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Agrahayana 10, 1882 (Saka)

LOK SABHA DEBATES

Twelfth Session



सत्यमेव जयते

LOK SABHA SECRETARIAT
New Delhi

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(Saka)]

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

LOK SABHA

Thursday, December 1, 1960/Agrahayana 10, 1882 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Master Plans for Flood-control

*605. **Shri S. M. Banerjee:** Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 680 on the 23rd August, 1960 and state:

(a) whether State Governments have finalised the broad features of their master plans for flood-control;

(b) whether Central aid will be given to them; and

(c) if so, the amount likely to be given to each State?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir, except that the Government of Jammu and Kashmir have drawn up a Master Plan for flood-control in the Kashmir valley.

(b) and (c). Master Plans contain technical details and costs of various schemes required for flood protection in each river basin. Central loan assistance is sanctioned to State Governments for the execution of those flood control schemes proposed by them as are approved by the Centre and not on the basis of the total cost of the schemes included in the Master Plans.

Shri S. M. Banerjee: In reply to a previous question it was stated that no State Government has so far given

its long-range flood-control plan. May I know whether, in view of the recent floods in Punjab and U.P. and other places, these State Governments have submitted any short-range programme to control floods and, if so, what is the programme?

Shri Hathi: There were three kinds of programme envisaged in 1954, the immediate programme, the short-term programme and the long-term programme. The immediate programme has nearly been completed in Punjab and U.P.

Shri A. M. Tariq: As the hon. Minister has said just now that only Jammu and Kashmir Government has prepared a master plan, may I know what assistance was given by the Government of India for preparing the plan, and what assistance will be given in the future to give practical shape to this master plan?

Shri Hathi: Technical expert advice was given. A soil expert was sent there. The Chief Engineer has also been deputed; he is stationed there already, on deputation from the Government of India. And a plan of about Rs. 8 crores for the whole Valley below Wullar Lake has been drawn up.

Shri Raghunath Singh: In view of the recent floods in U.P., may I know whether any master plan has been drawn up for U.P., either short-term or long-term?

Shri Hathi: The U.P. Government has not yet drafted a master plan, but they have prepared a long-range plan. This plan was considered by the high level committee on floods, and we have sent them our recommendations suggesting certain modifications in view

of the technical advice that the committee has given.

Shri P. C. Borooah: What is the cost of the master plan for Assam and what aid is the Centre going to give to Assam for flood control?

Shri Hathi: Assam has not yet submitted its master plan.

Shri Bibhuti Mishra rose—

Mr. Speaker: Order, order. Hon. Members will please hear me. Hon. Members are interested, each in his own State, and all of them jointly in the whole of India. Now, why not the hon. Minister, if it is possible, within a short period, say, within a week, or as early as possible, lay on the Table whatever information he has got?

Shri Hathi: Sir, we have submitted on the 21st November a statement giving all these particulars—what are the schemes, what have been sanctioned, what is the assistance, what work has been done, what area has benefited, what is the execution, etc. We have submitted a statement on the 21st November.

Mr. Speaker: Was it laid on the Table?

Shri Hathi: Yes, Sir.

Mr. Speaker: I would advise hon. Members to read all that. (*Interruptions*). Order, order. So far as the Irrigation and Power Ministry is concerned, I have been receiving notices, at various stages of work that have been completed, with regard to Nagarjunasagar project which is in the State from which I come. Similarly, hon. Members must be receiving from time to time reports relating to the works. So far as flood-control is concerned, reports about that also may be sent to them, and then if ever they have any difficulty they may bring it up here. For, these are all details which we cannot take up here.

Now, information about Assam is asked. Of course, every State is concerned. About Bihar **Shri Bibhuti**

Mishra evidently wanted to ask something. He got up, and in fact I was about to call him next. But I am making a suggestion for the benefit of all. I would also make this request to the hon. Minister: after giving them time for a week, let him hold a conference in the Central Hall to which all hon. Members might be invited, and they can go and tell him—of course, let there be no floods there.

Shri Hathi: May I submit, Sir, that this Ministry has been furnishing progress reports, as you were pleased to say, to the Members on any project—not only their own constituency but about any other project which they want, they will be given monthly progress reports. Secondly, we have also been convening meetings of the Members from all States, and we have been holding meetings during every Session in respect of two or three States. There we discuss all these questions.

Mr. Speaker: Next question.

**Central Institute of Fisheries
Education**

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*606. { **Shri A. M. Tariq:**
Shri Ram Krishan Gupta:
Shri Warrior:
Shri Vasudevan Nair:
Shri Subodh Hansda:
Shri R. C. Majhi:
Shri Narayanankutty Menon:
Shri A. K. Gopalan:
Shri Easwara Iyer:
Shri M. K. Kumaran:

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 921 on the 31st August, 1960 and state:

(a) whether the final decision with regard to the permanent location of the Central Institute of Fisheries Education has since been taken; and

(b) if so, whether the Institute has started functioning?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Yes.

The proposed Institute has to provide training for District Fisheries Officers and for Fisheries Operatives. The first will be done in Bombay and the latter in Kerala.

(b) The District Fisheries Officers training will start in Bombay in July, 1961.

Shri A. M. Tariq: In the last session, the hon. Minister of Agriculture, Dr. P. S. Deshmukh, told this House that the question of having this Institute in Bombay has been dropped. May I therefore know what was the reason to have this Institute in Bombay, if it was dropped?

Shri M. V. Krishnappa: I do not know what reply the Minister of Agriculture had given in the last session, because generally I deal with this question. And, as far as I know, the position in the last session was that we had deputed the Secretary of our Department to Kerala and we were expecting his report to take a decision. And now we have taken a decision on his report.

Shri Ram Krishan Gupta: May I know the approximate number of persons that will be trained at Bombay?

Shri M. V. Krishnappa: The expert committee felt that we would be requiring in the Third Plan period nearly somewhere about 300 district level officers, and it is the programme to train 300 people.

Shri Warrior: May I know what was the reason to shift this from Cochin to Bombay after three expert committees had investigated and recommended that Cochin is the best suited place for this?

The Minister of Food and Agriculture (Shri S. K. Patil): I have said in this House before that the experts had not said what the hon. Member is alleging. The experts had said that Bombay is ideal, and equally Cochin also is ideal. Sometimes experts also make reports from which it is difficult to find which way they are inclined. When I saw that there

was such a keen feeling both on the part of Bombay and Cochin, I thought that I must do it in both places. And the House will remember that I said that I would have something in both the places, so that the opinion would be satisfied. Therefore, we are having one Institute in Bombay, and we are having the Operatives Institute in Cochin. They are of the same rank—the Operatives Institute will perhaps cost even more money than this—so that both Cochin and Bombay could be satisfied.

Shri Vasudevan Nair: May I know whether the expert committee which included an expert of F.A.O. and a Norwegian expert had said that no brackish water or fresh water fish of any importance can be found in Bombay and that Cochin is the best site in the whole of India; and, if that is so, why the main Institute is not located in Cochin and is dragged away to Bombay?

Shri S. K. Patil: The hon. Member is putting words in the mouth of the experts. Out of the two institutes, one is to be placed at Cochin and one has to be placed in Bombay. We came to this decision, because immediately there are educational facilities in Bombay. Therefore, we have not to wait. Therefore, we gave that institute to Bombay and the operative institute to Cochin. Hon. Members must be satisfied that in view of the keen feelings on either side, Government has come to the right decision and it will be welcomed.

Shri A. M. Tariq: The hon. Minister said that 300 persons will be trained in this institute. May I know which are the State Governments which have been approached to send their representatives?

Shri M. V. Krishnappa: Almost all the State Governments have been asked to nominate their representatives and most of them have done so. Even those who have not done so will be doing so by the time we start this institute.

Shri Maniyangadan: May I know when this operative institute will be started in Cochin?

Shri M. V. Krishnappa: The operative institute is more important than the administrative institute. Because the operative institute requires a lot of equipment for training of engineers, etc., it takes some time.

Shri Vasudevan Nair: The Deputy Minister, Shri Krishnappa, was pleased to state some time back that an institute will be set up and that will be in Cochin. Afterwards, we began hearing about a second institute. The Cochin institute is in the air, because it is coming up afterwards. First it will be in Bombay. I am not against Bombay, but we are so worried because there is an apprehension that the institute is planned in a place where the Ministers are interested. Such impressions should not be created.

Mr. Speaker: The substance of what the hon. Member says seems to be, the report of the committee said that this institute should be established where fresh water fishery is available. He asks, what is the object of having it in Bombay where fresh water fishery is not available?

Shri S. K. Patil: The report does not say exactly what the hon. Member is saying. The report said, the ideal place is Bombay, but they were afraid there would be no land available there. That is why they came to Cochin. All this information has been given on the floor of this House. I can assure my hon. friend that on behalf of Government, I make a firm commitment that this operative institute would be at Cochin and as early as possible. It is of brick and mortar. Therefore, it cannot be on the air; it will be on *terra firma*.

Shri Warrior: This report of the expert committee may be placed on the Table of the House.

Shri S. K. Patil: Certainly we shall place it on the Table.

Loan for Hotels

***607. Shrimati Ila Palchoudhuri:** Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that a loan of Rs. 1.5 crores which was given by the Industrial Finance Corporation to M/s. Oberoi Hotels (India) Ltd. some time during the financial year 1959-60 for construction of new hotels each at New Delhi, Agra and Bombay has not yet received the sanction of Government;

(b) if so, the reasons for the delay in according Government's sanction; and

(c) details of conditions attached to the loan?

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

(b) and (c). The matter is still under consideration and will be finalised on receipt of certain clarifications sought from the East India Hotels Ltd., of which M/s. Oberoi Hotels (India) Ltd., are the Managing Agents.

Shrimati Ila Palchoudhuri: It appears that they are going to build hostels in Delhi, Agra and Bombay. I would like to have a clarification as to why, if large sums are to be given to them, a hotel in Calcutta also is not being considered, because in view of the "Visit Orient" year, there will be many tourists visiting Calcutta?

Shri Raj Bahadur: I would very much welcome it if they would also include Calcutta. Essentially as the scheme is at present, it is for Agra, Bombay and Delhi. Even that has not yet cleared of the obstacles and difficulties that are there. They have got to satisfy the Ministry of Finance in regard to the terms and conditions on which they are going to get some loans from the foreign collaborators.

Shri D. C. Sharma: May I know why this firm, of all the firms in India, has been selected for this preferential

treatment for the grant of a loan?
What are the reasons?

Shri Raj Bahadur: I can assure the hon. Member that there is no question of any preference or discrimination being shown in favour of this firm. Absolutely not. In fact, it is they who on their own initiative have come forward with a proposal, after making some arrangement about getting some loans from foreign sources. We amended the Industrial Finance Corporation Act in order to include the hotel industry also for the purpose of loans to be advanced from the Corporation. They are the first to apply to take advantage of that.

The Minister of Transport and Communications (Dr. P. Subbarayan): May I add a word to what my colleague has said? We do not go running after people who want loans. We want them to come to us.

श्री विभूति मिश्र : सरकार बम्बई, आगरा और दिल्ली में ये होटल बना रही है, लेकिन क्या वह कोई ऐसा इंतजाम करने के बारे में सोच रही है कि यडं क्लास में चलने वाले जो आदमी इन जगहों पर जायें, उनके लिये दस, बारह आने में होटल में रहने की जगह मिल जाये ?

श्री राज बहादुर : जिनको हम लो-इनकम रैंट हाउसिज कहते हैं, जो सस्ते होते हैं—मैं आठ बारह आने की बात तो नहीं कह सकता—और सस्ते दाम वाले होटल और रैस्टोरं बनाने की कोशिश की गई है और कई बनाये जा रहे हैं।

श्री अ० मु० तारिक : हमारे मुल्क में अन्धे होटलों की बहुत कमी है और हम बाहर से बहुत से सियाहों को बुलाते हैं। क्या हुकूमत की वजारते ट्रांसपोर्ट एंड कम्यूनिकेशन्ज की ऐसी कोई प्रोपोजल है कि वह खुद अपने होटल चलाये, जैसे कि डब्लू० एच० एस० मिनिस्ट्री चलाती है, और इस तरह लोगों की दिक्कतें दूर करे ?

(हमारे मुल्क में अन्धे होटलों की बहुत कमी है और बाहर से बहुत से सियाहों को बुलाते हैं - क
हकूमत की वजारत ट्रांसपोर्ट अण्ड कम्यूनिकेशन्ज की ऐसी कौन सी प्रोपोजल है कि वह खुद अण्डे होटल चलाये - जैसे कि डब्ल्यू० एच० एस० मिनिस्ट्री चलाती है और इस तरह लोकोण की दिक्कतें दूर करे ?)

श्री राज बहादुर : जहां तक होटलों की कमी का सवाल है, यह बात बिल्कुल मन्जूर की जाती है कि वाकई उनकी बहुत कमी है और बाहर से जो सियाह आते हैं, उनके लिये काफी होटल नहीं मिलते हैं। लेकिन गवर्नमेंट इस इंडस्ट्री—उद्योग में पढ़ने से पहले यह ख्याल रखती है कि यह इंडस्ट्री प्राइवेट सेक्टर में रखी गई है और जहां कमी है, वहां गवर्नमेंट आती है, जैसे दिल्ली में जनपथ और अशोक होटल बनाये गये हैं।

सेठ अचल सिंह : क्या माननीय मंत्री जो यह बताने की कृपा करेंगे कि जो प्रोपोज्ड होटल हैं, वे कब तक बन जायेंगे ?

श्री राज बहादुर : जो होटल बनाये जा रहे हैं, वे अभी तजवीज की स्टेज में हैं और अभी खाली उनकी स्कीम है। उसके मन्जूर होने के बाद उनके बनने की कार्यवाही हो सकती है।

सेठ गोविन्द दास : अभी मंत्री जी ने बताया कि इस प्रकार के सस्ते विश्रामालय भी बनाने के बारे में गवर्नमेंट सोच रही है। क्या उनको मालूम है कि उत्तराखंड में बद्दीनाथ केदारनाथ, गंगोत्री और जनुतोत्री में जो मशी जाते हैं, उनके ठहरने और खाने-पीने की कोई ब्यवस्था नहीं है और हजारों लाखों आदमी बहां जाते हैं ? क्या इस संबंध में कुछ किया जा रहा है ?

श्री राज बहादुर : यह प्रश्न होटलों के संबंध में था। जिस प्रकार के विश्रामालयों की धोर माननीय सदस्य के प्रश्न में संकेत किया गया है, उस के संबंध में काफी रुपया उत्तर प्रदेश सरकार को दिया गया है। उत्तराखण्ड में इस प्रकार के विश्रामालय कई जगह पर बनाने का प्रस्ताव था। वह योजना काफी भागे बढ़ चुकी है और काफी काम हो चुका है।

श्री बजरज सिंह : क्या सरकार के विचाराधीन कोई ऐसी योजना है कि जो पर्वतीय स्थान हैं, जहां गर्मियों में लोग विश्राम के लिये जाते हैं, जैसे नैनीताल और मसूरी, वहां होटल बनाने के लिये प्राइवेट व्यक्तियों और फर्मों को कर्ज दिये जायें? क्या ऐसे कर्ज दिये जा रहे हैं, या दिये गये हैं, या प्रार्थना-पत्र देने पर उन पर सहानुभूतिपूर्वक विचार किया जायेगा?

श्री राज बहादुर : अभी-अभी एक पहला प्रार्थनापत्र इस संबंध में आया है, जो विचाराधीन है। यदि इस तरह के और प्रार्थनापत्र उपयुक्त स्रोतों और संस्थाओं से आयेंगे, तो उन पर विचार किया जायेगा, इसमें कोई सन्देह नहीं होना चाहिये।

Shri Ansar Harvani: The hon. Minister said that he specially got the Industrial Finance Corporation Act amended in favour of this project. May I know why it was not amended when other hoteliers approached for help?

Shri Raj Bahadur: I would like to disabuse the mind of the hon. Member that I did not get this Corporation Act amended for this particular project. In fact, this Act was amended in order to include hotel industry as a whole in this project. It will be absolutely wrong to say that I have got it amended for this particular project.

श्री विभूति मिश्र : अभी मंत्री जी ने बतलाया कि गरीबों के लिये रेस्टरॉ बन रहे हैं। मैं जल्दना चाहता हूँ कि जो रेस्टरॉ गरीबों के लिये बनाये गये हैं, उन पर कितना पैसा खर्च किया गया और किन-किन जगहों में रेस्टरॉ बने हैं?

श्री राज बहादुर : लो इनकम ग्रुप के रेस्ट हाउसेज कई जगह बनाये जा रहे हैं। कई जगह बन गये हैं। साखरा नंगल में भी बन रहा है, और जगह भी बन रहे हैं। मदुरा में बन गया है। इस बात का संबंध इस प्रश्न से नहीं था, नहीं तो मैं पूरी सूचना उपस्थित करता।

श्री रामकृष्ण गुप्त : क्या मैं जान सकता हूँ कि इस फर्म को कितना रुपया दिया जा रहा है और उसकी देख-भाल के लिये क्या इंतजाम है, ताकि हमारा रुपया मिसजूस न हो सके?

श्री राज बहादुर : इस फर्म ने जो मांग की है वह १ करोड़ ८० लाख की थी, जिस पर इंडस्ट्रियल फाइनेंस कारपोरेशन की ऐडवाइजरी कमेटी ने विचार किया, उसके बाद बोर्ड ने विचार किया और एक करोड़ ५० लाख ६० की सिफारिश की गई। उसके साथ बहुत सी शर्तें हैं, और यह देखना है कि नियंत्रण किस प्रकार रक्खा जायेगा और एह्तियात रक्खी जायेगी कि यह रकम ठीक तरह से इस्तेमाल हो।

Shri Tyagi: How much is the investment of the firm itself in it?

श्री राज बहादुर : फर्म अपनी तरफ से करीब ६१ लाख ६० खर्च कर चुकी है और पूरी योजना ४ करोड़, १३ लाख, ७५ हजार की है।

Mr. Speaker: Shall we spend the whole question hour on hotels?

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूँ कि क्या मेरी कांस्टिट्यून्सी बाराणसी में भी किसी होटल की व्यवस्था होगी क्योंकि वहां पर दो-दो एयर सर्विसेज हैं और सब से

ज्यादा ट्रिस्ट वहां जाते हैं जिस से प्राप को बहुत फायदा होता है।

श्री राम बहादुर : मैं चाहूंगा कि बाराणसी, देहरादून, पटना और ऐसे सब स्थानों में जहां पर यात्रियों के जाने की काफी संभावना है, होटल बनाये जायें और मैं माननीय सदस्यों से कहूंगा कि वे लोगों को प्रोत्साहित करें कि वे इस प्रकार की योजनायें सामने रखें और हमारे फाइनेंस कारपोरेशन का पूरा-पूरा फायदा उठावें।

Soil Survey

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*608. { **Shri Radha Raman:**
Shri Shree Narayan Das:

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

(a) whether any systematic survey of soils has been undertaken on a country-wide scale;

(b) if so, the progress of work in this regard; and

(c) if the answer to part (a) above be in the negative, whether there is any proposal to undertake such a survey in the near future?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Yes, Sir.

(b) From 1958 upto the end of June 1960, 88.46 lakh acres have been surveyed under the All-India Soil and Land Use Survey Scheme.

(c) Does not arise.

Shri Radha Raman: As a result of the survey of the areas may I know the nature of the soil and how it differs from State to State?

Shri M. V. Krishnappa: Indian soils have broadly been divided into three categories—alluvial soils of the north which are surveyed at the headquarters at New Delhi; black soils which are surveyed at Nagpur and the red and laterite soil surveyed at

Kharagpur and Bangalore. The tests are generally basic and applied which touch fertility, productivity, drainage, salinity, erodability etc. The soils have to be surveyed and mapped. All this is being done.

Shri Radha Raman: May I know whether Government is in possession of the fact that in a particular State the fertility of the soil is the best?

Mr. Speaker: It is so.

Shri M. V. Krishnappa: May be.

Shri Radha Raman: Which State has the best soil?

Shri M. V. Krishnappa: We cannot make such general statements. As far as I know, the Andhra delta soils are the best soils in India.

सेठ गोविन्द दास : जहां तक इस जांच का संबंध है, यह जांच किन-किन राज्यों में अब तक हुई है और क्या माननीय मंत्री जी को मालूम है कि जहां तक मध्य प्रदेश का सम्बन्ध है वहां बस्तर और सरगोजा इत्यादि में बहुत सी बड़ी जमीन पड़ी हुई है अब भी, और क्या वहां कोई जांच करने का प्रयत्न किया जा रहा है ?

श्री मो० वें० कृष्णप्पा : हम तीसरी पंच-वर्षीय योजना में इस को करेंगे। जिस-जिस जगह अभी हमने नहीं किया है, वहां पर इस को किया जा सकता है।

श्री विभूति मिश्र : यह जो सायल इरोजन है यह खेती की सब से बड़ी दुस्मन है। मैं जानना चाहता हूँ कि इस सायल सर्वे में सरकार ने कोई आंकड़े रखे हैं कि देश में कितना सायल इरोजन है ?

सायल तथा कृषि मंत्री (श्री स० का० पाटिल) : सायल इरोजन दूसरी चीज, यह सवाल सायल टेस्टिंग का है।

श्री विभूति मिश्र : सायल सर्वे में सायल इरोजन भी आता है। सायल इरोजन जो है वह खेती की सबसे बड़ी दुस्मन है और गांधी जी ने भी लिखा है कि सायल इरोजन बिना

कंद्री में हो वह कंद्री बरबाद हो जायेगा। मैं मंत्री जी से जानना चाहता हूँ कि क्या उनके पास कोई आंकड़े हैं कि हमारे देश में सायल इरोजन कितना है।

श्री स० का० पाटिल : मैं सहमत हूँ कि सायल इरोजन बहुत बड़ी चीज है और बड़ी ही खतरनाक है, और इसका इलाज करना चाहिये। लेकिन वह सायल टेस्टिंग से नहीं होता है, उस का दूसरा इलाज है, इस के लिये सायल कंसोलिडेशन करना चाहिये, कंटूर बॉन्डिंग करना चाहिये। यह चीज हमारे क्षेत्र में आती है और इरिगेशन ऐंड पावर के क्षेत्र में भी आती है। लेकिन यह सवाल जो है वह सायल टेस्टिंग का है, और हमने कोशिश की है कि हर एक प्रान्त में एक ऐसी चैब हो क्योंकि इस प्रकार की सायल टेस्टिंग लेबोरेटरी में ही हो सकती है, और बहुत से प्रान्तों में वह बन गई है।

Shri B. K. Gaikwad: May I know whether any systematic survey is being carried out State-wise and, if so, whether that systematic survey is being carried out in Maharashtra?

Shri M. V. Krishnappa: I have earlier stated that Indian soils have been divided into three broad categories—the alluvial soils of the Indo-Gangetic plain, the black cotton soil and the red and laterite soil. For testing these three kinds of soils there are stations, New Delhi for the alluvial soil, Nagpur for the black cotton soil and Bangalore and Kharagpur for the red and laterite soil.

Mr. Speaker: The hon. Minister, while replying to the question, can add that Nagpur is in Maharashtra. Hon. Members must follow whatever is happening here. There is no purpose in asking the hon. Minister to repeat the answer.

Shri Ranga: The hon. Minister just now stated that the black cotton soil of the Andhra is the most fertile soil. But to test that he is having his research station at Nagpur.

Mr. Speaker: Very well. He may avail of another opportunity to press his case.

Shri Goray: May I know whether at the time of the distribution of fertilizers the results of the survey will be taken into account?

Shri M. V. Krishnappa: I have earlier stated that these soils are tested for their fertility, productivity, drainage, salinity, erodability etc. While distributing fertilizers, the main thing that is taken into consideration is irrigation, because fertilizers are required mostly where the lands get irrigation facilities.

Shri Goray: My idea in putting the question was this. Certain soils require certain fertilizers and all fertilizers are not suitable for all soils. Therefore, while distributing fertilizers and setting up fertilizer factories, will this be taken into consideration?

The Minister of Food and Agriculture (Shri S. K. Patil): It is a known fact that the soils differ and the quality of fertilizers differs. Therefore, the States, while they propose their plans that they require so much quantum of fertilizers they always state what type of fertilizers they want. This is going on very smoothly.

Shri Radha Raman: May I know whether this survey will be helpful in reclamation of lands which are not yet reclaimed?

Shri S. K. Patil: No, Sir. It has nothing to do with reclamation, because that is a different problem altogether. This is soil testing as to what type of soil it is, what crops can be grown, what type of fertilizers would be needed for it etc. Therefore, that question does not come in.

Shri Achar: May I know under what kind of soil the West Coast comes.

Shri M. V. Krishnappa: It comes under the red and laterite soil for which Bangalore is the testing station.

Shri Kunhan: May I know whether any survey has been undertaken in Kerala during the Second Plan and, if so, what is the result?

Shri M. V. Krishnappa: The soil of Kerala comes under red and laterite variety, for which the headquarters are at Bangalore and Kharagpur.

Inter-State Movement of Fertilizers

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*609. { **Shri Rami Reddy:**
Shri Ram Krishan Gupta:

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

(a) whether Government have considered the question of banning inter-state movement of fertilizers; and

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

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b). The matter is under consideration and the decision will be taken very shortly.

Shri Ram Krishan Gupta: May I know whether under the present policy previous sanction of the Central Government is required before despatching fertilizer to another State?

Shri M. V. Krishnappa: At present there are no restrictions on the movement of fertilizers. But in view of the fact that there are a number of complaints that there is some smuggling of fertilizers from one State to another, in the recent Agriculture Ministers' Conference the Ministers unanimously felt that it should be stopped. In view of that we are taking action to see that some curbs are placed on the movement of fertilizers.

Shri Chintamani Panigrahi: May I know whether reports have been received from the State Government of Orissa that large quantities of fertilizers are being smuggled into Andhra and sold in the blackmarket and, if so, what steps have been taken to see that when Orissa gets supplies it is not smuggled into Andhra?

The Minister of Food and Agriculture (Shri S. K. Patil): Yes, we have

received the report. But the question is that by some kind of legislation we were thinking of stopping inter-State movement and while we were doing that Madras approached us saying that it should not be confined only to inter-State movement but that it should cover inter-district movement also in order to increase the scope of it. That is why the legislation has been delayed. But I might add that just as from Orissa fertilizers go out and are black-marketed in Andhra, as the hon. Member says—there is some truth in that—there is no complaint of any fertilizers going out of Andhra and being black-marketed because people there understand more the value of fertilizers.

Shri Tangamani: When fertilisers are allotted to different States, they are allotted in certain quantities for the different States. When allotment has been made on the basis of different States and fertilisers are either sent from Sindri or are imported, will it not be possible for the Government to have some check on them through the State Government?

Shri S. K. Patil: We have been exercising that check, but it proves to be rather ineffective because the movement of fertilisers is not banned and it may go in black market. The fact that it has been purchased in black market etc. is a fact which nobody knows unless legislation is made stopping its movement from one State to another.

Shri Vajpayee: May I know whether all the State Governments have agreed that the inter-district movement of fertilisers should be restricted?

Shri S. K. Patil: I have just now told the House that it is the Madras Government which has made that suggestion. We are having the opinion of others too. But it will be rather difficult to have restriction on inter-district movement because after all it is within the same State and sometimes even the Government may like to take it and the farmers also might have their lands at other places. We are considering the legal implications of that.

Shri Chintamani Panigrahi: May I know whether there is any proposal before the Government for easing the fertiliser position in India by having a kind of buffer stock of fertilisers like what the hon. Minister has planned so far as foodgrains are concerned?

Shri S. K. Patil: We want to improve the fertiliser position. That is perhaps the topmost priority so far as agriculture is concerned. While on the one hand we are trying to have fertiliser factories almost in every State, we are exploring on the other hand all the avenues so that we shall be importing fertilisers until we are in a position to produce them ourselves.

Shri Ram Krishan Gupta: May I know whether Government have received any other complaint from other States regarding smuggling of fertilisers just like the one from Orissa?

Shri S. K. Patil: If the hon. Member refers to his great State, sometimes there are complaints because—I am not saying it merely for the sake of saying so, but experience shows that—these northern States have not yet understood to its full extent the value of fertilisers just as the southern States have done. It is a fact, but I am quite sure that in time to come they will appreciate the value of it.

सेठ गोविन्द दास: अभी मंत्री जी ने कहा कि इस बात का प्रयत्न किया जा रहा है कि हर राज्य में एक-एक फर्टीलाइजर फैक्टरी हो। क्या माननीय मंत्री जो को यह बात मालम है कि मध्य प्रदेश में भी इस तरह की फैक्टरी बनाने की चर्चा चल रही है? इस संबंध में अब तक कोई फैसला हुआ है या नहीं?

Shri S. K. Patil: I do not know exactly, but the raw material must be there. As I say that irrigation dams cannot be constructed where there are no rivers, similarly fertiliser factories

cannot be where the raw material, that is, either coal or lignite or gas, is not there. I do not know about Madhya Pradesh.

सेठ गोविन्द दास : क्या मंत्री जी को यह बात मालूम है कि मध्य प्रदेश की सरकार ने पूरी जांच करके यह रिपोर्ट भेजी है कि मध्य प्रदेश में इस तरह की फैक्टरी बनायी जा सकती है।

Mr. Speaker: Inter-State movement comes after establishment of factories and therefore he has asked the question. But I disallow it. There is no purpose in bringing in every subject under a question. This relates to inter-State movement and not to establishment of fertiliser factories.

सेठ गोविन्द दास : उन्होंने खुद ने कहा था कि हर राज्य में इस प्रकार की फैक्टरी स्थापित करने का प्रयत्न किया जाएगा। तब मैं ने यह प्रश्न किया था?

Mr. Speaker: The hon. Minister wanted to oblige the hon. Member, but it is irrelevant.

Safe Deposit Lockers

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*611. { Shri R. C. Majhi:
Shri Subodh Hansda:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that safe deposit lockers will be installed in all important stations;

(b) if so, in how many stations such lockers have been installed uptill now; and

(c) how many lockers will be put up in each Station?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Safe Deposit Lockers are proposed to be installed at selected big stations as per statement laid on the Table. [See Appendix II, annexure No. 51].

(b) Six stations.

(c) One unit of six lockers at all the selected stations except that Bombay V.T. and Howrah will have 3 units each (equal to 18 lockers) and Sealdah will have two units (equal to 12 lockers).

Shri R. C. Majhi: By which time will the safe deposit lockers be installed at other important stations mentioned in the statement?

Shri Shahnawaz Khan: As I have already stated, lockers have been installed at various stations. For the others we are placing orders and as soon as supplies are received they will be installed. I hope this will be done within a year or so.

Shri Sadhan Gupta: What is the purpose of the safe deposit lockers and what will be the charges for using them by the passengers?

Shri Shahnawaz Khan: The purpose is to provide the passengers with this amenity so that they can leave their valuable articles at stations in a safe and secure place. The charges are 50 nP. per locker and the minimum charge is Re. 1 per day.

Shri Tangamani: From the statement I find that there are only four centres in the Southern Railway where these lockers have been provided. I would like to know whether in providing lockers at stations at least one station in each division, particularly, at the divisional headquarters, will be considered when the next one-year period is taken.

Shri Shahnawaz Khan: This is a new experiment that we are making. We will see how the thing progresses and what popularity it gains. Then if it is necessary we will extend it to other stations also.

श्रीमती कृष्णा मेहता : क्या मैं पूछ सकती हूँ कि इस तरह के सेफ डिपोजिट लाकर लगाने की क्या आवश्यकता पड़ी, और अगर पड़ी तो ६ स्टेशनों पर ही क्यों लगाए गए और स्टेशनों पर क्यों नहीं लगाए गए ?

श्री शाहनवाज खान : मैं पहले अर्ज कर चुका हूँ कि इसकी आवश्यकता इसलिए पड़ी ताकि मुसाफिरोँ को यह सहूलियत दी जा सके कि अपनी कीमती चीजों को स्टेशनों पर महफूज जगह में छोड़ सकें। इसको ६ स्टेशनों पर ही नहीं बल्कि बहुत सारे स्टेशनों पर लगाया जा रहा है।

Shri B. K. Gaikwad: What is the estimated cost of such lockers?

Shri Shahnawaz Khan: Each unit of six lockers will cost Rs. 465.

Shri Achar: What would be the size of these lockers?

Ms. Speaker: He has said so. Six of them will cost Rs. 465.

Shri Shahnawaz Khan: He wants to know the size. The size will be 12" by 30" by 17".

Shri C. R. Pattabhi Raman: Are you going to recruit special staff for minding these lockers?

Shri Shahnawaz Khan: No special staff will be necessary.

Shri Tyagi: Will there be a master key and, if so, in whose custody will it be kept?

Mr. Speaker: The station master's necessarily.

Shri Shahnawaz Khan: There will be one main key. That will be kept with the station master. For each locker there will be a separate key and that will be given to the person utilising it. He can put his own lock also if he likes.

Dry Dock At Visakhapatnam

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*612. { **Shri T. B. Vittal Rao:**
Dr. Vijaya Ananda:

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

(a) at what stage is the proposal to have a Dry dock at Visakhapatnam and

(b) whether there is any prospect of its being taken up during the Third Five Year Plan period?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Revised and up-to-date estimates of the cost of construction of the Dry dock, including the foreign exchange cost, are being worked out.

(b) Yes, if we are able to secure sufficient foreign aid to cover the foreign exchange cost of the project.

Shri T. B. Vittal Rao: Firstly, this project was included in the Second Plan. It was then given up for want of foreign exchange and a floating dock was to be constructed. What exactly is the position now? Will this be firmly taken up during the Third Plan period or will the floating dock be constructed, or has the floating dock been permanently given up and this will be done?

Shri Raj Bahadur: The hon. Member is quite right when he said that it was included in the Second Plan. He is also right when he said that we had to postpone it for want of foreign exchange in March, 1958. Now we have included it in the Third Plan and the position still is that it depends upon the availability of foreign exchange. In this matter our pace or action is essentially conditioned and determined by the finances or foreign exchange made available to us.

Shri T. B. Vittal Rao: The Shipping Repairs Committee which went into the question of ship repairing facilities also recommended that a dry dock should be taken up at Vizagapatnam. Then also, the Chairman of the Board of Directors of Hindustan Shipyard, in his Chairman's address said that this is very essential and it should be taken up. In view of that, why does the foreign exchange difficulty come?

Shri Raj Bahadur: So far as the importance and the utility of the project is concerned, there are no two opinions. We are at one that this

must come as soon as possible. The question is not of its intrinsic importance. The question is of relative importance vis-a-vis other projects in the Plan.

Shri T. B. Vittal Rao: What will be the foreign exchange component of this dry dock?

Shri Raj Bahadur: The foreign exchange component as now calculated comes to a little more than Rs. 107.8 lakhs. The total is Rs. 280 lakhs.

Dr. Vijaya Ananda: In view of its importance, will they give priority to this scheme?

Mr. Speaker: In the Third Plan.

Shri Raj Bahadur: Due priority will be given to it. That is, again, a matter of relative priority being given.

Dr. Vijaya Ananda: Is the Government aware of the amount of iron ore that is exported from Vizagapatnam and the fact that it has to be given priority?

Shri Raj Bahadur: I think the export of iron ore has not much to do with this project of dry dock for the shipyard.

Shri Raghunath Singh: As India has no big dry dock, may I know how much foreign exchange we have to spend in one year for dry-docking of our shipping for repairs in foreign countries, including Singapore?

Shri Raj Bahadur: I will have to collect figures. I know that considerable amount of foreign exchange is being spent for want of a really good big dry dock that we need so urgently.

Shri Raghunath Singh: May I know whether in the last 10 years we have spent more than Rs. 12 crores for dry-docking our ships in foreign countries? Why not construct our own dry dock by spending Rs. 2 crores and save nearly Rs. 10 crores?

The Minister of Transport and Communications (Dr. P. Subbarayan): That is what he said. As a matter of fact, my hon. colleague did say that this is a very important venture. At

the same time, priorities are there and priorities have to be considered even though we will be spending money. My hon. friend Shri Raghunath Singh generally goes by arithmetic. Government does not act in that way.

Shri Raghunath Singh: My question is very simple. We have spent more than Rs. 12 crores in the last 10 years for dry-docking our ships in foreign countries. One dry dock will cost Rs. 2 crores only. Why is that amount not going to be spent in India so that our foreign exchange may be conserved here?

Shri Raj Bahadur: Allotments made to us in regard to foreign exchange are determined by the Ministry of Finance and the Planning Commission keeping in view the over-all priority and relative importance. I am absolutely at one that this must come at once if possible. For that we have to have foreign exchange.

Shri Tyagi: That is no answer. (Interruptions).

Mr. Speaker: Order, order. The question is put to the hon. Minister naturally. It is for him to consider and explain to the House as to why he was not able to persuade the hon. Finance Minister. The hon. Finance Minister takes an overall picture. Did he impress upon the Finance Minister that this must be given top priority? That is what they want.

Shri Raj Bahadur: With all the force of persuasion and logic that we could command, we have tried to persuade the Finance Ministry and the Planning Commission. We hope that they will bear it in mind.

Shri Tyagi: It is a matter of great concern to Parliament to know why either the Finance Ministry or the Planning Commission did not agree to save Rs. 12 crores of foreign exchange. A direct question has been put and the answer from the Treasury Benches is that it is not the concern of a particular Ministry. That is a definite question.

Shri Raj Bahadur: That was not my answer.

Shri Tyagi: By spending or investing Rs. 2 crores, Rs. 12 crores could be saved. Why did they not spend that money and make a saving? An explanation is required.

Shri Raj Bahadur: The point is quite clear. I would like to repudiate that we have not at all said that it is not our concern. It is very much our concern. We are very much intimately concerned in it and interested in it and we would like to have it at once. The question is overall finance. For that, the final voice is with the Planning Commission and the Ministry of Finance.

Mr. Speaker: The hon. Member put the question in the form of an accusation. Really his question seems to be that regulation of priorities in a particular Ministry is in the hands of the particular Ministry. Allocation of money is in the hands of the Finance Ministry, in block. If he says that his persuasion was ineffective so far as the Finance Ministry was concerned, unless the total allocation to him is less than Rs. 2 crores,—if it is more than that—why did he not give top priority to this? That is the question.

Shri Raj Bahadur: We have also within our Ministry, to take certain decisions in regard to priorities.

Mr. Speaker: Therefore, let him not say that he gave top priority.

Shri Raj Bahadur: *Vis-a-vis* acquisition of tonnage, construction of ships and shipyard, the priority for dry dock was lower, overall.

Mr. Speaker: Very well. The hon. Minister would have saved all the trouble if he had said that there are other matters more important on account of which foreign exchange could be saved in his own Ministry, instead of putting the blame on the Finance Minister.

Shri Tyagi: Wasting Rs. 10 crores can never be justified.

Mr. Speaker: That is another matter. There may be other things.

The Minister of Finance (Shri Morarji Desai): May I say, Sir, that these matters are not so simple as they are being made out? If it is possible to save Rs. 12 crores by spending only Rs. 2 crores, I do not think the Finance Ministry would turn it down. But, matters do not become so rosy as they are always painted. This question of priorities is also very important. If I can save Rs. 50 crores by spending today Rs. 20 crores, I must have Rs. 20 crores to spend just now. If I have not got that, what can I do? Then, somebody must come to my rescue to save that much. That I am prepared to do. I do not regulate anything. I can say these are Rs. 500 crores available to everybody. That is all that can be done.

Shri Raghunath Singh: Thirteen years have passed since we achieved Independence. There is no shipping policy promulgated.

Shri Ranga: As you have rightly observed, Sir, that is beside the point. Is it not a fact that a particular allotment has been made to that particular Ministry in regard to development of shipping? Within that particular provision, is it not within the province of the Ministry or the responsibility of the Ministry to decide what priority is to be given to this? Therefore, the Finance Minister need not come to his rescue.

Mr. Speaker: So that we may be clear, I must make up my mind as to what questions to allow with respect to a Minister and what not to allow. So far as this is concerned, the hon. Finance Minister is not to blame at all. The question is this. If any matter relates to any particular department or portfolio, if an overall amount has not been sanctioned at all,—not a pie—the hon. Minister is entitled to say and the Finance Minister may be asked as to why this department has been thoroughly ignored. But, if some allotment has been made, the only question now is, within that allotment, the hon.

Minister in charge of that portfolio has got the right to fix up priorities. Why did he not do so? That is all the question here. Otherwise, if I am satisfied that all such questions on every item in the Plan must be addressed only to the Finance Minister, I will hereafter put his name here, if all the other Ministries say, we have nothing to do, ask the Finance Minister. Let me know definitely whether the Finance Minister ought to answer or the Ministers in charge of the portfolio.

Dr. P. Subbarayan: We never intended to convey that position which you seem to have taken. We are certainly responsible.

Mr. Speaker: No, no. The hon. Deputy Minister said that you must ask the Finance Minister.

Dr. P. Subbarayan: I am afraid you have misunderstood him.

Mr. Speaker: Very well.

Dr. P. Subbarayan: All that he said is, a certain amount of money is placed at our disposal according to the financial condition of the country. That money is allotted by us to what we think is the first priority, second priority. All that my colleague intends to convey is that we have other priorities which have to have priority before this dry dock came.

Mr. Speaker: I understand this thoroughly. But, he brought in the Finance Minister. He could have easily said, within the allotment made to us, we do not consider this must be given top priority for the reason that other items in our own Ministry are likely to save more foreign exchange, or there are other considerations on account of which we give this priority. In as much as he said, if the Finance Minister is prepared to give, I am prepared to give, top priority, that is how I understood it.

Shri Raj Bahadur: I am sorry I gave that impression. I can assure you that was remotest from my

mind absolutely. I never intended to convey that impression. In fact, I never mentioned the name of the Finance Minister. I only said that periorify *vis-a-vis* various projects is laid down by the Planning Commission and the Finance Ministry. That is a fact.

Mr. Speaker: So far as this is concerned, I do not know if the Finance Minister is different from the Finance Ministry.

Shri Morarji Desai: The Finance Ministry and the Finance Minister are not different. They are the same.

Mr. Speaker: I also agree that there is no difference between the Finance Minister and the Finance Ministry.

Shri A. P. Jain: I heard the hon. Minister to say that Shri Raghunath Singh goes by arithmetic and the Government does not act in that way. I want exactly to understand what is the meaning and implication of this remark that Government does not go by arithmetic and only the Members go by arithmetic.

Dr. P. Subbarayan: I am afraid my hon. colleague knows as well as I do what arithmetic means. What I said was: Shri Raghunath Singh goes really by figures alone and not by the policy of the Government.

Shri Raghunath Singh: Then, what is the policy of the Government in this respect?

Dr. P. Subbarayan: The policy of the Government is to give priorities.

Shri Tyagi: The one crore and odd which has gone to the Hotel could have been diverted to this.

Mr. Speaker: I am not going to convert this question into a discussion of the general Plan. All hon. Members had opportunities to serve, and Shri Tyagi was the Chairman of one of the Plan Committees. There he could have recommended that this should be given top priority. Incidentally it has happened.

Shri T. B. Vittal Rao: He was not the Chairman of the Industries Committee.

Mr. Speaker: He must have transferred himself.

Shri T. B. Vittal Rao: Which are the projects under the Transport Ministry which have got overriding priority over this dry dock?

Shr Raj Bahadur: We are told, and it a fact, that we have got to save foreign exchange spent on the freight of our cargo, so that shipping and ship-building must precede other matters; and for that, we have got to give higher priority to acquisition of tonnage and construction of ships than the dry dock.

Decentralisation of Administration

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*614. { **Shri D. C. Sharma:**
Dr. Ram Subhag Singh:
Shri Rami Reddy:
Shri Tangamani:

Will the Minister of **Community Development and Cooperation** be pleased to refer to the reply given to Starred Question No. 286 on the 10th August, 1960 and state:

(a) what further progress has been made in giving effect to the scheme of decentralisation of administration in the various States; and

(b) the details thereof?

The Deputy Minister of Community Development and Cooperation (Shri B. S. Murthy): (a) and (b). In Madras, on 2nd October, 1960, 75 Panchayat Union Councils were set up. Elections to Taluq Boards in Mysore and Anchalik Panchayats in Assam are in progress. The Punjab Panchayat Samitis and Zila Parishads Bill has recently been passed by the State Legislature. In Uttar Pradesh, a Bill providing for Kshetra Samitis at the Block level and Zila Parishads at the district level, has been passed by the Vidhan Sabha and is now before the Vidhan Parishad. In Orissa, the Government have decided to enforce provisions of the Orissa Zila Parishad Act

all over the State by a phased programme, to be completed by the first half of 1961 and to establish as many Panchayat Samitis as possible on 26-1-1961. Kerala has also introduced a new Panchayat legislation for uniform coverage of the whole State with Panchayats as a first step towards Panchayati Raj. The Committees appointed by Governments of Maharashtra and Gujarat to make recommendations on the scheme of Panchayati Raj best suited to these States on the pattern visualised by the Balwantraj Mehta Team are expected to submit their reports shortly.

Shri D. C. Sharma: Has the Minister any idea of the date and year by which this Panchayati Raj will be introduced in all the States of India?

Shri B. S. Murthy: We are thinking that the whole country can be covered by Panchayat institutions by the end of next year.

Shrimati Sucheta Kripalani: Is it a fact that Panchayats in Delhi rural areas have become ineffective due to the centralisation of authority in the hands of the municipal corporation?

Shri B. S. Murthy: I do not think it is entirely correct. As long as there is a centralised authority, naturally the Panchayats will not be quite free.

Shri Tangamani: Out of the States mentioned by the hon. Deputy Minister, may I know how many have got non-official presidents for the zila parishad, and how many have got provision for direct election to the Panchayat Samiti, instead of indirect election from the Panchayats?

Shri B. S. Murthy: As I have already stated, all the States have not been covered by Panchayati Raj. Only two States, Andhra and Rajasthan, have been covered, and in Andhra and Rajasthan there are non-official presidents.

Shri Raghunir Sabai: Has it come to the notice of the hon. Deputy Minister that there are still some

States in the country which are showing a lot of apathy towards implementation of this democratic decentralisation, and that is why Panchayati Raj has not come in those States? I would like to know whether any steps are going to be taken to activate those States so that Panchayati Raj may be introduced there at an early date.

Shri B. S. Murthy: I do not think any State is showing any apathy.

Shri Raghunir Sahai: For instance, West Bengal.

Shri B. S. Murthy: But what is being misconstrued as apathy is only a slow approach to the problem.

Shri Balakrishnan: May I know whether Government is considering any effective scheme to check local politics and local factions from entering the administration of Panchayats, so that Panchayati Raj may be made effective?

Shri B. S. Murthy: By introducing Panchayati Raj, I do not think factions, political or otherwise, will be having a spate. If a village is generally torn by factions, naturally it has to be attended to by friends like Shri Balakrishnan.

Shri D. C. Sharma: May I know if any efforts are being made to keep these Panchayat elections outside the purview of the political parties?

Shri B. S. Murthy: Yes, Sir.

Mr. Speaker: All this does not arise here. We had a regular debate on this matter. There were some hon. Members who were very pessimistic, there were others who were in favour of that. There are differences, and there may be differences of opinion, but this only relates to the progress that has been made in the matter of decentralisation of administration. The causes, the parties infiltrating into the villages or the Panchayats etc., do not arise out of this question at all.

Shri Pahadia: As a result of decentralisation of administration, some new administrators are being created, the zila pramukhs and the pradhans of the

Panchayat Samitis. May I know whether there is a great difference between the two administrators, and the steps being taken to mobilise this movement?

Shri B. S. Murthy: In the strict sense the pramukh and the pradhan cannot be stated to be new administrators. One is the president of the Panchayat Samiti and the other is the president of the zila parishad. They are elected persons. Therefore, they are in charge of certain administrative work in that area.

Shri Harish Chandra Mathur: May I know when the West Bengal Government fell in line with this scheme of decentralisation? Was it this month or last month—because I was informed only a month back that they had rejected this scheme out of hand?

Shri B. S. Murthy: I cannot agree with the latter half of the question. West Bengal are trying to see what pattern will suit the genius of the Bengalees.

Shri Tangamani: As a result of the experience gained in three or four States so far, may I know whether Government considers it advisable that the members of the zila parishads should be directly elected instead of the present indirect method of the Panchayat Union President becoming a zila parishad member?

Shri B. S. Murthy: As I have already stated, each State is having its own pattern of election under the over-all three-tier system. Therefore, it is too early to suggest any new change for any State Government.

Shri Jangde: May I know to what extent the welfare of the Scheduled Castes and Scheduled Tribes and women will be entrusted to the village Panchayats, Block level Samities and zila parishads?

Shri B. S. Murthy: All steps are being taken to protect the interests of women as well as the Scheduled Castes and Scheduled Tribes. As a matter of fact, in certain States where

ever there is no possibility of Scheduled Castes and Scheduled Tribes or women being elected, co-option has been introduced.

श्रीमती सहोदरा बाई राय : क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि मध्य प्रदेश में पंचायती राज्य स्थापित हो गया है और यदि अभी तक स्थापित नहीं हुआ तो कब तक उस के कायम हो जाने की संभावना है ?

Shri B. S. Murthy: As I have already stated, Madhya Pradesh has also fallen in line with the other Governments.

श्रीमती सहोदरा बाई राय : हिन्दी में बोलिये ।

Shri B. K. Gaikwad: May I know whether Government are aware that even though members of the Scheduled Castes and Scheduled Tribes are elected or taken on these Gram Panchayats, the position of the Scheduled Castes and Scheduled Tribes and other backward communities in the Gram Panchayats is becoming worse day by day?

Shri B. S. Murthy: Shri B. K. Gaikwad must be able to visualise that the position of any community cannot become worse so long as the leaders of the community take good care of their community.

WRITTEN ANSWERS TO QUESTIONS

Regional Research-cum-Testing Centres for Bullock-Drawn Implements

*610. **Pandit D. N. Tiwari:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Regional Research-cum-Testing Centres for bullock-drawn implements have been set up;

(b) if so, the names of the places where they have been set up; and

(c) the precise functions of these centres?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). Four centres have been set up during the the Second Plan period at:—

(1) The Indian Agricultural Research Institute, New Delhi (Northern Region);

(2) Coimbatore (Southern Region);

(3) Poona (Western Region); and

(4) Haringhata, West Bengal (Eastern Region).

(c) The functions of these centres are:—

(1) to test the bullock-drawn and manually operated implements and machines available and in use in the region, under actual field conditions;

(2) to import from foreign countries, or to obtain from other parts of the country, and to develop, if necessary, suitable implements and machines for certain agricultural operations which no implements exist at present, and to test them for regional conditions and requirements;

(3) to modify or improve upon the agricultural implements and machines tested at the centre;

(4) to design and develop labour-saving, cheap and efficient agricultural implements and machines; and

(5) to introduce and popularise the farm implements and machines found suitable.

Jet Planes for A.I.I.

*613. { Shri Vidya Charan Shukla:
Shri Ajit Singh Sarhadi:

Will the Minister of Transport and Communications be pleased to refer

to the reply given to Starred Question No. 294 on 10th August, 1960 and state:

(a) further progress made in buying more jet planes for Air India International; and

(b) type and make of the plane proposed to be purchased?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) and (b). The matter is still under consideration.

Rural Water Supply Schemes

*615. **Shri Harish Chandra Mathur:** Will the Minister of Health be pleased to state:

(a) the provision made for rural water supply for the years 1960-61 and 1961-62; and

(b) by what period drinking water would be made available to the entire rural population?

The Minister of Health (Shri Karmarkar): (a) For payment of Central Assistance to the State Governments for the rural water supply and sanitation schemes under the National Water Supply and Sanitation Programme a sum of Rs. 146.50 lakhs has been allocated for 1960-61. A provision of Rs. 34.00 lakhs also exists in the budget grant for 1960-61 for meeting expenditure on water supply schemes (both urban and rural) in the Union Territories.

Provision for 1961-62 is yet to be made.

(b) No date can be fixed for this purpose.

Master Plan for Rajasthan Canal Project Region

*616. { Shri Ajit Singh Sarhadi:
Shri P. K. Deo:
Shri Goray:
Shri Damani:

Will the Minister of Irrigation and Power be pleased to refer to the reply

given to Starred Question No. 45 on the 2nd August, 1960 and state:

(a) whether master plan for the Integrated Development of the region commanded by the Rajasthan Canal Project has been finalised; and

(b) if so, the nature of the Plan and its main recommendations?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir.

(b) Does not arise.

Pochampad Project

***617. Shri Rami Reddy:** Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 819 on the 26th August, 1960 and state:

(a) whether the objections of the Maharashtra Government in regard to the Pochampad Project have since been disposed of;

(b) whether discussions between the representatives of the Andhra Pradesh and Maharashtra Governments have since been held;

(c) whether the Central Water and Power Commission have received a report of the discussions; and

(d) the action taken in the matter by Government, the Planning Commission and the Central Water and Power Commission?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir.

(b) Discussions were held but they were not conclusive.

(c) No authentic report has so far been received.

(d) The matter is under examination.

I.A.R.I.

***618. Shri Tangamani:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that various posts in the Indian Agricultural Re-

search Institute have not been classified as unskilled, semi-skilled, skilled, etc.

(b) whether it is proposed to constitute a tribunal to classify the various posts as recommended by the Second Pay Commission; and

(c) if not, the reasons therefor?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Yes.

(b) No.

(c) On the recommendations of the Second Pay Commission, revised scales of pay for the workers of the Indian Agricultural Research Institute, have been notified and have come into force from 1.7.1959. Government do not consider that having regard to the numbers and nature of work involved there is any need for a Tribunal or Committee to go into question of classification of these workers.

Shipping Freight Rates

***619. Shri Raghunath Singh:** Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that Japan and U.K. Shipping lines have reduced freight surcharge to Colombo (Ceylon); and

(b) if so, what steps are being taken by Indian Shipping Companies in this respect?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes. The Conference lines operating in the U.K. (Continent) Colombo and Japan (Colombo) trades have recently announced certain reductions in freight surcharge on shipments to Colombo, as a result of the improvement in the port conditions.

(b) The decision to reduce the surcharge was taken by the Shipping Conferences concerned and the Indian shipping companies who are operating as members of such Conferences will no doubt abide by that decision.

आयुर्वेदिक तथा यूनानी औषधियां

६२०. { श्री प्रकाशवीर शास्त्री :
श्री जीवनचन्द्रन :

क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार आयुर्वेदिक तथा यूनानी औषधियों के निर्माण पर नियंत्रण करने का विचार कर रही है ;

(ख) यदि हां, तो ऐसी क्या परिस्थितियां पैदा हो गई हैं जिन के कारण इस प्रकार की कार्यवाही की जा रही है ?

स्वास्थ्य मंत्री (श्री करमरकर) : (क) जी हां । आयुर्वेदिक तथा यूनानी औषधियों के निर्माण पर प्रयोग किये जा सकने वाले नियामक उपायों का प्रश्न सरकार के परीक्षणाधीन है ।

(ख) वे मुख्य परिस्थितियां जिन के कारण इस प्रश्न पर विचार किया जा रहा है इस प्रकार हैं :—

१. यद्यपि आयुर्वेदिक तथा यूनानी औषध उद्योग में पर्याप्त विकास हुआ है तथापि जन साधारण को इन औषधों से धोखा हो जाता है । आयुर्वेदिक औषधों में अपमिश्रण की सूचनायें मिली हैं ।

२. आयुर्वेदिक अथवा यूनानी संयोगांग वाले और आधुनिक चिकित्सा पद्धति के क्षेत्र में आने वाले औषधों को मिला कर मिश्रित औषधियां निर्माण करने तथा उनको ऐसे नाम देकर जिस से उन के आयुर्वेदिक अथवा यूनानी होने की आंति पैदा हो, बाजार में बेचने की प्रवृत्ति ।

३. बिना यह निश्चय किये हुए कि इन इंजेक्शनों में प्रयुक्त औषधियां वन्द्य ज्वर-जन रहित तथा विष-रहित हैं आयुर्वेदिक इंजेक्शनों को बेचने की वृत्ति ।

P. & T. Volunteers

*621. { Shri Indrajit Gupta:
Shri Halder:

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

(a) whether the Superintendent of Post Offices, Central Calcutta Division, has invited applications for jobs from volunteers who worked during the Central Government employees strike; and

(b) whether normal rules governing recruitment have been waived in this connection?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Yes, Sir.

(b) Some relaxations from normal rules in their favour have been made.

Air Link to Vijayawada

*622. Shri Osman Ali Khan: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government have recently investigated the possibilities of providing air link for Vijayawada with other cities; and

(b) whether the State Government has made a request in this regard?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) and (b). The Indian Airlines Corporation have reported that they have received certain proposals from the Andhra Pradesh Government regarding air-linking stations in Andhra Pradesh. Indian Airlines Corporation have, however, informed the Andhra Pradesh Government that unless the service is subsidised by the State Government they will not be able to operate it.

Amount Missing from I.A.C. Calcutta Office

*623. { Shri N. R. Muniswamy;
Shri Ram Krishan Gupta;
Shri Agadi;
Shri Sugandhi:

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

(a) whether it is a fact that a sum of Rs. 1 lakh was missing from the head office of the Indian Airlines Corporation, Calcutta and report to that effect was lodged with the Police on 25th October, 1960;

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

(c) if so, the result thereof?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) The Indian Airlines Corporation had lodged a report with the Calcutta Police on the evening of 24th October, 1960, that a sum of approximately Rs. 1.47 lakhs was missing from the Area Headquarters of the Indian Airlines Corporation at Calcutta.

(b) and (c). The investigation have not been completed.

National Institute of Tropical Meteorology

*624. Shri Achar: Will the Minister of Transport and Communications be pleased to state:

(a) whether there is a proposal to start a national institute of Tropical Meteorology by the Government of India in the near future;

(b) the estimated cost thereof; and

(c) the place where it is to be located?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) The question of setting up an Institute of Tropical Meteorology under

the India Meteorological Department is under consideration.

(b) and (c). Details of the scheme have not been finalised and it is not possible at present to give information regarding estimated cost and location.

National Agricultural Intelligence Board

*625. Shrimati Ila Palchoudhuri: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that a proposal to set up a National Agricultural Intelligence Board is under the consideration of the Government of India;

(b) if so, the details thereof; and

(c) when it is likely to be finalised?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b). To develop agricultural outlook service in the country, a National State Agricultural Intelligence Board has been set up with the Secretary, Department of Agriculture, Ministry of Food & Agricultural, as the Chairman; Secretary, Department of Food and State Secretaries of Agriculture as Members and the Economic and Statistical Adviser, Ministry of Food and Agriculture as Member-Secretary. The Board is an advisory body for improvement in the timeliness and accuracy of basic data, analysis of economic situation and outlook and dissemination of agricultural intelligence.

(c) Does not arise.

Asian Highway

*626. Shri Ajit Singh Sarhadi: Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 65 on the 2nd August, 1960 and state:

(a) whether the proposal to have Asian Highways by the Economic Commission for Asia and the Far East with the aid of United Nations Agency has materialised;

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

(c) the location of the Highways?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The international highway routes applying to India as recommended by the Expert Working Groups in their first session held in November-December 1959 and the standards suggested for their development have been approved by the Government of India. Each country has to develop the routes lying within its jurisdiction gradually as funds permit and traffic conditions justify. Proposals for providing aid to the various countries in the form of materials, machinery and equipment and services of experts for the development of the highways is under consideration of the ECAFE Secretariat.

(c) A list of the approved routes falling in India is laid on the Table of the Sabha. [See Appendix II, annexure No. 52.]

Kurduwadi-Miraj-Latur Link

*627. **Shri T. B. Vittal Rao:** Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 143 on the 2nd August, 1960 and state:

(a) whether a decision has since been arrived at with regard to conversion of Kurduwadi-Miraj-Latur N. G. Section to B.G. or M.G.;

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

(c) if the reply to part (a) above be in the negative, when a decision is likely to be taken?

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

(b) Does not arise.

(c) The Survey Reports are under detailed examination and a final decision will be taken as soon as possible.

Levy of Health Cess

*628. { **Shri Ram Krishan Gupta:**
Shri Prakash Vir Shastri:

Will the Minister of Health be pleased to state:

(a) whether it is a fact that most of the State Governments have opposed the suggestion of the Central Council of Health to levy a health cess in order to raise funds for the expansion of the health programme; and

(b) if so, the nature of final decision taken by Government in this regard?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) The Central Council of Health considered this issue at its meeting held in October, 1960 and has recommended that ways and means should continue to be explored to discover and tap additional resources for promoting health programmes in the various States, as found feasible by the respective States.

This recommendation has been forwarded to the State Governments for necessary action.

Import of Wheat from Canada

*629. **Shri Rami Reddy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any agreement has been entered into with Canada for the import of wheat;

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

(c) whether any programme for its import has been drawn up; and

(d) how the payment is proposed to be made?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) to (d). Under the Colombo Plan for the year 1960-61 the Government of Canada allotted a grant of \$7 million for purchase of Canadian wheat, which the Government of India have accepted. The amount of \$7 million is expected to fetch about

1 lakh tons of wheat. This quantity is expected to be shipped from November, 1960 to March, 1961. As this is a grant under the Colombo Plan, the question of payment does not arise.

Willingdon Hospital

*630. **Shri A. M. Tariq:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that staff in the Willingdon Hospital is insufficient to cope with the number of patients being referred to specialists from various dispensaries connected with it;

(b) whether patients so referred to have to wait for hours to get their turn in the hospital; and

(c) if so, whether Government proposed to take any steps to augment the medical staff in the hospital in order to avoid the long waiting by the patients?

The Minister of Health (Shri Karmarkar): (a) The staff provided in the various Specialist Departments in the Willingdon Hospital to attend to the patients covered by the Contributory Health Service Scheme has been considerably augmented in the last 2 years and is not considered inadequate.

(b) No, Sir.

(c) For the time being, there is a proposal to sanction one post of Junior Staff Surgeon for the Dental Department only.

Transport of Steel by Railways

*631. **Pandit D. N. Tiwari:** Will the Minister of Railways be pleased to state:

(a) whether the Railways have accepted the suggestion of the Raw-material Committee for Steel Industry to give first priority to steel in matter of transport of raw materials for steel plants; and

(b) if so, whether the Railways have considered its effect on transport of foodgrains?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) At the meeting of the High Level Committee on the production, supply and movement of iron ore and other raw materials for the steel industry, it was suggested that the movement should take place under high priority. This suggestion has been accepted by the Ministry of Railways.

(b) The movement of raw materials for steel plants which takes place mostly in special type of wagons and open wagons will not affect the movement of foodgrains which generally takes place in covered wagons.

Madras Harbour

*632. **Shri Tangamani:** Will the Minister of Transport and Communications be pleased to state:

(a) whether the new mechanised ore berth in Madras harbour was commissioned on 28th September, 1960;

(b) if so, what is the cost involved; and

(c) the estimated increase expected in export and import during the current year as a result thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): A statement is laid on the Table of the Sabha.

STATEMENT

(a) Yes.

(b) The capital cost of the berth alone is about Rs. 64.70 lakhs and that of the mechanical handling equipment installed thereon up to now is about Rs. 65 lakhs.

(c) The mechanical ore berth is meant primarily for export of iron ore and secondarily as a general cargo berth for handling import/export trade, whenever available for such

purpose. Last year, the Madras Port handled about 5 lakh tons of iron ore by the ordinary manual method. The new mechanised berth is equipped to handle 1.2 million tons of iron ore in a year on a two shift basis. The actual quantity of ore that can be handled at this berth, however, depends (i) on the State Trading Corporation offering the requisite quantities of ore to the Railways for movement and (ii) the Railways being able to move quantities of that order to the port. The Railways have agreed to move during the period 1st July, 1960 to 30th June, 1961, about 9 lakhs tons of iron ore. The Port Trust has actually handled 2-3/4 lakh tons during the seven months from 1st April, 1960 to 31st October, 1960. It is not possible to estimate precisely the total export of iron ore at this berth during the current year.

T.B. Control

*633. { Shri Ram Krishan Gupta:
Shri Jinachandran:

Will the Minister of Health be pleased to state:

(a) whether it is a fact that there is a "wide gulf" between the target and the achievement in the implementation of the National Tuberculosis Control Programme;

(b) if so, the reasons therefor; and

(c) the steps taken or proposed to be taken to achieve targets?

The Minister of Health (Shri Karmarkar): (a) In some aspects, there is a shortfall in achievement as compared with the target.

(b) Mainly due to (1) slow implementation of the schemes by the State Governments, (2) Non-availability of trained personnel and (3) difficulty in procuring X-Ray and other equipments.

(c) The reasons for the shortfall were discussed at the meeting of the Central Council of Health held in

October, 1960 and a Committee under the Chairmanship of the Health Minister of Maharashtra has been formed to go into this matter and suggest measures to expedite progress.

C.H.S. Token Cards

*634. { Shri A. M. Tariq:
Shri D. C. Sharma:

Will the Minister of Health be pleased to state:

(a) whether it is a fact that due to the mention of the pay scale of Government employees on the C.H.S. token card the medicines are now prescribed according to the pay scale, thus leading to class distinction; and

(b) if so, the reasons therefor?

The Minister of Health (Shri Karmarkar): (a) No, Sir.

(b) Does not arise.

Railway Protection Force

1099. **Shri D. C. Sharma:** Will the Minister of Railways be pleased to state:

(a) the strength of the Railway Protection Force of the Northern Railway as on the 1st October, 1960, in each Division separately;

(b) the number among them belonging to Scheduled Castes in each Division; and

(c) the total expenditure involved in maintaining the above Protection Force in each Division during 1959-60?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) to (c). A statement is laid on the Table. [See Appendix II, annexure No. 53.]

Thefts on Railways

1100. **Shri D. C. Sharma:** Will the Minister of Railways be pleased to state:

(a) the total number of theft cases on the Eastern, Southern, Central and South-Eastern Railways during 1960 so far;

(b) the estimated loss of property; and

(c) the number of persons punished on that account?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (c). The information is as follows:—

Railway	Total No. of theft cases	Estimated loss (in Rs.)	No of persons punished	
			Rly. Em- ployees	Out- siders
Central .	9516	5,59,133	5	108
Eastern .	11966	11,24,995	2	27
S. Eastern	1470	4,14,850	29	88
Southern	6582	1,46,457	7	333

†Excluding thefts of carriage & wagon and Electrical fittings which are not available on this Railway.

Sugar Production

1101. { Shri Morarka:
Shri Kalika Singh:

Will the Minister of Food and Agriculture be pleased to lay a statement on the Table showing:

(a) the production of sugar in 1950-51;

(b) the plan target for the First Five Year Plan, the achievement during the same period together with the financial allocation and the amount actually spent during the First Plan period;

(c) the target for the Second Five Year Plan period, the achievement made so far, together with the financial allocation under the Second Five Year Plan and the amount actually spent so far; and

(d) the reason for the shortfall, if any, in achieving the physical targets?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) 11.16 lakh tons during the period November to October.

(b) and (c).

	Target o Sugar production (lakh tons)	Actual production h tons)
First Five Year Plan	18.00	18.62 (During 1955-56)
Second Five Year Plan	22.50	24.21 (During 1959-60)

Sugar Industry being in the Private Sector, the question of financial allocation by Government for achieving the targets does not arise. However, the Second Five Year Plan provides Rs. 5 crores for assisting the establishment of co-operative sugar factories in different States. Out of this, Rs. 2.35 crores have been sanctioned upto 31st March, 1960. Although there was no specific provision for this purpose in the First Five Year Plan, Rs. 1.8 crores were sanctioned by way of assistance for establishment of co-operative sugar factories during that Plan.

(d) Does not arise.

डाक त

११०२. श्री हेम राज : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) द्वितीय पंचवर्षीय योजनाकाल में १९६० तक पंजाब में (जिलावार) कितने डाकघर तथा तारघर खोले गये ; और

(ख) द्वितीय पंचवर्षीय योजनाकाल की समाप्ति तक पंजाब में कितने डाक तथा तारघर खोलने का विचार है ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर) : (क) लोक-सभा

के पटल पर एक विवरण पत्र रखा जाता है।
[देखिये परिशिष्ट २, अनुबन्ध संख्या ५४]

(ख) (१) डाकघर—१७४

(२) तारघर—२४

संघ राज्य -क्षेत्रों के अस्पतालों में
नर्स

११०३. श्री प्रकाशवीर शास्त्री : क्या
स्वास्थ्य मंत्री यह बताने की कृपा करेंगे
कि:

(क) इस समय संघ राज्य क्षेत्रों में
स्थित अस्पतालों में कितने विदेशी डाक्टर
(पुरुष और महिलायें) और नर्स काम कर
रही हैं;

(ख) इनमें से कितने डाक्टर और नर्स
ईसाई धर्मप्रचारक संघों द्वारा चलाये जा रहे
अस्पतालों में काम कर रहे हैं; और

(ग) क्या कुछ और विदेशी डाक्टरों
और नर्सों को भारत आने की अनुमति दी
गई है ?

स्वास्थ्य मंत्री (श्री करदरकर) : (क)

से (ग). आवश्यक सूचना एकत्र की जा रही
है और उपलब्ध होने पर सभा की मेज पर
रख दी जायेगी।

Change of Names of Stations

1104. **Shri Subiman Ghose:** Will the
Minister of Railways be pleased to
state:

(a) whether the names of some
stations on the Eastern Railway have
recently been changed;

(b) if so, names of these stations
with changed names;

(c) whether Government are aware
that Bardhaman town station is named
as Burdwan Station;

(d) whether this has also been
changed;

(e) if not, the reasons for not
changing it; and

(f) whether Government propose
to change it from Burdwan to
Bardhaman?

The Deputy Minister of Railways
(**Shri S. V. Ramaswamy**): (a) Yes.

(b) A statement is laid on the Table.
[See Appendix II, annexure No. 55].

(c) Yes, in English only.

(d) No.

(e) In changing the names of Rail-
way stations, the Railway adminis-
trations are generally guided by the
views of the State Government and
the State Government of West Bengal
have not suggested any change in the
name of Burdwan Station.

(f) Does not arise.

Railway Out-Agencies in U.P.

1105. **Shri Pangarkar:** Will the Min-
ister of Railways be pleased to state:

(a) the number of Railway out-
agencies in Madhya Pradesh opened
during 1960-61 so far; and

(b) the number of new out-agencies
to be opened during 1960-61?

The Deputy Minister of Railways
(**Shri S. V. Ramaswamy**): (a) Five.

(b) The proposals to open out-
agencies at 25 places in Madhya
Pradesh are under examination, but
it cannot be stated definitely at this
stage whether out-agencies at these 25
places will be opened during the year
1960-61 or opened at all. Also, it is
possible that out-agencies at other
places may be opened during this
year.

Primary Schools on C. Railway

1106. **Shri Pangarkar:** Will the
Minister of Railways be pleased to
state:

(a) how many primary schools of
austerity type are there on the Central
Railway;

(b) the cost of construction of each
school;

(c) the number of students taught in each school; and

(d) the teachers engaged in each school?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) 49.

(b) Rs. 4000 approximately.

(c) Each school caters for 50 students.

(d) One.

National Rural Water Supply Scheme in Andhra Pradesh

1107. Shri Rami Reddy: Will the Minister of Health be pleased to state:

(a) whether Pulivendla Taluk of Cuddapah District in Andhra Pradesh is chosen for implementing the scheme of National Rural Water Supply and Sanitation;

(b) when was the scheme started in this area;

(c) the total financial provision for implementing the scheme in this area;

(d) the progress made in the implementation of the scheme;

(e) the provision made for 1960-61;

(f) whether it is a fact that there is a proposal to wind up the scheme by the end of 1960-61 and if so, what are the reasons; and

(g) what would be the expenditure that would have been incurred by the end of 1960-61 compared to the total provision for the scheme?

The Minister of Health (Shri Kar-markar): (a) Yes, Sir.

(b) In July, 1959.

(c) The scheme in question is estimated to cost Rs. 9.50 lakhs.

(d) Our information is that, out of the 23 villages selected, work is in progress in 22 villages and the scheme is expected to be completed by March, 1962.

(e) to (g). The Scheme is being executed by the State Government and

the Government of India have no information on these points at present.

भारतीय नौवहन उद्योग के लिए ऋण

११०८. श्री रघुनाथ सिंह: क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पिछले दस वर्षों में भारतीय नौवहन उद्योग के विकास के लिये विदेशी मुद्रा ऋण प्राप्त किया गया है ; और

(ख) यदि हां, तो प्रति वर्ष कितना धन उधार लिया गया ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर): (क) और (ख). जहां तक भारत सरकार का संबंध है भारतीय जहाजरानी के विकास के लिये सिर्फ २४ करोड़ रुपयों की येन विदेशी मुद्रा ऋण के रूप में प्राप्त की गयी है। यह ऋण १९५८ में जापान के निर्यात/आयात बैंक से लिया गया था। इसमें से कुछ राशि जापान से जहाज खरीदने में खर्च की गयी है। पिछले वर्षों में भारतीय जहाजी कम्पनियों ने विभिन्न सूत्रों से जहाज खरीदने के लिये विदेशी मुद्रा का ऋण लेने का प्रबन्ध किया है। इस संबंध में व्यौरा इकट्ठा किया जा रहा है और यथाशीघ्र सभा पटल पर प्रस्तुत किया जायगा।

राम गंगा नदी परियोजना

११०९. श्री भक्त दर्शन: क्या सिंचाई और विद्युत मंत्री २३ अगस्त, १९६० के तारकित प्रश्न संख्या ६७३ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश में रामगंगा नदी की परियोजना के विभिन्न चरणों में अब तक क्या प्रगति हुई है ; और

(ख) उन चरणों पर अब तक कितना धन व्यय हो चुका है ?

सिंचाई तथा विद्युत् उपमंत्री (श्री हाथी):

(क) (१) राम गंगा नदी पर पुल निर्माण:—सरकट के मिकट रामगंगा नदी पर पूर्वपरिबलित कंक्रीट के पुल का निर्माण कार्य प्रगति कर रहा है। सभी कुओं की खुदाई चार पायों (हीअर्स) तथा बायें और दायें पीलपायों (एबटमेंट्स) का निर्माण हो चुका है। कुल मिला कर ७२ प्रतिशत कार्य हो चुका है।

(२) राम गंगा बांध का भूभौतिकीय सर्वेक्षण एवं अन्य अनुसंधान कार्य:—प्राथमिक अनुसंधान कार्य पूर्ण हो चुका है। भिन्न भिन्न किस्मों की मिट्टी, सामग्री, इनका उपलब्ध स्थान और तथा बांध के "सेक्शन" के डिजाइन संबंधी कार्य किया जा रहा है।

(३) नालियां का पुनर्निरूपण एवं विकास:—नई नालियों का निर्माण तथा इटावा ब्रांच, नवाबगंज, गंगई और बनसक सूओं को पुनः बनाने का कार्य हो रहा है।

(ख) सितम्बर, १९० के अन्त तक १३३.२९ लाख रुपये व्यय हुये।

उत्तर प्रदेश में डाक तथा तार भवन

१११०. श्री भक्त दर्शन : क्या परिवहन तथा संचार मंत्री १६ दिसम्बर, १९५९ के अतारांकित प्रश्न संख्या १५७३ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश परिमंडल (सर्कल) में डाक तथा तार विभाग के भवनों के निर्माण में अब तक और क्या प्रगति हुई है ;

(ख) १९६०-६१ के वित्तीय वर्ष में उक्त परिमंडल ने डाक तथा तार विभाग के भवनों के निर्माण का क्या कार्यक्रम है ; और

(ग) उक्त भवनों में से प्रत्येक पर कितना धन व्यय होने की संभावना है ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर): (क) प्रत्येक मद से संबंधित व्यौरे पटल पर रखे गये विवरण में दिये गये हैं। [बेल्जिए परिशिष्ट २, अनुबन्ध संख्या ५६]।

(ख) तथा (ग). विवरण १ में दी गई सूची के अतिरिक्त १९६०-६१ के प्रमुख भवन निर्माण कार्यक्रम में शामिल किये गये मद विवरण २ में अनुमानित लागत के व्यौरे, मौजूदा स्थिति तथा इस वर्ष में उन पर होने वाले संभावित व्यय के साथ दिखाये कये हैं। [बेल्जिये परिशिष्ट २, अनुबन्ध संख्या ५६]।

डाक तथा तार घर

११११. श्री भक्त दर्शन : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) डाकघर, तारघर, टेलीफोन एक्स-चेंज और सार्वजनिक टेलीफोन घर खोलने के लिये वर्ष १९६०-६१ के बजट में अलग-अलग कितनी धनराशि नियत की गई थी ; और

(ख) विभिन्न डाक तथा तार परिमंडलों (सर्कलों) के लिये प्रत्येक शीर्ष के अन्तर्गत इस नियत राशि में से कितनी धनराशि मंजूर की गई ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर) : (क) यह सूचना इस प्रकार है :—

	लाख रुपये
(१) डाकघर खोलने के लिये	१०
(२) तारघर खोलने के लिये	१६
(३) टेलीफोन केन्द्र खोलने के लिये	४९
(४) सार्वजनिक टेलीफोन घर खोलने के लिये	२५

(ख) यह सूचना पटल पर रखे गये विवरण पत्र में दी गई है। (देखिए परिशिष्ट २, अनुबन्ध संख्या ५७)।

A.I.I. Pamphlets

1112. **Shri S. M. Banerjee**: Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Starred Question No. 1050 on the 5th September, 1960 re: A.I.I. pamphlets and state:

(a) whether the objectionable sketches have been taken out of the pamphlets; and

(b) whether circulation of the existing pamphlets has been stopped?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) The Corporation have reported that they are revising the pamphlet "Foolishly Yours".

(b) No, Sir.

Rail Link for Iron Ore Mines

1113. **Shri Chintamoni Panigrahi**: Will the Minister of **Railways** be pleased to state:

(a) whether the proposal to link up iron ore mines at Tomka and Daitani Hills in Orissa by rail with the main line for facilitating export of iron ore through Pradip port has been finally examined; and

(b) if so, whether Government have decided to undertake the construction of this rail-link?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) The proposal is not included in the draft outline of the Railway's Third Five Year Plan approved by the Planning Commission. However the suggestion of the Orissa State Government for ordering a survey at their cost for a railway line connecting Sukinda mines with the main line as a deposit work for the Orissa Government is under examination.

(b) Does not arise.

Drainage Scheme for Cuttack

1114. **Shri Chintamoni Panigrahi**: Will the Minister of **Health** be pleased to state:

(a) whether the Orissa State Government have submitted any plan and estimate for the construction of the drainage scheme for Cuttack;

(b) if so, whether Government have sanctioned any amount for this purpose;

(c) if so, what amount;

(d) whether Government have sanctioned any amount for Cuttack sewerage scheme also; and

(e) if so, what amount?

The Minister of Health (Shri Karmarkar): (a) No, Sir.

(b) and (c). The questions do not arise.

(d) and (e). The State Government have incurred an expenditure of Rs. 7.57 lakhs on the scheme during the 3 years of the 2nd plan period (1957-58 to 1959-60) and have sanctioned a sum of Rs. 5.00 lakhs out of the Central assistance for expenditure on the scheme during 1960-61.

Co-operative Sugar Factory in Orissa

1115. **Shri Chintamoni Panigrahi**: Will the Minister of **Community Development and Co-operation** be pleased to refer to the reply given to Starred Question No. 545 on the 3rd December, 1959 and state:

(a) whether the co-operative sugar factory proposed to be set up in Aska in Orissa has since been set up; and

(b) whether the required machinery has been made available to the factory?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Not yet.

(b) Arrangements have been made for supply of machinery to this Co-operative on a priority basis. The

factory is scheduled to go into production in the 1961-62 crushing season.

National Highway

1116. Shri Rajendra Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether there is any proposal to declare the road which passes via U.P., Bihar—through Chapra, Muzzaffarpur, Purnea—and West Bengal to Assam, as a National Highway; and

(b) if so, whether Government propose to widen this road so that it may admit larger traffic?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No, Sir.

(b) Does not arise.

Bridges on N.E. Railway

1117. Shri Rajendra Singh: Will the Minister of Railways be pleased to state:

(a) how many bridges on North Eastern Railway have been declared over-aged; and

(b) the steps taken to dismantle the old and put up new ones?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). It is not the practice on the railways to declare bridges as over-aged. There is no definite life-span for bridges. Rebuilding of bridges is done only on condition basis. During the Second Five Year Plan changing weak girders of 432 bridges, strengthening masonry of 183 bridges and rebuilding 101 bridges have been programmed on the North Eastern Railway and all these works are in progress.

Vacuum Brakes in N. E. Railway Mail Trains.

1118. Shri Rajendra Singh: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that even mail trains in North-Eastern Railway move without vacuum brakes;

(b) whether Government have received complaints in this regard; and

(c) the steps, if any, taken in the matter?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) No, Sir.

(b) No, Sir.

(c) Does not arise.

Rail-Road Transport Coordination

1119. { Shri Ram Krishan Gupta:
Shri Sarju Pandey:
Shri Kalika Singh:

Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 1568 on the 26th August, 1960 and state:

(a) whether the Committee on Transport and Coordination set up by the Planning Commission have examined problems relating to co-ordination between the different modes of transport, particularly rail and road transport and their future development;

(b) if so, the result thereof; and

(c) the nature of details of measures taken or proposed to be taken to secure greater co-ordination between the various means of transport?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) The Committee has not yet completed its work,

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

Land and Water Resources

1120. { Shri Ram Krishan Gupta:
Shri D. C. Sharma:

Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 951 on the 31st August, 1960 and state:

(a) whether Government have examined the suggestions made in the Food and Agriculture Organisation report regarding realisation of the full potentialities of land and water resources; and

(b) if so, the result thereof?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b). The report is still under examination by experts in the Ministry. It deals comprehensively with the ultimate potentialities of development of land and water resources, adoption of better cropping patterns and application of better techniques of husbandry in the spheres of agriculture, livestock development, forestry and fisheries. The report is not intended as a plan for the development of these resources but only as an appraisal of the level to which they can be developed, in the long run. Therefore, even if the conclusions arrived at in this report are found to be correct, it will not be possible to act on them and achieve any material results in a short period. The report itself suggests that the ultimate development envisaged can be achieved in the course of about 50 years only. As such, even after the examination of the report, its conclusions can only be taken as a guide for the preparation of a number of successive plans so far as the development of this particular region is concerned.

Janata Meals Service Scheme

1121. **Shri Ram Krishan Gupta:** Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 2056 on the 5th September, 1960 and state the nature of steps taken or proposed to be taken

to extend "New Janata Meals Service" scheme to other stations?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): The service is still not adequately patronised and its general extension to other stations is not therefore being considered.

Tinnevely-Cape Comorin Railway Line

1122. **Shri Ram Krishan Gupta:** Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 2367 on the 8th September, 1960 and state:

(a) whether the Railway Board has since examined the Traffic Survey Report regarding the proposed rail link from Tinnevely to Cape Comorin; and

(b) if so, the result thereof?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). The report is still under examination of the Railway Board.

Seed Farms

1123. { Shri S. C. Samanta:
Shri Subodh Hansda:

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

(a) whether the target to set up 4,000 Seed Farms during the Second Five Year Plan will be achieved; and

(b) when was the Seed Multiplication Scheme adopted by Government and what is the quantity of seeds produced so far and distributed to cultivators?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b). Required information is being collected from the State Governments and Union Territory Administrations and will be furnished as soon as received.

Computation of Over-time Wages

1124. **Shri T. B. Vittal Rao:** Will the Minister of **Railways** be pleased to

refer to the reply given to Unstarred Question No. 763 on the 16th August, 1960 and state:

(a) whether the question of taking into account House Rent allowance in computing over-time wages under the Factories Act to staff in Railway workshops has since been finalised?

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

(c) the date from which the above decision has been given effect to?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) to (c). The matter is still under consideration.

P. & T. Employees

1125. Shri T. B. Vittal Rao: Will the Minister of Transport and Communications be pleased to state:

(a) the total number of employees of Posts and Telegraphs department still under suspension for participating in the General Strike in July, 1960; and

(b) whether they are being paid subsistence allowance?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) 51.

(b) All these officials except 4 of R.M.S. 'F' Dn. Central Circle Nagpur, are paid their subsistence allowance. Subsistence allowance to these 4 has not been paid as they did not furnish the declaration prescribed under Fundamental Rule 53(2).

Suratgarh Farm

1126. Shri Harish Chandra Mathur: Will the Minister of Food and Agriculture be pleased to state:

(a) how has the produce of the Central Mechanised Farm at Suratgarh been disposed of during each of the last three years;

(b) when were these sold and lifted; and

(c) income accrued therefrom, and when received?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) The procedure adopted for disposing of the produce of Suratgarh Farm is as under:

(i) Seed requirements of the farm are reserved first.

(ii) Thereafter, the seed requirements of the various State Governments are met.

(iii) The balance along with grains not fit for seed purposes, is offered to the Government of Rajasthan for consumption purposes.

(iv) Any quantities still left over are disposed of by tender or public auction.

A statement showing the quantities disposed of during the last three years is laid on the Table. [See Appendix II, annexure No. 58.]

(b) Seeds are sold as soon as demands are consolidated and allocated between the various States. The actual removal of seeds by the States is spread over certain periods depending upon weather conditions, availability of railway wagons, transport etc. Lifting of produce other than seed allocated to Rajasthan, is also spread over a period depending upon the factors mentioned above. The other grains offered for sale by tender or auction are removed by the bidders within a period of 15 days. Particulars regarding the actual dates of offer and the removal of various consignments by the several parties in respect of all types of grains over a period of three years, i.e., for two crops every year, is available in the records of the Farm. The collection of all this data will be very laborious.

(c) The actual income realised during 1957-58 and 1958-59 were as under:

1957-58	271,277
1958-59	2,301,676

These amounts were realised by book adjustments in the case of State Governments and by remittances in the

case of others. The remittances were received as and when particular lots of the different types of grains were sold by auction or tender.

In 1959-60 the value of the grains disposed of so far, both to State Governments and to others, is Rs. 19,51,000. The entire amount has not yet been realised because book adjustments in the case of State Governments take some time. There is still stock worth nearly Rs. 8,21,000 awaiting disposal. It is estimated that the total receipts during the year from all the grains, will be roughly Rs. 27,72,000.

Here also, the collection of complete details regarding the dates on which the individual adjustments were made or remittances were received from the various purchasers, from the records of the firm, will be very laborious.

Sleeper Coaches

1127. **Shri D. C. Sharma:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 283 on the 10th August, 1960 and state the further progress made in the manufacture of the proposed new design third class sleeper coaches meant for passengers travelling over 500 miles?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): To the end of October, 1960, 137 Broad Gauge and 53 Metre Gauge coaches have been completed. The anticipated out-turn in November, 1960 is 25 Broad Gauge coaches and 21 Metre Gauge coaches.

Silting of Bhakra Reservoir

1128. **Shri D. C. Sharma:** Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 284 on the 10th August, 1960 and state the further progress made in the finalisation and notification of a Joint Board comprising of the representatives of the Himachal Pradesh Administration and Punjab Government to check the silting of the Bhakra reservoir?

The Deputy Minister of Irrigation and Power (Shri Hathl): The Inter-1442 (Ai) L.S.—3.

State (Punjab-Himachal Pradesh) Soil Conservation Coordination Board, which was set up in February, 1960, has recently been reconstituted as follows:—

Himachal Pradesh Administration

- | | |
|-----------------------------------|----------|
| 1. Lt. Governor, Himachal Pradesh | Chairman |
| 2. Chief Secretary | Member |
| 3. Development Commissioner | Member |
| 4. Secretary, Finance | Member |
| 5. Chief Conservator of Forests | Member |
| 6. Director of Agriculture | Member |

Punjab

- | | |
|---|---------------|
| 1. Planning Commissioner or any other officer nominated by the Punjab Govt. | Vice-Chairman |
| 2. Secretary, Finance | Member |
| 3. Secretary, Agriculture | Member |
| 4. General Manager, Bhakra Dam | Member |
| 5. Chief Conservator of Forests | Member |
| 6. Director of Agriculture | Member |

Government of India

- | | |
|--|--------|
| Senior Director, Soil Conservation Board | Member |
|--|--------|

Minicoy Lighthouse

1129. **Shri D. C. Sharma:** Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 287 on the 10th August, 1960 and state the progress made so far in the 'de-jure' transfer by Britain to India of Minicoy Lighthouse on Minicoy Island?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): A draft agreement for the 'de-jure' transfer, by Britain to India, of the title to the Minicoy Lighthouse is being drawn up and will be sent to the Government of the United Kingdom for consideration.

हिन्दुस्तान तिब्बत सड़क

११३०. श्री पद्म देव : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में हिन्दुस्तान-तिब्बत सड़क के ऊपर तथा नीचे के भाग कब तक मोटर चलाने योग्य हो जायेंगे ;

(ख) क्या हिन्दुस्तान-तिब्बत सड़क के निचले भाग को भाखड़ा नंगल तक बढ़ाने और उसे सभी मौसमों में यातायात के योग्य बनाने की किसी योजना पर सरकार विचार कर रही है ; और

(ग) यदि नहीं, तो इसके क्या कारण हैं ?

परिवहन तथा संचार मंत्रालय में राज्य मंत्री (श्री राज बहादुर) : (क) शिमला से प्रागे हिन्दुस्तान-तिब्बत सड़क-राष्ट्रीय राजमार्ग संख्या २२—पुरानी सड़क से नीची रखी गयी है। यह सड़क ६६ मील तक (रामपुर से प्रागे १२ मील) सभी मोटरों व उससे आगे १३१वें मील तक जीप मोटरों के चलने लायक है। इसके बाकी भाग पर विभिन्न स्तरों पर काम हो रहा है। इस नये मार्ग के बनने में चूँकि कुछ समय लगने की संभावना है अतः तापरी (१२३/० मील) से पू (१८६/० मील) तक की पुरानी सड़क को, जिस पर खच्चर चलते हैं, जीप मोटर चलाने लायक चौड़ा बनाने का निर्णय किया गया है।

(ख) नांगल से कीरतपुर के बीच पहले से ही एक सड़क है। कीरतपुर से बिलासपुर और बिलासपुर से शिमला तक की सड़क का निर्माण हिमाचल प्रदेश की दूसरी पंचवर्षीय आयोजना में शामिल है। इस सड़क के बन जाने से नांगल से शिमला, जो हिन्दुस्तान-तिब्बत सड़क-राष्ट्रीय राजमार्ग संख्या २२ पर पड़ता है, के बीच एक सड़क सीधी बन जायगी।

(ग) सवाल नहीं पैदा होता।

Central Mechanised Farm, Suratgarh

1131. { **Shri P. K. Deo:**
Kumari M. Vedakumari:

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

(a) whether major defects have developed in the Russian machines gifted to India and now used at the Central Mechanised Farm, Suratgarh;

(b) if so, what are those defects;

(c) whether they can be repaired; and

(d) what is the position of spare parts of these machines?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) No, Sir.

(b) Does not arise.

(c) Does not arise.

(d) Spare parts required are imported from U.S.S.R. and the supply position is satisfactory.

Mortality Among Live-Stock

1132. **Shri Kalika Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) State-wise live-stock mortality from contagious diseases such as Anthrax Haemorrhagic Septicaemia, Black quarter, Rinderpest, Foot and Mouth and other diseases with monthly average or annual seizures and mortality separately for the past three years; and

(b) steps Government of India have taken with the assistance of States to fight the contagious diseases?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) A statement giving the required information is laid on the Table. [See Appendix II, annexure No. 59.]

(b) Preventive and curative measures are for the State Government to undertake. The Government of India sponsors and conducts research

schemes for developing efficacious methods for protecting livestock against contagious diseases and generally assists the States in fighting these diseases on an all-India basis. Suitable work in this field is being done within the available resources. The figures would indicate that generally the mortality rate is showing a downward trend.

Shipbuilding

1133. Shri Kalika Singh: Will the Minister of Transport and Communications be pleased to state:

(a) which of the foreign shipbuilding companies are collaborating with Hindustan Shipyards Ltd. and other shipbuilding companies in India in the manufacture of ships in Indian shipyards;

(b) whether I.B.R.D., I.D.A., U.S. Development Loan Fund, and other loan-giving foreign agencies and countries have advanced loans for the shipbuilding industries in India;

(c) if so, how much and under what agreements;

(d) whether the foreign assistance is adequate in this respect; and

(e) if not, what are the reasons?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (e). A statement showing the information is laid on the Table. [See Appendix II, annexure No. 60.]

Housing Problem in Delhi

1134. Shri Ajit Singh Sarhad: Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 513 on the 10th August, 1960 and state:

(a) how far has the question of tackling the Housing Problem and increase in land prices and House shortage in Delhi progressed; and

(b) whether any decision has been arrived at about extension of the area and allotment of lands to small income groups?

The Minister of Health (Shri Karmarkar): (a) and (b). The matter is still under consideration.

Thermal Plant in Kerala

1135. Shri Kodyian: Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Kerala Government have submitted any proposal to the Central for constructing a thermal plant for generating electricity as an emergency measure to meet the power shortage in the State;

(b) if so, the main features of the proposal; and

(c) the action taken thereon?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) the reply is in the negative.

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

Survey of Forest Resources

1136. Shri Kodyian: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have any proposal to conduct a detailed survey of the forest resources of the country;

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

(c) the total amount to be spent by Government in this connection?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes, Sir.

(b) and (c). Details of the proposal are still being worked out.

Ph. D. Course in I.A.R.I.

1137. Shri Kodyian: Will the Minister of Food and Agriculture be pleased to state:

(a) what is the total number of students admitted for the Ph. D. course in the Indian Agricultural Research Institute, New Delhi, every year;

(b) how many seats have been reserved for the scheduled castes and scheduled tribes in the Institute;

(c) whether all the reserved seats have been filled up in 1959 and 1960 so far; and

(d) if not, the reasons therefor?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa):

(a) 55

(b) Twenty percent.

(c) no.

(d) No Scheduled Castes/Scheduled Tribe candidate applied for admission to the Ph. D. Course in 1959. In 1960 out of five such candidates, four were called but one did not turn up for interview. Of the three who attended the interview two did not come up to the mark and therefore only one Scheduled Caste candidate was admitted to the Ph. D. course.

Bhakra Water for Delhi

1138. Dr. Ram Subhag Singh: Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government have finalised the proposal to take Bhakra water for Delhi; and

(b) if so, how much and from when?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No.

(b) Does not arise.

Ships purchased under 'Pay while you earn' Scheme

1139. Shri M. B. Krishna: Will the Minister of Transport and Communications be pleased to state:

(a) the number of ships purchased by Private Shipping Companies under the 'Pay while you earn' scheme;

(b) what is the total cost of the ships purchased under the Scheme; and

(c) what is the additional tonnage secured with the introduction of this new scheme?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) 38 Ships.

(b) Rs. 13.92 crores approximately.

(c) 171,921 G.R.T.

Bombay-Agra Road

1140. Shri Yadav Narayan Jadhav: Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 1578 on the 16th December, 1959 and state what is the progress that has been achieved in the diversion of the Bombay-Agra Road at Nasik by constructing a new bridge on the Godavari?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): For the diversion, possession of the land has been taken and earthwork and collection of stones for the construction of the road is in progress.

The work on excavation for foundations of the bridge is also in progress.

Konkan Shipping Enquiry Committee

1141. Shri Assar: Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 401 on the 16th August 1960 and state:

(a) whether Government have since received the report of Konkan Shipping Services Committee;

(b) if so, what are the main recommendations; and

(c) whether a copy of the report will be laid on the Table?

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

(b) and (c). The recommendations contained in the report are now under examination by the Government. It is proposed to announce the Government's decision on the recommendations simultaneously with the publication of the report. A copy of the report and

the Government's decisions on the recommendations made in it will be laid on the Table of the Lok Sabha as soon as possible.

Air Services from Bombay to Kolhapur

1142. Shri Assar: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that there is a demand for air service from Bombay to Kolhapur by the residents of Kolhapur in Maharashtra; and

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

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) and (b). The Corporation have reported that they have been receiving, from time to time, requests for starting an air service between Bombay and Kolhapur but for the present they have no plans to operate such a service.

Tollygunge Railway Overbridge

1143. Shri Indrajit Gupta: Will the Minister of Railways be pleased to state:

(a) the details of the scheme for raising the height of the Tollygunge railway overbridge in Calcutta; and

(b) when work is expected to begin and to be completed?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) The existing Russa Road underbridge has a span of 35 ft. on the skew with a clearance of 12' 7" above the road surface. The proposed scheme provides an 80 ft. opening for two lanes of traffic each way, raising the road level by 3' 0" and with a clearance of 14' 6" from the new road level. It has been estimated that the scheme would cost about Rs. 22.454 lakhs, of which it has been agreed that the Railway will share a sum of Rs. 13.80 lakhs, the balance being shared by the State Government, State Transport, Calcutta Improvement Trust, Calcutta Corporation and Calcutta Tramways in pur-

suance to the decisions taken in a meeting called by the Chief Minister of West Bengal on 15-10-60.

(b) It is too early to lay down a target, as the actual execution of the work depends on the 'acceptance' of the cost by all the parties as referred to *vide* para (a) above; and also on the time taken in evicting the refugees and squatters occupying the Railway lands which are required for approaches etc. for reconstructing the bridge.

Acquisition of Land in Tripura

1144. Shri Bangshi Thakur: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government propose to acquire the whole of Dhalai and a portion of Aralia Mouza of Sonamura, Tripura;

(b) if so, whether notification for such acquisition has been issued;

(c) whether protests from owners of the areas to be acquired have been received by Government; and

(d) the reaction thereto?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) A proposal to acquire an area of about 460 acres of low lying land in Dhalai Taluk and Aralia Mouza in Sonamura Sub-division is under consideration of the Tripura Administration.

(b) No.

(c) Representations have been received from the owners.

(d) No decision has yet been taken by the Administration.

Train Accident

1145. Shri Subiman Ghose: Will the Minister of Railways be pleased to state:

(a) whether an accident took place between Lorwada and Bhildi stations, Western Railway on the 17th October, 1960 or nearabout that time;

(b) if so, the cause of the accident and the number of the dead and the injured;

(c) whether an enquiry has been held in the matter; and

(d) if so, by whom and what are his findings?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) At about 15.02 hours on 17-10-60 a Motor truck collided with a Passenger train at unmanned level crossing between Lorwada and Bhildi stations on Palanpur-Gandhidam section of Ajmer Division of Western Railway.

(b) to (d). The Government Inspector of Railways, has enquired into the accident. According to his provisional findings the accident was entirely due to the carelessness on the part of driver of Motor truck. The casualties were as under:—

Killed	1
Injured—	
Grievous	8
Minor	2

Nationalisation of Medical Services

1146. Dr. Ram Subhag Singh: Will the Minister of Health be pleased to state:

(a) whether attention of Government has been drawn to the speech made by the Chairman of the University Grants Commission while addressing the Institute Day of the All India Institute of Medical Sciences recently in which he suggested nationalisation of medical services to improve health services; and

(b) if so, whether Government have considered the suggestion?

The Minister of Health (Shri Kar-markar): (a) and (b). Apart from press reports, the Government of India have no record of the speech made by the Chairman of the University Grants Commission while addressing the Institute Day of the All India Institute of Medical Sciences recently in which he had suggested nationali-

zation of medical services to improve health services. No proposal for the nationalization of the medical services is under the consideration of Government.

Trachoma and Leprosy

1147. Shrimati Ila Palchoudhuri: Will the Minister of Health be pleased to state:

(a) the quantum of financial assistance received by India from the UNICEF for campaigns against the communicable diseases Trachoma and Leprosy.

(b) the approximate annual requirements of India for fighting these diseases; and

(c) the steps taken or proposed to be taken in this direction.

The Minister of Health (Shri Kar-markar): (a) From 1957-58 to 1959-60, equipment worth Rs. 2,20,599 has been received from the UNICEF for campaign against Trachoma. No UNICEF assistance has yet been received for the Leprosy Control Scheme.

(b) The annual requirements for fighting these diseases have not yet been worked out. A provision of Rs. 3.08 lakhs and Rs. 40.933 lakhs have been made in the Central Budget for the Trachoma Control Project and Leprosy schemes respectively during 1960-61.

(c) The steps taken or proposed to be taken for campaigns against Trachoma and Leprosy are given in the notes laid on the Table. [See Appendix II, Annexure No. 61].

Ships from Yugoslavia

1148. Shri Raghunath Singh: Will the Minister of Transport and Communications be pleased to state whether Shipbuilders Association of Yugoslavia has established a company in India to promote sale of Yugoslav-built ships to India and granted a credit of 5 crores of rupees which can buy 40,000 tonnage of ships?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): No, Sir. Not to Government's knowledge. However, an offer has been received from the Yugoslav Government to build ships for India to the extent of 10 million Dollars on rupee basis and is now under consideration of Indian ship-owners.

Postal Peons

1149. Dr. Samantsinhar: Will the Minister of Transport and Communications be pleased to state:

(a) the conditions for appointing postal peons particularly in rural area Post Offices;

(b) whether the Garhmanitri post office in Puri District of the Orissa circle has one postal peon and whether the difficulties of the local public in getting their mails regularly have come to the notice of the postal authorities; and

(c) if so, what action has been taken?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Extra-Departmental Delivery Agents are employed, particularly in rural area Post Offices when the work for the Extra-Departmental Agents does not exceed 5 hours and full-time officials are not justified.

(b) and (c). There is an Extra-Departmental Delivery Agent in this Post Office which has to serve only 6 villages constituted in a compact area. No difficulty of the local public in getting their mails regularly has come to the notice of the Postal authorities.

Scientific Knowledge in Agriculture

1150. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any scheme to get the scientific knowledge across to the ordinary farmer for increasing yields has been chalked out;

(b) if so, whether any practical demonstrations will also be given to the farmers to convince them of the results achieved; and

(c) when it is likely to be put into practice?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) to (c). Demonstrations on cultivators' fields are conducted every season by State Agriculture Departments and the field Extension Agency as part of their function to convey to farmers scientific information based on results of research for increasing yields of crops. Such information is also put across to farmers in various other ways, such as publication of Extension type literature, rural broadcasts and Gramsahayaks training camps.

Diesel Car Service between Delhi and Moradabad

1151. Shri D. C. Sharma: Will the Minister of Railways be pleased to state:

(a) whether any suggestion for introducing a three-hour diesel car train service between Delhi and Moradabad has been received by the Ministry; and

(b) if so, the action taken thereon?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) No, but a suggestion regarding introduction of a quicker diesel Rail Car service between Delhi and Moradabad was made in the Press.

(b) There is no traffic justification for the introduction of diesel Rail Car services on the Delhi-Moradabad Section. Apart from this, spare line capacity on the section as also spare diesel rail cars are not available.

दुग्ध पूर्ण

११५२. डा० राम सुभग सिंह :
क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि करनाल की राष्ट्रीय डेरी अनुसन्धानशाला में गावों

में मखन निकाले हुए मट्ठा तथा दूध का दुग्ध चूर्ण बनाने की विधि तैयार की गई है ; और

(ख) यदि हां, तो क्या इस विधि का उपयोग किया जा रहा है ?

कृषि उपमंत्री (श्री मो.बे. कृष्णप्पा):

(क) जी हां । राष्ट्रीय डेरी अनुसन्धान शाला, करनाल में डेरी उद्योग (जैसे छाछ) के क्रीम निकले हुए और अन्य द्रव्य उपजातों को खूले कढ़ायों में सुखने के लिए एक सादा तकनीक निकाली गई है । इस तकनीक से दूध-चूर्ण का उत्पादन होता है, इसे चपाती, डबल रोटी, टाफियां इत्यादि बनाने में इस्तेमाल किया जा सकता है लेकिन इसको दोबारा दूध में परिवर्तित नहीं किया जा सकता है ।

(ख) इस विधि का ब्यौरा अधिक प्रचार के लिए इस विभाग के विस्तार निदेशालय को भेज दिया गया है ।

Godavari River Basin

1153. Shri Sugandhi: Will the Minister of Irrigation and Power be pleased to state:

(a) the total average annual water potential of the Godavari river basin;

(b) the percentage of water now utilised and the percentage of water that is wasted into the sea;

(c) the existing projects in the upper basin of the river Godavari and its tributaries in the States of Maharashtra, Madhya Pradesh, Orissa and Mysore, and the units of water (in T.M.C.) allotted to each project;

(d) the projects proposed to be taken up during the future five year plans and their water requirements; and

(e) what quantity of surplus water would be available for diversion to the Krishna from the Godavari after meeting the requirements of its various projects?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (e). The requisite information is being collected and will be laid on the Table of the House, in due course.

Payment of Arrears to Railway Employees

1154. Shri Braj Raj Singh: Will the Minister of Railways be pleased to state:

(a) whether arrears of the running allowance to the Shunters and Firemen Grade 'B' in the Allahabad Division at enhanced rates in accordance with new deal announced by the Railway Minister in 1957 have been paid;

(b) if not, what are the reasons for not paying the said arrears allowance at the enhanced rate to the shunters and firemen concerned in spite of the directions of the Railway Board;

(c) what is the amount of the said arrears not so far paid to the above category of staff; and

(d) what action, if any, is proposed to be taken against the officers concerned for delaying the payment of the said arrears?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) In the case of Shunters there was no revision in the running allowance under the Upgrading orders of March, 1957. As regards Firemen Grade 'B', arrears of running allowance have not been paid.

(b) to (d). Delay has been due to certain difficulties experienced by the Railway Administration in fixing the cadre strength of the Firemen. The amount due can be worked out only after the cadre strength has been fixed. Certain proposals to meet the difficulties have been received from the Railway Administration and are under consideration.

Auction of Timber in Andaman Islands

1155. Shri Raghunath Singh: Will the Minister of Food and Agriculture

be pleased to refer to the reply given to Unstarred Question No. 1309 on the 11th December, 1959 and state:

(a) the price per ton at which 241 tons of timber was re-auctioned; and

(b) how does this price compare with the original auction price and the reason for difference?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Rs. 37.00 per ton, approximately.

(b) The original auction price at which M/s. P. C. Ray purchased this timber varied from Rs. 185 to Rs. 217.50 per ton. The low price realised at the re-auction was due to deterioration of the timber which was not removed by the firm.

Station Staff of Garh Madhupur and Jenapur

1156. Dr. Samantsinhar: Will the Minister of Railways be pleased to state:

(a) how long the station staff of Garh-Madhupur and Jenapur of the S.E. Railway remained on the roof of the wagon bodies and cabins during the high floods this year from the 15th August, 1960;

(b) when was the information first received at the office of the D.T.S. Khurda Road of their plight and when was action taken for their rescue;

(c) whether the D.T.S. sent any information to the State Government for necessary help to them and, if so, when; and

(d) who was the first officer from the Khurda Road District headquarters to arrive at the above stations to know the conditions of the staff and when?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Station staff of Garh-Madhupur and Jenapur did not take shelter on the roofs of wagon bodies or cabins during the flood this year.

(b) Does not arise in view of reply to (a) above.

(c) Jenapur Yard was completely under water and unsafe for passage of trains and staff quarters were surrounded by flood water, and D.T.S. Khurda Road, sent information on 16th August, 1960 to the State Government for necessary help.

(d) It is not known who was the first officer from Khurda Road Headquarters who managed to reach there but all the officers concerned were continuously engaged in the attempt to provide the necessary relief for staff and restore the track to traffic.

Road Bridge between Mandapar and Pamban

1157. Shri Tangamani: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that there is no road bridge between Maundapuar and Pamban for tourist public travelling by road to Rameshwaram; and

(b) if so, what steps are taken to overcome this?

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

(b) A railway bridge already exists. Considering the volume of traffic, which is not heavy, the construction of a road bridge is not yet considered to be an urgent necessity.

Docks at Bombay

1158. Shri Ram Krishan Gupta: Will the Minister of Transport and Communications be pleased to state:

(a) whether the plan for modernizing, developing and deepening the Docks at Bombay has been drawn up; and

(b) if so, the details thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). A new scheme for modernizing the Bombay Docks has been drawn up by

the Bombay Port Trust. It is being examined in detail by the Port Trust in consultation with their Consulting Engineers in London. The scheme is estimated to cost Rs. 8.35 crores including an expenditure of Rs. 1.50 crores in foreign currency. The new scheme envisages the connection of the Victoria Dock with the Alexandra Dock by the provision of a communication passage between them. Such a passage will also provide six new deep water berths along its sides and will enable the Victoria Dock berths to be served by the entrance lock from the Alexandra Dock instead of by the present tidal gates of the Victoria Dock entrance. This will result in maintaining higher impounded water level in the Victoria Dock thereby making it possible to berth ships of greater draft in that dock. It is proposed to reclaim land on the Harbour wall side so as to increase the cargo-handling potential of the berths on the eastern side of Victoria Dock basin by enlarging the area available for laying roads and railway lines, constructing transit sheds and providing for sufficient open space for docks cargo storage.

Rihand Dam

1159. **Shri Kalika Singh:** Will the Minister of Irrigation and Power be pleased to state:

- the latest progress of construction of Rihand Dam;
- the installed capacity of generating sets set up and being set up giving the time schedule;
- the final revised estimated cost; and
- the break-up of the expected consumption in terms of units by the various Irrigation, Railway and Industrial establishments?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Excavation and foundation preparation work has been nearly completed. 96.9 per cent. of concreting work has been completed on the dam and appurtenant works.

(b) The installed generating capacity is 250,000 KW consisting of five sets of 50,000 KW each with a provision for the sixth set at a later date. The first and second sets which are under erection at present are expected to be commissioned in June 1961 and the remaining three sets in July, September and October, 1961 respectively.

(c) The present estimate is under revision. The final revised estimated cost will be known only after the revised estimate is received from the Government of Uttar Pradesh and examined by the Government of India.

(d) The break-up of the expected consumption of Power from the Rihand Project is as under:—

- Industries.—67.5 MW.
- Railways.—40 MW.
- Madhya Pradesh State.—21.0 MW.
- Miscellaneous loads in U.P.—18.4 MW.

नई दिल्ली नगरपालिका समिति द्वारा
हिन्दी फार्मों का प्रयोग

११६०. श्री प्रकाश बीर शास्त्री: क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या नई दिल्ली नगरपालिका समिति ने बिजली, पानी के बिलों तथा अन्य प्रकाप के फार्मों को हिंदी में छपवावे के प्रश्न पर विचार किया है ;

(ख) यदि हां, तो इस विषय में अब तक क्या प्रगति हुई है और भविष्य के लिये क्या योजना बनाई गई है ;

(ग) क्या नई दिल्ली नगरपालिका समिति ने अन्य विभागों के कार्य में भी हिन्दी प्रचलित करने का निश्चय किया है ; और

(घ) यदि हां, तो क्या इसके लिये कोई अवधि निश्चित की गई है ?

स्वास्थ्य मंत्री (श्री करमरकर)

- (क) जी नहीं ।
 (ख) यह प्रश्न नहीं उठता ।
 (ग) जी नहीं ।
 (घ) यह प्रश्न नहीं उठता ।

Leprosy Control

1161. **Shri Jhulan Sinha:** Will the Minister of Health be pleased to state the achievements of the anti-leprosy measures of the Government in checking the spread of leprosy during the Second Five Year Plan period so far?

The Minister of Health (Shri Kar-markar): Four Study and Treatment Centres and 29 Subsidiary Centres were established in the various States by the end of the First Plan. These centres were continued during the Second Plan.

During the Second Five Year Plan, a target for establishing 100 subsidiary centres (control units) was fixed. As against this target so far 80 Centres have been established. The necessary budget provision has been made by the State Governments for the establishment of the remaining Centres during the current financial year. In view of this, it is hoped that the target fixed will be achieved. The progress of work done by the Centres established is as follows:—

(1) Population of the Project areas	1,20,95,767
(2) Population surveyed	82,28,665
(3) Known cases of leprosy	1,09,122
(4) Cases registered for treatment	99,269
(5) Cases attended for treatment	59,390
(6) Healthy contacts under observation	2,60,888

Besides this, for conducting research and training, a Central Leprosy Teaching and Research Institute near Madras, in collaboration with the Government of Madras, was established with effect from the 5th January, 1955. Since 1955, 248 medical

officers and 124 health and sanitary inspectors had been trained in this Institute. In addition, student trainees and nurses from the teaching institutions of Madras are deputed from time to time for short-term training in leprosy. This Institute has an in-patient accommodation of 884 patients. This Institute has also conducted research on the therapeutic efficacy of certain anti-leprosy drugs such as Etisul.

In collaboration with the Government of Maharashtra, a training centre at the Medical College and Hospital, Nagpur, has been started for giving short-term re-orientation courses for a period of six weeks to doctors who would be required to man leprosy control units. So far, 49 medical officers from the various States have been trained. Besides this, this training centre provides for short-term refresher courses for medical officers in charge of health centres and other public health personnel. 197 paramedical personnel and 33 medical officers underwent refresher courses at this Centre. The Government of India appointed a Leprosy Advisory Committee consisting of official and non-official members in February, 1958. This Committee reviews the working of the leprosy control programme and advises the Central Government and suggests measures for improving the existing programme.

In collaboration with the Gandhi Memorial Leprosy Foundation, Wardha, a training programme is being started with effect from the 15th December, 1960, at Chilkalapalli, Bobbili (Andhra Pradesh) for training one senior medical officer from the Public Health Department from each State which has established leprosy control units, so that Officer, after receiving the training, will be able to start a training course at the State level for training para-medical workers, as well as for giving the necessary orientation training courses for the medical officers to be posted to the leprosy control centres.

हिन्दी में अंशदायी स्वास्थ्य सेवा के फार्म

११६२. श्री प्रकाशवीर शास्त्री :

क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अंशदायी स्वास्थ्य सेवा सम्बन्धी फार्मों का हिन्दी अनुवाद कराने की कोई व्यवस्था की गई है ; और

(ख) यदि हां, तो वह क्या है ?

स्वास्थ्य मंत्री (श्री करमरकर) :

(क) और (ख) : अंशदायी स्वास्थ्य सेवा योजना से सम्बन्धित फार्मों का हिन्दी में अनुवाद कराने का प्रश्न भारत सरकार द्वारा समय-समय पर जारी किये गये अनुदेशों के अधीन है ।

इस विषय में १९५५ में गृह मंत्रालय द्वारा जारी किये गये अनुदेशों में फार्म इत्यादि के हिन्दी में प्रयोग की मांग (हीं) की गई है ।

Telephone Connections in Amritsar and Nangal Dam

1163. Shri Daljit Singh: Will the Minister of Transport and Communications be pleased to state:

(a) the number of persons who had applied for telephone connections in Amritsar and Nangal Dam of Punjab from January, 1959 till July, 1960; and

(b) how many of them have been provided with telephones so far?

The Minister of Transport and Communications (Dr. P. Subbarayan):
Amritsar Nangal Dam

(a) 1540 24

(b) 15 12

हिमाचल प्रदेश में कृषि योग्य भूमि

११६४. श्री पद्म देव : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में कितनी कृषि योग्य भूमि है और इसमें कितनी सिंचाई योग्य और कितनी बारानी है ; और

(ख) दूसरी पंचवर्षीय योजना के अन्तर्गत कितनी सिंचाई योग्य भूमि में सिंचाई का प्रबन्ध किया गया और सारी सिंचाई योग्य भूमि में कब तक सिंचाई की योजना पूर्ण हो जायेगी ?

कृषि उपमंत्री (श्री मो० बें० कृष्णप्पा)

(क) और (ख) आवश्यक जानकारी इकट्ठी की जा रही है और मिलते ही सभा की टेबिल पर रख दी जायेगी ।

हिमाचल प्रदेश में बिजली की दर

११६५. श्री पद्म देव : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश के चिम्बा जिले के ग्रामीण क्षेत्रों में बिजली और विद्युत शक्ति की दर क्या है ; और

(ख) क्या यह सच है कि नगरीय क्षेत्रों की तुलना में ग्रामीण क्षेत्रों में दर अधिक है और यदि हां, तो इसके क्या कारण हैं ?

सिंचाई तथा विद्युत् उपमंत्री (श्री हाथी) : (क) (१) घरेलू प्रयोजनों के लिये—३७ नये पैसे प्रति यूनिट ।

(२) औद्योगिक प्रयोजनों के लिये—१५ नये पैसे प्रति यूनिट ।

(ख) जी हां । ग्रामीण क्षेत्रों में नगरीय क्षेत्रों से अनुपाततः अधिक दर के निर्धारण के लिये ग्रामों में पारेषण एवं वितरण की अधिक लागत ही उत्तरदायी है । नगरीय क्षेत्रों में इस किस्म का व्यय लगभग ३००० रुपये प्रति किलोवाट है, जब कि यह ग्रामीण

क्षेत्रों में ६००० रुपये प्रति किलोवाट है ।

Sugar Factories

1166. Shri Yadav Narayan Jadhav: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 1089 on the 19th August, 1960 and state:

(a) how many sugar factories have been licensed since August this year up to the end of November, 1960 of which the applications were pending with Government with the names of the sugar factories and the State of their location; ..

(b) when the Niphad Sugar Factory from Nasik District will be licensed; and

(c) whether the license will be from the quota of Second Five Year Plan?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Grant of licences has been approved in respect of 34 applications as per particulars given in the statement laid on the Table. [See Appendix II, annexure No. 62]

(b) The case is under consideration.

(c) No, Sir. The licence, when granted, will be from the target for the Third Five Year Plan.

Use of Hindi Numerals on Railways

1167. Shri K. S. Ramaswamy: Will the Minister of Railways be pleased to state:

(a) whether it is the policy of Government to use Hindi numerals on the Railways; and

(b) whether the international numerals on the clocks at Railway stations are going to be changed into Hindi numerals?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) International numerals are used in signboards etc. displayed at Railway pre-

mises though in Hindi speaking areas, Devanagari numerals are also used.

(b) Does not arise in view of reply to (a) above.

Conversion of Mileage into Metric System

1168. Shri N. R. Muniswamy: Will the Minister of Railways be pleased to state:

(a) the cost incurred so far to convert mileages into metric system; and

(b) the total estimates for the same?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). A statement is laid on the Table. [See Appendix II, annexure No. 63.]

12 hrs.

RE: MOTIONS FOR ADJOURNMENT

Mr. Speaker: Now, Papers to be Laid on the Table.

Shri S. M. Banerjee (Kanpur): I want your guidance on one matter. I agree with the decision that you have given on my adjournment motion, but I simply want your guidance on one thing. We know that this particular matter in the form of a calling-attention-notice.....

Mr. Speaker: I am not going to allow.

Shri S. M. Banerjee: I did not say that. The point is that the State Legislature is not functioning in U.P. The whole thing is because one man.....

Mr. Speaker: I am afraid there must be a limit to this kind of interference. I have already ruled out his adjournment motion. That relates to want of power supply or shortage of power supply in some parts of Kanpur and so on. The other day, the hon. Minister said that Government were trying to do their best, that he was making enquiries and so on. It is true that every

[Mr. Speaker]

effort is being made. But it is a State subject. This morning, I find in the newspapers the following news item:

"Power supply situation in Kanpur improves: 10,000 k.w. released for industry."

This is purely a State subject....

Shri S. M. Banerjee: You have not read the other portion.

Mr. Speaker: I do not want to read it.

Shri S. M. Banerjee: The Army Authorities have.....

Mr. Speaker: I am not prepared to allow. There is no meaning in making much of a single incident. Nobody here is responsible for the subject-matter of this adjournment motion, and the hon. Member wants to censure this Government by way of this adjournment motion.....

Shri S. M. Banerjee: No.

Mr. Speaker:as if this Government went there and cut off all the wires there. There is no meaning in this. After all, there must be a limit. Of course, the hon. Minister also made a statement the other day, and if the hon. Member wants, after waiting for two or three days.....

Shri S. M. Banerjee: He has not made a statement.

The Deputy Minister of Irrigation and Power (Shri Hathi): We have now got the information, and we can give it.

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): I have received information just an hour ago from Kanpur, which I can give here.

Mr. Speaker: What is the information?

Hafiz Mohammad Ibrahim: It is this. All industrial loads are now being taken on, excepting for the peak hour period from 5 P.M. to 10

P.M. The load today is 34 to 35 M.W. as against the normal peak load of 40 to 44 M.W. Normal conditions are expected to obtain by tomorrow morning.

Shri S. M. Banerjee: The Army people were consulted.....

Mr. Speaker: I am not going to allow it.

Shri S. M. Banerjee: I am not arguing with you. The Army People have asked for certain equipment..

Mr. Speaker: After all, there is a Government there....

Shri S. M. Banerjee: But it is not functioning.

Mr. Speaker: Very well, the hon. Member may go and become the Chief Minister there.....

Shri S. M. Banerjee: Unfortunately, I cannot become the Chief Minister there.....

Mr. Speaker: Every hon. Member comes forward here as if he alone is responsible for the administration of U.P. It is not as if there is no Government there. As long as a Government is there, there can be no lacuna. Hon. Members may read the Constitution again. There will always be a Government; if that Government does not function, then some other Government will take over. But so long as that Government is there, hon. Members must only go to that Government.

I have allowed a certain amount of indulgence, so far as this matter is concerned, with respect to Ordnance and other factories. The position in regard to them has been explained. And I asked the hon. Minister to give whatever information he had received, and that information has been given.

I would not allow an opportunity to raise a discussion on this in the form of an adjournment motion, merely at the will and pleasure of the hon. Member. I have disallowed it.

It is not right that the hon. Member should go on standing up again and again.

Now, Papers to be Laid on the Table.

Shri Braj Raj Singh (Firozabad): You have been pleased to write to me in regard to my adjournment motion** **.

Mr. Speaker: I am not going to allow it.

Shri Braj Raj Singh: Previously, you were pleased to mention certain grounds on which an adjournment motion was to be disallowed. In this case, it is written 'Not a matter for an adjournment motion'. My submission is this. Since you were pleased to circulate certain grounds previously, those grounds were to be mentioned on this.....

Mr. Speaker: I am not prepared to give the reasons.

Shri Braj Raj Singh: But I find that nothing is mentioned in this adjournment motion.

Mr. Speaker: I am not bound to give any reasons. So far as adjournment motions are concerned, I am not bound to give the reason why I have disallowed them. It is for me. Formerly, I tried to have a list printed, containing a number of reasons for which an adjournment motion may be disallowed. Then, I found that hon. Members went on questioning all that and asking me 'How do you come to this conclusion?' There was some trouble some time back. Therefore, I have given it up now. It is my responsibility to find out whether this is a matter for an adjournment motion or not. I have given my decision. If any hon. Member thinks otherwise, he must persuade me and try to convince me. I have always said that this is not the last word; he can come to me or he can write to me saying that it is so important and so on.

There are three considerations in regard to adjournment motions; one is that it is an urgent matter, the second is that it must be of public importance, and the third is that it must be a definite matter. One or the other of these grounds must be satisfied. If I find to the best of my satisfaction that none of these grounds is there, I disallow it. I am not bound to say on which ground I have disallowed. The hon. Member may see me later, and if he satisfies me, I may bring it up tomorrow.

Shri Braj Raj Singh: The difficulty is this. ** **

Mr. Speaker: Order, order. Whatever the hon. Member has said shall not go into record either here or in the Press. When I disallow an adjournment motion, he cannot get along with it; I cannot gag him or prevent him from saying it, but I can do this effectively. If, in spite of my saying that I am not going to allow this, he raises it and makes an observation here, let him not think that his observation will appear in the records here; I would advise the Press also not to publish it; that is all taboo. If, in spite of my orders, an hon. Member goes on, it shall not appear in the Press; it will be a breach of privilege of the House. An hon. Member who goes on making observations in spite of my asking him to desist commits contempt of the House and I can take more serious action.

This has become a habit with this hon. Member. I am really sorry. I told him a dozen times, that this is not the way in which he can go on speaking as he likes in this House, but he must take my permission. I refused him permission to move the adjournment motion. I again told him that if necessary, he may come and convince me. I am always open to conviction. If not today, I shall bring it up tomorrow, if I am convinced.

**Expunged, as ordered by the Chair.

[Mr. Speaker]

If, in spite of all that I said, the hon. Member gets up and goes on saying something, it shall not be recorded here, nor shall it go out into the public or into the newspapers. If he still persists, I shall have to ask him to keep out of the House and not disturb the proceedings. But he has not gone to that extent today.

Shri Braj Raj Singh: Could I seek a clarification about the interpretation of the rules?

Mr. Speaker: Not now.

Shri Braj Raj Singh: About the interpretation of the rules.

Mr. Speaker: Not now.

Shri Braj Raj Singh: I am helpless. You are not giving me an opportunity to get a clarification about the interpretation of the Rules of Procedure.

Mr. Speaker: Not now. Now, Papers to be Laid on the Table.

12.10 hrs.

PAPERS LAID ON THE TABLE

ANDAMAN AND NICOBAR ISLANDS PREVENTION OF FOOD ADULTERATION RULES

The Minister of Health (Shri Karmarkar): I beg to lay on the Table a copy of Notification No. 241/32-2/60-J published in the Andaman and Nicobar Gazette dated the 26th October, 1960 containing the Andaman and Nicobar Islands Prevention of Food Adulteration Rules 1960, under sub-section (3) of section 24 of the Prevention of Food Adulteration Act, 1954. [Placed in Library, See No. LT-2481/60.]

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): I beg to lay on the Table a copy of each of the following Orders, under

sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

- (i) The Indian Maize (Prohibition of use in Manufacture of Starch) Amendment Order, 1960 published in Notification No. GSR 1364 dated the 18th November, 1960;
- (ii) The Madhya Pradesh Rice Procurement (Levy) Order, 1960, published in Notification No. GSR 1405 dated the 24th November, 1960;
- (iii) The Madhya Pradesh Rice (Movement Control) Amendment Order, 1960 published in Notification No. GSR 1406 dated the 24th November, 1960; and
- (iv) The Interzonal Wheat Movement Control (Third Amendment) Order, 1960, published in Notification No. GSR 1407 dated the 24th November, 1960. [Placed in Library. See No. LT-2482/60.]

12.11 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

ACCIDENT AT BHAKRA DAM ON 13TH NOVEMBER, 1960

Shri D. C. Sharma (Gurdaspur): Under rule 197, I beg to call the attention of the Minister of Irrigation and Power to the following matter of urgent public importance, and I request that he may make a statement thereon:—

“The accident to one of the Potential Transformers at Bhakra Dam on 13th November, 1960, resulting in the death of one workman and injuries to another.”

The Minister of Irrigation and Power (Hafiz Mohammed Ibrahim): For supply of power to the Hindus-

tan Chemicals and Fertilizers at Nagal from the left bank Power House at Bhakra, a 66 Kv transmission line has been installed. On the afternoon of 13th November, 1960, a single phase potential transformer connected with this outgoing 66KV line burst resulting in the death of one workman and serious injury to another. This was the result of burning oil spreading over the workmen and their clothes catching fire. Both the workmen were removed to the Nagal Hospital immediately after the accident. One of them died at mid-night of the same day. The other is undergoing treatment.

2. The potential transformer is an equipment intended for measuring high voltages with safety and accuracy. The type in question consists of a small iron core and coil contained in a circular steel tank over which a 66 KV bushing and a terminal cover are mounted. The circular tank and the bushing are filled with oil. The potential transformer was of Office ELECTROMECCANICHE Galileo manufacture, a reputed Italian firm. It was located in the outdoor switchyard and the installation at site was done after carrying out necessary tests in accordance with the instructions and under the supervision of the manufacturer's engineers. On testing, the oil had also been found to be satisfactory. The result of the test was communicated to the manufacturers and their confirmation was obtained to the effect that the equipment was suitable for commissioning.

3. On the day of the accident, the generator transformer unit feeding the 66 KV outdoor equipment was started and the voltage was gradually built up after taking usual precautions. The Italian erection engineer was near the potential transformer measuring the voltage and watching the behaviour of the equipment with the help of one Sub-Divisional Officer and two workmen. When the generator voltage reached 10 KV, the measurements were stopped, the

meter disconnected and the Sub-Divisional Officer and the Italian engineer went away to telephone to the Generating Station that the voltage was satisfactory. It was at this time that the accident occurred. The causes leading to the failure of this transformer are under investigation. The representatives of the manufacturers have also reported the fact to their factory and are awaiting instructions.

4. There is no defect in the generator installed in the Left Bank Power House which was commissioned as planned, on 14th November, 1960. It may be stated that this was a trial run of the first generating unit at Bhakra and supply of power from the Bhakra Left Bank power station to the Nangal Fertilizer factory had not commenced. As such, the question of dislocation of power supply did not arise.

5. It may also be added that the other two single-phase potential transformers of the 66KV circuit concerned are also suspected to be defective. The price of all the three potential transformers is of the order of Rs. 10,000.

12.30 hrs.

STATEMENT RE: INDO-PAKISTAN
FINANCIAL TALKS

The Minister of Finance (Shri Morarji Desai): Sir, I propose, with your permission, to make a short statement on my recent discussions with the Finance Minister of Pakistan on the outstanding financial issues between the two countries.

In the statement made by me in the House on the 30th March 1960, I had indicated that there would be a further meeting between us to settle the issues on which it had not been possible to arrive at an agreement so far. Later, during the visit of the Prime Minister to Pakistan in September last in connection with the signing of the Indus Water Treaty, 1960, a reference was made by the Finance Minister of Pakistan to some of these outstanding financial issues.

[Shri Morarji Desai]

I had also a brief meeting with the Finance Minister of Pakistan at Washington and we both decided to discuss these issues further at New Delhi. During the recent meetings between the two of us from the 23rd to 25th November and the series of discussions that the officials had, the outstanding issues were further narrowed down and both sides made aware of each other's point of view. An opportunity was also taken to review the post-partition claims of one country against the other, which had been left pending the determination of the Pakistan's debt to India and which will have to be fitted into the overall financial settlement.

While I share the general disappointment that the last round of talks has not resulted in a final settlement, I am not unduly perturbed by it. These discussions have been useful in clarifying the approach of the two countries in respect of various outstanding issues and have resulted, I believe, in greater appreciation of each other's points of view.

Our talks have throughout proceeded in a cordial atmosphere and we have decided to meet again to find an agreed answer to the outstanding problems. This by itself is an indication of the desire on either side to conclude these protracted discussions to the satisfaction of both the countries. The programme for the next meeting will be settled in consultation with the Finance Minister of Pakistan. The House will appreciate that I cannot, at this stage, go into further details of our discussions. I would only ask Honourable Members to show some further indulgence and patience in the hope that these prolonged negotiations will be completed in a manner which will be acceptable to both the countries, thus constituting another step in cementing the friendship between us and our close neighbour.

Shri Chintamani Panigrahi (Puri): May I know what is the amount which we wanted and to which they

did not agree? At least that portion can be disclosed.

Mr. Speaker: He wants to know what is the amount over which there is a difference, in respect of the figure which Pakistan wanted and our Government did not agree.

Shri Morarji Desai: Publication or discussion of these things will not in any way be helping our negotiations. I would, therefore, not give it.

Mr. Speaker: Negotiations are still continuing.

Shri S. M. Banerjee (Kanpur): This particular statement has appeared in the Press already.

Shri Morarji Desai: I had not said anything.

Mr. Speaker: That is all right. If the other portion had been given, it would also have appeared in the Press.

12.15 hrs.

STATEMENT RE: POLICY TOWARDS NON-SCHEDULED OPERATORS

The Deputy Minister of Civil Aviation (Shri Mohiuddin): It is a long statement of more than 4 pages. If you permit me, I will lay it on the Table.

Mr. Speaker: Yes. But with respect to such long statements, I have always said that hon. Ministers should give a synopsis of them in the House. Is he in a position to do so now? Apparently, he is not ready.

Shri Mohiuddin: If you permit me, I will give a synopsis.

Mr. Speaker: Let him give it.

Shri Mohiuddin: During the discussions in the Lok Sabha on the 5th August 1959, about the accident to the Dakota aircraft VT-DGP operated by Kalinga Airlines (which occurred on the 3rd August 1959), the

then Minister of Transport and Communications, Shri S. K. Patil gave an assurance that a detailed statement would be made about the Government's attitude towards non-scheduled operations by independent operators, after the accident investigation report had been received. Copies of the investigation report together with a memo. giving the decisions of the Government thereon have been placed in the Library of Parliament.

Certain allegations of malpractices and irregularities against Kalinga Airlines were also made by some Members of the Sabha, and Government appointed a Committee to investigate them. Necessary action has been taken against the Pilots and Engineers of the Kalinga Airlines on the basis of the findings of the Committee. The question of taking action against the operator was also considered. The operator was asked to show cause why the permit granted to him should not be cancelled. After careful examination of the explanation submitted by him and considering that there has been some improvement in the performance of the operator after the appointment of the Committee, it has been decided to keep a close watch over the operations instead of imposing a penalty. The company on their own dispensed with the services of the Managing Director as a first step towards improving their operational efficiency.

With regard to the question of Government's policy towards non-scheduled operators, it has been stated in the House on more than one occasion that there was no intention to change the basic policy which in the main has been that, while they should be allowed to function as hitherto, no additional capacity should be permitted in the private sector. The matter has been considered by Government carefully once again and their conclusion is that in the present stage of development in the field of civil aviation, there is no justification for a radical

change in the basic policy. There is no intention of nationalising the non-scheduled operations merely on the ground that one of the four operators has been found to have failed to adhere to the rules and regulations. The endeavour of the Government is to exercise the utmost vigilance with a view to ensuring a strict adherence to the rules and regulations on the part of non-scheduled operators.

Shri Mohiuddin: I beg to lay on the Table a statement regarding Government's policy towards non-scheduled operators. [See Appendix II, annexure No. 64.]

Shri S. M. Banerjee (Kanpur) rose—

Mr. Speaker: Let him read the entire statement. I do not allow questions on statements immediately after they are laid on the Table. This is becoming a regular habit—of asking questions at this stage.

12.19 hrs.

COMPANIES (AMENDMENT) BILL
 —contd.

Mr. Speaker: The House will now proceed with further consideration of the following motion moved by Shri Kanungo on the 30th November 1960, namely:—

"That the Bill as amended, be passed".

The time allotted is two hours.

Shri Tyagi (Dehra Dun): The Minister may be summoned.

Shri Braj Raj Singh (Firozabad): May I seek a clarification now?

Mr. Speaker: No, no. Not now.

Shri Braj Raj Singh: It is about the rules.

Mr. Speaker: Let him see me in my Chambers. Let him table it. Every matter ought not to be brought up here.

Shri Braj Raj Singh: About the rules, I cannot table anything.

Mr. Speaker: I am not going to allow proceedings to be interrupted like this.

An Hon. Member: Please sit down.

Shri Braj Raj Singh: Sir, shall I be gagged by the order of an hon. Member? (*Interruptions*).

Mr. Speaker: Under certain circumstances, the House as a whole can do that. If an hon. Member refuses to abide by the decision of the Chair the aid of the House will have to be evoked.

Shri Braj Raj Singh: I was abiding by the decision of the Chair.

Mr. Speaker: If I want to punish an hon. Member for more than 7 days I will have to take the House into confidence. So long as I am able to maintain order here. I do not want any hon. Member to help me. The hon. Member himself should have seen that he does not place himself in the position of being asked by other hon. Members to sit down. He is a responsible person; he is a leader of a group. I am showing a lot of concession to him. I am not making any difference between him and the leader of any other bigger group. I have always been showing him indulgence. Unnecessarily, he is taking some things into his head. Let him be a little patient. Every indulgence will be shown to him.

Now, let us go to the business. Shri Ranga. How long does the hon. Minister propose to take?

The Minister of Commerce (Shri Kanungo): I thought I would take only about 15 minutes; but now that Shri Ranga is speaking I may take more.

Mr. Speaker: Yes; let him take 20 minutes. We must conclude this Bill by 2.30 p.m.

Shri Ranga (Tenali): Sir, I rise to express my dissatisfaction with the Bill as it has emerged so far. It is significant that the party in power has insisted upon its pound of flesh, as it were, in regard to the political contributions by the companies in spite of a unanimous demand made by all the opposition parties. Everyone knows that the parties in opposition are so many in this House and are so much in opposition to each other in regard to their ideologies and political approach. And yet, it is extraordinary that all of them should be making this unanimous demand and it should be negated by the party in power.

12. 23 hrs.

[SHRI JAGANATHA RAO in the Chair]

My hon. friend, Shri Tyagi has warned the Government and the party in power not to insist upon this political levy, at least for the sake of the good name of the Congress Party. But, unfortunately, the Congress Party is not in a mood to heed his advice. I am not surprised because, a long time ago, the Prime Minister himself was asked whether he would approve of a kind of voluntary levy—it was supposed to be so—that the sugar manufacturers of U.P. had thought of imposing upon themselves in order to make a contribution to the Congress Party and paying it to the Treasurer of the Congress Party, who, at that time, happened to be the Minister in charge of Civil Supplies. And the Prime Minister thought that there was nothing wrong in that kind of thing and even in so many other countries also, political parties have come to depend upon such levies and, therefore, the Congress Party would be entitled to make that collection; and they had made that collection.

We have known only too well what has been published in the papers, again and again, during all these years that all the money that was then collected in that fashion did not actually

reach the ruling party itself completely. But portions of it or a portion of it was taken over by certain individuals or some individual; and those persons were not amenable even to their own party discipline. Some of them were able to keep with themselves some of those funds either for their own personal use or for the use of their faction or group. All these unholy things have come to happen because, as things are here in our country, our parties are driven by groups and factions and the parties do not have so much of control over their own office bearers and individual members. What is said to be paid to a particular party cannot necessarily be taken to be really reaching the authorities of that party. Even if it reaches the party there is no guarantee that that money is likely to be utilised for the purpose for which it has been granted by these companies.

Under these circumstances, it is very unfortunate indeed that the present ruling party should continue to be under the leadership of the same Prime Minister and the present ruling party should have continued to pursue this wrong policy over all these years.

It is not as if our friends are completely convinced of the political necessity of the morality of this procedure. From what has fallen from the lips of my hon. friend, Shri Lal Bahadur Shastri—I am sorry I have to make some observations in his absence today—it is quite clear that he was not himself convinced of the morality of this procedure. And, that is why he appealed to all of us that we are all living in glass houses and should not throw stones at each other. This is an extraordinary way of justifying a very wrong procedure and very wrong approach to political problems, especially when they link of this kind of impact upon the commercial morality of our people.

The Government is expected to maintain a code of conduct so far as politics is concerned and also to assist

and enable various classes of our people to evolve and maintain codes of conduct in their own respective spheres. But, here is a government which is not prepared to develop a code of conduct for itself in its relations with the various sectors in our society, especially so in the present circumstances in its relations with the companies in our country.

This alone is enough to condemn the Government and this alone ought to be enough justification for my hon. friend to have offered to leave this matter to be decided by the free vote of all the Members of this House, especially of his party. Then, what happened? We have known what happened yesterday. The Whip himself denied this right, first of all to the hon. Minister and later on to his party. That only shows what sort of control an individual Cabinet Minister, who makes a definite commitment in the House, comes to have over the Whip of his own party. Having said that, let me also refer to another matter. My hon. friend wanted the House to put faith in his own *bona fides* and on that authority he wanted us to accept that amendment. We are prepared to accept his *bona fides*. But was he in charge of Company Law Administration at the time of the last elections? Then, why should he plead that to his knowledge nothing untoward or nothing immoral or wrong was done at the time of the last elections in the way of collecting the dues from these companies? I feel that it was very unjustifiable on his part to have invoked the confidence of the House in his personal character in order to justify what the Government did or is complained to have done at the time of the last elections.

My hon. friend, Shri Asoka Mehta, asked him and the Government to disclose this information. He wanted the names of those fifty and odd companies which were responsible towards contributing to the tune of Rs. 2 crores, it may be a little more or a little less

[Shri Ranga]

for the sake of the last elections. Was it contributed in one sum, in one year or was it done over a number of years?

Shri Tyagi: It is an internal matter of the Party.

Shri Ranga: No, no. I am asking about the companies. After the last elections were over, how many of these companies had been favoured, whether specially or even otherwise in the ordinary course of things, by various permits or licences or exoneration of various improprieties that they had committed and the various mistakes that have been discovered to have been committed either under the company law or other laws. My hon. friend was not prepared to give that information. I think it was wrong of him to have refused to give that information, and much more wrong indeed was his non-chalant way of offering to the Members of the Opposition to go and look at the balance sheets of all these companies and collect the information and publish it for whatever it is worth. That is not the way to deal with a serious matter like this. It is the duty of the Government, when it comes forward to the House for its approval to take so much power to regulate, control, criticise, condemn, penalise the various companies for having done or not done so many things under this particular law, to give facts. Is it not justifiable on our part to demand of the Government that they should be prepared to collect this information and place it at the disposal of the House and also of the public. I think it is very wrong of my hon. friend to have denied himself the opportunity of putting the Government in the right the present Government and the future Governments.

He has said that we need not be so very afraid that any of these political parties may be getting contributions from these companies which are few in number in view of the fact that the

Government is encouraging now the formation of smaller companies and smaller enterprises throughout the length and breadth of the country. All these small enterprises, he seemed to argue, cannot be expected to contribute much to the political parties' fund. Even then I interrupted him saying that each one of these companies would be able to contribute up to Rs. 25,000 and in that way they may be able to collect very much more than they are able to collect at present. What is more, a big company may be able to resist up to a limit sometimes, the temptations and blandishments that would be coming from the ruling party while the smaller ones would not be able to resist them at all. The mere wink of, not even a Minister but, somebody who says he has the confidence of the Minister would be more than enough to persuade the smaller companies or their managing directors and other to place at the disposal of the Government Rs. 25,000 or something more or something less and in that way there is a greater danger of these smaller companies being forced to contribute and all those contributions put together may amount to very much more than what they are able to collect at present. Instead of being confined to a few companies, this mischief will now be more widespread over the whole country, over the whole gamut of our industrial enterprise. That is another reason why I feel unhappy over the new amendment that they got passed yesterday. Even this amendment gives so much more power to the Government.

They are supposed to have yielded to the pressure of the House by placing a ceiling on the contribution that any individual company might be making to any individual party. But who is going to implement the ceiling? That power is again taken by the Government. Nobody knows how far the power is going to be implemented and whether any contravention of that clause is likely to be looked into at

all. By appearing to be placing a curb on their own powers over these companies, the Government has taken far more powers in reality and the House also seems to have given that power under some kind of a misapprehension.

My hon. friend went out of his way to make some unfair charges against my colleague Shri Masani and the Party to which he and I have the honour to belong. He seems to be under the impression that our Party—the Swantantra Party is not so very keen on protecting the people and protecting the shareholders from the management and also protecting the public from the management and shareholders of these companies. I shall disabuse him in regard to this matter and this need arises especially because he is one of those few Ministers who are, generally speaking, loath to make such a wrong remark—I do not wish to use the word 'irresponsible' and so I say 'wrong'. Here is a statement that we have published *To prosperity through freedom*: On page 5, this is what we say:

"The Party does not stand for what is known as *laissez faire*; it stands for free endeavour, regulated by such State action...."

That is not to say, it is not uncontrolled.

"...such State action as may be necessary for preventing and punishing the anti-social activities and for the protection of the weaker and useful elements of society."

This would have two aspects. One is to have legislation in order to protect the minorities in a particular company against the majority within that company, in order to protect the shareholders from the mischief-makers among the managing directors and so on. We have always been in favour of it and I have myself helped this Government as well as the previous Government in its efforts to place the necessary provisions on the

statute book and to incorporate the safeguarding provisions in the company law.

There is the other side and that is where the Government comes in. Taking advantage of the occasional disputes or differences of opinion or differences of interests between the minority and the majority, between some shareholders on the one side and the management on the other, the Government gets in and puts its finger in the pie and takes for itself more power not only for the protection of one section against another but for the benefit of the growing power of the Government over all the interests concerned in the industrial field. It is just there that we join issue with the Government and say that the Government's power should be reduced to the minimum and the powers of these companies, their shareholders and groups among themselves and their managements should be maximised for the corporate benefit and for the benefit of the public.

Having said that and clarified the position, I wish also to state that my hon. friend Shri Shastri and his two colleagues in the Ministry and his hopeful assistant who is not yet in the Ministry but would like to be somewhere near the periphery—were trying to imply that Shri Masani was opposed to any regulation and interlocking. If only they had cared—as Shri Masani had asked them—to read the relevant passages from his Minutes of Dissent, they would have found that their charge was not fair. His observations would be found on pages 30 and 31 in the report of the Joint Committee. He was quite clear in his statement that the Government should not try—as it has tried and now perhaps succeeded to obtain the power with retrospective effect in order to penalise some of the companies which have already exceeded the maximum of 20 per cent. That is all that he has said. If you must restrict it to 20 per cent alone

[Shri Ranga]

then do it for the future. Secondly, who is to decide that it is in the interest of the company or that its funds should be invested in some other company to the tune of 20 per cent or more? Who is to be the authority, Government or the shareholders concerned? He was agreeable to having a provision here but he said that the shareholders should be asked to give the necessary sanction and that beyond that it was not necessary to bring in the Government. That is all that he wanted to say. Therefore, it does not mean that he was opposed to it or was in favour of inter-locking or that he was opposed to regulating the interlocking and so on.

Then, Sir, Shri Mundhra's name was brought in. I think it was brought in unnecessarily, because the hon. Minister should have known that, after all, we stand for a police department in this country for civil affairs, for criminal affairs and for similar regulations and protective activity on the part of the Government so far as industrial concerns and all these things are concerned. Merely because we do not want too much of power to be given over to the Government that does not mean we do not want a policeman to control a criminal. Does that mean that we want anarchy to prevail in this country? Similarly, does that mean that Shri Masani or our party stands for anarchy in industrial and commercial relations merely because we do not want Government to take for itself too much of power? Sir, that is not a fair way of dealing with the Opposition or its leaders.

Then I come to my last point. All these powers are being taken by the Government—by Government we come down to mean the Company Law Administration. They are more or less one and the same, and the Company Law Administration cannot be independent. Today the Government cannot be independent of the interests of the ruling party. The Government and the ruling party are

more or less one and the same. We have had an exemplification of it yesterday between the Cabinet Minister and the Whip. The Cabinet Minister had a conscience which pricked him and therefore he said that they were going to give freedom to Members. But the Whip, who is also the conscience-keeper of the party had another way of looking at it. He prevailed, of course, and I congratulate him so far as his party is concerned. Similarly, where is it said that the interests of the ruling party are not likely to prevail over the conscience of—whosoever might be the incumbent—Commerce and Industry Minister at any time? Therefore, where is the guarantee that political interests are not likely to be brought into play in the administration of the Company Law?

Sir, the Company Law is giving so many powers to the Government. There are so many punitive clauses in it. In fact, it is a wonder how thousands and thousands of private entrepreneurs are bold enough to come into the *padma vyuha* of the Company Law and somehow or other manage not to get into jails. The moment they found Mr. Mundhra was a mischief-monger and he had turned out to be an enemy of theirs he was bold enough to expose the fact that he had given so many political subscriptions to them, they discovered suddenly and told the whole country about so many illegal things that he was supposed to have done. Under so many clauses of this particular law and so many other laws, he was being prosecuted. I cannot be surprised if he is still under some prosecution or the other today before some court. How does it happen that all the other industrialists—there must be many more Mundhras or at least half Mundhras, one-tenth Mundhras or even one-hundredth Mundhras—in this whole gamut of industrial organisation of our country are escaping and this man alone has been placed before the courts for so

many years and so many cases have been brought against him?

Shri S. M. Banerjee (Kanpur): Because he paid less.

Shri Ranga: No, no. It is because the Government wants to wink at so many of these other things. The Government does not want to run after all these people and get into too much of trouble. It is for that reason that they are not being troubled. But they have got the power and they can trouble anybody at any time. That is one of the reasons why many of these people are making contributions. My hon. friend Shri Asoka Mehta was saying the other day—Shri Tyagi himself said that—that he can understand if people like my hon. friend Shri Morarka who agree with the ideology of the Congress are willing to place their contributions for party fund. But there are so many of these industrialists who do not agree with the Congress, who cannot be said to be agreeing with the Congress and yet making all these contributions. It is because of the punitive powers that Government has got in its hands which it is able to wield whenever it likes, whenever it suits its convenience and the convenience of its party.

Therefore, Sir, I wish to make this serious suggestion—I think it has already been suggested by another hon. friend also—that this Company Law Administration should be taken away completely from the purview, from the authority of the Government and placed under the authority of a statutory commission. Let that statutory commission come to enjoy the same kind of independence as the Public Service Commission or the Auditor General, so that the ruling party would not be able to influence it. The time has come when we have got to be as careful about the freedom and liberties of our people as we used to be when the British were here. The time has now come when we have got to save the Government of the day from the evil influences of the ruling

party of which it happens to be the spokesman in the House. For these reasons, Sir, I very strongly urge that it is proper that this administration should be taken out of the authority of the Government and entrusted to an independent commission.

In conclusion, I wish to warn the ruling party. It is a warning to all of us also. We all need, it is true, money for financing our political parties. Then let us be brave enough, heroic enough to face the consequences of the people not being willing to give money to us or being willing to give to us. When Mahatma Gandhi was leading the Congress he never suffered for want of money. He openly appealed for crores of rupees, and more than 40 years ago he was able to get that. He did get that money because a few people, a few very rich people contributed to the tune of lakhs and lakhs in each individual case. They did. There was nothing wrong about it. I was amazed to hear my hon. friend yesterday. He seems to have thought that it is no more immoral to take money from companies than to collect money from various individual in large sums. No. There is a world of difference. There is a book called *Mahatma Gandhi's Relations with a Capitalist*—that is, the late lamented famous leader of ours, Shri Jammalal Bajaj. There you will find published so many letters which were exchanged between Gandhi and Shri Jammalal Bajaj. We want such capitalists, we want such industrialists who have got a *dharmic* view of life and who would be prepared to place their funds at the disposal of political parties for a political movement. Let the Congress also take courage in both the hands and go to the people. Let them then say that they depend upon the people, they depend upon the favour of the people, they depend upon their popularity with the people and their willingness to contribute, just as all of us are looking to them. Let us all go to the people.

Shri Tyagi: Why don't you come back to the party?

Shri Ranga: Because I am tired of the heroic role you are playing, because it is so ineffective. Unfortunately, I have played it for 30 years and found it necessary in the interests of the country to come and begin to do the same good work.

Therefore, let us take courage in both hands. On the other hand, it would be a confession on the part of the Congress if they persist in making these collections that they are no longer able to get the same sort of mass support of the people by way of financial contributions and that they are obliged to depend upon this kind of contribution. Thus, they would be decreeing by their own hand, they will be writing down their own political finale, and that is likely to come out sooner than they hope it to be—they might be hoping that it may not come or it may not come so soon.

So, Sir, I am not at all in favour of the Bill, and when it goes on the statute-book it goes there in spite of my protest.

Shri H. N. Mukerjee (Calcutta-Central): Mr. Chairman, Sir, we are now in the last stage of our discussion of the Companies Bill, and rather unusually for a third reading discussion my hon. friend Shri Ranga devoted a major part of his speech to defending my other hon. friend Shri Masani who is on any computation a redoubtable enough fighter to have defended himself during the debate earlier. But I can understand Shri Ranga's perturbation because he has already expressed his whole hogging opposition to the measure before us.

Sir, this Bill does not satisfy us entirely, but I would be less than fair if I did not say that as far as it goes it is a good Bill. But I should add that it could and should have gone a good deal farther. I especially welcome the provisions in regard to special audit which have been put in in order to bring recalcitrant financial interests to book, but I feel that there

was no special difficulty in Government accepting certain amendments which had been put forward in the course of the second reading. We recall how trade union spokesmen from every part of the House had agreed that the ceiling of retrenchment compensation payable to a worker when a company was wound up should be raised at least from Rs. 1,000 to Re. 2,500. This is a flea-bite which I am sure should not have been minded, but Government did not see its way to accepting this proposition.

In regard to former managing agents turning out in the guise of sole selling agents, there also certain attempts were made to plug the loopholes, but Government wanted that even inside of three years former managing agents should be appointed as sole selling agents. My submission is that it was necessary to be a good deal more careful, because we know very well the guiles and the power of the tribe to which the managing agents belong.

Shri Ranga referred, as was very natural, to the very vexed question of the contributions of these companies to the funds of political parties. This matter has been discussed threadbare, and I do not wish to add very much to it, but since yesterday a statement had been made to which Shri Ranga also referred, the statement by our hon. friend Shri Asoka Mehta, and since that statement was contradicted by the hon. Minister, I want to know what really are the facts.

Shri Ranga: Hear, hear.

Shri H. N. Mukerjee: I do not wish the position to remain as it is—fluid—one Member contradicting the word of another. I am sure it will take some time for Government to find out the facts or maybe one of us may have to put in a question to find out from the Minister as to how much was the quantum of contributions to political parties and whether it was a fact that 50 odd companies have made contributions of nearly Rs. 2 crores to the

Congress Party funds at the time of the 1957 election. But the matter is important, and as soon as ever it is possible, the facts should be brought out into the open.

The political and the ethical justification or otherwise of the contributions of these companies to political parties has been discussed over and over again, but it was rather intriguing to find the Minister, Shri Lal Bahadur Shastri, saying yesterday that if the contributions were left to be made only by individuals, then they would find devious ways, direct and indirect ways, of drawing these monies out of the company funds. I know Shri Lal Bahadur Shastri was speaking out of his abundant experience of these individuals, who dominate the companies, but he was not really enhancing the claims of the legislation he was sponsoring nor of the company law administration when he suggested that individuals could find out ways and means of circumventing the law and even though they would pay supposedly out of their individual pockets they would actually be picking the pocket of the company concerned. If the position is quite so bad, as Shri Lal Bahadur Shastri himself admitted, surely it needs ratification. It is good that Shri Ranga referred to certain other aspects of the non-ethicality, in the political texture of our times, of the contributions which these companies make to political funds of different political parties. I shall not go into the matter over again because we have had a surfeit of discussion on this point.

I am glad that the question of the company law administration was brought up by Shri Ranga, but he did it with an object in view which certainly I do not support. On the contrary, I would like to say that we have found the company law administration by and large a very capable organisation, and some of its reports have been extremely helpful and our only grouse is that perhaps on account of Government's remissness, perhaps on account

of the authority being rather soft in regard to certain people, the company law administration has not sometimes acted with the promptitude that was necessary. But we are sure that if the company law administration gets the moral backing of Parliament and the directions of Government in accordance therewith, then the company law administration would behave with much greater promptitude and with much greater efficiency, and the company law administration which already has begun to strike something like terror into the hearts of certain company promoters, should be really performing a good job and making a real contribution to the development of our country. I do hope, therefore, that Government takes due note of the spirit of the debate which has taken place and directs the company law administration to go ahead with greater heart and to bring to book those who are trying to evade the legislation which is being brought to the statute-book.

I discovered quite accidentally yesterday was the 80th birth anniversary of a great British socialist of our age,—R. H. Tawney—whose work on the acquisitive society is known all over the world. It is to fight this acquisitive society that the impetus to socialism has got so advanced in the world today, and I discovered that some of my hon. friends like Shri Masani, for example, have begun to put up against the idea of an acquisitive society, not a socialist society but what they call—one of their mentors calls—the affluent society. I do not mind affluence at all. If affluence brings comforts and the opportunities for cultured life and civilisation, affluence certainly is very desirable. If affluence could be widespread and universal, naturally it would be extremely desirable. But what we are trying to establish in this country is not so much an affluent society, because affluence for its own sake does not appeal to us. In this country the ideal of कौपीनवन्तः लघु मायवन्तः used to be current and even now it has

[Shri H. N. Mukerjee]

not died out altogether, and there is no reason why it should die out altogether. And we have seen certain affluent communities, where the better things of life, the deeper things which really make life worth living, seem to be almost forgotten. It is not mere affluence that we are after. We are after a kind of society where there will be equality of opportunity for the development of all, and that is why it is necessary to fight vulgarity; it is necessary to fight the disparity of wealth and opportunity which exists, and that is why we have to get rid of this acquisitive society, this instinct for self-acquisitiveness, which has created havoc and which, in the present day, is absolutely outmoded. As against that, we want a socialist society and though this legislation is not a particularly wonderful landmark in our advance towards a socialist society, at least it does make some sort of a difference, and it does add to company legislation certain provisions which are rather important, and I therefore feel that it is very necessary that we should keep in mind this idea of a socialist society where decency would be the common practice, because the opportunity for full development will be open to all.

So, I feel that the Tatas and Birlas—I am not being invidious, and I am only saying it in a generic way—of our country might do very well better by contributing towards research institutes and museums and *dharmshalas* and even temples. That kind of thing, they could do very much better by spending their money than by paying political parties and trying to put them in their pockets. That is why I feel that there should also be an appeal to our successful businessmen. I see so many of them here, so very able. I do not want to mention names. They are here among us and we meet them. I do not see why their talents and services cannot be placed at the disposal of the community. Why is it that there should be a continuous carping criticism of the officialisation and

the bureaucracy which exist in Government organisations? Why is it that these wonderfully talented people do not come and help? Why is it that since they are in close touch with authority they do not come and contribute their talents to the service of the community? Why don't very capable people like Shri Masani, for example, think of serving the community first? Why cannot people whose moneybags are a little too inflated think that more honour will be paid to them if the people recognise them as servants of the community? Why should position in society continue to be measured by the amount of money which one has got? Why should these moneyed people go on making perennial complaints that bureaucracy creates all sorts of difficulties, that when Government takes over something, the management goes wrong? Why don't they come and help the management? They are here all over the place, only to criticise.

13 hrs.

Now it is absolutely essential that we should pull together. If we do, the acquisitive society will go down soon enough, because the verdict of history has gone against it. Therefore, even though I know it is entirely useless, I make an appeal, even to my hon. friend Mr. Masani. After all they have their talents and these talents should be placed at the service of the community and not utilised for criticising the bureaucratic working of organisations.

We have to go ahead, and if we are to go ahead, we should all try and do whatever we can for the community, remembering that recognition in an honest society comes not because of the wealth one has got, but only because of the talent which he places at the disposal of his country. Therefore, I say, Sir, that in fighting the acquisitive society, we have to take some legislative steps. Here is a legislative measure which to a certain

extent helps us in our advance towards that goal and though we are not entirely satisfied with it, though there are very lacuna, though there are some minor amendments which could have been adopted by Government in order to make this measure slightly better than it is, even inspite of all these defects, here is a measure which I welcome and I welcome it because, after all, it will in some measure, inspite of certain defects, control the deprecations and similar activities of certain interest; who I find are represented by my hon. friend Mr. Ranga.

Sbri Somani (Dausa): Mr. Chairman, Sir, the Companies (Amendment) Bill has taken a concrete share after long deliberations in the Joint Committee and in the House and I have no desire at this stage to go into a detailed analysis of the pros and cons of the various provisions of this Bill. Sir, Government already possess very far-reaching and great powers under the 1956 Act and the various powers under this Bill have not only been widened and enhanced, but certain new and additional powers have been added, even beyond the recommendations of the Sastri Committee. I would not, however, at this stage like to go into the merits or otherwise of these powers and I will only content myself by making a few constructive suggestions for the consideration of Government and the Company Law Department.

At the very outset, Sir, I would like to emphasise that our Company Law Department has to play a very dynamic and positive role for the guidance and assistance of the vast number of small and medium class companies which are springing up throughout our country. It is the declared policy of our Government and the hon. Minister emphasised it again yesterday, to do everything possible to avoid concentration of economic power and that means that the new entrepreneurs have to come forward throughout our vast country in the corporate sector. The difficul-

ties of those small scale and medium scale companies in complying with the various complicated and complex provisions of this Bill have got to be appreciated by the Government and it is my suggestion to the Government that the Department not only at the centre but at the various regional centres also should be sufficiently strengthened so as to enable the Department to function in a really dynamic and positive way to assist and encourage those who will be coming forward and come into the joint stock enterprises, so that they may not be handicapped due to lack of expert advice in the various upcountry centres, to comply with the various provisions of this Act.

I have said on more than one occasion that while I would like the Company Law Department to utilise their vast powers effectively and drastically against cases of serious abuses and malpractices, I would at the same time urge upon the Department to overlook and not to waste their own time and energy, and also the time of company managements in pursuing various matters of a minor and technical nature. I would like to say to the credit of the Company Law Department that the administration of the 1956 Act has not given rise to any serious complaint of harassment. But in view of the fact that the further sweeping and far-reaching powers are being added under this Bill, it is highly desirable and necessary that the Company Law Department should keep this perspective in their mind, not to cause any harassment for certain irregularities of a technical or minor nature.

I may also draw the attention of the hon. Minister to the impression of the foreign companies since it is very essential under the present conditions of difficulties of foreign exchange that we should do everything to encourage foreign investments in our joint stock enterprises. I would therefore like to draw the attention of Government to the apprehensions which have been expressed by their organisations, that is-

[Shri Somani]

the Associated Chambers of Commerce in regard to the various powers which the Government and the Company Law Department have taken under these provisions. I am not going into the merits of these powers, but I want a healthy convention to be established in the administration of the Company Law Department so that all these apprehensions and fears will not be entertained. For instance, I may refer to one or two important provisions of the present Bill,—the restriction that has been imposed on the declaration of dividends without a proper provision for depreciation. Already this provision during the last two or three days has caused a substantial set-back in the values of certain equity shares and it is highly desirable that nothing should be done under the provisions of this Act to shake the confidence of the investors. They should realise that so far as reasonable return to the investors by new companies or companies with a substantial programme of expansion are concerned, the Company Law Department should exercise these powers under this clause in a manner which will not adversely effect the flow of capital for productive enterprises. It is only fair that certain criteria should be laid down, in consultation with commercial interests concerned, about the policy which the Company Law Department should follow in giving their approval to cases where dividend has to be declared even though the provision for depreciation may not be adequate. It is, therefore, necessary, in order to sustain and encourage the present favourable atmosphere for capital formation that these apprehensions which have been caused in the stock exchanges due to this clause should be allayed in a manner which will be conducive to the growth of the development which we have all in view.

Similarly, there are other provisions like the power to intervene in selling agency agreements or the power to allow inter-company investment

where also it should be possible for the Company Law Department to evolve certain healthy conventions which will allow them to dispose of these matters in a manner without causing any undue harassment to those concerned.

As I was pointing out the other day, the difficulties of the Department in coming to a conclusion about the fairness of the terms and conditions are quite genuine. I would, therefore, request that a proper study of the sales techniques that are followed not only but throughout the world should be made available to the company law department so that within the four corners of certain broad principles governing the various industries, nothing is done to intervene in the genuine functioning of the companies, so far as their internal administration is concerned.

I would also like to emphasise that no red-tape or no delay should occur in the disposal of the various points which will come up now for the approval of Government inasmuch as various clauses make it compulsory upon the company management not only to seek the approval of the shareholders, but having secured that, also to seek the approval of the company law department. The other day, Shri V. T. Krishnamachari, the former Deputy Chairman of the Planning Commission said in some economic conference in Kerala that one lesson we can learn from the two successive Five Year Plans is the vital need to ensure administrative efficiency and integrity in the execution of our Plans. Since the company law department is going to play a very significant role in the functioning of the joint-stock enterprises which play a vital role in our national economy, it is very desirable that the standard of efficiency in the company law department should be of such a character as will lead to prompt disposal of cases which are brought before it either for approval or for decision, etc.

It is the delays which have created a lot of apprehensions in the minds not only of companies here, but even in the minds of foreign investors. Here I am not referring to the company law department alone; in regard to various proposals submitted to the various Government departments, it takes an unduly long time and the foreign investors who show some interest lose the initiative and ultimately it is to the detriment of our national economy, simply because the proposals are not processed in proper time and we lose the investments that otherwise could have been expected from those foreign quarters.

I would like to say a word about this controversy of political contributions. Although I myself do not hold any strong views one way or the other, I would like to clear this misunderstanding. Our respected friend, Tyagi ji, yesterday said something which was also, supported by some others if there was some sort of a compulsory levy on sugar or textile industry for making contributions to the Congress organisation. I know something about the way in which these collections were made.

So far as the Ministers are concerned, they had nothing to do whatsoever with it—which companies contributed in what manner. Certain friends who had sympathy with the Congress did voluntarily organise certain contributions from those companies which had sympathy with the Congress organisation. It is true that this collection was somewhat based on the turnover of each organisation. But I am aware of many of the companies in the textile industry which did not pay at all. I also know those companies which paid much less, although there was some sort of friendly understanding that these voluntary contributions may be on the basis of certain formula and turnover. Therefore, it is completely wrong to say that any sort of compulsory levy was at any stage imposed.

What I do not understand is, the whole question is not being tackled in

the manner in which it should be. It should be part of our election procedure. If we do not want huge funds to be spent on elections, those who are so much critical of this clause should try to amend the election law or take certain measures which will enable our elections to be fought in a manner which will not involve huge funds. So long as huge funds are necessary, it is in the interest of democracy that this open way of collecting contributions should not be banned.

I was recently in the United States when the Presidential election campaign was going on and I saw huge amounts being collected from various quarters by both the Republicans and Democrats. There is a convention there—I think perhaps it is a statutory obligation—that these two parties have to publish their collections for the information of the public. That is, of course, a very healthy convention. When the contributions made to political parties are publicised in the balance-sheets of the companies, it ensures that there is no secrecy kept about the contributions. The contributions from individual persons will lead to more serious consequences than contributions from companies. This effort on the part of several friends to ban companies from making voluntary contributions cannot be justified on any ground. If you ban it, you must take certain measures to see that elections can be fought much cheaper, without need of such huge funds. But so long as these funds are necessary, I do not see any logic in banning the companies, who of their own accord may contribute and who are now compelled to disclose their contributions to the political parties.

I would not take more time by referring to the various clauses. We are now on the threshold of the third Five Year Plan when a rapid programme of industrialisation is envisaged in the private sector. Thousands and thousands of new companies have to spring up in the corporate sector and it should be the duty and responsibility of the company law

[Shri Somani]

department to take all positive measures to see that the smooth and healthy functioning of the corporate sector is not hampered by the various restrictions that have been embodied in this Bill. Even bad law if it is properly administered, it can cease to be an instrument of harassment. It is in that spirit of proper and efficient administration of this complicated legislation that I look to the company law department to rise to the responsibilities which have been cast upon them in a manner which will take care of the dynamic needs of our industries.

Shri A. C. Guha (Barasat): I welcome this Bill. I am particularly happy that the House has accepted the Bill more or less as it emerged from the Joint Committee. There have been some modifications; that was but natural. In General, the House has accepted the recommendations of the Joint Committee. The Companies Act was passed four years ago and it came into operation from 1st April, 1956. This is the fifth year. We have got the reports of the three previous years. The report of the fourth year may be under preparation; the fourth year ended on 31st March, 1960.

After the first year's report, the Sastri Committee was appointed to review its workings. It was thought then that the committee was appointed too early. Anyhow, the committee made certain useful recommendations and the Bill embodied most of them. Certain other things which the company law department thought necessary have also been put in the Bill.

The special features of the present Bill are special audit, some provisions about interlocking and speculation in shares, prevention of some bad business practices like managing agents appearing in different forms like selling agents, etc. These are useful provisions. Also, some provisions have been made to curtail the privileges so long enjoyed by what are called private companies. The private com-

panies in some cases are big enough—more or less of giant size—controlling some public companies also as managing agents. So, there was no justification for some of the immunities enjoyed so long by the private companies. Even now certain immunities have been allowed under this Bill. I am not sure how long these amenities will be allowed to continue. If the private companies do not behave properly, it may be necessary for Government to come before the House for a further modification curtailing the privileges and immunities of private companies.

Much has been said about clause 98, which relates to contributions to political parties. My hon. friend, Shri Ranga, today also devoted practically his entire time on this one topic. He argued that the Government should have the least authority or control in the affairs of any company or in the public life of the nation. These are days of governments taking greater and greater powers. We are thinking of a welfare State taking control of all the spheres of public life or many fields of public life, in a controlled society. If Professor Ranga dreams that day will come when the Government will have the least control over anything, then I think he is living in his own world of imagination.

Shri C. R. Pattabhi Raman (Kumbakonam): Paradise.

Shri A. C. Guha: Yes, Paradise. We also, at one time, cherished that idea. Gandhiji taught us to believe, "the government which governs the least is the best government." This idea has been inherited even before Gandhiji from Tolstoy, Thoreau and others. But these days are gone. Now Governments are taking more and more powers, authority and control over everything, including private life, in most of the States. The consumption of daily necessities of life of an individual are also controlled by the

Government. Even in India, though now it is not so much controlled, yet, a few years ago, the consumption goods were controlled in distribution. So, the days of expecting a regime where the government will have nothing to do or will have the least control over the companies are gone. We must be prepared to have greater control by the Government.

13-20 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

He said that his party does not stand for *laissez faire*. Then what is he standing for? He does not like governmental control. Then, surely, he comes to the theory of *laissez faire*.

Then, we should also realise that we are passing through a planned economy. The first and second plan periods are over and we are entering the Third Plan period. We have also decided to establish a socialistic pattern of society. For all these things governmental control is necessary even in the private sector of industry and business. Without that nothing can be done for the implementation of the schemes in the Plan and also for the implementation of the socialistic pattern of society. Socialism means control over the society by the Government. So, private life has to be regulated by the Government according to the policies of the Government.

Coming to clause 98, I should say that I do not see anything wrong or immoral in it. It is the inherent right of citizens, as also of corporate bodies, to contribute anything they like to any political party or a charitable society. Because of the taxation policy of the Government, except for very few big people, ordinary people have not much surplus money to contribute to any charitable or even for political purpose. In our earlier days we had to depend for our political works on small donations and door to door collections. I think that is not possible nowadays.

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I do not like to say anything about the election expenses. Election expenses may be small or big. Even if the election expenses are reduced, the political parties will have to depend upon public donations, and those donations can only come from the capitalists or big business magnates, rich persons. The middle class or the lower middle class people have hardly any surplus money to contribute to these parties. If a rich individual or a capitalist can contribute to a political party, I do not see what objection there can be for a corporate body, a public company, contributing to a political party. As the previous speaker said and I am glad that there has not been any levy; there should not be any objection to voluntary contributions.

Yesterday, my hon. friend, Shri Tyagi, waxed eloquent that this would lead to corruption. I admit with regret that there is corruption not only in the administration but also in the public life, even in education department. Corruption is increasing at a rapid rate and I think the Government should take note of that and see what effective steps they can take to stop this corruption which is growing in every sphere of public life. But I do not see any reason to connect corruption with contribution by corporate bodies to political parties.

Professor Ranga said that all the political parties, though they differ among themselves in their ideology and programme, have this one common factor, common agreement of opposing this provision of corporate bodies making contributions to political parties. It is a queer thing. When they cannot agree on any effective matter, when they cannot agree on any programme or ideology, they can agree only on this minor, insignificant and irrelevant matter simply because they have one common cause i.e., to spite Congress, to hit Congress, to injure Congress, the ruling party. That is the only common factor which made all the opposition parties, differing

[Shri A. C. Guha]

among themselves bitterly, to combine in a bid to oppose this provision. We should not take that opposition so seriously. Had they their own powers, surely they would not have come forward in this House with this opposition.

Then it is not only the ruling party that is getting contribution from the corporate bodies. Other parties also, particularly those parties which have got some influence in the labour field, they also can expect a share of the contributions of corporate bodies. Because, these capitalists or whatever you may call them, they are shrewd people. Even during the British days they were making contributions to the Government as also to the Congress, because they thought Congress one day might come to power. So, they thought it prudent to make contributions to the Congress. Of course, some of them had real inclination to help the Congress and some of them had their sympathy for the Congress. That also prompted them to make contributions to the Congress. Even now most of the rich people, most of those who are interested in developing industries, they think, and I feel they justly think, that the Congress can give them certain things, not by way of any illegal or unjustified privileges but simply by providing them the proper facilities for developing their industries. That is the only consideration for which they may prefer to give to the Congress. But for other considerations, surely, they are making contributions to other political parties also.

The Companies Act, even in the unamended form, gave great powers to the Government and the administration. The amending Bill is giving further powers to the administration. It is necessary that the Company Law Department or the Government should exercise those powers properly and there should not be any spirit of harassment. There should be a spirit of co-operation both on the side of company promoters as well as on the side of the Company Law Department.

I am glad that Shri Somani has stated that so long there has been no complaint of undue harassment by the Company Law Department. I hope that spirit will be maintained. Also, there should not be any delay in disposing of cases. I think there have been some complaints about delay, and delay means, indirectly or directly, some sort of harassment and also some financial loss. So, there should not be any delay.

When I refer to the efficiency of the Company Law Department or the Government as such, in exercising the huge powers invested in them by this Act and by the present Amending Bill, I should also refer to what was previously emphasized.

The Bhabha Committee on the recommendation of which the first Companies Bill was drafted definitely recommended that the administration of the Companies Act and related matters should be placed under one authority. Of course, they suggested a special authority but then the Government and Parliament decided that instead of a special autonomous authority it should be a department of the Government. That is another matter, but the relevant point here is that Company Law cannot be separated from other relevant matters because, in that case, it cannot function properly.

I would like to draw your attention to what has been stated in the Third Annual Report on the working and administration of the Companies Act on page 2. It says:

"While these basic factors necessarily slowed down the pace of progress, the existing administrative arrangements, under which the Department of Company Law Administration is at present responsible for only some aspects of the problem relating to the structure and working of the corporate sector, hindered the emergence of an integrated and coherent policy relating to this sector and render-

ed even its essential supervision in the public interest somewhat difficult."

This is a point on which Government should devote its attention. Moreover, when the Bill was passed in this Parliament, the then Finance Minister, Shri C. D. Deshmukh, who piloted the Bill, declared:

"The responsibility of this Department will include not only the administration of the Companies Act but also such other institutions as are closely connected with the operations of the companies, namely, stock exchanges, financial corporations, capital issue control etc."

That should be taken as the commitment for the Government,—even though that Minister might have ceased to hold office.

I am not much concerned about the financial corporations but I feel that the stock exchanges and capital issue control should be under one and the same authority, whichever be the ministry. I do not care about that, but the same ministry and the same department should have the control of Company Law Administration as also of the stock exchanges and capital issue control.

A few years ago a law was passed for the control of the stock exchanges. I do not know how far the provisions of that Act have been implemented by the Government. That is an important matter. This Bill has tried to prevent certain unfair and undesirable practices, particularly, regarding speculation in the share market. Unless stock exchange control is also put under the same administration as the Company Law Administration, I think proper regulation of the stock market cannot be done and Company Law Administration also cannot discharge its duties properly.

Mr. Deputy-Speaker: Hon. Member should realise that this is the third

reading stage. He should limit his remarks to what is permissible in the third reading. I would request him to be brief.

Shri A. C. Guha: 20 minutes, or even more, have been allowed. I have not taken so much time.

Mr. Deputy-Speaker: 20 minutes for each have been allowed?

Shri A. C. Guha: Only one point more and I shall finish.

We have been working for the decentralisation of financial authority and economic power. For that the smaller man should have the opportunity to develop industrial enterprises and also public or private companies. I do not know how far this Company Law Administration can help the smaller men in this matter. At least they should get due consideration as regards administrative matters. But I feel the finance bodies can help the smaller men to develop new industrial enterprises and to start new companies. For that also there should be effective liaison between the finance corporations and the Company Law Department. So I think that the Company Law Department should try to help the smaller men and thereby try to implement the important policy of the Government, namely, decentralisation of wealth and of economic power and authority.

Mr. Deputy-Speaker: I have to call the hon. Minister at 2.10 and I find that there are still a dozen hon. Members standing up. I would request each hon. Member not to take more than ten minutes. In the third reading at least they should confine themselves to the field that is permissible.

Shri D. C. Sharma (Gurdaspur): Those who have spoken already should not be given a chance now.

Mr. Deputy-Speaker: It is a good idea, but I cannot make it a rule. I will request those who have spoken that they should try to abstain because some of the hon. Members who are

[Mr. Deputy Speaker]

ring in their seats have already made a substantial contribution in the second reading.

Pandit K. C. Sharma (Hapur): Mr. Deputy-Speaker, Sir, I welcome this Bill because it has a more scientific approach to a very important problem. It has made provisions for better accounting and for better management. Both of them are very necessary for any corporate organisation, much more so in the field of commerce and industry. It also seeks to give greater scope for initiative to men of wisdom and courage who would have greater care to look to, what are called, the social values than an element of society which lives on profiteering alone. I pay my tribute to the hon. Minister of Commerce and Industry because I find from this that he has done a significant service by bringing forward this Bill before the House.

A point has been made about the contribution to political parties. I do not like to dilate much on this point. I sympathise with the Opposition in this respect to the extent that in England the Conservative Party gets the finances from the corporate bodies because the Conservative programme is the same as that of the industrial magnates, that is, they serve the magnates by taking the money because their programme is the same. They think on the same lines. The Labour Party gets contributions from the labour unions and it stands with the labour in bringing about a system of government or of production which is much more in accord with the aspirations of the labourers or the workers.

In India, unfortunately, the question is not that of thinking on the same lines but the question is that of stability. There are two parties in the field. One is the Congress and the other is the Communist Party. The other parties are insignificant so far as their political conceptions are concerned. They are vague and have got no clearcut policy. In practice they

are unhealthy. For the consideration of the question at issue they do not make a very important point. The other party in the field is the Communist Party. The Congress alone can deliver the goods in the sense that the Congress has been ruling and has been able to secure stability in the country. It has opened the way to progress both in the private sector and in the public sector. There might be a difference of opinion between the private sector and the public sector or between the Government and the private entrepreneur, but stability is necessary for commerce and industry. What the Communist Party stands for is certainly instability and ultimately chaos. If chaos comes, trade and commerce are not likely to flourish. If companies pay contributions to the Congress, they pay it because they think that stability is essential for industrial growth and development and that stability is possible only through Congress rule. To say that there is this bargain and that bargain is going too far and is a cheap sort of criticism. Only one thing I want to add and it is this. A research section should be opened to find out ways and means of bringing a more scientific approach in the administration of corporate undertakings so that a more progressive and a more dynamic programme may be taken in hand by the private sector in co-operation with the public sector.

Shri Damani (Jalore): Mr. Deputy-Speaker, I want to thank the Members of the Shastri Committee and our Joint Committee for the hard work and intelligence used in simplifying this Bill and trying to plug the loopholes in the Bill. This is the most important Bill which governs the corporate sector of our country. In plugging the loopholes, some provisions are amended or introduced in such a way that, in the long run, they will not be beneficial for the development of the corporate sector or industries and trade, but will create more difficulties, without any advantage to the investing public or to the

Government: for example the clause on special audit.

All the accounts of the corporate sector are being audited by chartered accountants recognised by the Government. Over and above this, the Government has got the power to investigate anything if their attention is drawn to mal-practices in the accounts of any company. A special audit will create confusion among the members or shareholders of the company. Some persons may, on account of prejudice or something else, approach the Government or the Company Law Administrator with a request for special audit. As soon as this is known to the public or the shareholders, the prestige of the company will be hurt. Whether there has been malpractice or not will be seen after the audit is completed. In the beginning, it will affect the prestige of the company. I request that, before allowing the audit, sufficient chance should be given to the management to explain the position and satisfy the Government. After that, special audit should be allowed. This will be helpful to the shareholders and the country and to the management. No immediate drastic action should be taken only on a simple complaint of some prejudiced person or shareholders. There should be thorough investigation. The company should also be given a chance to explain the position and satisfy the Company Law Administrator and the Government about the so-called malpractice alleged by certain persons. That would be a fair deal and I think the Government will consider this point.

Then, comes the question of declaration of dividend. At present dividends can be declared without making adequate provision for depreciation or for covering previous losses. If this provision is tightened, it will be harmful for new companies as well as for old companies, because, the maintenance of a dividend regularly is very healthy thing. That is a question of the prestige of the concern. There are certain clauses under which once dividend is discontinued, some investment is dis-

continued, or they have to liquidate investment because they cannot keep those shares on which they do not declare dividend. Business conditions do not continue to be the same every year. Sometimes they are better; sometimes they are not better. If this rule is tightened, that would bring more difficulties. Therefore, I request that some lenient consideration should be shown in implementing this section.

Sections 369, 370, 372 and 295 relate to interlocking of the funds of one company in other companies. The tightening of this provision has been made on the basis of a few cases where mis-use has taken place. If an overall enquiry is made, it will be seen that this investment is made for the betterment, for the development of industries of the country. Some few people have used this in a wrong way. That does not mean that those people who have done rightly, for the benefit of development of industries should be penalised or subjected to restrictions. The shareholders are the owners of the concerns. If such investments are approved in the general meeting of the shareholders, such restrictions will not be in the interests of the development of the corporate sector. These restrictions on investment from one company to another would check the growth of our industries. This would not help very much. It should be seen whether the investment is done for the benefit of the concern or for some other reason. If it is in the interests of the concern, that should be allowed. If it is not in the interests of the concern, that should be checked. On the one side, our Government is restricting and squeezing credit and they have increased the margin to 50 per cent on the advances. They have also put some restrictions on advance by banks. On the other hand, this provision seeks to restrict investment by one company in another company, which is in the interests of the investing company. In this matter, I think some leniency should be shown or something should be done so that proper use is made and advantage is derived and there is no mis-use. That would be in the

[Shri Damani]

interests of the nation, in the interests of the country and the investing public also.

The appointment of the manager and his re-appointment also require the approval of the Government. I think this clause also will be harmful. I can understand the appointment of the managing director or managing agent or that kind of thing. Now, the appointment of the manager is also going to be approved by the Government. I think it will create difficulties and confusion. Therefore, in this case also, some leniency should be shown.

श्री बजरज सिंह : उपाध्याय महोदय, इस बिल की कुछ व्यवस्थाओं का मैं स्वागत करता हूँ। खासतौर से स्पेशल आडिट के सम्बन्ध में जो व्यवस्था की गई है, वह स्वागत करने योग्य है। मैं समझता हूँ इस व्यवस्था से कम्पनियों को जनता के हित में चलाने में सहायता मिलेगी और जनता को लाभ होगा।

परन्तु मुझे दुःख है कि इस सदन में काफी वाद विवाद के बावजूद भी सरकार कुछ इस तरह की व्यवस्था करने को सहमत नहीं हुई जिससे देश का राजनीतिक जीवन शुद्ध और पवित्र बन सकता। मेरा मतलब राजनीतिक पार्टियों को तथा राजनीतिक कार्यों के लिये कम्पनियों द्वारा दिये जाने वाले चन्दों से है। मुझे दुःख है कि बार बार सरकार की तरफ से इस सम्बन्ध में जो व्याख्यायें की गई हैं वे देश की जनता को यह विश्वास दिलाने में सफल नहीं होगी कि आज का शासक दल कम्पनियों के चन्दे लेने का इच्छुक नहीं है या वह देश में कोई ऐसा पवित्र राजनीतिक जीवन प्रारम्भ करना चाहता है जिससे कोई कितना ही छोटे से छोटा दल या पार्टी क्यों न हो वह भी शासकीय पार्टी के बारे में या दूसरी चीजों के बारे में अपनी इच्छोओं को तथा अपने विचारों को स्वतंत्रतापूर्वक व्यक्त कर सकती

है खासतौर पर ऐसे समय में जबकि देश गरीबी के दौर में से गुजर रहा है, अच्छा होता अगर सरकार इस बात का प्रयत्न करती कि राजनीतिक पार्टियाँ चुनावों में कम खर्च करें। यह दलील देना कि चूँकि चुनावों में बहुत अधिक खर्च होता है और चूँकि अक्सर मध्यम वर्ग या निम्न वर्ग के लोग चुनाव में खड़े होते हैं जो कि चुनाव का खर्च बर्दाश्त नहीं कर सकते हैं, इस लिये राजनीतिक पार्टियों के लिये हमें ऐसी व्यवस्था रखनी पड़ती है। ठीक नहीं है। मैं समझता हूँ कि अज की पृष्ठभूमि में यह कोई उचित दलील नहीं है। अब जबकि सरकार ने यह तय कर लिया है कि राजनीतिक पार्टियाँ कम्पनियों से चन्दा ले सकती हैं तो सरकार को चाहिये कि वह यह व्यवस्था करे कि कम से कम ऐसे चन्दों पर इनकम-टैक्स ज़रूर लिया जाये। मुझे डर है कि जो आज कल व्यवस्था है उसके मुताबिक उस चन्दे को जो राजनीतिक दल को दिया जाता है या जो राजनीतिक कार्यों के लिये दिया जाता है, उसे व्यापार चलाने के कार्यों में खर्च किया हुआ माना जा सकता है और इस दृष्टि से कोई भी खर्च जो व्यापार को बढ़ाने में या व्यापार-कार्य चलाने के लिये खर्च किया जाता है, इनकम-टैक्स से बच सकता है और व्यापार के खर्चों में आ सकता है। मैं चाहता हूँ कि सरकार कम से कम इस स्टेज पर यह आश्वासन दे कि जो चन्दे राजनीतिक पार्टियों को दिये जायेंगे उन पर इनकम-टैक्स ज़रूर लिया जायेगा।

दूसरी बात मैं यह कहना चाहता हूँ कि अब जब कि यह मान लिया गया है कि राजनीतिक पार्टियों को चन्दे दिये जा सकते हैं और उसमें कांग्रेस पार्टी भी आ जाती इस वास्ते उसे भी और साथ ही है क्योंकि आज उसकी सरकार है, इस लिये सरकार को भी इस सम्बन्ध में विचार करना चाहिये कि क्या यह उचित नहीं होगा कि समस्त

राजनीतिक पार्टियों को चाहे वे किसी भी विचार धारा की क्यों नहीं, इस बात के लिये बाध्य किया जाये कि वे साल में एक बार अपना सारा हिसाब किताब छापे और उसमें बतायें कि उन्हें कहां से कितना रुपया प्राप्त हुआ है, किस तरह से उसको खर्च किया है और बाकी क्या बचा है। अगर इस तरह की व्यवस्था किसी तरह से सरकार कर सके तो उस प्रश्न का भी जवाब आ जायेगा जो कांग्रेस पार्टी के सदस्यों की ओर से इस सदन में बहस के दौरान में उठाया गया है और बार बार दूसरे सदस्यों की तरफ से कहा गया है कि कुछ राजनीतिक पार्टियां मुल्क में इस तरह की हैं जो विदेशों से कुछ रूपया प्राप्त करती हैं, कोई पूर्व से करती हैं, कोई पश्चिम से करती हैं। अगर ऐसा होता तो यह देश की जनता के लिये बहुत भयानक चीज है और इस तरह की बातों की अनुमति नहीं होनी चाहिये। लेकिन अगर ऐसा होता है और सरकार इस सम्बन्ध में कोई कानून नहीं बना सकती है, जैसा कि बहस के दौरान कुछ माननीय सदस्यों ने कहा कि शायद कानून द्वारा यह नहीं किया जा सकता है तो मैं समझता हूं कि इस तरह की चीज को जनमत द्वारा जरूर रोका जा सकता है और रोका जाना चाहिये लोगों को इस बात का पता चलना चाहिये कि कौन सी राजनीतिक पार्टियां हैं जो विदेशों से चन्दा लेकर अपनी कार्रवाइयों को हिन्दुस्तान में चलाती हैं। यह तभी सम्भव हो सकता है जब सरकार की तरफ से कोई ऐसी व्यवस्था हो, अपनी पार्टी को उस में शामिल करते हुये कि जनता को बतलाये कि कितने चन्दे कहां से मिले हैं और किस तरह से खर्च हुये हैं और इस तरह का सालाना हिसाब किताब छापे और जनता को उसको देखने का अधिकार दे। अब जब कि धारा ६८ के अन्तर्गत पार्टियों को कम्पनियों से चन्दे लेने की अनुमति दे दी गयी है, कम से कम देश के राजनीतिक जीवन को शुद्ध और पवित्र बनाने के लिये यह आवश्यक

प्रतीत होता है कि राजनीतिक पार्टियों को वह बाध्य करे, यदि यह कानून द्वारा हो सके तो कानून बना कर और अगर कानून द्वारा न हो सकता हो तो, कांग्रेस पार्टी के सब से बड़ी राजनीतिक पार्टी होने के नाते, कि वह दूसरी पार्टियों को इस बात के लिए सहमत करे कि जो भी चन्दे उन्हें मिलते हैं, चाहे वे किसी भी साधन से क्यों न मिलते हों, उन सब को वे हिन्दुस्तान की जनता के सामने रखे और जनता की सूचनार्थ उनको प्रकाशित करे, और यह करवा सकना उसके लिए कठिन भी नहीं होना चाहिये। अगर ऐसा किया गया तो लोग जान सकेंगे कि कौन लोग कैसे हैं, किस वर्ग के हैं और किस वर्ग के हितों की कितनी रक्षा कर सकते हैं या करना चाहते हैं। संभवतः श्री रंगा और श्री मसानी की पार्टी को छोड़ कर देश की सभी राजनीतिक पार्टियां यह मानती हैं कि देश में समाजवाद कायम होना चाहिये, लेकिन किस तरह का समाजवाद कायम करना है, क्या सीमा है, क्या परिभाषा है, इसके बारे में मतभेद रहता है। यह मतभेद कहां तक रहता है, किन किन के बारे में है यह तभी पता चल सकता है जब कि राजनीतिक पार्टियों की पृष्ठ भूमि, उनकी परम्परा, उनको चन्दे कहां से मिलते हैं और किस तरह से खर्च होते हैं, इन सबका पता जनता को चले और जब तक इस बात का पता नहीं चलेगा, जनता में गलतफहमी बनी रहेगी। इस वास्ते इस गलतफहमी को दूर करना बहुत आवश्यक है। इस वास्ते मैं आशा करता हूं कि कानून द्वारा और कानून द्वारा नहीं हो सकता है तो शासकीय पार्टी होने के नाते विभिन्न राजनीतिक पार्टियां की सहमति के द्वारा उसे ऐसी व्यवस्था करनी चाहिये जिससे राजनीतिक पार्टियां अपने उन साधनों को जनता के सामने रख सकें जिन साधनों से उनको रुपया मिलता है।

आखिर बात कह कर मैं समाप्त करता हूं। यह कहना कि राजनीतिक

[श्री अजराम सिंह]

पाटियां अगर कम्पनियों से चन्दा नहीं लेंगे तो चल नहीं सकती हैं, सही नहीं है। व्यक्तियों को हमेशा आज्ञादी रहती है कि वे चन्दे दे सकते हैं। लेकिन दूसरों के पैसों में से चन्दे देना और बिना उनकी सहमति के देना कहां तक मुनासिब है, यह विचारणीय विषय है। यह साफ है कि हमेशा पूरे शेयर-होल्डर, कभी किसी काम के लिए नहीं पहुँच सकते हैं, इक्ट् नहीं हो सकते हैं। कुछ लोग ही इक्ट् हो सकते हैं। कुछ लोगों को ही चन्दे देने का अधिकार दे देना, मैं समझता हूँ गलत बात है। लेकिन अब इस चीज को मान लिया गया है, स वास्ते इसको बदला नहीं जा सकता है। फिर भी मैं चाहता हूँ कि सरकार जो व्यवस्था कर चुकी है, उस व्यवस्था की प्रगति की रिपोर्ट हर साल सदन में पेश होनी चाहिये और उसमें यह बताया जाना चाहिये कि देश में कितनी कम्पनियां थीं, कारपोरेट बाडीज थीं जिन्होंने चन्दे राजनीतिक पार्टियों को दिये और किस किस राजनीतिक पार्टी को कितने कितने चन्दे दिये। अगर सरकार इस सुझाव को मान लेगी तो देश की जनता को यह जानने का अवसर मिल सकेगा कि कितने चन्दे कोन पार्टियां पा रही हैं और किन किन कम्पनियों से पा रही हैं। दो तीन साल की प्रगति का देखने के बाद सरकार इस बात को मान सकती है कि राजनीतिक पार्टियों को चन्दे कम्पनियों को देने की आज्ञादी नहीं होनी चाहिये और न ही राजनीतिक पार्टियों को हक होना चाहिये कि कम्पनियों से चन्दे ले सकें। उस समय वह इस प्रश्न पर पुनर्विचार कर सकती है और अगर समझ तो जो व्यवस्था की गई है उसे खत्म भी कर सकते हैं।

Shri Basappa (Tiptur): While I welcome this Bill in the third reading, I also wish to pay my tribute to the company law administration. Similar tributes are also due to the Joint Committee which went into the whole Bill.

What I notice is that the difficulty comes in administering these laws, in implementing them. It has already been said by Shri Somani, and Shri Guha has also referred to it, that while administering this law, care should be taken in all respects. What happens is that either the law that we pass is sometimes not administered at all, or, if it is administered, it is done in a way which harasses the people. So, these things should be guarded against. I hope the administration and the Ministry will take care to see that this aspect of the matter is borne in mind.

In the course of the debate, we have noticed three trends of opinion—one an extreme of having greater and greater control over public companies, another represented by Shri Ranga and Shri Masani that there should be the least control over these companies, and a third the *via media* which has been expressed by Shri Somani and others that care should be taken in administering the law. Government has more or less adopted the *vi media*, and so this is a welcome measure.

In the context of the socialist pattern of society that we are evolving, it is very necessary that the Company Law Administration should be geared up properly. Considering the complexity of the situation that is now developing, it is very necessary. Looking at the question from this point of view, we find that controls also are inevitable. I am told that even in other countries, there are greater controls in regard to the administration of companies; of course, they may be a little more voluntary there, but they are there.

14 hrs.

In this connection, I want to draw the attention of the House to one particular clause that has been discussed very much in this House, and Shri M. R. Masani also has dwelt on it at great length, namely clause 99

which refers to sole selling agents. He has said that this particular clause has made a greater inroad into company administration than any of the other clauses. But I would point out that the control that we are exercising in our country is not very much as compared to what obtains in many other countries like UK or USA where there are greater controls, though they may be a little more voluntary. For example, I was quoting the other day instances as to how the appointment of sole selling agents can act prejudicial to the interests of the shareholders, and how in the name of sole selling agency, many things are being done in this country. I know very little of company administration, but from the little knowledge that I have, I could see that they can do a lot in playing with the money in whatsoever manner they like; and they get very good commission also. The hon. Minister himself was saying that the commission earned by them by way of sole selling agents is sometimes more than what they earn as managing agents and so on. Therefore, we should take care to see that either information is called for or some check is imposed. There must be a machinery to see that those conditions are also altered, if it becomes necessary to do so.

In regard to the time-limit, I would have very much wished that even the time-limit of three years should have been further limited. But I was surprised when Shri Morarka was saying that it should be raised from the present limit of five years to ten years and so on. Of course, there may be difficulties. In fact, I had anticipated Shri Somani when he said that there would be many difficulties if this provision regarding the terms and conditions of sole selling agencies was applied, because Government would be exercising so much of control over them, and so on. But if the Company Law Administration gears up its machinery, it would be possible for them to look into the matter and see that those difficulties are solved. So, I say that these diffi-

culties should not come in the way of this provision.

We must see that the law is administered properly, and to the satisfaction of all, for, only by doing so, can we achieve the objective that we have in view.

श्री र.सहिह भाई वर्मा (निमाड़) :
उपाध्यक्ष महोदय, इस बिल की ज्वॉयंट कमेटी की रिपोर्ट को कुछ संशोधनों के साथ हम कानूनी रूप देने जा रहे हैं। इस सम्बन्ध में मैं ज्यादा बोलना नहीं चाहता, सिर्फ आपके द्वारा माननीय मंत्री जी से यह निवेदन करना चाहता हूँ कि उद्योगों को चलाने के लिए गांधी जी ने यह बतलाया था कि उनके संचालक एक ट्रस्टी के तौर पर उद्योगों को चलायें। अब आपने यह देखने का अधिकार प्राप्त कर लिया है कि दरअसल उद्योगों के संचालक उनको ट्रस्टी के रूप में चलाते हैं या नहीं। दुःख के साथ कहना पड़ता है कि हालांकि कम्पनी एक्ट में काफी अधिकार आपको दिये गये हैं, लेकिन आपका कम्पनी एक्ट एडमिनिस्ट्रेशन इतना लूज रहा है कि उस पर जितनी एफेक्टिव तौर पर अमल होना चाहिये था। उतना आप नहीं कर पाये और पिछले वर्षों में इसका इतना बुरा परिणाम आया है जिससे देश को काफी आर्थिक हानि उठानी पड़ी है।

हमारे लिए उद्योग एसी चीज है जिसके द्वारा हम अपनी राष्ट्रीय आय को बढ़ा सकते हैं, अपने लोगों का लिविंग स्टैण्डर्ड काफी ऊंचा उठा सकते हैं और उद्योग बन्धों को काफी सहूलियत दे सकते हैं। प्रोडक्शन बढ़ाना, उसकी क्वालिटी सुधारना, लोगों को एम्प्लायमेंट देना, यह सारी की सारी बातें इस कम्पनी एक्ट के अन्दर बहुत हद तक आ जाती हैं। जैसा आपने अपनी स्पीच में कहा था कि कम्पनियों को किसी प्रकार की हानि न पहुँच सके, इसके लिये स्पेशल आडिटर को भी गुंजाइश कर दी गई है। मैं तो यह

[श्री रामसिंह भाई वर्मा]

देखना चाहता हूँ कि जो स्पेशल आडिटर का क्लाज है, उस पर आप कहां तक अमल करते हैं। हमारे सामने यह बड़ी भारी चीज है। दरअसल अगर आप अपने कम्पनी ऐक्ट पर अमल करते हैं, तो मैं मानता हूँ कि जो आपकी योजनाएँ हैं, उन्हें आप पूरी तौर पर सफल कर सकेंगे। मैं नहीं चाहता कि अगर आज कोई कारखाना खड़ा है तो वह किसी भी हालत में बन्द हो सके। यह देखना आपका काम है कि अगर किसी ने पूंजी लगाई है, तो उसको नुकसान न हो, उसकी पूंजी सेफ रहे, हमारे उद्योग बढ़ें और हम ज्यादा से ज्यादा एम्प्लाय-मेंट लोगों को दे सकें। हालांकि इसके बारे में मेरा एक छोटा सा संशोधन था, लेकिन आपने उसे माना नहीं। अगर आपने अपने कम्पनी ऐक्ट पर पूरी तौर से अमल कराया तो मेरे संशोधन की या इस धारा की भी जरूरत नहीं है। मैं नहीं चाहता कि रिट्रैचमेंट कम्पेन्सेशन का पैसा मिले। क्यों कोई कम्पनी वाइंड अप की जाय और किसे प्राय-रिटी दी जाय और किसे नहीं, इस का मौका ही नहीं आना चाहिये।

दूसरी बात पोलिटिकल पार्टीज को धन देने की थी। आपने अपना क्लाज पास करा लिया है, लेकिन फिर भी मैं निवेदन करूंगा कि आप एक अलग पोर्टफोलियो रख कर इतना तो देखें कि कौन सी कम्पनियां इस तरह के कांट्रिब्यूशन दे रही हैं। सभी पार्टियों को, यहां तक कि विरोधी पार्टियों को भी यह सोचना चाहिये, कि जो कम्पनियां नुकसान में चल रही हैं, जो बन्द होने वाली हैं और जो वेजेज नहीं दे रही हैं, प्राविडेंट फंड नहीं चुका रही हैं कम से कम ऐसी कम्पनियों से एक भी पैसा पोलिटिकल पार्टीज न लें। ऐसी कम्पनियां चेरिटी भी न दे सकें क्योंकि चेरिटी भी बाद की चीज है, पहली चीज यह है कि कम्पनी फले फूले, आगे बढ़े, वह बेकारी पैदा न होने दे, प्रोडक्शन ठप्प न हो जाय। जो कारखाने बने हैं उनका विकास

होना चाहिये, उनका प्रोडक्शन बढ़ना चाहिये, क्वालिटी ठीक होनी चाहिये, सस्ता सामान लोगों को बेच कर वे कम्पनियां धन प्राप्त कर सकें और अपने लोगों को डिविडेंड भी दे सकें, मजदूरों को जो सहूलियात दे सकें, दें।

Shri Nathwani (Sorath): I welcome the Bill, but I do find that in one important respect, there is a lacuna, and it arises this way. The question has arisen whether a company is a citizen or not. Certain Fundamental Rights are conferred upon the citizens of this country. Under the Constitution, the question has often arisen whether a company is a citizen or not, because a company carries on business, a company has a right to own property and so on. These are Fundamental Rights, and when a company goes to the court and tries to safeguard its rights, the question has arisen whether a company is a citizen or not. The Supreme Court has avoided deciding this issue since the last ten years. In the year 1955, we had the Citizenship Bill. At that time also, this point was taken up by some of us, and we asked this House and the Government to decide this question at that time, and to lay down the tests which would determine whether a company is a citizen or not. At that time, we were again and again told by Government that the proper occasion would come when we took up the Companies Act. The time has now come, but nothing has been done about it, and our voice seems to be a cry in the wilderness. I have been told repeatedly by some of the judges, and even by one of the judges of the Supreme Court only the other day, that they avoided deciding this question because very important rights would be frittered away in that case, if a company is held not to be a citizen.

As regards contributions by public companies, I do feel that the provi-

sions as they are just now could have been improved, if we had made some provision for giving further publicity, and that publicity could have been on the lines indicated by the Chief Justice in the Bombay case. When I was listening to my great friend Shri Ranga, I began to wonder, because he has severely criticised in his speech not merely the provision regarding contributions by companies but also various other provisions of this Bill. I began to wonder whether he was not a Member of the First Lok Sabha and a party to the passing of the Act in 1956. Further, I began to wonder whether he was not a Member of the Joint Committee and a party to the existing provisions of the Act. I never knew him as being opposed to any one of the provisions, particularly the provision contained in the existing section 293. But it is of course open to any hon. Member to acquire further maturity and to change.

Shri Ranga: On a point of personal explanation. I did not mention any particular clauses or sections and then say that those clauses or sections are obnoxious to me. I only said that I did not want the power of the State to be increased. That was all.

Shri Nathwani: Then by amending the present section, we are putting restrictions on the power to make contributions to political parties. As the law stands today, there are wider powers, which are now proposed to be restrained. So if he has any objection to wider powers being given, he should have welcomed this provision which restrains those powers. But I leave it aside. I have not got sufficient time; otherwise, I would have gone into this aspect at greater length.

Shri Tangamani (Madurai): Section 293 does not refer to contribution to political parties. It merely refers to charitable purposes, purposes not connected with the company. We are now specifically mentioning contributions to political parties.

Shri Nathwani: I thought the expression 'charitable purposes or other purposes' would include political purposes. That is an elementary thing.

Fears were expressed even in 1955 that the wider powers which were then vested in the Government would hamper the floatation of companies and capital formation and indirectly affect the rapid industrialisation of the country. But fortunately, these fears have been proved to be unfounded. The reason is that the provisions which were then enacted and which are now being strengthened have been administered, on the whole, in a very satisfactory manner.

As regards the administration of the Act, it was stated even by Shri Somani that he has no cause for serious complaint. He pleaded for technical irregularities not being treated rather harshly. I think he is right in doing so. But on the other hand, I understood Shri Asoka Mehta to say that there was great administrative leniency being shown.

Shri Asoka Mehta (Muzaffarpur): I said 'judicial'.

Shri Nathwani: So it is not administrative leniency. I stand corrected. So far there has been no serious complaint made even against the administration of the company law.

Before I sit down, I want to make a humble suggestion to the hon. Minister. We have made several changes. This is a 215-clause Bill, and the Act is the largest piece of legislation now. It would be a great boon to the public if Government bring out very soon after this Bill is enacted into law a publication showing the existing provisions and along with them in tabular form the amended sections, so that at a glance any layman can also have an idea of the manner in which these changes have been made.

Before I conclude, I want to congratulate the hon. Industry and Commerce Minister who showed great

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consideration to the views of the Members who differed from him. I should also compliment his able assistant, the Minister of Commerce, who piloted this Bill. Lastly, all the Members of the Joint Committee would like me to pay a tribute to you who conducted most ably the proceedings

Mr. Deputy-Speaker: Nothing should be said about the Chair, whether it be complimentary or otherwise.

Shri Nathwani: Every Member would agree with me when I say that but for your being the Chairman . . .

Mr. Deputy-Speaker: I would request him not to make that reference.

Shri Nathwani: . . . the Committee would not have completed its deliberations within the period during which it did.

Mr. Deputy-Speaker: It is so kind of him. The hon. Minister.

Shri Kanungo: My duty is pleasant and very simple. It has been so because of the hard work put in and consideration applied by the Members of the Joint Committee during the days when the Bill was before them. The very fact that the Bill, as amended by the Joint Committee, has, by and large, been accepted by the House without any violent opposition shows that the Bill has the blessings of the House as a whole.

Out of the 215 clauses of the Bill, three or four, to my mind, are worthy of serious consideration not on principle but on the amendments, as they are important from the point of view of management of corporations. It would have been a happy thing if there were no necessity for proposing the amendments which had been passed. To give an example, clauses 136 and 120 would not have been necessary at all if there had not been bad cases. I have replied already to the apprehensions which have been voiced by some Members about the

difficulty which may be encountered in capital formation and industrial progress. Incidentally, I may mention that what we have done in clause 136 is merely to have the powers, because there must be some authority to judge the *bona fides* of inter-company investments. With the sanction of the shareholders and the approval of the Central Government, there is no limit to it, provided the objects are *bona fide*. That disposes of the doubts which Shri Damani has voiced.

Regarding the provision for special audit, on which there has been some amount of difference of opinion, this is a power merely to find facts and it would hurt the corporations much less than inspections would. I hope, and I have reasons to hope that the powers under this clause will not be called upon to be operated.

By and large, as I have said already, the clauses have the support of all sections of the House. I only hope that the regulatory clauses as they are may not have to be invoked in practice. The necessity of regulatory law is admitted on all hands. I am still hopeful that the persons who are connected with the management of corporations and also investors who are interested in floatations and are vigilant in the working of the corporations will shape their policies in such a way that the regulatory provisions of the Act need not be invoked.

I would be failing in my duty if I do not convey my thanks and gratitude to the Commission which reported and on whose report this Bill was undertaken. The valuable report was the result of several months' work.

I have deliberately not touched upon the clause which seems to have attracted much more attention than it deserved. Personally, I felt that the proper place for the arguments to be advanced would have been a Bill or a statute dealing with the regulation of political parties or the regulation

of elections and political activities. After all, the provision, as it was and as it is with further checks, is merely permissive and I do not think, like individuals, Corporations are too generous for any purpose—even for political purposes (*Interruption*).

Yesterday, my colleague replied to a point which was raised by Shri Asoka Mehta about a certain amount being donated by a certain number of companies for political purposes—either for this party or for that party, I do not know—and he asked the Government to place a statement before the House.

In this connection, I would merely mention that the balance-sheets of all the corporations and public companies are public property. Anybody is welcome to study them and anybody is welcome to draw his own conclusions. I do not see why Government should take upon itself the responsibility of studying them. Anybody can draw any conclusions and that can be debated upon anywhere.

It has been mentioned that the administration of law is more important than the law itself and that it should not be used in a way that the parties feel that they are being harassed. In this connection, I will mention that the reports of the Company Law Administration which have been placed before this House and which have been discussed would show that the administration has been, to be modest, not too bad. In fact, in the course of the debates on those administrative reports, the Members of this House from all sides have paid compliments to that Administration.

Shri Ranga: Would it be possible for us to have a paragraph in the Report giving information about political contributions that year?

Shri Kanungo: I do not attach much importance to it because that is the least part of corporation management. It is a prepossession of my respected friend; but it is not mine.

The Company Law Administration Reports will continue to be placed before the House. The very fact that, in the course of the debate on this Bill, every hon. Member relied heavily upon the report for material goes to show that the Department is functioning to the satisfaction of the House and of the whole country.

Shri Ranga: Question, Sir.

Shri Kanungo: I can assure you that the Administration will make its best efforts to be helpful to companies and corporations and others connected with it as they have been so far. Unfortunately, I might mention that the onerous duties placed upon it would require a larger staff, which, perhaps, under the present circumstances, would be difficult to be provided. It is not the question of number; but it is the question of the quality.

To give you an example, similar administrations function in other countries function with 1,000 specialists whereas we have got only 25 with us. I hope, in course of time, it will be possible to have more persons with specialised knowledge.

About the question of co-ordination of the various laws impinging upon corporation management, Government is discussing that and I hope, in course of time, they will be able to devise procedures by which better co-ordination can be had.

I take this opportunity of voicing my gratitude to the Members of the Joint Committee and to the associations which had placed their points of view and have helped the work of the Joint Committee and to the staff of the Ministry who had worked overtime sometimes and, particularly, to the Secretariat of Parliament which has done hard work and has helped in putting through this legislation which is rather long and arduous.

And, in spite of your ruling, Sir, I beg to submit . . .

Mr. Deputy-Speaker: The ruling shall not be disobeyed.

Shri Kanungo: I beg to differ in the sense that the Chairman of the Joint Committee is not the Speaker and I do pay my tributes to the Chairman of the Joint Committee without whose efforts and without whose great physical strain we would not have achieved these results.

Mr. Deputy-Speaker: The question is:

That the Bill, as amended, be passed.

The motion was adopted.

Mr. Deputy-Speaker: I am in an embarrassing position in the Chair; I should not say anything. But if something complimentary can be said, perhaps somebody may differ and something derogatory may be said. So, it is not desirable. I am thankful to the hon. Members and also to the hon. Minister who have said these nice words about me.

We shall take up the next business now.

PREVENTIVE DETENTION (CONTINUANCE) BILL

The Minister of State in the Ministry of Home Affairs (Shri Datar): Mr. Deputy-Chairman.... (*Interruptions.*) I am sorry; I came from the other House. Mr. Deputy-Speaker, Sir.....

Shri Braj Raj Singh (Ferozabad): What has happened to the hon. Home Minister? This is a very important measure and we would have liked the Home Minister himself to move this.

Mr. Deputy-Speaker: There is distribution of work among themselves and there ought not to be any objection if something is brought forward by Shri Datar; he has been doing it very well so often.

Shri Braj Raj Singh: I am quite conscious that their duties could be divided but this is an important measure concerning the whole of the political life of the country and it would have been much better if it was moved by the hon. Home Minister himself.

Mr. Deputy-Speaker: It would not make much difference. The provisions are there. The arguments have to be heard. If some hon. Members perhaps feel that it would not be presented so ably now, then they would have an advantage.... (*Interruptions*)

Shri Braj Raj Singh: I say this because the House should not be held in contempt, howsoever high a person may be. The Home Minister knew very well that this Bill was coming up for discussion on the 1st; still he has absented himself from the House.

Mr. Deputy-Speaker: There is no reason for using such words and I do not feel that there is any disrespect or contempt to the House in this. We are experiencing this daily; if one Minister is absent, the other presents the case. Where is the disrespect or contempt of the House?

Shri Tangamani (Madurai): Sir, yesterday a similar question arose. When Shri Mahanty wanted that the hon. Prime Minister might be present for the discussion on the Canal Water Dispute, the Minister concerned was pleased to state that the Prime Minister would come and intervene. Similarly, a request has now been made and it would be advisable if the Home Minister is present or if he intervenes. We would like to know the views of the Government.

Mr. Deputy-Speaker: Shri Datar's views are different from those of the Government?

Shri S. M. Banerjee (Kanpur): The situation in U.P. is so bad that he may not be able to come here at all!

Mr. Deputy-Speaker: It is not necessary to say that.

Shri H. N. Mukerjee (Calcutta—Central): I wish to make a small submission. Only the other day the Deputy Chief Whip of the Congress Party had mentioned in the House with reference to the allotment of time for discussion on the Companies (Amendment) Bill that discussion on that Bill should be finished in time for the Home Minister to open discussion on this Bill because the Home Minister, according to him, was particularly keen on doing so. Naturally, we take it that he was really keen and he should have come. But it seems that political expediencies have taken him elsewhere to decide a matter which is a matter for his Party to determine.

Mr. Deputy-Speaker: It is only the conjecture of the hon. Member: there may be other more important reasons.... (Interruptions.) I do not think that anything can be said on this.

Shri Datar: Sir, on behalf of Shri Govind Ballabh Pant, I beg to move:

"That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration."

Shri Naushir Bharucha (East Khadesh): Shame.

Shri Datar: Sir, I know that when this Bill was sought to be introduced in this House, certain hon. Members raised certain objections and ultimately the Bill was allowed to be introduced. This is a matter which unfortunately, has often to come before this House but we must find out the circumstances as to why the Government is compelled to ask for the extension of the Bill from time to time. I need not go into them in detail now. Even when the Constitution was passed, it was made clear in article 22 that it would be open to Parliament to pass a law for preventive detention and ironically enough

within one month of the inauguration of the Constitution, the then Home Minister, Sardar Vallabhbhai Patel, had to ask for the passage of the Preventive Detention Bill in this House, and he described the circumstances very realistically, though pathetically. He stated that he was anxious to see if this matter could be avoided but that in the interests of the security and public order in the country he had to move for the passage of this Bill. We had to seek the indulgence of the House four or five times when we asked for the extension of this Act. Let us try to find out whether we are completely free from the circumstances referred to at that time so far as the security of the nation is concerned or so far as the anti-social forces which disturb public order are concerned. You are aware of the circumstances in which we have to fight for maintaining public order in various parts of the country. When last time the Bill was passed by this House, an assurance was given by the Home Minister that the Government would place statistical information before the House as to the manner in which this Act was applied and these powers were used by the State Governments and we are having debates in this House and in the other House about the working of this Act. The Act is likely to expire towards the end of this year. As you are aware, we had to consult a number of States about this for the simple reason that they are responsible for law and order and for curbing subversive elements in their areas. So, we consulted the State Governments and we found that they were of the opinion that in the interests of the nation the life of this Bill should be extended by a further period of three years.

Two points have to be understood in respect of these provisions whether there ought to be a law on the statute book of this type and secondly whether this Act has during the years immediately preceding this year been used in a proper manner and sparing

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manner. These are the two questions to which I shall confine myself so far as the need for the present Bill is concerned.

In the first place, in respect of the provisions of this Bill may I point out in all humility that so far as the lawless elements are concerned, so far as the unruly elements are concerned, so far as the subversive elements are concerned, we have to take into account this very clear fact in as realistic a manner as possible that the presence of this Act on the statute-book has itself a great restraining influence. This fact should not be lost sight of. If this Act had not been there the condition would have been extremely difficult. In a number of States—I do not want to single out any State at this stage—I should like to point out, but for this particular Act having been in force it would have been difficult for the State Governments to deal effectively with the lawless elements which we find unfortunately here and there.

Now, a question is often asked as to why when we have got penal Acts like the Indian Penal Code and others there should be a Preventive Detention Act at all. My simple answer, to that question is that there are certain forces which are working from behind the scenes and which it may be very difficult to lay hands upon. They are the conspirators, in a way, they are the fomentors of trouble in the other way and it becomes very difficult to deal with them.

Shri Naushir Bharucha: Sir, may I rise to a point of order. I have been looking into this Bill and I find that there is no recommendation of the President under article 117 of the Constitution. Such a recommendation would be necessary, because if this Bill were enacted into law it would necessitate expenditure from the Consolidated Fund of India on the constitution of the Advisory Board.

Shri Datar: I shall deal with that question also.

Shri Naushir Bharucha: First let me deal with my point of order and then he may deal with it. It is true, Sir, the Bill says that the date is to be changed to 1963. Article 117 is very clear. It says:

“(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.”

Now, Sir, the Act as it stands says under section 8 that the Central Government and each State Government shall whenever necessary constitute one or more advisory boards for that purpose. We know that various boards have been constituted. Therefore, the effect of this Bill if enacted would be that it would involve expenditure from the Consolidated Fund of India. I, therefore, submit, that the recommendation of the President is necessary under article 117.

Mr. Deputy-Speaker: The Minister has said that he will answer this question also. Let us hear him. If there is still some objection he may raise it then.

Shri Da'ar: Had the hon. Member raised this question in the beginning I would have answered it then. Just when I was developing a particular point he raised this point of order. Therefore, I shall deal with the point that I was placing before the House. I pointed out that there were cases where the fomentors of trouble were working from behind the scenes and the actual persons who would have worked would be entirely different. It is for this very purpose.....

Shri Braj Raj Singh: Sir, unless the point of order raised by Shri Bharucha is disposed of I do not think we can proceed.

Mr. Deputy-Speaker: It is not necessary that it must be decided immediately.

Shri Braj Raj Singh: Shall I, Sir, with your permission read out this article? It says:

"(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States."

I think it cannot be moved.

Mr. Deputy-Speaker: Now you cannot say that it cannot be moved.

Shri Sadhan Gupta (Calcutta-East): Sir, if Shri Bharucha is right in his point of order under the Constitution we cannot proceed with the Bill at all and the time of the House will then be wasted. Therefore, it is desirable that the point of order should be first settled before the Minister proceeds with the merits of the Bill.

Mr. Deputy-Speaker: This is another argument that it is desirable that it should be decided at this moment of time because if a decision is arrived at later and this objection is upheld then this would be a waste of time. That is quite a different affair from the fact that we cannot proceed at all with this. The Minister has assured us that he will be dealing with it and answering this point. Let us hear him. If we are not satisfied and the hon. Members have got some points of objection I will hear them and then give a decision.

Shri M. R. Masani (Ranchi-East): Sir, I understand the procedure to be that the point of order should be disposed of before the substance of the speech can proceed. The hon. Minister can certainly reply to the point of order but, Sir, your ruling will be

required before the House can proceed with the Bill.

Mr. Deputy-Speaker: This is a question that can be decided even when this motion is made. For the present he is trying to make that motion. Nothing is before the House for the present. Let us hear him and let the motion come, because that has to be supported by a speech. He is still making out his case. This is not about the introduction because the Bill has already passed through introduction stage. Therefore, let us hear him and then we will take up the objection. He says he has an answer. I have also to call upon him to give that answer. He says he is answering that.

Shri Datar: Sir, I was dealing with the question as to the necessity of such an Act and I was pointing out, in spite of the interruptions that were raised here and there, how it was absolutely essential to have an Act of this type on the statute-book for the purpose that it will serve a restraining influence on at least certain elements of the society.

Then I pointed out to this House that we consulted State Governments. May I point out that all the State Governments were of the view that the period of this Act ought to be extended for a further period, for about three years more? That is why this Bill has been brought forward (*Interruption*).

So far as the first part is concerned, I have already made out that it has got an influence which is likely to affect well so far as these unruly elements are concerned.

Then I would take the second question. The second question was being debated formerly very strongly. It was contended that the Act was being used even in cases where it ought not to be used at all and that there was a large scale abuse of the Act for that purpose. I am placing certain figures before the House. I will also incidentally answer, in the course of my dealing with these figures, that

[Shri Datar]

Government are not in any way taking recourse to this Act for stifling any legitimate activity at any time—that should be understood very clearly. I shall be giving various figures. Only in case where certain individuals took recourse to violent activities (An Hon. Member: Question) or to subversive activities it became necessary to take action against them. Hon. Members of the House have been supplied with statistical information so far as the use of this Act is concerned. During the last three years—from 1957 to the end of September, 1960—there were as many as 569 cases of detention. It does not mean that in all these cases, the full period of one year as prescribed by the Act was allowed to pass. In some cases, as it is very clear from the information supplied, the detention was only for a very short period. But let us take into account the fact that during those three years, preventive detention cases amounted only to 569. If these figures are further analysed, you will find that there were only 22 cases under section 3 (1) (a) (i). 500 cases were under section 3 (1) (a) (ii) dealing with activities which were affecting adversely either the security of India or which were likely to disturb public order in the country. The largest number was under this section. Then, under section, 3 (1) (a) (iii) there were only 45 and under section 3 (1) (b) there were only two. On 1st January, 1960, there were in all 96 persons in detention in the whole of India.

The House will kindly understand that it is almost a very small number that was actually in detention on 1st January, 1960. Out of this, 14 were in the State of Bombay and 56 in West Bengal. These were the two States that had a very large number of detentions, making a total of 70 out of 96. Out of the 56 persons in West Bengal, as many as 54 had been detained for habitual goondaism.

Shri Tyagi (Dehra Dun): Not political.

Shri Datar: I would request the hon. House to note the circumstances. Goondaism in the first instance and the habitual act of goondaism were threatened or were being committed. That is the reason why out of the 56 persons in West Bengal as many as 54 had been detained for habitual goondaism. Similarly in Bombay, out of 14 persons, 13 had been detained for goondaism. I am quite confident that all hon. Members will agree that wherever there is goondaism, that has got to be checked at all events. (Interruptions).

Shri Braj Raj Singh: What about the ordinary law?

Shri Da'ar: Wherever there is goondaism, it has to be checked, either it is directly connected or is threatened to be connected. I have stated it clearly, and let the House understand it. Naturally, it has got to be properly checked. It has got to be eliminated.

Shri Braj Raj Singh: By the process of the ordinary law.

Shri Datar: It should be noted that the bulk of the detenus has been detained for entirely non-political reasons and it was mainly in order to curb the activities of habitual goondas in the cities of Bombay and Calcutta. I was pointing out that the number is extremely small, taking into account the magnitude of a country like India. All the same, as I have stated, the number is very small and that is a clear answer to show that the State Governments do not have recourse to the provisions of this Act only for the purpose of detaining. Only when it became absolutely essential that recourse was had in the interests of either the security of the nation or the prevention of disturbance of the public order. It was only for these two purposes mainly that it was done.

During the last year, the number was still very small. From 31-12-1959 to 30-9-1960, the number of detenus

was only 153. Out of this, 116 were under section 3(1)(a)(ii). I have already made a reference to this section. 37 were under section 3(1)(a)(iii). Out of the 116 that were actually in detention, the smallest number was with regard to persons who were directly concerned with parties and that number was only eight. (*Interruptions*).

This gives a complete answer to the allegation of hon. Members—which is often made,—that the provisions of this Act are being used for the purpose of stifling the activities of certain political parties. That is entirely incorrect, and that will show that only for the purpose of security of the nation and only for the purpose of keeping the public order quite safe and quite intact were the provisions of this particular Act used at all.

Shri P. N. Singh (Chandauli): May we know the break-up of the figure relating to those who were arrested in connection with political parties, with the year for such arrests? I want each and every year.

Shri Datar: I must point out that this Act is being very sparingly used and much less against parties as such. Unfortunately, it is likely . . . (*Interruptions*).

Mr. Deputy-Speaker: The hon. Members desire to have the break-up of those figures. If possible, the Minister may give those figures.

Shri Datar: We have given the break-up.

Shri Braj Raj Singh: It has not been given.

Shri Datar: So far as the statistical information was concerned . . .

Shri P. N. Singh: I have the figures with me. I have got them from the Reference Section. In 1959, 113 persons have been arrested in connection

with activities relating to political parties.

Mr. Deputy-Speaker: He will have an opportunity to speak.

Shri P. N. Singh: I am saying that the number is 113. (*Interruption*).

Shri Datar: He will have opportunities to speak later. The Chair has already said that five hours have been allotted for this. So, he will have sufficient opportunity. I was pointing out that this Act was not being used . . . (*Interruptions*).

Mr. Deputy-Speaker: Order, order. At least I should not be compelled to resort to preventive detention!

Shri Datar: I was trying to point out here that the Act was most sparingly used.

Now, may I refer to certain things that have happened recently in Assam as well as in Punjab? In Punjab, as you are aware, though there were a number of arrests—the arrests had to be made—still, the Preventive Detention Act was used only in one case. That should be understood.

Shri M. R. Masani: One too many.

An Hon. Member: Master Tara Singh. (*Interruption*).

Shri M. R. Masani: Shame.

Shri Datar: If that is 'sharme', it is for the hon. Member to have his opinion. But there was only one case there. So far as Assam is concerned, we are aware of the unfortunate happenings in Assam, but still, may I point out that only in one case there was first the application of this section for detention, and long afterwards, in September, there were four cases. These are two very local instances which would clearly show that the provisions of the Preventive Detention Act are used only when it becomes absolutely essential. Otherwise, they are not used at all. Similar is the case so far as the

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territory of Manipur is concerned. (Interruptions). Unfortunately, if the running commentary goes on, I cannot go on with my speech.

15 hrs.

Mr. Deputy-Speaker: I would request the hon. Members that there ought not to be simultaneous speeches and so many of them. We should allow the Minister to explain his case and then afterwards hon. Members will have their chance.

Shri Datar: In Manipur, a highly ill-advised agitation was started.

An Hon. Member: Question.

Shri Datar: In Manipur, certain hon. Members of the Opposition wanted to have what they called a responsible Government. That was a matter for the Parliament to decide. It was certainly open to hon. Members to bring in Bills for introducing what they called responsible Government. In fact, according to us, it is already a responsible Government in the sense that the affairs of the territory of Manipur are under the control of the hon. Members of this House and the other. All the same, what they wanted was to force the administration there to yield before them. I will give certain figures to show..... (Interruptions).

Mr. Deputy-Speaker: I am sure it is not the intention that I should be made to feel that I am quite helpless.

Shri Braj Raj Singh: That is never the intention.

Shri Datar: So far as that is concerned, only 8 persons had to be detained. As a matter of fact, as many as 238 persons had to be proceeded against under section 188 of the Indian Penal Code. 215 persons were released on tendering apology, 74 before prosecution.

Shri Braj Raj Singh: He is pointing at me. May I know the definition of tendering apology?

The Minister of Law (Shri A. K. Sen): The hon. Member is a lawyer.

Shri Braj Raj Singh: He is also a lawyer.

Shri Datar: Ultimately the movement fizzled out completely. As regards 238 convictions, if Government had recourse to the Preventive Detention Act only in the case of 8 persons, the House will agree that the Government have been using the provisions of this Act as sparingly as possible, perhaps more sparingly than what they ought to do. This is because Government are anxious that this is a measure which has to be used as sparingly as possible.

On both the grounds I mentioned—firstly the need of the Act even at present and secondly the sparing use of this particular Act—if these two circumstances are taken into account, you will agree that the Government is compelled in view of the circumstances of the case as they are, to bring forward this Bill. On the one hand, we are having developmental projects everywhere. We are trying our best to establish a Welfare State in the whole of India. On the other hand, we have got also certain lawless elements. This fact cannot be lost sight of. Therefore, we have to work on both the planks and we have to see that the developmental activities for the progress of the country are carried on as properly and as progressively as possible. It is for these two reasons that Government have been compelled to bring forward this Bill.

As I have stated, there are also certain other difficult problems. Espionage is there.

Acharya Kripalani (Sitamarhi): Are the Plans to be carried out to be shown as defence of the Preventive Detention Act? (Interruptions).

Shri Datar: Wherever it is necessary, it has to be carried out, so far as our people are concerned.

Shri A. K. Sen: Acharyaji is putting words in the Minister's mouth which he never said.

Acharya Kripalani: He said that. (Interruptions).

Shri Datar: I stated that Preventive Detention Act has to be used. It is perfectly open to him to criticise us, but let him not put something into my mouth which I never stated. For carrying on our developmental activities as best as possible and secondly, for the purpose of removing all other difficulties which are in the way of the Government, which are in the way of the progress of the people, Government have to keep on the statute-book the Preventive Detention Act for a further period of three years.

May I point out one more circumstance? It was perfectly open to the Central Government to have placed the Preventive Detention Act permanently on the statute-book. (Interruption). I was going to point out that we have certain rulings of the High Court to which I shall not make a reference at this stage, except to point out that whenever there are such activities, they have got to be curbed and they have no reference to what are known as the fundamental rights under the Constitution. Fundamental rights are there, but if, for example, there are any unlawful elements, they have to be curbed. We make out proper cases and whenever any action is taken, that action goes to the advisory board. This is a point which hon. Members will kindly note.

Between 1st January, 1960 and 30th September, 1960, 84 cases were referred to the advisory board and the advisory board released the detenus only in 15 cases. This is also a circumstance which we have to take into account. The High Courts have rightly held that the machinery that has been provided is a proper machinery and is a judicial machinery and it is perfectly open to the detenus.

Acharya Kripalani: May we know in how many cases reference to the High Court was made? That is more material.

Shri Datar: So far as references to the High Court or Supreme Court are concerned, the number is still smaller. Only in a further small number has the reference been allowed.

Acharya Kripalani: May we know the figures of the references made to the High Court?

Mr. Deputy-Speaker: That he says is still smaller.

Acharya Kripalani: Let him give the figures. What is the point in saying all this?

Shri Datar: That is exactly what I have stated. The High Courts and the Supreme Court have clearly pointed out that this Act should not be considered as being opposed to article 19 of the Constitution, which gives certain rights. Whenever certain acts of an anti-social nature have been committed, then naturally it must be open to the executive—this is what is what their Lordships have stated—it must be open to the executive to satisfy themselves, not satisfying others. This is a subjective satisfaction. I am not offering my opinion here, I am quoting the opinion of the Supreme Court and the High Courts. There ought to be what is called subjective satisfaction. They only desired that the power should be used properly, in the sense there are no *mala fides* about it. Subject to this reservation and subject to the advisory body's opinion, to which I have made a reference, it can be done. I have pointed out that the High Court judges have stated that the advisory board machinery is a machinery for the purpose of ventilating the grievances of the detenus. They will go through all those circumstances and they would come to an independent judgment. Under the Preventive Detention Act we are bound to follow the orders of the advisory board. I was pointing out that the number of releases at the instance

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of advisory boards is extremely small; much smaller is the number of cases in which a reference has been accepted either by the High Court or by the Supreme Court.

If all these circumstances are taken into account, you would agree that this particular Act is not being used in a manner which is either unfair or improper, and taking all the circumstances into account you would agree that the period that we have asked for—we have asked for only three year period—is reasonable.

This morning I saw in the newspapers a reference to a certain letter addressed by certain hon. Members, including Acharya Kripalani. So far as that is concerned, my brief reply would be this. This is a policy matter. It is not a question of the constitutionality or otherwise of the provisions of the Preventive Detention Act. On that point we have got the authoritative adjudication of the various High Courts that the provisions of the Preventive Detention Act are perfectly *intra vires*, they are within the Constitution. Article 22 itself states that it would be open to Parliament to make a law for preventive detention, and making such a law does not mean any inroads on the fundamental rights of the people. This has been made clear by the High Courts and the Supreme court. Under these circumstances, I fail to understand why there ought to be a reference to the Law Commission at all. The Law Commission would come into the picture provided there are certain matters of a constitutional nature which require that they should be properly scanned. Now, it is a question of policy, and a question of policy has naturally to be considered by the Government and by the hon. Members of Parliament. Therefore, I submit that so far as this particular point that arises out of the letter of my hon. friend, Acharya Kripalani and others, is concerned, that has no force at all.

Acharya Kripalani: What point?

Shri Datar: His contention that it should be referred to the Law Commission. I have answered that question.

The second point that was raised—it has appeared in today's newspapers—is to the effect that if it is to be continued, it should be continued only for a short period so as to enable the new Parliament to exercise its own discretion. So far as that point is concerned, normally we shall have the general elections in March, 1962, and the new Parliament would be starting its labours sometime in May 1962. Now all that we say is that the new Parliament should have sufficient time to consider this question. Parliament is always over-burdened with work. Therefore, some time must elapse before the new Parliament elected in 1962 will have time to come to this particular Preventive Detention Act.

Acharya Kripalani: How much time do you require?

Shri Datar: We have asked for three years. In May 1962 the new Parliament would be starting its labours and in December 1962 this Act would expire, giving sufficient time for the new Parliament to consider the whole question.

According to newspaper reports, they wanted these two points to be taken into account. I have pointed out that so far as the first ground is concerned, there is absolutely no substance or force in it. So far as the second ground is concerned, it is virtually accepted in the sense that the new Parliament will have about a year and some more time to consider the question of either extending the period or not extending the period. If that is taken into account, you will agree that what has been done is a perfectly proper thing and there is nothing wrong so far as the extension that we are seeking is concerned.

The last point is with regard to the point of order. So far as the point of

order is concerned, this is the sixth time that this Bill has been coming before Parliament from 1950 and may I point out that on no occasion was the President's consent at all required....

Shri Braj Raj Singh: Is that the reason why President's consent should not be obtained?

Mr. Deputy-Speaker: The hon. Minister should realise that it is no reason why it should not be obtained.

Shri Datar: I am merely pointing out the whole circumstance. It is not a money Bill, nor does it require the sanction of the President. So, I submit this Bill for the approval of the House.

Mr. Deputy-Speaker: Now Shri Bharucha may raise his point of order.

Shri Naushir Bharucha: This Bill is hit both by article 117(1) and 117(3). That article should be read with clause (4) of article 22, which says:

"No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—

- (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed, as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention....."

Mr. Deputy-Speaker: That is right. If this Bill is passed, certainly Advisory Boards shall have to be appointed, as laid down in the Constitution. The Act cannot work unless the Advisory Board is also there. Does that involve expenditure from the Consol-

dated Fund of India? If this Bill is not enacted certainly the provisions of the Act would expire on 31st December 1960. That is right. Therefore, if this Bill is enacted, it means it is to be continued for another three years. Then the Advisory Board shall have to be appointed.

Shri Datar: Or continued.

Mr. Deputy-Speaker: Whatever it might be. Even if they are to be appointed or continued, that involves expenditure from the Consolidated Fund of India. But the point is that Article 117(3) only lays down that the Bill shall not be enacted into law.

Shri Naushir Bharucha: What I venture to submit is that this Bill would involve expenditure from the Consolidated Fund.

Mr. Deputy-Speaker: This Bill would involve expenditure, that I admit.

Shri Naushir Bharucha: It says that it shall not be moved.

Shri Datar: No, it does not say 'moved'.

Shri Naushir Bharucha: It says that it shall not be introduced or moved.

Mr. Deputy-Speaker: That would be about other Bills. He has confined himself to article 117(3) and he cannot go back again to 117(1). Article 117(3) is very clear. It says:

"A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill."

Shri Braj Raj Singh: It says about consideration.

Mr. Deputy-Speaker: That is what I am coming to. This Bill shall not be passed by either House unless the

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President has recommended to that House the consideration of the Bill. If the recommendation for consideration is not there, we cannot pass it.

Shri M. R. Masani: Or consider it.

Mr. Deputy-Speaker: No, we cannot add words from our side. It is very clear. It has been held many a time before as well. It cannot be passed. Government has got time while we are discussing it to obtain that permission.

Shri Naushir Bharucha: Let them obtain the permission and then later on we shall consider it.

Mr. Deputy-Speaker: I think it involves expenditure and permission ought to be there. But I also feel that the Government can obtain the permission while it is being discussed. We cannot pass it till the permission is there.

Shri Datar: So far as the point that you have raised is concerned, I shall consider that question. But as you have rightly pointed out, article 117(3) says "shall not be passed by either House". We are still at the consideration stage. Therefore I shall deal with this matter. *Prima facie* I am pointing out that whenever an advisory board is appointed, we are appointing High Court judges who are already paid out of the Consolidated Fund.

Mr. Deputy-Speaker: You have authority to appoint those judges who are retired and even advocates. I know of a tribunal that is working in the Punjab. There is one man there who is a retired Sessions Judge. Therefore some expenditure does come in.

Shri Datar: We come into the picture only indirectly. I was pointing out that the advisory boards have to be appointed by the State Governments. To that extent we do not come into the picture. The Consolidated Fund is not taken into account. But I would agree.....

Mr. Deputy-Speaker: It is right that the administration will be with the States, but the passing of this law would involve expenditure from the Consolidated Fund of India in so far as Union Territories are concerned.

Shri Nath Pai (Rajapur): Not all the administration will be with the States. What about the centrally-governed territories?

Mr. Deputy-Speaker: Whatever it might be, the passing of it would involve expenditure.

Shri H. N. Mukerjee: May I make a submission? You are differentiating between certain processes of legislation and because the expression "shall be passed" is there in the Constitution your ruling seems to be that we can have the motion moved, we can have the consideration of the clauses of the Bill, but only we cannot pass it. My submission is that passage of a particular Bill is a continuous process which involves certain stages and which, according to parliamentary practice, is fairly well-known and is standard. There can be no deviation from it. When Government puts forward an item in the agenda in the form of a particular Bill it is absolutely incumbent on Government to see that it is passed. It is only with a view to its being passed that the motion is being moved and consideration of the clauses is taking place. We are having the motion moved, we are having the consideration of the clauses and are waiting for some eventuality which may or may not take place. This is a precarious state of affairs. In view of that and in view of the continuity of the whole thing, I feel you should rule that this matter should not be discussed at all in this House at the present moment.

Mr. Deputy-Speaker: I am very sorry that in that respect I cannot agree with the hon. Member because that has happened before also. If I remember aright, once I raised that very point myself and I was overruled. There are rulings here by the

different Speakers and that has been interpreted like that. Therefore I am obliged to go with those decisions and I cannot depart from that.

Let us proceed now. Motion moved:

Shri Raghbir Sahai (Budaun): Before you place the motion before the House, I would like to put a question to the hon. Minister.

Mr. Deputy-Speaker: There is ample time for that. Let me place the motion before the House. Then I will allow him. Motion moved:

"That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration."

There are some amendments also. Is **Shri Braj Raj Singh** moving the first one?

Shri Braj Raj Singh: Yes, Sir. I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1960. (1).

Mr. Deputy-Speaker: He is going to move the second also?

Shri Braj Raj Singh: Yes, Sir.

Shri Naushir Bharucha: I am bracketed with **Shri Braj Raj Singh** as regards amendment No. 1 for circulation of the Bill is concerned. So I am also entitled to move it.

Mr. Deputy-Speaker: I call the hon. Member whose name is first. All others are deemed to be included in that.

There is another amendment by **Shri S. M. Banerjee** and **Shri Aurobindo Ghosal**.

Shri S. M. Banerjee: I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 20th December, 1960. (4).

Mr. Deputy-Speaker: The other amendments relate to the clauses. Now **Shri Braj Raj Singh** might move his other amendment by reading out the names of hon. Members.

Shri Naldurgkar (Osmanabad): I have also given notice of some amendments. My amendments are Nos. 5, 6 and 7.

Shri Datar: Then there are amendments Nos. 8 to 11 also.

Mr. Deputy-Speaker: They are to the clauses. Those amendments relate to the contents of the Bill.

Shri Nath Pai: Mr. Deputy-Speaker, Sir, I am just seeking a clarification from the hon. Minister. He made a reference to a letter which was written by certain hon. Members of this House to the hon. Leader of the House and Prime Minister. Are we to assume that what he says purports to be the reply of the hon. Prime Minister? Was he giving the reply to the contents of the letter on behalf of the hon. Prime Minister or was he just giving his views? This is a very novel method. Letters written as confidential letters to the hon. Prime Minister are replied to in this manner, whether they happen to be quoted in the press or not is a secondary matter. We would like to be enlightened on this whether he purported to give the hon. Prime Minister's reply on the issues which were raised and in some of which we are interested. We seek this clarification from the hon. Minister because he brought in the issue of the letter.

Mr. Deputy-Speaker: My first reaction would be that if it had been written to the hon. Prime Minister and if the reply was intended to come from him, it will not have been given to the press. When it has been published in the newspapers it becomes public property. Everybody can comment on it, deal with it or criticize it. With that he would agree.

Shri Nath Pai: Yes, Sir. But the press says that it is rumoured, heard or learnt and no text of the letter has appeared in any paper so far as I know. All that the paper says in its usual smartness is that it is learnt that a letter has been sent and it may cover these points. What he has said as a member of the Government is something very different. It does raise some questions of propriety. But leaving that aside, may I ask him whether he purported to give a reply to the points raised in that letter on behalf of the hon. Prime Minister or is it that he was just airing his views:

Shri Datar: I have replied to the points said to have been raised in that letter. It has been reported in today's papers and that was the reason why I referred to that.

Mr. Deputy-Speaker: It is not the reply on behalf of the hon. Prime Minister?

Shri Datar: No. It is only my reply to what has appeared in the press.

Shri Nath Pai: We never called upon him to reply to that.

Shri Raghbir Sahai: I wanted to ask a question of the hon. Minister the reply to which would facilitate the discussion on this motion. My question is whether any State Government has recommended to the Central Government the extension of this Act. If so, which are those Governments?

Shri Datar: The hon. Member was not possibly present when I referred to it. All the States have agreed to it.

Mr. Deputy-Speaker: Shri Braj Raj Singh might now move his amendment. Then the motion and all the three amendments will be before the House for discussion and we will proceed.

Shri Braj Raj Singh: Sir, I beg to move:

That the Bill be referred to a Select Committee consisting of

Shri Kanhaiya Lal Balmiki, Shri S. M. Banerjee, Shri Naushir Bharucha, Shri Tridib Kumar Chaudhuri, Shri B. N. Datar, Shri Bhaurao Krishnarao Gaikwad, Shri S. C. Gupta, Shri Khushwaqt Rai, Shri Surendra Mahanty, Shri S. A. Matin, Shri Hirendra Nath Mukerjee, Shri Nath Pai, Shri Kashi Nath Pandey, Shri Raghbir Sahai, Shri Shivram Rango Rane, Shri Jaganatha Rao, Shri Diwan Chand Sharma, Shri Prakash Vir Shastri, Shri Prabhu Narain Singh, Dr. Ram Subhag Singh, Shri Mahavir Tyagi, Shri Atal Bihari Vajpayee, Shri Ramsingh Bhai Varma, and Shri Braj Raj Singh with instructions to report by the 15th December, 1960. (2).

Mr. Deputy-Speaker: Has he obtained the permission of all the hon. Members included here?

Shri Braj Raj Singh: I have obtained the permission of all except Shri Datar's.

Mr. Deputy-Speaker: The motion and the amendments are now before the House.

Shri Rane (Buldāna): I have not given my consent.

Shri D. C. Sharma (Gurdaspur): I also have not given my consent.

Mr. Deputy-Speaker: Even if he had not included the names of these hon. Members, he could have moved it.

Acharya Kripalani: May I submit that the names of those have not given their consent may be dropped?

Mr. Deputy-Speaker: It is very easy to say like that, but the hon. Member should have taken care before he moved it in the House to take permission and not mention the names of those hon. Members from whom he has not got the permission. He ought to have taken that much care. Even if he gives seven, eight or ten names, he could move it without including those who may be unwilling. Why should he include them, if he has not consulted them?

Shri Braj Raj Singh: Only one or two persons were not there. The others, I met, Shri Raghubir Sahai was there. So many Members, I have taken their consent.

Mr. Deputy-Speaker: The hon. Member shall take greater care in future to see that he gets the consent of those whom he wants to include or he may include those who do consent.

Shri Achar (Mangalore): Can he move such an amendment?

Mr. Deputy-Speaker: I will see that those who do not want to be included are excluded and only others remain on that.

There is one other point. Shall I have to place a time-limit also on this? That must be done because there would be so many Members wishing to participate.

Some Hon. Members: Fifteen minutes.

Mr. Deputy-Speaker: Fifteen minutes except the Leaders. They may require a little more.

Some Hon. Members: And those in the Select Committee.

Mr. Deputy-Speaker: They should not speak at all. Others should advocate for them.

Shri H. N. Mukerjee: I regret to have to say this, but not even from our good friend Shri Datar did I expect a speech so unconvincing, so inept and so unmindful of the gravity of the subject and the depth of feeling in the country about it, and that is why I feel that we have got on to a rather bad start. That is not surprising because this whole Bill is so unsavoury that it is only natural for it to have a bad start.

You will recall, because you were in the Chair, that when this Bill was sought to be introduced, in spite of there being a general convention in this House that we do not oppose a

Bill at the introduction stage, we did oppose it at that time because this is kind of Bill which has to be opposed lock stock and barrel at every stage of the proceeding. This is a Bill which is repugnant to all that is held to be decent and precious in the political life of a country. It is only a pity that it finds its place in the Constitution in the same Chapter as the Chapter on Fundamental Rights. Surely when the Constitution was promulgated, the idea at the back of the mind of those who were responsible for it must have been that this was a measure which could be used in an emergency, only when there is a special situation. But, the Government of the country has proceeded as if this is a matter which could be put permanently on the statute-book. As a matter of fact, Shri Datar, at one stage, said in a manner which could almost be interpreted as threatening, that the Government could have put it permanently on the statute-book, but because of the benevolence of the administration, they have not done so and they have extended it only for a mere three years.

You remember, Sir, because we were together in this House in 1952, when a battle royal was waged over this question of preventive detention and it was at that time that in many of our minds, the iron had entered because, we discovered that the Government of this country, in spite of mouthing certain phrases, is intent upon repressive measures and upon a vindictive policy in regard to political opposition. I recall that on that occasion we were told how, when in 1950, a time which was a great deal more troubled than it is today, this measure was first proposed by the Home Minister who was by no means a supporter of progressive moves, he said in this House, which was functioning before Parliament came into the picture, that he had spent some nights without sleep, because, he did not know how he was going to justify before his country the idea of preventive detention in Independent India. That

[Shri H. N. Mukerjee] was in 1950. The justification was given that it was only a temporary measure which will last a mere twelve months. When twelve months were over, it was given an extension. Then began the period after universal suffrage comes into the picture and after this Parliament of elected representatives of the people begins to function. Then, we find preventive detention makes a permanent settlement on our statute-book by indirect and devious methods which deserve no kind of support and this kind of law is being put on the statute-book.

I feel surely the intention was to use it in an emergency. If the Government could come forward today, rather if Shri Datar could tell us that there was an emergency in the country or an emergency which was threatened in the country, if he could give us any facts in support of the proposition, we may have given some serious consideration. But, the way in which he has proposed this motion is absolutely frivolous, and therefore, I feel that if the House is going to judge this motion on its merits, it should be discarded at once, and if it cannot be pushed out on account of technical reasons, it should be pushed out by the intelligence and conscience of the Members of this House.

Shri Datar has referred to the working of the Act and he has told us how very considerate the Government is because, only a very few people are preventively detained. I should have thought that, according to all canons of reason, the very fact that, with all the ill-will in the world against the opposition, the Government could preventively detain only a few people, should be an argument against the the continuation of the Preventive Detention Act. We do not accept the figures here. Shri P. N. Singh said that many of these figures cannot be taken on trust. But, even as these figures are, if we take them on trust, what is the position? The total number of persons detained according to

Government figures on 31st December, 1959, was 96. Out of them, as many as 69 were held up for goondaism, 12 for Naga hostile activities, 5 for harbouring dacoits, 3 for espionage, 2 for smuggling, 2 for preaching violence, 2 for violent activities and 1 was a foreigner who got entangled. I should think that as far as goondism is concerned, as far as harbouring dacoits is concerned, as far as smuggling is concerned, as far as espionage is concerned, as far as violent activities are concerned, surely, it was open to the Government to proceed against whom they had proof. In the case of espionage or in the case of Naga hostile activities, I can concede that there may have been a conceivable justification for preventive detention. But, what are the other cases? There can be no possible reason why, when the Government has in its armoury so many other weapons, it should take recourse to preventive detention. There is section 107 Cr. P.C. The Government can arrest, an ordinary policeman can arrest a man and after some time, have remand for 15 days. There is section 115 of the Criminal Procedure Code. They are bad enough; they are pernicious enough; they are already on the statute-book. People could be bound down for good behaviour and that sort of thing. At the same time, the Government does not use whatever weapons there are in its armoury, but, on the contrary, takes recourse to preventive detention, and in cases which, on its own competence, ought to have been proceeded against in a court for judicial adjudication, they take recourse to this step of preventive detention.

Then again, I find that comparatively speaking very few people are detained under section 3(1)(a)(iii) because this sub-clause refers to the maintenance of supplies and services. Most of the people who are detained are detained under 3(1)(a)(ii) because the maintenance of public order is supposed to be in jeopardy on account of the activities, or the suspected future activities, of these people, but

as far as the people who are hindering the maintenance of supplies and services are concerned, we find Government extremely solicitous in regard to that kind of people. I could have understood the position if Government comes forward and says that anti-social activities are being perpetrated by blackmarketeers, profiteers and hoarders, who are there on the scene; they have not to be hunted for because they are so very well known, they are so notorious. If Government wanted really to proceed against anti-social characters, then those who are hindering the maintenance of supplies and services would have figured very much more than they do in the list, but we find on the contrary that under the specious plea of the upsetting of public order, in the name of the maintenance of public order, generally speaking those who are the political opponents of the Government are being put in jug, and that is why we oppose the administration of the Act. The administration shows how very vindictive, how very motivated, how very tendentious it is.

I remember the days, just over a year ago, when in West Bengal there was a movement on the part of the people who were asking for cheaper prices of food. While that movement was going on—and it had definite and almost universal popular support which was demonstrated in so many different ways—87 people were put in preventive detention, including 17 members of the Legislative Assembly. We did not find on that occasion one single profiteer, one single blackmarketeer being preventively detained. On the contrary, preventive detention was being used against people who were only asking for a reduction in the price of rice, a morsel of which is necessary for the poor man; against those people who were trying to conduct an agitation for a reduction of the price of foodgrains; but not a single case was there when Government went forward in order to put under arrest, under preventive detention, any person charged with black-marketeering and that kind of offence.

We noticed also how on that occasion the appealation of habitual goondas was being given to political opponents. On that occasion, new phraseology was also employed, "habitual disturbers of the peace", and they were given a lower classification in jail when they were in detention. This kind of addition to the lexicon of British criminology took place because the vindictive processes of the administration had to be satisfied.

This happened at a time when the people wanted satisfaction of their legitimate desires, and what they got was the repression of the Government, a repression conducted in a manner which was so patently partial and which showed how the Government was not going to proceed against really anti-social elements. That was exactly what was demonstrated very clearly in those days.

As Members of this House, we know very well how political vindictiveness plays a large part in the operations of Government under the Preventive Detention Act. We have a Member, very influential in South India, Shri Thevar, who is not often here because he is very ill I am told. This colleague, who, in his own area, is a highly popular person, was preventively detained, and in the period when he was preventively detained, the police prepared some kind of a case against him, though he was let off after detention. The case was brought against him and he was released by the court because the case could not stand on its own legs. Here is a political figure of considerable importance in South India who comes to this House with a very large popular backing who is detained just like that, only because the police wanted some kind of opportunity in his absence to have all sorts of evidence, perhaps even manufactured, in order to bring a case against him, but the case had no legs to stand upon and he had to be released.

Then there is the case of Shri P. N. Singh. He is himself here and he will

[Shri H. N. Mukerjee] speak on it, I know. We raised the matter in this House because we were flabbergasted to learn that a Member of this House goes from here and immediately he is taken away because he happens to be a leader of a particular party whose look perhaps the Government does not like. That party may have at that point of time declared its intention of going on a certain kind of agitation against the Government, but surely it is the inalienable right of all organised bodies in this country to register their protests against Government activities in whichever way they like; and if they chose a heroic way, God bless them. It seems Government did not like it. And he went back home immediately to be arrested in conditions which made it so suspect. Mr. Speaker was in the Chair at that time, and I know that even though he perhaps felt that we were going rather outside the technical aspects of the matter, he listened to us when we said that there were very genuine grounds for believing in the *mala fides* of the Government transaction. I am sure Shri P. N. Singh will bring up this case in greater detail, but I have seen details of the High Court judgment in this matter in *The Leader* early this month, and the judgment makes it very clear that not only was there no real reason for his detention and they got him released, but they examined his charge of *mala fides* against the Government; and the High Court's decision is couched in such expressions as almost amount to finding that there was *mala fide*. They of course, said they could not determine the *mala fides* of the matter but that there were some very suspicious circumstances. They did not say the *mala fides* had been proved, but that there had been some very suspicious circumstances. The High Court's observations are such that they give a very definite feeling that the hon. Judges felt that something was very wrong as far as Government's proceedings in that case was concerned.

In the recent instance of the Central Government employees strike, we also

know how the weapon of preventive detention was utilised. It is a very recent story, everybody knows about it, and we know how political vindictiveness was surely behind that picture.

Then, in Lucknow recently there have been renewed disturbances, but I was rather surprised to discover that in August when the disturbances took place last time, a number of students were preventively detained.

Shri P. N. Singh: They are still in detention.

Shri H. N. Mukerjee: Even now eight of these students continue to be under preventive detention for something which happened in August, 1960. The position has become so scandalous that even the Vice-Chancellor of the Lucknow University, according to a circular issued by the University, was approaching Government in order to secure the release of these prisoners. And the students of Lucknow, according to newspaper reports, are going about demonstrating, asking for the release of these prisoners, and that has created another tempestuous situation in that State of Uttar Pradesh which is today the home of all kinds of troubles for the administration.

I do not understand why it is that students of a university who figure in certain disturbances, rightly or wrongly we do not know, in August should continue to be detained; for having been suspected to be likely to do certain things in, the month of August, they continue to be in detention in the month of December, 1960. This is how the administration proceeds, and this is why this kind of report regarding the working of the Preventive Detention Act satisfies nobody. It is merely an example of the utter ineptitude which Government can show, and if this is supposed to be the justification for the prolongation of a much hated measure, then surely I do not know how to characterise Government's attitude in this regard.

I know also how Government proceeds in regard to this kind of thing. The other day, for instance, we discovered on what kind of information Government proceeds. The Prime Minister himself had referred in this House the other day to three names of people who, in regard to the India-China dispute, were supposed to have made statements which went against the interests of our country. We know very well that the press does not publish these things. When the Prime Minister read out the names, everybody placarded those names. When those who were named denied it altogether, then, of course, the press keeps comparatively silent. In regard to these three cases, I have got telegrams and letters which have all been sent to the Prime Minister. In regard to one of these names, a member of the West Bengal Legislative Assembly, he has, on the floor of the Legislative Assembly, made a statement completely repudiating the accusation, and he has informed me that he has written to the Prime Minister in reference to this accusation which he repudiates completely. In regard to another man here, a gentleman of the name of Kameshwar Pandit, he also has written to the Prime Minister and sent me a copy, denying the whole thing altogether, and saying how the report was truly a concoction. In the third place, the other man has also sent a letter to the Prime Minister, a copy of which he has sent to me, in which he repudiates the whole thing.

Shri Asoka Mehta (Muzaffarpur): May I know whether any of them was preventively detained?

Shri Chintamani Panigrahi (Puri): It was based on police reports.

Shri H. N. Mukerjee: These reports are made, and on the basis of these reports, action is taken. These reports may or may not be correct. It is one man's word against another. The police informers' words are against another man's word; and these words are placed before us.

This gives an idea as to how Government proceeds when it makes up its mind in regard to the character of a man or to the possibilities of his conducting subversive activities at present or in the future. This kind of thing makes it very clear that unless Government changes its ways, unless Government ceases to continue to depend upon the kind of police information which used to come from a certain type of people, unless, that is to say, there is an entire change in the spirit of the administration, nothing really good and happy can happen in our country. And yet, we find Government proceeding in this kind of way. That is why it is very relevant that Government answers Acharya Kripalani's question when he asked how many cases of the Preventive Detention Act go up to the High Courts and how many of them are upheld, not so much against the advisory boards saying one thing or the other, but among those cases which can be taken to the High Courts, how many are upheld, how many detention orders are upheld, and how many are not upheld. That is a very important matter, because the High Court's decision in regard to this kind of thing is certainly a very important and reliable criterion. Yet, we find that Government wants extension of the Preventive Detention Act.

I may say, perhaps though I may be repeating it, because it must have been said earlier, that when in Kerala, the Communist Government was functioning, and when against that Government, there was a movement which openly declared its intention of subverting the administration, there was not one single instance of that Government taking recourse to Preventive Detention. We, I suppose, are believed to be people of a rather authoritarian temperament, and if we wanted it, perhaps, in Kerala, the Communist Government of that State might have adopted certain steps in this regard, but they did not do so because they felt that in the conditions which prevail in our country today, it would be foolish, it

[Shri H. N. Mukerjee]

would be fantastic, it would be absolutely wrong, to adopt the kind of tactics which Government seems to adopt habitually in our country.

By this continuance, Government is making the Preventive Detention Act a permanent measure on our statute-book. At one time, when our exhilaration about national life was very much more pronounced, we used to describe such things as lawless laws or the black Acts. This is an ugly blot on our statute-book, and the sooner it is wiped out, the better, but Government does not seem to have any intentions in that regard. I really cannot understand why Government is so nervous about it, when all over the country, there is a desire, only if Government holds out a helping hand, to go it together; let us all move together; we all want to do so; it is only Government's guilty conscience, or God knows, what, which stands in the way, and that is why this ugly blot continues on our statute-book, and as I said earlier the sooner it is moved out, the better for all concerned, but I do not have any hopes about the administration, particularly after having heard the kind of frivolous justification of a very serious measure which Shri Datar has wanted to put forward.

Shri A. K. Sen: Mr. Deputy-Speaker, Sir, have you reserved your ruling on the question of the President's recommendation, or have you directed that such a recommendation under article 117(3) should be forthcoming? I had a few words to say, but suddenly I was called to the other House, because one of my Bills had come up.

Mr. Deputy-Speaker: At that time, the hon. Minister in charge did not say that he wanted any legal advice; he gave his answer straightway.

Shri Datar: I said that I would examine this question.

Shri A. K. Sen: I am making my submission really for your assistance.

Mr. Deputy-Speaker: If he has to say anything about that, I shall be prepared to listen; I am always open to conviction, if there is something new, but I have expressed my view.

Shri Nath Pai: On a point of order, Sir. A ruling has been given now.

Shri A. K. Sen: No.

Shri Nath Pai: Yes, the hon. Minister was absent at that time. We are always interested in listening to the views of our Law Minister, particularly, the present occupant of the position, since he is an eminent lawyer, but there is a question of a point of order involved in this. A matter was raised in this House, and you were pleased to hear both sides, and then you gave your ruling. Now, is it open to anybody, because he was absent then, to come forward now and give his views, howsoever esteemed he may be and howsoever learned he may be? If you are going to allow him, then I would like you to consider that this right will have to be extended to other Members, for, even when a ruling has been given, an hon. Member can still come and say something. This is the point that is involved, and I would like to be guided by you.

Mr. Deputy-Speaker: If something is said before me, that has not already been argued, I would be prepared to listen to the Law Minister as also to the other Members. Really, it is a legal question; if the same arguments are going to be adduced, I am not going to review my order.

Shri Nath Pai: What about the validity of your ruling? Are you going to reopen it?

Mr. Deputy-Speaker: That stands, but every hon. Member has got the option to convince me. That has been said here so many times.

Shri Naushir Bharucha: Even after the ruling has been given?

Mr. Deputy-Speaker: I have given that ruling. Let me hear, if there is some new point, and then I shall consider. I should not be anticipated beforehand.

Shri H. N. Mukerjee: Could I seek a clarification? Later on, if a ruling is sought to be reopened by a private Member, a very humble Member from this side, would the Chair be as considerate to him as you, Sir, happen to be in the case of the Law Minister?

Mr. Deputy-Speaker: Surely, if it is a legal question, I must be considerate.

Shri A. K. Sen: I am very obliged to you, Sir, and I am also obliged to the hon. Member Shri Nath Pai for the compliments he has paid me, but I am very sorry to say that his objection does not appear to be very sound, because the Speaker is entitled to revise his opinion, if he thinks that a good case is made out for revision of his ruling.

I have a recollection that I had argued this point before, namely that article 117(3) would be attracted only if the provisions of the Bill by themselves result or would result in expenditure from the Consolidated Fund of India. Simply because there is a supposition that in carrying it out, Government might employ people and incur expenditure from the Consolidated Fund of India, this article would not be attracted, because I can tell you for information that there is no reason to believe that any expenditure would be involved. A High Court judge who presides generally does not charge anything.

An Hon. Member: What about retired High Court judges?

Shri A. K. Sen: The Bill by itself does not contain any provision which would involve expenditure from the Consolidated Fund of India. Hon. Members are only supposing that it might result in employment of people or doing something which would re-

sult in expenditure. But, where is the provision which involves expenditure?

' I have a recollection that I have argued this question before you, . . .

Shri Braj Raj Singh: Section 10 of the original Act provides for expenditure.

Shri P. N. Singh: The whole position is this . . .

Mr. Deputy-Speaker: Order, order. Let him argue his case.

Shri A. K. Sen: I have a recollection that on an earlier occasion I had argued this point, and you were good enough to sustain my contention.

An Hon. Member: Was it in the Rajya Sabha or here?

Shri A. K. Sen: Might be.

Mr. Deputy-Speaker: If the hon. Law Minister can give me an indication as to when this point arose and when I had given that decision, it would be better.

Shri A. K. Sen: I shall try to find out from the other House also whether I had argued it there or here.

Mr. Deputy-Speaker: Does the hon. Minister say that I gave that decision?

Shri A. K. Sen: I have a recollection that I had argued this point, and there was a decision; perhaps, it might be in the other House.

Mr. Deputy-Speaker: Rather, I had observed that on an earlier occasion, I had raised that point, and I had been overruled. That was what happened to me ten years ago. I have that recollection rather the other way. So if really the hon. Law Minister can find that out, we can consider that.

16 hrs.

Shri A. K. Sen: I will find that out tomorrow.

Mr. Deputy-Speaker: So the ruling stands so long as no other point is urged.

Shri Asoka Mehta: I felt depressed when I was listening to the speech of my hon. friend, the Minister on the other side. I felt depressed because it appeared that the use of such measures blunts the sensitivity of persons, because he was assuring us, 'After all, why worry about this measure when the liberties of only 500 and odd persons have been taken away?' This is an astounding argument. Never in the history of the world has the liberty of individuals been measured in terms of quantity. I can understand making out a case and saying, as he said himself, that when Sardar Patel moved this Bill for consideration, he made out a case pathetically. That was the word he used. There was pathos in his heart, the heart of the man of iron and steel. His heart was bleeding when he said that a measure like had to be put on the statute-book. This is not what I am saying. This is what the Minister said. And what was he saying today? Everything is perfectly all right. All his adjectives were superlative, because after all the liberties of only 500 and odd persons have been taken away. That is the blunting of the sensitivity, because liberty means, as has been defined over and over again by the highest judicial authorities in the country, the right of locomotion. It is the right to move about, and when the right to move about of even one person has been taken away, I believe that the conscience of the people has to be roused and they have to be careful about a Government that comes forward and argues that way.

Why do you worry? Only 500 and odd people have been affected. Only two Members of this House out of 500 have been detained. Therefore, the 498 have not been affected. Why

worry about it? Is this thing to be measured quantitatively? The fact that this quantitative approach has come from Government is a measure of the debasement and decay that has already occurred as far as the handling of this matter in this administration is concerned.

The Minister told us that there have been all kinds of judicial pronouncements even at the highest level. May I invite his attention to what the Supreme Court had to say in early as 1953 in the case of *Asutosh vs the State of Delhi*? This is what the Court said:

"There can be no better proof of *mala fide* on the part of the executive authorities than the use of the extraordinary provision contained in the Act for purposes for which the ordinary law is quite sufficient".

The Supreme Court has gone to the extent of saying that this would be *mala fide*, where the ordinary law is sufficient. It has to be established and proved; the onus is on them. That has not been done. Whether that has been done or not, we are told that the Constitution permits it. Of course, the Constitution permits such legislation being enacted. If it could not be enacted, it would have been struck off straightway by the courts. This House would never have passed such a piece of legislation for which we have not the competence and which is repugnant to the Constitution. This House would not have entertained any such thing. You, Sir, in the Chair would not permit us to do so. That is hardly an argument. The argument is: Yes, it may be a legitimate law, but are the circumstances such as to justify it? And how has it been used? And what is the attitude behind it? In matters of this kind, the attitude is paramount, because ultimately it is a subjective judgment where the criterion is that of subjective satisfaction. I think Shri Datar would be satisfied very easily if all the 498 of us had been arrested and put under detention, because his whole attitude—

subjective attitude—is one of total indifference.

That is why I said that I felt utterly distressed and depressed that we have in an important position a person who seems to be so complacently satisfied about the way this measure has been used. This smugness in a matter where the basic liberties of the people are concerned is a matter of the deepest concern to all of us.

This particular piece of legislation was introduced in 1950, for what purpose? Not because there was some violence, some *goondas* and something there. Surely in this big land of ours, there will always be a few wrongdoers. Sardar Patel pointed out why this measure had to be there. In the course of his speech on the 25th February 1950, he said:

"The Communists in India who have been by far the largest number constitute a danger to the existence and security of the State. I should like to say here that our fight is not with Communism or with those who believe in the theory of Communism, but with those whose avowed object is to create disruption, dislocation and tamper with the communication, to suborn loyalty and make it impossible for normal government based on law to function. Obviously, we cannot deal with these people in terms of ordinary law".

I do not know whether the Communists are still wedded to this policy or not. I am not. But one thing is obvious, that this law is not being used against the Communists. I am happy about it because I do not want this law to be used against any one. But the point is that these were the conditions, this was the situation, envisaged for which this law was there. But now this handy weapon is, of course, to be wielded, and Shri Datar enjoys wielding it, in all kinds of ways! Because he says, 'After all, I

am going to cut off the heads of only 539 persons; the rest of you are going to be quite comfortable with your heads on'.

I have mentioned the context in which this legislation was introduced. That context has completely changed. He did not point out, 'Yes, there are these kinds of elements against whom we have been using this Act'. He gave us a lot of figures. But I also have tried to analyse his figures. 569 persons may have been detained in the last three years. Out of the total number of those who have been in detention, some were in detention even before the end of 1957, when the Act was extended. Out of the 668 persons who have been detained, who were either detained earlier or were detained during the period—he says 569 were detained during this period—as many as 140 were ordered to be released by the Advisory Boards, 31 were released by the orders of the High Courts and the Supreme Court and the Government *suo motu* released 284—probably they were released even before their cases were brought to the Advisory Boards. Therefore, out of the 668, I imagine about 20 per cent were ordered to be released by the Advisory Boards and almost 30 per cent were released by the Government *suo motu*. Is this not a misuse of those powers?

Shri A. P. Jain (Saharanpur): It only shows honest motives.

Shri Asoka Mehta: Honest motives? Of arresting people and taking away their liberties? You are a distinguished lawyer. You are the Chairman of the Police Commission. You know that a person cannot be detained even for 24 hours without being produced before a court.

Shri A. P. Jain: Mistake rectified.

Shri Asoka Mehta: Here people's liberties are taken away. That is the whole trouble with this Congress Party—that you can take away the liberties of the people for a week, ten

[Shri Asoka Mehta]

days, twenty days, three months. What does it matter? After all, we are rectifying it. I do not know how long my honourable colleague here was in detention.

Shri P. N. Singh: More than six months.

Shri Asoka Mehta: You know what the High Court had to say about it. What has been rectified? His constituency was denied the privilege of being represented by him in this House. He got only Rs. 500 for costs. There is no provision for any damages. And what adequate damage can there be if a Member is deprived of his legitimate right and honoured privilege of representing his constituency here, and keeping the Government on the proper rails? To say that this was rectified, coming as it does from the Chairman of the Police Commission, is astounding. I am surprised what kind of reforms he is going to produce. I am sorry for the state of U.P. where not only conditions are pretty bad but even the persons in whose hands the question of recommending reforms has been entrusted have this kind of approach and this kind of attitude.

Acharya Kripalani: Chairman of which body?

Shri Asoka Mehta: Shri A. P. Jain is the Chairman of the Police Commission in U.P.

Acharya Kripalani: He acts as a policeman.

Shri Asoka Mehta: About these M.Ps. In the last 3 years, 3 M.Ps. were detained, 30 M.L.As. and M.L.Cs.—all goondas probably. I do not know. And, not one of them belonged to the Congress Party, but belonged to all other parties; every single party sitting here has the honour or discredit of having at least one of its M.Ps. or M.L.As. or M.L.Cs., barring, of course the Swatantra Party. Of course, the

Swatantra Party is swatantra and they can never be caught. But, barring the Swatantra party every single party here has had the honour or the dishonour of having a Member of Parliament or Member of the Legislative Assembly or a Member of the Legislative Council being detained. Is this not tarring us with a foul brush? Each one of us has not merely harboured some goondas in our ranks but have goondas among our closest and intimate colleagues; and yet it is being said that it is not being used for political purposes.

Again, if we analyse it, this Act has been used in West Bengal on 343 occasions, in the last 3 years, in Bombay 113 times, in Orissa not at all, in Kerala not at all, in Madras not at all, in Mysore only once and in Bihar 4 times, and in Andhra Pradesh 5 times. Am I to understand that there are a lot of evil-doers or wrong-doers whatever you call them, who endanger the security of the State or whatever it is, in West Bengal and in Bombay? And, that in Orissa, Kerala and Madras they are absolutely clean and there is no trouble and they carry on without the use of this measure at all; only my friend Dr. B. C. Roy cannot carry on without this Act? Surely, no the use of this measure at all; only the people of Bengal than to say that they behave in such a manner that in that State this particular Act had to be used 343 times and there are no other weapons or measures with the Government. This only shows that these Governments, the Governments of Bengal and Maharashtra, of Bombay, have been behaving in a kind of lax, lackadaisical manner. They do not mind. I hope my hon. friend Shri Ajit Prasad Jain will look into this matter. His State also is not quite free from this. I find the number there is 15. Therefore, this is lax use of these powers. These powers, these special powers, as the Mover said, which were sought to be placed upon the statute-book by Sardar Patel with

a sob in his throat, with a sense of pathos in his heart, are being used by the Governments of Bengal and Bombay, particularly, and to a lesser extent by many other Governments in an indiscriminate manner. Because, how is it that in the States of Madras, Orissa and Kerala, in the last 3 years, nothing happened where the use of these measures was not necessary? Surely, it cannot be. But, if it is so, tell us what the reasons are. What is the use of coming here and making a kind of speech which has been made 5 times in the past? You have to explain the special reasons why in certain States this Act had to be used and why those special reasons are likely to be expected in the coming three years for which this Act has to be extended.

Has one single person been detained in the last 3 years for the Defence of India? The number of people detained for furthering or safeguarding the Defence of India is zero. The number detained for the security of India is 15. I can understand that. I do not know what the cases are. I have not been able to go into them. But, one may understand that. But, an overwhelming majority, 500 of them as the Minister pointed out, were for the security of the State or maintenance of public order. Surely, about the maintenance of order and security of the State, I think, Shri Datar agrees with the interpretation offered by Shri Mukerjee. Shri Hiren Mukherjee said that the people in Kerala tried to support the government. Of course, it is my fundamental right to subvert any government. That was what Lokamanya Tilak taught us. You cannot subvert a State. Subversion of the government is an inalienable right that ever makes democracy meaningful. As Prof. Laski said, 'around all order there must be a penumbra; there has got to be a contingent of anarchy; that only makes any government democratic'. But what does he mean by the security of the State?

My friend and colleague Shri Nath Pai was put into prison, was detained.

I don't know how he was trying to undermine the security of the State. I do not know how Shri P. N. Singh was trying to undermine the security of the State. And, if these people are guilty of undermining the security of the State, I do not know why they are allowed to sit here and participate with us in the sacred task of framing laws for our country. Men who may be guilty of playing with the security of the State should have no place whatsoever in this august House. And, if they have not been guilty—as I know and I can vouch for it and everyone can vouch for it that they are not guilty—of these charges, then, I say, it is monstrous that before the bar of history they should be condemned like this without having been given an opportunity to be heard.

Let us look at this case of Shri P. N. Singh. The court said, as Shri Mukerjee pointed out, that *mala fides* were not fully established. I do not want to go into *mala fides*. But, look at the way in which it was done; look at the procedure that was followed. Three different orders were served on him. First, by the District Magistrate; the State Government approved the orders served by the District Magistrate; and finally, the State Government on its own served certain orders on him. And, all the 3 orders are entirely different. He was released because the High Court held that all the 3 orders were completely different. Unfortunately, I have not got the full text of the judgment. I have to rely upon extensive reports of the judgment that have appeared in the newspapers of U.P. But, I am sure the Law Minister as well as the Home Minister have got the judgment with them. (*Interruption*). If in this case this kind of administrative mess was possible, whether it was *mala fide* or not, I do not know; it is for them to say. But, assuming that *mala fides* could not be fully established, accepting that judgment of the court, the fact remains that this matter was handled in a manner not only ineptly and inefficiently and in a manner where it appeared as

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if somebody was playing with the rights and liberties of not only an ordinary citizen but an eminent citizen, a Member of Parliament.

Acharya Kripalani asks how many people went to the High Court and the Supreme Court to seek redress and in how many cases was redress given. I do not know how many went because these figures are not given. I do not know why the Minister is not coming out with those figures. But the fact remains that in the last 3 years 27 persons were released by the High Court and 4 persons by the Supreme Court; in all 31. We want to know from the Minister how many cases went to the Supreme Court or the High Court—31 cases out of how many. It is not everyone that can go to the High Court or the Supreme Court; not all.

The law only lays down that the judgment has to be subjective. The Administration is to satisfy itself that in a particular case somebody has misbehaved or is likely to misbehave in a manner that would be injurious to the safety and security of the State. Even when there is subjective judgment, in so many cases the High Court and the Supreme Court have asked these persons to be released.

In the case of Shri P. N. Singh where we have all the documentations before us in this House, we find that the way various orders were served showed a complete lack of application of the mind at all. Subjective thinking must also have a certain consistency. Subjective judgment does not mean that 10 different people have 10 different judgments. If that is so, then, it ceases to be the rule of law of any kind. That it was possible for 3 different orders to be served upon him and all the 3 orders completely dissimilar shows to what extent this law has been abused. If we can establish it even in one case, the case of an eminent person, that the law has been abused in such a manner, I believe the

onus of showing that such abuse will never take place in future and that circumstances are such that such a law is necessary is on them. And, I am surprised to find that no effort, not even an iota of effort, has been made to establish such a case. As I have said, for the defence of India nobody has been touched.

Now, almost every day, some Member or the other gets up and enquires about the activities of certain undesirable aliens. There is one particular country which does not hesitate to send out certain persons to create mischief in our country. So many cases have been brought up to their attention. In how many cases has this particular Act been used? Just in two cases of undesirable aliens has this been used—one in 1959 and one in 1960. I do not know whether the same person has been detained in both the instances. It may be one in that case; or it may be two at the most. Now, if these powers were used for purposes about which Sardar Patel spoke in such eloquent terms when he moved this piece of legislation, I can understand it. But this is being used against all kinds of people in an indiscriminate manner. We are, for instance, told that 226 persons were detained because of violence, 198 for goondaism, 21 for communal activity, six for espionage and 26 for harbouring decoits and 21 for helping the Naga hostiles. Is it not possible to deal with violence and goondaism with the ordinary laws of the land? Are goondas so powerful in this country? If they are so powerful, who is responsible for letting them grow to that power? It rests upon those who have been handling the affairs of the country for the last 15 years. Again, how do we know who is a goonda? How is it established?

You, Sir, said that I was objecting when Shri Mukerjee was speaking on this subject. I was not objecting. But what did he say? He was trying to suggest. I was surprised and shocked

—that the Government should not depend upon police reports. Of course, Government must depend upon them. But Government must not depend upon police reports for taking away the liberties of a person before producing him before a court. I do not know whether he is a lawyer or not but I am surprised that Shri Mukerjee should have confused such a thing. He had a very weak case and he wanted to take advantage of this debate in order to bolster up a tottering weak case. There is, therefore, no need to come out and say that the Government should not depend upon the police reports. Police is the limb of the Government and police reports are important but on the basis of police reports to put a person in detention and deprive him of the rights and liberties, before hearing him and cross-examining those who are accusing him—it is that which we object to and that, I believe, has been objected to by all those who love liberty and who accept the democratic way of life.

This was an emergency measure and an emergency measure has a meaning only in certain context in our Constitution. There are certain emergency powers and those powers have to be exercised only in a set, definite, clear, precise context. You cannot change the context and say: these are the emergency powers and we will use them. You cannot shift from one position to another to suit the exigencies of the administration's needs and moods.

It has been said: we are merely asking for the extension of this power. Therefore we suggested that this should be referred to the Law Commission. I am glad that the hon. Minister said that he was not replying on behalf of the Prime Minister because the Prime Minister has, with his characteristic courtesy and quickness, replied to our letter. I do not think that the Prime Minister would like that this matter of referring this whole thing to the Law Commission for a detailed report from them should be

brushed away in the manner in which that has been done—again that is his characteristic way by the hon. Minister sitting opposite, brushing away everything suggested by those who sit opposite, as if it matters not at all. I wish he would emulate his own leader, the leader of the House, who at least shows responsiveness to suggestions placed before him. Therefore, the suggestion that it should be referred to the Law Commission should not be brushed aside this way.

We suggested that this should not be extended at all. If a case can be made to extend it, do it in such a way that this should be the very first measure the newly elected House should take up. The liberty of one single individual in India is far more importance—of course there are questions of war and peace—than any other business. To say that it will take up two years before the new House will settle and take up this business or that there is so much of work to do and there will be no time—it shows the abysmally low priority the hon. Minister assigns to a matter of such paramount, profound and decisive importance—the liberty of the citizen. Therefore, we desire that this should not be extended. If a case can be made out, if we can be convinced at all, there can be no extension for a period of three years; the maximum period should be 18 months.

Fortunately for us, Jammu and Kashmir are part of our country. Unfortunately, in Jammu and Kashmir, there is a piece of legislation which is much worse than that here. I do not think in matters of this kind, where the vital liberties of the people are concerned, it should be permitted any kind of autonomy. Autonomy may be there in economic development and on questions of social policy. But in matters of Fundamental Rights and the basic rights and liberties of the people, no part of India—even a village panchayat—can be given the right to say: I shall have some autonomy . . .

An Hon. Member: Yes.

Shri Asoka Mehta: This is one matter where, I hope, even the the Swatantra Party will agree. There ought to be total centralisation when the liberties of the people are concerned—centralisation, meaning thereby, that protection has got to be uniform.

Shri Ranga (Tehali): Quite right.

Shri Asoka Mehta: Occasionally we do agree. One more word and I have done. Shri Datar said: look at the way we have used this Act; in the whole of Punjab in this agitation, we have detained only one person. Wonderful! May I say that the detention of that one person—Master Tara Singh—let loose, let open the flood gates of all these troubles and difficulties. His wrong and premature and unwise detention has created a situation in which the Government now finds itself . . . (Interruptions.)

Shri D. C. Sharma: Are you for Punjabi Suba?

Shri Asoka Mehta: That is a different matter. The question is whether the Government was right or wise in detaining him. I would not have brought up this matter if the hon. Minister had not got up and said that in the whole of Punjab only one man had been detained. If only one man is detained in the whole of India, if he is the crucial, central, pivotal man, it can bring about total disturbance and total dislocation. It is this kind of activities and actions on the part of the Government which make us very careful and cautious—apart from any theoretical propositions on practical grounds which make us critical about allowing this kind of powers to remain in their hands.

Therefore, I would submit that no case had been made out. If the powers are to be extended on the basis of the speech that the hon. Minister has made, there is no case whatsoever. This Bill must be rejected, lock, stock and barrel. If at all any case can be

made out, if we get convinced, it should be extended not for a day more when the new Parliament will esemble and the newly-elected representatives of the people will apply their minds to this subject of such vital, profound and decisive importance to the country.

Shri M. R. Masani: Sir, I cannot claim the privilege, claimed by my hon. friends who spoke before me or of their associates who have experienced preventive detention under the present law. But both my colleague, Prof. Ranga and I have undergone the same process of detention under British rule and therefore, we can sympathise with the present victims of this Act . . . (Interruptions.)

I think, Sir, it is necessary again to recall the circumstances in which this Bill was accepted in the first instance by Parliament. It was on the 25th of February, 1950, a Saturday, that Sardar Vallabhbhai Patel came before this House and made the plea that the Bill should be passed by the House because, he pointed out, 350 of the most dangerous Communist detenus were in danger of being released on Monday morning by the Calcutta High Court if this Act was not put on the statute-book. It was only under this immediate threat to the security of the country and the clear and present danger that this House was persuaded or, in a way, bludgeoned into passing that Bill. Sir, as a back bench Congress Member at that time, I took the liberty to voice my grave concern and disquiet about the Bill that was being placed before the House by the Deputy Leader. I said then that the Bill was a "hasty improvisation" which should be replaced at the earliest possible moment by "a more principled, well conceived and well thought out measure which does not shirk the issue, which goes to the root of the mischief and which frankly takes a stand for the defence of democracy against totalitarian aggression from within or without."

Acharya Kripalani: They have done that now.

Shri M. R. Masani: Sir, Sardar Patel in his reply was very apologetic. He did not show the smugness that was exhibited earlier this afternoon. He was unhappy and he was apologetic in his reply and he said:

"As has been pointed out by my friend Shri Masani, the Bill has been brought in to meet an emergency. It requires to be closely examined whether a better substitute of a more or less permanent nature based on scientific principles can be brought in or not."

16.32 hrs.

[SHRI JAGANATHA RAO *in the Chair*]

That, Sir, was his assurance, that the Bill would be there for just one year and before the year was out a thorough examination of the kind that has been suggested, by the Law Commission or otherwise, would be undertaken and this Bill, which was an unprincipled Bill, would be replaced by something based on better principle.

Well, since then we have been waiting for ten long years. This three-yearly renewal has become a mockery. I am glad it is there because it gives Parliament every three years a chance to scrutinise that measure, but, for all practical purposes, it has become a permanent blot on our statute-book.

Is that emergency which we faced then in existence or not? Sardar Patel in justifying the measure referred to the sacrifices and sufferings of millions of our people in the achievement of independence which was then so new. He said:

"It would be a poor return for those sacrifices and sufferings if we fail to preserve the liberties which we have won after so much struggle and surrender them...."

—he was referring to the Communists—

"...to the merciless and ruthless tactics of a comparatively

small number of persons whose inspiration, methods and culture are all of a foreign stamp and who are, as the history of so many countries shows, linked financially, strategically, structurally and tactically with foreign organisations".

Now, either that emergency exists or it does not. There is one emergency that does exist—the attack on our frontiers and the existence of a Fifth Column in this country which actively subverses the aims of the foreign aggressors. But, Sir, I listened to the hon. Minister. He talked of goondas, as if this Act was passed for goondas and, in any case, you can use it as you like. This, Sir, is an act of policy at a very high State level and in the reasons given by the minister Chinese aggression and the subversion of its Indian agents was never referred to. The one thing that might have justified the continuation of this measure is absent from the Government's thinking.

Sir, ironically enough, the fact remains that this Act which was fashioned to fight Communist subversion of this country is being used for all purposes except for dealing with that subversive element. If a Bill, Sir, were introduced in this House on a principle of that kind to outlaw that Party or to make its activities difficult. I for one would be prepared to examine it if it comes from the Government of the day. It is for the Government of the day to decide whether the truncation of that liberty is necessary, if there is a clear or present danger or not. Sir, the best democrats have admitted and accepted this proposition that Communists and Fascists have no right to exist in a free society because they stand for destruction of that freedom the moment they come to power. They believe in establishing a one party dictatorship the moment they get to power, and therefore their sincerity in questioning a measure of this kind cannot be very well accepted. Therefore, I should like to make it clear that we on these benches oppose

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this Bill, we will vote against it, but for extremely different reasons, very different motives from those which the Communist Party may have.

That is the real issue, but the Government is funking it. This Government has not got the guts to come out with a straightforward anti-subversive measure against those who are trying to disrupt the unity of our country. They are going about it in a round about way. In not fighting the real menace they are endangering the liberties of every individual Indian, however patriotic he may be, and I say this, Sir, that this Act has been grossly misused. It has been used for party warfare, it has been used against patriotic Indians when it should have been used against traitors against whom it is not used.

Let me give some examples. We, first of all, had the long detention of Shaikh Abdullah—I am glad to say that later on it was transformed into a proper prosecution, very belatedly.

Shri A. K. Sen: Sir, may I object to that case being referred to? It is *sub judice*. The charges on which he was detained under the Kashmir Act are very similar to the charges on which he is prosecuted now.

Shri M. R. Masani: I referred to his long detention, and I am very glad that the Government have come forward now with the charges.

Shri A. K. Sen: The hon. Member said "patriotic Indians" and then immediately referred to Shaikh Abdullah.

Shri Ranga: There was no need to have detained him.

Shri A. K. Sen: Opinions may differ very much on this point. But immediately after saying that "patriotic Indians have been detained" to mention the name of Shaikh Abdulla would certainly not raise unanimous support from this House.

Shri M. R. Masani: I am not asking for the unanimous support of this House. Every one has a right to judge ones fellow citizens until they are found guilty in a court of law. Here we live under the rule of law and believe that a man is innocent until he is found guilty, and in my opinion Shaikh Abdulla remains a patriot until he is found guilty in a court of law and the proper facts are established.

The next case is a much less controversial one, which even the hon. Minister would not deny, and that is the case of Master Tara Singh: I make bold to say that his patriotism at least is as good as the patriotism of any hon. Member of the Treasury Bench, absent or present today. What is his crime? He advocates a reorganisation of a territorial nature. We may agree with that reorganisation or we may be opposed to it (*Interruption*). We may have our own views on the subject whether or not agree it is a communal movement. Surely, being a communalist is not a thing to be brought under the Preventive Detention Act; in that case millions of people in India would be locked up today. Being communal is a bad thing. I am against communalism in any state or form; I have never practised it, I abhor it. But that does not mean that if a man is communal I would lock him up. Then again, who decides who is communal? Therefore, what I am saying is this. A person makes a claim of a territorial nature for a reorganisation of a State as has been done in other parts of India. You may fight it politically. I may agree with you if you fight it politically. But have you any right to use this Preventive Detention Act and to lock up a patriotic Indian who is exercising his civil liberty of agitating peacefully for a particular solution, for a particular right (*Interruption*)?

An Hon. Member: He created violence.

Shri M. R. Masani: He created no violence. You locked him up before

anything happened. You were responsible for that violence.

My third example my hon. friend Shri Asoka Mehta referred to my hon. friend Shri Nath Pai. I also would like to refer to that. Several hundred trade unionists were rounded up throughout India on the eve of that strike. In the city of Bombay alone there were 36. Shri Nath Pai might have been leading the strike. But I know of a more gross case of a friend of mine who was opposing the strike, who was actively canvassing his own union to stop the workers going on strike when the police came and rounded him up for the alleged act of supporting a subversive movement! This, Sir, is the lawless way in which this lawless law is being operated.

A strike may or may not be right. If you want to declare it illegal, pass an Ordinance and prosecute people under that Ordinance. But you have no right to use the Preventive Detention Act to fight a strike, which may be justifiable or unjustifiable, but certainly the fundamental right of an Indian worker.

Let me give another example to show how the Act is misused incipiently. I have with me a copy of the notice served by the Chief Minister of Madhya Pradesh on the Maharaja of Bastar. The terms are that the Government of Madhya Pradesh has come to the conclusion that you must leave Bastar and stay in some other place which we shall nominate. I, therefore, ask you to come and see me within one week of the service of this notice. It was served on him on the 17th November this year. Then it says that if you do not come and see me within one week so that I can tell you where you should stay, the Government of Madhya Pradesh will be forced to take other steps to deal with you—an obvious reference to the Preventive Detention Act. This disgraceful notice which no Chief Minister of an Indian State should have the impertinence to

serve on any Indian citizen, could never have been served if the Preventive Detention Act was not there, because then the Chief Minister's threat would have been worthless. He is in a position to address such a communication to a free Indian citizen, violating his fundamental rights of residing as he likes and moving as he likes, because he has got this disgusting weapon which has been provided by our Parliament to him with which any Indian citizen can be bludgeoned into leaving his home and going into exile within this free country. We do not want that Indian citizens should be sent to exile within India, as the Czar used to send Russians to exile in Siberia.

An Hon. Member: Hear, hear.

Shri M. R. Masani: Not only this. When someone on behalf of the Maharaja goes and sees the Chief Minister—a former Minister of the State, Mr. Agnibhoj—and says to him, All right, I will persuade the Maharaja to come and see you. Will you give him facilities to go back home safely without hindrance, the Chief Minister says: No. In other words, they want to decoy this man to Bhopal, away from the Adivasis who are loyal to him and devoted to him, so that he can be kidnaped and taken under detention under the Preventive Detention Act. This is the way in which the Preventive Detention Act is being misused not only when it is worked but when it is dangled over the heads of innocent citizens. These are the reasons why I and my colleagues will vote against this measure.

I mentioned Sheikh Abdullah, and I would refer to him to this extent to say that at least one of the things that should be done is that if this Act is going to be placed in the statute-book, let it be made operative in Jammu and Kashmir also, because worse things prevail under the law there. There is a reign of terror under the State law there—people can be detained continuously for ten years without in-

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terruption as against one year in this country.

As my hon. friend Shri Asoka Mehta said, the least that we expect is for all Indian citizens—since Kashmir is part of India, they also are our citizens—there should be uniformity—not centralisation, for, I will not accept that word—but certainly uniformity of rights in so far as the Fundamental Rights of Indian citizens are concerned.

Sir, I oppose this Bill and we shall vote against it.

Shri Naldurgkar: Mr. Chairman, I am rising to support this Bill. I am of the opinion that this Bill should be entered in our statute-book as a permanent law. (*Interruptions*).

Shri Braj Raj Singh: You could also be made a permanent Member of this House!

Shri Naldurgkar: It is my opinion and I again repeat and stress the point that this law should be in the statute-book as a permanent law. Much criticism has been levelled against this measure. We have, first of all, to see what is the meaning of preventive detention. Preventive detention has not been defined anywhere, but it is used in contradiction to the word 'punitive'. To quote the words of Lord Finley in *Rex vs. Haliday*, "It is not punitive but precautionary measure".

Shri Ram Sewak Yadav (Barabanki): Can the hon. Member read from a printed speech?

Mr. Chairman: The hon. Member cannot read his speech. He may refer to the notes.

Shri A. K. Sen: The hon. Member is quoting from a judgment.

Shri Naldurgkar: Yes; Lord Finley has said:

"The object of it is not to punish a man for having done something

but to intercept him before he does it and to prevent him from doing it."

So, the object of this Act is preventive and not punitive. This Act has been in the statute-book since 1950. The whole measure was under the consideration by the Lordships of the Supreme Court also, and the same argument as were advanced here by the Opposition were advanced in the Supreme Court also in connection with a case. I would like to quote the decision of the Supreme Court. The case has been reported in A.I.R. 1960 on page 27. At pages 75-76, paragraph 119. The decision is as follows:

"The outstanding fact to be borne in mind in this connection is that preventive detention has been given a constitutional status. This sinister-looking feature, so strangely out of place in a democratic constitution which invests personal liberty with the sacrosanctity of a fundamental right and so incompatible with the promises of its preamble is doubtless designed to prevent an abuse of freedom by anti-social and subversive elements which might imperil the national welfare of the infant Republic. It is in this spirit that clauses (3) to (7) of Article 22 should, in my opinion, be construed and harmonised as far as possible with Article 21 so as not to diminish unnecessarily the protection afforded for the legitimate exercise of personal liberty. In the first place, as already stated, clause (3) of Article 22 excludes a person detained under any law providing for preventive detention from the benefits of the safeguards provided in clause (1) and (2)."

This decision was given by Justice Patanjali Shastri in *Gopalan vs. The State of Madras*.

Therefore, in view of the decision of the Supreme Court, it is quite essential that such a law should be in exist-

ence. Some hon. Members have criticised the Bill and said that we must be sorry for the existence of such a law in our statute-book. I want to say that we must also be very sorry for those who have created the circumstances which have necessitated the enactment, existence and extension of the law of preventive detention. (*Interruptions*).

Shri Braj Raj Singh: You are the people who have created the circumstances.

Shri Naldurgkar: Therefore, I want to make this point very clear. I do not want to refer particularly to any Member of Parliament here, but would like to tell those people outside Parliament also that if they do not want the existence of such a law in our country, it is for them to create such circumstances that this law could be repealed. Therefore, I have already tabled an amendment and at the time of moving the amendments, I shall speak on them.

I am of the opinion that this law should form part of our statute-book. We have seen how the situation has developed. There is abundant evidence of it. There has been discussion in Parliament referring to facts as to how forces of separatism, anti-nationalism, communalism, parochialism, provincialism, linguism, etc., have been let loose. Not only will such elements endanger our internal security but they will also jeopardise our national interests. Therefore, in the interests of our nation and in the interests of our internal security also, it is necessary that such a law should be in existence at the present time.

Is it not a fact that some anti-social elements have been active in our border areas at the present time, when there are incursions by China on our frontiers? Is it not a fact that there has been anti-Indian and pro-Chinese propaganda in frontier area? These facts have been admitted and they have been discussed in Parliament and

outside, by the press and the whole country, and it is known that those elements are purposely acting in such a way that our whole national security should be jeopardised. What has to be done in such circumstances? (*Interruption*). I am fully convinced that these activities unless restricted properly in time will no doubt encourage the activities of those persons who want to indulge in subversive activities, and act against our national interests. No doubt, those anti-social elements are anxious because their activities will be hit by the provisions of this law.

Various people have argued that their fundamental rights have been suppressed. But in the same way, I want to point out that the Constitution has guaranteed the fundamental rights only for the legitimate exercise of those rights. If by illegitimate exercise of our fundamental rights we want to trample upon the rights for the fundamental rights of the other people, it is the Constitution and the law of the land that must come forward and safeguard the interests of our nation and also the fundamental rights guaranteed by the Constitution. Therefore, the arguments which have been advanced against the existence of this law or against the extension of this Act are fallacious are based on some presumptive motives and are based on such facts which are not justifiable as far as this measure is concerned. When our frontiers have been endangered, when there are incursions by China into India, when we want national unity and national concord, when we want to safeguard our territorial integrity, in these circumstances, it is quite essential that those elements who are acting against all these things must not only be prevented and detained temporarily, but they must be brought under the provisions of this law and detained permanently.

So many arguments have been advanced, but nobody has pointed out that there was no justification for the extension of this law. Some have

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stated that it is a sort of encroachment upon the fundamental rights. But they forget that there are constitutional restrictions upon them in the general interest of the society. I am quoting from the same decision—page 29:

“Per B. K. Mukherjee, J.—Article 19 of the Constitution of India gives a list of individual liberties and prescribes in the various clauses the restraints that may be placed upon them by law, so that they may not conflict with public welfare or general morality. On the other hand, articles 20, 21 and 22 are primarily concerned with penal enactments or other laws under which personal safety or liberty of persons could be taken away in the interests of the society and they set down the limits within which State control should be exercised. Article 19 uses the expression ‘freedom’ and mentions the several forms and aspects of it which are secured to individuals, together with the limitations that could be placed upon them in the general interests of the society. Articles 20, 21 and 22 on the other hand do not make use of the expression ‘freedom’ and they lay down the restrictions that are to be placed on State control where an individual is sought to be deprived of his life or personal liberty.”

In this Act, there is a provision for the constitution of an advisory board. There is also a provision that the grounds on which the detention is made should be mentioned and referred to the board. In the same way, the detenu is given a chance of representation. After considering all the points, the board is at liberty to come to its own opinion. If in the opinion of the board the detention is not justified, the person is released. There are some constitutional provisions there and those provisions have been upheld by the various High Courts and the Supreme Court.

So, all the arguments advanced against the extension of this Act are not justified and they are fallacious. Therefore, I support the extension of the Act and I also want to stress that this Act should be given permanent life in the statute-book.

Shri Achar: Mr. Chairman, Sir, I fully agree with the sentiments expressed by the opposition that liberty must be given the highest priority. Even 99 persons who are guilty may be let off, but even one innocent person should not suffer. I agree fully with the sentiments expressed by Shri Asoka Mehta, the leader of the P.S.P. and even by Shri Hiren Mukerjee. But the point we have to consider is, as the position stands in our country now and the way the law is respected, whether we can get on without a law of this kind. It is often said that you cannot find such laws in democratic countries. That is not correct. In a country which is often quoted as the most democratic country, the United States of America, even there we find an Act of this kind which empowers the Government to detain a person when necessary.

Shri Braj Raj Singh: The Act is there but not a single individual has been detained under that Act.

Shri Achar: I would like my friend to read a little about the United States of America and their laws.

Shri Braj Raj Singh: I know there is a law there, but not a single individual has been detained under that law.

Shri Achar: So, to say that in a democratic country you should not have such a law is not correct. Then it is said “take the case of England”. In England they have not got anything of this kind and it is a most democratic country, there is no doubt about it. But then comes the difference regarding the respect to law between India and England. We have got friends here who will start a disobedience of

law and *satyagraha* because everybody must speak in Hindi. There is a party and they will start *satyagraha* for that.

Shri Braj Raj Singh: Mr. Chairman, he is making an allegation against my party, which I repudiate. No *satyagraha* was started for the speaking of Hindi by everybody. That is not so.

Mr. Chairman: Order, order. Let the hon. Member have his say.

Shri Achar: I am not going to yield. I know that he is getting disturbed.

This is one extreme case. They have absolutely no respect for law. Then, on the other side, there are people who will say "we hate Hindi". They will erase every word if it is inscribed in Hindi. For that purpose, they will disobey the law. Of course, we have got the other linguistic extremes. Take, for instance, Assam or Punjab. Not on'y that. I remember, hardly about six months ago or a year ago—I do not

remember the exact time—in a border dispute regarding Mysore and Bombay the Maharashtrians and the Kannadigas started a civil disobedience.

Mr. Chairman: Is the hon. Member likely to take much more time?

Shri Achar: Yes.

Mr. Chairman: In that case, he might continue tomorrow.

16.59½ hrs.

BUSINESS ADVISORY COMMITTEE

FIFTY-EIGHTH REPORT

Shri Rane (Buldana): I beg to present the Fifty-eighth Report of the Business Advisory Committee.

17 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, December 2, 1960|Agrahayana 11, 1882 (Saka).

Thursday, December 1, 1960/Agrahayana 10, 1882 (Saka)

COLUMNS

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605	Master Plans for flood control	3247-50
606	Central Institute of fisheries education	3250-53
607	Loan for hotels	3254-59
608	Soil survey	3259-63
609	Inter-State movement of fertilizers	3263-66
611	Safe deposit lockers	3266-68
612	Dry dock at Visakhapatnam	3268-76
614	Decentralization of Administration	3276-80

WRITTEN ANSWERS TO QUESTIONS 3280-3336

S.Q. No.	Subject	
610	Regional Research-cum-Testing centres for Bullock-drawn implements	3280-81
613	Jet planes for A.I.I.	3281-82
615	Rural water supply schemes	3282
616	Master Plan for Rajasthan Canal Project Region	3282-83
617	Pochampad project	3283
618	I.A.R.I.	3283-84
619	Shipping freight rates	3284
620	Ayurvedic and Unani medicines	3285
621	P. & T. volunteers	3286
622	Air link to Vijayawada	3286
623	Amount missing from I.A.C. Calcutta office	3287
624	National Institute of Tropical Meteorology	3287-88
625	National Agricultural Intelligence Board	3288
626	Asian Highway	3288-89
627	Kurduwadi-Miraj-Latur link	3289
628	Levy of Health cess	3290
629	Import of wheat from Canada	3290-91
630	Willingdon Hospital	3291
631	Transport of steel by Railways	3291-92

WRITTEN ANSWERS TO QUESTIONS—contd.

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633	T.B. control	3293-94
634	C.H.S. Token Cards	3294
U.S.Q. No.		
1099	Railway Protection Force	3294
1100	Thefts on railways	3294-95
1101	Sugar production	3295-56
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1103	Nurses in Hospitals in Union Territories	3297
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1105	Railway out-agencies in U.P.	3298
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1107	National Rural Water Supply Scheme in Andhra Pradesh	3299-3300
1108	Loan for Indian Shipping	3300
1109	Ram Ganga River Project	3300-01
1110	P. & T. Buildings in Uttar Pradesh	3301-02
1111	Post & Telegraph offices	3302-03
1112	A.I.I. pamphlets	3303
1113	Rail link for iron ore mines	3303
1114	Drainage scheme for Cuttack	3304
1115	Co-operative Sugar Factory in Orissa	3304-05
1116	National Highway	3305
1117	Bridges on N.E. Railway	3305
1118	Vacuum brakes in N.E. Railway Mail trains	3306
1119	Rail-road Transport Co-ordination	3306
1120	Land and water resources	3307
1121	Janara Meals Service Scheme	3307-08
1122	Tinnevely-Cape Comorin Railwayline	3308
1123	Seed farms	3308
1124	Computation of overtime wages	3308-09
1125	P. & T. employes	3309

WRITTEN ANSWERS TO
QUESTIONS—*contd.*

U.S.Q. No.	Subject	COLUMNS
1126	Suratgarh farm . . .	3309—11
1127	Sleeper coaches . . .	3311
1128	Silting of Bhakra Reservoir	3311—12
1129	Minicoy Lighthouse . . .	3312
1130	Hindustan-Tibet road . . .	3313
1131	Central Mechanised Farm, Suratgarh	3314
1132	Mortality among live-stock	3314—15
1133	Shipbuilding	3315
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1135	Thermal plant in Kerala . . .	3316
1136	Survey of forest resources . . .	3316
1137	Ph. D. course in I.A.R.I. . . .	3316—17
1138	Bhakra water for Delhi . . .	3317
1139	Ships purchased under 'Pay while you earn' Scheme	3317—18
1140	Bombay-Agra road	3318
1141	Konkan Shipping Enquiry Committee	3318—19
1142	Air services from Bombay to Kolhapur	3319
1143	Tollygunge Railway over- bridge	3319—20
1144	Acquisition of land in Tripura	3320
1145	Train accident	3320—21
1146	Nationalisation of Medical services	3321—22
1147	Trachoma and Leprosy	3322
1148	Ships from Yugoslavia	3322—23
1149	Postal Peons	3323
1150	Scientific knowledge in agriculture	3323—24
1151	Diesel Car Service between Delhi and Moradabad	3324
1152	Milk powder	3324—25
1153	Godavari river basin	3325—26
1154	Payment of arrears to railway employees	3326
1155	Auction of timber in Andaman Islands	3326—27
1156	Station staff of Garh- Madhpur and Jenapur	3327—28
1157	Road bridge between Man- dapar and Pariban	3328
1158	Docks at Bombay	3328—29
1159	Rihand Dam	3329—30
1160	Use of Hindi forms by N.D.M.C.	3330

WRITTEN ANSWERS TO
QUESTIONS—*contd.*

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1163	Telephone connections in Amritsar and Nangal Dam	3333
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1165	Rate of electricity in Hima- chal Pradesh	3334—35
1166	Sugar factories	3335
1167	Use of Hindi numerals on Railways	3335—36
1168	Conversion of mileage into metric system	3336

PAPERS LAID ON THE
TABLE 3341—42

(1) A copy of Notification No. 214/32-2/60-j published in the Andaman and Nicobar Gazette dated the 26th October, 1960 containing the Andaman and Nicobar Islands Prevention of Food Adulteration Rules, 1960, under sub-section (3) of section 24 of the Prevention of Food Adulteration Act, 1954.

(2) A copy of each of the following Orders, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955 :—

(i) The Indian Maize (Prohibition of use in Manufacture of Starch) Amendment Order, 1960 published in Notification No. G.S.R. 1364 dated the 18th November, 1960.

(ii) The Madhya Pradesh Rice Procurement (Levy) Order, 1960 published in Notification No. G.S.R. 1405 dated the 24th November, 1960.

(iii) The Madhya Pradesh Rice (Movement Control) Amendment Order, 1960 published in Notification No. G.S.R. 1406 dated the 24th November, 1960.

(iv) The Inter-zonal Wheat Movement Control (Third Amendment) Order, 1960 published in Notification No. G.S.R. 1407 dated the 24th November, 1960.