? That equality is a mere platitude. You know the costs involved. We have got the heaviest, the most costly system of court fees in India. Nowhere in the world does this kind of court fees prevails. In the Calcutta High Court, on the original side, you can file a suit for damages for Rs. 10 lakhs by paying a court fee of Rs. 20. If you have to do that here you have to pay on an *ad valorem* basis. That is the case in any other court in India. Therefore, I am submitting, the thing should be looked into. Legal aid is absolutely essential for the poor, illiterate people. They cannot possibly pay the court fees and they cannot also meet the heavy cost on litigation. Therefore, something should be done. I know, if the Law Minister would kindly enquire, he will find that a Bill was drafted two years back for an all-India system of legal aid on the method, more or less on the model, of other countries. You know, Sir, England has gone very far, and that would have given us some solace and some justification. Otherwise, all equality doctrines will be mere parodies, mere platitudes.

Also, I am pleading for this. Let the Law Minister also look into this demand—not accentuated by any party motive—for the eradication of the present emergency, ending of the present emergency and the restoration of fundamental rights to the people. It is very vital. You find that there is a climate of violence through out the country and that has been accentuated by the frustration caused by this kind of continuance of emergency and deprivation of people's liberty without trial, even without formulation

of charges. I appealed to Shri Nanda saying, at least for Members of Parliament have some kind of a quasi-judicial tribunal consisting of a Supreme Court Judge and somebody else. He said he would consider that. He is still considering it. I hope the Law Minister will take that into account. It is really a matter for the Law Minister and not for the Home Minister of India. It is essential that these fundamental basic rights should not be reduced to a mockery. They should be made real effective rights and the citizens of India should not be deprived of them.

Mr. Deputy-Speaker: Hon. Members may now move the cut motions to the Demands for Grants relating to the Ministry of Law, subject to their being otherwise admissible.

Shri Warior (Trichur): I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100."

[Need to provide legal aid to the poor in all the States. (14)]

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100."

[Need to expedite the elections in Kerala. (15)]

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100."

[Need to expedite the translation of all the Central Acts in the regional languages (16)]

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100."

[Need to supply free voters lists to all the candidates contesting the elections. (17)]

[Shri Warrior]

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100."

[Need to enforce rule regarding maximum election expenditure (18)]

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100."

[Need to dispose of election cases within a period of one year from date of announcement of results. (19)]

Shri K. C. Sharma (Sardhana): Mr. Deputy-Speaker, Sir, in this year, 1966, if we consider the basic factors of life and the impact of law on life. We may say that never before has law played the part in shaping the life of the individuals, the societies, the nations and the world as it is playing today. Therefore, it being the basic foundation of civilised existence, it should be made rational, strong and helpful to all people, all individuals, all living beings.

Sir, I have been a mofussil lawyer. Here I want to relate, with pain and sorrow, a story where, not myself but an Englishman, a district judge wept, not bitterly. What happened was this. Nine persons, many of them young children, were murdered in cold blood in their houses on account of some communal trouble or something of that sort. Not a single man was hanged for that. What is the reason behind it. The story is this, that the rich man can buy the services of the best lawyers. The judges are recruited from the strata of the society who have not learnt to look upon the common man as somebody having the right to live well and respectably. It is not the story only here, in our country; it is also the story in England. Who is the Judge? The corporation lawyer. Who is the corporate lawyer? Who pleads for the vested interests. They have got a society where the feeling

for the common man is doomed for ever. The lawyer, be it of mofussil court, be it of High Court, be it of Supreme Court, the intelligene and the successful lawyer is the lawyer of the corporate body, of the vested interests. He is elevated to the High Court Bench or the Supreme Court Bench. What feeling has he got for the poor peasant? What feeling has he got for the worker? Therefore, the law as it stands, stands for the vested interests. That is the misfortune.

I beg to submit that these Calcutta riots, the Bengal riots or Punjab riots are not riots for partition of Punjab or for lack of food in West Bengal. They are the conflict between the blood—blood of the poor—and the gold—gold of the millions. The gold kills the blood. The vested interest stands against the life and liberty of the child. Because of this administration of justice, the poor child cries: I have no food or clothing. This is the conflict. How long can you solve this conflict by force? How long can you solve it by sending police?

The law provides that every individual should get equal right to justice. But that justice is to be dispensed with by a judge who has a vested interest. That is the tragedy of Indian courts. Compare it with the law in Russia. There the man is considered as a function, as something having life and right to live. Here we have got Macaulay's criminal law, where a man is considered as a machine. Once he fails, break it. We sentence a man for two years' imprisonment just for taking sugarcane from somebody's field or for having taken a few rupees from some body's pocket. What is the result? He becomes a criminal throughout his life. He cannot be employed anywhere. In Russia, on the other hand, the peoples' Judge will call a report from the locality where the man lives and will see

that this man is employed, he is educated, he is made fit to serve the people.

As Banes has observed:

"Law and lawyers are today the most important directive elements in our civilisation. Our technique of production, transportation and communication may be determined and controlled by science and machinery but our institutional life is dominated by law and lawyers . . . Ours is as much a lawyer made civilisation on its institutional side, as the civilisation of Assyria and Rome was a military one and that of Middle Age a religious one."

So, I beg to submit that the entire system of law requires a change. Where does the change lie? Old classical jurisprudence, from which we had derived our principles of law, was what was called juristic statics. Now, in modern age, we require juristic dynamism. That is to say, a man does not exist as a body alone. A man exists as a source of function, energy to develop something. Therefore, he is not to be looked upon as a mere body; he has also a function in life; he requires living conditions, better conditions in a society. Spengler has stated:

"It must be emphasized there with all rigour that classical law was a law of bodies while ours is a law of functions. The Romans created a juristic statics; our task is juristic dynamics. For us persons are not bodies but units of force and will, and things are not bodies but aims, means and creations of these units. The classical relation between bodies was positional, but the relation between force is called action.

For a Roman the slave was a thing which produced new things. A writer like Cicero could never have conceived of "intellectual property, let alone property in a practical notion or in the potentialities of talent for us". On the

contrary, the organizer or inventor or promoter is a generating force which works upon other executive forces by giving direction, aim and means to their action. Both belong to economic life, not as possessor of things but as carriers of energies."

I beg to say that where change is required we should create law institutions, law academies to prepare lawyers and judges. For that legal training is necessary. Intimately connected with it is practical experience in the economic life of the person and exact knowledge of the legal history of the West and ancient India with constant comparison with German, English and Roman development and knowledge of the classical jurisprudence, not as a set of ideal principles of present-day validity but as a brilliant example of how a law can develop, strong and pure, out of the practical life of its time. Roman law has ceased to be our source of principles of eternal validity. But the relation between Roman existence and Roman law ideas gives it a renewed value for us. We can learn from it how we have to build up our law out of our experiences.

I have the support of Harold Laski in demanding that the Ministry of Law should be turned into the Ministry of Justice. He says:

"A Ministry of Justice is an urgent requirement with adequate facilities for clinical research into the law. It should not be staffed wholly by lawyers, and it should have the same facilities for encouraging inquiry into legal administration and its improvement as the Ministry of Health exercises in its own field. To it should be transferred the responsibilities now exercised by the Lord Chancellor and the Home Office, including the latter's jurisdiction over prisons and police."

[Shri K. C. Sharma]

Here is another suggestion:

"It should be an obligation of the judiciary to report upon the experience they have of the law as it works, and to make proposals for its continuous amendment. Though there is institutional provision for this in our system, it has practically remained unoperative."

I will not take much of the time of the House. I again emphasize that here we stand in a paradoxical situation, where one of the greatest men of the century, about whom a Minister has said "like him one is born in five hundred years", Cane gave us this Constitution. He lived for the common man, he worked for the common man and he died for the common man; and, yet, in his own land the common man cannot claim equal justice before the law. He cannot have the services of lawyers. He is not able to produce even the evidence in his support. I have got practical experience of how the poor people fare and I feel sad for it. I think Shri Pathak will do his best. He is capable of doing it provided he puts in his best effort.

With these remarks, I support the Demands.

14 hrs.

श्री विश्वनाथ पाठेय (सलेमपुर) :
उपाध्यक्ष महोदय, मैं आप का बहुत आभारी हूँ कि आप ने मुझे विधि मंत्रालय की मांगों के बारे में बोलने का अवसर दिया।

माननीय मंत्री, श्री पाठक, एक बड़े पुरिस्ट, विद्वान और पंडित हैं। मैं उन को धन्यवाद और बधाई देता हूँ कि यह विधि मंत्रालय उन के हाथ में सुपुर्द किया गया है। कम्पनी ला एडमिनिस्ट्रेशन, कम्पनी प्रफेयर्स

को इस मंत्रालय के सुपुर्द कर के एक मुनासिब काम किया गया है। मैं सरकार से यह आग्रह करूँगा कि चूंकि जजों का सम्बन्ध कानून से रहता है, जो कि इस मंत्रालय के अन्तर्गत आता है, इसलिए जजों की नियुक्ति का विषय भी इस मंत्रालय के अधीन आ जाना चाहिए।

{ यद्यपि हमारा एक जनतांत्रिक और समाजवादी देश है, लेकिन इस देश में न्याय अभी तक सस्ता, सुगम और सरल नहीं हुआ है। मैं चाहता हूँ कि मंत्री महोदय के होते हुए देश में सस्ते, सुगम और सरल न्याय की व्यवस्था की जाये। जिस तरह रूस में पीपल्स कोर्ट्स, जनता की अदालतें हैं, उसी तरह की अदालतों की नियुक्ति यहां भी होनी चाहिए।

हमारे देश में अदालतें तीन तरह की हैं—माल विभाग, फौजदारी विभाग और दीवानी विभाग। हमारे यहां जाब्ता दीवानी और जाब्ता फौजदारी, ताजीराते हिन्द, बहुत पहले के बने हुए हैं और इस लिए उन में आमूल परिवर्तन करने की आवश्यकता है। जब तक उन में देश की वर्तमान परिस्थितियों के अनुसार क्रान्तिकारी परिवर्तन नहीं किया जायेगा, तब तक लोगों को मुनासिब न्याय नहीं मिल सकता है।

जाब्ता, फौजदारी की दफा 109 के अधीन बहुत से साधारण, गरीब और बेगुनाह लोगों को शुबहे में पकड़ लिया जाता है। मैं चाहता हूँ कि या तो जाब्ता फौजदारी में से यह दफा निकाल दी जाये, या इस में ऐसी तरमीम की जाये कि इस के अधीन बेगुनाह और निर्धन लोग न फंसाए जायें और उन पर मुकदमा न चलाया जाये।

आज हमारे देश में मुकदमेबाजी करना केवल बहुत ही धनवानों का काम है। यदि आज कोई व्यक्ति अपने मुकदमे में पाठक जी, चटर्जी साहब या दीक्षित साहब जैसे लोगों को रखना चाहे, तो मैं समझता हूँ कि

वह व्यक्ति निर्धन हो जायेगा। ऐसे लोगों की इतनी फीस है और वे लोग इतना पाने के योग्य हैं कि जो व्यक्ति उन को रखना चाहेगा, वह निर्धन हो जायेगा। आज निर्धन आदिमियों की यह हिम्मत नहीं है कि वे ऐसे लोगों को अपना वकील करे।

श्री दीक्षित ने हिन्दी के बारे में कहा है। मैं मंत्री महोदय से यह निवेदन करना चाहता हूँ कि जब तक यह बड़े बड़े वकीलों का तबका सुप्रीम कोर्ट में हिन्दी में बहस नहीं करेगा, तब तक सुप्रीम कोर्ट में यही हालत रहेगी कि निर्णय कभी भी हिन्दी में नहीं लिखे जायेंगे। इन लोगों में हिन्दी का इस्तेमाल करने की हिम्मत होनी चाहिए। यह कोई जवाब नहीं है कि कोई अंग्रेजी में इसलिए बोलता है कि अंग्रेजी समझने वाले उस की बात को समझ सकें। इस हाउस में ही अधिकतर सदस्य हिन्दी और अंग्रेजी दोनों के जानकार हैं। जब तक विशेषज्ञ लोग अदालतों में हिन्दी में अपने विचार प्रकट नहीं करेंगे, तब तक हिन्दी प्रचलित नहीं हो सकती है।

इस मंत्रालय का यह काम है कि वह कानून की बड़ी बड़ी किताबों का राजभाषा हिन्दी और प्रादेशिक भाषाओं में अनुवाद कराने की व्यवस्था करे। मुझे बड़े अफसोस के साथ कहना पड़ता है कि अभी भी जज महोदय अदालतों में अपने निर्णय अंग्रेजी में देते हैं। उन को चाहिए कि वे हिन्दी या प्रादेशिक भाषाओं का इस्तेमाल करें। जब तक कानून में इस तरह की व्यवस्था नहीं की जायेगी, तब तक हिन्दी का पनपना बड़ा मुश्किल है।

आज हमारे देश में इंजीनियरिंग और मेडिकल आदि के लिए अंग्ल-इंडिया सर्विसिज बनी हुई है। मैं समझता हूँ कि न्याय के सम्बन्ध में एक अंग्ल इंडिया जूडिशियल सर्विस की भी बहुत आवश्यकता है।

इस अदन में कार्यपालिका और न्याय-पालिका के पृथक्करण की कई बार चर्चा हो

चुकी है। कुछ प्रान्तों में यह पृथक्करण हुआ है। मैं मंत्री महोदय का ध्यान उत्तर प्रदेश के सम्बन्ध में दिलाना चाहता हूँ। मैं समझता हूँ कि इस तरह के पृथक्करण से कोई लाभ नहीं है, जिस में न्यायपालिका का बहुत सा काम, उस के बहुत से अधिकारों का प्रयोग, कलेक्टर और कमिश्नर के माध्यम से और उनकी निगरानी में होता है। मैं ऐसा पृथक्करण चाहता हूँ कि जिस तरह मुनिसिफ और जिला जज हाई कोर्ट से सम्बन्धित होते हैं, उसी तरह माल अदालतों और क्रिमिनल कोर्ट्स के जूडिशियल आफिसर्स का सम्बन्ध भी अगर हाई कोर्ट के जजों से हो जाये, तो उत्तम न्याय मिल सकता है और मुकदमा भी सरल हो सकता है और उस का फ्रीसला भी अच्छे तरीके से हो सकता है। सिर्फ यह कह देने से काम नहीं चलने वाला है कि जूडिशरी और एक्सिक््यूटिव अलग हो गए हैं, बल्कि इस के सम्बन्ध में पुनर्विचार करना चाहिए।

हमारे संविधान ने लोगों को मौलिक अधिकार दिया हुआ है कि वे अदालतों में रिट दाखिल कर सकते हैं, जिस के अनुसार हाई कोर्ट्स में रिट दाखिल किये जाते हैं। हम देखते हैं कि और मुकदमों का फ्रीसला तो देर से होता ही है, लेकिन रिट्स के फ्रीसले में भी बहुत समय लग जाता है और लोगों को थोड़े समय में न्याय नहीं मिल पाता है। सरकार ने अदालतों की संख्या बढ़ाई है और जजों की संख्या भी बढ़ाती जा रही है, जिस की आवश्यकता भी है। लेकिन सरकार को इस बात की तरफ भी ध्यान देना चाहिए कि मुकदमों का फ्रीसला थोड़े समय में हो और लोगों को न्याय मिले।

हमारे देश में शरीबों की तादाद अधिक है। मैं आप्रह कर्ना कि इस अनकल्याणकारी राज्य में, प्रजातांत्रिक राज्य में, शरीबों को न्याय निःशुल्क मिलना चाहिए। उन को मदद देने के लिए सरकार की तरफ से एक संस्था होनी चाहिए। चूंकि उन लोगों के पास अपना वकील करने के लिए पैसा नहीं होता है, इसलिए

[श्री विश्वनाथ पाण्डेय]

ऐसी व्यवस्था होनी चाहिए कि वे लोग सीधे उस संस्था के पास जायें और उन्हें उस संस्था के माध्यम से अदालत में कानून के विद्वानों के द्वारा अपना पक्ष रखने का अवसर दिया जाये ।

उत्तर प्रदेश में एडवोकेट की सनद लेने के लिए पहले 250 रुपये की फीस निश्चित थी, लेकिन अब उस के लिए 750 रुपये देना पड़ रहा है । प्रश्न यह है कि जब और प्रान्तों में 250 रुपये में यह सनद मिल जाती है, तो फिर उत्तर प्रदेश में इसके लिए 750 रुपये क्यों देने पड़ें । मंत्री महोदय को इस तरफ भी ध्यान देना चाहिए ।

उत्तर प्रदेश की सरकार ने कोर्ट फीस बढ़ा दी है । मैं मंत्री महोदय से निवेदन करना चाहता हूँ कि उन को इस बारे में हस्तक्षेप करना चाहिए । मैं समझता हूँ कि इस के सम्बन्ध में हाई कोर्ट या सुप्रीम कोर्ट में कोई मुकदमा है, लेकिन उस मुकदमे से मुझे कोई मतलब नहीं है । मंत्री महोदय स्वयं विद्वान और पंडित हैं । यह आवश्यक है कि उत्तर प्रदेश में कोर्ट फीस को घटाया जाये ।

श्री दीक्षित ने संविधान के आर्टिकल 134 का खिन्न किया है । अगर किसी दीवानी के मुकदमे का मूल्यांकन, वैल्युएशन, बीस हजार रुपये का है, तो हाई कोर्ट के फ्रंसले के खिलाफ सीधे अपील की जा सकती है । लेकिन अगर हाई कोर्ट ने किसी केस में मृत्यु दंड दिया है, तो जब तक हाई कोर्ट आर्टिकल 134(1) (सी) के अन्तर्गत परमिशन नहीं देता है, तब तक उस के बारे में अपील दाखिल नहीं हो सकती है । मैं निवेदन करना चाहता हूँ कि एक तरफ तो यह आवाज उठ रही है कि मृत्यु-दंड की सजा ही न दी जाये और दूसरी तरफ अगर मृत्यु-दंड की सजा हो, तो संविधान के अनुसार हाई कोर्ट की परमिशन के बगैर अपील नहीं की जा सकती है । मैं निवेदन करना चाहता हूँ कि इस असमानता को हटाया जाये ।

आखिर एक आदमी का जीवन बीस हजार रुपये से अधिक है । इस लिए मंत्री महोदय इस बारे में विचार करें ।

देवरिया के डिस्ट्रिक्ट जज को अपील और दूसरे मामलों के सम्बन्ध में वे अधिकार नहीं मिले हुए हैं, जो कि गोरखपुर के जिला जज को मिले हुए हैं । मैं निवेदन करना चाहता हूँ कि पहले गोरखपुर और देवरिया एक जिला थे । उन दोनों का बंटवारा हुआ और दोनों अलग अलग हो गए । इसलिए यह आवश्यक है कि जितने अधिकार जिला जज, गोरखपुर, को प्राप्त हैं, जो कि अपील सुनने और दूसरे मामलों के सम्बन्ध में हैं, वही अधिकार देवरिया के जिला जज को भी प्राप्त होने चाहिए और उन्हें भी हर तरह की अपील सुनने का अधिकार प्राप्त होना चाहिए ।

उपाध्यक्ष महोदय : यह सब आपकी विधान सभा के अधिकार में है ।

श्री विश्वनाथ पाण्डेय : यू० पी० वालों के हाथ में नहीं है, यह डिस्ट्रिक्ट जजेज का मामला है ।

इस के साथ साथ मैं यह भी कहना चाहता हूँ कि मंहगाई अपनी चरम सीमा पर है । उसका असर हमारे जो हाई-कोर्ट के जजेज हैं, उन पर भी पड़ता है, डिस्ट्रिक्ट कोर्ट के जजेज पर भी पड़ता है । उसको देखते हुए उनकी भी सुख-सुविधा की तरफ ध्यान दें, जिससे कि न्याय की सहूलियत मिले ।

इन शब्दों के साथ मैं इस मंत्रालय का जो अनुदान सदन के सामने प्रस्तुत किया गया है, उसका समर्थन करता हूँ ।

Shri Krishnapal Singh (Jalesar): Mr. Deputy-Speaker, Sir, it is somewhat presumptuous on my part to speak on these demands. I am not a lawyer and I have never been much of a litigant. But what I want to do is to place before the Ministry the plight of the common man.

It is very difficult for Ministers or those who are enjoying a protected existence to realise the plight of the ordinary man these days. It will not be an exaggeration to say that an ordinary citizen of our country these days lives in a feeling of terror either on account of the criminals or on account of the tyrannies perpetrated by the officials. What I want to suggest is that the Law Ministry which is responsible for advising the Government on legal matters should think and consider some effective means of giving protection to the terror-stricken citizens.

The House has been agitated for the last two days over what has happened in Jagdalpur which reminds us of the Jallianwala Bagh tragedy in very unfortunate days. The fact that such a thing should have taken place under our own Government is extremely unfortunate. Members have suggested here that we should enlarge the commission of enquiry which has been appointed by the Madhya Pradesh Government. I feel that it will certainly improve matters but I am very much doubtful whether even a Supreme Court Judge will be successful in bringing all the people to book who were responsible for that unfortunate tragedy. The reason is this. As is known to hon. Members of this House, the entire town, must have been besieged by armed police. They had sufficient time to do away with most of the evidence.

Mr. Deputy-Speaker: The matter is *sub judice*.

Shri Krishnapal Singh: I will not say a word about it.

I am only attacking the system. The police and the executive are so powerful that the citizen has no chance of getting justice.

I may here give a minor instance. I will not go to these major incidents of which we have had so many in Bengal, in Kerala and in U.P. in the Banaras Hindu University and the Punjab

where complaints have been made about the excesses committed by the police. The other day, when the hon. Minister for Education felt surprised at Mr. Chatterjee's lack of confidence in the High Court Judge, I was reminded of the remark made by another High Court Judge, I mean Justice Mulla, about our police force. Now, I ask: Do the Government attach less importance to the remark of that Judge of the High Court? What have they done to improve the conditions? I venture to say that things have deteriorated and they are deteriorating everyday.

Last year, there was a poor rickshaw puller living in my neighbourhood. He quarreled with another family in the neighbourhood who were friends of some police constable. That family complained against this poor man and, the police registered a case of theft in his house. A *lota* and a torn *dhoti* or something else were discovered in the house of the rickshaw puller, and he was arrested. I sent one of my men to plead before the kotwal sahib to let him free and to take legal steps. That poor man was being beaten and maltreated. I may say, that is an everyday occurrence. The police officer, instead of explaining that it was not possible for him to do that, threatened to prosecute my man. Fortunately, he ran back to me. Somehow or other the poor-rickshaw puller was challaned. I am describing what the system is, A bail was arranged and the police started getting hold of the sureties and they actually persuaded the sureties to withdraw with the result that the poor man was again about to be locked up. With great difficulty, other sureties were found and later on he was acquitted. That is what happens. The poor rickshaw puller had to sell his belongings and it was with great difficulty that he was able to secure an acquittal.

Then, last week, when I went to my place, I was told about another incident. A *dhobi* came and he said:

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पुलिस ने मारा । I asked: क्यों मारा ? Then, he said that two constables were drinking at a liquor shop and he had a shop there. Somehow or other, it is just possible that he said something which annoyed them. Fortunately for him—it later on turned out to be a misfortune—one of the sepoys of the army who had just come to Mathura was standing there and he intervened and told the policemen not to beat this poor man without any reason. The policemen were intoxicated with liquor and power and so they turned towards the sepoy and beat him. He was all alone. He had returned from Pakistan and he was not in a mood to take all this lying down. So, he called his other companions and they thrashed the police constables and took them to the kotwali where the kotwal apologised to the army personnel and the matter was hushed up. The Dhobi is still afraid that the police will persecute him and they may do.

I ask: What is the poor man in the circumstances to do? What protection is being assured to him? These are matters of daily occurrence. Take, for example, the crimes. I said that the people are living in terror. In my own district Etah, a chshier who was carrying over a lakh of rupees belonging to Lover Brothers was killed and the money taken away and so far the culprit has not been traced. After a few days, 16 men were shot down by a gang of dacoits. Then, I read in the papers that two of the constables were shot down and their rifles taken away. These are the happenings which occur everyday. The common man is either living in terror of the criminals or of the local officials. How is the Government to protect him. When Justice Mulla passed that remark, we were hoping that the Government will enact certain measures which will give adequate protection to the ordinary man. Nothing has been done and I can assure the hon. Minister that things are getting from bad to worse. When the Defence estimates were under discussion,

I was tempted to suggest after having heard of this incident in which a dhobi was beaten, that it was time that we sought the intervention, just as we seek the protection of the Armed Forces in dealing with civil disturbances, of the Army in protecting the ordinary man. The civil authorities have completely failed to give him the much-needed protection. What can even the best of judges do? After all, they will have to decide cases on the evidence which is brought before them and it is not possible for an ordinary man, for a poor man, to get all the evidence and give it to the court and to incur all the expenditure on defending himself. The Government can afford to have very good lawyers. But how can a poor man, who wants to go to the court, engage a good lawyer? Even if he sells all his belongings, he will not be able to engage a good lawyer. This is the first point that I was going to make. Much has been said about the cost of litigation; that is an important point. I will not dilate upon it.

I will now come to the elections straightway. As we all know, elections are costly. A candidate who has not got much money or whose Party is not very rich cannot afford to fight elections properly. I suggest that something should be done to reduce the cost of elections. I understand that the Election Commission has also made certain recommendations on the subject.

Then I come to a very important matter, i.e., the sanctity of the ballot box. Under the conditions in which elections have been held during the last few years, I venture to say that the sanctity of the ballot box has not been preserved. It is a matter of shame that some of the candidates have to send some one to sleep in the offices where the ballot boxes are stored. There have been quite a number of allegations about the boxes being tampered with; I think in U.P. some one gave a demonstration that one of the ballot boxes was tampered with by removing the bottom without opening the lock and

breaking the seal. This is the type of elections that we are going to hold, and we swear by democracy. I say that it is the greatest hypocrisy which is being enacted these days.

Then a word about the ballot papers. Ballot papers are, it is alleged, tampered with. What is the way to prevent this? My suggestion is that, first of all, the ballot papers should be printed in the security press and not in the ordinary press. The second thing is that a proper account or a sort of return should be prepared by the Presiding Officer at every polling station and should be given to the polling agent of every candidate so that he is sure as to how many ballot papers were brought to the polling station, how many votes were cast for every candidate and what is the balance of unused ballot papers.

I thank you very much, Sir. I had to say a little more, but since the time is limited, I conclude here.

Shri Khadilkar (Khed.) [The Ministry of Law, if I may say so, represents His Majesty of Law in this House. Though it is supposed to discharge many functions like legal advice, legal drafting, law reforms and legal profession, unfortunately this Majesty has been crippled in practice. In the modern world, particularly in the modern States, the Ministry of Law is the Ministry of Justice and it is considered as the custodian of the common man's rights and privileges. Here judges are appointed by the Home Ministry and the tribunals are appointed by the administrative Ministries and the Law Ministry has no control over them.] So, in stature, at the present juncture the Law Ministry stands as a body doing a sort of an advisory function and has become more or less an advisory and a drafting body. Would it be proper at this juncture to keep this stature of the Law Ministry? Who occupies the position of the Law Minister? He is an eminent judge, a successful lawyer and all that. But at this juncture, in my opinion, when a

certain uneasiness is prevailing all round, it is not simply a successful lawyer or a former judge who will be capable of understanding the present dynamics—I call them as social dynamics—and giving a direction in legislation to this House and and in implementation to the judiciary. The so-called establishment stands today on the present legal system. On one side it supports the law which is essentially a conservative thing and on the other side the dynamics of social change is clearly visible. There is a big widening gulf. As a former Supreme Court Judge of the U.S.A. observed on the question of qualifications of a judge, the first qualification is his philosophy. I expect the same thing from the Law Minister. What is his philosophy and social outlook will determine the functions that he discharges and certain attempts that he makes to bridge this widening gulf; otherwise, I am afraid in this country we will be faced with a very grave situation. If I were to come to some concrete things, we had a Law Commission and our eminent jurist Mr. Setalvad was its Chairman. He made certain recommendations regarding the administration of justice. What has happened today? There is delay and there is also the costliness of justice. It has been made very prohibitive; it has become a luxury of the rich. We say that he is a successful lawyer, he will build a fortune for himself; but the common man finds it difficult to enter the portals of any court unless he has means and even if he has means, there is the question of delay. Delayed justice is denied justice and I would ask the Law Minister to take certain steps immediately to rectify the present situation. It has become almost a chronic thing. I do not want to quote. Mr. N. C. Chatterjee quoted some figures from Calcutta High Court. I know some figures from the Bombay High Court. He will have to look to this aspect of the problem.

Then I will come to the other important aspect, i.e., the administrative

[Shri Khadilkar]

tribunals. In this country at various levels tribunals are appointed by the administrative Ministries—labour tribunal, revenue tribunal and what not. It is a jungle of tribunals and really this problem is before the Government for a very long time. The Proliferation of administrative adjudication, in my opinion, has completely undermined the faith of the common man in justice. The hon. Minister must bear this in mind. In other countries certain steps have been taken. Even a most conservative country like Britain has taken certain steps and I would like to read out a few things. Before the Frank Commission's report was out, on this a 26-man committee was there; I am quoting from the article of the *Hindustan Times*, very eminently written, advocating the constitution of the tribunals and the setting up of a committee to provide for procedures—because this suggestion has been made by the special consultative committee set up by the Home Ministry. A very graphic description has been given in that article wherein it has been pointed out that this committee of 26 eminent lawyers made a report in which it has been stated:

"There is a growing feeling that the citizen was no longer having the protection of an objective law from the capricious exercise of arbitrary power by an executive officer enjoying a very wide grant of discretionary powers."

Unless something is done to improve the situation, things would become very difficult. Another eminent lawyer has written a monumental book on this subject called *The New Despotism*. I am sure the hon. Law Minister knows it very well.

Shri G. S. Pathak: It is by Lord Hewart.

Shri Khadilkar: In his scathing criticism he has said 'We are today talking of lawlessness. But what about the administrative lawlessness?

He has used the phrase 'administrative lawlessness'. Therefore, I would like to know how the hon. Minister is going to meet the situation in the present circumstances. I am afraid the Government is evading the issue. Therefore, I would humbly plead with him that the time has come when some measures must be taken. It is no use pleading that the Morarji Desai Commission is going to examine the administrative system or the administrative mechanism. This is not the fault of the mechanism but it arises out of the functioning of the administrative mechanism. I wish that the hon. Minister would devise some system of administrative tribunals on the basis of the Oliver Frank Committee's report; this report has been accepted in that country and they have set the things right there; it was a most conservative country which had always resisted the constitution of administrative tribunals, but they have accepted it now. In the new set-up of administration, this has become a necessity. I would plead with the hon. Minister that some immediate steps should be taken to restore at least some faith in the mind of the common man in justice. At present, firstly, there is delay, secondly the cost is high, and thirdly, there are vagaries in the administrative courts, and the common man is absolutely at sea and he does not know where to go. This is the position in the country, and, therefore, I would plead with him that he should take some steps and justify that he has come here not because he is an eminent lawyer or because he has been a former judge—there has been so many eminent lawyers in this country—but because of his philosophy. I would judge him by the philosophy with which he is imbued and how he is translating it in his social outlook and in his policies. That is very important at this juncture, if he wants to save this country from the growing unrest which is likely to result in a type of a chaos, if I may forewarn the Government about it.

The department of legal advice is now a centralised Department. That being so, why should my hon. friend permit every administrative Ministry to set up a legal department of its own? I would also like to know whether in a foreign country like America where we have several deals, we have any legal department at all. I do not know whether there is any; to my knowledge, there is none. It is not time that the law authorities, or His Majesty of Law at least asserts in this field and centralises the thing so far as the litigation part and the drafting part are concerned whether in India or outside? I would say that it is too late already. Therefore, I would urge that he should take suitable steps and ask the administrative Ministries, if they want legal advice, to approach his Ministry; he can delegate some competent person from his Department for giving advice or for carrying on litigation. This is another reform which is called for.

Now, the company law administration has come under the jurisdiction of the Law Minister. Of course, he has taken charge of it only very recently and it is proper that it is under his jurisdiction. But I would like to know in how many cases instituted by the Company Law Administration, the Government have succeeded. Where some steps were taken, to my knowledge, in not a single case have they succeeded. Secondly that department has become the preserve of some people coming from the Income-tax Department, so far as I know. Why should some eminent lawyers not be planted there?

A sort of company law tribunal has been set up but its powers are so limited that you encourage litigation thereby. These rich people when they come before the tribunal have a first appeal to the High Court and then a second appeal to the Supreme Court. I do not know why two appeals should be kept. Why should there not be only one? After all, an ex-judge is usually appointed. That being so, why not have one direct appeal, if

at all an appeal is necessary or a review is necessary? I would concede that it is necessary, but let there be one direct appeal to the Supreme Court, and let the powers of the tribunal be widened at the first stage. This is one suggestion that I want to make.

One hon. Member here advocated an immediate change-over to Hindi in regard to law. I think he had not realised the implications of it. All said and done, the unity and integrity of our country has all the time depended on the one legal system which we have had; whatever other differences we may have had, the legal system has been one, and, therefore, today, there is a sense of unity in this country. At this juncture, if these kinds of suggestions are adopted, and steps are taken, under some pressures from patriots in the region, or because there is a language patriotism and there is also language intolerance in this country, then I am afraid, he will not be serving the cause of unity, but he will be presiding over an empire or kingdom which is supposed to disintegrate or liquidate itself, if I may use the phrase borrowed from Churchill. Does my hon. friend want to do that? If he does not, then I would plead with him for one thing. There is the Official Language (Legislative) Commission and they are translating laws and evolving legal terminology. If simultaneously, experts in the regional languages are also not associated and simultaneously the translations in the regional languages are not also undertaken, I am afraid there would be about twelve Penal Codes in this country, and nothing less than that number, because the terminology will not be the same in the different languages. Therefore, I would plead that simultaneously with the translation of the laws in Hindi, translations in the regional languages, also should be undertaken at a centralised level, because it is a highly technical job. The commission is there, and there are some good experts there who have

[Shri Khadilkar]

done a job. But I would submit that it should not be a sort of *ad hoc* committee; it should not be considered as a place for some promotion where some ex-secretary could be planted after being given one year's extension. That sort of body will not discharge this function properly.

Another factor that I would like to mention in this regard is this. Law is being taught in the regional languages already, and Gujarat has made a beginning. No doubt, they can teach jurisprudence and they can teach equity and the first principles of law. But if on the question of teaching law, the language of law is not uniformly evolved, whether it be Hindi or any other regional language, then I am afraid that we shall be sowing the seeds of disintegration; unless proper remedial measures are taken and the teaching is started on proper lines—I do agree that it should be started, but it should be on proper lines—and according to some well-defined syllabus and some clear terminology ultimately determined by the Official Language (Legislative) Commission, things would become very difficult.

Shri Himatsingka (Gonda): One particular language will have to be adopted, whatever that language may be.

Shri Khadilkar: The Official Language (Legislative) Commission at the Centre has evolved some terminology. Some thought should be given to this matter that the people will have to be persuaded to accept this terminology as far as possible. Otherwise, the interpretation would lead the different High Courts and the Supreme Court in different directions.

As I said in the beginning, we are in a crisis, and I know that this crisis is something which the hon. Minister of Law alone cannot avoid; for, on the one side there is the dynamics of social change, and on the other, there is the legal system supporting the establishment; there is a wide gulf at

present between the two. Some new orientation has to be given to the whole Law Ministry; it should not be there merely to interpret the law in just a legalistic and wordy sense; but some new life has to be given to it so that there will be some sense of vibration of social change in this country.

श्री यशपाल सिंह (कैराता) : हमारे माननीय विधि मंत्री जी अपनी देशभक्ति से और अपने ऊंचे यश से यह जरूर माबित करेंगे कि उन्होंने गरीब पब्लिक के लिए कुछ किया है। मुझे उनसे बड़ी-बड़ी प्राणायें हैं। लेकिन कुछ बहुत जरूरी मशबरा मैं उनको देना चाहता हूँ। दो चार सुझाव ऐसे हैं जिन का यहाँ पर जिक्र नहीं किया गया है।

सबसे पहली बात तो यह है कि यह जो हमारे कानून है वह ग्रंथों के जमाने से चले आते हैं, जिनसे गरीब आदमी का कोई फायदा नहीं होता है। इस से सिर्फ बड़े बड़े आदमियों का फायदा होता है, ग्रामीर लोगों को फायदा पहुंचता है। किसी भी देश के अन्दर ऐसा नहीं होता कि कोई मेरा सर फोड़ दे और मैं अदालत में जाऊँ तो मुझसे कोर्ट फीस मांगी जाये। हमारे इलाहाबाद हाई कोर्ट की हालत यह है कि मैं लूटा पिटा, कटा जाता हूँ हाई कोर्ट में तो मुझसे कोर्ट फीस मांगी जाती है। ऐसा नहीं होना चाहिये कि जो आदमी लूटा पिटा हो, विक्रिमाइज्ड हो, मजलूम हो, उस से फिर कोर्ट फीस मांगी जाये। यह हमारे इन्साफ के खिलाफ जायेगा।

दूसरी बात यह कि मान लीजिये माननीय मुकर्जी बहुत बड़े आदमी हैं, मैं छोटा आदमी हूँ। मेरा चार बीघे का खेत खड़ा हुआ है। जब का षोड़ा उस को खा जाता है। मैं अदालत में जाता हूँ और माननीय मुकर्जी पर 200 रु० जुर्माना हो जाता है तो वह 200 रु० सरकार में चला जाता है। षोड़ा

उन का मोटा होता है, खेत मेरा खराब होता है, मगर उस जुर्माने से मेरा कोई फायदा नहीं होता है। यह चीजें हैं जिन को मैं समझता हूँ कि आप ठीक करेंगे। हमारे यहां याज्ञबल्क्य स्मृति में लिखा हुआ है कि किसी के घर में अगर डकैती पड़ जाये तो सरकार को चाहिये कि वह उस डकैती का कम्पेन्सेशन दे। जब मैं सरकार को टैक्स पे करता हूँ तब हमारे जान माल की हिफाजत की जिम्मेदार सरकार है। लेकिन यहां उल्टा हिसाब है। डकैती मेरे घर पर पड़ी और सबूत देने के श्रिये मुझ से कहा जाता है, बर्डन आफ प्रूफ मेरे ऊपर है। जब मैं बाहर सबूत ले कर जाता हूँ तब जिन के खिलाफ शहादत दी जाती है, जो कि डकैत हैं, पेशेवर हैं, वह मुझे फिर नुकसान पहुंचाते हैं, मेरे मवेशियों को, मेरे खेत को, मेरी जान माल को नुकसान पहुंचाते हैं। इसका इलाज होना चाहिये। जिस के घर में डकैती पड़ी है या तो उस को डकैत से ले कर माल वापस किया जाये, या सरकार खुद उसे पे करे क्योंकि जिस के यहां डकैती पड़ी है उसने टैक्स दिया हुआ है, वह टैक्स पेभर है। उस के जान माल की हिफाजत की जिम्मेदारी सरकार के ऊपर है।

तीसरी सबसे जरूरी बात यह है कि किसी हाई कोर्ट जज को अपाटर रिटायरमेंट रिअप्पाइंटमेंट नहीं मिलना चाहिये। चूंकि रिटायरमेंट के बाद सर्विसेज दी जाती हैं इसलिये करप्शन होता है। करप्शन इसलिये होता है कि चूंकि सर्विस देने वाली सरकार है इसलिये वह सरकार की तरफ ललचाई नजरों से देखते हैं और चूंकि सरकार सर्विस देती है इसलिये वह सरकार की मर्जी के खिलाफ निर्णय नहीं कर सकते। क्या यह हमारे लिये शर्म की बात नहीं है कि एक हाई कोर्ट के जज ने, जिसको हम माई लाई कहते हैं, जिसको हम जस्टिस का मालिक कहते हैं, गाजियन आफ दि कांस्टिट्यूशन कहते हैं, अपने हाई स्कूल सर्टिफिकेट को

जा कर फटवाया, उस में दो साल उछ कम कराई और फिर रिअप्पाइंटमेंट हासिल किया। जैसी ऊंची कीर्ति हमारे पाठक जी की है, जैसा उन का यश है उस के अनुसार मैं समझता हूँ कि वह इस में फंडामेंटल चेन्ज कर के दिखलायेंगे।

इस के साथ ही साथ जो एलेक्शन का खर्च आज 25,000 रु० है, उस को कम करना पड़ेगा। 25 हजार रु० का मतलब यह है कि हमारे यहां गरीब आदमी बेल्ट तक नहीं पहुंच सकेगा, गरीब आदमी पार्लियामेंट में नहीं आ सकेगा। 25 हजार रु० के स्टैंडर्ड को तोड़ कर 2 हजार रु० का स्टैंडर्ड किया जाये उस वक्त ग्राम पब्लिक के लोग चुन कर आ सकेंगे। यह 25 हजार रुपये का स्टैंडर्ड गलत है। आप देखिये कि हमारे यहां एक आदमी की ग्रामदनी क्या है। हमारे माननीय गृह मंत्री ने कहा था कि हमारे यहां 28 करोड़ आदमी ऐसे हैं जिन की रोजाना ग्रामदनी 7 ग्रामे रोज है। वह लोग 25 हजार रु० कैसे प्रोवाइड कर सकते हैं। इसलिये इस मामले में बुनियादी चेन्ज होना चाहिये। हमारा कानून यह होना चाहिये कि जिस आदमी की कारें दौड़ती हैं, जिस के पैम्पसेट्स बंटते हैं, जिस का प्रेस काम करता है, उस को खड़े होने का मौका न दिया जाये। उस के बजाय जनता तय करे कि कौन देशभक्त आदमी है और कौन गरीब आदमी है। एक तरफ आप कहते हैं कि सब को ईक्वल राइट्स हैं, एक तरफ आप कहते हैं कि फेब्र फील्ड ऐंड नो फेब्र, ईक्वल अपार्चुनिटीज हैं, लेकिन क्या यही ईक्वल अपार्चुनिटी है कि जिस कांस्टिट्यून्सी से मैं आया हूँ वहां मैं अपने बोट्स को पांच कट्टे सीमेंट नहीं दिसवा सकता, मैं उन के लड़कों को मुलाजिमत नहीं दिसवा सकता लेकिन मेरे मुन्शालिक चूंकि वह रूनिंग पार्टी में हैं, वह अच्छी से अच्छी परमिट दिसवा सकते हैं, एजेन्सीज दिसवा सकते हैं, सर्विसेज दिसवा सकते हैं।

[श्री यशपाल सिंह]

किसी देश के अन्दर अपोजीशन के लोगों के लेक्चर को सी० आई० डी० नोट नहीं करती, लेकिन जब मैं लाखों वोट्स ले कर यहां आया हूं, हिन्दुस्तान की जनता का कांफिडेंस हासिल कर के आया हूं, यू० पी० के सब से बड़े कांग्रेसी को हरा कर आया हूं, जो कांग्रेसी 52 जिलों की कांग्रेस का चेयरमैन है, तब मेरे लेक्चर को सी० आई० डी० नोट करती है। मैं जेलखाने में पैदा हुआ, मेरी जिन्दगी कई सालों तक जेल में कटी, मैं फांसी की कोठरी में रहा, 15 अगस्त, 1947 को पार्टीशन से अलग हुआ क्योंकि बादशाह खान के साथ में धोखा किया गया तब मेरे लेक्चर को सी० आई० डी० नोट करती है, क्या यह मेरी देशभक्ति के ऊपर घासपेप नहीं है। मैं डरता नहीं हूं, मैं अंग्रेजों से नहीं डरा जिन के पास गोलियां थीं, जिस के पास संगीनें थीं, उस गवर्नमेंट को उखाड़ कर फेंक दिया, लेकिन यह इस गवर्नमेंट के ऊपर बड़ा भारी कलंक है कि नाक उस की कटती है और शर्म हमें आती है। जब आप अपने कांस्टिट्यूशन के लिये वफादार नहीं हैं तब किस के लिये वफादारी कर सकेंगे। आज मैं पाठक जी से पूछना चाहता हूं कि आप ने हिन्दी को राष्ट्रभाषा माना है लेकिन जब आप अपने कांस्टिट्यूशन के साथ इन्साफ नहीं कर सकते तब आम पब्लिक के साथ क्या इन्साफ करेंगे। मैं पूछना चाहता हूं कि कितने जज ऐसे हैं जिन्होंने हिन्दी में अपने फैसले लिखे हैं, कितने वकील ऐसे हैं जिन्होंने हिन्दी में अपने केस प्लीड किये हैं। मैं जानना चाहता हूं कि कितने फैसले सुप्रीम कोर्ट के हिन्दी में लिखे गये।

इसी तरह से आप अपने एलेक्शन के तरीके को देखिये। गरीब आदमी वहां तक नहीं पहुंच सकता है। जो आपके सरपंच होते हैं, जिनको आप न्यायाधीश कहते हैं, कहीं भी ऐसा है कि वह चुना जाये, लेकिन हमारे यहां वह एलेक्शन से आते

हैं। जो गांव की पंचायत का सरपंच है वह एलेक्शन से आता है। लाजिम है कि जिस का वोट ले कर वह आयेगा उस के साथ जरूर रियायत करेगा। इसलिये एक न्यायाधीश को एलेक्शन से नहीं आना चाहिये। न्यायाधीश को काबिलियत से आना चाहिये, कैरेक्टर से आना चाहिये और उस का अम्पाइंटमेंट होना चाहिये। आज हमारे यहां 20 हजार से ज्यादा सरपंच ऐसे बैठे हुए हैं जो न्याय के मालिक हैं, जो लोग बाई शोइंग हैंड्स यानी एलेक्शन से आये हैं उन सरपंचों को न्यायाधीश बनाया गया है। यह कानून खत्म होना चाहिये।

इस के साथ साथ मैं यह अर्ज करूंगा कि इस देश की जिम्मेदारी आप की है। आर्म्स ऐक्ट जो है वह अंग्रेज का बनाया हुआ है। अंग्रेज लोग उन को आर्म्स देते थे जो उन की खुशामद करते थे, अंग्रेजों के तलवे चाटते थे, अंग्रेजों की एम्पायर को कायम रखने के लिये कस्में लेते थे। आज गरीब आदमी को लाइसेंस नहीं दिया जाता है। जब कोई आदमी लाइसेंस हासिल करने के लिये जाता है तो उस से पूछा जाता है कि कितनी मालगुजारी देता है, कितना इनकम टैक्स देता है। एक तरफ आप कहते हैं कि यह सोशलिस्टिक स्टेट है, समाजवाद की रचना करने हम जा रहे हैं, दूसरी तरफ जो आदमी देश की रक्षा करना चाहता है, जिसकी छाती चौड़ी है, जिस का गर्दन लम्बा है, जिस के हाथों में इतनी शक्ति है कि वह शेर को खत्म कर सके उस से पूछते हैं वह कितना टैक्स देता है। आर्म्स ऐक्ट रिपील होना चाहिये और हर बालिग को अधिकार होना चाहिये कि वह हथियार डाल कर चल सके। मैं ने यू० पी० असेम्बली में अपने हथियार चीफ मिनिस्टर को सौंप दिया था इसलिये कि यह हथियार डिस्पैरिटी क्रिएट करते हैं। यह हथियार हर बालिग सम्बरित को, हर एक ईमान-

दार भ्रादमी को, हासिल होने चाहियें। हर स्वस्थ भ्रादमी को हथियार रखने का हक जब तक हासिल नहीं होगा तब तक मैं हथियार नहीं रखूंगा। मैं बतौर पालियामेंट के मेम्बर के हथियार रख सकता हूँ, लेकिन जो चीज गरीब भ्रादमी तक नहीं पहुंच सकती है, मैं उस को नहीं रखूंगा क्योंकि यह डिस्पैरिटी क्रिएट करती है। पाठक जी से मुझे उम्मीद है कि वह इस ऐक्ट में भ्रामूल चूल परिवर्तन करेंगे। यह जो कानून चल रहा है वह खराब हो चुका है, मैं समझता हूँ कि माननीय पाठक जी उस को सही कर के दिखलायेंगे।

आज भी हम देखते हैं कि हाई कोर्टों में 80 हजार केसेज पेन्डिंग पड़े हुए हैं। जहाँ पर 80 हजार केसेज पेन्डिंग पड़े हुए हैं वहाँ क्या आप समझते हैं कि लोगों को इन्साफ मिलेगा। जस्टिस डिलेड इज जस्टिस डिनाइड। आज जस्टिस डिनाई की जा रही है। अब नया एलेक्शन आ रहा है लेकिन चार, साढ़े चार साल से जो एलेक्शन पिटिशन पड़ी है उन का फैसला नहीं हुआ है। जिन की एलेक्शन पिटिशन का फैसला अभी तक नहीं हुआ है और यह कह दिया जाये कि उन को गलत तरीके से हटाया गया, उन के बारे में मैं कहना चाहता हूँ कि आइन्दा आने वाली पालियामेंट में उन को साढ़े चार साल तक एम० पी० रहने का हक मिलना चाहिये। जो कुछ हुआ साढ़े चार साल तक वह खामी सरकार की है लेकिन सफर कौन करता है। कैंडिडेट। यह नहीं होना चाहिये। अगर मैं श्री पाठक से इस बात की अपील नहीं कर सकता तो फिर और किस से कर सकूंगा।

हमारे यू० पी० के 52 जिलों के अन्वर हालत यह है कि डिस्ट्रिक्ट बोर्ड का चेअरमैन हेड मास्टर्स का मुभायना करता है। हेड मास्टर की काबिलियत क्या है। हेड मास्टर प्रधानाचार्य शास्त्री पास होता है, हेड मास्टर ने रेकार्ड बीट किया होता है, हेड मास्टर ने गोल्ड मेडल लिया होता है, लेकिन

उस हेड मास्टर के कैरेक्टर रोल को कौन लिखता है। दर्जा चार पास डिस्ट्रिक्ट बोर्ड का चेअरमैन। जिला परिषद् का अध्यक्ष जो कि दर्जा चार पास होता है, और कहीं कहीं तो वह बिल्कुल अनपढ़ होता है, वह लिखता है। वह 60 रु० महीने का मुंशी रख लेता है और उस से मुभायना करवाता है। जो कुछ वह लिख देता है उस पर वह दर्जा चार पास चेअरमैन दस्तखत कर देता है। हमारे यहाँ मानव धर्म शास्त्र में लिखा हुआ है कि :

“अपूज्या यत्र पूज्यन्ते पूज्यानां च व्यतिक्रमः ।
वीणि तत्र प्रवर्तन्ते दुर्मिथं मरणं भयम् ॥”

जहाँ घोड़े पर गधा सवारी करता है, जहाँ अपूज्य का पूजन होता है, जहाँ पर एम० ए० एल० टी० का मुभायना करने के लिये अनपढ़ भ्रादमी बैठा हुआ है वहाँ तीन बुराईयाँ पैदा होती हैं। दुर्मिथं आता है, मरण आता है और भय पैदा होता है। माननीय पाठक जी से मुझे उम्मीद है कि वह मेहरबानी कर के इस में परिवर्तन कर के दिखलायेंगे क्योंकि इस के ऊपर सारे देश का दारोमदार है। किसी एक पार्टी का नहीं, बल्कि सारे देश का दारोमदार है। अंग्रेजों के वक्त के कायदे इतने खराब हो चुके हैं कि उन कायदों में गरीब भ्रादमी फिट इन नहीं करता। मैं समझता हूँ कि इस हाउस को विश्वास दिलाने के लिये इस में माननीय पाठक जी भ्रामूल चूल परिवर्तन करेंगे और गरीब भ्रादमी को उस का हक दिलायेंगे ताकि गरीब भ्रादमी भी पालियामेंट का मेम्बर हो कर आ सके और असेम्बली का मेम्बर हो कर आ सके और जो हमारे न्यायाधीश वोट्स से चुने जाते हैं, उन को कैरेक्टर और काबिलियत के आधार पर तायनात किया जाये।

Shri Balakrishnan (Koilpatti): I thank you for giving me an opportunity to speak on the Demands of the Law Ministry. I am not a lawyer, and if at all I venture to speak on law, I speak from the common man's point of view.

[Shri Balakrishnan]

Moreover, the patients know well the effect of the medicines rather than the prescriber. The doctors are only prescribing the medicines and asking the patients about the effect of the medicines. So also, the common citizens know very well about the effect of the laws.

First of all, I beg to submit that the law of justice must be generous, cheaper and quicker; otherwise, it will be difficult for poor people to get justice. In a poor country like ours, the cost of justice is increasing day by day like the cost of foodgrains. So, thousands of families, even well-to-do families, in our country are ruined due to litigation. So, my submission is that the law of justice must be made cheaper and quicker.

Here, with your permission, I want to read from the report of the Law Commission of India:

"Justice should be cheap and expeditious. This is what the common man wants. Lord Evershed has observed—

'Expedition and cost to the community and the litigant alike are factors of ever present import' (in maintaining the respect of the citizen for the law).

"Two important problems which, therefore, arise for consideration are—(i) costs, and (ii) delay. Costs of litigation mainly consist of (1) court-fees, (2) lawyer's fees, and (3) expenses incurred in calling witnesses. The question of court-fees has been exhaustively dealt with by the Law Commission in the Fourteenth Report. The main recommendation in that Report are the following:—

(1) It is one of the primary duties of the State to provide the machinery for the administration of justice, and on principle it is not proper for the

State to charge fees from the suitors in courts.

(2) Even if court-fees are charged, the revenue derived from them should not exceed the cost of the administration of civil justice.

(3) The making of a profit by the State from the administration of justice is not justified.

(4) Steps should be taken to reduce court-fees so that the revenue from them is sufficient to cover the cost of the civil judicial establishment. Principles analogous to those applied in England should be applied to measure the cost of such establishment. The salaries of judicial officers should be a charge on the general taxpayer.

(5) There should be a broad measure of equality in the scales of court-fees all over the country. There should also be a fixed maximum to the fee chargeable.

(6) The rates of court-fees on petitions under articles 32 and 226 of the Constitution should be very low, if not nominal.

(7) The fees which are now levied at various stages, such as the stamp to be affixed on certified copies and exhibits and the like, should be abolished.

(8) When a case is disposed of *ex parte* or is compromised before the actual hearing, half the court-fee should be refunded to the plaintiff.

(9) The court-fee payable in an appeal should be half the amount levied in the trial court.

A brief reference is also made in the Fourteenth Report to lawyers' fee in the following terms:—

"The fees paid to a lawyer so long as they do not exceed the amounts prescribed by the rules framed by the several High Courts under the Legal Practitioners Act, 1879 are also recoverable from the opposite party, if a certificate is filed to the effect that the lawyer has actually received the fee claimed. No doubt the successful litigant does often pay higher fees to his lawyer that he gets from his opponent on taxation. These are however luxury expenses incurred by him for his convenience in respect of which he is not entitled to an indemnity. It may be that if the scales of lawyer's fees have for legitimate reasons risen in particular States, alterations may have to be made in the percentages prescribed by the High Courts under the rules."

I hope these recommendations will be implemented so as to make the law of justice cheaper, quicker and practical also.

You are making two sets of laws, substantive law and procedural law. Substantive law determines the rights and obligations of the citizens, but it is the procedural law which enforces the rights and obligations. So, the effect of such substantive law depends upon the effect of the procedural law. Unless the procedural law is quick and simple, the substantive law will be a failure and it will not serve the purpose. So, the procedural law must be simple and quick.

Then, regarding the law of social justice, I am sorry to say that no social law is being implemented in our country. I sympathise with the social laws because almost all the social laws become orphans. Nobody cares for them, neither the Government, nor the public.

Take for example the Prohibition Act, the Temple Entry Act, the Untouchability Offences Act. Can anybody say that untouchability does not

exist in the villages. On the other hand, there is untouchability in every village. Even then, the Act is not implemented in the villages.

So also is the case with prohibition. There is the Act in the statute-book, but the Act is not properly implemented. Production and also sale of illicit alcohol are going on everywhere, as the law is not properly applied and implemented. It is my request that the social laws should be properly implemented.

I am not a lawyer as I have already said, but I think there is room for providing compensation to victims in section 545 of the Cr. P.C. But, unfortunately, the victims of crimes, even when they become disabled due to serious injuries inflicted by the offenders, receive no compensation, although there is provision for it in the Cr. P.C. So, it is the duty of the Government to see that compensation is paid to the victims if they become disabled due to injuries inflicted by criminal offenders.

Compensation should be given not only to the victims of criminal offences, but compensation should also be given for damages to properties. In the food agitation in Bengal, the Punjabi Suba agitation in Punjab and the Hindi agitation in Madras, lots of properties were damaged and many people were even burnt to death. In such cases, either compensation should be paid by the Government, or a punitive fine should be levied and collected and given for the loss of property.

14.58 hrs.

[SHRI SHAM LAL SARAF in the Chair]

Then, compensation is in fact given in some cases, for example in motor accidents, but do you know how much compensation is given? Poor people are given poor compensation, and the rich people are given rich compensation. In this connection, let me read

[Shri Balakrishnan]

a few sentences from the *Indian Police Journal*, October, 1965:

"With a view to ascertain the practical working of Section 545 Cr. P. C., the Research Centre of the Maharashtra State C.I.D. was asked to undertake a sample survey in Poona City of the offences of violence reported during the year 1960-61 and to determine in how many cases the compensation had been ordered by the Courts."

I am reading only the relevant portion:

"(1) The total number of crimes of violence reported during the period of two years in Poona City was 510. Out of them, 127 cases were motor accidents, 227 were serious offences under I.P.C. such as murders, grievous hurts, robbery, rape etc., and the remaining 166 cases were offences of minor nature under the various sections of I.P.C.

"(2) The total number of convicted cases was 182 and out of them in 97 cases the Courts imposed only fine and imprisonment. The range of fine was between Rs. 5 to 750. The maximum fine of Rs. 750 had been imposed on the accused in a motor accident case.

"The pattern of imposition of fine showed that fines upto Rs. 25 were levied in 32 cases, from 26 to 50 in 27 cases, from Rs. 51 to 100 in 18 cases, from Rs. 101 to 200 in 10 cases, from 201 to 300 in 5 cases, from Rs. 301 to 400 in 2 cases, from 401 to 500 in 1 case and from Rs. 501 to 1000 in 2 cases.

The number of cases in which the criminal courts awarded compensation to the victims or to the aggrieved parties was 13. Of them three cases were of fatal motor accidents under section 304-A IPC, eight cases were of serious or minor accidents under section

279, 337, 338 IPC and only two cases were of grievous hurt under section 324 and 325 IPC.

Of the eight cases of motor accidents, compensation awarded to the victims was Rs. 10 in one case, Rs. 20 in two cases, Rs. 25 in one case....."

What I am saying is that the poor people are given very poor compensation in motor accidents. The trouble is that the criminal courts which try criminal offences could not award compensation. The party or the victim will have to go to a civil court to get compensation. I plead that the criminal courts themselves should be made to give compensation also and it should also be just and proper and sufficient compensation.

15 hrs.

Shri Himatsingka: Sir, I had no mind in the beginning to speak on the demands of this ministry but in view of the fact that the company law administration has been transferred to this ministry from the finance ministry and the fact that a number of powers have been vested in the company law board, I decided to speak. The tribunals that have been set up under the new amendments have been invested with many powers which were held by court previously and it is incumbent on this ministry to take proper steps so that the cases are disposed of quickly. I am glad that on account of the proper working of the different regional registrars, the working of companies has improved very much. Formerly, companies did not hold meetings for long periods. That is not so now. I may however point out that a large number of impediments have been introduced by the recent amendments; the powers of the directors about investment, lending of money, to other companies and so on have been taken away. They were useful and necessary for the purpose of proper utilisation of funds; when they are not required by one company, and they can be properly utilised by another company. In such

cases the company law authorities have power to allow relaxations to give them permission to do so. In such cases sections 370 and 372 should be definitely applied because they should not be allowed to stand in the way of proper functioning of the funds of the company. If there is no manner of doubt that there is no fraudulent or dishonest intention, permission sought for should be given easily. If section 370 has already been made applicable and if some applications come for allowing them some latitude as was being enjoyed so long, that should be allowed.

Another section that has come into force is the use of voting power by the public trustee in respect of shares held by various trusts. Unless the trustees are utilising those powers in an improper manner for their personal benefit, I feel that they should be allowed to continue to exercise those powers and the public trustee should not come in the way; he should not come into the picture. As a large number of powers have been transferred to the tribunal, proper steps should be taken so that cases are disposed of quickly. People from Calcutta, Bombay and Madras and other places have to come to Delhi. If it is possible to have meetings of the tribunal at the different regions to dispose of cases of those regions, that will help in minimising the expenses of the parties. I hope the hon. Minister will apply his mind to these points so that the company law department will function properly.

Shri G. S. Pathak: Mr. Chairman, permit me first to express my gratitude to the Members of this House who have participated in this debate.

Shri Hari Vishnu Kamath (Hoshangabad): Sir, permit me to raise a point of order. I am sure you will agree that when the hon. Minister of Law is making his maiden speech here, there must be quorum.

Mr. Chairman: The bell is being rung.

There is still no quorum. The bell is being rung again—Yes. Now there is quorum. The Hon. Law Minister.

Shri G. S. Pathak: Sir, I assure the House that every single point raised by the Hon. Members has been noted by me. I will pay due consideration, as I must, to every point. If I cannot deal with all the points, it does not mean that I shall not consider them. It is open to the hon. Members to discuss with me those points which I have not dealt with in my speech.

Now, Sir, something has been said by the hon. Members about the subjects which have been assigned to me as a Law Minister. On that I am not competent to speak. That is the President's discretion, that is the President's judgment. All that I can tell this House is that whatever subjects are assigned to me, or may be assigned to me, I shall deal with them to the best of my ability and I shall always inform this House about any matter on which this House may require any information.

Shri Hari Vishnu Kamath: Is it a matter of President's discretion or responsibility of the Ministry.

Shri G. S. Pathak: When I said the President's discretion, it is necessarily implied, and I am sure all the Members in this House know that the President acts on the advice of the Prime Minister.

Shri Hari Vishnu Kamath: You said, 'discretion'.

Shri G. S. Pathak: When I said 'discretion' I meant the discretion of the Prime Minister on whose advice the President acts; the discretion there means that he acts on the advice of the Prime Minister.

Shri Hari Vishnu Kamath: Council of Ministers.

Shri G. S. Pathak: I hope my honourable friend, Shri Kamath understands what I have conveyed, or what I have tried to convey.

Shri Hari Vishnu Kamath: More or less.

Mr. Chairman: There should not be a running commentary.

Shri G. S. Pathak: Now, Sir, Mr. Trivedy mentioned that some thing must be done about the liability of the State for torts. There is a Bill already introduced in this House regarding Government's liability in torts and that Bill is pending and this matter will come up before this House and then this subject will receive due consideration.

About securing uniform civil law for the country, we must remember that it is one of the Directive Principles in Part IV. It is the obligation of the State to secure a uniform Civil law. But we also remember that in the case of personal laws, sentiments come into play and we have to respect the sentiments of the citizens. Take, for example, the law of marriage among the Muslims. It is tied up with the religious sentiments, with religious customs and with religious history, and it is no use introducing laws which may not be acceptable to the people for whom the laws are made.

Shri Sonavane (Pandharpur): Was it not the same for Hindus also? Their customs and traditions were the same.

Shri G. S. Pathak: We hope....

Shri Hari Vishnu Kamath: Muslim countries—some of them—have done it. They have changed the law.

Shri G. S. Pathak: We hope that the time will come when the communities concerned will develop public opinion and create a public opinion for a particular legislation, for progressive legislation, and then the State will come in for introducing uniformity of civil law. We are trying to do it. We are making every endeavour to do it.

Shri Hari Vishnu Kamath: In your time.

Shri G. S. Pathak: In my time or somebody else's time—it does not matter. There cannot be any doubt that you cannot have civil laws which you have to enforce against the will of the people: so far as the civil laws are concerned, the people must give their consensus to the introduction of new laws. Where sentiments and feelings are concerned, we must take the people with us. We must have a consensus about the new laws which may have to be introduced. It may be that when...

Shri K. C. Sharma: Government must create an opinion. Government is not something which is a sleeping body.

Shri G. S. Pathak: Government needs the help of eminent people like my hon. friend Shri K. C. Sharma and one would be interested in knowing what contribution my hon. friend has made towards the development of public opinion in this respect. I don't want to say anything further in regard to this.

Shri K. C. Sharma: I have done my best.

Shri G. S. Pathak: Take the Dowry Act. Having enacted the Dowry Act, are we all satisfied that the Dowry Act is being followed?

An hon. Member: Not at all.

Shri G. S. Pathak: Are we all satisfied that the Dowry Act is being followed in the letter and the spirit by the citizens? That is an illustration of laws which might be made when the people are not prepared to accept the laws and to observe them. Therefore, I appeal to the people, I appeal to hon. Members of this House, hon. Members like Shri K. C. Sharma, to create an adequate public opinion in the country for the acceptance of uniform civil laws for all the communities. Government will make every endeavour in that direction, but that endeavour can succeed only when the people are willing to accept the laws. (Interruption).

Mr. Chairman: Order, order.

Shri G. S. Pathak: Hon. Members have spoken repeatedly about the high cost of litigation and about the delays in the administration of justice. This problem is a very old problem. It has engaged the attention of a number of Commissions and on one such Commission I had the honour to serve. We made a number of recommendations and we also enumerated the various methods which could be employed for the purpose of removing the delays. But you cannot find a solution to any problem if you lose contact with the realities of the situation. What are the realities of the situation? Delay is caused by so many factors which we sometimes ignore. It is after all the people who fight in courts. Our population is increasing at the rate of about one crore a year, if I am right.

An hon. Member: One crore and twenty lakhs.

Shri G. S. Pathak: Yes; one crore and 20 lakhs a year; I accept the correction. Our laws are becoming more and more complex; and they are multiplying, and we cannot expect that litigation would decrease in these circumstances. Our people are becoming more and more conscious of their rights. Therefore, we have got to take into account the fact—it may be a harsh fact—that there are certain causes which are responsible for the increase in litigation. Now, I agree that increase in the number of judges is not an adequate remedy. Whenever such question arises, it is always said, "Increase the number of judges." We have got to look into this matter more deeply and try to find out a solution.

Shri K. C. Sharma: More scientifically.

Shri G. S. Pathak: Yes; more scientifically; true. We have to try to find out a solution which may give justice to the common man, because we are all agreed that courts, the law

and even this Parliament are instruments for securing justice, social economic and political, to the common man. Therefore, we must probe into this matter more deeply. I assure this House that almost every day I am considering this problem and I am discussing this question with the leaders of the legal profession, with politicians and also with judges. Shri N. C. Chatterjee has suggested an all India Commission. There have been Commissions established a number of times. Certain suggestions have been made. Some of them have been implemented, but we are nowhere near the desired end. Therefore, this is a matter which requires careful consideration and wide discussion in the country; it requires the consensus of the people who will implement the recommendations. It requires careful consideration by lawyers and judges. If we all agree that the proper remedy is not an ordinary remedy but a radical remedy, that may have to be adopted. This is not the time for me to place before you the various remedies which are available, but I assure this House that this matter is receiving very anxious consideration at the hands of the Government, and I personally am discussing this matter with those who may give help to me, leaders of the Bar, judges, and public men in the country. Therefore, this evil—if I may be allowed to describe it like that—law's delays—is an evil which must be remedied, will have to be remedied at some time or the other, and I hope if hon. Members of this House and people in public life assist the Government with their views and suggestions on this matter—because all that we have been doing so far is to say that there are law's delays—their views and suggestions will be most welcome and we shall pay, that is, the Government shall pay due consideration to all the views and suggestions that might be made by the hon. Members of this House and by the public at large.

Shri Hari Vishnu Kamath: Are you preparing any questionnaire or something like that?

Shri G. S. Pathak: I think we can discuss it later—

Mr. Chairman: Issue a questionnaire.

Shri G. S. Pathak: Questionnaire is issued by Commissions, but we will consider this matter. I am discussing it with the leaders in the profession. I need not mention names, but I assure this House that this is a matter which is receiving due consideration at the hands of the Government.

Shri Hari Vishnu Kamath: When you referred to a probe into the matter, I thought you were thinking of an enquiry committee or an enquiry commission.

Shri G. S. Pathak: We have not yet decided whether we are going to have a committee or not. But there is already the Administrative Reforms Commission, of which my hon. friend is a member.

Shri Hari Vishnu Kamath: You were also a member of it. We have lost you unfortunately; unfortunately for us, but fortunately for you!

Shri G. S. Pathak: I was a member. My hon. friend is still a member and he can also make some contribution in that Commission.

Shri Hari Vishnu Kamath: Matters relating to the judiciary are outside the purview of that Commission.

Shri G. S. Pathak: The administrative side is probably part of it. Anyway, I would not trouble this House on this matter in detail at this stage.

Then, it was said that there should be some change in the election laws. I am alive to the hard fact, the fact that it is not liked by anybody: that there are still some election petitions pending when we are nearing the next general election.

An hon. Member: A sad commentary.

Shri G. S. Pathak: Government has taken a decision, and a Bill is under preparation in this connection and one of the important changes which the Government wishes to introduce is to eliminate the tribunals.

Mr. Chairman: He may stop now and continue the speech on Monday.

15.29 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

EIGHTY-THIRD REPORT

Shri Hem Raj (Kangra): I beg to move:

"That this House agrees with the Eighty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 29th March, 1966."

Mr. Chairman: The question is:

"That this House agrees with the Eighty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 29th March, 1966."

The motion was adopted.

15.29½ hrs.

NATIONAL RIFLE TRAINING SCHEME BILL*

by Shri S. C. Samanta

Shri S. C. Samanta (Tamluk): I beg to move for leave to introduce a Bill to provide for compulsory training in rifle-shooting to all able-bodied citizens between the ages of twenty- and thirty years.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill to provide for compulsory training in rifle-shooting to all able-bodied citizens between the ages of twenty and thirty years."

The motion was adopted.

*Published in Gazette of India Extraordinary, Part II, section 2, dated 1st April, 1966.

Shri S. C. Samants: I introduce the Bill.

बहुत से माननीय सदस्य बोलना चाहते हैं ।

15.30 hrs.

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of Article 239A)

by Shri Naval Prabhakar

श्री नवल प्रभाकर (दिल्ली-करील बाग) : सभापति महोदय, मैं प्रस्ताव करता हूँ कि भारत के संविधान में प्रागे संशोधन करने वाले विधेयक को पेश करने की मुझे अनुमति दी जाए ।

श्री इन्द्रजीत लाल मलहोत्रा (जम्मू तथा काश्मीर) : पीने छः बजे तक बढ़ा दिया जाए ।

श्री यशपाल सिंह (कैराना) : जी हाँ, पीने छः बजे तक समय बढ़ा दिया जाए ।

सभापति महोदय : प्रश्न यह है कि :
"इस बिल के लिए समय पीने छः बजे तक बढ़ा दिया जाए" ।

सभापति महोदय : प्रश्न यह है कि :

"भारत के संविधान में प्रागे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाए" ।

The motion was adopted.

श्री नवल प्रभाकर : मैं विधेयक को पेश करता हूँ ।

Let me take the sense of the House.

Shri Hari Vishnu Kamath (Hoshangabad): I support this move. But, I would only request that sufficient time be allowed for me, at least one minute, so that I can move the Bill standing in my name.

15.31 hrs.

CONSTITUTION (AMENDMENT)
BILL—contd.

(Omission of articles 152, 370, etc.)

by Shri Prakash Vir Shastri

Mr. Chairman: As regards Shri Prakash Vir Shastri's Bill, the time at our disposal is only 36 minutes.

Some hon. Members: The time may be extended.

श्री सिद्धेश्वर प्रसाद (नालंदा) : मैं प्रस्ताव करता हूँ कि इस के लिए समय दो बंटे का बढ़ा दिया जाए ।

श्री काशी राम गुप्त (धलवर) : मैं इस प्रस्ताव का अनुमोदन करता हूँ ।

श्री प्रकाशवीर शास्त्री (बिजनौर) : इस पर समय तो बढ़ाना ही चाहिये क्योंकि

Mr. Chairman: I shall allow time till 5.45 hours. Last time Shri Bhagwat Jha Azad raised a point of order referring to para 2 of what Mr. Mukerjee had spoken. In this, I find that there is no point of order since there is nothing objectionable in what he had stated there. Therefore, Mr. Mukerjee will just continue his speech.

Shri H. N. Mukerjee (Calcutta Central): Mr. Chairman, Sir, as I said last time, it is a pity that the mover has spoken sharply against the Tashkent Declaration and said in his speech that we should act as if it was a dead letter. This kind of a thing is exactly playing in to the hands of those either in Pakistan or elsewhere who wish ill by our country. In spite of some provocations from Pakistani rulers, we should see that nothing is said at a time in responsible circles and in this House, which is certainly a very responsible forum, which goes against the Tashkent spirit. It is a pity that the mover has spoken about the Sadle

[Shri H. N. Mukerjee]

Government in a manner which, I fear, was unworthy. It is that Government standing at the head of the people of Kashmir which bore the brunt of all the trouble last year.

As far as strategic area was concerned, Shri Prakash Vir Shastri chose to forget it; at least this House must not forget it. As I said before, if from the Government of Shri Sadiq we had some information before this House that they wanted, in conformity with the wishes of the people of Kashmir, to have abrogation of article 370, I would have understood the idea or the need for doing away with all the special provisions which are there in the Constitution in regard to Kashmir. I could have also understood if the Sadiq Government had reported to that effect that it is no longer necessary for Jammu and Kashmir State to be in a special category as a constituent State of the Indian Union. When that kind of a suggestion has not come from the reliable sources, I fear that such a step as suggested by Shri Shastri would be precipitous and also rather dangerous.

As I said last time, it is no good our country merely taking certain theoretical attitude about certain things. It is no good pushing away certain facts which may be unpleasant to us, but as long as there are facts, we cannot push them away. That is why I have ventured to say, and I repeat it to-day, that in regard to Kashmir we do say that there is a dispute from our point of view because there should not be any dispute. But we cannot get either Pakistan or the rest of the world agree to our view-point that there is no dispute. As far as our stand is concerned, there is no dispute (Interruptions).

Mr. Chairman: Is it for us to say that.

Shri H. N. Mukerjee: But, the world does not agree; Pakistan does not agree. We have to deal with the

world and we have to deal with Pakistan; some of us may not like the whole idea. Whether we like it or not, the fact is this.

Then again, I would like to add that there is a big chunk of Jammu and Kashmir which is actually under the occupation of Pakistan over which our claim is unassailable in theory. But that is opposed by Pakistan. There is now this silver lining in the cloud that India and Pakistan have agreed at Tashkent and that we would not change the posture of things by taking recourse to military methods but only by negotiations among ourselves. It would be by bilateral discussions between ourselves without intervention of busy bodies like the U.N. or anybody else. This is the only civilised way of doing things—the only way also which is consistent with the interests of our country.

Last time, I had also referred to certain remarks of the late Shri Jawaharlal Nehru which he had made in the Parliament in April, 1956 on this issue. Surely Shri Bhagwat Jha Azad would not have said that since Shri Jawaharlal Nehru had taken the oath to the Constitution it was completely out of order for him to suggest this. But, he had suggested and I am quoting his words:

"I am willing to accept that the question of the part of Kashmir which under you, i.e., Pakistan, shall be settled by demarcating the border on the basis of the present cease-fire line. We have no desire to take it by fighting."

This is the idea that he had put forth. Now that suggestion failed. But, my point is, with all honour to Shri Jawaharlal Nehru, that he had tried even in those conditions to have a settlement on an honourable basis if only Pakistan would see reason—now, Shri Jawaharlal Nehru, in 1956, had made that magnificent gesture, but Pakistan did not reciprocate—can't

(Amdt.)

we, in more propitious circumstances to-day, in view of the Tashkent agreement, though it is under fire from certain quarters, particularly from Pakistani quarters and some other State which patronises Pakistan, suggest the same thing? Generally speaking, the international atmosphere has improved to a certain extent at least in so far as Indo-Pakistan relations are concerned. Could we not now take the initiative again, on the suggestion put forth by Shri Jawaharlal Nehru in 1956? I am not saying that the same suggestion is to be made. But, the initiative has to be taken by India. There comes a time in the affairs of men which, taken at the flood, leads on to fortune. But if we omit that opportunity, maybe opportunities do not come back again.

Let us not stand on purely legal ceremony. Let us not be repeatedly stressing our abstract position. Let us say, if a settlement with honour is envisaged, we are ready for it. Let us go further and say that all necessary initiatives in this regard would be adopted by us. We know that Pakistan recurringly shows an adamant attitude, but that should not deflect us from the path which duty and self-interest require us to follow.

I conclude by saying that mere reiteration of our position on Kashmir will not help. Do we wish only to rub Pakistan the wrong way and also lose in the bargain the sympathy of the world by our abstract posture? Let us not accept this Bill because it does not help at all, but hinders the solution of the problem of Kashmir, the solution of the problem of Indo-Pakistan relations, the solution of the problem of peace in our part of the world. Therefore, for legalistic reasons only because we all wish that Jammu and Kashmir becomes part of India in the same way as any other unit of the Indian Union, only because of that, we should not go a little too far, forgetting certain facts which are there: Let us not do anything which will not help, but will hinder the solution of the problems which face

our two countries as well as the problem of peace in our part of the world.

श्री विश्वनाथ पांडेय (सलेमपुर) : श्री प्रकाशबीर शास्त्री ने संविधान का संशोधन करने के लिये जो विधेयक प्रस्तुत किया है वह किस वातावरण में किया और किस परिस्थिति में किया है, उस का विस्तृत जिक्र उन्होंने 18 मार्च को किया था। उन्होंने बड़ी दृढ़ता के साथ सदन के सामने प्रस्तुत किया कि ताशकन्द समझौते के बाद यह और भी आवश्यक हो जाता है कि संविधान के अन्दर जो इस प्रकार की विभिन्नता है जम्मू और काश्मीर तथा दूसरे प्रान्तों में, उस को हटा दिया जाये। संविधान का जो 370 अनुच्छेद है उस पर उन्होंने अधिक जोर दिया है। लेकिन जो जो अनुच्छेद जम्मू और काश्मीर के सम्बन्ध में हैं उन के बारे में उन्होंने ने कहा है कि उन को हटा दिया जाये। मैं अपने विचारों को अनुच्छेद 370 तक ही सीमित रखूंगा।

जब हमारे संविधान निर्माताओं ने अनुच्छेद 370 को बनाया जम्मू और काश्मीर के सम्बन्ध में तब उन्होंने उस के लिये अस्थायी अथवा टेम्पोरेरी शब्द का प्रयोग किया। वह इस बात को महसूस कर रहे थे कि जब समय आयेगा तब इस को हटा दिया जायेगा। इस सदन में भी और जम्मू और काश्मीर में भी कई बार यह कहा जा चुका है, और ऐसा है भी, कि जम्मू और काश्मीर भारत का एक अविभाज्य अंग है, और जिस तरीके से और प्रान्त भारत के हैं उसी तरीके से जम्मू और काश्मीर भी है। इसी कारण से जब पाकिस्तान ने काश्मीर पर हमला किया तो तारे देख के नर नारियों ने जन से, बल से, और जब से उस का मुकाबला किया और काश्मीर के लोगों ने भी मुकाबला किया। इसे देखते हुए यह प्राक्कथन की बात है कि क्यों इस तरीके की विभिन्नता अब भी जम्मू और काश्मीर के सम्बन्ध में है। जम्मू और

[श्री विश्वनाथ पांडेय]

काश्मीर के विकास की, उस की रक्षा की और उद्योगों की, हर एक चीज की जिम्मेदारी केन्द्रीय सरकार के ऊपर उसी प्रकार है जिस प्रकार और प्रान्तों के सम्बन्ध में है। इसलिये अब यह समय आ गया है कि इस अनुच्छेद को हटा दिया जाये और जिस तरीके से और प्रान्तों के साथ है उसी प्रकार कानूनी दृष्टिकोण से काश्मीर को भी भारत का भंग बना लिया जाये। क्योंकि अगर ऐसा नहीं किया जायेगा तो उस के सम्बन्ध में विदेशों में, पाकिस्तान में और चाइना के अन्दर तरह तरह की बातें उठेंगी और उठ भी रही हैं। जब यह हो जायेगा तो जो काश्मीर का भंग पाकिस्तान के अन्तर्गत है और जिस भंग को पाकिस्तान ने चाइना के साथ समझौता कर के उसे दे दिया है, उस का मसला भी हल हो जायेगा।

केन्द्रीय सरकार काश्मीर के सम्बन्ध में भी सारी जिम्मेदारी अपने ऊपर ले ले जैसे कि वह और प्रान्तों के सम्बन्ध में लिये हुए हैं।

मैं इस विधेयक का समर्थन करता हूँ और मंत्री महोदय से आग्रह करता हूँ कि वे इसे स्वीकार कर लें। लेकिन साथ ही साथ यह कहना चाहता हूँ कि मैंने जो संशोधन पेश किया है वह इसलिये किया है कि इस पर मत गणना भी ले लिया जाये। अगर मत गणना ले ली जाये तो मैं समझता हूँ कि इस सदन में ही नहीं, सदन के बाहर भी जो लोग हैं वह एक मत से इस का समर्थन करेंगे कि जल्दी से जल्दी जो असमानता इस अनुच्छेद 370 के अन्तर्गत है वह समाप्त कर दी जाये।

इन शब्दों के साथ श्री प्रकाशवीर शास्त्री का जो विधेयक है मैं उस का समर्थन करता हूँ।

श्री नरेन्द्र सिंह महीड़ा (भानन्द) : सभापति जी, श्री प्रकाशवीर शास्त्री ने प्रथम बार भी इस विधेयक को ला कर काश्मीर और सम्पूर्ण भारत की जनता की अच्छी सेवा की थी। दूसरी बार फिर यह विधेयक ला कर काश्मीर की प्रजा और भारत की जनता को नजदीक लाने के लिये जो कोशिश उन्होंने की है, उस के लिये मैं उस को बधाई देता हूँ।

हम ने देखा है कि जो काश्मीर के सत्रे रियासत थे वह अब गवर्नर हो गये हैं, जो वहाँ के प्राइम मिनिस्टर थे वह चीफ मिनिस्टर हो गये हैं, लेकिन फिर भी काश्मीर का जो झंडा है वह हमारे भारत के राष्ट्रीय झंडे से अलग ही है।

एक माननीय सदस्य : दोनों हैं।

श्री नरेन्द्र सिंह महीड़ा : आज वहाँ पर काश्मीर का भी झंडा है और भारतीय झंडा भी उड़ रहा है।

एक माननीय सदस्य : भारतीय झंडा ऊंचा है।

श्री नरेन्द्र सिंह महीड़ा : फिर भी काश्मीर का अलग झंडा तो है ही। जब तक वह झंडा वहाँ रहेगा हम नहीं मान सकेंगे कि काश्मीर और भारत की भूमि एक में मिल गई है।

मुझे ताज्जब होता है कि आज कोई भी जायदाद चाहे बंगाल में हो, चाहे महाराष्ट्र में हो, चाहे बम्बई में हो उसे तो हम वहाँ जा कर खरीब सकते हैं, लेकिन काश्मीर कोई भी जमीन हम लोग नहीं ले सकते। यह बड़ी बेहूदा बात है, भले ही काश्मीर का मिलन हमारे साथ हासिल हुआ हो-

लेकिन हम वहां कोई जमीन नहीं खरीद सकते ।

आप यह भी खयाल कीजिये कि आज काश्मीर में जो उद्योग बढ़ नहीं रहे हैं उस के पीछे यह कारण है कि हमारा जो व्यापारी वर्ग है वह वहां जा कर बस नहीं सकता है, वहां व्यापार नहीं खोल सकता है । काश्मीर की जनता काफी पीछे रही है इस मामले में लेकिन मैं यह भी मानता हूँ कि हमारे व्यापारी लोग काफी शंका रखते हैं इस सम्बन्ध में और अपने उद्योग वहां नहीं खोलना चाहते । विदेशी लोग भी यह कहते रहे हैं कि हम ने पहली बार सुना इस बात को कि काश्मीर "नेगोशिएबल" नहीं है । अभी तक काश्मीर नेगोशिएबल था लेकिन हमारे श्री लाल बहादुर शास्त्री ने कहा कि काश्मीर इच्छा नाट नेगोशिएबल । इस से उन लोगों में परिवर्तन आया है । हम वर्तमान स्थिति में परिवर्तन करना चाहते हैं और काश्मीर को भारत में पूरी तरह से मिलाना चाहते हैं यह विधेयक हम को यह मौका भी देता है । हम ने इस सदन में सुना है कि काश्मीर के जितने भी सदस्य हैं यहां पर वे भी सम्पूर्ण रूप से भारत के साथ हो जायें । इसलिये मैं मंत्री महोदय से प्रार्थना करना चाहता हूँ कि अब किसी प्रकार का भेद न रक्खा जाये । आर्टिकल 370 वगैरह को हटा कर काश्मीर का मेल पूर्ण रूप से भारत के साथ कर देना चाहिये जिस से विदेशों में इस को ले कर शंका न रहे और भारत में भी कोई शंका न रहे । मैं इस अवसर पर कहना चाहता हूँ कि अगर सरदार पटेल आज होते तो इस प्रकार की परिस्थिति न होती । हम जानते हैं कि हमारे जो होम मिनिस्टर साहब हैं, पहले भी उन्होंने कहा है कि यह बात सोची जाती

है । हम मानते हैं कि जो शंका आज खड़ी हुई है और विदेशों में जो चर्चा होती है उस को खत्म करने के लिये हम श्री प्रकाशवीर शास्त्री के विधेयक को स्वीकार करें । मैं बड़ी नम्रता से गृह मंत्री महोदय से कहना चाहता हूँ कि जब काश्मीर के लोग भी यह चाहते हैं, भारतवर्ष के लोग भी यह चाहते हैं तो मेरी समझ में नहीं आता कि होम मिनिस्टर साहब इसे क्यों नहीं स्वीकार करते हैं । मैं चाहता हूँ कि इस विधेयक को स्वीकार कर के हमारी जनता की जो इच्छा है उस को वह पूरा करें ।

मैं शास्त्री जी को भी इस के लिये धन्यवाद देता हूँ ।

श्री लक्ष्मणानी (जम्मू तथा काश्मीर) : इस दफा 370 को हटाने के बारे में दूसरी दफा मोशन आया है । पहली दफा भी मैं ने इस दफा 370 को न हटाने की वजह जाननी चाही थी । बजाय इस के कि मैं कुछ कहूँ कि इस में क्या जवाजियत है, मैं गवर्नमेंट से पूछना चाहता हूँ कि इस में क्या जवाजियत है कि जब एक तरफ बड़े जोर से बड़े बड़े ऐवानों में, हर जगह यह कहा जाता है कि काश्मीर हिन्दुस्तान का एक हिस्सा है तब दूसरी तरफ इस दफा को अपने धार्मिक में रखने के लिए हुकूमत बखिद है । ऐसा क्यों है, मैं आज तक इसे समझ नहीं पाया । अगर दफा 370 और उस के साथ जो दूसरी दफायें हैं उन्हें पढ़ा जाये तो उस से साफ़ जाहिर हो जाता है कि इह सत्तरह अठ्ठारह सालों में जो लोग इस तरहवी रियासत में खिलाफ मामूल हालात में रहते हैं और हिन्दुस्तान के साथ रहने का दम भरते आये हैं हम उन को आज तक छोड़ा देते रहे हैं ।

[श्री समनानी]

हम उन को आज तक छोड़ा देते रहे और आइल्स उन को छोड़ना वेना चाहते हैं। एक तरफ से आवाज आती है कि आज भी वे निगोशिएबिल हैं, आज भी इस पर मुल्ह हो सकती है। दूसरी तरफ अगर वहाँ कोई यह कहे कि इस के मुताल्लिक फैसला करो तो उन को जेल की कोठरियों में डाला जाता है। अगर कर्नमेंट आफ इंडिया को यह सेक्शन रखने का हक है तो फिर हक दीजिए मिजो और नागालैंड की तरह काश्मीर वालों का कि वह भी लड़ाई पर उतरें। क्योंकि मुल्क का यह माहौल बन चुका है। मैं ने पिछले साल भी क्वेट सेशन में बोलते हुए यह कहा था और उस वक्त साफ लफ्जों में कहा था कि वह लावा जो काश्मीर में उमड़ा है कल जब फटेगा तो आप से सभाला नहीं जायेगा। उस का छोटा सा नमूना सितम्बर में आप ने देखा। वह लावा वहाँ खत्म नहीं हुआ। वह साबा अभी वहाँ मौजूद है। और उस लावा को रखने की बिम्बेदारी इस सरकार पर है। मैं 370 की ज्यादा तफसील में न जाते हुए सिर्फ बन्ध बाकयात की याद दिलाता चाहता हूँ। 1947 में जब पाकिस्तान ने तकसीम के बाब फौजी तौर पर हमला किया, उस हमले में हमलावर भाये बड़े इस्लामी नारे लगते हुए, कुरान हाथ में लिए हुए, भत्साहोभकबर के नारे लगाते हुए और बराये रास्ते मुसलमानों को धमोच करते हुए कि हम भी मुसलमान हैं, मुसलमानो, तुम हमारा साथ दो। लेकिन जम्मू काश्मीर के मुसलमानों ने उन का साथ नहीं दिया। बल्कि उस वक्त यह फैसला किया कि हम हिन्दुस्तान के साथ रहेंगे। इस बास्ते जनाब आला कि हमारा हमारा एक नजरिया था। हमने एक उसूल के लिए जंगे आजादी लड़ी थी। हम ने बापू से कुछ चीज सीखी थी जो कि हम समझते थे कि सिर्फ हिन्दुस्तान में पच सकती है, पाकिस्तान में जा कर नहीं पनप सकती। हम ने, जम्मू काश्मीर के रहने वालों ने देश के दूसरे हिस्से में रहने वाले लोगों के साथ इलहाक किया था, उस की तरफ हाथ बढ़ाया था। लेकिन उस के

बाव पता नहीं क्यों और किस तरह यह चीजें चलीं कि पीपुल्स ऐक्सेशन जो था, ऐक्सेशन पीपुल टु पीपुल वह लीडर टु लीडर हो गया और सिर्फ यह बातें कही गयीं, वह बातें मानी गईं वह बातें सोची गईं, जो लीडर्स ने आकर लीडर से कहीं। वहाँ के लोग क्या कहते रहे, वह क्या चाहते रहे, उस के मुताल्लिक बहुत कम ध्यान रहा। अगर यह लीडर्स टु लीडर्स बात न होती, किसी शक्त की ह्दिक को उस के जेह नी उलझाव को, उस को खुश करने को कांस्टीट्यूशन में यह चीज न रखी जाती तो उस वक्त यह ब्याल करती लीडरशिप कि क्यों अब्दुल अजीज मास्टर मुजफ्फराबाद में मरा, क्यों शेरवानी शहीद हुआ, क्यों हमारे सैकड़ों भाई पाकिस्तानी फौजों के हाथों शहीद हुए? लेकिन वह ब्याल नहीं रखा गया। अगर हमें लिमिटेड ऐक्सेशन करना होता और फिर पाकिस्तान के साथ सारी उम्ह खुव जा कर के रहना होता, अपने बच्चों को वैसे ही छोड़ना होता तो हम उस वक्त हिन्दुस्तान के जय का नारा नहीं लगाते। हम उस वक्त भी कह सकते थे कि हम काश्मीर में अलग रह सकते हैं। आलरेडी महाराजा हरी सिंह कह चुके थे कि स्टैडस्टिल ऐप्रीमेंट रहेगा और हम पाकिस्तान के भी साथ रहेंगे और हिन्दुस्तान के साथ भी रहेंगे। लेकिन हमारा फैसला यह था कि हम बड़े मुल्क का हिस्सा बनना चाहते हैं। और मैं कोई रिजर्वेशन नहीं रखना चाहते। अगर बदकिस्मती से उस वक्त की लीडरशिप जो थी, शेर अब्दुल्ला की उस ने यहाँ की लीडरशिप को कहा कि तुम यह करो, ऐसा करो। उन्होंने लोगों की इवाहिशात को एक तरफ करते हुए लीडरों की सुनी और बाकयाद 370 रख दिया गया, और हमारे लिए कहा गया कि तुम लोगों का एक खास मुकाम रखा गया है। वह क्या खास मुकाम है यह आज तक भी मैं नहीं समझ पाया सिवाय इस के कि जो हिन्दुस्तान की जम्फूरियत का अक्स कहीं पड़ सकता था वह पड़ा अगर कहीं तो लीडरों की शेरवानी पर। लोगों तक नहीं पहुँचा। आज अगर बड़े

जम्मू में या काश्मीर में कोई शक्त हिन्दुस्तान के मुतालिक शक करता है तो डी० धार्ड० धार० धाप का उस को चम्हे मुजरिम कहे, धाप का कानून जेल में उस को डाल दे लेकिन मैं समझता हूँ कि वह बेगुनाह है, मासूय है क्योंकि हिन्दुस्तान की सही इमेज जो है वह उस तक नहीं पहुँची। हिन्दुस्तान की जम्हूरियत धाम ने उस तक नहीं पहुँचने दी। उस में कहीं 370 रखा धौर कहीं दिल्ली एपीमेंट रखा, कहीं कुछ रखा, कहीं कुछ रखा, उस की वजह से धाप ने वहाँ जम्मू काश्मीर के गरीब धाघमी को हिन्दुस्तान की संस्कृति, हिन्दुस्तान की सभ्यता, हिन्दुस्तान की जम्हूरियत के कदमों से दूर रखा। वह सिर्फ इतना जानते हैं कि मोक्ष धन्दुल्मा ही हिन्दुस्तान है, वही जो करेगा, करेगा। उस के बाद बख्शी गुलाम मोहम्मद जो करेगा, वही होगा। धव सादिक साहब जो करेंगे वह होगा। इन्टरमेंट धाफ ऐक्सेशन चीफ मिनिस्टर या प्राइम मिनिस्टर है।

इस चीजों के होते हुए धाम कम्पुनिस्ट पार्टी धगर लडन बदले तो उस में कोई नबी बात नहीं है। पिछली क्या प्रोफेसर हीरेन्द्र मुखर्जी के क्यालात सुन कर धौर धाज वह सब सुन कर मुझे ताज्जुब हुआ। पहले वह बहुत तेजी से धौर बड़ी शिद्दत से इस की ह्लियायत करते थे। धाज वह बिल्कुल वहाँ तक पहुँच गए हैं कि धगर 56 से धाने भी जाया पड़े धौर मेरा क्याज है कि तामकन्ड ऐपीमेंट या किली धौर बजह से कुछ धाने जाना पड़े तो वह कह देंगे कि श्रीनगर धी दे दो, कोई बात नहीं है। लेकिन जनसभ्यला, पिछली बार भी मैं ने कहा था धौर इस वक़्त धौर वजीरे क्याखला से वह पूछना चाहूंगा कि यह 370 रखने में क्या उस के पास जबाबिदारी है? धगर ऐसा है तो फिर प्लेबिसाइट प्रॉट कालों को क्या यह हक कैसे नि वह वह कहे कि काश्मीर की बीजी में प्लेबिसाइट चाहते हैं? क्या धाप पाकिस्तान कालों को वह हक देना चाहते हैं कि वह पाकिस्तान के शंभे जहरतमें

धौर वहाँ जलसे करें? धगर उन को यह हक नहीं देना चाहते हैं तो फिर मुझे बतायें कि 370 के रहते हुए हिन्दुस्तान पठानकोट के धागे कहां है? 370 के रहते हुए जो भी ला बमायेंगे, कानून बनायेंगे, मैं ज्यादा डोटेस में नहीं जाना चाहता लेकिन हर एक के मुतालिक शुरू में यह होगा कि एक्सेप्ट जम्मू एंड काश्मीर लोक सभा का डाइरेक्ट ऐलेक्शन करने की बात कर रहे हैं। कहां वहां रिप्रेजेंटेशन धाफ पीपुल ऐक्ट की गुंजाइश है? जम्मू काश्मीर के कांस्टीट्यूशन में लोक सभा के ऐलेक्शन की कहां गुंजाइश है? धाप रिप्रेजेंटेशन ऐक्ट वहां लेकर जायेंगे, जम्मू काश्मीर के रिप्रेजेंटेशन ऐक्ट से धापस में टकरा जायया। धाप वहां एक लाख पर एक ऐसेम्बली की सीट देना चाहेंगे। वह कहेंगे कि नहीं हमें तो 100 सीटें रखनी हैं। 370 रख कर धापने खुद वहां जद्दोजहद पैदा की। हर चीज जो बाकी देश में धच्छी हुई उस के मुकामिले में कोई चीज वहां बुरी हुई तो धापने कहा कि बुरी भी धच्छी है, धच्छी भी धच्छी है, दोनों एक तरह चल सकती हैं। घोड़ा, बैल, धौर गधा सब एक री में जा सकते हैं। यह चीज नहीं चल सकती। इन्हीं चीजों की वजह से इस वक़्त जमाब वाला, मैं इस मीके पर इस मोहतरिम ऐकान को बताना चाहता हूँ, बिलकसूस होम मिनिस्टर से कहना चाहता हूँ कि धाप की इस डावांडोल पालिसी ने क्या हाल कर दिया है कि एक तरफ तो प्रो-इंडियन पावर्स जो हैं उन को बिन ब बिन धकका लगा रहा है। पिछली दफा श्री हीरेन्द्र मुखर्जी ने जो स्पीच किया धौर धाटोनाजस यूनिट का त्तारा दिया वहां के प्रो-पाकिस्तान एलीमेंट्स में वह स्पीच हीरेन्द्र मुखर्जी की धाट धाने में साइबस्ते-स्टाइड काफी ब्लैक में बिकी धौर धाज भी जो उन्होंने ने कहा है वह वहां इधी तरह ज़बरगी धौर उन के धन्दर इस क्याल को मजबूत करेगी कि धक धी हमारे पाकिस्तान में जाने की गुंजाइश है। धौर जो मिनिस्टर साहब जबाब देने वाले हैं वह भी मासिबन यही कहेंगे कि धभी समय नहीं क्या है, मैं मूबर को कहूंगा

[श्री समनानी]

कि वह इसे वापस ले लें। यह सारी चीजें कर के आप ने वह माहौल बना दिया है कि इस वक्त प्रो-पाकिस्तान एलीमेंट जो हैं वह मजबूत होंगे और प्रो-इंडियन एलीमेंट जो हैं उस को दिन ब दिन धक्का लग रहा है।

16.00 hrs.

प्राज काश्मीर और जम्मू आपस में अलग अलग होने की सोच रहे हैं। प्राज हर हालत में इधर जो रहने वाले हैं वह इस बात पर तंग आ चुके हैं कि आप को कभी लड़ना है, आप को कभी भ्रूट हिस्सा बनाना है, कभी कुछ करना है, खुदा के लिए हमें अलग कर दो, हिमाचल के साथ मिला दो, कहीं मिला दो लेकिन हम उन के साथ नहीं रहना चाहते हैं। काश्मीर की मुक्तलिफ इकाइयां जो हैं वह प्राज डिसइन्टीग्रेट हो रही हैं। इसे आप कर्णसिंह का फतवा न कहें, बल्कि यह वहां के लोगों के दिलों की आवाज है। प्राज जम्मू का कोई आदमी 36 लाख में से 16 लाख आबादी जो है वह दूसरी 17 लाख आबादी के साथ नहीं रहना चाहती। वह अलग रहना चाहती है। . . . (अध्वचान) . . .। तो मैं अर्ज कर रहा, था जनाबवाला कि यह सारी जो खामियां हैं यह सारे कबाहत जो पैदा हो रहे हैं इन का एक इलाज है। ठीक है, मिजो पहाड़ियों का सवाल सामने आता है, उस पर आप ने गौर किया, नागाओं के सवाल पर गौर किया, कल काश्मीर के बारे में भी गौर करना पड़े जैसे कि ताशकन्द की बात हो रही है, उसमें शायद उस से कुछ ज्यादा भी जाना पड़े, मैं कहता हूँ कि आप अगर नागाओं के मुताल्लिक सोच सकते हैं, मिजो के मुताल्लिक सोच सकते हैं तो काश्मीर के लिए भी सोचिए, पूंछ के लिये भी सोचिए जम्मू के लिए भी सोचिए, लेकिन आप यह तो बताइये कि वह आप का हिस्सा इस वक्त है या नहीं? अगर वह आप का हिस्सा इस वक्त है तो फिर मुकम्मिल तौर पर उस को अपना हिस्सा बनाइए। यह 370, यह झंडा, यह डंडा,

यह झंडा, यह सारी चीजें हटा दीजिए और उस को अपना हिस्सा बनाइए। जिस वक्त आप का पूरा भ्रूख्यार होगा कि आप उस के मुताल्लिक सोच सकते हैं उस वक्त आप सोचिए, कि इस बात पर थोड़ी आटोनामी होनी चाहिए, इतना डेवलपमेंट होना चाहिए, इतना यह होना चाहिए, इतना वह होना चाहिए, तब तो कोई बात है। इस वक्त वह आप का हिस्सा भी नहीं है। आईनी तौर पर भी नहीं है और कानूनी तौर पर भी नहीं है। हमारा हिन्दुस्तान के साथ इलहाक भ्रूट है यह कहते कहते तंग आ गये। इतने वर्षों से हम यह नारा लगाते लगाते कि हम हिन्दुस्तान का एक भ्रूट भंग हैं हमारा गला खुश्क हो गया लेकिन जिन के साथ हम आना चाहते हैं, लोग तो हमें साथ रखने के लिए तैयार हैं लेकिन हुकमरान कहते हैं अभी सोचने दो, अभी वांशिगटन में क्या होगा, मास्को में क्या हुआ है, ताशकंद से क्या होने वाला है और कराची में उस का क्या रद्दअमल होगा। जनाबवाला मैंने पिछली वफा भी दरख्बास्त की थी और मैं आप की वसातत से प्राज फिर निहायत पुरजोर आवाज में गवर्नमेंट से यह दरख्बास्त करता हूँ कि खुदा के लिए हमें उस नेक फ़ैसले का जो कि निहायत दयानतदारी से हम ने लिया था, जो एक साथी के तौर पर हम ने फ़ैहला लिया था कि हम इस महान् देश का एक हिस्सा बन कर रहना चाहते हैं उस की इतनी सजा न दी जाय जो कि मुजरिमों की भी नहीं होती। अब हम अगर हिन्दुस्तान में उस का एक हिस्सा बन कर रहना चाहते हैं तो उस की इतनी सजा मत दीजिए कि 18-19 साल से तसवार की धार पर लटकाए रखना है कि उधर गिरे या इधर गिरे, कभी इंडिपेंडेंट रहें, कभी पाकिस्तान में गए, कभी हिन्दुस्तानी बन गए तो कभी पाकिस्तानी बन गए, इस तमाम खतरे का सामना करते करते हमारी तो उम्म गुजर गयी लेकिन हमारे बच्चों को तो इस तउबजब में मत डालिए। हमारे बच्चों ने कोई गुनाह नहीं किया है।

गुनाह भ्रगर किया है तो हम ने किया है लेकिन हमारे बच्चों ने तो कोई गुनाह नहीं किया है। इस वास्ते इस काली दफा को जितनी जल्दी हो सकता है हटाया जाय। आज ही उस दफा को हटाना मंजूर किया जाय। उस के हटा जाने का फैसला भ्रगर लिया जाता है तो कोई तूफान वहां भ्राने वाला नहीं है और न ही कोई बगावत वहां भ्राने वाली है। मास्को भ्राप से रूठने वाला नहीं है। इस तरह की कोई भी बात होने वाली नहीं है। यह जो भ्राप की फैसला न करने की एक कमजोरी की भावत हो चुकी है उस ने इस वक्त तक तबाह किया है और भ्रागे भी करने वाली है। भ्रगर भ्राप ने इस बारे में मजबूती से फैसला नहीं किया तो जैसा मैंने पिछले बजट सेशन में कहा था वह लावा भ्रभी मौजूद है और उसका नतीजा यह होने वाला है कि कश्मीर बंटेगा, जम्मू बंटेगा और पूंछ बंटेगा। वहां भ्राग लगेंगे और उस वक्त हम फायर ब्रिगेड लेकर उसे बुझाना चाहेंगे तो बुझा नहीं सकेंगे और उसके साथ हिन्दुस्तान जलेगा। मैं फिर अपील करता हूँ कि इस संकशन को इसी वक्त आज ही खत्म किया जाय।

[श्री सैलानी (जमों और कश्मीर):-

अस दफे ३७० को हटाने के बारे में दूसरी दफे मोहन आया है - पहली दफे भी मैंने दफे ३७० को न हटाने की वजह जानली चाही थी - बजाए अस के के मैं कच्छे कहों के अस में कहा जोरअित है - मैं गोरनलड से जोपेला चाहता हों के अस में कहा जोरअित है के जब एक طرف ७७० आंन से ७७०

७७० आयनों में - हो जके ये कहा जाता है के कश्मीर हलदुस्तान का एक حصे है तब दूसरी طرف अस दफे को अंथन में रकले के लगे حکومت भेद है - ऐसा कहों है - मैं आं तक आं न्हें समजे पाया - अकर दफे ३७० और अस के साने जो दूसरी दफे में अंथें प्रोवा जाले तो अस से माफ़ प्रार हो जाना है के अस १७-१८ सालों में जो लोक अस सरحدी र्हासत में अलख मसूल अलख में रहने हों और हलदुस्तान के साने रहले का दम भेरते आं हें हम लन को आं नक देहोका दिते रहे और अंथेदा लन को देहोका देला चाहते हें - एक طرف से आं आं है के आं भी वं न्हें समजे है - आं भी अस पर صلح हो सकी - दूसरी طرف अकर वहां कौनी कहे के अस के म्मलक फैसले करो तो लन को जेल की कौठेरियों में आला जाना है - अकर गोरनलड ऑ अंथेा को ये अंथेकशन रकले का अक है तो प्रेर अक देवजे मरो और नाललड की प्रार कश्मीर वालों को के दे वी लौनी प्र अंथें - कौनके मलक का ये माहोल लन अक है - मैंने अंथेले साल भी अंथे सेशन में भोलते होंते ये कहा

[شری سملانی]

تھا اور اس وقت صف لفظوں میں کہا تھا کہ وہ لاوا جو کشمیر میں ابھرا ہے کل جب بڑھتے گا تو آپ سے سمبھالا نہیں جائے گا۔ اس کا چھوٹا سا نمونہ ۸ ستمبر میں آپ نے دیکھا۔ وہ لاوا وہاں ختم نہیں ہوا۔ وہ لاوا ابھی وہاں موجود ہے۔ اور اس لاوے کو رکھنے کی ذمہ داری اس سرکار پر ہے۔ میں ۳۷۰ کی زیادہ تفصیل میں نہ جاتے ہوئے صرف چند واقعات کی یاد دلانا چاہتا ہوں۔ ۱۹۴۷ میں جب پاکستان نے تقسیم کے بعد فوجی طور پر حملہ کیا اس حملے میں حملہ آور آئے ہوئے اسلامی نعرے لگاتے ہوئے۔ قرآن ہاتھ میں لئے ہوئے۔ لکنہ اکبر کے نعرے لگاتے ہوئے اور برائے راست مسلمانوں کو اپروچ کرتے ہوئے کہ ہم بھی مسلمان ہیں۔ مسلمانو تم ہمارا ساتھ دو لیکن چوں کشمیر کے مسلمانوں نے ان کا ساتھ نہیں دیا۔ بلکہ اس وقت یہ فیصلہ کیا کہ ہم ہندوستان کے ساتھ رہیں گے۔ اس واسطے جناب والا ہمارا ایک نظریہ تھا۔ ہم نے ایک اصول کے لئے جنگ آزادی لڑی تھی۔ ہم نے باہو سے کچھ چیز سنبھالی تھی جو کہ ہم سمجھتے تھے کہ صرف ہندوستان میں پلپ سکتی ہے۔ پاکستان میں جا کر نہیں پلپ سکتی۔ ہم نے چوں کشمیر کے

دھلے والوں نے دیکھ کر دوسرے حصے میں دھلے والے لوگوں سے الحاق کیا تھا۔ ان کی طرف ہاتھ بڑھایا تھا۔ لیکن اس کے بعد پتہ نہیں کیوں اور کس طرح یہ چیزیں چلیں کہ یہ پہلے ایکسپشن جو تھا۔ ایکسپشن یہ پہلے تو پہلے وہ لہڈر تو لہڈر ہو گیا اور صرف وہ باتوں کہی گئیں وہ باتوں مانی گئیں وہ باتوں سوچی گئیں جو لہڈرز نے آکر لہڈرز سے کہیں۔ وہاں کے لوگ کیا کہتے رہے۔ وہ کہا چاہتے رہے۔ اس کے متعلق بہت کم دیکھا رہا۔ اگر یہ لہڈر تو لہڈر بات نہ ہوتی۔ کسی شخص کو۔ وہم کو۔ اس کے ذہلی للچھلو کو۔ اس کو خوش کرنے کو کانسٹیٹوشن میں یہ چیز نہ رکھی جاتی تو اس وقت یہ خیال کرتی لہڈرشپ کہ کیوں عدو نمریز مسٹر سٹریٹ آباد میں ہوا۔ کہیں شہزادی شہد ہوا۔ کہیں ہمارے سہلکروں بھائی پاکستانی فوجوں کے ہاتھوں شہید ہوئے۔ لیکن وہ خیال نہیں رکھا گیا۔ اگر ہمیں کونسل ایکسپشن کرنا ہوتا اور پھر پاکستان کے ساتھ۔ ساوی صر خود جا کر رہنا ہوتا۔ ایلے بچوں کو۔ جسے ہی چھوڑنا ہوتا تو ہم اس وقت ہندوستان کی جہ کا نعرہ نہ لگاتے۔ ہم اس وقت بھی کہہ سکتے تھے کہ ہم کشمیر میں الگ رہ سکتے ہیں۔

آریدی مہاراجہ ہری سنگھ کہ چکے تھے کہ سٹیٹ سٹیل انڈیا کیلئے رہے گا اور ہم پاکستان کے بھی ساتھ رہیں گے اور ہندوستان کے بھی ساتھ رہیں گے۔ لیکن ہمارا فیصلہ یہ تھا کہ ہم بڑے ملک کا حصہ بننا چاہتے ہیں اور اس میں کوئی دباؤ نہیں رہتا۔ مگر بدقسمتی سے اس وقت کی لیڈرشپ جو تھی۔ شہج عبداللہ کی اس نے یہاں کی لیڈرشپ کر کہا کہ تم یہ کرو۔ لوسا کرو۔ انہوں نے لوگوں کی خواہشات کو ایک طرف کرتے ہوئے لیڈروں کی سٹی اور باقاعدہ ۳۷۰ رکھ دیا گیا۔ اور ہمارے لئے کہا گیا کہ تم لوگوں کا ایک خاص مقام رکھا گیا ہے۔ وہ کہا خاص مقام ہے یہ آج تک بھی میں نہیں سمجھتا پایا۔ اس کے کہ جو ہندوستان کی جمہوریت کا عکس نہیں ہو سکتا تھا وہ پورا اگر کہیں تو لیڈروں کی شہروانی ہو۔ لوگوں تک نہیں پہنچتا۔ آج اگر وہاں جموں میں یا کشمیر میں کوئی شخص ہندوستان کے متعلق شک کرتا ہے تو۔ قی۔ آئی۔ آر۔ آپکا۔ چاہے آپ اسکو مسترد کہیں۔ آپ کے قانون سے جہل میں اسکو قال دیا جائے گا۔ لیکن میں سمجھتا ہوں کہ وہ بے گناہ ہے۔ معصوم ہے کیونکہ ہندوستان کی صحیح انتہج جو ہے وہ اس تک نہیں پہنچتی۔ ہندوستان کی جمہوریت آپ نے اس تک نہیں

پہنچانے دی۔ اس میں کہیں ۳۷۰ رکھا۔ کہوں دہلی انگریزوں رکھا۔ کہیں کچھ رہا کہیں کچھ رکھا۔ اس کی وجہ سے آپ نے وہاں جموں کشمیر کے فریب آدمی کو ہندوستان کی مسکرتی۔ ہندوستان کی سمجھتا۔ ہندوستان کی جمہوریت کے قدروں سے دور رکھا۔ وہ صرف اتنا جانتے ہیں کہ شہج عبداللہ ہی ہندوستان ہے۔ وہی جو کرے گا۔ اس کے بعد بنفشی فلام مسعد جو کرے گا کرے گا۔ اس کے بعد وہی ہوگا۔ اب صادق صادق صاحب جو کہیں گے وہی ہوگا۔ انسٹیٹیوٹ آف ایکسپنشن جیف مسٹر یا پرائم مسٹر ہیں۔

ان چیزوں کے ہوتے ہوئے آج کمیونسٹ پارٹی اگر لائن بدلے تو اس میں کوئی نئی بات نہیں ہے۔ پچھلی دفعہ پورولیسر ہرین مسکر جی نے خیالات سن کر اور آج یہ سب سن کر مجھے تعجب ہوا۔ پہلے وہ بڑی تیزی سے اور بڑی شدت سے اس کی حمایت کرتے تھے۔ آج وہ بالکل وہاں تک پہنچ گئے ہیں کہ اگر ۵۶ سے آگے بھی جانا پڑے اور مہرا خیال ہے کہ ٹائٹل انڈیا کیلئے یا کسی اور وجہ سے کچھ آگے جانا پڑے تو وہ کہہ دینگے کہ شریکر بھی دے دو۔ کوئی بات نہیں ہے لیکن جناب والا۔ پچھلی بار بھی میں نے کہا تھا اور اس بار پھر وہ داخلہ

[شری سہانی]

سے یہ پوچھنا چاہوں گا کہ یہ ۳۷۰ دیکھنے میں کیا جوازیت ان کے پاس ہے۔ اگر ایسا ہے تو پھر پلمبہسٹ فرنٹ والوں کو کہا یہ حق دیں گے کہ وہ یہ کہیں کہ کشمیر کی ویلی میں پلمبہسٹ چاہتے ہیں۔ کیا آپ پاکستان والوں کو یہ حق دینا چاہتے ہیں کہ وہ پاکستان کے جھنڈے لہرائیں اور وہاں جلسے کریں۔ اگر ان کو یہ حق نہیں دینا چاہتے ہیں تو پھر مجھے بتائیں کہ ۳۷۰ کے دہتے ہوئے ہندوستان پٹھانکوٹ کے آگے کہاں ہے۔ ۳۷۰ کے دہتے ہوئے جو بھی لا بدینگے۔ قانون بنائیں گے میں زیادہ قتل میں نہیں جانا چاہتا لیکن ہر ایک کے متعلق شروع میں یہ ہوگا کہ ایکسپریس جنوں ایڈٹ کشمیر۔

لوک سبھا کا ڈائریکٹ ایلیکشن کرنے کی بات کر رہے ہیں۔ کہاں وہاں ریپریزنٹیشن آف پوپل ایکٹ کی گلجائش ہے۔ جنوں کشمیر کے کانستٹیوشن میں لوک سبھا کے ایلیکشن کی کہلی گلجائش ہے۔ آپ ریپریزنٹیشن ایکٹ وہاں لیکر جائیں گے تو جنوں کشمیر کے ریپریزنٹیشن ایکٹ سے وہ ٹکرا جائے گا۔ آپ وہاں ایک لاکھ پر ایک اسمبلی کی صورت دینا چاہیں گے۔ وہ کہیں گے کہ نہیں ہمیں تو ۱۰۰

سیٹیں رکھنی ہیں۔ ۳۷۰ دیکھ کر آپ نے خود وہاں جدوجہد پھندا کی۔ ہر چیز جو ہائی دیسی میں اچھی ہوئی اس کے مقابلے میں کوئی چیز وہاں ہوتی تو آپ نے کہا کہ ہوتی بھی اچھی ہے۔ اچھی بھی اچھی ہے۔ دونوں ایک طرح چل سکتی ہیں۔ گھوڑا بول اور گدھا سب ایک رو میں جا سکتے ہیں۔ یہ چیز نہیں چل سکتی ہے۔ انہیں چیزوں کی وجہ سے اس وقت جناب والا۔ میں اس موقع پر اس محترم لیوان کو بتانا چاہتا ہوں۔ بالخصوص ہوم منسٹر سے کہنا چاہتا ہوں کہ آپ کی اس قانون قبول پالیسی نے کہا حال کر دیا ہے کہ ایک طرف تو پرو انڈین پاروز جو میں ان کو دن بدی دھکا لگ رہا ہے۔ پچھلی دفعہ شری ہرین مکرجی نے جو اسپیکر کہا اور اریٹونومس یونٹ کا نمبر دیا وہاں کے پرو پاکستان ایلیمنٹس میں وہ اسپیکر ہرین مکرجی کی آٹھ آنے میں سائیکلو سٹائل ہوکر ہلک پکی لور آج بھی جو انہوں نے کہا ہے وہ وہاں اس طرح جائے گی اور ان کے اندر اس خیال کو مضبوط کرے گی کہ اب بھی ہمارے پاکستان میں جانے کی گلجائش ہے اور جو منسٹر صاحب جواب دینے والے ہیں وہ بھی غالباً یہی کہیں گے کہ

ابھی سے نہیں آیا ہے۔ میں سرور کو کہوں گا کہ وہ اسے واپس لے لیں۔ یہ ساری چیزیں کر کے آپ نے وہ ماحول بنا دیا ہے کہ اس وقت پرو پاکستان ایلمینٹ جو ہوں وہ مضبوط ہوں گے اور پرو انڈین ایلمینٹ جو ہیں ان کو دن بہ دن دھکا لگ رہا ہے۔

16 hrs

آج کھمبر اور جموں آپس میں الگ الگ ہونے کی سوچ رہے ہیں۔ آج ہر حالت میں انہیں جو دھکے دالے ہیں اس بات پر تلگے آچکے ہیں کہ آپ کو کہی لونا ہے۔ آپکو کہی اتوت حصہ بلانا ہے۔ کہی کچھ کرنا ہے۔ خدا کے لئے ہمیں الگ کر دو۔ ہماچل کے ساتھ ملے دو۔ کہیں ملے دو۔ لیکن ہم ان کے ساتھ نہیں دھنا چاہتے ہیں۔ کھمبر کی مخالف اگلاں جو ہیں وہ آج قس انتہیکریٹ ہو رہی ہیں۔ اسے آپ کون سلکھ کا فتویٰ تہ کہیں بلکہ یہ وہاں کے لوگوں کے دلوں کی آواز ہے۔ آج جموں کا کوئی آدمی ۳۶ لاکھ سے ۱۶ لاکھ آباسی چر ہے وہ درجہ ۱۷ لاکھ آباسی کے ساتھ نہیں دھنا چاہتی۔ وہ الگ دھوا چاہتی ہے۔ (انٹرویشن) تو میں عرض کر رہا تھا جناب والا۔ کہ یہ ساری خامیاں ہیں۔ یہ سارے کوارٹس جو ہمدانہ رہے ہیں۔ ان کا ایک علیج ہے۔ تھوک ہے مزد پھڑیوں کا سوال سامنے آتا ہے۔ اس پر آپ نے

فور کہا لگاؤں کے سوال پر فور کہا۔ کل کھمبر کے بارے میں بھی فور کرنا پڑے۔ چھسے کے ناشتہ کی بات ہو رہی ہے۔ اس میں شائد اس سے کچھ زیادہ بھی جانا پڑے۔ میں کہتا ہوں کہ آپ اگو ناگلوں کے متعلق سوچ سکتے ہیں مزد کے متعلق سوچ سکتے ہیں۔ تو کھمبر کے بارے میں بھی سوچئے۔ ہونچھ کے لئے بھی سوچئے۔ جموں کے لئے بھی سوچئے لیکن آپ یہ بھی تو بتائے کہ وہ آپکا حصہ اس وقت ہے یا نہیں۔ اگر وہ آپ کا حصہ اس وقت ہے تو پورے مکمل طور پر اس کو اپنا حصہ بنائے۔ یہ ۳۷۰ - یہ چھلدا۔ یہ قنڈا۔ یہ ملدا۔ یہ ساری چیزیں ہٹا دیجئے اور اس کو اپنا حصہ بنائے۔ جس وقت آپکا پورا اظہار ہوگا کہ آپ اس کے متعلق سوچ سکتے ہیں اس وقت آپ سوچئے کہ اس بات پر تھوڑی لوتونسی ہونی چاہئے۔ کتلا قبولیلمنت ہونا چاہئے۔ کتلا یہ ہونا چاہئے کتلا وہ ہونا چاہئے تب تو کوئی بات ہے۔

اس وقت وہ آپ کا حصہ بھی نہیں ہے۔ انہلی طور پر بھی نہیں ہے اور قانونی طور پر بھی نہیں ہے۔ ہماوا ہلدوشتان کے ساتھ اتوت اٹوت ہے یہ کہتے کہے تلگ آگئے۔ انہ برشوں سے ہم یہ نعرہ لگاتے لگاتے کہ ہم ہلدوستان کا ایک اٹوت انک ہوں ہمارا کھک ہو گیا لیکن جن کے ساتھ ہم آنا چاہتے ہیں۔ لوگ تو

[شری سملانی]

ہمیں ساتھ رکھنے کے لئے تیار ہیں لیکن حکمران کہتے ہیں ابھی سوچنے دو۔ ابھی واشنگٹن میں گیا ہوگا۔ ماسکو میں گیا ہوا ہے۔ تاشقند سے گیا ہونے والا ہے اور کراچی میں اس کا کہا ردعمل ہوگا۔ جناب والا میں نے پچھلی دفعہ بھی درخواست کی تھی اور میں آپ کی وساطت سے آج پھر نہایت پرزور آواز میں گورنمنٹ سے یہ درخواست کرتا ہوں کہ خدا کے لئے ہمیں اس تھوک فیصلے کا جو نہایت ہی امدادی ہے ہم نے لیا تھا جو ایک ساتھی کے طور پر ہم نے فیصلہ کیا تھا کہ ہم اس مہان دیہے کا ایک حصہ ہی کر رہنا چاہتے ہیں اس کی اتنی سزا نہ دی جائے جو کہ مسجریموں کے بھی نہیں ہوتی۔ اب ہم اگر ہندوستان میں اس کا ایک حصہ بن کر رہنا چاہتے ہیں تو اس کی اتنی سزا مت دیجئے کہ ۱۸-۱۹ سال سے تلوار کی دھار پر لٹکائے رکھا ہے کہ ادھر کرے یا ادھر کرے کہی انڈی پبلڈنٹ رہیں کہی پاکستان میں گئے۔ کہی ہندوستانی بن گئے تو کہی پاکستانی بن گئے۔ اس تمام خطرہ کا سامنا کرتے کرتے ہماری تو عمر گزر گئی لیکن ہمارے بچوں کو تو اس تذبذب بچوں میں سے ڈالنے ہمارے کوئی گناہ نہیں کیا ہے۔ گناہ اگر کیا ہے تو ہم نے کیا ہے لیکن ہمارے بچوں نے تو کوئی گناہ نہیں کیا ہے۔ اس واسطے

اس کالی دفعہ کر جتنی جلدی ہو سکتا ہے ہٹایا جائے۔ آج اس دفعہ کو ہٹوانا منظور کیا جائے۔ اس کے ہٹائے جانے کا فیصلہ اگر لیا جاتا ہے تو کرنی طرفان وہاں آنے والا نہیں ہے اور نہ ہی کوئی بغاوت وہاں آنے والی ہے۔ ماسکو آپ سے روٹھے والا نہیں ہے۔ اس طرح کی کوئی بھی بات ہونے والی نہیں ہے۔ یہ جو آپ کی فیصلہ نہ کرنے کی ایک کمزوری کی عادت ہو چکی ہے اس نے اس وقت تک تباہ کیا ہے اور آگے بھی کرنے والی ہے۔ اگر آپ نے اس بارے میں مضبوطی سے فیصلہ نہیں کیا تو جہس میں کے پچھلے بھت سیشن میں کہا تھا وہاں ابھی موجود ہیں اور اس کا نتیجہ یہ ہونے والا ہے کشمیر بگھکا۔ جموں بگھکا اور پونچھ بگھکا۔ وہاں آگ لگی اور اس وقت ہم فائر بریکڈ لیکر اہ بچھانا چاہیں گے تو بچھا نہیں سکیں گے اتر اور اس کے ساتھ ہندوستان چلے گا۔ میں پھر اپیل کرتا ہوں کہ اس سیشن کو اس وقت آج ہی منسوخ کیا جائے۔

16.03 hrs.

THE DELHI SECONDARY EDUCATION BILL

REPORT OF JOINT COMMITTEE

Shri Sonavane (Pandharpur): Sir, I beg to present the Report of the Joint Committee on the Bill to provide for

better organisation and development of secondary education in the Union territory of Delhi.

EVIDENCE

Shri Sonavane: Sir, I beg to lay on the Table a copy of the evidence given before the Joint Committee on the Bill to provide for better organisation and development of secondary education in the Union territory of Delhi.

16.04 hrs.

CONSTITUTION (AMENDMENT) BILL—contd.

(Omission of articles 152, 370, etc.)
—contd.

Mr. Chairman: Shri D. C. Sharma.

एक माननीय सदस्य : यह तो पंजाब के हैं यह जम्मू, काश्मीर के बारे में क्या बतलायेंगे ?

Shri D. C. Sharma (Gurdaspur): Mr. Chairman, Sir the ignorant Members of the House do not know that I have as much stake in the State of Jammu and Kashmir as any of the hon. Members who come from there. These hon. Members do not know that while Pandit Jawaharlal Nehru could not have an inch of land in Jammu and Kashmir, even now I have a house and lands in the State of Jammu and Kashmir. I am, to begin with, a citizen of Jammu and Kashmir; to quote the words of Maharaja Hari Singh, I am a first class State subject of Jammu and Kashmir. When these know-nothing people look at me when I start to speak on Jammu and Kashmir....

Shri Sonavane: Perhaps his complaint is that he is being treated as a second-class citizen in Jammu and Kashmir.

Shri D. C. Sharma: When these know-nothing people look at me fero-

ciously when I speak on Jammu and Kashmir, I do not know what to say about them. There are some persons who call me old. I do not know whether they are in the prime of youth themselves. It is like a pot calling the kettle black. What can I do?

I would submit very respectfully that Shri Prakash Vir Shastri has not asked for the moon in this Bill, has not asked for something impossible in this Bill, has not clamoured for something which is inaccessible or unachievable in this Bill. He has only said that the State of Jammu and Kashmir should be legally and constitutionally in line with the other States of India. I do not know why my friends are perturbed over that. And I cannot understand why Professor Hiren Mukerjee should have stood up and said that heavens are going to fall if this principle were adopted. I think the people of Jammu and Kashmir, about whom we are talking all the time and about whose integration we are speaking so loudly, have much right to be integrated with India fully, constitutionally and legally—and in every such term as the people of Punjab or the people of Hariyana or the people of UP or other States of India. I do not think they should be denied their right.

My hon. friend, Shri Samnani, has been referring to the trouble which we have created. We are the authors of that trouble, because in the case of Jammu and Kashmir we have followed the policy of undiluted gradualness, which has done no good either to the people of Jammu and Kashmir State, or to our armed forces, or to our country or to world opinion so far as I know it. Professor Mukerjee said that we should not rub Pakistan the wrong way.

Shri Sonavane: He referred to China also.

Shri D. C. Sharma: I do not understand why he was speaking so tenderly about Pakistan on the floor of the

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Lok Sabha that we should not rub them the wrong way. He should give this advice to Mr. Bhutto. He should tender this advice to Mr. Chou-en-lai. He should tender this advice to President Ayub. He should tell them: why are you talking in such rough terms about India after the Tashkent Pact has been signed? He does not say so to them. He preaches to us. I think this homily to us is most ill-timed, most injudicious, most unpolitical and most unwarranted. I think we the people of India are not prepared to listen to such homilies from a person who, as Shri Samnani has said, goes on changing his views from time to time.

Again he said that we should be careful about world opinion. Are we the only people to be guided by world opinion? Are we the only abject slaves of world opinion in Jammu and Kashmir? Is not Pakistan governed by world opinion? No, according to him, Pakistan stands on a higher pedestal in the esteem of my friend, Professor Mukerjee, whereas India is always liable to be misjudged whenever India talks about Jammu and Kashmir and their integration with the rest of India.

Sir, you know much more than I do or anybody else here that India has wasted 18 precious years. What should have been done in 1948 has not been done even now in 1966. I think, if I may be permitted to say so, the history of our dealings with Jammu and Kashmir State is a history of noble intentions misspelt, of good wishes misinterpreted and of trying to do something good which has not happened. I, therefore, say that the Government of India should read the writing on the wall and the writing on the wall says that you cannot keep the people of Jammu and Kashmir State in a state of uncertainty for 18 long years.

The Tashkent Agreement says that Kashmir is not negotiable and yet my friend Sardar Swaran Singh, the great

exponent of our foreign affairs, says that we can still talk with them on the subject. How can you talk love to a woman without meaning love to her? How can you talk about the Tashkent spirit without implying something good or bad about the Tashkent Agreement? Our difficulty has been this that we have given, I should say, impetus to those forces in Jammu and Kashmir State which are not conducive to the good of India and to the integration of Jammu and Kashmir State with India. My friend was talking about the Plebiscite Front. Well, we have the Plebiscite Front here. Why are you talking about plebiscite there? We are having the Plebiscite Front here. We are permitting plebiscite people here. Why should you talk about plebiscite there? Anybody who becomes an avowed enemy of India there, anybody who speaks ill of India there, is hug to our bosom here. Therefore, I say that my hon. friend, Shri Prakash Vir Shastri, even though he is an Independent and does not belong to any party, is performing a national duty by telling us that the time has come when the people of Jammu and Kashmir should be told that there is no uncertainty so far as their life is concerned.

Sir, the Punjabi Suba has come into being within 3 months as if it were from the hand of a magician. The Haryana Prant has come into being within 3 months, as if it were out of the bag of a sorcerer. The State of greater Himachal Pradesh has come into being, in the course of 3 months, as if it were out of the bag of a great magician. But Jammu and Kashmir State which is ours, which, we say, shall continue to be ours, which has been ours in the past, is ours now and will be ours tomorrow, is still living in an uncertainty. Why? It is because the persons who sit on the Treasury Benches, the persons who adorn the Treasury Benches, and for whom I have the highest regard, can think

only of their own States. Somebody thinks of Punjab; somebody thinks of Saurashtra—there is a movement now to separate Saurashtra from Gujarat. But nobody thinks of the people of Jammu and Kashmir who have stood by us through thick and thin and have been through the baptism of fire at the hands of the Pakistani soldiers not once, not twice, but thrice. Nobody thinks of them and I warn the Government of India about this that they should now try to abrogate this article and make Jammu and Kashmir State a part and parcel of India as the Hariana Prant will come into being in a few days and the Punjabi Suba will come into being in a few days.

Shri J. B. Kripalani (Amroha): Mr. Chairman, Sir, the history of Jammu and Kashmir is a tragic history. It seems that we are never tired of committing blunders so far as the accession of Jammu and Kashmir with the rest of India is concerned.

According to the Act of Parliament, the princes were free to join one dominion or the other, India or Pakistan, and the ruler of Kashmir joined India. And yet, somehow or the other, we were guided by such evil genius that we began to talk of plebiscite and self-determination. I can understand self-determination; I can understand plebiscite. But these are absolutely useless terms, they have absolutely no meaning unless you specify the territory. You can say tomorrow that there will be a plebiscite in, say, Central Provinces. It has absolutely no meaning. First of all, you must apportion the territory nationally and if there is some portion that does not belong to that nationality, only then you can talk of a plebiscite for that portion. You cannot talk of a plebiscite in one nation. You cannot talk of self-determination in one single nation where the people are united in the nationality. This talk of plebiscite has to stop.

Then, there was this article 370 and, I think, it was again the evil genius of

India that introduced that article. There was absolutely no need for it. This gave Kashmir separate Plans, a separate judiciary, a separate Constitution, a separate Governor, a separate flag and a separate Prime Minister also. I remember, when I talked on this subject that there can be no two Prime Ministers in one country, there was one learned minister on the Treasury Benches in those days—thank God, he is no more there who said that in Australia all the heads of the different States are called Prime Ministers. As to what happens in Australia or in Timbuktoo we do not know. In India, either all the provincial heads be called Prime Ministers along with the Prime Minister of India or there is no point in raising that bogey to terrify us. Then, in Jammu and Kashmir, they called a Constituent Assembly. The Constituent Assembly forms a functioning nation.

That is the fundamental body; there can be nothing beyond that. That Constituent Assembly decided that Kashmir would affiliate with India. Yet, that also was brushed aside. Our late lamented Prime Minister, Shri Jawaharlal Nehru, said that this did not affect our promise of plebiscite. We have a great quarrel with Sheikh Abdullah, but I think in this Sheikh Abdullah was right. He did not want any conditional connection between India and Kashmir. Then we are surprised that people out side do not understand our position in Jammu & Kashmir. If I were a foreigner, I would not understand; even as an Indian, I do not understand these things. I cannot understand how two territories that are supposed to be one are kept apart. We say that the accession of Kashmir to India is complete and that Jammu & Kashmir is an integral part of India. If it is an integral part of India, how are we going to retain a statute which separates this country, this portion of our land, from the other portion. I have questioned many people in foreign lands. They say, "we do not understand your position in Kashmir". What was the re-

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sult? After the recent war, we sent batches of Members of Parliament—some even from the Opposition Parties—to explain, after 18 years, our stand on Kashmir. They realised that it had not been explained. I tell you, “do what you will”, but the foreigners will never understand our position in Kashmir as long as Art. 370 remains in our Constitution. So far as Jammu & Kashmir is concerned, what are our rights there? The Jammu & Kashmir people can come and settle in India and they are settling in India; they can purchase land here. But we cannot purchase land there. The only right that we have in Kashmir is the right that Americans or the English people and all sorts of people have there—to be only tourists; we have no other right in Kashmir. What happens? We have been spending crores of rupees on this Kashmir. Even today you can get a kilo of rice for seven annas there while you may not get it even for one rupee here. The education in Jammu & Kashmir is free upto M. A. class.

Shri Khadlikar (Khed): Good.

Shri J. B. Kripalani: Yes; very good; but you do not provide this here.

Mr. Chairman: How do they stop you from introducing this here?

Shri Hari Vishnu Kamath (Hoshangabad): Government's policy.

Shri J. B. Kripalani: I am only saying that, if we treat one part of our country in a special manner and then we say that it is an integral part of India, then it becomes incongruous. People do not believe us. They might have free education not only upto M.A. but upto Ph.D. or any degree of education. But at whose expense? They get it at the expense of the rest of India where, in some places, even primary education is not free. The result is that we make it possible for

Pakistan and for every country in the West to miss our point of view. They do not understand what we stand for, whether Kashmir is really an integral part of India or it is something separate. And I believe that this question will crop up again and again. If you destroy one plebiscite front, there will be another plebiscite front. As long as you do not declare that there will be no damn nonsense and that Kashmir & Jammu are part and parcel of India and they will be treated as such; that there will be no special privileges given to the people of Jammu & Kashmir nor will there be any special handicaps—sometimes they have handicaps also. I agree with the previous speaker who said that Jammu & Kashmir in that case will be divided if this State of things continues so also Ladakh; and soon there will be a cry that these territories be divided on linguistic grounds. The cry will be linguistic, but at the root of it, it will really be a communal cry.

श्री खड्काली : यहां पर भी उतनी ही पाप्युलेशन मुसलमानों की है जितनी कि काश्मीर में ?

[شہی سملانی - یہاں پر بھی اتنی ہی پاپولیشن مسلمانوں کی ہے جتنی کہ کشمیر میں]

Shri J. B. Kripalani: The hon. member can say anything he likes.

Mr. Chairman: Acharyaji will please conclude now.

Shri J. B. Kripalani: If you want me to conclude, then I will conclude. I conclude by saying that Article 370 of our Constitution must be scrapped, must be revoked; otherwise, periodically we will have trouble not only from Pakistan but from the people of Jammu & Kashmir also; not only that, we will have trouble all over the world; on this question we will find that nobody is with us, including Soviet Russia.

Shri Khadilkar: Mr. Chairman, we all realise that the course of Indian politics has been bedevilled by Kashmir for the last eighteen years. Though we had an independent approach to international affairs, yet, because our neighbour was so much obsessed with Kashmir, to some extent our foreign policy also, in some measure, emanated from this fact that there is such a thing as Kashmir. If we bear these things in mind, would it be appropriate, would it be timely at this juncture, to take the step suggested by Mr. Prakash Vir Shastri? That is the question.

What has happened after the last confrontation with Pakistan? One thing has been made clear not only to Pakistan but also to all the world powers who were intriguing round about the Kashmir issue. What is that thing? Even at the United Nations headquarters, as well as at the time of Tashkent negotiations, one thing was made clear to Pakistan: that their demand for a plebiscite or self-determination on Kashmir is not tenable because all these slogans are forces of disintegration. That way, at Tashkent, apart from other advantages, we have gained a new position on Kashmir after the war. At Tashkent, whether they willingly accepted or not, it was made clear that once and for all so far as Kashmir is concerned, nowhere, no big power,—leave aside China; I will deal with China separately—no big power in the western world nor even Pakistan—Russia was never of that view—can raise the issue of plebiscite or self-determination.

Shri Siddheshwar Prasad (Nalanda): What about United Kingdom?

Shri Khadilkar: Still, let me say this very plainly. Can we just brush it aside and say that there is not some sort of a problem? I honestly feel that we might shut our eyes to it. . . .

Shri J. B. Kripalani: Article 370 is the problem.

Shri Khadilkar: . . .but one thing remains. As our Government have stated, it is not a problem between Pakistan and India. That also has been made very clear. . . .

Shri Samnani: What about Azad Kashmir? That is a problem between Pakistan and India.

Shri Khadilkar: The problem is this. For instance, there is a demand for a separation of States, as in the case of Punjab; and there is a gentleman, Master Tara Singh, who says 'I want self-determination.' Do you call him a traitor?

Shri J. B. Kripalani: Yes, we do.

Shri Khadilkar: If he says that he wants it within the national framework, and he feels that it should be there. . . .

Mr. Chairman: Self-determination has a wider implication. Would the hon. Member agree to that?

Shri Khadilkar: I am coming to that. When the people of Punjab felt that the present arrangement was not good, I was one of those who said 'All right, divide the State into linguistic areas or regional areas'. We had accepted that demand. So, this question which is very pertinent must be quietly and patiently understood. . . .

Shri J. B. Kripalani: After eighteen years.

Shri Khadilkar: Even now it should be understood.

Shri Nath Pai (Rajapur): By whom?

Shri Khadilkar: But after Tashkent a new situation has been created. What have we declared now? We have declared that we want to keep the spirit of Tashkent, and we want to abide not only by the letter of the agreement but by the spirit of it. And what is that spirit? That spirit is that we shall not take any step which in any manner would give an excuse to our neighbour to launch another

[Shri Khadilkar]

tirade against India and say that we are undermining the spirit of Tashkent.

Shri Bishanchander Seth (Etah): No.

Shri Khadilkar: My hon. friend may be intolerant. Democracy never survive with such intolerance. My hon. friend must realise it.

Shri Nath Pai: Nor with weakness.

Shri Khadilkar: If you want to convert them to your view then you must argue with them and persuade them. If there is a small pocket in Kashmir which feels differently, then you must argue with them and persuade them. If they feel that the present arrangement is not so good, then we should argue with them; we are convinced that they do not want to walk over to the other side; certainly, we must take note of that, and try to talk to them and open a dialogue and understand them.

I am surprised that such a senior leader of this House as Acharya Kripalani grumbled that education had been made free up to M.A. in Jammu and Kashmir.

Shri Bishanchander Seth: At the cost of the others.

Shri J. B. Kripalani: I was referring to the discrimination.

Shri Khadilkar: Even then I would say that it is justified. In Kashmir or in Nagaland or in the Mizo Hills area, if we are a little generous, that is better because they are sensitive spots....

Shri J. B. Kripalani: Maharashtra also.

Shri Khadilkar: Those sensitive spots must be looked after with a little more generosity and understanding.

Therefore, my submission is this that this measure that has been brought forward for a second time is to my mind absolutely uncalled for at the present juncture. Government have already taken some steps in the matter. My hon. friends are talking about the past still.

16.34 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Is there a Rajpramukh or a President or Sadar-i-Riyasat there now? Or is there a Governor? Is there a Prime Minister or a Chief Minister there now? Has not power been taken by Government to have President's rule also there?

Shri J. B. Kripalani: Under article 370.

Shri Khadilkar: My hon. friend is obsessed with that article. I am coming to that.

Shri J. B. Kripalani: Yes, I am obsessed with it because I want my country to be put right in the eyes of the world.

Shri Khadilkar: With this slow process, the situation is being assessed....

Shri J. B. Kripalani: We live in eternity!

Shri Khadilkar: As the situation ripens, we take the people with us from Kashmir, and step by step a situation is created when article 370 becomes a dead letter, and though it remains it has no significance whatsoever....

Shri Hari Vishnu Kamath: Redundant.

Shri Khadilkar: And it becomes absolutely redundant, like a ripe fruit which falls from the tree, though it remains there till it ripens.

I would submit that those who are agitated about Kashmir and article 370 should understand the whole

background; they should not advocate any step, showing a little ultra-nationalist approach. All of us are nationalists; the people in Kashmir are also nationalists. I do not doubt their *bona fides*. If I doubt the *bona fides* I would have said so, but I do not doubt their *bona fides*. But some section is dissatisfied there, as there are so many sections dissatisfied in our society. For instance, the poor are dissatisfied....

Shri J. B. Kripalani: I would only like to put one question to my hon. friend. Government have declared that the people of the valley have all along been with Government and with India. If that be so, then what is my hon. friend talking?

Shri Khadlikar: If they are with us, and a certain arrangement is made in the Constitution....

Shri J. B. Kripalani: Why is that special arrangement made? Why should it be there when they are with us?

Shri Khadlikar: Let my hon. friend have patience. Slowly, that is being eroded.

Shri J. B. Kripalani: If they are with us, then why this special arrangement?

Shri Khadlikar: The whole situation is such that the article is being eroded by certain steps taken by the Ministry of Home Affairs. So, article 370 is being eroded slowly. Why does my hon. friend want to hasten that process? After all, we must take into consideration the social forces. When there are pockets of discontent all over our country, why should we want to single out Kashmir? What did we see in Kashmir at the time of the last war with Pakistan? I have made a searching inquiry into this matter, and I find that when there was infiltration, the infiltrators never got a local foothold at all.

Shri J. B. Kripalani: Quite right; that shows that they are with us.

Shri Khadlikar: That shows that they are with us....

Shri J. B. Kripalani: Then why this special article?

Shri Khadlikar: If this article were to be dropped overnight, it will not change the situation. Therefore, I would make this appeal to the hon. Mover of this Bill that at this juncture, he should not press this, firstly because we are committed to the Tashkent Agreement, and we are committed to honour it in spirit and letter, and secondly because this article is being slowly eroded by the concrete steps taken by the Home Minister as a result of which it would soon be a redundant article adorning the pages of history showing the past history but having no present significance.

Shri Hari Vishnu Kamath: Only historical significance.

Shri Khadlikar: It will have only a historic significance but it will have no present significance.

Therefore, I say that at this juncture, to bring forward a measure of this nature would only help those in the wide world who are interested in raking up this issue again, which has bedevilled the course of Indian politics for the last eighteen years. Let my hon. friend the Mover beware of this danger.

Shri Koya (Kozhikode): The hon. Member promised that he would say something about China also but he has not said anything about that.

श्री त्यागी (देहरादून) : उपाध्यक्ष महोदय, मैं मानता हूँ, मैं कन्फैस करता हूँ और मुझे इस बात का अफसोस भी है कि पिछले 17-18 वर्षों में हमारी नीति, हमारी गवर्नमेंट की नीति एक आदर्श के नाम पर ऐसी रही है कि जिससे हम सब को खुश करने की कोशिश करते रहे हैं। पंडित जवाहर लाल नेहरू ने इतने दिनों तक प्राइम मिनिस्टर की और उनकी नीति यह थी, प्रजातंत्र के माने वह यह लेते थे कि प्रजा की राय

[श्री त्यागी]

के अनुसार काम किया जाए। यह उनका आदर्श था। इसके अनुसार जहाँ-जहाँ से भी उन पर प्रेशर पड़ा वह वहाँ उहाँने एक किस्म का समझौता किया। मैं समझता हूँ कि उनका यह आदर्श बहुत अच्छा था, बहुत ऊँचा था। हम भी इसमें उनके साथ थे। उनसे हमारे कई बातों में और कई बार मतभेद भी हुए। लेकिन मैं कहना चाहता हूँ कि चाहे जवाहर लाल जी हों या महारामा गांधी हों, समय के अनुसार ही पालिसी या नीति होती है और समय के बदलने के बाद एक राजनीतिज्ञ को अपनी पालिसी भी बदलने के लिए तैयार रहना चाहिये। ऐसी बात नहीं है कि जो पालिसी एक बार बन गई वह कुरान शरीफ की तरह से या वेद की तरह से हमेशा के लिए अमर रहेगी। हमको अपनी पालिसी बदलने के लिए भी तैयार रहना चाहिये। आप देखें कि एक बार एलान किया गया था कि हम काश्मीर में प्लेबिसिट करायेंगे। वह गलत एलान था। हम इसको आज रिपीट नहीं करते हैं। हम समझते हैं कि वह हम से गलती हुई। हर एक आदमी कभी गलती भी कर सकता है।

आज समस्या ऐसी हो गई है कि हम लोगों को राजनीतिज्ञ की तरह से बिहेब करना चाहिये। राजनीतिज्ञ जो कि जिम्मेदारी के बोहदों पर हैं उनको दुनिया को खुश करने के लिए, अपनी पब्लिसिटी करने के लिए, अपने नाम के लिए काम नहीं करना चाहिये। इस लिए नहीं करना चाहिये कि हमारी पोजिशन क्या हो बेसिक चीज यह होनी चाहिये कि हम सोचे कि देश के इंटिरेस्ट में क्या चीज है। उसको आप करें और उसके बाद अपनी पब्लिसिटी करें जब तक कोई मुल्क अपने पैरों पर नहीं खड़ा होगा और दूसरों की इच्छाओं और दूसरों के बेहरोँ को देख देख कर चलेगा वह मुल्क कायम नहीं रह सकता है। आज बावजूद इसके कि हमारी इतनी बड़ी शक्ति है, फौज है, सब कुछ है पर आज हमारी इमैज दुनिया के अन्दर उतनी ऊँची नहीं हुई जितनी की तब हुई थी जबकि स्वराज्य मिला था। मुझे अफसोस के साथ कहना

पड़ता है कि आज वह इमैज नीची हो गयी है। उसका कारण यह है कि हम दुनिया को खुश करने की कोशिश करते हैं। मैं एक बात पूछता हूँ कि हमने यह तय किया कि कश्मीर हमारा इंटैगरल पार्ट है। कश्मीर की कांस्टीट्यूट प्रसेम्बली बनी उसने यह तय किया :—

“We, the people of the State of Jammu and Kashmir, having solemnly resolved, in pursuance of the accession of this State to India, which took place on the 26th of October, 1947, to further define the existing relationship of the State with the Union of India as an intergal part thereof and to secure to ourselves social, economic and political.....”

This is the constitution of Jammu and Kashmir.

जम्मू कश्मीर के लोगों ने अपनी इस कांस्टीट्यूट प्रसेम्बली क माफत तय किया कि जम्मू काश्मीर हिन्दूस्तान का इंटैगरल पार्ट है। आर्टिकल तीन म आगे जाकर वह इसे यू डिफाइन करते हैं:—

“The State of Jammu and Kashmir is and shall be an integral part of the Union of India. The territory of the State shall comprise all the territories which on the 5th day of August, 1947 were under the sovereignty or suzerainty of the ruler of the State.”

Shri Kapur Singh (Ludhiana): Is it 5th day of August or 15th day of August 1947?

Shri Tyagi: 15th day of August 1947.

इसके माने यह है कि जो श्रीकुपाइड कश्मीर है वह भी इस कांस्टीट्यूशन में शामिल है और अगर इस कांस्टीट्यूशन में शामिल है तो हमारे कांस्टीट्यूशन में भी शामिल है। लेकिन दुनिया को खुश करने के लिए इतने अहम मसले पर इतने गम्भीर मसले पर बातचीत हुई एक बार भी यह क्लेम करना भूल गये, पन्द्रह वर्ष के कि

(Amdt.)

पाकिस्तान से कहा जाय कि वह कश्मीर को खाली करे। मैं यह मतालवा करता हूँ मैं यह मांगता हूँ जवाब कि क्या बजह है कि हम खामोश बने हुए हैं। जब कश्मीर जिसके बारे में सिक्योरिटी कौंसिल यह फैसला कर चुकी है कि पाकिस्तान को कश्मीर का वह हिस्सा वेंकट कर देना चाहिए उसको रिपीट करने में जर्मा रहे हैं कि कहीं रूस नाराज न हो जाय, अमरीका नाराज न हो जाय और दूसरे मुल्क क्या ब हों ? मैं पूछना चाहता हूँ कि क्या हम सिनेमा ऐक्टर्स हैं जोकि हम दुनिया को झुझ करने के लिए चले हैं ? हमको अपनी गवर्नमेंट अपने तरीके से चलानी है और अपने राष्ट्र को चलाना है इसलिए पहली चीज तो यह है कि कश्मीर जो इंटैग्रेल पार्ट है, सरदार स्वर्ण सिंह यहां नहीं हैं लेकिन मैं सरदार साहब से कहना चाहता हूँ कि वह यहां पर इस चीज को साफ तरीके से कह दें कि इधर का कश्मीर बालाहिस्सा ही नहीं बल्कि श्रीकुपाइड कश्मीर भी हमारे इंटैग्रेल पार्ट है और यहां के सिटीजंस हमारे सिटीजंस हैं और वह लोग जो प्राज इतने असें तक गुलामी बर्दाश्त कर चुके हमारे लिए बायसे शर्म है। इसलिए मैं कहना चाहता हूँ कि हमें यह दावा करना चाहिए।

अब एक सवाल यह है कि हमारा कांस्टीट्यूशन जिसके अन्दर हम काम करते हैं उसके आर्टिकल 19 में यह लिखा हुआ है :

"All citizens shall have the right to freedom of speech and expression, to assemble peaceably and without arms, to form associations or unions, to move freely throughout the territory of India, to reside and settle in any part of the territory of India, to acquire, hold and dispose of property and to practice any profession, or to carry on any occupation, trade or business."

How does this operate there? Does the position there not go against this provision? We cannot acquire land. Our citizens are not free to go to Kashmir.

अब यह कैसे कांस्टीट्यूशन की इस वफा का वहां कंट्रिब्यूशन है ? वहां जो हालत मौजूब है उसको देखते हुए जो हमारा असली कांस्टीट्यूशन है उस का कंट्रिब्यूशन है। उस को साफ करना चाहिए क्योंकि जब प्राप कश्मीर को इंडिया का इंटैग्रेल पार्ट कहते हैं तो यह पाबन्दियां वहां पर सिटीजन्स के लिए नहीं होनी चाहिए। यह तो मैं मान सकता हूँ कि अगर प्राज कश्मीर को प्राप दूसरी स्टेट्स के लेबिस पर ले प्राते हैं तो हमारे बहुत से कम्युनिस्ट्स लोग कह सकते हैं कि बुरा होगा क्योंकि उन्हें तो कुछ-न-कुछ चाहिए जिससे कि हिन्दुस्तान कमजोर होता चला जाय लेकिन नाराजगी पाकिस्तान को किस बात की होगी ? पाकिस्तान को तो प्राज भी हम कहते हैं कि कश्मीर हमारा इंटैग्रेल पार्ट है इसलिए पाकिस्तान की नाराजगी का कोई सवाल नहीं है, रूस की नाराजगी का कोई सवाल नहीं है, अमरीका की नाराजगी का कोई सवाल नहीं है। इसलिए प्राई काहे के लिए प्राप यह काम नहीं करते कि प्राप कश्मीर को दूसरी स्टेट्स के बराबर ले प्रायें। चूंकि कांस्टीट्यूशन ने हिन्दुस्तान के कोने कोने के लिए लिखा है मैं प्राप से कहना चाहता हूँ कि यह कमजोरी और इनडिसीशन की पालिसी हम को तबाह करेगी। प्राज वक्त प्रा गया है कि जब गवर्नमेंट को मजबूती के साथ चलना चाहिए। हम को लीग रेंज ब्यू रख कर साफ ऐमान कर देना चाहिए...

Shri Gomavane: He was an important Member of the Cabinet. What part did he play when he was in the Cabinet in support of this point of view?

Shri Inder J. Malhotra (Jammu and Kashmir): That was why he resigned.

श्री त्यागी : प्राज पोजीशन यह है कि लकाड़ीप, नेफ्रा, नागालैण्ड और कश्मीर में हिन्दुस्तान के दूसरे हिस्सों के सिटीजन्स वहां पर जमीन बगैरह नहीं ले सकते हैं। नेफ्रालैण्ड के अन्दर हम को इकावट है, नेफ्रा के अन्दर

[श्री त्यागी]

नहीं जा सकते, नागालैण्ड के अन्दर नहीं जा सकते। मेरा कहना है कि वहाँ इस तरह की रुकावटें हिन्दुस्तान के सिटीजन्स के लिए क्यों रहें? कांस्टीट्यूशन का यह अमल सारे देश के कोने कोने में होना चाहिए।

Shri Sonavane: Can he do one thing when he was in the Cabinet and something else when out of it?

श्री त्यागी : यह जो आप की नेफ़ा की प्राबलम है, नागालैण्ड की प्राबलम है और यह अंडमान निकोबार और लकाद्वीप आदि में जहाँ भी इस तरह से भारत के नागरिकों के वहाँ पर आने जाने की रुकावट है या वहाँ पर जमीनें खरीदने की रुकावट है मैं चाहता हूँ कि कांस्टीट्यूशन का यह कंटेन्ट्रिब्यूशन हटना चाहिए और उन जगहों पर भी शेष भारत की तरह कांस्टीट्यूशन अमल में आये। कांस्टीट्यूशन के अनुसार सारे शहरियों को देश के हर एक कोने में एक सी पूरी आजादी होनी चाहिए।

यह जो संविधान से 370 दफ़ा को हटाने की मांग है उसकी बाबत मैं कहता हूँ कि आज आप उसको पास न कीजिये बल्कि होम मिनिस्टर से इस बात का तकाजा कीजिये कि वह एक नया ला कांस्टीट्यूशन का ऐसा से आये जिससे अकेले कश्मीर ही नहीं बल्कि और भी हिस्सों में जहाँ इस तरह की रुकावट है वहाँ भी उसे दूर करके एक लेबिल पर लाया जाय ताकि हम उसके ऊपर गर्ब अनुभव कर सकें और उसको सचमुच इंटीगरल पार्ट कह सकें। इसलिए मेरा यह कहना है कि आप मेहरबानी करके यह बतलाइये कि आप यह चीज करके को तैयार हैं या नहीं?

Mr. Deputy-Speaker: How much time does the Minister want for reply?

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathl): About half an hour.

Mr. Deputy-Speaker: And Shri P. V. Shastri?

Shri Prakash Vir Shastri (Bijnor): Ten minutes.

श्री काशी राम गुप्त (अलवर) : उपाध्यक्ष महोदय, जो व्याख्यान श्री खाडिलकर ने दिया उस को सुन कर मुझे बड़ा आश्चर्य हुआ कि यह खाडिलकर कांग्रेस के खाडिलकर बोल रहे हैं या कि कोई कम्युनिस्टों के वाम पंथी या दक्षिण पंथी खाडिलकर साहब बोल रहे हैं क्योंकि उन्होंने बड़ी अजीब अजीब दलीलें दी हैं? ताशकन्द की भावना के प्रति उन्होंने बड़ी चिन्ता प्रकट की। अब मेरा कहना है कि ताशकन्द से पहले श्री लाल बहादुर शास्त्री यह कह कर गये हैं कि कश्मीर पर कोई बातचीत नहीं होगी। कश्मीर हमारा एक अटूट अंग है और उस पर कोई बातचीत नहीं की जायेगी। इसलिए यह ताशकन्द का हवाला देना और उसका बहाना लेकर लगातार यह दलील देना कि संविधान में से दफ़ा 370 नहीं हटनी चाहिए मैं समझता हूँ कि इससे बड़ी गलत और भद्दी बात और कोई नहीं हो सकती है। मैं तो यह सोचता था कि भाई श्री समनानी जी के बोलने के बाद शायद खाडिलकर जी को फर्क महसूस होगा और वह समझ जायेंगे कि कश्मीरी लोग क्या चाहते हैं लेकिन मालूम यह होता कि खाडिलकर जी खाली एक वकील की हैसियत से अपनी बात को चलाने की कोशिश कर रहे हैं और दिल उनके है नहीं और अगर है तो वह एक वकील का दिल है। इसलिए मैं यह निवेदन करना चाहता हूँ कि यह बड़ा अहम मसला है। हम इस सदन में जब बोलते हैं तो उसका असर हमारा बाहर जाता है। श्री हीरेन मुकर्जी जो बोले उससे समझ में एक बात भाई कि रूस की नीति ऐसी भ्रष्ट हो गई होगी जिससे कि उन्हें आज यह कहना पड़ा बाकी मुकर्जी साहब जैसे आदमी वह कहें यह एक ताज्जुब की ही बात है। कुछ दिन हुए जब श्री पाटिल अमरीका होकर आये थे।

उन्होंने कांग्रेस पार्टी में एक भाषण दिया था और उसमें उन्होंने यह बतलाया था कि पाकिस्तान से जो हाल में सझाई हुई है उसके बाद से अमरीका का यह मत बन गया है कि प्लैबिसिट जैसी कोई चीज कश्मीर में अमल में नहीं आ सकती है। अब भी अमर 370 को हटाने की बात हम न कहें तो फिर पाकिस्तान को मजबूत करने के सिवा और क्या बात है ? इसलिए प्रश्न यह नहीं है कि ताशकन्द में क्या बात हुई है या अमरीका क्या चाहता है या रूस क्या चाहता है, प्रश्न तो यह है कि हम क्या चाहते हैं ? अमर हम चाहते हैं कि सचमुच कश्मीर हमारा अंग रहे तो इस 370 दफा को हमें जल्दी से जल्दी समाप्त कर देना चाहिए। आम जनता आम के कानूनी बनकर, ताशकन्द और यह प्लैबिसिट बगैरह में नहीं पड़ती वह तो केवल यह जानती है कि इस दफा के रहते कश्मीर में और दूसरी हमारी स्टेट्स में फर्क मौजूद है और वह मिट नहीं रहा है और वह फर्क इस दफा को हटाने से ही मिट सकता है इसलिए कश्मीर के लोगों और शेष भारत के सभी लोगों की यह मांग है कि यह फर्क मिटाया जाय और वह फर्क कायम रखने वाली दफा फौरन खत्म कर दी जाय। अभी खाडिलकर जी ने कहा था कि आहिस्ता-आहिस्ता ऐसे हो रहा है और वैसे हो रहा है। इस "आहिस्ता-आहिस्ता" को आम जनता नहीं समझती है। आज वषा यह है कि हाजीपीर का जो इलाका इस संघर्ष में हमारे कब्जे में आया था, उसमें जिन लोगों ने ईमानदारी से हमारा साथ दिया, पाकिस्तान ने उनको गोली में उड़ा दिया है। ऐसी हालत में वे लोग क्या हिम्मत कर सकते हैं ? मैं समझता हूँ कि कश्मीर के लोगों की तकलीफ को यह सरकार नहीं समझती है। वह समझती है कि वहाँ पर मुसलमानों का बहुमत है, इसलिए उन को क्या तकलीफ हो रही है। लेकिन मैं समझता हूँ कि आर्टिकल 370 के रहते हुए उन लोगों को इतनी तकलीफ हो रही है, जितनी किसी को नहीं हो सकती है—जितनी अज्मु के हिन्दुओं को भी नहीं हो रही है।

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इसलिए इन सब बातों को देखते हुए, जिस सैकुलरिज्म की हम दुहाई देते हैं, उसको सामने रखते हुए और इस सझाई के बाद यह बहुत जरूरी हो गया है कि आर्टिकल 370 को हटा दिया जाये। ताशकन्द समझौते के जो गुल खिल रहे हैं—हालांकि मैं उनमें से हूँ, जो मानते हैं कि ताशकन्द समझौता करना चाहिए था, लेकिन मैं यह भी मानता हूँ कि इसका यही नतीजा निकलने वाला था और पाकिस्तान की तरफ से ऐसी हरकतें की जानी थीं—और इस वक्त पाकिस्तान का जो रबैया है, उसको देखते हुए यह जरूरी है कि जितनी जल्दी हो सके, इस आर्टिकल को खत्म करके कश्मीर को पूरी तरह से हिन्दुस्तान के साथ मिला लेना चाहिए। पाकिस्तान के पास वहाँ पर तूफान उठाने के बड़े जरिये हैं। आज मिजो हिल्ड में क्या हो रहा है, जहाँ पर इण्डोनेशिया से मदद मांगे जाने की चर्चा चल रही है ? आज नागालैण्ड में क्या हो रहा है ? मैं समझता हूँ कि ये सब बातें एक दूसरे के साथ जुड़ी हुई हैं। अमर हम आर्टिकल 370 को हटा देंगे, तो हम को मिजो हिल्ड और नागालैण्ड की समस्याओं और दूसरी समस्याओं को हल करने में मजबूती मिलेगी।

इसलिए मैं शास्त्री जी के प्रस्ताव का हृदय से समर्थन करता हूँ।

Shri S. Kandappan (Tiruchengode): I would like to congratulate the Mover of this Bill, Shri Prakash Vir Shastri, for bringing this timely measure and I wish and hope the Government would accept this.

Even Shri Khadilkar did not deny the substance of this Bill. His contention was that the Bill was not timely. I would rather say that I can find no other time more fitting than this one for a Bill of this nature.

This Kashmir issue is not an ordinary issue. The Government by its lukewarm attitude and its policy of appeasement has already wasted a lot by way of men, material and money.

(Shri S. Kandappan.)

The whole war with Pakistan, I should say, was due to this half-hearted attitude of this Government rather than to the belligerent attitude on the part of Pakistan.

Acharya Kripalani was accused of grumbling over some special privileges bestowed on Kashmir. It is our right to grumble when the legally wedded wife is treated differently from the consort. The Government has all along kept Kashmir as a privileged State which not constitutionally integrating it with India.

Fortunately or unfortunately, we have a written Constitution. When the Government has got a Constitution properly framed by a Constituent Assembly, and when they do not integrate Kashmir constitutionally with India, they have no right to proclaim to the world that Kashmir is an integral part of India, and even if they deem it fit on their part to proclaim so, they cannot expect other countries to concede that claim or profession.

Kashmir is being kept virtually as a separate, almost sovereign entity, excepting some kind of formal proclamations on the part of Government. When you allow that kind of thing to exist, is it not fair to concede that there is every likelihood of Pakistan or, for that matter, any other country to comment and say something with regard to Kashmir which we may not like? So, it is the policy of the Government that gives room for Pakistan or any other nation in the world to claim that Kashmir is not really an integral part of India. So, I urge upon the Government either to integrate Kashmir or to come before the country and openly and frankly lay before the public the difficulties that they encounter with regard to the integration of Kashmir with India. If there are practically no difficulties with regard to integration, there is no

excuse for the Government to postpone this perpetually, endangering the lives of our men and our spender financial resources.

Shri Sham Lal Saraf (Jammu and Kashmir): I know there is very little time at your disposal, but still I must thank you for accommodating me today.

Firstly, I would like to remove certain misunderstandings created by the speeches of Acharya Kripalani and one or two others. I must say very frankly that nothing has been given gratis to Jammu and Kashmir. Whatever we have been drawing is absolutely according to the law, according to the procedure for loans, grants, etc., applicable to the rest of the country. Firstly, they have their own resources, revenues etc. Then, as far as grants and other things are concerned, they flow there for the developing plans as they flow to any other State within the country. Therefore, it is not correct to say that they get this at the cost of the Indian taxpayer, and I should rectify this.

I must thank Shri Prakash Vir Shastri for bringing this Bill and inviting the attention of the Government to this matter. I would give my considered opinion to the Government that this will be the last time—for them to understand. We have had certain agreements with the Government of India, and I may humbly say that I have also been one of the signatories to them right from 1947, but this last attack on Kashmir has opened our eyes wide enough. We could not know till the raiders, not one but thousands, fully armed, came right upon our heads. It was a providential escape. I must frankly say that today we must realise the implications for this country by not having Kashmir as a part of India.

Secondly, the vulnerability of all those borders on that side and this

constant friction with Pakistan and China on the other side make it highly incumbent upon the Government of India to have a direct eye, direct interference, direct attention of the areas that surround our borders. They must be very, very vigilant about the functioning of the civil Government there. Today I would say very frankly that in spite of the fact that my erstwhile colleagues might be working in that Government, the people are not behind them, there is no political support, and unless you get that support, we are sitting on a volcano, and God knows when it might erupt.

Till now I have not said these things, but today the position is this. Though I belong to the ruling party, though I belong to the Congress Party, I must say it today that if the party does not take a decision with regard to Kashmir, sooner I will say rather now than later, I do not know what might happen. So, we shall say things in the open, what we have not said so far.

Shri Kapur Singh: Tell us more clearly.

Shri Sham Lal Saraf: My words are clear enough.

It was for certain specific reasons that this article 370 was introduced in the Constitution, and I must say that Jammu and Kashmir in a sense has benefited very much by that, but after the passage of so much time, its continuance is proving a great impediment. There is insecurity, there is no mental integration taking place. Secondly, it leaves loopholes for anti-elements to create troubles and arouse the people there day in and day out. Thirdly, the mind of this Government is not yet clear.

17 hrs.

There was a time when there were certain mutual understandings, but as far as the people of Kashmir are

concerned, it is not only the State Constitution, our resolution, we have always wanted full integration with this country as any other State. It was the government of Pandit Nehru and others who never took courage in both hands and agreed to our request. That has not been done. I will again say that conditions have changed. The circumstances today are absolutely dangerous. It is high time that the government of India applied their mind once again to this matter and came to the conclusion and drew a new relationship on the pattern by which all the other States are part and parcel of this country.

Shri Tyagi: Would your government recommend it? .. (Interruptions).

Shri Sham Lal Saraf: Apart from the government, Tyagiji, the people are with you. I am saying that the position is not happy in a number of ways. For the sake of the defence of the country, internal and external security of the country, it is absolutely essential that the central Government must apply its mind; they must also keep in view the situation in the borders outside the country. I agree with Tyagiji that this Bill may not be good in its present form but as far as the purport of it is concerned, I agree and let the government itself bring in a Bill with this purpose. With these words, I express my mind on this Bill.

श्री विश्वनन्दन सेठ : प्रादेशीय उपा-
ध्यक्ष महोदय, काश्मीर के सम्बन्ध में प्राज
जो स्पीचें यहाँ पर हुई हैं, उनमें श्री हीरेन
मुकजी और चाडिलकर जी की स्पीचों को
सुन कर हैरान रह गया। मैं यह नहीं समझ
पाया कि ये इस देश के रहने वाले हैं
देश के अनुचितक हैं वा अनुभविन्तक हैं।
मुझे बलात्क दुष्मा कि जो इतनी बीटी सी बात
है कि प्राज प्राप देश के किसी भी प्राज में

[श्री बिशन चन्द्र सेठ]

जाकर जमीन मकान खरीद सकते हैं, काश्मीर का कोई भी भ्रादमी शालहानपुर में भाकर कोई भी चीज खरीद सकता है, लेकिन हम उस भारतीय प्रदेश में जाकर नहीं खरीद सकते ।

श्री त्यागी : आप तो वहां शादी भी नहीं कर सकते । काश्मीरी यहां भाकर शादी कर सकता है, लेकिन हम शादी भी नहीं कर सकते ।

श्री बिशन चन्द्र सेठ : मैं यह निवेदन करना चाहता हूं कि काश्मीर स्टेट के सम्बन्ध में...

Shri Kapur Singh: Shri Tyagi has referred to a genuine public grievance which should be taken note of. I am afraid you did not take note of it; it was immersed in the noise.

श्री बिशन चन्द्र सेठ : मैं काश्मीर के सम्बन्ध में एक-दो बड़ी मोटी-मोटी बातें निवेदन करना चाहता हूं । जब काश्मीर में पाकिस्तानी लाखों भ्रादमी भा गये और लड़ाई शुरू हो गई, उसके बाद काश्मीर की बात देश के या हमारे सामने आई, अगर काश्मीर के सामने यह प्रश्न नहीं होता कि वहां एक दूसरी स्टेट है, दूसरा प्राइम मिनिस्टर है, दूसरी तरह का प्रबन्ध है, तो आज इस लड़ाई की शपथ जो पिछले दनों में हुई है, न होती । परन्तु आज स्थिति इस प्रकार की है कि काश्मीर का स्टेट्स आपने दूसरी तरह का बना रखा है । आप खामखाह उलटा फैसला देने की बात करते हैं । चार दिन पहले श्री त्यागी जी कैबिनेट में थे, अब उनकी भाषाज कैबिनेट से बाहर आने के बाद कितनी बदल गई है । हमारी गवर्नमेंट का आज यह हाल है कि अगर कोई बिल मेम्बर की तरफ से भाये तो ऐसा मालूम पड़ता है कि उनके लिये बड़ी भारी कड़वी दबा भा गई है । मैं हाथी साहब से निवेदन करना चाहता हूं कि आप देश

के साथ ज्यादाती न कीजिये । आज जितने भी सज्जन यहां पर बोले हैं, सिवाये खाडिलकर साहब के, एक भी कांग्रेसमैन आपके फेवर में नहीं है लेकिन अब आप ब्हिप लगायेंगे और मनमानी करेंगे ।

श्री त्यागी : हीरेन मुखर्जी भी ।

श्री बिशन चन्द्र सेठ : मैं इतना ही निवेदन करना चाहता हूं । कि यह जैनुइन डिमाण्ड है देश की । इसके लिये गलत इन्फ्लुएन्स देश पर मत डालिये । जो गवर्नमेंट बंबेज से आज बोला गया है, वह सही चीज है और उसे स्वीकार कर लेना चाहिये । इस वक्त काश्मीर का स्टेट्स देश के अन्दर वही होना चाहिये जो कि सारे देश के अन्य प्रांतों का है । आज देश के अन्दर अनेक प्रकार के प्राविन्सेज हैं, और उनके अलग अलग स्टेट्स हैं, यह हमारे कांस्टीट्यूशन में दुर्भाग्य की बात है । मैं चाहता हूं कि आप इस बारे में कड़ाई से देखिये और सही कदम उठाइये । मैं ज्यादा न कहते हुए बैठ जाता हूं ।

Mr. Deputy-Speaker: The hon. Minister..... (Interruptions).

Shri Nath Pal: One Member from Kashmir wants to speak. I did not exercise my right to speak; you did not call me.

Mr. Deputy-Speaker: Two have already spoken from Kashmir.

श्री प्रकाशचोर शायी : श्री मंत्री उन्नी क्षेत्र से आते हैं, इस लिये इनको अवश्य 5 मिनट दिया जाना चाहिये ।

Shri Hathi: I will sacrifice five minutes for the Member from Kashmir.

Shri Gopal Datt Mengi (Jammu and Kashmir): Mr. Deputy-Speaker, the hon. Member Mr. Hiren Mukerjee speaking just now said that if Mr. Sadiq, the present Chief Minister of Jammu and Kashmir, wanted abrogation of this article, we can proceed

accordingly. Mr. Sadiq wrote an article in the *Hindustan Times* of November 26, 1963. He has been the president of the Constituent Assembly of Jammu and Kashmir and a very responsible minister all along. The article is a very long one. I would read only two paragraphs which would indicate his mind. He says:

"The authors of the article had clearly envisaged the raising of the standard of administration in the State so as to bring it to the same level as in the other States. It is time now to modify this article in such a manner as to make the rest of the provisions of the Constitution applicable to the State in order to enable the people to derive complete benefits from the welfare measures adopted in social, economic and educational fields. Legislation so far enacted by Parliament has taken due note of the interest of labour and investing public against the machinations of unscrupulous elements in trade and industry. But the advantages of such laws will be available in the State only if the Constitution applies to the State in its entirety. We have no doubt in our mind that this step will go a long way in guaranteeing the socio-economic development of the Jammu and Kashmir State along with the rest of the country and in accordance with the high objectives of achieving a socialist democracy and a secular society."

I do not know what Mr. Sadiq would say today.

An hon. Member: He is always consistent.

Shri Gopal Datt Mengi: Let us hope so. In the light of this article, the Government should now take steps to apply the Constitution of India in toto to Jammu and Kashmir. Only two days back there was a question raised in Parliament about direct elections to Parliament from Jammu and Kashmir. The hon. Minister have a very

vague answer. He said: we will amend our Representation Act and see what can be done. In Jammu and Kashmir we have a separate law; for the rest of India there is a separate law. When direct elections are to take place, why should not there be the same law for the whole country? Therefore, I make this humble request; it is not a request, it is a demand? The demand is that the Indian Constitution should be applied in toto to Jammu and Kashmir. It is high time it was applied.

Mr. Deputy-Speaker: Shri Hathi.

Shrimati Tarkeshwari Sinha (Barh): Sir, I may be given just five minutes.

Shri Hathi: I have already been called.

Shrimati Tarkeshwari Sinha: Shri Kamath said that—(Interruption).

Mr. Deputy-Speaker: Order, order. I have already called Shri Hathi.

Shrimati Tarkeshwari Sinha: Please listen to me, Sir. I make an appeal. Shri Kamath said that even if he gets only two or three minutes, that is time enough for him to move the Bill, and then it can go on the next day. So, why not give five to seven minutes each?

Mr. Deputy-Speaker: Then, Shri Sidheshwar Prasad also wanted time to speak.

Shrimati Tarkeshwari Sinha: He can also be given three or four minutes.

Mr. Deputy-Speaker: I am sorry.

Shrimati Tarkeshwari Sinha: It is very strange.

Shri Hari Vishnu Kamath: Five minutes for Shrimati Tarkeshwari Sinha and five minutes for Shri Nath Pal may be given. The debate can go on till one minute to 6 o'clock.

Shri Hathi: Shri Prakash Vir Shastri will also reply.

श्री हरि बिष्णु कामथ : बोड़ा समय दान करिये ।

Shrimati Tarkeshwari Sinha: You can give me five minutes. **Shri Kamath** is prepared to give his own time. *(Interruption)*.

Shri Kapur Singh: You have already said that she cannot be accommodated. Let those orders be obeyed. She must obey the Chair.

Shrimati Tarkeshwari Sinha: Please let me have the indulgence.

Shri Inder J. Malhotra: **Shri Kamath** is willing to give his time; he is prepared to wait. So, she may be given five minutes, before you call **Shri Hathi**.

Mr. Deputy-Speaker: **Shri Hathi**.

Shri Hathi: Sir, it was really gratifying to see that all the Members who spoke, excepting one, took the same stand that the Government and the whole nation have taken on Kashmir. There can be no doubt that Kashmir is an integral part of India. That has been our stand throughout and it shall remain the same. There can be no question about it.

Shri Tyagi: What about the occupied part?

Shri Hathi: We have already said that they are aggressors. There also, we have said in the Security Council that they are aggressors.

Shri Tyagi: It forms part our country.

Shri Hathi: Yes. There can be no doubt about that. This is not a question which is a party question. It is a national question: the stand on Kashmir.

An hon. Member: Rather an international question. *(Interruption)*.

Shri Hathi: I say it is a national question and a national stand. I would request hon. Members to hear me patiently. This is not at all a party question. I has crossed all the party

barriers and the stand that has been taken is not at all on a party basis. It is on a national basis. Everyone of us here maintained and shall maintain that Kashmir is part of India and that any challenge from anybody will be met by us. It is not necessary for me to recall how during August and September, 1965, we, the whole nation, stood united in our determination to meet the challenge of Pakistan, and I would also say, thanks to the valour of our armed forces we were able to reply very effectively to the aggression which Pakistan dared to commit those days.

Shri Hari Vishnu Kamath: People's co-operation also.

Shri Hathi: I said so. It was the unity of the people, the united will of the people, the united determination of the people, that gave the Government the strength to fight against Pakistan. That fact, nobody can forget so soon.

Now, at that time, I do not think anybody looked at article 370 of the Constitution, whether this article 370 at all comes in the way or whether we should hesitate even for a moment to drive the aggressor out of Kashmir. Nobody looked at the copy of the Constitution, because we believed and we firmly believe that Kashmir is part of India and Pakistan has no right whatsoever.

Shri Gopal Datt Mengi: What about the separate Constitution of Kashmir?

Shri Hathi: Please hear me. I shall come to that. I am at one with all the hon. Members who have expressed their sentiments. On that account, I am perfectly at one with them. There is no question, and there can be no doubt whatsoever. Let me be very frank and very clear about this.

Shri Hari Vishnu Kamath: Perhaps only a question of time.

Shri Hathi: It is not only a question of time. I shall say what it is

(Amdt.)

actually. Shri Prakash Vir Shastri who has always been a champion of this cause and who had brought a Bill last time also, has spoken very emphatically and emotionally too, on this Bill. He referred to the hostile activities of Pakistan. He also referred to the Tashkent agreement. We were and we are a peaceful nation and we did not want to fight, but we fought against them when the time came and when it was thought that there can be a possibility that the hostilities could cease we agreed to conclude the Tashkent agreement. We still want to abide by the letter and spirit of the Tashkent agreement. But of late we have noticed, as the hon. Member rightly remarked, the statements of the leaders of Pakistan. We have also noticed, as the Defence Minister himself said in the House the other day, how the Chinese are hobnobbing with Pakistan, and we have seen how the military aid that they have given was paraded on the streets of Rawalpindi. We have taken note of all that, and therefore, let it not be said that we are not aware of all these things. We are aware. But we still hope, as was said by the Defence Minister in the House the other day, that Pakistan will see light and that they will also see that it is in the interest of Pakistan herself—as well as in the interests of both the countries—to abide by the Tashkent agreement, and that she will abjure the use of force and arms. We know that position, and we are alive to the facts.

Then comes the question that this is not the proper time when the present Bill should be passed. What is the object of this Bill? The object of this Bill is this: that an impression is created by the presence, the existence, of article 370, that Kashmir is not a part of India. Now, in whose mind is this doubt created? Certainly not in the mind of the people of India and the people of Kashmir which is a part of India. There is no doubt about it. If there was a doubt,—

Shri Sham Lal Saraf: Especially in Kashmir, there is a feeling growing. I must say it frankly.

Shri Hathal: If there was a doubt,— well, we all pay a tribute to the people of Kashmir for what they have done during the hostilities. We should pay them a tribute.

An hon. Member: That is a different thing.

Shrimati Tarkeshwari Sinha: What is the utility?

Shri Hathal: I am coming to that. On the basic question we are all one. There is no doubt about it. Let me be frank and let me tell the House that I am at one with all the sentiments expressed.

Then we come to the constitutional and legal interpretation and all that. Because this is a Constitution Bill so many legal interpretations have been cited and quoted. Let us see what is the legal implication. Firstly, let us take the Constitution of India itself. Does it not say that Kashmir is a part of India? Article 1 is very clear. It says that "India, that is Bharat, shall be a Union of States." Then, it says that "The States and the territories thereof shall be as specified in the First Schedule." Therefore, if we take article 1, at the very beginning, it applies, just as article 370 applies, to Jammu and Kashmir. Therefore, according to this Constitution, Jammu and Kashmir is a part of India. There is no question about that. That is accepted, admitted and provided for in the Constitution.

Now the question comes about administrative and legal application. Hon. members referred to the election law. So far as the integration of the various laws and administrative systems is concerned, article 370 is a simpler method of applying the whole of the Constitution and of the various laws and the entries in the Schedule; it does away with the regular amendment of the Constitution. There have been Presidential Orders from time to time beginning right from 1950—in 1950, 1954, 1956, 1960, 1961, 1962, 1964 and 1965. By these various orders of the

President, without amending the Constitution, it has been possible to apply various entries and laws to the State of Jammu and Kashmir. It is being done and it can be done not by amending the Constitution, but under a Presidential Order. Under the same order, even the whole article 370 can be abrogated.

As hon. members know, as Shri Kripalani also said, the phrases Prime Minister and Sadr-i-Riyasat are no more used. The words Chief Minister and Governor are now used. Now he is the Governor.

Shri Tyagi: Is he appointed by the President?

Shri Hathi: Yes. By a Presidential Order in November 1965, he shall now be appointed by the President as in the case of other States. The Prime Minister is now being called the Chief Minister. So far as nomination of Members to this House is concerned, as I said the other day, we are issuing a Presidential Order whereby direct elections will be held. Members will not be nominated and the Election Commission will be in charge of the elections there. The functions of the Election Commission of India extend to Jammu and Kashmir not only in respect of elections to Parliament and to the office of the President and Vice-President, but also to the elections to the State Legislatures. The Election Commission is responsible for superintendence, direction and control of these elections also. In matters involving interpretation of the Constitution, the Supreme Court has the same jurisdiction in respect of Jammu and Kashmir as in respect of other States. The Supreme Court has also the power to grant special leave to appeal, as in the case of other States. Regarding appointment, removal from office, salaries and allowances, the service conditions of the Judges of the High Court of Jammu and Kashmir have been brought on par with those of the Judges of the other High Courts in

India. Then, we also see that in respect of the Indian Administrative Service there is a common cadre. In the Indian Police Service also there is now a common cadre. The provisions of the Constitution of India extend to Jammu and Kashmir in respect of the restrictions on practice after being appointed permanent judges, transfer from and to the Jammu High Court and other High Courts and in the matter of removal of judges. All these High Courts are now under the superintendence of the Supreme Court. In 1958, Jammu and Kashmir fell in line with the other States by accepting extension to it of the scheme of two existing All-India Services, namely, the Indian Administrative Service and the Indian Police Service. I am just narrating these things to show that in the various fields of administrative set up there has been uniformity and that means integration.

Shri Gopal Datt Mengi: My information is that the IAS officers serving in Jammu and Kashmir and in the rest of India are serving under different terms and conditions and not under the same terms.

Shri Hathi: We have IAS officers working there.

Shri Gopal Datt Mengi: In Jammu and Kashmir we give free residences whereas in India they do not get free residences. In Jammu and Kashmir we deduct Rs. 100 from their pay for the car whereas the State pays Rs. 150 to the driver of the car and the officers also claim DA and TA.

Shri Hathi: Supposing certain facilities are given because of the terrain or conditions of the situation that does not mean that the common Indian Administrative Service cadre is not there. It is a very minor point. If Rs. 100 extra are given for serving there, that does not mean that the whole administrative set up of the IAS and IPS has not been extended to Jammu and Kashmir. There are in the rest of India also various places where we

give special allowances for certain posts and in certain places—for example, there is Andamans. Therefore, it is not that that takes away anything or that that means Kashmir is not a part of India.

What I say is, the whole problem is of the integration of the judicial system, the legal system, the administrative system, the police system, the election system, the industrial system etc. The industrial regulations are applied to them, the labour laws are applied, custom laws are applied, excise laws are applied, post and telegraphs rules are applied. All India Radio works there and so on. Let us see what is the full picture of Jammu and Kashmir right from the Governor who is now appointed by the President.

Shri Kapur Singh: What about the graft system?

Shri Hathl: If we take this picture, the Indian Administrative Service, the Indian Police Service, are there. The functions of the Comptroller and Auditor General of India were extended to Jammu and Kashmir in the same year. Then, the federal financial integration which has taken place in the case of the other States was practically achieved fully in the case of Jammu and Kashmir in 1954 as a result of the State Government agreeing to the application to Jammu and Kashmir of a large number of items. As I said, the operations of Union departments like the Central excise, posts and telegraphs, civil aviation, All India Radio etc., have been extended to Jammu and Kashmir just as in other States. Then, recently, after the last debate on the Bill of Shri Prakash Vir Shastri on the same subject, we have applied articles 356 and 357 to Jammu and Kashmir. That means that we can have president's Rule in Jammu and Kashmir. Any time it is necessary, President's Rule can be imposed in Jammu and Kashmir. It is not as if it has to be done under article 370. Now if the President has the power to administer

the whole State directly, who can say that it is not a part of India? Can anybody say that the Presidential Order has to be issued only under article 370? Articles 356 and 357 apply to the State of Jammu and Kashmir and under those articles President can directly take charge of the administration of that State.

श्री स्वामीजी : मेहरबानी कर के बतायें कि बाकी क्या रह गया है, जिसके लिए आर्टिकल 370 रखा गया है।

[श्री स्वामीजी : मेहरबानी करके बतायें कि बाकी क्या रह गया है, जिसके लिए आर्टिकल 370 रखा गया है।]

Shri Hathl: Therefore, we have said that slowly and slowly let article 370 be eroded. That is exactly the reply which I am going to give.

Shri J. B. Kripalani: Government have swallowed the whole camel. Now why are they hesitating to swallow a small gnat?

Shri Hathl: The whole question is this. There is a method and that is provided in article 370 itself. Under that very article whatever is left can be done by a Presidential Orders; we can do so.

Shri Tyagi: Are you going to do it?

Shri Hathl: That is what I am saying. We are doing it and we shall do it.

Therefore, I am not in the least opposed to the spirit and the sentiments which have been expressed by the House, namely, that Kashmir is a part of India. There is no doubt that the provisions of the Constitution should be applied to Jammu and Kashmir. But my only objection is to the way or method suggested, namely, by deletion of article 370; we want to use the powers given under article 370. Therefore, when I say that I do not agree to this Bill, let it not be misunderstood by anybody that the Government is opposed to the principle. Government is one with the sentiments

that have been expressed. The only point of dispute is about the mechanism to be used. It can be done by deleting article 370 by amending the Constitution. But, then, article 368 comes in the way. The same thing could be achieved by a Presidential order, abrogating it or by applying it. One by one it is being done. I assure the House that it will be done.

I would not like to touch any other point. Because, there is no fear complex at all, what the other countries will say and so on. There is no such question at all as to what Russia, Pakistan, China, UK or USA will say. There is no question of any fear complex, because we have told everybody that Jammu and Kashmir belongs to India, is a part of India. We have done it not merely by legal quibbles or constitutional quibbles but by acts and deeds which we did in September. There can be no doubt about it. Therefore, I would inform the hon. Member that there is a mechanism and let us work that.

श्री सिद्धेश्वर प्रसाद : मंत्री महोदय ने बताया है कि हमने अभी तक आर्टिकल 370 की वजह से सारा काम-काज किया है और कुछ करना बाकी है। वह बतायें कि क्या कुछ करना बाकी है।

श्री हाथी : मैंने सब कुछ बता दिया है।

श्री प्रकाशचौर शास्त्री : उपाध्यक्ष महोदय, मैं सबसे पहले धन्यवाद देना चाहता हूँ अपने उम्र सहयोगियों की, जिन्होंने मेरे इन विधेयक का समर्थन करके देश की भावनाओं का, और विशेष रूप से जम्मू-काश्मीर के निवासियों की भावनाओं का, यहाँ पर प्रतिनिधित्व किया है।

पिछली बार 18 मार्च को जब यह विधेयक बर्खा के लिए प्रथम सदन में धारणा, तो उस समय समर्थन सार्व सदन्य इस पर

बोले। आज जब यह विधेयक यहाँ पर बर्खा के लिए उपस्थित है, तो इस पर होने वाली बर्खा में बारह सदस्यों ने भाग लिया है। सब मिला कर उन्नीस सदस्यों ने इस विधेयक पर भाषण दिये।

श्री हाथी : मुझे भी गिन लीजिए।

श्री प्रकाशचौर शास्त्री : मैं मंत्री महोदय को भ्रमण रकता हूँ।

श्री हाथी : क्यों?

श्री प्रकाशचौर शास्त्री : अगर इस विधेयक पर बोलने वाले सदस्यों की संख्या बीस मान ली जाये, तो समर्थक लोगों की मेरी गिनती थोड़ी हो जायेगी, जिन्होंने इसका विरोध किया है उनमें एक बढ़ जायेगा। इस विधेयक का तीन व्यक्तियों ने विरोध किया है—दो ने स्पष्ट रूप से और एक ने आधे मन से। आधे मन से श्री खाडिलकर ने इसका विरोध किया। इस प्रकार ढाई व्यक्तियों ने इस विधेयक का विरोध किया और बाकी साढ़े सोलह व्यक्तियों ने हृष्य से इसका समर्थन किया और यह चाहा कि भारत सरकार अपनी उस पुरानी भूल को सुधारे, जो कि वह अठारह वर्षों से करती चली आई है। वह इस संविधान की मरी हुई धारा 370 को हटा कर संविधान की पवित्रता को सुरक्षित रखे।

श्री खाडिलकर ने अपने भाषण में "डब लेटर" शब्द का इस्तेमाल किया। अगर मैं उनकी अपनी भाषा को सही मान लूँ, तो क्या मैं उनसे यह पूछ सकता हूँ कि अगर जीवित प्राण के बीच में कोई मृत प्राण उठा कर डाल दिया जाये, तो क्या जीवित प्राण की पवित्रता सुरक्षित रह सकेगी या उसके भी सड़ने की सम्भावना हो जायेगी।

श्री कर्पूर सिंह की बात तो मेरी सपेक्ष में धाती है कि वह इस विधेयक का बर्खा

विरोध करते हैं। इसमें केवल श्री कपूर सिंह का ही प्रश्न नहीं है, बल्कि काश्मीर के सम्बन्ध में उनकी पार्टी की जो पृष्ठभूमि रही है, जिस प्राधार पर और जिस चक्के से वह काश्मीर समस्या को समय समय पर देखती रही है, उसको जानते हुए मैं श्री कपूर सिंह से इससे ज्यदा आशा ही नहीं करता था।

लेकिन इस सम्बन्ध में श्री हिरेन मुकर्जी के विचार सुन कर मुझे थोड़ा आश्चर्य जरूर हुआ। पिछली बार जब इस प्रकार का विधेयक इस सदन में आया था, तो कम्युनिस्ट पार्टी ने संविधान के अनुच्छेद 370 को हटाने का समर्थन किया था। लेकिन इस बार श्री हिरेन मुकर्जी की नीति में परिवर्तन हो गया है।

एक माननीय सभ्य : चाइना से कोई डायरेक्शन आया होगा।

श्री प्रकाशवीर शास्त्री : मैं नहीं कह सकता कि चाइना ने अपना रुख बदल लिया या श्री हिरेन मुकर्जी और उनकी पार्टी ने? जो कि उनसे इंस्पिरेशन लेती है, अपना रुख बदल लिया? मुझे याद है कि जब श्री भूपेश गुप्त ने राज्य सभा में कहा था कि युद्ध-विराम रेखा को अन्तर्राष्ट्रीय सीमा मान लिया जाये, तो मैं समझता था कि शायद वह श्री भूपेश गुप्त की अपनी निजी सूझ है और इसी प्राधार पर उन्होंने वह सुझाव राज्य सभा में रखा है। लेकिन श्री हिरेन मुकर्जी से वह सुझाव सुनकर मुझे लगा कि कम्युनिस्ट पार्टी ने ही नीति के रूप में इस बात को स्वीकार किया है और वह इस देश में इसके लिये अनुकूल वातावरण बनाना चाहती है। जब कम्युनिस्ट पार्टी कोई आन्दोलन उठाती है या कोई आतावरण बनाती है, तो केवल भारत

की चारदीवारी तक सीमित रह कर वह उस का निर्णय करती हो—ऐसी बात नहीं है बल्कि स्थिति यह है कि उसकी प्रेरणा का केन्द्र बिन्दु भारत से बाहर रहता है।

श्री मुकर्जी ने इस बात की चर्चा की कि हमें ताशकंद की भावना की रक्षा करनी है और ताशकंद में जो समझौता हुआ है, उस की पृष्ठभूमि में हमें इस प्रकार का निर्णय नहीं लेना चाहिए। मुझे पता नहीं कि क्या श्री हाथी और श्री मुकर्जी अभी भी ताशकंद समझौते को जीवित मानते हैं? जब कि पाकिस्तान के राष्ट्रपति, भयूब, और विदेश मंत्री, भुट्टो, के वक्तव्य हमारे सामने हैं और स्वयं प्रतिरक्षा मंत्री और विदेश मंत्री इसी सदन में कह चुके हैं कि पाकिस्तान की ओर से ताशकंद समझौते का उस प्रकार पालन नहीं किया जा रहा है, जिस प्रकार से कि किया जाना चाहिए। इस स्थिति में ताशकंद समझौते का रेफरेंस दे कर संविधान की मरी हुई धारा 370 को हटाने के सम्बन्ध में उस को बीच में लाना कहां तक उचित है?

Shri Hathi: I never said so. On the contrary I said that Shri Prakash Vir Shastri referred to this. I never said this. I repeated what the Defence Minister stated in the House.

Shri Kapur Singh: Do you repudiate Tashkent Agreement?

Shri Hathi: No, no. We would certainly abide by it. But if Pakistan does not see the light, then I repeated what the Defence Minister said.

श्री प्रकाशवीर शास्त्री : मुझे बड़ी प्रसन्नता है कि श्री हाथी उसी भाषा का प्रयोग कर रहे हैं, जिस भाषा में हमारे प्रतिरक्षा मंत्री और विदेश मंत्री ने रावलपिंडी सम्मेलन और चीनी राष्ट्रपति के पाकिस्तान के दौरे के बाद ताशकंद समझौते के सम्बन्ध में अपनी भावनाओं को व्यक्त किया है। मुझे खुशी है इस बात की भी कि भारत सरकार दौरे-दौरे वास्तविकता को समझने लगी है।

[श्री प्रकाशवीर शास्त्री]

लेकिन जो बात में विशेष रूप से कहना चाहता हूँ, वह यह है कि जब श्री हाथी यह कहते हैं कि संविधान की जितनी भी धारायें हैं, उन के आधार पर जम्मू-काश्मीर राज्य हमारा अभिन्न अंग है, तो मैं मोटी सी भाषा में उन से यह पूछना चाहता हूँ कि जम्मू-काश्मीर की जनता की हृदय की भावना का सही प्रतिनिधि व इस सदन में बैठे हुए जम्मू-काश्मीर के छः सदस्य करते हैं, या प्रायः लोग करते हैं, जो जम्मू-काश्मीर के अतिरिक्त भारत के दूसरे भागों के निवासी हैं और जम्मू-काश्मीर की जनता से जिन का उतना सम्पर्क नहीं पड़ता है, जितना कि उन लोगों का पड़ता है। इसी सदन में उपाध्यक्ष जी, जम्मू और काश्मीर के 6 प्रतिनिधि सदस्य हैं, छः में से पांच व्यक्ति वे हैं, जिन्होंने बड़े स्पष्ट भाव से यह बात कही है कि संविधान की धारा 370 रखने में जम्मू-काश्मीर के लोगों के मन में बराबर यह सन्देह बना हुआ है कि हिन्दुस्तान की सरकार क्या हमारी स्थिति उसी प्रकार समझती है, जैसी भारत की दूसरे राज्यों की स्थिति समझती है, या हमारी स्थिति में कुछ अन्तर समझती है।

श्री गोपाल बल मोंगी : छठे भी इस से सहमत हैं।

श्री प्रकाशवीर शास्त्री : लीजिये, छठे सदस्य भी जिनको बोलने का समय नहीं मिल सका वे भी इस विचार धारा से सहमित हैं। जब जम्मू-काश्मीर के सब प्रतिनिधि यह बात कह रहे हैं तो मैं समझता हूँ कि श्री हाथी आज नहीं तो कल, इस बात को जरूर सोचेंगे। जैसा श्री समनानी ने कहा कि हम ने ऐसा कौन सा गुनाह और पाप किया है कि 18 साल से अब तक हमारे भविष्य को प्रायः ने बीच में लटका कर रखा हुआ है। परमात्मा के नाम पर हमारे लिये न सही कम से कम हमारी इन सन्तानों पर तो तरस खाइये, संविधान की 370 धारा को हटा कर जम्मू-काश्मीर के निवासियों के मन से उस सन्देह को दूर कीजिये। मैं खुश होता यदि श्री हाथी,

श्री समनानी के सन्देह का किसी प्रकार निराकरण कर पाते। जब वह यह कहते हैं कि हम ने संविधान की अमूक धारा को लागू कर दिया है, इलेक्शन कमीशन का अधिकार बढ़ गया है, राष्ट्रपति शासन की धारा लागू हो गई है। मैं यह बात स्पष्ट भाषा में पूछना चाहता हूँ कि प्रायः यह तो बताइये कि अभी कौन से ऐसे और कानून शेष हैं जो जम्मू-काश्मीर में लागू नहीं हो पाये हैं? और वे क्यों लागू नहीं हो सके? इस का कारण मैं भारत सरकार से पूछना चाहता हूँ।

जम्मू-काश्मीर भारत का अभिन्न अंग है, जैसे दूसरे राज्य हैं, तो प्रायः यह बताइये कि जब यहां कानून बनता है तो प्रायः उस में यह क्यों लिखते हैं "एक्सेप्ट जम्मू एण्ड काश्मीर"। ऐसी स्थिति में हम कैसे मानें कि प्रायः के कानून वहां पर लागू हो रहे हैं। प्रायः यह स्थिति अपने भाषण में स्पष्ट नहीं कर सके हैं।

दूसरी बात श्री हाथी ने अपने भाषण में कही और जिसको सुनकर मुझे आश्चर्य हुआ। इस बात को तो उस समय ही कह दिया था जब कि इस सदन में यह विधेयक प्राया था और उस समय श्री नन्दा ने कुछ घोषणायें भी की थीं। मैं आशा कर रहा था कि गृह-कार्य मंत्री आज कुछ नई घोषणायें करेंगे जो जम्मू-काश्मीर के लोगों के हृदयों को शान्ति देने वाली होंगी। इस सदन को पता लगेगा कि इस बरी हुई धारा को बहूटा रहे हैं तथा भारत सरकार 18 सदस्यों में से 16 सदस्यों के समर्थन के बावदोतीन कदम तो प्राये जायेगी, लेकिन मुझे दुःख है कि वही धिसे-पिटे शब्द दोहरा देने के बलावा, जो उस समय नन्दा जी ने कहे थे, श्री हाथी कोई नई बात नहीं कह पाये हैं।

तीसरी चीज जो मैं ने उस दिन भी कही थी और मैं अपेक्षा करता था कि हाथी साहब निश्चित रूप से उत्तर देंगे। प्रायः ने वहां पर राष्ट्रपति शासन लागू करने का

निश्चय किया था। तो क्या 18 महीनों में इस प्रकार की कोई स्थिति वहाँ पर नहीं आई, जिसमें यह सोच सकते कि जम्मू-काश्मीर में राष्ट्रपति का शासन लागू करने के सम्बन्ध में कोई कार्यवाही करते। यह स्थिति तब ही आ जानी चाहिये थी जब वहाँ घुसपैठिये आये थे। आप यह कहते हैं कि घुसपैठियों का पता चला भ्रगस्त में, जब कि आप ने उनके खिलाफ कार्यवाही करनी शुरू की। लेकिन जम्मू-काश्मीर के चीफ़ मिनिस्टर ने कहा है कि हम ने मई महीने में भारत सरकार को खबर दे दी थी कि जम्मू-काश्मीर में घुसपैठिये आ गये हैं। सवाल यह है कि जम्मू-काश्मीर के चीफ़ मिनिस्टर सही बोलते हैं, या भारत सरकार के गृह मंत्री सही बोलते हैं? दोनों में से किसका वक्तव्य सही है। इस बात का भी निर्णय होना चाहिये।

जम्मू-काश्मीर के गृह मंत्री अभी कुछ दिन पहले अपनी प्रसेम्बली में कहते हैं कि हम को तीन साल पहले यह पता था कि पाकिस्तान हमला करने वाला है। पाकिस्तान हमले की तैयारी कर रहा है। इतनी सारी सूचनायें रखने के बाद भी हम इस प्रकार सोते रहे। घुसपैठिये वहाँ पर बराबर आते रहे और आप को कोई पता नहीं। तीन-तीन गुप्तचर विभाग वहाँ पर बैठे रहे इन कानूनों के लागू करने का लाभ क्या हुआ?

आज जो स्थिति जम्मू-काश्मीर की है, तथा वहाँ के कांग्रेस के भी मेम्बर मांग कर रहे हैं, वहाँ की दूसरी पार्टियों के सदस्य भी मांग कर रहे हैं कि जम्मू-काश्मीर की सरकार जम्मू-काश्मीर का एडमिनिस्ट्रेशन सम्भालने में समर्थ नहीं है, भारत सरकार और कुछ न करे तो कम से कम इतना प्रबन्ध करे कि सीमाओं की रक्षा का दायित्व अपने हाथ में ले। वह देखे कि किस तरह से इन्फ्लेटर्स वहाँ पर आते हैं और जाते हैं। यह भारत सरकार का दायित्व होता चाहिये। जम्मू-काश्मीर सरकार पर यह बात नहीं छोड़नी चाहिये। मैं सोचता था कि इन सब बातों

के बारे में गृह-कार्य मंत्री अपने भाषण में उत्तर देंगे, लेकिन जयसुखलाल हाथी जो विचारों में गम्भीर हैं, और शरीर से भी गम्भीर हैं। आज उनके भाषण से जितनी निराशा हुई है, मैं समझता हूँ कि अब से पहले इस प्रकार उनके भाषणों से कमी निराशा नहीं हुई। लेकिन फिर भी उपाध्यक्ष जी, भारत सरकार जो भूल कर रही है, मैं उसको नहीं दोहराना चाहूँगा। पिछली बार भी जब यह विधेयक आया था तो मैंने कहा था कि मैं नहीं चाहता कि दुनिया के सामने यह बात जाये, कि संविधान की इस धारा को हटाने के लिये संसद में विधेयक आया और उस पर इस संसद के कुछ सदस्यों ने दलगत प्रभावों में आकर उसका विरोध किया और फिर वह पास नहीं हो सका। मैं राष्ट्र की एकता और जम्मू-काश्मीर के लोगों की भावना का भी अपमान नहीं होने देना चाहता। मैं चाहता हूँ कि सरकार अगर इस विधेयक को स्वीकार नहीं करती तो कम से कम इस प्रकार का आश्वासन दे, जैसा श्री हाथी ने कहा है कि वह इस विधेयक की भावना से सहमत हैं इतना तो बताइये कि इस मरी हुई धारा को कब तक संविधान में रखा जायगा। क्या विशेष कठिनाई है जिसकी वजह से इस धारा को आप नहीं हटा पा रहे हैं। अगर यह कारण आप बता देते तो भी सन्तोष के लिये पर्याप्त होता।

इन शब्दों के साथ मैं, उपाध्यक्ष महोदय, सरकार जैसी भूल न करते हुए, इस विधेयक को वापस लेने की अनुमति चाहूँगा। यह विधेयक इस सदन में चाहे आज स्वीकार न हो सका लेकिन सरकार अपने कर्तव्य से बच नहीं सकती। सरकार अपने कर्तव्यों को महसूस करे और इस बिल को स्वीकार नहीं करना चाहती तो कम से कम धारा 370 को हटाने के बारे में अपनी घोषणा कर दे और जल्दी ही इस भूल का प्रायश्चित्त करते हुए सरकार अपनी ओर से इस प्रकार का विधेयक लाये। मेरे इस बिल में यदि को

[श्री प्रकाशवीर शास्त्री]

दुर्बलता रह गई है तो वह अपने विधेयक में उस दुर्बलता को दूर करके रखे।

इस प्रकार श्री हाथी के वक्तव्य से अपनी प्रसहमति तथा निराशा व्यक्त करते हुए मैं सदन से इस बिल को वापस लेने की प्रनुमति चाहूंगा।

Mr. Deputy-Speaker: Is Shri Vishwa Nath Pandey pressing his amendment?

Shri Vishwa Nath Pandey (Salem-pur): No, I seek leave of the House to withdraw it.

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

Several hon. Members: Yes.

Amendment No. 1 was, by leave, withdrawn.

Mr. Deputy-Speaker: Has Shri Prakash Vir Shastri leave of the House to withdraw his Bill?

Several hon. Members: Yes.

The Bill was, by leave, withdrawn.

17.48 hrs.

RELEASE OF A MEMBER

Mr. Deputy-Speaker: I have to inform the House that the Speaker has received the following communication, dated the 30th March, 1966, from the Superintendent, Central Prison, Hyderabad:

"I have the honour to inform you that Shri Laxmi Dass, Member, Lok Sabha, who was detained in this jail has been released from detention on the 29th March, 1966."

Shri Hari Vishnu Kamath (Hoshan-gabad): Not on parole?

Mr. Deputy-Speaker: Released.

Shri Hari Vishnu Kamath: If it is 'released', then it is all right.

17.49 hrs.

CONSTITUTION (AMENDMENT) BILL

(Amendment of articles 75 and 164)
by Shri Hari Vishnu Kamath

Shri Hari Vishnu Kamath (Hoshan-gabad): Mr. Deputy-Speaker, Sir, after such a scintillating debate on the vital issue of Jammu and Kashmir, the integration of that State with the rest of the Indian Union and the cognate issue of the repeal of article 370, I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

This Bill is a simple one and non-controversial, and I am sure Government will have no difficulty, and the House will have even less difficulty, in accepting it. The Statement of Objects and Reasons makes it clear that:

"The highest traditions of parliamentary democracy, with a bicameral set-up, demand that the Council of Ministers at the Centre and in the States should consist mostly of members who are directly elected by the people, and that the Prime or Chief Minister should in no circumstances be a member who has been elected indirectly."

The relevant articles of the Constitution which I seek to amend through this Bill are articles 75 and 164, article 75 pertaining to the Parliament or the Union legislature, and article 164 relating or pertaining to the State legislatures.

While moving this, I do not wish to draw any invidious comparisons between the so-called Lower House and the so-called Upper House. That is only, political parlance more or

less. In the Constitution, these words 'Lower House' and 'Upper House' do not find a place. These words have become current coin only by long usage in other countries. I do not wish to go into the history or the genesis of these terms because that is not germane to the provisions of the Bill. May I have your undivided attention, Sir, either yours or that of Shri Sham Lal Saraf who is taking the Chair?

Shri Bhagwat Jha Azad (Bhagalpur): We are all attention.

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): We are hearing him.

Shri Hari Vishnu Kamath: The Chair is more important or at least

equally important.

17.51 hrs.

[SHRI SHAM LAL SARAF in the Chair]

श्री कपूर सिंह : (लुधियाना) सभापति महोदय, सदन में गणपूर्ति नहीं है ।

Mr. Chairman: The bell is being rung. The House stands adjourned till 11 a.m. on Monday, as there is no quorum.

17.53 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, April 4, 1966/Chaitra 14, 1888 (Saka).
