

# LOK SABHA DEBATES

Sixteenth Session



सत्यमेव जयते

LOK SABHA SECRETARIAT  
New Delhi

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*No. 15—Tuesday, November 22, 1966/ Agrahayana 1, 1888 (Saka).*

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

LOK SABHA

Tuesday, November 22, 1966 | Agraha-  
yana 1, 1888 (Saka)

The Lok Sabha met at Eleven of the  
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Co-operative Stores

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\*421. **Shri P. R. Chakraverti:**  
**Shri H. C. Linga Reddy:**  
**Dr. P. N. Khan:**  
**Shri M. L. Dwivedi:**  
**Dr. M. M. Das:**  
**Shri S. C. Samanta:**  
**Shri Subodh Hansda:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) the number of big Co-operative Stores that have come up under Government's scheme to check the rise in prices after devaluation;

(b) to what extent the growth of big Stores has revealed malpractices in the traditional system;

(c) the steps taken to deal with the manufacturers who have their own "dummies" as wholesalers or stockists; and

(d) how far it is a fact that the practice of fixing list prices well above the retail prices has also been exposed as a device to provide unreasonable margins of profit?

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra): (a) to (d). A statement is laid on the Table of the House.

2155 (A) LS-1.

STATEMENT

(a) In the wake of devaluation, 19 department stores have come into being as part of the accelerated programme for consumers' cooperatives. In addition to these department stores 46 new wholesale stores have also been organised.

(b) Malpractices in the existing distributive trade, like hoarding of stocks with a view to creating scarcity, adulterating goods, and charging prices higher than those fixed etc. are well-known. The big department stores which have started functioning only recently have created a healthy impact on the distributive trade.

(c) There are generally too many middlemen between the manufacturers and the consumer, each retaining a share of profit. With a view to eliminating unnecessary middlemen the manufacturers of essential commodities as indicated below:

1. Baby Food
2. Edible Oils
3. Vanaspati
4. Matches
5. Electric bulbs
6. Cycle Tyres and Tubes
7. Soaps & Toiletries
8. Drugs and Medicines
9. Textiles
10. Paper and Paper Stationery
11. Dry Cells and Batteries
12. Soda Ash
13. Hurricane Lanterns

have been prevailed upon by the Government to meet the indents of consumer cooperative stores in full on priority basis at prices charged by them at the first point of distribution.

(d) It is a fact that the retail margin in certain commodities is

reasonably high and most retailers take advantage of this price difference.

**Shri P. R. Chakraverti:** How far the trends of prices following the setting up of the departmental stores show that there has been an effective control over inflation?

**Shri Shyam Dhar Misra:** I have got here a statement. I can read a part of that which gives the figures of July, August, September and October and the competitive figures in the open market and the Super Market. According to that.....

**Mr. Speaker:** Has that not been placed on the Table of the House?

**Shri Shyam Dhar Misra:** I can. This is a long statement.

**Mr. Speaker:** That may be laid on the Table and only the conclusion might be told to him.

**Shri Shyam Dhar Misra:** I lay this on the Table. [Placed in Library. See No. LT-7521/66]. It has had a definite effect and the prices are definitely cheaper ranging from 5 per cent to 20 per cent. In the case of vegetables, it is 20 to 25 per cent less. In the case of some other commodities, it is 4 to 6 per cent less.

**Shri P. R. Chakraverti:** May I know whether the departmental stores have been working as a price setter for the traditional dealers who have been getting profits which are not warranted by the normal channel of trade?

**Shri Shyam Dhar Misra:** Yes, Sir. That is what is happening. What is happening now is that most of the markets in Connaught Place and other areas are trying to follow the prices of Super Market which are generally cheaper.

**Shri H. C. Linga Reddy:** These departmental stores or cooperative stores are confined mostly to urban areas. May I know what steps Government have taken to open them in the rural areas so that essential commodities may be made available to the rural population at cheaper rates?

**Shri Shyam Dhar Misra:** This scheme is essentially for the urban areas and bigger towns. We have a small scheme of consumer stores in the rural areas and we are examining the whole scheme to intensify this in rural areas.

**Dr. M. M. Das:** May I know what has been the total amount involved in the setting up of these stores and what percentage of this has been realised by the sale of shares and whether there is any possibility in the near future of giving reasonable dividends to the shareholders?

**Shri Shyam Dhar Misra:** So far, the total amount given to the State Governments for the super markets has been of the order of Rs. 1.39 crores. This is both in the form of share capital and also in the form of grants and certain subsidies for management. Half of the amount is to be returned only after five years and the balance after another five years. As regards the profit and whether these stores will be able to give the dividends, it is too early to say. It is only for three months that they have been working.

**श्री म० ला० द्विवेदी :** ग्रामी मंत्री महोदय ने बतलाया कि देहाती क्षेत्रों में ऐम कोऑपरेटिव स्टोर खोलने की बात सरकार के विचाराधीन है। क्या सरकार ने इस बात का पता लगाया है कि रूरल एरियाज में, देहाती क्षेत्रों में, शहरों के मुकाबले कीमतें ज्यादा बढ़ी हुई हैं और चूँकि हमारे देश में अधिकतर जनता देहाती में रहती है, इस लिये पहले देहाती क्षेत्रों में कोऑपरेटिव खोलने की बात क्यों नहीं सोची जाती है, बाद में क्यों विचार किया जाता है ?

**श्री श्याम धर मिश्र :** मैंने यह नहीं कहा कि वहाँ पर ऐसे स्टोर नहीं हैं। जो दो लाख सोसाइटियाँ देहाती में काम कर रही हैं, उनमें 44 हजार सोसाइटियाँ कन्ज्यूमर स्टोर का काम करती हैं। उनकी सालाना सेल 110 करोड़ रुपये है, लेकिन उससे

हमें सन्तोष नहीं है, हम इस का और ज्यादा व्यापक बनाना चाहते हैं और इस बात की कोशिश कर रहे हैं कि उन स्कीम को व्यापक किया जाय। इस सम्बन्ध में प्लानिंग कमिशन से बात हुई रही है, मिनिस्टर्स कांफ़ेस में भी इससे चर्चा आई थी, इस सम्बन्ध में हम उचित कार्यवाही कर रहे हैं।

**Shri S. C. Samanta:** In part (d) of the question, the Government has admitted that the retail margin in certain commodities is unreasonably high. May I know what steps have Government taken to mitigate it?

**Shri Shyam Dhar Misra:** As regards the Super Market, as I stated, I am going to lay a statement on the Table of the House which shows that the margin charged by the Super Market is less than that charged by the other retail dealers. As regards the decrease of prices of manufactured items, that will be a separate question. This is only regarding distributive trade.

**Shri Subodh Hansda:** Some of the manufactured items are given to the wholesalers on commission basis. I would like to know whether these Co-operative Stores also sell these consumer goods like baby food, etc., by giving a part of the commission to the consumers.

**Shri Shyam Dhar Misra:** As a matter of fact, there is a rebate system which has just been started from 1st November by the Super Market and according to that, the member-consumers are given a certain rebate of one or two per cent on certain items; it is not given on all items and to all persons.

**श्री गुलशन :** क्या यह सत्य नहीं है कि देहानों में रहने वाले लोगों की संख्या 80 प्रतिशत में अधिक है। जब कोई नई सुविधा शहर में मिलती है, तो क्या कभी सरकार ने इतनी बड़ी संख्या में रहने वाले लोगों को भी वज़ सुविधा देने के लिये विचार किया है ? यदि किया है, तो क्या ?

**श्री इयाम धर मिश्र :** इस प्रश्न का जवाब मैं पहले दे चुका हूँ, श्रीमन् ।

**श्री गुलशन :** मेरे सवाल का जवाब नहीं आया ।

**अध्यक्ष महोदय :** यह सवाल पहले पूछा गया था और इसका जवाब वह दे चुके हैं ।

**श्री गुलशन :** गांवों में लोगों को बहुत दूर जाना पड़ता है ।

**अध्यक्ष महोदय :** गुलशन जी, यही सवाल अभी पूछा गया था और इसका जवाब दिया गया था, आपकी तबज़ह उस वक्त शायद उस तरफ़ नहीं थी ।

**Shri Firodia:** May I know whether the pattern of the Super Market is the same in all Capitals where they have been started?

**Shri Shyam Dhar Misra:** During the last session I had given the pattern of the organisation. It is not the same; it depends on the size of the cities; it ranges between cities having population from 2 to 5 lakhs, 5 to 10 lakhs and metropolitan towns. There is also a small difference on the size of the Super Market—the area, etc. Besides that, there is no difference.

**श्री सरजू पाण्डेय :** प्रभा माननीय मंत्री जी ने बताया कि देहानों में कन्ज्यूमर सोसाइटियों खोलने का विचार है। मैं यह जानना चाहता हूँ कि क्या ये जो कन्ज्यूमर सोसाइटियों की स्थापना होगी, वह किसी खास आबादी के गांवों में होगी, क्या आम तौर से इसके लिए कोई नियम सरकार ने बनाये हैं, यदि बनाये हैं तो वे क्या हैं ?

**श्री इयाम धर मिश्र :** श्रीमन्, इस पर विचार हो रहा है। यह विषय पिछली मिनिस्टर्स कांफ़ेस में, जो दो महीने पहले हुई थी, भी आया था। राय यह है कि ये 44 हजार सोसाइटियां कुछ ही प्रदेशों में

केन्द्रित है, इस लिये जैसे पी० एल० डब्लू० सर्किल होता है, हर जगह कोई न कोई सोसाइटी निश्चित रूप से हो जाय ऐसा प्रयत्न किया जाय। अभी अन्तिम निर्णय नहीं हुआ है, इस लिये अभी कुछ कहा नहीं जा सकता है।

**Super Bazar, New Delhi**

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- \*422. **Shri P. C. Borooah:**  
**Shri Bhagwat Jha Azad:**  
**Shri S. C. Samanta:**  
**Shri Subodh Hansda:**  
**Shri M. L. Dwivedi:**  
**Shri Sivamurthi Swamy:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that Super Bazar, New Delhi has failed in its objective of holding the prices of essential commodities like vegetable ghee, oils, soaps, pulses, cloth, footwear and dry fruits;

(b) if so, how far the prices of each of these items have increased since 4th June, 1966 (showing both the comparative prices and percentage rise of each item); and

(c) the reasons therefor?

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra): (a) The Super Bazar, which is an agency for equitable distribution cannot neutralise the rise in prices affected at the level of producers or manufacturers. It can only reduce the price-spread attributable to the distributive trade and this objective has been fairly well achieved.

(b) and (c) A statement is laid on the Table of the House. [Placed in Library. See No. LT-7376/66].

Shri P. C. Borooah: Since the prices of the commodities have increased considerably even in the supermarket may know whether the prices of

essential commodities are still allowed to be fixed by private handlers who are creating a price rise by creating some artificial scarcity? If that is so, may I know why Government have not been able effectively to deal with these hoarders despite the powers given to them under the Essential Commodities Act or even under the DIR?

Shri Shyam Dhar Misra: The process of most of the essential commodities have not risen since the functioning of the supermarket, except in the case of cloth and soap. I have a statement here which shows that the prices of vegetable ghee have gone down; the prices of oil have gone down; the prices of pulses in some cases have gone down. But in the case of dal and gram the prices have slightly gone up. It is only in the case of soap and cloth that the prices have gone up by a little. We are constantly trying to see that the prices do not go up but the manufacturers raise their prices on the plea that the prices of the raw materials which are used in the manufacture are getting higher. We are constantly in negotiation with them, and we are trying to see that there is no increase in the prices of the manufactured items.

Shri P. C. Borooah: The hon. Minister has said just now that the prices of vanaspati ghee have gone down. But our information and also the paper reports show that the prices have increased by about 15 to 20 per cent. and the prices of grams, pulses and dal's have increased by 20 to 25 per cent. When the superbazar system has failed in regard to these commodities, may I know why these commodities are not being brought under the rationing system in Delhi and other places?

Shri Shyam Dhar Misra: May I say that the prices of vegetable ghee showed a rising trend in August and September, 1966 as the manufacturers revised their prices due to higher cost of indigenous raw materials but as a result of arrangements made by Government for the import of edible

oil from abroad, the manufacturers revised the prices downward from 1st October, 1966? The prices have further been reduced from 1st November, 1966. Loose Dalda per k.g. is now sold for Rs. 5.41 which is less than what it was before.

**श्री भागवत झा साजिव :** क्या यह बात सच नहीं है कि सुपर बाजार में साबुन जैसी चीजों की कीमत इसलिए बढ़ गई है कि इसमें सुपर बाजार का दोष नहीं है बल्कि उत्पादक अपने दामों को बढ़ा रहे हैं और क्या सरकार का ध्यान उस स्टेटमेंट की ओर आकृष्ट हुआ है जिसमें सुपर बाजार के अधिकारियों ने बताया है कि उनको उत्पादन का एक निश्चित कोटा हर समय पर मिले तभी वह कन्ज्यूमर की मांग पूरी कर सकेंगे ? अगर ध्यान आकृष्ट हुआ है तो इसको निश्चित करने के लिए सरकार ने क्या कदम उठाये हैं ?

**Shri Shyam Dhar Misra:** As I said earlier, it is true that the prices of soap have gone up recently because the prices charged by the manufacturers, on account of the higher cost of raw materials, have increased. It is not a fact that the manufacturers of soap are not giving the quantities required for the super market. They are giving those quantities, but they give them at increased prices, and even on that there is a difference between today's retail price of soap in the general market and today's price of soap in the supermarket. Therefore, the supermarket is only able to reduce the margin because of the distributive arrangements but it cannot reduce the price of the manufactured item itself.

**Shri S. C. Samanta:** Is it true that the establishment expenditure for this superbazar is increasing day by day, and if so, will the prices of the commodities be affected by it?

**Shri Shyam Dhar Misra:** It is true that the number of employees is increasing and the administrative cost

is increasing. But it is equally true that the turnover is increasing and therefore, there is no question of any apprehension on that account.

**Shri Subodh Hansda:** Are Government aware of the fact that some of the commodities which are not manufactured items, such as pulses, grams, and vegetables are charged a higher price in the supermarket as compared to that charged outside the supermarket?

**Shri Shyam Dhar Misra:** It is definitely not so. I can give....

**Shri Subodh Hansda:** If you will go with me to the bazar, we can see for ourselves.

**The Minister of Food, Agriculture, Community Development and Co-operation (Shri C. Subramaniam):** Then do not purchase from the Super Market; purchase from the other market.

**Shri Shyam Dhar Misra rose—**

**Mr. Speaker:** If it is a statement, that might be laid on the Table.

**श्री म० ला० द्विवेदी :** अध्यक्ष महोदय, जो सदन के पटल पर बक्तव्य रखा गया है उसमें बतलाया है कि साबुन की कीमत में केवल 7 प्रतिशत वृद्धि हुई है जब कि यह बात सत्य नहीं है। सत्य यह है कि त्रिवैल्युएशन के पहले साबुन की कीमत 48 पैसे और 50 पैसे थी। फिर 62 पैसे हुई, फिर 67 और अब 72 पैसे है। तां 32 और 33 प्रतिशत की वृद्धि इस तरह से हुई है। इसके बारे में मंत्री महोदय कहते हैं कि उत्पादक बढ़ा रहा है जब कि दूसरे उत्पादक नहीं बढ़ा रहे हैं, तां मैं जानना चाहता हूं कि उत्पादकों पर क्या सरकार का कोई नियंत्रण नहीं है ? इनी प्रकार स्टेटमेंट में बतलाया है कि दाल की कीमतें फल-फल इन प्रोडक्शन की वजह से बढ़ी हैं। दालों फसलों के बाद आती हैं। उनसे पहले नहीं आती हैं। तां जून के बाद न उत्पादन घटा है न बढ़ा है। तां इस प्रकार की गलत बयानी से मंत्री महोदय क्या फायदा

उठाना चाहते हैं ? सही जवाब क्यों नहीं देते ?

**श्री श्याम धर मिश्र :** श्रीमन्, पता नहीं माननीय सदस्य इस नज़ीजे पर कैसे पहुंचे कि हम गलत वक्तव्य दे रहे हैं। मैं यह कहना चाहता हूँ कि जो मैंने कहा है वह बिल्कुल सही है। चार महीने पहले जिसका कि माननीय सदस्य ने जिज्ञा किया जुलाई हो सकता है या अगस्त हो सकता है। जुलाई की बात मैं कर रहा हूँ। पोस्ट डीवैल्पमेंट की बात है, जब से सुपरमार्केट शुरू हुआ, उस समय

**श्री म० ला० द्विवेदी :** मैं स्पष्ट कर देना चाहता हूँ। मैंने यह मदन में कहा था कि डीवैल्पमेंट के पहले कुछ निर्माताओं को यह बात मालूम हो गई थी कि डीवैल्पमेंट होने वाला है और उन लोगों ने पहले ही से दाम बढ़ा दिए थे।

**अध्यक्ष महोदय :** आप जवाब पहले सुन लें।

**श्री श्याम धर मिश्र :** जुलाई में सन-लाइट साबुन का बाजार भाव 60 पैसे था और उस समय सुपर मार्केट में वह 58 पैसे का था। लक्स का भाव बाजार में 70 पैसे था और सुपर मार्केट में 66 पैसे था। अब क्या है वह भी मैं बता देना चाहता हूँ। वैसे मेरे पास माहवार स्टेटमेंट अगस्त और सितम्बर का भी है। लेकिन मैं अक्टूबर का बताता हूँ। अक्टूबर का भाव ओपन मार्केट में सनलाइट का 65 पैसे था और सुपर मार्केट में 63 पैसे था। लक्ष्म का ओपन मार्केट में 73 और सुपर मार्केट में 72 पैसे है। तो यह बात बिल्कुल गलत है कि 30 परसेंट प्राइस चार महीने में बढ़ा दी गई। हमारे पास जो स्टेटमेंट है वह कहता है कि ऐसी प्राइस नहीं बढ़ी।

**श्री म० ला० द्विवेदी :** दालों के शार्ट-फाल के बारे में नहीं बतलाया।

**अध्यक्ष महोदय :** अब एक सवाल का ही जवाब इतना लम्बा आया तो मैं दूसरे की इजाजत कैसे दे सकता हूँ।

**Dr. L. M. Singhvi:** Government realise that while their intention to help the consumers to obtain commodities at fair prices is a welcome expression of intent, what actually happens is that a solitary, inadequate and makeshift arrangement of a super bazar in Delhi does not have any appreciable impact? I would like the hon. Minister to tell us as to what is the policy in this regard, particularly in Delhi, and whether some measures would be taken to see that this device is able to have a proper impact on the consumers, economy in the country as a whole.

**Shri Shyam Dhar Misra:** This schemes was started three or four months ago. Now we are planning to have about 57 super markets in the country by the end of March 1967. In Delhi itself, while we started with one, now we have three super markets, the first one in Connaught Place, the second in the INA colony and the third, Co-ops. again in Connaught Place. We are planning to have two or three more one in Karol Bagh, one in Ramakrishna Puram and subject to availability of space, one also in Chandni Chowk.

Therefore, we have an ever-expanding programme. Subject to organisational difficulties and other things, this expansion would be there and it would make an impact.

**Shrimati Savitri Nigam:** The opening of the super market has had a very salutary effect on the prices of all consumer goods. While I welcome the programme of opening new super bazars, I would like to get this process expedited by starting some mobile vans which could supply the goods at the super bazar rates and which may be conducted by the super bazar authorities, which could go to the various areas and distribute the things. Has the Minister got any such plan?

**Mr Speaker:** She has made some suggestions; she could give the whole



scheme which could be utilised by the Minister; rather the Minister might approach the hon. Member to get all the plan.

**श्री यशपाल सिंह :** जब यह सुपर बाजार बना तभी मैंने कहा था कि यह सुपर और लोअर समाजवाद की स्पिरिट के खिलाफ है। आज सुपर बाजार की हालत जो है उस को आप स्वयं चल कर देख सकते हैं। जो खराब से खराब फल होगा वह वहां होगा, जो सड़ी से सड़ी सब्जी होगी वह वहां होगी, जो इन्फोरियर क्वालिटी की काफी होगी वहां वहां मिलेगी।

**Shri Bhagwat Jha Azad:** It is absolutely wrong; they are baseless allegations.

**श्री यशपाल सिंह :** मैंने बीस दफे जाकर देखा है। जो मोस्ट इन्फोरियर क्वालिटी होती है वह वहां रक्की जाती है, खास कर फलों और सब्जियों में।

**श्री भागवत ज्ञा आजाद :** यह गलत है।

**अध्यक्ष महोदय :** आप सवाल कीजिये।

**श्री यशपाल सिंह :** मेरे कहने का मतलब यह है कि इतनी सुपर बाजारों के बनने के बाद भी जो सारे दिल्ली का क्लेरिकल स्टाफ है उसे कोई फायदा नहीं होता क्योंकि जब वह दफ्तर से निकल कर आता है तभी वहां की घंटी बज जाती है कि घुसने का टाइम नहीं रहा। बजाय इसके कि आप इतने सुपर बाजार कायम करें एक ही सुपर बाजार में ऐसा कायदा क्यों नहीं रखा जाये कि सारे स्टाफ को इकट्ठा करके बारी-बारी से वहां भेजा जाये और वह देर तक खुला रहे।

**Mr. Speaker:** It is a suggestion for action. Shri Varma may now put his question.

**श्री म० ला० वर्मा :** भारतीय संघी महोदय का कहना है कि कर्मचारी घंटी है और हमारे पार्लियामेंट के मेम्बरो का कहना है कि कीमते बढ़ी हैं। क्या कोई ऐसा तरीका नहीं निकल सकता जिससे यह मानूँ हो सके कि दरअसल प्रती: प्होडप की जानकारी सही है या हमारी जानकारी सही है।

**श्री इयाम धर मिश्र :** मैंने यह नहीं कहा कि मैनुफैक्चरर्स प्राइस घटी है। मैंने कहा कि डिस्ट्रीब्यूशन अरेंजमेंट में जिस समय से सुपर बाजार आया है तब से रिटेलर का जो मार्जिन आफ प्राफिट है उसमें कमी आई है। तबीजा यह दृष्टा है कि प्राइसेस घटी हैं। दूसरी बात मैंने यह कही कि चार महीनों में चीजों के जो दाम बढ़े थे, गवर्नमेंट के अरेंजमेंट से वह कम हो गये। इस के बारे में अब जब चाहे जानकारी हासिल कर लीजिये।

#### Subsidy for I.A.C.

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\*423. **Shri S. C. Samanta:**  
**Shri M. L. Dwivedi:**  
**Shri Subodh Hansda:**  
**Shri Bhagwat Jha Azad:**  
**Shri P. C. Borooha:**  
**Dr. M. M. Das:**

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that about 30 per cent. of the trunk route traffic of the I.A.C. is on the expense account and that business travel accounts only for small earnings to offset the needs of the I.A.C.;

(b) whether I.A.C. have asked for any subsidy in this regard; and

(c) if so, the amount asked for and Government's decision in the matter?

The Minister of State in the Ministry of Transport and Aviation (**Shri C. M. Poonacha**): (a) Indian Airlines Corporation have no means of asses-

sing the percentage of trunk route traffic on the expense account. However, besides the business expense account travel, there is also tourist traffic on interline tickets moving on the trunk routes.

(b) No, Sir.

(c) Does not arise.

**Shri S. C. Samanta:** May I know whether the income of the IAC has been affected by the go-slow process resorted to by the IAC employees, especially the pilots?

**Shri C. M. Poonacha:** This question does not precisely arise out of this question. However, there has been some effect on the revenues of the IAC because of certain methods adopted by its employees.

**Shri S. C. Samanta:** Is it true that the commission given to the travel agents is very high and it is becoming higher and higher, and if so, whether there is any proposal to discontinue it and keep this work in the office of the IAC itself?

**Shri C. M. Poonacha:** The commission that is payable to the various booking agents is not very high. There is no proposal to dispense with this arrangement at the moment.

**Shri Subodh Hansda:** Is it a fact that in some of the services like the Dakota services which are operated on short routes, the IAC is losing on all the short routes and, if so, do the Government propose to change the services on all those short routes to some other services?

**Shri C. M. Poonacha:** It is a fact that on the short routes, less intensity routes, we are losing, the reasons being that we are still operating the DC-3 type aircraft which is very expensive, its operational running expenses are quite high. There is a proposal with IAC to replace the piston-engined DC-3 aircraft by the jet type aircraft. The matter is under active consideration.

**श्री स० ला० द्विवेदी :** अभी मंत्री महोदय ने बतलाया कि एक्सपेंस अकाउंट के सम्बन्ध में उनके पास पंजा लगाने का कोई जग्या नहीं है । मैं जानना चाहता हूँ कि बिजनेस अकाउंट पर और टूरिस्ट अकाउंट पर कुल कितने प्रतिशत अर्निंग होती है जिससे आपको पंजा चल सके कि एक्सपेंस अकाउंट पर कितना है ।

**Shri C. M. Poonacha:** This may be of some academic interest. Expense account passengers are those who do not directly pay themselves but whose expenses are borne by the authority concerned for whom they work. An assessment was made by the National Council of Applied Economic Research sometime back. It was found that about 39.8 per cent of travellers travel on expense account. The rest pay directly. They may be business people, tourists, students and professionals. This is the result of a very limited enquiry made by this institution. We do not have any other information.

**श्री स० ला० द्विवेदी :** मेरा प्रश्न दूसरा था । मेरा प्रश्न यह था कि आई० ए० सी० के अकाउंट पर ट्रेवलर्स जो पे करते हैं, टूरिस्ट जो पे करते हैं वह कितने प्रतिशत हैं सरकार के हिसाब से । किसी एकात्मिक सर्वे के हिसाब से मैं नहीं पूछ रहा हूँ । गवर्नमेंट के हिसाब से पूछ रहा हूँ ।

**Shri C. M. Poonacha:** About 13 per cent of tourist class and 12 per cent of officers class.

**Shri Bhagwat Jha Azad:** Is it not a fact that in spite of the tight position of the IAC, the revenue of IAC can be increased by rationalising the booking position? A large number of foreign tourists have got a very bad opinion of IAC compared to Air India because though the seats are available booking is not done. The practice of businessmen booking a large number of seats and cancelling them at the last moment is largely prevalent in IAC. Can you remove that and improve the financial position of IAC?

**Shri C. M. Poonacha:** The attempt is to improve the position as far as possible. We are making every effort to see that IAC do carry the maximum number of passengers on each of its services. The present load factor itself is quite high. On certain routes it is as high as 85 per cent. With the load limitations, that is the maximum we can carry. There are certain practical difficulties in our way both by way of limited fleet position and the type of aircraft we are operating at present. These would be remedied as soon as clearance is given to the new jet type of aircraft.

**Shri P. C. Borooh:** May I know whether the high cost of IAC flights is attributable to the use of of age-old and absolute aircraft and if so, what is the plan in the Fourth Plan for improving the aircraft or replacing these out-dated aircraft which are very costly to operate?

**Shri C. M. Poonacha:** I have answered. Our proposal is to replace the Dakotas with jet type aircraft.

**Dr. M. M. Das:** During the last few years, the relationship between IAC and its employees has not been happy and there is always some trouble and some grievance, artificial or imaginary which the employees have against the management. This is to a large extent responsible for the unhappy financial condition of the organisation. What is the plan of Government to see that the relationship is improved?

**Shri C. M. Poonacha:** That is the object that the management has in view—to have the very best relationship with the employees. IAC is a very big employer employing about 7 to 8 thousand people of all categories. Here and there we do have certain difficulties which are being resolved from time to time. Generally speaking, it is not as bad as what is made out.

**श्री मधु लिमये :** आई० ए० सी० के लिये जो हवाई जहाज खरीदे जा रहे हैं उसके

बारे में मंत्रालय के पास कोई शिकायत आई है कि वे गलत ढंग से खरीदे जा रहे हैं अतः यदि इस तरह की शिकायत आई है तो मैं जानना चाहता हूँ कि मंत्रालय के पदाधिकारी और आई० ए० सी० के पदाधिकारियों का एक होना इसकी जड़ में है? अगर है तो दोनों को अलग करने के बारे में क्या कार्यवाही की जा रही है?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** Sir, till now we have not received any specific complaint about this. But the second part is very relevant. I have also promised on the floor of the House that I shall consider this, that the Secretary of the Department should not be Chairman of the Corporation. In a few days time we are taking a decision and, perhaps, before the Parliament adjourns it will be decided.

**श्री विभूति निष :** क्या यह सही है कि आई० ए० सी० को कर्मशायल लाइज पर नहीं चलाया जाता है, सरकारी लाइज पर चलाया जाता है इस कारण से इसको घाटा होता है? आप देखें कि होता क्या है। अगर आप टेलीफोन करें कि हमको जगह चाहिये यहां से यहां तक तो कह दिया जाता है कि जगह नहीं है जब कि जगह काफी खाली रहती है। अभी हाल में 17 तारीख को मैंने मंत्री महोदय को यह दिखाया था कि पटना के लिये 18 जगहें खाली पड़ी हुई थी लेकिन कह दिया गया कि जगह खाली नहीं है। इस परिस्थिति में सुधार करने के लिए सरकार कोई कार्रवाई कर रही है?

**Shri C. M. Poonacha:** There are certain difficulties which are normally not quite appreciated. The difficulties are the load factor, the freight may be more which might restrict that is to say the committed freight may be more during certain flights—the passengers' take-in, the fuel element is also a factor and on the routes which touch

ever so many points each point has a certain number of reservations. Supposing a plane operates from here to Calcutta via Lucknow, Patna and Allahabad, for each station they have got to keep a certain number. We cannot fill up the whole plane from here with direct passengers to Calcutta denying opportunities to passengers at intermediate stations. There are so many other difficulties. Subject to these things the best effort is made to take as many passengers as possible in all sectors because that is our bread and butter.

**Shri Sinhasan Singh:** Last year due to the war with Pakistan many route services of IAC were suspended. May I know whether the Government has agreed to restart them including the Gorakhpur service?

**Shri C. M. Poonacha:** The matter is still under consideration. The direct flights connecting various cities in Pakistan have not yet been resumed but over-flights over India as well as Pakistan by our scheduled services have been permitted and we are now doing it (*Interruptions*).

**Shri Sanjiva Reddy:** I have understood the hon. Member. He is asking about flights suspended in India. I know, to some places the services were suspended. When we can secure the necessary planes we hope, in the near future, we will be able to start them.

**Shri Sinhasan Singh:** "In the near future" means?

**Shri Surendranath Dwivedy:** Wait for the next elections.

**Shri S. M. Banerjee:** May I know whether it is a fact that IAC was to purchase Avro-748 from the Defence Ministry, planes manufactured in Kanpur, for which orders were also placed; if so, the total number of aircraft they need and whether any of those aircraft has been completed by the Defence Ministry? If they have not completed, may I know the reasons for that?

**Shri C. M. Poonacha:** The proposal to buy about 15 Avro from HAL, Kanpur has been decided but the availability is not made clear. The first aircraft which was promised to be delivered by the end of this year is not likely to be delivered till perhaps sometime in March. So, there is some difficulty about the delivery position, so far as HAL is concerned. As for buying Avro from HAL for IAC, we have come to a decision that we might go in for about 15 Avros for Dakota replacement.

**Shri P. Venkatasubbaiah:** May I know whether Government propose to start a commercial air service to Tirupati, which is an all-India pilgrim centre, and whether there is a proposal before the Devasthan to construct an airstrip there?

**Shri C. M. Poonacha:** That question will be kept in view. If the traffic justifies and the aircraft position improves, we might consider such a step.

**Shrimati Savitri Nigam:** I would like to know whether the hon. Minister is aware that because of the delays, which are now becoming a normal routine, many of the IAC passengers have to miss the connecting planes and have to undergo great inconvenience. Is the Minister taking some steps to eliminate these delays and also to look after those passengers who miss the connecting flights, in the same manner as it is being done in the international lines.

**Shri C. M. Poonacha:** As I mentioned earlier, we are working with a very tight fleet position. Therefore, certain unavoidable delays are taking place in connecting services. That would be remedied as soon as we receive the new aircraft, which we are expecting very soon.

#### Consumers' Price Resistance Movement

\*424. **Shri Shree Narayan Das:** Will the Minister of Food, Agriculture,

**Community Development and Co-operation** be pleased to state:

(a) whether any assessment has been made as to the extent the consumers' price resistance movement has been progressively spreading in the country;

(b) whether Government have in any way encouraged the movement;

(c) if so, the manner and extent of doing so; and

(d) whether this movement has been able to check the rise in prices to any extent?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) No, Sir.

(b) Yes, Sir.

(c) The Government of India have suggested to the State Governments that wherever genuine price resistance movement or other consumer movement springs up, the spirit underlying the movement should be taken advantage of for enthusing, revitalising and strengthening the cooperative consumer movement in the country.

(d) Since no countrywide assessment of the impact of the movement has been made, it is not possible to make any categorical reply.

Nevertheless, in De'hi the movement has proved useful.

**Shri Shree Narayan Das:** The hon. Minister has answered in the negative to part (a) of the question. In view of the fact that Government is taking interest and is also encouraging the movement, may I know whether any effort will be made by the Government to make an assessment of the impact of the movement?

**Shri Shyam Dhar Misra:** Part (a) of the question was whether any assessment has been made for the country as a whole and I said "No, Sir". But in answer to part (d) of the question I have said that it has made a limited impact in certain areas in Delhi. At this stage, I would like to say that

it is a non-official organisation trying to create awareness among the consumers that its success depends on organisation and various other factors, not dependent on the Government. To the extent any help is necessary, Government will certainly give that help.

**Shri Shree Narayan Das:** In view of the fact that the manufacturers and dealers have very good organisation throughout the country and thereby they control the prices, I would like to know whether the Government will encourage the formation of such organisations in various parts of the country with a view to checking the rise in prices, which is done by the organised associations of manufacturers and dealers?

**Shri Shyam Dhar Misra:** Government is trying to encourage this movement. As a matter of fact, we have requested the State Governments that they should also encourage this movement in every possible way.

**श्री जगदेव सिंह सिद्धान्ती :** क्या सरकार को यह पता है कि मूल्यवृद्धि को रोकने का आन्दोलन उस समय छेड़ा जाता है कि जब कि किसान की फसल पैदा होकर मंडी में जाती है और उसके बाद यह दब जाता है ? यदि हाँ, तो क्या सरकार ऐसा इन्तजाम करेगी कि इस आन्दोलन को प्रोत्साहन उस समय दिया जाए जब किसान की पैदावार का उचित मूल्य उसे मिल चुके और उसकी फसल मंडी में चली जाए ?

**श्री श्याम धर मिश्र :** यह मूवमेंट केवल किसान के गले की इलाका में तालुक नहीं रखता है। इसका तालुक तमाम उन ज.खों से है जो कन्ज्यूमर्स यूज करते हैं।

**श्री जगदेव सिंह सिद्धान्ती :** अत्र भी उसी में है।

**श्री श्याम धर मिश्र :** सरकार ने यह स्वयं स्वीकार किया है कि किसान को ईमैनेटिव प्राइस दी जाए। उसके लिए एग्जिक्यूटिव

प्राइसिस कर्मिणन बलम से एप्रिकल्कर मिनिसट्री में बगबर काम कर रहा है. उस पर कार्रवाई हो रही है ।

मुझे इन दोनों मूवमेंट्स में कोई कान्फ्लिक्ट प्रतीत नहीं होता है ।

**Shrimati Renuka Ray:** In reply to part (b) of the question, the Minister has said that the Government is helping this price resistance movement. I would like to know, apart from verbal sympathy, where certain women's organisations and others have approached Government for help, what kind of concrete help has so far been given and what is contemplated to be given in regard to helping the price resistance movement.

**Shri Shyam Dhar Misra:** When this movement was started in Delhi 1½ years ago, this organisation wanted to start a coffee house and the Government actually gave them some building. That coffee house is running in a corner of Connaught Place and is working very well. Therefore, to that extent Government has helped them. If they require any other concrete help, we are always willing to consider that.

**Mr. Speaker:** Ladies ask about women's organisation. If they have applied.....

**Shri Hem Barua:** I understand, Sir, that the Parliament House canteen is going to be managed and run by a women's organisation. The women's organisation is interested in changing our food habits. So, that was very alarming news for me.

**Mr. Speaker:** The report of the two Chairman was that it might be entrusted to women. I have agreed to that. They might run it.

**Shri P. R. Chakraverti:** What form of special facilities are made available to this movement?

**Shri Shyam Dhar Misra:** As I said earlier, this is a completely voluntary organisation. This is linked up with

our National Consumer Service. Also, they go on assessing and creating awareness among the people. In one case they wanted some land and building and, as I said, that was given. Now, this movement has also started in one or two States—Andhra Pradesh, Madhya Pradesh, Madras and Pondicherry—but in a very limited way. I do not know what else he wants from me.

#### Price Stabilisation Committee

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\*425. **Shri S. M. Banerjee:**  
**Shri Daji:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether a final decision has been taken to have Price Stabilisation Committee both at the Centre and State levels;

(b) if not, the reasons therefor; and

(c) the steps taken to check the rise in prices of foodgrains?

**The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon):** (a) and (b). The Government of India have already set up an Agricultural Prices Commission in January, 1965 to provide advice on a continuing basis on agricultural price policy with a view to evolving a balanced and integrated price structure in the perspective of overall needs of the economy and with due regard to the interests of the producer and consumer. At present, there is no proposal to appoint such Commission at the State level.

(c) Some of the steps taken to check the rise in prices are: increased distribution of foodgrains through ration/fair price shops, intensification of internal procurement, increased imports from abroad, restrictions on inter-state movement on private trade account, and tightening up of restrictions on bank advances against foodgrains, etc.

**Shri Ranga:** What about stopping inflation? That you will not do.

**Shri S. M. Banerjee:** This was one of the recommendations of the Asoka Mehta Committee. In view of the fact that this Government has miserably failed to hold the price line and to stabilise it at a reasonable level, why is it that all-party committees are not being formed both at the Centre and at the State level to see that prices do not increase unreasonably?

**Shri Govinda Menon:** It is for the State Governments to set up committees.

**Shri S. M. Banerjee:** I said, both at the Centre and in the States.

**Shri Govinda Menon:** At the Centre there is the Agricultural Prices Commission and Government think that that is sufficient.

**Shri S. M. Banerjee:** My question was this. When I talk of price stabilisation, it is not about agricultural produce only. There are other articles a'so which go in the market. There is much difference between the wholesale price and the retail price and we have to purchase articles at the retail price. The Government promised that an All-Parties Committee will be formed to check the prices. I would like to know whether such a Committee has been formed or is likely to be formed both at the Central and the State levels.

**Shri Govinda Menon:** That is not contemplated presently.

**Shri S. M. Banerjee:** I would like to know whether it has been brought to the notice of the Government that in the market the difference between the retail price and the wholesale price is so much that the person who wants to purchase from the retail shop has to pay much more than the one who purchases from the wholesale shop. May I know what steps the Government have taken to see that the difference is narrowed down to the minimum?

**Shri Govinda Menon:** One of the steps taken is the setting up of co-operatives as mentioned by my colleague a little while ago. Then again, the public distribution system is attempted to be extended very significantly and where the public distribution takes place, this difference as pointed out by the hon. Member between the retail price and the wholesale price does not exist.

**श्री विभूति मिश्र :** सरकार ने पहले एक एग्रीकल्चरल प्राइसिज कमीशन नियुक्त किया था और अब एक फूडग्रैज पालिसी कमेटी बनाई है, लेकिन इन दोनों में केवल उन लोगों को रखा गया है, जो कन्ज्यूम्स के पायंट ब्राफ व् यू को रिप्रेजेंट करते हैं, न कि प्रोड्यूसर्स के पायंट ब्राफ व् यू को। क्या सरकार यह सोच रही है कि खेती से सामान पैदा करने वालों को या किसानों को या उनका दृष्टिकोण रखने वालों को इस कमेटी में रख कर कृषि-उत्पादन के उचित मूल्य-निर्धारण में सहायता ली जाये ?

**Shri Govinda Menon:** The Agricultural Prices Commission is composed of economists and they take into consideration the requirements of the consumer as also the needs of the producer to get an economic price.

**Shri Ranga:** Question.

**श्री विभूति मिश्र :** मैं यह जानना चाहता हूँ कि इस कमीशन में कितने इकोनोमिस्ट्स हैं, कितने किसान हैं, कितने खेती की उपज करने वाले हैं।

**Shri Govinda Menon:** In a matter like this, where for the entire country, for all the States in the country, a minimum price and other price arrangements have to be made, it is the view of the Government that it is a job for experts.

**Mr. Speaker:** Shri Indrajit Gupta.

**Shri Bhagwat Jha Azad:** What do you mean by experts? Do you mean to say that producers or farmers are not experts? You are condemning all

the farmers and producers in this country.

**Shri Indrajit Gupta:** Just now the hon. Minister has emphasized that, what he calls the public distribution system, that is to say, rationing, is going to be further extended as a main step for stabilising the prices. May I know from him whether it is not a fact that actually the Government has decided that their earlier decision to extend rationing gradually to all towns and cities with a population of over 2 lakhs and then to cover towns with a population of over 1 lakh has been given up now and it has been decided not to extend rationing beyond the present stage?

**Shri Govinda Menon:** It has not been given up. On account of the situation of emergency, if the supplies are very very limited, the matter is not being pursued presently. That is all. When the supplies become sufficient and they are necessary to maintain the public distribution system, this will be done.

**श्री प्रबल सिंह :** चूंकि आज़कल मार्केट में खाद्य पदार्थों के दाम बढ़न ऊंचे हो गए हैं, इसलिए क्या यह मुनासिब नहीं होगा कि स्टेट लेवल पर फार्मास्यूटिकल और स्टेट वर्नमेंट के रिप्रेजेंटेटिव्स की कमेटीज बनाई जायें, जो कि भाव निश्चिन्त कर सकें ?

**Mr. Speaker:** That is rather a suggestion.

**Shri Hem Barua:** May I know if the attention of the hon. Minister is drawn to an assessment made by a very responsible body of men engaged in trade and commerce of this country which says that inflationary tendencies are going to get intensified under the Fourth Plan and that the prices are going to register a further rise and, if so, whether Government have foreseen this development and are taking any measures to see that, if the prices are not lowered, at least they are stabilised at this level and that there is no further rise in prices?

**The Minister of Food, Agriculture, Community Development & Co-operation (Shri C. Subramaniam):** This is a much larger question than what is contemplated in this question. That would go into the technique of planning and what would be the effects of planning.

**Shri Hem Barua:** Give us an idea.

**Mr. Speaker:** Mr. Ranga.

**Shri Ranga:** May I know whether it is the policy of the Government and also the Agricultural Prices Commission to see that whatever price levels come to be fixed as procurement prices by Government on the advice of this Agricultural Prices Commission would be fixed in consonance with the general rise in the prices prevailing in the country, especially of those commodities and products that the peasants themselves are obliged to purchase as producers as well as consumers?

**Shri Govinda Menon:** On this question I may say that this year there has been an all-round general increase in the procurement prices in all the States.

**Shri C. Subramaniam:** For example, in Andhra, last year the price of Paddy was Rs. 39.00 and this year it is Rs. 41.5 per quintal.

**Shri Jashvant Mehta:** There are two types of States—deficit States and surplus States. Recently in the Chief Ministers' Conference with the Agriculture Ministry it was decided to have single State zones. But in the deficit and surplus States, the wholesale trade is in private hands. There is a wide disparity between Punjab and Gujarat in prices of grams. May I know what steps Government are going to take to have a uniform price all over the country so that there may not be smuggling from one State to another and there may not be such a wide disparity as Rs. 100 per quintal in the price of gram between Punjab and Gujarat? May I know what steps Government have taken?



**Shri C. Subramaniam:** We are arranging with the Food Corporation; it should be able to purchase these commodities as much as possible so that the trade may not profiteer on this basis.

**Shri Surendranath Dwivedy:** The Foodgrains Inquiry Committee of 1954 suggested the establishment of a Price Stabilisation Board, but what the Minister has said is that they have only appointed an Agricultural Prices Commission. The recommendation was that there should be a permanent Board to advise the Government from time to time taking an overall view of the general rise in prices in the country. May I know what are the particular difficulties in accepting this particular recommendation?

**Shri C. Subramaniam:** This recommendation seems to have been examined in 1954, 1956, 1957, etc., and Government came to the conclusion then that it was not necessary. Later on, we examined it and we have appointed an Agricultural Prices Commission and that is also to serve the same purpose.

**Mr. Speaker:** Mr. K. C. Sharma.

**श्री सरजू पाण्डेय :** अध्यक्ष महोदय, मैं प्रश्न पूछने के वास्ते अनेक बार खड़ा हो रहा हूँ।

**Shri K. C. Sharma:** There are various formulae in agricultural prices, namely, the economic price, fair price and equity price. May I ask the hon. Minister whether any decision has been taken at a higher level as to on what basis the Agricultural Prices Commission is to work out the price formula? Price is not something very nebulous. This question has been considered, ever since 1901 uptil now, in different countries all the world over. What is your formula? Is it equity price or fair price or economic price?

**Shri C. Subramaniam:** We have indicated that it is a remunerative price to the producer; it is on that basis the price is to be worked out.

**श्री प्रकाशवीर शास्त्री :** मैं यह जानना चाहता हूँ कि इन भावों के अन्दर जो भारी मात्रा में उतार चढ़ाव है उतना एक बहुत बड़ा कारण यह भी है कि जोस बनाने के बाद कुछ राज्यों में अन्न का अधिक संयह है और कुछ राज्यों के पास अन्न का बहुत बड़ी मात्रा में अभाव है उन सारी परिस्थितियों को देखते हुए जोस खत्म करते के लिए जो कमेटी बनाई गई थी उसके प्रत्यावहारिक निर्णय को देखते हुए सरकार क्या उसके ऊपर फिर से विचार करेगी और यह जोनल प्रणाली खत्म करेगी ?

**Shri C. Subramaniam:** I think the Committee has recommended that zones should be kept; each State zone should be kept. I agree that there will be difference of opinion on this point. We have to take a decision on some basis and then go forward. We have appointed the Committee and it has made its recommendations. This was discussed in the Chief Ministers' Conference also and I am placing a paper with regard to our discussions in the Chief Ministers' Conference.

**श्री श्रींकार लाल बेरबा :** मैं यह जानना चाहंगा कि अभी एक आयोग ने यह सिफारिश की थी कि जोनल सिस्टम खत्म किया जाए, अगर हाँ, तो उस बारे में सरकार ने क्या विचार किया है ?

**Shri C. Subramaniam:** Which commission is the hon. Member referring to? If it is the Foodgrains Policy Committee then it has recommended the retention of the zones.

**Mr. Speaker:** He is referring to the Planning Commission.

**श्री श्रींकार लाल बेरबा :** कृषि आयोग ने अभी विचार किया था और उसको यह रिपोर्ट दी थी कि जोनल सिस्टम खत्म किया जाय अगर हाँ तो उसके ऊपर क्या विचार किया गया है ?

**Shri C. Subramaniam:** I have not seen any such recommendation.

**Shri Ranga:** No, it was the AICC.

**श्री मधु लिमये :** मैं जानना चाहता हूँ कि क्या बिहार और पूर्वी उत्तर प्रदेश में सब से ज्यादा प्रकालग्रस्त इस वक्त जो इलाका है वहाँ चावल, मकई, बाजरा और गैर अमरीकी गेहूँ के इस वक्त दाम क्या हैं और देश में सबसे कम दाम कहाँ हैं इसका कोई तुलनात्मक अध्ययन किया गया है और क्या इसके बारे में कोई तौलनिक आंकड़े सदन के सामने मंत्री महोदय रखने के लिये तैयार हैं ?

**Shri C. Subramaniam:** I do not think that I can give all those figures under this question. If a separate question is tabled, certainly I shall be able to give the information.

**श्री मधु लिमये :** अब कहाँ समय है ? क्या शॉर्ट नोटिस व्हेण्डन स्वीकार करेंगे ?

#### Assessment of Food Situation

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\*426. **Dr. P. N. Khan:**

**Dr. M. M. Das:**

**Shri Bhagwat Jha Azad:**

**Shri M. L. Dwivedi:**

**Shri S. C. Samanta:**

**Shri Subodh Hansda:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the Central Government have no machinery of their own to find out whether a State is surplus or deficit in food; and

(b) whether Government have considered the desirability of such a machinery for making an independent assessment of the situation?

The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (**Shri Govinda Menon**): (a) Government of India determine whether a State is surplus or deficit by assessing the figures of production and the estimates of distribution requirements as reported by the various States.

(b) Yes, Sir.

**Dr. P. N. Khan:** May I know whether Government have ever thought of the fact that part assessments were never correct and were giving out all the time a total deficit of 10 to 12 million tons?

**Shri Govinda Menon:** It is a matter of opinion whether the assessment is correct or not. In a matter like this, the assessment can only be approximate.

**Dr. P. N. Khan:** May I know what the machinery at the lowest level is which assesses the food situation, whether it is a single machinery or whether there are different machinery to assess it?

**Shri Govinda Menon:** If the reference is to the machinery referred to in part (b) of the main question, I may inform the House that the Planning Commission was requested by Government to take up this question . . .

The Minister of Food, Agriculture, Community Development and Cooperation (**Shri C. Subramaniam**): I would like to say this that as far as the assessment of the area under any particular crop is concerned, that is on the basis of the village accounts which are submitted to the State Government; on the basis of this, the area under a particular crop is assessed. Then, with regard to the actual production, it is done on the basis of random sample crop-cutting experiments. It is on that basis that the average yield per acre is fixed, and then taking into account the area, the total production is arrived at.

**Dr. M. M. Das:** Recently, the opinion was expressed by no less a person than the Prime Minister herself that the surplus States of this country had not been behaving properly in helping the deficit States. In view of this statement of the Prime Minister, may I know whether this particular matter was discussed at the last meeting of the Chief Ministers' Conference, and whether any steps

were proposed to be taken or mooted out to meet the situation?

**Shri C. Subramaniam:** This matter was particularly discussed at the Chief Ministers' Conference, and I am placing a paper showing the various decisions taken there on the Table of the House, and it is indicated therein that there should be incentives for performance and sanctions against failure.

**Shri Bhagwat Jha Azad:** The assessment of the food situation in a State, especially a deficit State necessarily implies, and it has been corroborated by the hon. Minister's statement also, that that State should be helped. How do the Central Government propose to help the deficit State where there is no administration and where there is large-scale starvation death facing the people? How do Government propose to help such States?

**Shri C. Subramaniam:** I can supply food; I cannot supply Administration.

**श्री स० ला० द्विवेदी :** मूल प्रश्न के भाग (ख) के उत्तर में राज्य मंत्री ने कहा था जिसका कि अर्थ है कि सरकार खाद्य स्थिति का स्वतन्त्र रूप में अनुमान लगाने के लिए कोई एक ऐसी व्यवस्था करने जा रही है और खाद्य तथा कृषि मंत्री जो ने बतलाया कि शीप वाले एरिया का अर्सेसमेंट गांव के एकाऊंट्स के आधार पर किया जायगा जो कि राज्य सरकार को भेजे जाते हैं तो राज्य सरकार के अधिकारियों की इस बात की जांच करने के लिये केन्द्रीय सरकार की क्या मशीनरी होगी इसके बारे में उन्होंने कोई प्रकाश नहीं डाला है जो कि मैं जानना चाहता हूँ ?

**Shri C. Subramaniam:** I do not think we can possibly build up a parallel organisation for this purpose. As far as the area is concerned, there is no dispute. It is only with reference to the crop-cutting experiments, to have it enlarged, so that the 2155 (Ai) LSD—2.

average is more or less accurate. Really, the situation is that in between the two operations it becomes difficult. Before the crop-cutting experiment figures are available, we have to make an estimate for the purpose of finding out the situation in a particular State. That would be only on the basis of certain estimates for which we send out teams.

## WRITTEN ANSWERS TO QUESTIONS

### High-yielding Variety of Wheat

\*427. **Shri Yashpal Singh:**  
**Shri Ram Sewak Yadav:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) the acreage proposed to be covered under the high-yielding variety of wheat and Mexican wheat during 1967; and

(b) the additional yield of wheat likely from this under this programme during the above period.

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) The total acreage to be brought under the cultivation of the Mexican and other local High-yielding Varieties of wheat in the country during 1966-67 is estimated at 12,24,800 res with the following break up:

	acres
(i) Mexican Varieties	8,76,800
(ii) Local Varieties	3,48,000
Total:	12,24,800

(b) The estimated additional yield of wheat expected from the above acreage is approximately 12,24,800 tonnes.

**Shortage of Civil Air Pilots**

\*428. **Shri Surendra Pal Singh:**  
**Shri Kindar Lal:**  
**Shri Vishwa Nath Pandey:**

Will the Minister of **Transport, Aviation, Shipping and Tourism** be pleased to state:

(a) whether it is a fact that there is an acute shortage of civil air pilots as a result of which the expansion of air transport in the country has been greatly retarded;

(b) if so, the main reasons therefor; and

(c) the steps taken to remove this shortcoming in the way of the expansion of our air transport?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) and (b). At present there is no shortage of civil air pilots. Commercial pilots available in the open market and qualified pilots released by Air Force at intervals, meet the requirements of the scheduled as well as non-scheduled operators. Shortage of pilots was however felt in the recent past by the two Air Corporations owing to their extended operations and adherence to certain flight and duty time limitations.

(c) Steps were taken for recruitment of pilots and arrangements were also made to train suitable candidates, through selected Flying Clubs, for issue of Commercial Pilot's Licence.

**Loan for Calcutta Port Trust**

\*429. **Shri B. K. Das:**  
**Dr. M. M. Das:**  
**Shri M. L. Dwivedi:**  
**Shri Bhagwat Jha Asad:**  
**Shri S. C. Samanta:**  
**Shri Subodh Hansda:**

Will the Minister of **Transport, Aviation, Shipping and Tourism** be pleased to state:

(a) whether the loan of Rs. two crores to the Calcutta Port Trust,

provided in the Budget Estimates of 1966-67, has been paid to the Trust;

(b) if so, the development works that will be carried on with this loan; and

(c) the conditions, if any, on which the loan has been given to the Trust?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) A loan amounting to Rs. 225 lakhs has so far been given to the Calcutta Port Commissioners during the financial year 1966-67.

(b) The details of the development works that will be carried out with this loan are as follows:

- (1) Improvement and extension of the Marshalling Yard.
- (2) Construction of an office building for the Traffic Department in the Dock area.
- (3) Construction of three launches for 3 dredgers.
- (4) Construction of a Tea Warehouse at the Lybian Depot.
- (5) Building the Bucket Dredger 'AJAY' and two Hopper barges.
- (6) Replacement of No. 2 Swing Bridge.
- (7) Re-circulation of Dock water in the Kidderpore Docks.
- (8) Expansion of one arm of the King George's Dock.
- (9) Purchase of Plant and Machinery for the Commissioners' Workshops.
- (10) Construction of a new Hospital for the Commissioners' employees, and
- (11) Haldia Dock Project works including acquisition of land for this purpose.

(c) The terms and conditions of the loan are as follows:—

- (1) The loans are recoverable in 20 annual equated instalments comprising both principal and interest.
- (2) Repayment will commence from the 6th anniversary of the dates on which the loans have been drawn.
- (3) Interest alone would be recovered on each of the 5 anniversaries from the dates the loans have been drawn.
- (4) The loans will carry interest at 8.25 per cent per annum but if the instalments of principal and/or interest are paid on the due dates, the rate of interest will be reduced to 5.75 per cent per annum.

#### Cost of American Wheat

\*430. **Shri Madhu Limaye:** Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether Government are in a position to give definite figures about the average cost of each of the different grades of American wheat per kilo imported under P.L. 480 during the three year period of 1963-66, including cost, transport from the port of supply, handling charges, etc., at Bombay, Calcutta and Madras;

(b) the price at which it was sold to the consumer in the ration shops in these cities during the above period; and

(c) the reasons for the difference between the cost and selling price?

**The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon):** (a) For the purposes of distribution as also maintenance of accounts all varieties of wheat imported from America under PL-480 are treated as of one grade. The average cost, sea freight and incident-

tal expenses incurred on various services from the stage of discharge and clearance at the ports (including Bombay, Calcutta and Madras) in India up to the stage of distribution at the Central Storage godowns during the period of three financial years 1963-64 to 1965-66 are given in the statement laid on the Table of the House. [Placed in Library. See No. LT-7377/66].

(b) The prices for the years 1963-66 (last month of each year) at which this wheat was sold to the consumers from the fair price shops at Bombay, Calcutta and Madras are given in another statement laid on the Table of the House. [Placed in Library. See No. LT-7377/66].

(c) The reasons for the difference between the economic cost and the actual selling prices are the element of subsidy, the incidental charges of the State Government and the margin of profit of the retailers.

#### Coastal Shipping

\*431. **Shri Subodh Hansda:**  
**Shri S. C. Samanta:**  
**Shri P. C. Borooah:**  
**Shri M. L. Dwivedi:**  
**Shri Bhagwat Jha Azad:**  
**Dr. M. M. Das:**

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that coastal Shipping is facing a crisis due to high excise duty on furnace oil and Devaluation;

(b) whether any representation has been received to increase the freight rate and also to set up permanent body like Maritime Freight Commission; and

(c) if so, the Government's reaction thereto?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) and (b). Some representations in this regard have been received.

(c) The excise duty on furnace oil was reduced from Rs. 71.70 to Rs. 40.11 per tonne with effect from 15th January, 1966 and to Rs. 5.23 per tonne with effect from 26th August, 1966. The points raised in the representations are under examination.

**सहकारी समितियों के सम्बन्ध में एकरूप विधान**

\* 432. श्री विभूति मिश्र :

श्री क० ना० तिवारी :

क्या साख, कृषि, सामुदायिक विकास तथा सहकार मंत्री यह बनाने की कृपा करेंगे कि :

(क) क्या सहकारी समितियों के सम्बन्ध में समूचे देश में एकरूप विधान पेश करने का कोई प्रस्ताव सरकार के विचाराधीन है ; और

(ख) यदि हाँ, तो सरकार का इस सम्बन्ध में क्या कार्यवाही करने का विचार है और कब तक ?

साख, कृषि, सामुदायिक विकास तथा सहकार मन्त्रालय में उपमन्त्री (श्री श्यामधर मिश्र) : (क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

**River Steam Navigation Company**

\* 433. Shri Hem Barua:

Shri Hari Vishnu Kamath:

Shri Surendranath Dwivedy:

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that the River Steam Navigation Company plying their boats in the Brahmaputra have decided to stop their services; and

(b) if so, the reasons therefor?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) and (b). The river services provided by the Rivers Steam Navigation Company Limited on the Calcutta-Assam route have been suspended since September, 1965 on account of the hostilities with Pakistan. As regards its other activities, the future of the Company is under Government's consideration.

**Import of Foodgrains from U.S.A.**

\* 434. Shri Indrajit Gupta:

Shri Hem Raj:

Shri P. Kunhan:

Shri Imbichibava:

Shri M. N. Swamy:

Shri Maheswar Nalk:

Shri P. C. Borooah:

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the P.L. 480 agreement for import of foodgrains from U.S.A. will be replaced by the new 'Food for Peace' legislation enacted in that country;

(b) whether the said legislation prohibits any food shipments to nations trading with North Vietnam or Cuba; and

(c) if so, Government's reaction to the implied restrictions on India's sovereign trading rights?

**The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon):** (a) At present the Food for Peace Programme of the U.S.A. is being implemented through the Agricultural Trade Development and Assistance Act of 1954 of U.S.A., also called Public Law 480. This Act has been amended by the "Food for Peace Act 1966".

(b) This legislation denies PL-480 sales agreements with countries which are covered by the following clause in that legislation:

"For the purpose only of sales of agricultural commodities

under Title I of the Act, any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam (excluding United States installations in Cuba) any equipment, materials or commodities so long as they are governed by a communist regime: Provided, that with respect to furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic agricultural or food commodities, sales agreements may be entered into if the President finds, with respect to each such country, and so informs the Senate and the House of Representatives of the reasons therefor, that the making of each such agreement would be in the national interest of the United States and all such findings and reasons therefor shall be published in the Federal Register."

(c) We are not called upon to express any reaction until and unless an actual abridgement of our right is threatened. We maintain our sovereign rights to trade with any State.

#### Numerals on Car Plates

\*435. **Shri Hari Vishnu Kamath:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that in some parts of the country, the International form of Indian numerals as defined in Article 343 of the Constitution, is not used on number plates of motor vehicles;

(b) if so, the reasons therefor;

(c) whether such a practice has created difficulties for traffic police; and

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

**The Minister of Transport, Aviation, Shipping and Tourism (Shri**

**Sanjiva Reddy):** (a) to (d). Generally the International form of Indian numerals as defined in Article 343 of the Constitution is used on number plates of motor vehicles. There are a few cases, however, where individuals have displayed numerals on number plates of motor vehicles in the Devanagari form. This practice however is not wide-spread and may create difficulties for the traffic police only in such areas where traffic police have not yet acquired adequate knowledge of Hindi. The matter has been brought to the notice of the State Governments.

#### सुपर बाजार

\*436. **श्री मधु सिमये :** क्या खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्री यह बताने की कृपा करेंगे कि देश में अब तक खोले गये सुपर बाजारों का लाभ उठाने वाले उपभोक्ताओं की मासिक औसत संख्या कितनी है ?

खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्रालय में उपमन्त्री (श्री इयामधर सिन्ध) : बहु-विभागी भण्डारों (सुपर बाजारों) ने सक्रिय मूल्य नीति अपना कर सामान्य मूल्य स्तर पर प्रभाव डाला है। इस तरह उन नगरों में रहने वाले सभी उपभोक्ताओं को लाभ पहुंचा है, जिनमें बहु-विभागी भण्डार काम कर रहे हैं। जिन उपभोक्ताओं ने बहु-विभागी भण्डारों से वस्तुएं खरीदी हैं, उनकी पूरी-पूरी संख्या बताना सम्भव नहीं है, किन्तु रोजाना जारी किए गए कैश-मीमों की औसत संख्या से उन ग्राहकों का आभास मिल जाएगा जिन्हें सीधे वस्तुएं बेची गई हैं। 12 बहु-विभागी भण्डारों द्वारा जारी किए गए कैश-मीमों की प्रतिदिन की औसत संख्या निम्नलिखित है। सात और बहु-विभागी भण्डारों के बारे में जानकारी तुरन्त उपलब्ध नहीं है।

बहु-विभागी भण्डार का नाम	खुलने की तारीख	प्रतिदिन जारी किए गए मेमों की संख्या
1. सुपर बाजार, नई दिल्ली	15-7-66	27,000
2. सपना बाजार	29-9-66	10,000
3. कोम्प्लेक्स, नई दिल्ली	17-8-66	1,500
4. डिपार्टमेंट स्टोर, एरनाकुलम (केरल)	23-8-66	2,500
5. डिपार्टमेंट स्टोर, कोटायम (केरल)	26-9-66	559
6. सहकारी बाजार, भोपाल (म० प्र०)	11-9-66	800
7. डिपार्टमेंट स्टोर, तिरुचिरापल्ली (मद्रास)	27-10-66	4,200
8. डिपार्टमेंट स्टोर, मदुगई (मद्रास)	5-11-66	4,800
9. सुपर मार्केट, लुधियाना (पंजाब)	18-9-66	2,000
10. कोम्प्लेक्स सुपर मार्केट, जालंधर (पंजाब)	18-10-66	2,400
11. समवायिका, कलकत्ता	30-9-66	2,300
12. जनता बाजार, बंगलौर (मैसूर)	3-11-66	4,300

#### Amendment to Advocates Act

\*437. **Shrimati Renu Chakravartty:** Will the Minister of Law be pleased to state:

(a) whether talks have taken place between his Ministry and the Law students of various Universities in regard to the amendment to the Advocates Act, 1961;

(b) if so, the nature thereof;

(c) whether amendments to the Advocates Act for not increasing the years of study for passing the degree of Law and abolishing the period of training prior to being permitted to practice are proposed to be made; and

(d) if so, when?

**The Minister of Law (Shri G. S. Pathak):** (a) and (b). Yes, Sir. During the month of August the law graduates met the Law Minister to

represent their case relating to exemption from pre-enrolment training and examination. As suggested by the Law Minister, two representatives of the Law Graduates Association, one of whom was the President of that Association, appeared before the Advocates Act Review Committee to explain their point of view. Later on, the representatives of the Law Graduates Association met the Secretary concerned of the Law Ministry to explain their case further which was, in turn, placed before the Review Committee.

(c) The duration of the course of instruction in law is prescribed by rules framed by the Bar Council of India under section 49(d) read with section 7(h) of the Advocates Act, 1961. The question of any amendment of the Act for that purpose does not, therefore, arise. As regards pre-enrolment training and examination, the Bar Council of India is not



in favour of any exemption being granted therefrom or for the abolition thereof.

(d) Does not arise.

#### **Import of Rice from U.A.R.**

**\*438. Shri D. C. Sharma:  
Shrimati Jyotsna Chanda:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) whether U.A.R. has offered to sell India 60,000 tons of rice from its current crop;

(b) whether the deal has been finalised; and

(c) if so, the terms and conditions thereof?

The Minister of State in the Ministry of **Food, Agriculture, Community Development and Cooperation** (Shri Govinda Menon): (a) The indications are that the U.A.R. may offer us about 60,000 metric tons of rice from the new crop.

(b) No, Sir.

(c) Does not arise.

#### **Compulsory Rationing**

**\*439. Shri S. C. Samanta:  
Shri M. L. Dwivedi:  
Shri Subodh Hansda:  
Shri Bhagwat Jha Asad:  
Shri P. C. Borooah:  
Dr. M. M. Das:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) the assessment of his Ministry on the working of compulsory rationing in various cities all over India;

(b) the difficulties, if any, experienced in the working of the rationing machinery and how it has been solved;

(c) whether Government are aware that a large number of people are not in favour of continuance of the compulsory rationing; and

(d) whether Government are considering any proposal for gradual relaxations and ultimate winding up of the rationing machinery?

The Minister of State in the Ministry of **Food, Agriculture, Community Development and Cooperation** (Shri Govinda Menon): (a) Compulsory rationing in various places all over India is working fairly satisfactorily.

(b) No difficulties have been experienced in the working of the rationing machinery.

(c) Government is aware that some people are not in favour of rationing.

(d) No, Sir.

#### **Graving Dock at Hindustan Shipyard**

**\*440. Dr. P. N. Khan:  
Dr. M. M. Das:  
Shri Bhagwat Jha Asad:  
Shri M. L. Dwivedi:  
Shri S. C. Samanta:  
Shri Subodh Hansda:  
Shri P. R. Chakraverti:  
Shri H. C. Linga Reddy:  
Shri D. C. Sharma:**

Will the Minister of **Transport, Aviation, Shipping and Tourism** be pleased to state:

(a) whether the Project Report from the Japanese Technical Consultants regarding the construction of graving dock as an adjunct of the Hindustan Shipyard, Visakhapatnam has been received by Government;

(b) whether any decision has been taken in the light of the Report; and

(c) whether the construction of the graving dock is going to be postponed due to financial difficulties?

The Minister of **Transport, Aviation, Shipping and Tourism** (Shri Sanjiva Reddy): (a) The report from the

Japanese Consultants on the Graving Dock Project has since been received by the Hindustan Shipyard Ltd., Visakhapatnam.

(b) and (c). The report is under examination.

#### **Supply of Essential Commodities for Super Bazars**

**\*441. Shri Yashpal Singh:  
Shri Ram Sewak Yadav:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether Government are procuring the supplies of essential commodities direct from the manufacturers for Super Bazars in Delhi; and

(b) if not, whether Government propose to enact any law to procure the supplies from the manufacturers at subsidized rates?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) No, Sir.

(b) No such proposal is under consideration.

#### **Free Legal Aid**

**\*442. Shri Shree Narayan Das:** Will the Minister of Law be pleased to state the steps, if any, taken so far for providing free legal aid or the extension of existing legal aid schemes to ensure that justice is neither denied nor delayed by reason of inadequate financial means, since Independence?

**The Minister of Law (Shri G. S. Pathak):** Administration of Justice is a subject included in the State List and the grant of legal aid and assistance to the poor is, therefore, primarily the responsibility of the State Governments. However, the Government of India has also been giving its attention to the subject to legal aid to the poor since 1946. Attempts made by the Government of India to persuade the State Governments to for-

mulate Schemes for providing substantial legal aid to the poor have not met with much success mainly due to the reluctance of the State Governments to undertake the heavy financial burdens involved in any comprehensive scheme of legal aid.

Schemes for grant of legal aid to the poor have been made by the States of Andhra Pradesh, Kerala, Madhya Pradesh, Maharashtra, Gujarat, Punjab, Rajasthan and West Bengal and also by the Union territories of Pondicherry, Goa, Daman & Diu, Himachal Pradesh and Dadra and Nagar Haveli. These schemes generally provide for the grant of legal assistance at Government's cost to undefended persons whose income does not exceed certain fixed limits, or who are members of the Scheduled Castes or Scheduled Tribes and who have to institute or defend civil or criminal proceedings. The aid generally consists of assignment of a lawyer at the State's expense and in certain cases remission of court fees and other law charges too.

#### **Cochin Airport**

**\*443. Shri Madhu Limaye:  
Shri Maniyanganadan:**

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that the flights on the IAC Planes touching Cochin from Madras and Bombay do not carry the full load factor because of unfavourable soil condition at the Cochin airport;

(b) if so, the approximate loss sustained per trip by the Fokker Friendship Plane from Cochin to Bombay or Bombay to Cochin;

(c) whether an alternative civil airport is being developed in the vicinity of Cochin in view of its growing industrial and commercial importance;

(d) if so, the cost of the project; and

(e) when the airport will be ready for use?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) No Sir.

(b) A pay load penalty of about 2,000 pounds is levied on F-27 flights operating out of Cochin to Bombay. The Corporation could have earned, but for this penalty, an additional revenue of Rs. 2,210/- per trip on the basis of 100 per cent load factor

(c) to (e). The question of developing a separate civil aerodrome for Cochin is being examined.

#### Border Roads

\*444. **Shri P. C. Borooah:**  
**Shri Bhagwat Jha Azad:**  
**Shri S. C. Samanta:**  
**Shri Subodh Hansda:**  
**Shri M. L. Dwivedi:**  
**Shri Hukam Chand**  
**Kachhavalya:**  
**Shri H. C. Linga Reddy:**  
**Shri P. R. Chakraverti:**  
**Shrimati Savitri Nigam:**  
**Shri Vishwa Nath Pandey:**

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) the steps taken since the Chinese aggression in 1962 to develop the border roads and the expenditure incurred thereon;

(b) the progress made so far; and

(c) the broad details of the scheme formulated under the Fourth Five Year Plan for the development of border roads?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) to (c). Presumably, information is required about the improvement of border roads in the North and North-Eastern border region. No specific programmes in this regard were initiated since the Chinese aggression in 1962 except that the work already being done was in-

tensified. It will not be in public interest to give details of the work done.

No further scheme for the development of border roads under the Fourth Five Year Plan has yet been finalised.

#### Asian Highways Coordinating Committee

\*445. **Shri Surendra Pal Singh:**  
**Shri Dighe:**  
**Shri Vishwa Nath Pandey:**  
**Shri Ram Harkh Yadav:**  
**Shri Hari Vishnu Kamath:**

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that towards the end of September, 1966, the Asian Highways Coordinating Committee held a meeting in Bangkok, in which India participated; and

(b) if so, the main decisions taken at this meeting and fresh responsibilities apportioned to India in regard to the implementation of this project?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) Yes, Sir.

(b) A statement is laid on the Table of the House. [Placed in Library. See No. LT-7378/66].

#### Distribution of Fertilizers

\*446. **Shri Bibhuti Mishra:**  
**Shri K. N. Tiwary:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that at present the distribution of imported fertilisers and indigenously produced fertilisers to various States is made on an *ad hoc* basis;

(b) whether Government propose to distribute it on population basis; and

(c) if so, when it will be done?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) A statement is laid on the Table of the House. [Placed in Library. See No. LT-7379/66].

(b) No.

(c) Does not arise.

#### **Foodgrains Production in States**

\*447. **Shri Indrajit Gupta:**  
**Shri Shree Narayan Das:**  
**Shri S. N. Chaturvedi:**  
**Shri Krishnapal Singh:**  
**Shri Vishwa Nath Pandey:**  
**Shri P. C. Borooah:**  
**Shri J. B. S. Bist:**  
**Shrimati Maimoona Sultan:**  
**Shri D. C. Sharma:**  
**Shri Hari Vishnu Kamath:**  
**Shrimati Jyotsna Chanda:**  
**Shri Rama Chandra Mallick:**  
**Shri Sudhansu Das:**  
**Shri D. J. Naik:**  
**Shri Chhotubhai Patel:**  
**Shri P. L. Barupal:**  
**Shri Sidheshwar Prasad:**  
**Shri Madhu Limaye:**  
**Shri B. L. Chandak:**  
**Shri R. G. Dubey:**  
**Shri Naval Prabhakar:**  
**Shri Onkar Lal Berwa:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) whether there is likely to be a major fall in foodgrains production in Madhya Pradesh, Gujarat and Rajasthan this year;

(b) if so, the estimated shortfall in relation to the targets of output in each of these States; and

(c) the special measures, if any, taken to meet the situation?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) to (c). Firm estimates of production of kharif foodgrains are not yet available while

sowings of rabi foodgrains are still in progress. It is therefore too early at this stage to frame an estimate of the shortfall in relation to the targets of output. High priority is being given to cultivation of high yielding varieties of foodgrains and intensification of measures for multiple cropping wherever irrigation facilities are available. Special arrangements have been made for the supply of inputs such as fertilizers for the high yielding varieties programme. In addition, normal programmes for minor irrigation and soil conservation, extended use of fertilizers and manures and improved seeds, extension of plant protection measures and adoption of improved agricultural practices are being continued.

#### **Super Bazars and Stores for Rural Areas**

\*448. **Shri S. C. Samanta:**  
**Shri M. L. Dwivedi:**  
**Shri Subodh Hansda:**  
**Shri Bhagwat Jha Azad:**  
**Shri P. C. Borooah:**  
**Dr. M. M. Das:**  
**Shri Yashpal Singh:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) the steps being taken by Government to provide the rural population with Super Bazars;

(b) whether the Central and State Governments have earmarked any amount for providing facilities to the Consumer Co-operative Stores in the rural areas; and

(c) if so, what is the amount involved and the schemes to be worked out?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) There is no proposal to set up super bazars which are meant for big cities and towns only.

(b) and (c). A centrally sponsored scheme for distribution of consumer articles in rural areas through marketing societies and service cooperatives is already under implementation. For this purpose, an amount of Rs. 1 crores has been earmarked in the Fourth Five Year Plan. Proposals for enlargement of the scheme are under consideration.

#### Road Transport Taxation Inquiry Committee

\*449. **Shri P. C. Borooah**: Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether the Road Transport Taxation Inquiry Committee has submitted any interim report;

(b) if so, the main recommendations thereof; and

(c) Government's decisions in the light of the same?

The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy): (a) No, Sir.

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

#### Calcutta Port

\*450. **Shri Indrajit Gupta**: Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) the amount of foreign exchange being spent annually due to the incapacity of Calcutta Port to accommodate large grain-carrying tankers of over 500 feet length; and

(b) the reasons for the continued delay in the necessary expansion of the King George's Dock to permit entry of such big tankers carrying large food consignments involving economies in freight and other charges?

The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy): (a) Certain physical limitations, viz. the bars and bends in the river, the depth of water available in

the river, bore tides, etc. do not enable vessels of over 161.54 metres (530 feet) in length to come up to Calcutta Port. It is not practicable to estimate on a realistic basis the foreign exchange being spent annually because of this factor.

(b) The extension of the Western Arm of the King George's Dock is in progress and is expected to be completed by the end of 1967 or early in 1968. The extension will provide holding space for vessels in sheltered waters during bore tides, facilities for overside working of vessels inside the Dock and ship repair facilities. The extension will however not enable the entry of vessels over 161.54 metres (530 feet) in length because of the physical limitations referred to in (a) above.

#### Super Bazar, Delhi

2011. **Shri Lakhan Das**:  
**Shri Madhu Limaye**:

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the Super Bazar, Delhi has purchased goods worth lakhs from Dhariwal and Lal Imli Mills as also from R. S. Madhoram & Sons, Delhi;

(b) if so, the approximate value of these purchases to-date from each mill separately; and

(c) the margin between the purchase price of these goods and their selling price?

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra): (a) Yes, Sir.

(b) The purchases made upto 31-10-1966 are as follows:—

(i) Dhariwal	Rs. 4.09 lakhs
(ii) Lal Imli	Rs. 1.99 lakhs
(iii) Madhoram & Sons	Rs. 3.23 lakhs

(c) There is normally a margin of 20 per cent between the ex-mill price and the retail price fixed by the manufacturers. This is meant to cover cost of transportation and handling, insurance, interest and bank charges, besides providing a margin of profit to the retailers. The Super Bazar forgoes a part of its profit in favour of its consumers.

#### Purchase of Wheat under Food for Peace Agreement

2012. Shri Ram Harkh Yadav: Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether the U. S. Agriculture Department has recently authorised India to purchase a large quantity of wheat under the Food for Peace Agreement Plan;

(b) if so, the details of the authorisation and terms thereof; and

(c) the approximate value of the wheat?

The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon): (a) to (c). The supplies of wheat from U.S.A. are currently coming under the P.L. 480 Agreement of September, 1964, as amended from time to time. It is through P.L. 480 that the programme of Food for Peace is being implemented by the U.S.A. The latest amendment in U.S. Agreement was of September, 1964 effected by exchange of letters on 14th October, 1966 providing additional funds of 13 million dollars which were estimated to fetch about two lakh tonnes of wheat. Under the Agreement, the United States Department of Agriculture have been issuing Purchase Authorisations from time to time. Three such Purchase Authorisations covering the entire quantity of two lakh tonnes under the amendment of 14th October, 1966 have already been issued. This wheat is expected to be shipped in November/December, 1966.

#### Use of Rock Phosphate in Manure Mixture

2013. Shri V. V. Thevar: Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that Government have issued instructions to the State Governments to use rock phosphate in the Manure mixture instead of bone meal and oil cake;

(b) the States which have been given Di-Ammonium Phosphate and Rock Phosphate during the current year so far;

(c) whether these have been given to Madras State also; and

(d) if not, the reasons therefor?

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra): (a) As Super Phosphate is in short supply, the State Governments have been advised to permit the manure mixing firms to use powdered rock-phosphate also in their manure mixtures. No instructions have been issued that powdered rock-phosphate should be used instead of bone-meal and oil cake.

(b) Quantities of Di-ammonium Phosphate and Rock Phosphate allotted to different states during the current year so far are given below:

Name of State	Quantities allotted so far during 1966-67	
	Di-ammonium phosphate. (Tonnes)	Rock-phosphate (Tonnes)
Bihar	6,740	21,000
Delhi	250	—
Gujarat	19,870	—
Maharashtra	27,087	37,000
Orissa	7,611	16,000
Composite Punjab	12,606	—
Rajasthan	6,521	5
Uttar Pradesh	20,300	13,000
West Bengal	1,000	10,000
Mysore	—	12,000
Kerala	—	20,000
Assam	—	5,000
Andhra Pradesh	—	25,000
<b>TOTAL</b>	<b>101,985</b>	<b>1,59,005</b>

(c) and (d). No Rock Phosphate was allotted to Madras Government as there was no demand from them.

No Di-ammonium Phosphate was allotted to Madras as there are five super phosphate factories in Madras with a production capacity of 2,53,000 tonnes of super phosphate and one factory with a capacity to produce 53,000 tonnes of Ammonium Phosphate. The production of these units is normally sufficient to meet the requirements of phosphatic fertilisers of the State. A quantity of 5,000 tonnes of imported ammonium phosphate (20 : 20) has, however, been allotted recently to the State to meet the deficit caused by lower production of superphosphate due to shortage of sulphur and interruption of production in the Ammonium Phosphate Factory due to a temporary breakdown in the plant.

#### Levy on Visitors at Major Airports

**2014. Shri Narendra Singh Mahida:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether there is a proposal to charge every visitor a small fee of fifty paise at major Air Ports, like Santa-Cruz (Bombay), Dum Dum (Calcutta), Palam (Delhi) and Meenambakkam (Madras); and

(b) if so, the details thereof?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) and (b). A proposal to restrict entry at Palam airport by levying an entry fee of 0.50 P. per head, as an experimental measure, is under consideration.

#### Central Road Fund for Madras

**2015. Shri M. P. Swamy:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) the amount due from the Central Road Fund to Madras State as on the 30th March, 1966; and

(b) the amount disbursed to Madras from this Fund so far?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) It is expected that a sum of Rs. 730.78 lakhs will accrue to Madras State from the Central Road Fund upto March 1966 from the inception (1929) of the Fund.

(b) Rs. 712.34 lakhs upto March 1966.

#### Companies in Tribal Areas in Assam

**2016. Dr. M. M. Das:**

Shri Bhagwat Jha Azad:

Shri M. L. Dwivedi:

Shri S. C. Samanta:

Shri Subodh Hansda:

Will the Minister of Law be pleased to state the total number of public and private companies set up in the tribal areas of Assam and the total amount of capital invested in them?

**The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman):** In all, forty eight companies registered in the Tribal Areas of Assam, as defined in the Sixth Schedule of the Constitution of India, were at work as on March 31, 1966. Of these, forty were private limited companies with paid-up capital of a little over Rs. 2.17 crores and the remaining eight represented public limited companies with paid-up capital of about Rs. 1.55 crores.

#### मुपर बाजार, दिल्ली

**2017. श्री नवल प्रभाकर:** क्या खाद्य, कृषि, सामुदायिक विकास तथा सहाकार मन्त्री यह बनाने की कृपा करेंगे कि :

(क) क्या यह सच है कि मुपर बाजार, दिल्ली को आयात के लिए एक लायसेंस दिया गया है ;

(ख) यदि हा, तो यह लायसेंस कितने मूल्य का है; और

(ग) देश में ऐसे भण्डारों की संख्या कितनी है जिन्हें ऐसे लायसेंस दिये गये हैं ?

**खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्रालय में उपमन्त्री (श्री श्यामधर मिश्र) :** (क) जी हां ।

(ख) 3 लाख रुपए ।

(ग) अन्य किसी भण्डार को कोई लायसेंस नहीं दिया गया है । सभी भण्डारों की ओर से लायसेंस उभराकर सहकारी समितियों के माध्यम से देना प्रस्तावित है ।

#### Prices of Wine

**2018. Shri Maheswar Naik:** Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that in order to bring about equalization of prices of beer in the neighbouring States of Delhi, such as, Punjab and to discourage smuggling, Government have raised the prices of the wine; and

(b) if so, the justification for the increase?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) No, Sir.

(b) Does not arise.

#### Agricultural Credit Corporation

**2019. Shri Vishwa Nath Pandey:**  
**Shri H. C. Linga Reddy:**  
**Shrimati Savitri Nigam:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to refer to the reply given to Unstarred Question No. 2009 on the 11th August, 1966 and state:

(a) whether the recommendations made by the informal group in regard to the scheme of setting up an Agricultural Credit Corporation in the States have since been examined by Government; and

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

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) and (b). The matter is still under consideration.

#### Grape and Citrus Cultivation

**2020. Shri Yashpal Singh:**  
**Shri Ram Sewak Yadav:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to refer to the reply given to Unstarred Question No. 1965 on the 7th December, 1965 regarding the development of grape and citrus cultivation and state:

(a) whether the foreign experts have since given their advice in the development of grape and citrus cultivation; and

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

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) and (b). The Foreign expert on citrus has very recently submitted her report, which is under consideration of the I.C.A.R. Expert on grapes has not yet been made available.

#### High-yielding Wheat and Barley Seeds

**2021. Shri Surendra Pal Singh:** Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the Regional Agricultural Research Station of the Punjab Government at



Keylong has evolved new varieties of high-yielding wheat and barley seeds;

(b) if so, the likely yield per acre of these new strains; and

(c) the steps being taken by Government for the distribution of these new seeds to places outside Punjab?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) The Punjab Agricultural University, which is participating in the All-India Coordinated Wheat Improvement Project sponsored by the Indian Council of Agricultural Research have selected some promising dwarf, high-yielding varieties of wheat. These varieties, designated provisionally as PV 18 and Kalyan 227, were selected from out of the breeding material of wheat from Mexico made available by the Rockefeller Foundation to the All-India Wheat Improvement Project. The Government of India are not aware of any new barley variety recently developed in Punjab.

(b) The wheat varieties have a high yielding potential. In the experimental plots they have given about 70 to 80 mds. of wheat per acre.

(c) These wheat selections have been included in the coordinated trials being conducted all over the country.

#### D.M.S. Milk Price

**2022. Shri Surendra Pal Singh:** Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the Delhi Milk Scheme has decided to raise the price of buffalo milk; and

(b) if so, the reasons therefor?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shinde):** (a) D.M.S. does not issue Buffalo milk. The supply of Buffalo

milk to the card holders was discontinued with effect from 5th May, 1965, and supply of Standardised milk with 5 per cent fat content was introduced in its place with effect from 10th June, 1965. There is no proposal for raising the price of any type of milk for the present.

(b) Does not arise.

#### Destruction of Kharif Crops due to Pests

**2023. Shri H. C. Linga Reddy:  
Shri P. R. Chakravarti:  
Shri Vishwa Nath Pandey:  
Shrimati Savitri Nigam:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether a large-scale pest menace has destroyed the Kharif crops this year in Mysore, Orissa and many other States in the country;

(b) if so, the steps taken to arrest the menace; and

(c) the extent of damage and loss caused to the crops?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) No. Only a limited attack of pests was experienced on kharif crops in Madhya Pradesh, Mysore, Orissa and some other States. For example, a disease on irrigated ragi was reported from Mysore State; and jassids, fulgorid and hispa insects attacked paddy in some areas of Madhya Pradesh, Orissa, West Bengal, Uttar Pradesh and Manipur.

(b) The States/Union Territory authorities became aware of the insect pests/plant diseases on the kharif crops at the early stages and prophylactic action and control measures were undertaken over large areas.

(c) No extensive damage was allowed to be caused to the affected

areas. There were adequate supplies of pesticides and in some cases aerial spraying was taken up.

**Death of Cattle in Famine affected areas**

2024. **Shri H. C. Linga Reddy:**  
**Shri P. R. Chakraverti:**  
**Shrimati Savitri Nigam:**  
**Shri Vishwa Nath Pandey:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that a vast number of cattle perished for want of fodder and water in the famine-affected areas of the States during the last one year;

(b) if so, the extent of loss caused to the ryots; and

(c) the steps taken to save the cattle wealth of the people during the drought period?

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shinde): (a) to (c). Information is given in the statement below:

**STATEMENT**

The information was called for from all State Governments and Union Territories. Replies from the Governments of Assam, Bihar, Kerala, Madhya Pradesh, Madras, Maharashtra, Orissa, Punjab, Uttar Pradesh and Union Territories of Delhi, Himachal Pradesh, Pondicherry, Tripura, Manipur, Andaman and Nicobar and Goa have so far been received. Reply from the Governments of Andhra Pradesh, Gujarat, Mysore, Nagaland, Rajasthan, West Bengal and Jammu and Kashmir is awaited.

Based on the replies so far received, the information with regard to paras (a), (b) and (c) is as follows:

(a) and (b). 6,500 cattle in Maharashtra and a few in Orissa are reported to have died due to the shortage of fodder and water etc.

(c) The following steps have been taken by the State Governments to save the cattle wealth:

- (i) Free grazing facilities were allowed in reserve forest areas.
- (ii) Taccavi loans were given to cultivators for the purchase of fodder.
- (iii) The export of fodder outside the State was banned by the Governments of Maharashtra and Bihar.
- (iv) Cattle feeding centres were opened. Fodder depots and grazing camps were set up by the Forest Department.
- (v) People in scarcity areas were allowed to carry head load of fodder free of charge from forest areas.
- (vi) Veterinary aid and vaccination against contagious cattle diseases was extended to the cultivators.
- (vii) Existing wells, bunds and Ziriyaes were constructed; deepened for avoiding the shortage of water.

**Insurance of Cattle**

2025. **Shri H. C. Linga Reddy:**  
**Shri P. C. Chakraverti:**  
**Shri Vishwa Nath Pandey:**  
**Shrimati Savitri Nigam:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether the scheme for the insurance of cattle has been finalised;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra): (a) Not yet.

(b) Does not arise.

(c) The main reason for not finalising the details of the scheme is the non-availability of data on mortality of cattle and buffaloes. Surveys have been started to collect the requisite data from the selected areas where the scheme is proposed to be implemented as a Pilot Project. The details of the scheme will be finalised as soon as the data becomes available.

**Raid on Paddy Shops in Delhi**

2026. **Shrimati Savitri Nigam:**  
**Shri H. C. Linga Reddy:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) whether the paddy shops had been raided in Delhi during September, 1966;

(b) how many samples had been collected; and

(c) how many prosecution cases have been started?

**The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon):** (a) No, Sir.

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

**Bomb Scare on Air India Plane**

2027. **Shrimati Savitri Nigam:**  
**Shri H. C. Linga Reddy:**

Will the Minister of **Transport, Aviation, Shipping and Tourism** be pleased to state:

(a) whether it is a fact that the Air India had to change a Calcutta-bound plane to Santa Cruz because of bomb scare on the 2nd September, 1966; and

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

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) and (b). An anonymous warning that a bomb had been placed on a Air India plane scheduled to operate a service to Calcutta from 2155 (ai) LSD—3.

Bombay (flight No. 104) was received on 31st August, 1966. The scheduled plane which had arrived from New York on 1st September, 1966 on Service No. 104, was therefore detained at Bombay and another aircraft was detained on the Bombay/Calcutta sector. The search of the aircraft detained at Bombay established that the warning was false.

**Cochin Port**

2028. **Shri Subodh Hansda:**  
**Shri S. C. Samanta:**  
**Shri P. C. Borooah:**  
**Shri M. L. Dwivedi:**  
**Shri Bhagwat Jha Azad:**  
**Dr. M. M. Das:**

Will the Minister of **Transport, Aviation, Shipping and Tourism** be pleased to state:

(a) whether Government are aware that "Lady Willingdon", the Cochin Port dredger cannot cope with her work in the Port;

(b) whether this has decreased the depth of drafts for which ships of deep drafts cannot enter the Port;

(c) whether the Chamber of Commerce have represented to Government to remove this difficulty; and

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

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) Yes. The dredger 'Lady Willingdon', which was purchased in 1937, is still in working condition but its efficiency has gone down appreciably in recent years. It is mainly intended for carrying out maintenance dredging work in the inner channel of the harbour.

(b) There has been considerable difficulty in maintaining necessary depth at the berths on account of the increase in the Port's dredging commitments since the opening of the oil tanker berth requiring additional dredging in the channel and turning basin.

(c) Yes.

(d) The Port Trust are taking action for the acquisition of two dredgers i.e. a Suction Dredger in replacement of the existing Suction Dredger 'Lord Willingdon' and a Grab Hopper Dredger. The Port Trust have been authorised to invite tenders for the Grab Hopper Dredger. As regards the other dredger, specifications are being drawn up by a Committee of Technical Experts and procurement action will be initiated as soon as the specifications have been finalised.

#### **Shifting of Mangalapuri Village in Palam Airport**

**2030. Shri Yashpal Singh:  
Dr. Ranen Sen:  
Shri Bade:  
Shri Hukam Chand  
Kachhavalaya:  
Shri Vishram Prasad:**

Will the Minister of **Transport, Aviation, Shipping and Tourism** be pleased to state:

(a) whether shifting of Mangalapuri village situated right in the middle of the Palam Airport has been pending for the last eight years;

(b) if so, the reasons therefor; and

(c) when the decision would be implemented?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) to (c). The village is located between the two main runways at the Palam airport but not on the CAD land. The land of the village has already been acquired and the villagers are in occupation as tenants. As, however, the shifting of the village would be necessary for the future development of the airport, the question of shifting and rehabilitating the villagers elsewhere has been under active consideration in consultation with the Delhi Administration. The question involves acquisition of land for the rehabilitation of the villagers. No scheme has yet been finalised in this regard.

#### **Companies Act**

**2032. Dr. M. M. Das:  
Shri Bhagwat Jha Azad:  
Shri M. L. Dwivedi:  
Shri S. C. Samanta:  
Shri Subodh Hansda:**

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

(a) whether it is a fact that the majority of the companies set up by the Central as well as the State Governments;

(i) flout the provisions of the Companies Act,

(ii) their accounting systems are defective,

(iii) they do not hold their annual general meetings in time; and

(b) the total number of such Companies that were found violating the different provisions of the Companies Act during 1965-66?

**The Minister of State in the Ministry of Law (Shri C. R. Pattabhiraman):** (a) (i) Barring a few, majority of the companies set up by the Central as well as the State Governments comply with the provisions of the Companies Act.

(ii) It has not come to the notice of the Government that the accounting systems followed by these companies are defective. Under the provisions of the Law, their accounts are required to be audited by the auditors appointed on the recommendation of the Comptroller & Auditor General and copies of the audit reports are sent to the Comptroller & Auditor General of India for his comments.

(iii) Out of the 218 Government Companies (as on the 1st November, 1966) only 49 companies did not hold the Annual General Meeting within six months of the close of the financial year.

(b) 38 companies, mostly State Government Companies, were found violating other provisions of the Act during 1965-66.

**Companies Law Tribunal**

**2033. Dr. M. M. Das:**  
**Shri Bhagwat Jha Azad:**  
**Shri M. L. Dwivedi:**  
**Shri S. C. Samanta:**  
**Shri Subodh Hansda:**

Will the Minister of Law be pleased to state:

(a) when the Companies Law Tribunal, for quick action against persons involved in cases of fraud, misfeasance and other irregularities in the management of Companies, was set up;

(b) the total number of cases filed with the Tribunal from its establishment to date;

(c) the number of cases convicted; and

(d) the maximum punishment that can be given by the Tribunal?

**The Minister of State in the Ministry of Law (Shri C. R. Pattabhiraman):** (a) The Central Government, in exercise of the powers vested in it by section 10A of the Companies Act, 1956, constituted the Companies Tribunal, on the 15th June, 1964.

(b) and (c). Up to the 20th October, 1966, 370 cases out of a total of 437 cases instituted before the Tribunal had been finally disposed of.

(d) The sections in the Companies Act in respect of which jurisdiction has been conferred on the Companies Tribunal are 111, 155, 203, 234A, 240A, 388B to 388E, 397 to 407 and 635B. Under these sections, the Tribunal is empowered *inter-alia* to grant reliefs to aggrieved parties as well as to decide whether or not any person concerned in the conduct and management of the affairs of a company is a fit and proper person to hold the office of Director or any other office connected with the conduct and management of the company. Any offence in relation to applications made under section 397

or 398, which is punishable with fine or imprisonment ranging from 1 year to 7 years, or both, is to be tried by the Court of a Magistrate of the 1st Class or, as the case may be, a Presidency Magistrate, having jurisdiction to try such offence.

**Industrial and Commercial Concerns of Goa**

**2034. Dr. M. M. Das:**  
**Shri Bhagwat Jha Azad:**  
**Shri M. L. Dwivedi:**  
**Shri S. C. Samanta:**  
**Shri Subodh Hansda:**

Will the Minister of Law be pleased to state:

(a) whether the industrial and commercial concerns (public and private companies) of Goa, Daman and Diu have been given exemption from the provisions of the Company Law;

(b) if so, the reasons therefor; and

(c) whether the companies referred to are also exempted from the operation of the Income-tax Act?

**The Minister of State in the Ministry of Law (Shri C. R. Pattabhiraman):** (a) On the extension of the Companies Act, 1956 with certain modifications, to the Union territory of Goa, Daman and Diu on the 26th January, 1963, the concerns which had immediately before that date been functioning in that territory as *sociedades anonima* became "existing companies" within the meaning of that Act. Concerns which had previously been functioning as *sociedade por quotas responsabilidade limitada* were given an option to register themselves within a specified time as companies under the Act and, on registration, have been allowed to retain their continuity of existence. All the *sociedades anonima* and such of the *sociedade por quotas responsabilidade limitada* which registered themselves as companies were allowed exemptions from some of the provisions of the Companies Act up to the 31st December, 1965.

(b) The exemptions were allowed with the purpose of avoiding undue hardship to the aforesaid concerns in effecting a changeover from the Portuguese system of Laws to the Indian system.

(c) No, Sir. Industrial and commercial concerns (Public and Private Companies) of Goa, Daman and Diu are, in common with other taxpayers of these territories, liable to income-tax under the Income-tax Act, 1961, with effect from 1st April, 1963, i.e., since the assessment year 1963-64. However, in order to enable such companies as well as tax-payers of other categories, to adapt themselves gradually to the taxation laws of India, certain taxation concessions have been granted to them for a limited period under the provisions of the Dadra and Nagar Haveli and Goa, Daman and Diu (Taxation Concessions) Order, 1964.

#### Acquisition of Land

**2035. Shri Yashpal Singh:  
Shri Hem Raj:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) whether the Group of experts on Land Acquisition set up in his Ministry have submitted their recommendations to Government;

(b) if so, the details thereof; and

(c) the reaction of Government thereto?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) No.

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

#### Drought Conditions in Andhra Pradesh

**2036. Shri Kolla Venkaiah:** Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) whether Government are aware

of the drought and famine conditions prevailing in the different parts of Andhra Pradesh;

(b) the districts and the areas affected by these conditions;

(c) the number of persons and the cattle affected; and

(d) the steps taken by Government to give relief to the areas affected?

**The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon):** (a) to (d). The rainfall during the monsoon period of 1966 was normal in Andhra Pradesh. Rainfall during the post-monsoon season so far, that is, from 1st October to 16th November, 1966, is also reported to have been normal in the Rayalaseema area, but it was slightly deficient in the Coastal Andhra Pradesh and Telangana areas. The Government of India have not received any reports from the Government of Andhra Pradesh about the prevalence of drought conditions in that State just now.

However, Andhra Pradesh was one of the States badly affected by the drought of 1965-66. The details of the areas, population, etc. affected as also the relief measures taken by the Central and State Governments are given in the "Review of the Scarcity Situation and Measures taken to meet it—July, 1966", placed on the Table of the Sabha on the 9th August, 1966.

The relief operations are being continued by the State Government. According to the latest report received from the Government of Andhra Pradesh, 1845 relief works are still continuing. These are employing 54,073 persons daily. 2,11,111 persons were receiving gratuitous relief as on 14-11-1966.

No cattle mortality has been reported from Andhra Pradesh as a result of the drought of the year 1965-66.

**Russian Agricultural Convertible Aircraft**

**2037. Shri P. C. Borooah:** Will the Minister of Transport, Aviation Shipping and Tourism be pleased to state:

(a) whether a convertible Russian agricultural aircraft capable of being converted into a transport plane carrying 12 passengers has been recently tested for its suitability for Indian conditions;

(b) if so, whether Government propose to acquire some such aircrafts and if so, how many; and

(c) whether any steps are being taken for producing such aircraft indigenously?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) A demonstration of AN-2M Soviet Agricultural aircraft was held on 24th September, 1966 at Safdarjung airfield. Basically, it is an agricultural aircraft capable of conversion for carrying about 12 passengers.

(b) No, Sir.

(c) M/s Hindustan Aeronautics Ltd., Bangalore, are designing a specialised agricultural aircraft to meet the country's agro-aviation requirements.

**Asian Highways**

**2038. Shri Maheswar Naik:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) the total mileage of Asian highways passing through India and which other countries are served by these highways;

(b) the other highways of India which have been categorized as Asian highways; and

(c) the standard specifications which they should satisfy in order to be brought under this category?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) The total length of roads included in the Asian Highway System passing through India works out to 15065 Kilometres out of which 7800 Kilometres are priority routes and 7265 Kilometres are "Other routes". These roads seek to connect India to the neighbouring countries of Pakistan, Burma, Ceylon and Nepal.

(b) A list indicating the names of both priority and "Other routes" given below:

*Priority Routes*

(1) Pakistan border (Benapol)-Calcutta - Barhi-Banaras-Allahabad-Kanpur-Agra-Delhi - Ambala-Jullundur - Amritsar-Pakistan border.

(2) Barhi-Mokameh-Muzaffarpur-Raxaul-Nepalese border.

(3) Agra-Gwalior-Jhansi-Saugar-Lakhnadon-Nagpur-Hyderabad-Bangalore - Madurai-Dhanushkodi.

(4) Mokameh - Purnea-Kishanganj-Sivok-Cooch Behar-North Salamara-Ramgaria - Gauhati-Jorhat-Golaghat - Imphal - Burmese border.

(5) Jorabat-Shillong-Tamabeel (Pakistan border).

(6) Imphal-Silchar-Karimganj (Pakistan border).

*Other routes*

(7) Gwalior-Shivpuri-Indore-Dhulia-Bombay.

(8) Dhulia (on Bombay-Gwalior route)-Nagpur-Raipur - Sambalpur - Barakot - Bangriposi.

(9) Calcutta-Kharagpur-Bangriposi - Cuttack - Vishakhapatnam-Vijayawada-Madras-Dindigul.

(10) Bombay-Poona-Belgaum-Chitradurga-Bangalore-Madras.

(11) Kanpur-Lucknow-Faizabad-Gorakhpur-Kasia-Pipra (on Muzaffarpur-Raxaul road).

(c) Roads included in the proposed Asian Highway System are to be developed to certain minimum standards (single-lane, fully bridged, black topped roads with 38 feet wide formation width). Further development and improvement will be by stages in accordance with the requirements of traffic on sections of the roads.

#### Death Rate in Delhi Zoo

2039. Shri Subodh Hansda:  
Shri S. C. Samanta:  
Dr. M. M. Das:

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the death rate in the Delhi Zoo has considerably increased recently;

(b) if so, the reasons therefor; and

(c) the number of animals died during the last six months?

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shinde): (a) No, Sir.

(b) Does not arise.

(c) Animals 37.

Birds 87.

#### विधि मन्त्रालय में हिन्दी में पत्र व्यवहार

2040. श्री विश्वास प्रसाद : क्या विधि मन्त्री यह बताने की कृपा करेंगे कि :

(क.) 1965 में उनके मन्त्रालय में कितने पत्र हिन्दी में प्राप्त हुए थे; और

(ख) उक्त अवधि में कितने पत्रों का उत्तर हिन्दी में तथा कितने पत्रों का उत्तर अंग्रेजी में दिया गया ?

विधि मन्त्रालय में राज्य मन्त्री (श्री चे० रा० पट्टाभिरामन्) : (क.) 660 ।

(ख) इनमें से, 87 पत्रों के उत्तर हिन्दी में दिए गए और 50 पत्रों के उत्तर अंग्रेजी में दिए गए । शेष पत्रों की बाबत कोई उत्तर दिए जाने की आवश्यकता नहीं थी ।

#### विधि मन्त्रालय में हिन्दी जानने वाले कर्मचारी

2041. श्री विश्वास प्रसाद : क्या विधि मन्त्री यह बताने की कृपा करेंगे कि :

(क) उनके मन्त्रालय में प्रथम, द्वितीय, तृतीय तथा चतुर्थ श्रेणी के कितने-कितने कर्मचारी हैं;

(ख) इनमें से प्रत्येक श्रेणी में हिन्दी जानने वाले कितने-कितने कर्मचारी हैं; और

(ग) हिन्दी अध्यापन योजना के अन्तर्गत इस समय कितने कर्मचारी हिन्दी सीख रहे हैं ।

विधि मन्त्रालय में राज्य मन्त्री (श्री चे० रा० पट्टाभिरामन्) :

(क.) वर्ग—i	118
वर्ग—ii	254
वर्ग—iii	306
वर्ग—iv	235
(ख.) वर्ग—i	37
वर्ग—ii	145
वर्ग—iii	239
वर्ग—iv	166

(वर्ग iv के कर्मचारी हिन्दी शिक्षण स्कीम के अन्तर्गत नहीं आते हैं । किन्तु उनमें 28 व्यक्ति ऐसे हैं जो हिन्दी में मैट्रिक स्तर तक अर्हित हैं । शेष 138 व्यक्ति हिन्दी पढ़ लिख सकते हैं ।)

(ग) 49.



**कम्पोस्ट खाद**

2042. श्री विभ्राम प्रसाद : क्या खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्री यह बताने की कृपा करेंगे कि :

(क) गत पांच वर्षों में कूड़े करकट की खाद (कम्पोस्ट) तैयार करने पर कितना खर्च किया गया; और

(ख) चौथी पंचवर्षीय योजना में इस किस्म की खाद के लिए कितनी राशि नियत करने का विचार है ?

**खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्रालय में उपमन्त्री (श्री श्याम-धर मिश्र) (क) और (ख).** कम्पोस्ट खाद को शारीरिक परिश्रम द्वारा तैयार किया जाता है। शहरी क्षेत्रों में यह खाद नगर-पालिकाओं तथा पंचायतों द्वारा तैयार किया जाता है। गांवों में इस खाद को कृषक अपने लिए अपने क्षेत्रों में तैयार करते हैं। नगर पालिकाओं तथा पंचायतों को इस खाद की तैयारी के लिए सहायता देने की योजनाओं को राज्यों के प्लानों में शामिल कर लिया गया है। केन्द्रीय सरकार एक राशि के रूप में सहायता देती है; प्रत्येक योजना के लिए अलग अलग नहीं। अतः कम्पोस्ट की तैयारी के लिए दी गई केन्द्रीय सहायता के आंकड़े उपलब्ध नहीं हैं। तीसरी योजना के पिछले 2 वर्षों में कृषि हेतु शुरू किये गये विशेष विकास कार्यक्रम में इस वर्ग की कुछ योजनाओं को केन्द्रीय परायोजित योजना स्वीकार किया गया था। 1965-66 के अन्त तक इन योजनाओं के अन्तर्गत लगभग 45.051 लाख रुपये व्यय किये गये थे। अभी तक राज्य सरकारों के साथ चतुर्थ योजना के व्यय के बारे में विचार-विमर्श किया जा रहा है और समस्त स्टेट प्लानों को अन्तिम रूप देने के पश्चात् ही पता चलेगा कि इन योजनाओं पर कुल कितना धन व्यय होगा।

**घायासित गेहूं का खराब होना**

2043. श्री श्रींकार लाल बेरवा : क्या खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह मंच है कि बम्बई पत्तन पर आयातित गेहूं को खाली खुले भाल डिब्बों में लादा जाता है और इससे बड़ी मात्रा में गेहूं खराब हो जाता है तथा जो व्यक्ति उस गेहूं का आटा खाने है वे बीमार हो जाते हैं;

(ख) यदि हां तो गत छः महीनों में इस प्रकार कितनी बोरियों लादी गईं; और

(ग) इसके क्या कारण हैं ?

**खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्रालय में राज्य मन्त्री (श्री गोविन्द मेनन) :** (क) में (ग)। यह मंच है कि खाद्यान्नों के भारी आयात और बन्दरगाहों से विभिन्न राज्यों को तुरन्त भोजन की आवश्यकता के कारण न केवल बम्बई बन्दरगाह में बल्कि अन्य बन्दरगाहों से भी खाद्यान्न भोजन के लिये कुछ हद तक खुले बैगनों का प्रयोग करना पड़ता है। सभी सावधानी बरतने पर भी इस प्रकार संचलन करने से रास्ते में खाद्यान्नों की कुछ बोरियों वर्षा में आवृण्य हो खराब हो जाती है। तथापि ऐसे सभी मामलों में खाद्यान्नों की खराब हुई बोरियों की सफाई की जाती है और केवल मानव उपभोग के योग्य पाये जाने वाले खाद्यान्न का वितरण होता है इसलिये लोगों के क्षतिग्रस्त गेहूं से बने आटे के उपभोग करने का प्रश्न ही नहीं उठता। मई से अक्टूबर, 1966 की अवधि में बम्बई से रेलवे बैगनों में खाद्यान्नों की लादी गयी लगभग 157 लाख बोरियों में से लगभग 40 लाख बोरियां वाकम/खुले बैगनों में लादी गयी थी।

### सुपर बाजार, नई दिल्ली

2044. श्री श्रीकार लाल बेरबा : क्या खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने नई दिल्ली स्थित सुपर बाजार में मस्ते ट्रांजिस्टर सेट बेचने की घोषणा की थी ;

(ख) यदि हां, तो इस निर्णय को कार्य-रूप न देने के क्या कारण हैं ; और

(ग) यदि ये सेट वहां पर बेचे जायेंगे तो उनकी बिक्री कब तक होने लगेगी ?

खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्रालय में उपमन्त्री (श्री श्यामर मिश्र) (क) जी नहीं।

(ख) प्रश्न नहीं उठता।

(ग) सुपर बाजार कुछ निर्माताओं से कम कीमत वाले ट्रांजिस्टर सेट्स की सलाह के लिए बातचीत करता रहा है। चूंकि बातचीत अभी पूरी नहीं हुई है अतः यह बताना सम्भव नहीं है कि सुपर बाजार कब मस्ते ट्रांजिस्टर सेट बेचने लगेगा।

### Asoka Sugar factory in Orissa

2045. Shri Mohan Nayak: Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) the quantity of sugar produced in the Asoka Sugar Factory in Orissa State in 1965-66;

(b) the progress made during the last year; and

(c) whether it is running in loss?

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shinde): (a) 7,936 tonnes.

(b) There has been improvement in the working of this factory during

1965-66 as compared to 1964-65. The relevant data are given below:—

Season	Working duration	(tonnes)		
		cane crushed	Sugar made	Recovery of sugar cane%
1964-65	65	51,33	4,240	8.26
1965-66	105	90,017	7,936	8.82

(c) Information is not available in this regard.

### Cooperative Movement in Orissa

2046. Shri Maheswar Nalk: Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) the latest progress made in the Cooperative movement so far as coverage of villages and membership is concerned in Orissa State;

(b) the total amount of business and the money handled by the Cooperatives in the State; and

(c) how far the villagers have utilised to their benefit the service cooperatives?

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra): (a) As on 30th June, 1965 there were 5610 agricultural credit societies in the State of Orissa of which 2700 were service societies. The total membership of these societies was 11.57 lakhs. These societies covered all the villages of the State. There were also 27 primary cooperative land mortgage banks in the State as on 30th June, 1965 with membership of 33,000.

(b) The agricultural credit and service societies in the State advanced short and medium term loans amounting to Rs. 8.97 crores in 1964-65. Besides this, primary land mortgage banks advanced long-term loans during the year to the extent of Rs. 72.57 lakhs. The loan outstandings of agricultural credit societies at the end of the year were Rs. 12.09 crores and the loan outstandings of the primary

land mortgage banks at the end of the year were Rs. 1.74 crores.

(c) 2700 service societies, in addition to distributing credit to their members for agricultural operations, also undertook other service functions like distribution of fertilisers and other production requisites, distribution of consumer goods and marketing of agricultural produce. The total value of production requisites of all types distributed by them during 1964-65 was Rs. 1.73 crores.

A statement showing the position of cooperative societies other than credit/service cooperatives in the State of Orissa as on 30th June, 1965 is laid on the Table of the House. [Placed in Library. See No. LT-7380/66].

मध्य प्रदेश में भुखमरी से मृत्यु

2047. श्री बट्टे :

श्री हुकम चन्द कल्लवाय :

वया खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्री यह बताने की कृपा करेंगे कि :

(क) वया यह सच है कि पिछले कुछ महीनों में मध्य प्रदेश में भुखमरी से बहुत से लोगों की मृत्यु हुई है ;

(ख) यदि हां तो क्या सरकार ने इस विषय में कोई सूचना एकत्र की है ; और

(ख) यदि हां तो इसका विवरण क्या है ?

खाद्य, कृषि, सामुदायिक विकास तथा सहकार मन्त्रालय में राज्य मन्त्री (श्री गोविन्द मंगल) : (क) जी नहीं ।

(ग) और (ग). प्रश्न ही नहीं उठने ।

#### Roads in Kerala

2048. Shri Maniyangadan: Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) when the construction of Kumarakom-Vechoor Road connecting

Kottayam and Vaikom in Kottayam District (Kerala) was started;

(b) whether the Kerala Government have requested his Ministry in November last for sanction of funds from the Central Road Fund for the construction of this road;

(c) whether sanction has been given and if not, the reasons therefor; and

(d) the reasons for delaying completion of this road?

The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy): (a) to (d). The work relating to the Kumarakom-Vechoor-Vaikom Road was started by the Government of Kerala from their own revenues in 1955.

2. Subsequently, in 1958 and 1960 the Government of Kerala proposed the following two works relating to this road for being financed out of their allocation account in the Central Road Fund:—

- |  |                |
|--|----------------|
| (i) Construction of bridges on Kumarakom-Vechoor Road. | Rs. 4.00 lakhs |
| (ii) Improvements to Kumarakom-Vechoor-Vaikom Road.    | Rs. 4.00 lakhs |
|  | <hr/>          |
|  | Rs. 8.00 lakhs |

These were approved in 1958 and 1960 respectively.

3. In November 1965, the State Government reported that the completion of these works would together involve an additional expenditure of Rs. 3.96 lakhs and asked for the approval of the Central Government to the excess, also being met from the allocation account of the State Government in the Central Road Fund. The matter is being re-examined and certain additional information has been called for from the Government of Kerala. But it would not be possible to allot

any additional funds during the current year owing to the paucity of resources.

### Bridges in Kerala

2049. **Shri Maniyangadan:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether the Kottayam District Development Council and Kerala Government have approved a scheme for the construction of a bridge at Kulapunackal Kodava in Kottayam District, Kerala State;

(b) whether the proposal has been included in the Fourth Five Year Plan; and

(c) if not, the reasons therefor?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) to (c). The proposed bridge at Kulapunackal Kodava in the Kottayam District falls on a State road in the Kerala State. The Government of Kerala are, therefore, primarily concerned in the matter. They have considered its inclusion in their Fourth Five-Year Plan but could not make provision for this work in that plan due to undeveloped nature of the road system on the northern side of the proposed crossing and the nearness of the existing Chungom bridge.

### Bridges in Kerala

2050. **Shri Maniyangadan:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether there is a proposal to construct a bridge at the Vettikattu Muku in Kottayam District, Kerala State;

(b) whether it is included in the Fourth Five Year Plan; and

(c) if so, the estimate and when the construction will begin?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) to (c). The proposed bridge at Vettikattu Muku falls on a State road in the Kerala State. The Government of Kerala are, therefore, primarily concerned with this work. They have intimated that this project has been included in their Draft Fourth Five-Year Plan and that the design and the estimate are being finalised. The State Government propose to provide funds for this work in the next year's budget.

एयर इंडिया के बोइंग विमान के इंजन में खराबी

2051. श्री हुकम चन्द कछवाय :  
श्री बड़े :  
श्री श्रींकार लाल बेरवा :

क्या परिवहन, उड्डयन, नौबहन तथा पर्यटन मन्त्री प्रह. वदने की कृपा करेंगे कि:

(क) क्या यह सच है कि 6 सितम्बर, 1966 को अथवा उसके आसपास सिडनी में फिजी जाते हुए एयर इंडिया के बोइंग विमान के इंजन में कुछ खराबी आ गई थी; और

(ख) यदि हां तो उसके परिणामस्वरूप जान और माल को कितनी क्षति हुई ?

**परिवहन, उड्डयन, नौबहन तथा पर्यटन मन्त्री (श्री संजीव रेड्डी) :** (क) जी हां। एयर इंडिया का बोइंग वायुयान बीटी-डीपी-एम जो कि 6 सितम्बर, 1966 को सिडनी से नन्दी (फिजी द्वीप समूह) के लिए रवाना

हुआ था, नम्बर 4 इंजन के चलाने के लीव में अत्यधिक कम्पन पाये जाने तथा उसके साथ-साथ तेल के तापक्रम में क्रमशः वृद्धि होने के कारण 38 मिनट की उड़ान के बाद सुरक्षित रूप से वापस सिडनी में उतर आया। इंजन बदल दिया गया और वायुयान ने पुनः उड़ान चालू कर दी।

(ख) जान या माल की कोई हानि नहीं हुई।

**A.I.R. Programmes for educating Voters**

2052. **Shri R. S. Pandey:** Will the Minister of Law be pleased to state:

(a) whether Government have under consideration a proposal to start some broadcasting programme over the A.I.R. Stations to educate the people to use their rights of franchise in the right way; and

(b) if so, the details thereof?

**The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman):** (a) No, Sir.

(b) Does not arise.

**Retrenchment by River Steam Navigation Co. Ltd.**

2053. **Shri Kola Venkalah:**  
**Shri P. C. Borooah:**

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that the management of the River Steam Navigation Co., Ltd. has proposed to close

the Calcutta Ghat Offices and to issue retrenchment notices to many of its employees;

(b) if so, the reasons therefor;

(c) the number of employees to be retrenched;

(d) whether any representation has been made this year by the Inland Steam Navigation Workers' Union against the closure of offices and retrenchment and against the loss which they were subjected to; and

(e) if so, the action taken or proposed to be taken in the matter?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) to (c). Proposals regarding the future of the Rivers Steam Navigation Company Limited are under Government's consideration.

(d) Yes.

(e) The matter is under consideration.

**Drought conditions in Mysore State**

2054. **Shri H. C. Linga Reddy:** Will the Minister of Food, Agriculture, Community Development and Co-operation be pleased to state:

(a) the present seasonal conditions in Mysore State;

(b) the extent to which the people are relieved of drought conditions;

(c) the amount so far spent on drought relief by the Central and State Governments;

(d) whether relief works and 'CARE' programme will be continued till the next harvesting season; and

(e) the number of people so far employed and the number of relief works taken up?

**The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon):** (a) The present seasonal conditions in the Mysore State appear to be quite satisfactory. There has been satisfactory rainfall practically all over the State. The condition of standing crops is fair and there are prospects of a reasonably fair harvest.

(b) As a result of satisfactory rains, the situation has considerably improved. The number of persons employed on relief works has gone down.

(c) The expenditure on drought relief is initially incurred by the State Government and is later shared between the State and Central Governments according to a prescribed pattern of assistance. The Central Government have so far released funds to the Mysore Government to the extent of Rs. 4 crores. The Mysore Government have intimated that this sum is likely to be spent in full on drought relief. The details of actual expenditure incurred by them so far are not readily available.

(d) Due to improvement in the situation, instructions have been issued by the State Government to discontinue relief works except in some badly affected pockets, where works will be continued for some time more. The Emergency Feeding Programme with which 'CARE' is associated will continue till the end of November in all areas where it has been in force. In badly affected pockets, it will continue till the end of December, 1966.

(e) 81,011 persons were in employment on 31st October, 1966 on 1,424 relief works. The maximum number of persons employed on relief works in Mysore was 1,74,721 in the first week of May, 1966.

### **Hindustan Shipyard, Visakhapatnam**

**2055. Shri Kolla Venkaiah:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) the number of ships built at the Hindustan Shipyard, Visakhapatnam in 1965-66;

(b) the number of ships to be built in 1966-67; and

(c) the improvements made for ship-building at the said shipyard?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) Three.

(b) Two.

(c) Some of the improvements made in the Shipyard since it was taken over by Government from the Scindia Steam Navigation Company Limited in March, 1952 are as follows:—

(1) The constructions of the orthodox type of steam ship of smaller capacity rivetted construction has been changed to the modern diesel-engined ship of welded construction on prefabricated system;

(2) the layout of steel yard, workshops and stores has been improved;

(3) the flow of material from the steel yard to building berths through various shops has been improved and streamlined from the old zig-zag type of flow to the unidirectional straight-line flow;

(4) the fitting out jetty space has been extended to increase the capacity;

(5) the craneage in the building berths, fitting-out jetty and steel yard has been increased;

(6) more attention is being devoted to the training of technical personnel at all levels;

(7) A planning and production Control system has been introduced.

(8) the Drive for development of indgenous equipment has been intensified.

**Enquiry into Working of D.T.U.**

**2056. Shri Vishwa Nath Pandey:** Will the Minister of **Transport, Aviation, Shipping and Tourism** be pleased to refer to the reply given to Unstarred Question No 129 on the 26th July, 1966 and state:

(a) whether Government have since taken a final decision about the proposal to set up a Committee to enquire into the working of the Delhi Transport Undertaking; and

(b) if so, with what result?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) and (b). It has been decided to set up a Works Study Team to assess the financial requirements of the Delhi Transport Undertaking for meeting the increase in demand for road transport facilities in Delhi and make suggestions if any for improving the working of the Undertaking.

**Smuggling of Sugar into East Pakistan**

**2057. Shri Dighe:**

**Shri Vishwa Nath Pandey:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to refer to the reply given to Unstarred Question No. 916 on the 2nd August, 1966 and state:

(a) whether the investigation in the case of sugar seized at Howrah Railway Station has since been completed; and

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

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shinde):** (a) No, Sir.

(b) Does not arise.

**अनाज लाने वाले जहाजों को विलम्ब शुल्क की अवायगी**

**2058. श्री डडे :**

**श्री हुकम चन्द कछवाय :**

**क्या खाद्य, कृषि, सामुदायिक विकास तथा सहकार मंत्री यह बताने की कृपा करेंगे कि :**

(क) क्या यह सच है कि बम्बई बन्दरगाह पर जहाजों से अनाज उतारने का काम करने वाले कर्मचारियों द्वारा हाल में की गई हड़ताल के कारण दो विदेशी जहाजों को विलम्ब शुल्क के रूप में 20,000 रुपये देने पड़े और

(ख) यदि हां, तो सरकार ने इस मामले में क्या कार्यवाही की है ?

**खाद्य, कृषि, सामुदायिक विकास तथा सहकार मंत्रालय में राज्य मंत्री (श्री गोविन्द मेनन) :** (क) और (ख). गत तीन महीनों में बम्बई बन्दरगाह पर विभिन्न श्रेणियों के कर्मचारियों जो कि प्रत्यक्ष अथवा अप्रत्यक्ष रूप से बन्दरगाह पर जहाजों से खाद्यान्न उतारने का काम करते हैं, द्वारा कई बार हड़ताल करने से काम में विघ्न पड़ा है। ऐसे प्रत्येक अवसर पर कई विदेशी जहाजों से खाद्यान्न उतारने के काम पर प्रतिकूल प्रभाव पड़ा। जब तक माननीय भद्रस्य हड़ताल विशेष अथवा हड़ताल की तारीखों का उल्लेख नहीं करते तब तक अपेक्षित सूचना देना कठिन होगा।

**Potato Corporation of India**

**2059. Shri Tula Ram:**

**Shri Vishwa Nath Pandey:**  
**Shri Yashpal Singh:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) whether it is a fact that Government propose to set up a Potato Cor-

poration of India to maintain and develop potato seeds in the country;

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

(c) the total amount of expenditure involved therein?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) Yes, a proposal for setting up of Potato Corporation, as a subsidiary to the Food Corporation of India National Seeds Corporation is under consideration of the Government of India.

(b) and (c). The details have yet to be worked out.

#### **Weather Reports from J. & K.**

**2060. Shri Sham Lal Saraf:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether the Meteorological Department has established its centres in Jammu and Kashmir; and

(b) whether improvement has been effected in forecasting correct weather reports, not only for farmers of that area, but also to provide necessary information for aerial communications between that State and the neighbouring States?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) and (b). Yes, Sir. The Meteorological Department takes note of the latest scientific studies and investigations with a view to effecting improvement in weather forecasts.

#### **Suratgarh Farm**

**2061. Shri Kindar Lal:  
Shri Vishwa Nath Pandey:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to refer to the reply given to Starred Question No. 342 on the 9th August, 1966 and state:

(a) whether the Committee set up to examine the possibility of providing

additional water for Suratgarh farm has submitted its report;

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

(c) the reaction of Government thereto?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) to (c). The Committee has completed its study. Its final report is expected shortly.

#### **Meteorological Rocket Launching Station**

**2062. Shri Kindar Lal:  
Shri Vishwa Nath Pandey:**

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to refer to the reply given to Unstarred Question No. 1672 on the 9th August, 1966 and state:

(a) whether the scheme for setting up a Meteorological Rocket Launching Station in North-West India has since been finalised for inclusion in the Fourth Five Year Plan; and

(b) if so, the particulars of the scheme?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) The scheme has not yet been finalised.

(b) Does not arise.

#### **Availability of Imported Foodgrains**

**2063. Shri Basumatari:** Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the Central Government have indicated to the States that the availability of imported foodgrains would be much less during the next year; and

(b) if so, the steps taken to have sufficient stock to meet the situation?

**The Minister of State in the Ministry of Food, Agriculture, Community**



**Development and Cooperation (Shri Govinda Menon):** (a) Yes; Sir.

(b) Efforts are being made to import foodgrains to the maximum extent possible within the limited foreign exchange resources available with the Government and what the exporting countries are willing to offer. Internal procurement of foodgrains is also being maximised.

**Funds for Drought-affected Areas in West Bengal**

**2064. Shri Basumatari:** Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) whether it is a fact that the West Bengal Government have requested the Central Government for a grant of Rs. 2.5 crores for continuing the relief operations in the drought affected areas of the State;

(b) whether it is also a fact that 10 out of 16 Districts in the State have been affected by drought; and

(c) the percentage of loss in the crop of jute and paddy?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) Yes Sir, in June this year a request for an *ad hoc* grant of Rs. 2 crores was received from the West Bengal Government for continuing the relief operations in the drought affected areas of the State. As the ways and means position of the State Government was comfortable, they were requested to meet this expenditure from their own funds. No subsequent request for assistance has since then been received from the State Government.

(b) Details are not available but according to the State Government, the position is reported to be bad mainly in the districts of Bankura, Malda and West Dinajpore.

(c) It is too early at this stage to estimate the overall size of the paddy crop and jute in the State.

**Sale of Children in Assam**

**2065. Shri Sezhiyan:  
Shri Mohammed Koya:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) whether the attention of Government has been drawn to the reported 'distress sale' of children in Goalpara district of Assam, in recent times;

(b) if so, whether any investigations have been made into the situation leading to such sale of children; and

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

**The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon):** (a) to (c). When allegations of 'distress sale' of children in Assam on account of food shortages appeared in newspapers a report was called for from the Government of Assam and they have stated that according to a customary practice called "Dhana" prevalent in the area, the poorer sections of Bodo people keep their children for domestic work in houses of richer people of the same community in consideration for cash etc for specified periods. Another custom prevalent among the Bodo people is to adopt children belonging to the same community. The adopter, in such cases, gives a nominal amount in cash or kind to parents as a mark of respect. The Assam Government's investigations have shown that there have been no sale of children due to shortage of food.

**Bridge over River Natmada**

**2066. Shri Hari Vishnu Kamath:** Will the Minister of **Transport, Aviation Shipping and Tourism** be pleased to state:

(a) whether it is a fact that all work in connection with the construction of

the road bridge over the Narmada river near Hoshangabad (Madhya Pradesh) is at a complete standstill;

(b) if so, the reasons therefor; and

(c) when the project will be completed and the bridge commissioned?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) and (b). No. But it is true that the work of the bridge has lagged behind schedule. This is a State project in which the Central Government has agreed to give a limited aid of Rs. 13.34 lakhs. The construction was taken in hand in February, 1960 and was required to be completed in 2 years. But soon after the commencement of work a difficulty arose about the supply of high tensile steel wire. The original design for the bridge submitted by the firm was based on the use of 66 tons of imported high tensile wire (3 mm dia) which they had procured, but when the firm's design was checked it was found that it required 92 tons of 3 mm high tensile steel wire. The design was therefore modified to enable the use of 7 mm dia high tensile steel wire which by that time was being manufactured in the country. The change caused delay in the progress of work.

(c) The work has been resumed at the site and is in progress. It is expected to be completed by December, 1967.

#### **Tourist Centres at Kumaon Hills**

**2067. Shri K. C. Pant:** Will the Minister of Transport, Aviation Shipping and Tourism be pleased to state:

(a) whether it is a fact that the tourist accommodation in most of the hill centres in the Kumaon region of Uttar Pradesh is inadequate; and

(b) if so, the steps taken by Government to increase the accommodation so as to attract more visitors?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva**

**Reddy):** (a) Tourist traffic to the hill centres in the Kumaon region is seasonal in character. During the season i.e. April to June, the existing accommodation in some of the popular centres has been found to be inadequate.

(b) More funds have been provided in the Fourth Five Year Plan for the development of accommodation in this region.

#### **Hostel at Nainital for Central Government Employees**

**2068. Shri K. C. Pant:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether Government propose to establish a hostel at Nainital for arranging accommodation at a reasonable cost to Government employees visiting Nainital and Ranikhet and to attract large number of such visitors; and

(b) if so, the details thereof?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) There is no such proposal.

(b) The question does not arise.

#### **Shortage in imported Fertilizers**

**2069. Shri P. C. Borooah:** Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that about 600 tonnes of imported Amonia Sulphate fertilizer was found short in a recent shipment received at Kandla Port;

(b) whether it is also a fact that Government have lost the case filed in Bhuj Court against the Shipping Company for recovery of the loss; and

(c) if so, who has been found responsible for this loss?

**The Minister of State in the Ministry of Food, Agriculture, Community**

**Development and Cooperation (Shri Govinda Menon):** (a) and (b). It is a fact that the Government lost a case namely in the Bhuj court filed against a shipping company for recovery of short-landing losses. The case, related to a short-landing of about 500 metric tonnes of ammonium sulphate in a vessel, s.s. Smith Builder, which arrived at Kandla Port on 3-1-1963 and not recently.

(c) Since the shortage occurred during the voyage from U.S.A. to India and a suit was filed in time to recover the claim from the shipping company the question of fixing responsibility for the loss on any individual does not arise.

#### Delimitation of Constituencies

**2070. Shri D. C. Sharma:** Will the Minister of Law be pleased to state:

(a) whether any progress has been in the fresh delimitation of Assembly and Parliamentary Constituencies after reorganisation of Punjab, Haryana and Himachal Pradesh; and

(b) when the work is likely to be completed?

**The Minister of State in the Ministry of Law (Shri C R. Pattabhi Raman):**

(a) and (b). The Delimitation Commission has considered its draft proposals for Punjab, Haryana and Himachal Pradesh with the respective Associate Members. Its Final Orders are expected to be published during the course of next week.

#### Co-operative League of United States

**2071. Shri M. B. Krishna:  
Shri Ramapathi Rao:**

Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) the period for which Co-operative League of United States was in India and the States which the team visited;

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(b) how many States and Societies have been recommended for loan by this League; and

(c) whether large agricultural States like Andhra Pradesh will get preference in the matter of getting loans to start fertilizer factories under cooperative management?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) The Co-operative Fertilizer Feasibility Study Team sponsored by Co-operative League of U.S.A., is in India since 5th September, 1966. The Team has so far visited the States of Gujarat, Uttar Pradesh, Maharashtra, Kerala, Madras, West Bengal, Bihar, Andhra Pradesh and Rajasthan.

(b) The Report of the Team is yet to be finalised.

(c) While finalising its recommendations, the Team will no doubt take into account all relevant aspects including the scope of fertilizer consumption in various areas.

#### महाराष्ट्र में फसल की स्थिति

**2072. श्री दे० ज्ञि० पाटिल:** क्या खाद्य, कृषि, सामुदायिक विकास तथा सहकार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सब है कि महाराष्ट्र के चारों क्षेत्रों में वर्षा न होने के कारण वर्तमान फसल की स्थिति बहुत नाजुक है ;

(ख) यदि हां, तो वर्षा न होने के कारण किन जिलों में फसलों पर प्रतिकूल प्रभाव पड़ा है ; और

(ग) स्थिति सुधारने के लिये क्या उपाय किये जा रहे हैं ?

**खाद्य, कृषि, सामुदायिक विकास तथा सहकार मंत्रालय में उपमन्त्री (श्री श्यामधर मिश्र) :** (क) दक्षिण-पश्चिम मानसून मौसम (जून-सितम्बर) 1966 के दौरान कुल वर्ष जो खरीफ फसलों के लिए बहुत

महत्त्वपूर्ण है महाराष्ट्र राज्य के मध्य महाराष्ट्र, मराठावडा तथा विदर्भा क्षेत्रों में वस्तुतः सामान्य थी, किन्तु कोनकन क्षेत्र में वह कुछ अपर्याप्त थी। फिर भी मानसून 1966 में शीघ्र लौट गई और मध्य महाराष्ट्र, मराठावडा और कोनकन क्षेत्रों में सितम्बर के अन्तिम सप्ताह के दौरान कुछ बौछारें पड़ीं; सितम्बर के प्रथम सप्ताह के बाद राज्य में बहुत थोड़ी वर्षा हुई। उत्तर-मानसून मौसम (प्रथम अक्टूबर से 9 नवम्बर) राज्य के सभी भागों में वस्तुतः शुष्क ही रहा। इस शुष्कता से खरीफ फसलों की उन सम्भावनाओं पर बुरा प्रभाव पड़ा है जो राज्य के चारों क्षेत्रों में सितम्बर, 1965 के बीच तक उज्ज्वल दिखाई देती थीं। वर्तमान संकेतों से मालूम होता है कि स्थिति इतनी खराब नहीं है जितनी गत वर्ष थी यद्यपि कुल उत्पादन 1964-65 की अपेक्षा काफी कम होने की सम्भावना है। 16 नवम्बर, 1965 को समाप्त होने वाले सप्ताह के दौरान राज्य में कई स्थानों पर अच्छी बौछारें पड़ने की रिपोर्ट मिली है, इनसे रबी बुवाई और खरीफ फसलों की किस्मों को भी लाभ पहुंचने की सम्भावना है।

(ख) और (ग). पूर्ण गई जानकारी राज्य सरकार से इकट्ठी की जा रही है और मिलने पर सभा के पटल पर रख दी जायेगी।

#### Shipping Corporation of India

2073. Shri Rama Chandra Mallik:  
Shri Sudhansu Das:

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that the Shipping Corporation of India, had drawn-up a plan for the expansion of its tonnage after a careful assessment of the needs in different sectors and submitted them to the Central Government and the Planning Commission; and

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

The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy): (a) Yes, Sir.

(b) The plan is under consideration.

#### Education Allowance for Bombay Port Trust Employees

2074. Shri Rama Chandra Mallick:  
Shri Sudhansu Das:

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that the employees of the Bombay Port Trust will receive cash allowances in respect of the education of their children as from August, 1966;

(b) if so, the number of employees to be benefited by the scheme; and

(c) the total amount required for the scheme?

The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy): (a) Yes.

(b) About 27,000

(c) Rs. 28 lakhs per annum approximately.

#### Central Agency Section

2075. Shri Vasudevan Nair:  
Shri Warior:

Will the Minister of Law be pleased to state:

(a) the number of States which are being served by the Central Agency section of his Ministry in the Supreme Court; and

(b) the number of Advocates appointed by the Central Agency section at present?

The Minister of State in the Ministry of Law (Shri C. R. Pattabhiraman): (a) The following States are

now participating in the Scheme of the Central Agency Section, namely:—

1. Punjab,
2. Gujarat,
3. Maharashtra,
4. Mysore,
5. Orissa,
6. Bihar (some work); and
7. Jammu & Kashmir. . (

(b) The Ministry of Law has appointed 3 Advocates in the Central Agency Section. They are:—

1. Government Advocate,
2. Deputy Government Advocate, and
3. Assistant Government Advocate.

They are Advocates on record and conduct cases in the Supreme Court on behalf of the Central Government and the participating State Governments.

#### **Mysore State demand for Foodgrains**

**2076. Shri H. C. Linga Reddy:** Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) the demand of foodgrains made by the Government of Mysore from the Central Government during the last three months, month-wise;

(b) the extent to which the demand has been met;

(c) whether it is a fact that the Central Government have not met the requirements of foodgrains for the State to introduce statutory rationing in cities with more than one lakh of population; and

(d) if so, when the requirements of the State would be met?

The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon): (a) to (d). The requirement of foodgrains of each

State is generally discussed between the State Government and the Government of India and supplies from Central stocks are arranged on the basis of availabilities every month and the relative needs of the different States. There is no proposal for the introduction of statutory rationing in cities with more than one lakh of population in Mysore at present. The question of making any estimate of the requirement of foodgrains for the purpose of the Central Government meeting it, therefore, does not arise. The supplies of foodgrains to Mysore from Central stocks during the last three months were as follows:

(in ,000 tonnes)			
Month	Rice	Wheat	Milo
August	1·9	23·8	26·3
September	0·4	30·7	20·7
October.	0·1	33·9	17·8

#### **Agricultural Loans under P.L. 480**

**2077. Shri D. C. Sharma:** Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether the Government of U.S.A. have put up a proposal for the use of P.L. 480 Fund in Rupees for giving agricultural loans and to set up an organisation for the purpose in the country; and

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

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra): (a) No, Sir.

(b) Does not arise.

**Agricultural land in Bihar**

2078. **Shri H. C. Soy:** Will the Minister of Food, Agriculture, Community Development and Cooperation be pleased to state:

(a) whether it is a fact that due to large scale acquisition of land for industrial, mining and afforestation projects in the hilly districts of Southern Bihar, there has been a continual shrinkage of agricultural land resulting in food deficit every year;

(b) if so, the reaction of Government thereto; and

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

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) Land utilisation statistics for the districts of Southern Bihar and Bihar State as a whole for the year 1955-56 to 1963-64 (the latest year for which data is available) indicate that cultivated area in Southern Bihar as well as the Bihar State as a whole has gradually increased during this period. The cultivated area in Southern Bihar increased from 27,55,056 hectares in 1955-56 to 30,49,136 hectares in 1963-64 and that in the State as a whole, from 93,19,504 hectares to 97,16,354 hectares. The area put to non-agricultural use has, however, shown some increase between the year 1955-56 to 1963-64. The statistics available for the whole of Bihar State indicate that food production which was 5.2 million tonnes in 1955-56 has been progressively going up and stood at 7.5 million tonnes in 1963-64. After this, however, there was a slight fall in the production, due to wide spread drought conditions.

Thus, there is no evidence to show that acquisition of land for industrial, mining and afforestation projects had any substantial effect on the extent of cultivated area and food production as a whole.

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

**Grounding of I.A.C. Fokker Friendship at Tezpur**

2080. **Shri Vishwa Nath Pandey:**  
**Shri Kindar Lal:**

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether it is a fact that an Indian Airlines Corporation Fokker Friendship plane operating on the Calcutta-Tezpur-Jorhat route was grounded at Tezpur on the 5th November, 1966; and

(b) if so, the reasons therefor?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) and (b). Indian Airlines Corporation Fokker Friendship aircraft VT-DME operating Calcutta-Tezpur-Jorhat Service on the 5th November 1966 was grounded at Tezpur due to the pilot reporting that the port propeller was stuck in partially 'feathered' condition and was not returning to normal position. The defect was rectified and thereafter the operation of the propeller in the various positions was found satisfactory. The aircraft operated the Tezpur-Calcutta service on the 6th November 1966.

**Tuticorin Harbour Project**

2081. **Shri Muthiah:** Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to state:

(a) whether the amount allotted for the Tuticorin Harbour Project for 1966-67 is Rs. 194 lakhs;

(b) whether the final revised grant recently applied for by the Harbour authorities was Rs. 225 lakhs; and

(c) whether Government propose to allot the additional amount of Rs. 31 lakhs, asked for, which is the irreducible minimum additional amount required for 1966-67?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) The amount provided is Rs. 193.60 lakhs.

(b) Yes.

(c) The matter is under consideration in consultation with the Ministry of Finance.

#### F.A.O. Session in Rome

2082. **Shri H. N. Mukerjee** Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) the number and names of Delegates who represented India at the last session of the Food and Agriculture Organisation held in Rome;

(b) whether it is a fact that the Indian Jute Mills Association was represented at the session by one who is not an Indian national, and

(c) if so, the reasons therefor?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) The composition of the Indian Delegation to the 13th session of the FAO conference, Rome (November 20—December 9, 1965) is given in the Statement, laid on the Table of the House. [*Placed in Library. See No. LT-7381/66*].

(b) The delegation did not include any representative of the Indian Jute Mills Association.

(c) Does not arise.

#### Russian Tractors

2083. **Shri Balgovind Verma:**  
**Shri Vishwa Nath Pandey:**  
**Shri Braj Bihari Mehrotra:**  
**Shri Ram Swarup:**  
**Shri Chandak:**  
**Shri Yashpal Singh:**  
**Shri Madhu Limaye:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) the total number of agricultural tractors in the country;

(b) whether it is a fact that over 60 per cent of these tractors are located in northern region comprising of the States of Punjab, Uttar Pradesh, Rajasthan and Delhi and the demand also continues likewise;

(c) the criteria for distribution of the imported Russian tractors amongst their Indian agents and whether the existing population and demand factors are considered for distribution;

(d) whether it is also a fact that the import quota of Russian tractors for the States of Punjab, U.P. Rajasthan and Delhi has now been cut to only 35 per cent; and

(e) if so, the reasons therefor?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) The tractor census conducted in 1961 indicated that there were about 31,000 tractors in the country. During the Third Plan period about 30,000 tractors have been added.

(b) Region-wise figures are at present not available.

(c) to (e). The actual distribution is determined from time to time in the light of circumstances then prevailing. Broadly, the criteria are the demand for tractors and the need to popularise farm mechanisation in all parts of the country. While it is true that there is a substantial demand for tractors in the States of Punjab, Haryana, U.P., Rajasthan and the Union Territory of Delhi, there is also a sizeable demand for these tractors in other parts of the country. Since these tractors are relatively cheaper and since the farmers in different States should be extended facilities for purchase of such tractors, the quota for these States has been kept at 35 per cent of the total imports. This is the highest quota as may be seen from the fact that it is 27½ per cent for Western and Central India, 27½ per cent for Eastern India including Andhra Pradesh and 10 per cent

for Southern India. It may thus be appreciated that a weightage has been given to the States of Punjab Haryana, Rajasthan, U.P. and the Union Territory of Delhi.

**Import of Czech Tractors**

- 2084. Shri Balgovind Verma:**  
**Shri Vishwa Nath Pandey:**  
**Shri Ram Swarup:**  
**Shri Braj Bihari Mehrotra:**  
**Shri Chaudak:**  
**Shri Yashpal Singh:**  
**Shri Madhu Limaye:**

Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to refer to the reply given to Unstarred Question No. 103 on the 1st November, 1966 and state:

(a) the horse power, cost C.I.F. and estimated selling price in India of the Czech Tractor, 2000 of which are proposed to be imported; and

(b) whether the suitability of the Czech tractor has been tried in the Indian conditions and if so, with what result?

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** (a) The Czech tractors proposed to be imported are of 20 H.P. The c.i.f. cost of the tractor is Rs. 7,500 (pre-devaluation). The selling price of these tractors will be worked out after ascertaining the post-devaluation c.i.f. cost.

(b) Yes Sir. This tractor has been found to be very suitable for Indian farming conditions.

**Safdarjung Aerodrome**

**2085. Shri D. C. Sharma:** Will the Minister of **Transport, Aviation, Shipping and Tourism** be pleased to state:

(a) whether the question of shifting Safdarjung aerodrome has been considered due to the proposed construction of a traffic fly-over the Safdarjung Railway track; and

(b) if so, with what results?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) Yes, Sir.

(b) It is not proposed to shift the aerodrome to any other place as its present location is eminently suitable for the activities of the Flying and Gliding Clubs as also of the Auxiliary Air Force.

**Canadian Foodgrains for India**

**2086. Shri D. C. Sharma:** Will the Minister of **Food, Agriculture, Community Development and Cooperation** be pleased to state:

(a) whether Canada has offered recently 1,000,000 tons of food to tackle the current crisis because of a bumper crop in that country this year; and

(b) if so, the steps taken to reach an agreement in the matter?

**The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon):** (a) No, Sir.

(b) Does not arise.

**Bridge on National Highway near Barmanghat**

**2087. Shri Hari Vishnu Kamath:** Will the Minister of **Transport, Aviation, Shipping and Tourism** be pleased to refer to the reply given to Unstarred Question No. 996 on the 2nd August, 1966 regarding Bridge on National Highway near Barmanghat and state:

(a) whether the award of work has since been made;

(b) if so, to whom;

(c) the terms and conditions thereof; and

(d) whether a copy of the award will be laid on the Table?

**The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy):** (a) Not yet. The tenderer



has been asked to accept some changes in design and in the conditions of contract and his reply is awaited.

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

12.00 hrs.

#### QUESTION OF PRIVILEGE

##### APOLOGY BY THE EDITOR AND PUBLISHER OF THE HINDUSTAN TIMES

**Mr. Speaker:** On the 10th November, 1966, Shri K. D. Malaviya had raised a question of privilege against the Editor and Publisher of *The Hindustan Times* for having published in its issue dated the 9th November, 1966 certain remarks which had been expunged by me on the previous day. I had then informed the House that the Editor had come to me and had expressed his regret but I had told him that that was not enough and that he should write a letter which I could read to the House.

I received the following letter dated the 10th November 1966, from the Editor of *The Hindustan Times*:

"The report of the Lok Sabha proceedings in *The Hindustan Times* dated Nov. 9, 1966, contains a sentence which you had ordered to be expunged from the records. On inquiry, I am told by the Special Correspondent who covered the proceedings that he missed hearing your decision on the point owing to the uproar which was prevailing in the House. The publication of the expunged remarks, I assure you, was a genuine mistake which I sincerely regret".

Does Shri Malaviya want to say anything?

**Shri K. D. Malaviya (Basti):** I do not wish to pursue this matter except to say that this statement has certainly disappointed me. It is too general a statement. In the front

page of *The Hindustan Times* they had referred to me specifically. All that I can say is, as I said the other day, that they are angry with me because of my views. I thought they would make a special reference to me in their apology and also agree to publish the apology in the same manner as they had done in the case of the expunged portion in the front page of their paper, and to do so not once but more than once.

I also have a feeling that this would not have been done by our able journalist-correspondents, but for the fact of a system under which they are made to work. They are being compelled to pass garbled news, and they also become careless. I hope this will not be repeated.

I would suggest that, if you so wish, they modify the statement that they have made by making a specific reference to me and by also publishing it in the front page at least twice.

**Shri Ranga (Chittoor):** I am all in support of maintaining our rights and privileges here. I am sorry that my hon. friend, Shri K. D. Malaviya, came to be hurt by whatever was done by that paper that day. But I do not see the reason why we should ask the paper to publish it not once but twice. It is something like the village teacher asking erring boys to catch their own ears in expiration and stoop not once but four times. We should not take these things too far.

**Shri K. D. Malaviya:** I am not at all particular, but this House has insisted on repeated publications in the past on another occasion.

**Mr. Speaker:** Shri Malaviya is correct in this respect that sometimes we have asked them to publish the apology more than once. But the House should be content if this regret is published once, on the front page.

**Shri Ranga:** That is all-once.

**Shri K. D. Malaviya:** What about the specific reference?

**Mr. Speaker:** Yes. I agree that it should state that it was in respect of Shri K. D. Malaviya that that statement was made.

**श्री मधु लिमरो (मुंगेर) :** अध्यक्ष महोदय, एक विशेषाधिकार का प्रश्न और उठ गया है। कल मनीराम बागड़ी की जमानत देने के लिए... (व्यवधान)... एक सेकेंड सुन लीजिए, कल काशीराम गुप्त और मोर्य साहब जमानत देने के लिए तैयार थे, मैजिस्ट्रेट ने इनका अपमान किया है...

**अध्यक्ष महोदय :** मैं इस वक्त उसको नहीं ले सकता... (व्यवधान) आपने मुझे लिखा है, मुझे देखने दीजिये... (व्यवधान)... आर्डर, आर्डर। इस तरह से नहीं उठया जा सकता।

**श्री मोर्य (अलीगढ़) :** अध्यक्ष महोदय, ...

**अध्यक्ष महोदय :** मिस्टर मोर्य, मेरे पास वह आया है। मैं देखूंगा। सबालों के घंटे में कोई चीज मुझे लिखी जाय तो मैं कैसे देख सकता हूँ? (व्यवधान)

**श्री मोर्य :** मैजिस्ट्रेट हम लोगों के बयान का यकीन नहीं करते। कहते हैं कि आप झूठ भी बोल सकते हैं, आप तीन महीने के बाद मेम्बर आफ दि पार्लियामेंट नहीं भी रह सकते... (व्यवधान)

**Mr. Speaker:** That is not required here.

12.06 hrs.

#### PAPERS LAID ON THE TABLE

##### INDIAN TOURISM CORPORATION AMALGAMATION ORDER

**The Minister of Law (Shri G. S. Pathak):** I beg to lay on the Table a copy of the Indian Tourism Corporation Amalgamation Order, 1966, published in Notification No. S.O. 2852 in Gazette of India dated the 1st Octo-

ber, 1966, under sub-section (5) of section 396 of the Companies Act, 1956. [Placed in Library. See No. LT-7365/66].

##### STATEMENT re CHIEF MINISTER'S CONFERENCE

**The Minister of Food, Agriculture, Community Development and Cooperation (Shri C. Subramaniam):** I beg to lay on the Table a statement regarding the conclusions reached at the Chief Ministers' Conference, held in New Delhi on the 16th November, 1966. [Placed in Library. See No. LT-7366/66].

##### NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT

**The Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Govinda Menon):** I beg to lay on the Table a copy each of the following Notifications under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

- (1) The Madhya Pradesh Rice Procurement (Levy) Second Amendment Order, 1966, published in Notification No. G.S.R. 1725 in Gazette of India dated the 8th November, 1966.
  - (2) The Roller Mills Wheat Products (Price Control) Amendment Order, 1966, published in Notification No. G.S.R. 1757 in Gazette of India dated the 10th November, 1966.
  - (3) The Delhi Roller Mills Wheat Products (Ex-mill and Retail) Price Control Amendment Order, 1966, published in Notification No. G.S.R. 1758 in Gazette of India dated the 10th November, 1966.
- [Placed in Library. See No. LT-7367/66].

##### NOTIFICATION UNDER COMPANIES ACT

**The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman):** I beg to lay on the Table a

copy of Notification No. G.S.R. 1543, published in Gazette of India dated the 8th October, 1966, under subsection (3) of section 620A of the Companies Act, 1956. [Placed in Library. See No. LT-7368/66].

ANNUAL REPORT OF INDIAN COUNCIL OF AGRICULTURAL RESEARCH FOR 1964-65

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shyam Dhar Misra):** I beg to lay on the Table a copy of the Annual Report of the Indian Council of Agricultural Research, New Delhi for the year 1964-65. [Placed in Library. See No. LT-7369/66].

PAPERS UNDER TARIFF COMMISSION ACT

**The Deputy Minister in the Ministry of Commerce (Shri Shafi Qureshi):** I beg to lay on the Table a copy each of the following papers under subsection (2) of section 16 of the Tariff Commission Act, 1951:—

- (1) (i) Report (1966) of the Tariff Commission on the continuance of protection to the Sericulture Industry.
- (ii) Government Resolution No. 11(1)-Tar/66, dated the 19th November, 1966.  
[Placed in Library. See No. LT-7370/66].
- (2) (i) Report (1966) of the Tariff Commission on the review of protection to the Antimony Industry.
- (ii) Government Resolution No. 2(1)-Tar/66, dated the 19th November, 1966.
- (iii) Statement showing the reasons why the documents mentioned at (i) and (ii) above could not be laid on the Table within the period prescribed in the said section.  
[Placed in Library. See No. LT-7371/66].
- (3) (i) Report (1966) of the Tariff Commission on the continuance of protection to the A.C.S.R. (Aluminium Conductor Steel Reinforced) and A.A.C. (All Aluminium Conductor) Industry.
- (ii) Government Resolution No. 13(1)-Tar/66, dated the 19th November, 1966.
- (iii) Statement showing the reasons why the documents mentioned at (i) and (ii) above could not be laid on the Table within the period prescribed in the said section.  
[Placed in Library. See No. LT-7372/66].
- (4) (i) Report (1966) of the Tariff Commission on the continuance of protection to the Cotton Textile Machinery (Spinning Ring Frames, Spindles, Spinning Rings, Fluted Rollers and Automatic Looms), Industry.
- (ii) Government Resolution No. 7(2)-Tar/66, dated the 19th November, 1966.  
[Placed in Library. See No. LT-7373/66].
- (5) (i) Report (1966) of the Tariff Commission on the continuance of protection to the Piston Assembly Industry.
- (ii) Letter No. TC/ID/E/88(5)/66, dated the 23rd July, 1966 from the Secretary, Tariff Commission, Bombay to the Secretary to the Government of India, Ministry of Commerce, New Delhi.
- (iii) Government Resolution No. 15(1)-Tar/66, dated the 19th November, 1966.
- (iv) Statement showing the reasons why the documents mentioned at (i) to (iii) above could not be laid on the Table within the period prescribed in the said section.  
[Placed in Library. See No. LT-7374/66].

**NOTIFICATION re KERALA LAND ASSIGNMENT RULES**

**The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shinde):** I beg to lay on the Table a copy of Notification S.R.O. No. 403/66, published in Kerala Gazette dated the 18th October, 1966, making certain amendment to the Kerala Land Assignment Rules, 1964, under sub-section (3) of section 7 of the Kerala Government Land Assignment Act, 1960, read with clause (c) (iv) of the Proclamation dated the 24th March, 1965, issued by the Vice-President, discharging the functions of the President, in relation to the State of Kerala. [Placed in Library. See No. LT-7375/66].

12.09 hrs.

**OPINIONS ON SIKH GURDWARAS BILL**

**Shri A. S. Saigal (Janjgir):** I beg to lay on the Table Paper No. IV to the Bill to provide for the better administration of Sikh Gurdwaras situated in different States of Indian Union and for inquiries into matters connected therewith which was circulated for the purpose of eliciting opinion thereon by the direction of the House on the 3rd September, 1965.

12.10 hrs.

**RE MOTION FOR ADJOURNMENT  
DETENTION OF JAGATGURU SHANKRACHARYA OF PURI**

**श्री बड़े (खारगोन) :** अध्यक्ष महोदय, कल भी मैंने एडजर्नमेंट मोशन दिया था और उसे डिफेंड कर लिया। आज भी मैंने दिया कि जगद्गुरु शंकराचार्य को गिरफ्तार करके ले जाया गया... (अवधान)... अब इसमें हमें क्या करना चाहिए... (अवधान)

**अध्यक्ष महोदय :** अब किमी की गिरफ्तारी का मामला एडजर्नमेंट के लिए कैसे प्रायकता है... (अवधान)

**श्री बड़े :** यह दिल्ली में हो रहा है... (अवधान) होम मिनिस्टर स्टेटमेंट दें।

**अध्यक्ष महोदय :** दिल्ली में हो या कहीं भी हो... (अवधान) मिस्टर बड़े, यह अलाहिदा बात है कि आप कहें कि मैं स्टेटमेंट मांग लूँ लेकिन यह एडजर्नमेंट मोशन का मामला कैसे हो सकता है... (अवधान) आर्डर आर्डर।

**Shri Hari Vishnu Kamath (Hoshangabad):** He just wants a statement from the Minister. That is all.

**Mr. Speaker:** Order, order. I am asking the Home Minister to make a statement.

**Shri Hem Barua (Gauhati):** This is a serious matter. The Swamiji went on a fast on yesterday, and the Government have arrested him now. This will provoke the sentiment of some people in this country.

**Mr. Speaker:** Order, order. All Members will sit down. I am asking the Home Minister to make some statement in that matter.

**श्री प्रकाशवीर शास्त्री (बिजनौर) :** मैं और बात कहना चाहता हूँ। हम आपकी आज्ञा के बिना एक शब्द भी नहीं बोलते... (अवधान) मैं आप से पूछे बिना बोलता नहीं। आपका ध्यान आकर्षित करने के लिए आप से पूछ कर ही कुछ कहना चाहता हूँ। अगर आप अनुमति दें तो मैं निवेदन करूँ।

मेरा निवेदन यह है कि आज से कुछ दिन पहले इसी प्रकार की चर्चा आयी थी कि जब सन्त फतेह सिंह ने गुरुद्वारे में घातमरण घनशन शुरू किया था तो गृह मन्त्री ने यह कहा कि हम गुरुद्वारे के अन्दर नहीं जा सकते और वहाँ बैठ कर के सारी चीजें बलती रहें।

लेकिन जगद्गुरु शंकराचार्य को प्रातःकाल 2 हजार पुलिस भेज कर के गिरफ्तार किया गया है और जिस प्रकार से दीवारों के ऊपर से लाथ लाथ वर वह गए हैं, यह इस तरह जो गिरफ्तारियां हो रही हैं, गृह मन्त्रालय और दिल्ली की पुलिस जो बिल्कुल बे लगाम होकर गिरफ्तारियां करती जा रही है, आखिर कब तक हम अपने असन्तोष को दबा कर रखेंगे... (व्यवधान)

**Shri Ranga (Chittoor):** The general atmosphere in the country is explosive enough, and I would like to suggest to the hon. Home Minister not to do anything either consciously or unconsciously to add some more fuel to the explosive situation that we are faced with. It concerns not only the Congress Party and the Government, but all political parties and all public men in this country. Let them think of some way by which they can tackle the situation without in any way injuring or hurting the religious sentiments of our people.

**Mr. Speaker:** Does the Minister propose to make a statement?

**The Minister of Home Affairs (Shri Y. B. Chavan):** If you so desire, I can give some facts straightaway.

**Mr. Speaker:** Yes.

**The Minister of Home Affairs (Shri Y. B. Chavan):** Sir, the House is aware that agitation for a complete ban on cow slaughter is continuing in different parts of the country in spite of the policy statement made on behalf of Government on 4th November. On 20th November, Jagatguru Swami Niranjin Dev Tirath of Puri commenced an indefinite fast in the compound of the Dharam Sangh, Kashmir Gate, Delhi. Delhi Administration, who are responsible for the maintenance of law and order in the Union Territory of Delhi, gave full consideration to the likely repercussions of the fast undertaken by Swami Niranjin Dev Tirath especially in the

light of the unfortunate events of November 7, 1968. In their view the action of Swami Niranjin Dev Tirath was prejudicial to the maintenance of public order in Delhi. He has accordingly been detained under section 3(a)(ii) of the Preventive Detention Act in pursuance of an order issued by the Deputy Commissioner, Delhi.

श्री हुषम चन्व फड़वाध (देवास) :  
यह बक्तव्य बिल्कुल असन्तोषजनक है...  
(व्यवधान)... सरकार जान-बूझ कर  
ऐसा कर रही है।

**प्रध्यक्ष महोदय :** अगर आप इजाजत दें तो एक-एक कर के ब्लाऊं।

**Shri Hari Vishnu Kamath:** On a point of order, Sir. If I remember aright, the Home Minister said that the Delhi Administration which was consulted in the matter has given a certain view. I am not going into the merits of it at the moment. The point of order is, who is responsible for the action taken? He cannot pass on the buck to the Delhi Administration. Here in Parliament the Home Minister is responsible, not some Lt. Governor.

**Shri Y. B. Chavan:** Yes; I am responsible. That is why I have made the statement.

**Mr. Speaker:** There is no denying the fact that he is responsible.

**Shri Hari Vishnu Kamath:** Does the Government agree with the action taken? Let him say about that.

**Mr. Speaker:** He has said it.

**Shri Hem Barua:** Sir, on a point of order. The hon. Minister said that the Swamiji has been arrested under the Preventive Detention Act. That Bill is being discussed and it has not yet been passed.

**Shri Surendranath Dwivedy (Kendrapara):** It is already in force. The Bill only seeks to extend it.

**Mr. Speaker:** This is the use to which points of order are put.

**श्री प्रकाशवीर शास्त्री:** अध्यक्ष महोदय, जिन परिस्थितियों में श्री यशवन्त राव चव्हाण देश के नये गृह मंत्री पद पर आसीन हुए हैं और उनके आसीन होने के बाद दिल्ली में इस प्रकार की परिस्थितियाँ जो पैदा हो रही हैं, विशेष कर श्री जगतगुरु शंकराचार्य की गिरफ्तारी से और वृन्दावन में श्री प्रभूदत्त ब्रह्मचारी की गिरफ्तारी से, अभी जैसा गृह मंत्री ने कहा कि उनसे शान्ति को खतरा उत्पन्न हो गया था, इसलिये उनको गिरफ्तार किया गया। मैं यह जानना चाहता हूँ कि क्या भारत सरकार ने अब यह निर्णय ले लिया है कि धर्म स्थानों में बैठ कर कोई भी व्यक्ति यदि इस प्रकार अनशन करेगा, तब आपको पुलिस दवाव कूद कर इसी तरह से अन्दर जा सकती है, और उनको गिरफ्तार किया जा सकता है? जब कि मस्जिदों और गुरुद्वारों में जाते हुए आपको डर लगता है, वहाँ जा कर गिरफ्तार नहीं कर सकते? दूसरा मैं जानना चाहता हूँ कि जगतगुरु शंकराचार्य के अनशन से शान्ति को कौन सा खतरा उत्पन्न होने जा रहा था? जब कि उनका अनशन अहिंसात्मक अनशन के रूप में था, और शान्ति के लिये उन्होंने बराबर प्रयत्न की थी। बल्कि उनके आन्दोलन से वातावरण कुछ शान्त होने जा रहा था। क्या इस जनतन्त्रीय सरकार ने जनता को अपनी भावनाओं को प्रदर्शित करने के लिये इस प्रकार के जो शान्तिपूर्ण उपाय हैं, उनको बरतने पर रोक लगा कर एक अधिनायकवादी प्रवृत्ति को जन्म नहीं दिया है?

**अध्यक्ष महोदय:** सवाल के पहले हिस्से का जवाब देना है, जिसमें इन्होंने कहा है कि क्या सरकार ने धर्म स्थानों में दाखिल हो कर गिरफ्तारी करने का फैसला कर लिया है।

**Shri Y. B. Chavan:** Sir, I do not know whether the question of policy arises, because everything, every case

will have to be seen on its own merits and facts. I have just made a statement of facts on this.

**श्री प्रकाशवीर शास्त्री:** उनके अनशन से शान्ति को कौनसा खतरा उत्पन्न हो रहा था? अध्यक्ष महोदय, आप ने गृह मंत्री से क्या सवाल पूछा और क्या गृह मंत्री ने उसी सवाल का उत्तर दिया है—इसका निर्णय आप ही कीजिये।

**अध्यक्ष महोदय:** मैं जो सूझा हूँ वह यह है कि इस सवाल का अभी जवाब नहीं दिया जा सकता, यह हर एक केस पर अलग अलग मुनहसिर होगा कि आया

**श्री प्रकाशवीर शास्त्री:** यह तो कोई जवाब नहीं है।

**श्री हुकम खन्व कछवाय:** सरकार का नानि क्या है?

**Dr. M. S. Aney (Nagpur):** I am very sorry to hear the reply of the Home Minister, but I warn that so long as Sankaracharya is arrested and detained like that I shall have to fast unto death even.

**Shri Surendranath Dwivedy:** Sir, some reference was made that he has been arrested and taken to an unknown destination, but the Minister in his statement only said that he has been detained under the Preventive Detention Act. I would like to know whether actually he is under house-arrest or he has been taken to some unknown destination and kept inside some jail.

**Some hon. Members:** He has not heard the question.

**Mr. Speaker:** According to the newspapers, the hon. Member says, he has been taken to some unknown destination. He wants to know whether he has been taken to some unknown destination or he is kept here somewhere or he is under house arrest?

**Shri Y. B. Chavan:** I can give the information I have. He has been

flown to Madras by the morning plane and he will be kept in Pondicherry.

**Shri Ranga:** Sir, has he taken due notice of what Dr. Aney, the father of this House, has said just now. I hope the hon. Home Minister will take due notice of what Dr. Aney has just now said. If that were to happen, my fear is the whole country will be on fire. Let the hon. Home Minister, even now, take time by the forelock and see that some wise counsel come to prevail in the ranks of the Government, as otherwise it is going to be very dangerous.

**श्री बड़े :** हमारे होम मिनिस्टर साहब जो नन्दा जी के स्थान पर बैठे हुए हैं और जिनसे बहुत सी आशाएँ थीं, उनसे मैं यह पूछना चाहता हूँ कि आप ने जो एग्स्ट की है, क्या आप उससे सेटिस्फाइड हैं कि उन्होंने अनशन करने के बाद कोई ऐसी घटना की है, जिसकी वजह से शान्ति भंग होने जा रही थी ? क्या आप यह समझते हैं कि इस घटना से पूरा हिन्दू समाज आपके खिलाफ नहीं हो जायेगा ?

**अध्यक्ष महोदय :** आप ने सवाल पूछा । मैं मंत्री महोदय से कहूँगा कि वह जवाब दें । अगर इकट्ठा वह सवालों के जवाब दे दें तब भी कोई हर्ज नहीं है ।

**श्री बड़े :** इकट्ठा नहीं होना चाहिये ।

**अध्यक्ष महोदय :** मैंने आप को अकेले बुलाया है और इतने मेम्बर खड़े हो जाते हैं ।

**श्री हुकम चन्द कल्लवाय :** यह सरकार सर्वनाश कर रही है । इस को जेल में डाल देना चाहिये ।

**अध्यक्ष महोदय :** मैं जवाब ही तो दिये जा सकना हैं ।

**श्री बड़े :** मंत्री जी जवाब कहाँ दे रहे हैं मंत्री बात का ।

**Mr. Speaker:** Shri Bade asks where was the apprehension of any breach in the peace of the city or any violence here so soon after his commencing the fast, as he had begun his fast only yesterday.

**Shri Y. B. Chavan:** I can only give the information which I have received. The judgment has naturally to be taken by the Delhi Administration. Certainly, I am not running away from it.... (Interruptions).

**Mr. Speaker:** Order, order. If hon. Members speak simultaneously, we cannot proceed. Nothing said by a Member will be recorded, unless I have identified him.

**Shri Hukam Chand Kachhavalya:\*\*\***

**Shri Y. B. Chavan:** Certainly I am not shirking my responsibility in the matter. I am prepared to take full responsibility..... (interruptions).

**श्री प्रकाशचौर शास्त्री (दिल्ली):** एंड-मिनिस्ट्रेशन के लिये क्यों कह रहे हैं । मेट्रल गवर्नमेंट ने गिरफ्तार किया है ।

**Shri Y. B. Chavan:** But to take a certain view of a certain situation is the legal responsibility of the officer concerned and the administration concerned. He certainly watched the situation for one day completely. He did not take any panicky action or any action just to penalise somebody. He watched the situation and assessed its reaction. If the fast of Sankaracharya was allowed to continue, possibly things would have become worse. That was the view he took and he acted on it.

**श्री यशपाल सिंह (कैरना):** मैं माननीय होम मिनिस्टर से इतनी बात कहना चाहता हूँ कि यह सरकार सत्याग्रह से और अनशन से बनी है । महात्मा गांधी जी ने अनशन भी किया और सत्याग्रह भी किया । महात्मा जी

[श्री यशपाल सिंह]

ने 21 दिन का अनशन किया, लेकिन सरकार ने उन्हें कभी गिरफ्तार नहीं किया, कभी जेल में नहीं डाला। फिर अनशन करना कोई अपराध तो नहीं है। महात्मा और साधू हृदय परिवर्तन के लिये अनशन करते हैं। खास तौर से शंकराचार्य जी महात्मा कोटि कोटि जनता की श्रद्धा के पात्र हैं। कोटि कोटि जनता की श्रद्धा उनके साथ है। आज सरकार को क्या अधिकार है कि वह ऐसे सन्त पर हाथ डाल सके। मैं गवर्नमेंट का स्पष्टीकरण चाहता हूँ। क्या वह कोई एम्प्लेनशन इनके लिये दे सकती है ?

**अध्यक्ष महोदय :** मैं श्री यशपाल सिंह से यह कहना चाहता हूँ कि जब वह बोलने के लिये खड़े हों तब अपना मुँह मेरी तरफ रखें ताकि मैं कुछ कह सकूँ। वह मुझ को इतना मौका भी नहीं देते।

**Shri Tyagi (Dehra Dun):** In view of the fact that the policy of the Government, which was explained the other day, is for cow protection and the Government have promised to see it through and are in consultation or contact with the State Governments to see it through, is it the intention of the Government to try to persuade Sankaracharya to give up the fast saying that their policy fell in line with what he wanted to achieve by fasting?

**Shri Y. B. Chavan:** Certainly, our effort will always be to persuade Sankaracharya or any other person, for that matter, to give up fast.

**श्री हुकम चन्द कछवाय :** यह आन्दोलन पिछले कई दिनों से चल रहा है इस देश के अन्दर। देश के सभी भागों से इसकी मांग आ रही है कि देश में गोहत्या बन्द होनी चाहिये। यह देश के लिये बड़ा कलंक है। यह आन्दोलन जोर पकड़ता जा रहा है। आप ने इस आन्दोलन को दबाने के लिये

गोली भी चलाई। अब लोगों को जेल में डालना शुरू कर दिया है। मैं जानना चाहता हूँ कि क्या सरकार के ऊपर किसी विदेशी सरकार का दबाव है कि यहाँ पर गोहत्या बन्द न की जाये। यदि दबाव है तो वह बतलाये कि किस देश का दबाव है। अगर ऐसा नहीं होता है तो यह आन्दोलन बन्द नहीं हो सकता। मैं जानना चाहता हूँ कि यह जो कार्रवाई की गई है कि शंकराचार्य को गिरफ्तार किया गया है उससे क्या गवर्नमेंट यह महसूस करती है कि देश में यह आन्दोलन दब जायेगा। इससे आतंक . . .

**अध्यक्ष महोदय :** अब आप बैठ जाइये। आप का सवाल हो गया।

**Shri Y. B. Chavan:** It is a very fantastic suggestion that we are doing this under the pressure of any other Government or something. This is rather a difficult situation and a difficult decision. I know, it is not a happy decision that one has to make.

**श्री हुकम चन्द कछवाय :** बीस साल हो गये हैं आप ने कोई फैसला नहीं किया।

**Mr. Speaker:** This is grossly disorderly. I have allowed him every opportunity.

**श्री हुकम चन्द कछवाय :** यह सरकार बीस साल से शासन चला रही है। बीस सालों में कोई फैसला नहीं किया।

**Mr. Speaker:** Now I will have to ask him to go out.

**श्री हुकम चन्द कछवाय :** आप के पास और कोई हथियार नहीं है सिवा इसके कि बाहर चले जाओ। यहाँ पर इस प्रकार की कार्रवाई हो रही है . . .

**अध्यक्ष महोदय :** अब आप बाहर चले जायें।

(Shri Hukam Chand Kachhavaia then left the House).



**Shri J. B. Kripalani** (Amroha): Sir, may I submit that there have been fastings before this and the Government had not taken precipitate action? It was only for one day that the fast had lasted. They should have tried to persuade him, his friends and others and if they had failed then they should have taken this action but not in such a hurry.

**श्री प्रकाशवीर शास्त्री** : वह तो बात करने में बेइज्जती महसूस करती है ।

**Shri Kapur Singh** (Ludhiana): The hon. Home Minister has informed the House that the Delhi Administration duly considered the likely repercussions that the fast of the Jagadguru might have in the Delhi city. I want to ask whether the Government of India, that is, the hon. Home Minister, also duly considered the likely repercussions of the arrest and the treatment that is being meted out to the Jagadguru on the Hindu India as a whole.

**An hon. Member**: There is no such thing as Hindu India.

**Shri Y. B. Chavan**: Sir, I was interrupted when I was replying to the question put before, but as I was explaining, we have all the high regard and respect for Shankaracharya.

**श्री प्रकाशवीर शास्त्री** : यह रेगार्ड का तरीका है कि गिरफ्तार कर लिया जाये ।

**Shri Y. B. Chavan**: Therefore, it was always a difficult decision. It is not a happy decision, that one is required to go and arrest a great man like Shankaracharya; but one has to see what repercussions it would produce if the administration had not acted the way it did. It would certainly have started some agitation in the city of Delhi and would have resulted in some sort of any ugly situation. We know that the sentiments of some people would be hurt and we are very sorry for it, but one has to act

in the interest of the country.... (Interruption).

**Shri Hem Barua**: Sir, it is an alarming news and what the Home Minister has said is also equally alarming. When our ex-Finance Minister, Shri Morarji Desai, went on a fast in 1956 at Amhedabad—then he was the Chief Minister of Bombay.... (Interruption).

**Shri Y. B. Chavan**: No.

**Shri Morarji Desai** (Surat): I was.

**Shri Hem Barua**: He was and he says, he was. I know that he was undergoing a fast.

The present Home Minister was in the administration of Bombay at that time but Shri Morarji Desai was not arrested, but in this particular case the Government has acted with undue haste, I would say.

**Shri Ranga**: And unwise too.

**Shri Hem Barua**: This is a very disturbing development for the country. Now, we hear another disturbing news. Dr. Aney has announced his decision to undergo a fast. May I make a submission to you and request you on behalf of the House to request Dr. Aney not to undertake the fast? And, are we going to have an assurance from the Home Minister that Dr. Aney is not going to be arrested tomorrow if he is going to go on fast today?

**Mr. Speaker**: I agree with the first part. I would certainly make an appeal on behalf of the House to Dr. Aney that he should not undertake the fast. But with the second part, I can't do anything.

**श्री प्रकाशवीर शास्त्री** : प्रधान मंत्री जी को कह दीजिये कि वो हत्या पर पाबन्दी लगा दें । यह जो बात होने वाली है यह तो आप कहते नहीं हैं लेकिन दूसरी बातें आप कह रहे हैं ।

**Dr. M. S. Aney:** I will wait for seven days in response to your appeal and see what he, the Minister of Home Affairs, does.

**Shri Tyagi:** It is a great relief.

**Some hon. Members rose—**

**Mr. Speaker:** This is not the time when a full-dress discussion can take place. (Interruption). It is going on. The comments and the criticisms and other things are being expressed.

**Shri Hari Vishnu Kamath:** We will say much more in a fuller discussion. (Interruption).

**Mr. Speaker:** No, no. I cannot continue it so indefinitely. (Interruption). Shri Maurya.

**श्री मौर्य (अलीगढ़) :** अपने देश के संविधान द्वारा यह व्यवस्था दी गई है कि देश के नागरिकों की रक्षा कानून एक प्रकार से करेगा और कानून की निगाह में देश के तमाम नागरिक एक समान समझे जायेंगे, ईन्क्विजिशन एंड ईन्क्वेलेटी बौकीर ला। इन सिद्धान्तों को ध्यान में रखते हुए पहले भी भूखहड़तालें हुई हैं, हफ्ते दो हफ्ते तक चली हैं। उनके होते हुए यही नहीं कि सरकार के आदमी गये हैं बल्कि सरकार ने आप को भी उनको समझाने के लिए भेजा है। इस तरह की व्यवस्था यहां पर रही है। जत्र गुरु शंकराचार्य ने एक विषय को लेकर सत्याग्रह किया है, भूखहड़ताल की है तो क्या सरकार का यह कर्तव्य नहीं हो जाता था कि जैसे उसने पहले सरकारी लोगों को और स्वयं आप को भी इसके लिए कहा है कि वहां उनको जा कर मनाया जाये तो इस केस में भी, इनके बारे में भी इस तरह का विचार क्यों नहीं किया गया। यह मेरा पहला सवाल है।

दूसरा सवाल मेरा गोहत्या के बारे में है। सरकार एक बयान देने वाली है। सरकार अन्दर खाने एक फैसला भी ले चुकी है। सरकार की यह नीति हो गई है कि खूब

तनाव करा दो, शक्ति का प्रदर्शन करो और जब पूरा तनाव तन जाये उसके बाद फैसला देश के सामने रख दो ताकि जनता उसके साथ हो जाये। ऐसा सरकार ने बम्बई ग्जरात के बारे में किया, ऐसा ही आंध्र के बारे में किया, ऐसा ही पंजाब और हरियाणा के बारे में किया और ऐसा ही सुनारों के बारे में किया। मैं जानना चाहता हूँ कि सक्ती के प्रदर्शन को बढ़ावा दे कर और जनतंत्र की हत्या जब सरकार करती है तो जो वह एक फैसला ले चुकी है जनता को सान्त्वना देने के लिए अपने उस फैसले को क्यों नहीं सुना देती है और क्यों नहीं बता देती है कि उसने क्या फैसला लिया है ?

**अध्यक्ष महोदय :** एक बात मैं कहना चाहता हूँ। मुझे किसी गवर्नमेंट ने या किसी भी मिनिस्टर ने नहीं भेजा था।

**श्री मौर्य :** पर आप गये थे।

**अध्यक्ष महोदय :** यह दूसरा सवाल है, मैं जाऊं या न जाऊं। अब भी जाने के लिए तैयार हूँ अगर हाउस भेजे।

**श्री मौर्य :** मंत्री आते हैं, मंत्री जाते हैं। उन समय कौन गृह मंत्री या आज कौन है, इससे मेरा कोई मतलब नहीं है। लेकिन जो नीति होती है वह पूरी कबिनेट की होती है। अब नीति क्या बदल गई है, कोई एक दिन के लिए भी अनशन करे तो उसको गिरफ्तार कर लिया जायेगा ? यह जो नीति है यह हमेशा रहेगी या यह नीति पहले से चली आ रही है ? अगर पहले से नहीं चली आ रही है तो क्या अब यह नीति बना ली गई है ?

**अध्यक्ष महोदय :** तीन बार आप को मैंने मौका दिया है लेकिन आप ने सवाल नहीं पूछा है। बहल की इजाजत तो मैं नहीं दे सकता हूँ।

**श्री मौर्य :** मैं प्रश्न ही तो पूछ रहा हूँ। क्या नीति बदल गई है ? एक दिन कोई

मूख हड़ताल करेगा तो उसको गिरफ्तार कर लिया जायेगा ?

**Mr. Speaker:** The question has come now. The Home Minister might answer it.

क्या कोई नीति में परिवर्तन आया है। पहले कुछ थी और अब कुछ और नीति होगी ?

**Shri Y. B. Chavan:** There is nothing like a very rigid and inflexible policy in this matter. One has to see the things and take action accordingly.

**श्री मधु लिमये :** जो सवाल पूछा था उसका जवाब कहाँ आया है ? नीति परिवर्तन के बारे में पूछा था।

नकली लॉह पुरूष आ गए हैं। और एक गाय की हत्या हो गई है, श्री गुलजारी लाल नन्दा की।

**Shri S. M. Banerjee (Kanpur):** After the statement of the hon. Home Minister, it appears that this information is based on the information of the Delhi Administration and that this arrangement was made under the instructions, not, of course, from the Centre, but from the Delhi Administration. This clearly reveals that there cannot now be any hunger-strike by any section of the population if they want to ventilate their grievances, or by going on a general strike or by countrywide agitation or by going on a hunger-strike. So, I would like to know whether this will be the policy henceforth and that the Government will view it as a breach of apprehension or a breach of peace and that hunger-strikes will not be allowed in this country.

**Mr. Speaker:** It is a hypothetical question. How can I allow it?

**Shri S. M. Banerjee:** It has been done.

**श्री के० दे० मासवीय (वस्ती) :** जगद्गुरु शंकराचार्य के अनशन का समाचार सुनकर

हम सबको बड़ी चिन्ता हुई है और दुःख भी बहुत हुआ है। उसके पश्चात जब सरकार का यह निश्चय हुआ कि चूँकि विशेष परिस्थितियाँ हैं इसलिए उसको नज़रबन्द करके रखा जाए तो हम में से बहुतों को यही ध्यान आया कि सात नवम्बर को जो घटनायें यहाँ घटीं उसकी वजह से मजबूरन सरकार को इस तरह का काम करना पड़ा जिसको वह कभी भी करना नहीं चाहती थी। यह मैं समझता हूँ। जो हिन्दू समाज में आज परेशानी और चिन्ता है, उसको सरकार भी जानती है। इसलिए मैं आपके द्वारा सरकार को यह सुझाव देना चाहता हूँ कि—

**श्री मधु लिमये :** प्रश्न पूछिये।

**श्री के० दे० मासवीय :** परिस्थितियों को देखते हुए क्या यह मुनासिब नहीं होगा कि सरकार कांग्रेस बैंचों के और और मुनासिब समझें तो दूसरों में से भी दो चार पांच सीनियर सदस्यों को जगद्गुरु शंकराचार्य के पास भेजें और उनसे जा करके यह प्रार्थना करें— मैरिट के प्रश्न को अलग रख कर— कि इस समय हम सब पर कृपा करके अनशन छोड़ दें और हम प्रयत्न करें, जेल में उनको समझाने की कोशिश करें कि विशेष परिस्थितियों के कारण यह करना पड़ा है और इसलिए वे हमारी प्रार्थना मान लें और अनशन न करें। क्या सरकार इस बात को मंजूर करेगी ?

**अध्यक्ष महोदय :** यह सरकार सांच ले।

**Shri Tygai** Let us go to the next item.

**Dr. L. M. Singhvi (Jodhpur):** We would particularly like to know the specific efforts that were made to persuade him not to undertake the fast. We would also like to know whether any progress has been made in obtaining the concurrence of the policy announced by the Government of India by all those States which have not yet complied with the policy which is also contained in the Constitution. I would like to know whether

[Dr. L. M. Singhvi]

any efforts are now going to be made to arrive at such concurrence from all the States and also to persuade Jagat-guru Sankaracharya to give up his fast.

**Shri Y. B. Chavan:** As far as the efforts to persuade him are concerned, I have met him. Personally I have not made efforts, I must say that. But looking from the statement that he has made, it was apparent to us that he would not be amenable to our efforts to immediately give up the fast here. As far as the question of pursuing the matter of policy with different States is concerned, the efforts will continue.

**श्री काशी राम गुप्त (अलवर) :** जगद्गुरु शंकराचार्य करोड़ों हिन्दुओं की आत्मा के प्रतीक है और वह पूर्ण ग्रहिसक थे और हैं। जब इतना ऊंचा और महान व्यक्ति ग्रहिसक है तो उससे सरकार को किस आधार पर हिंसा का डर हुआ ? अभी हमारे गृह मंत्री जी ने यह कहा है कि दिल्ली सरकार को यह डर हुआ, मैं जानना चाहता हूँ कि उसका कौन सा आधार था जिससे उसको डर हुआ। क्या उनकी नीति यह बन गई है कि भले ही कोई भी ग्रहिसक आन्दोलन हो, कोई उपवास करें, कोई व्रत करे, कोई ग्रहिसक तौर से जुलूस निकाले उन सबको हिंसा के नाम पर दबा दिया जाया करेगा ?

**अध्यक्ष महोदय :** यह सवाल हो चुका है।

**श्री काशी राम गुप्त :** मैंने यह सवाल किया है . . .

**अध्यक्ष महोदय :** यह सवाल हो चुका है।

**श्री काशी राम गुप्त :** हिंसा से सम्बन्ध नहीं है।

**अध्यक्ष महोदय :** यह हो चुका है।

**श्री पालीवाल (हिण्डान) :** मेरे माननीय मित्र श्री मालवीय जी ने सुझाव दिया है कि जगद्गुरु को कुछ लोग सरकार की तरफ से भेजे जायें जो कि उनको समझने की कोशिश करें। मैं सुझाव देना चाहता हूँ कि बाहर के लोग भी और इस सदन के प्रतिनिधि भी अलग अलग दलों के कम्पनिस्टों को मिलाकर जाकर जगद्गुरु शंकराचार्य को समझाने की कोशिश करें तो मैं समझता हूँ ठीक होगा बजाय इसके कि सरकार अपनी तरफ से अपना रिप्रेजेंटेटिव भेजे। सरकार के लिए ऐसा करना ठीक नहीं है मेरे खयाल में।

**Shri Indrajit Gupta (Calcutta South West):** While making it clear on behalf of our Party that we do not at all support the demand for a total ban on cow slaughter nor for this type of agitation, nevertheless I would ask this question: even if the Delhi Administration was technically responsible for taking this decision to arrest, they could not possibly have taken the decision to remove him physically from here to Pondicherry without the approval and the active co-operation of the Central Government. The Delhi Administration cannot remove him to Pondicherry. Therefore, I would like to know this from the hon. Minister: when they are fully responsible for the entire operation which has been carried out, including his transfer to Pondicherry, what is the idea, what is the policy, behind this transfer? Did Shankaracharya represent a point of tension and if so, why is this point of tension being transferred from North India to South India? We would like to know this.

**Mr. Speaker:** Mr. Priya Gupta.

**श्री प्रिय गुप्त (कटिहार) :** आज जब मैं पुरानी दिल्ली स्टेशन में आ रहा था, तो मैंने सुना कि कुछ मिडल-एजिड लोग आपस में यह बात कर रहे थे कि शंकराचार्य और दूसरे लोगों की एरेस्ट से यह प्रतीत होता है कि सबसे अच्छा यह होगा कि हम हिन्दू धर्म

Shankaracharya  
of Puri (Adj. M.)

Kerala Appropriation  
(Nos. 3 to 5) Bills.

को छोड़ कर मुसलमान और सिख धर्म में चले जाये, क्योंकि माइनारिटीज की एग्जिबिनेस की वजह से सरकार को उनके विरुद्ध कोई कार्यवाही करने में डर लगता है, जैसे संत फ़तेहसिंह के फ़ास्ट के समय उनको गिरफ़्तार करने में उस को डर लगा था। क्या सरकार यह जानती है कि हिन्दुओं में इस किस्म की फ़ीलिंगज़ प्रा रही हैं; हां, तो उन फ़ीलिंगज़ को दूर करने के लिए वह क्या कार्यवाही कर रही है ?

**अध्यक्ष महोदय :** श्री सिद्धान्ती।

**श्री प्रिय गुप्त :** चूंकि माइनारिटीज एग्जिबिनेस है, इसलिए सरकार को उनके विरुद्ध कार्यवाही करने में डर लगता है। जब संत फ़तेहसिंह ने फ़ास्ट किया था, तो सरकार ने उनको गिरफ़्तार नहीं किया था।

**Mr. Speaker:** Order, order. Mr. Priya Gupta will sit down. I am asking him to resume his seat. I have heard his question. He might resume his seat.

**श्री जगदेव सिंह सिद्धान्ती (झज्जर) :** अध्यक्ष महोदय, मैं बड़े विनीत भाव से आपके द्वारा माननीय गृह मंत्री से यह जानना चाहता हूँ कि क्या उनको मालूम है कि जगद्गुरु शंकराचार्य आद्य की गद्दी पर बैठने वाले जितने शंकराचार्य महाराज हैं, उनको सारे हिन्दू जगत में— भारत में और बाहर भी— वही सम्मान है, जो पापाए-रोम का ईसाई जगत में है। गृह मंत्री ने जो कुछ भी कार्यवाही की हो, लेकिन उन्होंने 1 मर्फ "श्री निरंजनदेव" क्यों कहा है ? उनके नाम के साथ "जगद्गुरु स्वामी शंकराचार्य महाराज" आना चाहिए था। मैं यह जानना चाहता हूँ कि क्या गृह मंत्री इस अपमान को दूर करने का यत्न करेंगे।

**Shri Tirumala Rao (Kakinada):** May I draw the attention of the House to

this? There are several Jagadgurus and Sankaracharyas all over India. There is no similarity with Pope. Everybody is not like Pope, as my hon. friend suggests. Therefore, his domain over the Hindu Society is nebulous and intangible. These are done for political purposes.

**श्री प्रकाशवीर शास्त्री :** अध्यक्ष महोदय, मैं बड़ी नम्रतापूर्वक यह निवेदन करना चाहता हूँ कि सरकार ने यह जो निर्णय लिया है, वह संविधान की मान्यता के विपरीत है। सरकार के इस निर्णय के विरोध-स्वरूप में मैं सदन त्याग करता हूँ।

(*Shri Prakash Vir Shastri then left the House.*)

**श्री बड़े :** हम चाहते हैं कि श्री चहुवाण अपने साथ सात घाट आदमियों को लेकर शंकराचार्य महाराज को समझायें। अगर वह नहीं मानते हैं . . . .

**अध्यक्ष महोदय :** मैंने सुन लिया है। अब माननीय सदस्य बैठ जायें।

**श्री बड़े :** इस स्थिति में हम सदन में बैठ कर काम करने में असमर्थ हैं। इसलिए हम सभा-त्याग कर रहे हैं।

(*Shri Bade and some other hon. Members then left the House.*)

12.45 hrs.

KERALA APPROPRIATION (NO. 3)  
BILL, 1966

**Mr. Speaker:** Mr. Sachindra Chaudhuri.

**The Deputy Minister in the Ministry of Finance (Shri L. N. Mishra):** On behalf of Shri Sachindra Chaudhuri, I move\*:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the

\*Moved with the recommendation of the President.

[Shri L. N. Mishra]

Consolidated Fund of the State of Kerala for the services of the financial year 1966-67, be taken into consideration."

**Mr. Speaker:** The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1966-67, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That Clauses 1 to 3, the Schedule, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 1 to 3, the Schedule, the Enacting Formula and the Title were added to the Bill.*

**Shri L. N. Mishra:** I move:

"That the Bill be passed."

**Mr. Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

12.46 hrs.

KERALA APPROPRIATION (NO. 4)  
BILL, 1966

**The Deputy Minister in the Ministry of Finance (Shri L. N. Mishra):** On behalf of Shri Sachindra Chaudhuri I beg to move\*:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Kerala to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1963, in excess of the amounts granted for

those services and for that year, be taken into consideration."

**Mr. Speaker:** The question is:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Kerala to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1963; in excess of the amounts granted for those services and for that year, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That Clauses 1 to 3, the Schedule, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 1 to 3, the Schedule, the Enacting Formula and the Title were added to the Bill.*

**Shri L. N. Mishra:** I move:

"That the Bill be passed."

**Mr. Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

12.47 hrs.

KERALA APPROPRIATION (NO. 5)  
BILL, 1966

**The Deputy Minister in the Ministry of Finance (Shri L. N. Mishra):** On behalf of Shri Sachindra Chaudhuri, I beg to move\*:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Kerala to meet the amounts spent on certain services during the financial year ended

\*Moved with the recommendation of the President.

on the 31st day of March, 1964; in excess of the amounts granted for those services and for that year, be taken into consideration."

**Mr. Speaker:** The question is:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Kerala to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1964; in excess of the amounts granted for those services and for that year, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That Clauses 1 to 3, the Schedule, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 1 to 3, the Schedule, the Enacting Formula and the Title were added to the Bill.*

**Shri L. N. Mishra:** I move:

"That the Bill be passed".

**Mr. Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

12.48 hrs.

RE: BUSINESS OF THE HOUSE

**Mr. Speaker:** Mr. Pathak.

**Shri S. M. Banerjee (Kanpur):** I just want to make a submission. I am not speaking on any motion.

This is about the order of business. We started the Preventive Detention (Continuance) Bill yesterday, but suddenly the business has changed. Some of us may not be here for the other thing. I find that according to the change, the Preventive Detention (Continuance) Bill will come only at

about 3.30 or 4 p.m. This has been done just to suit the convenience of those Congress members who have been asked to come here for voting on the Constitution Bill. The order of business should not be changed like this. There should be some continuity; otherwise, it would be difficult for us to take part in the discussion.

**Shri Hari Vishnu Kamath (Hoshangabad):** On a point of information. I request you to ask the Leader of the House why it was that when he asked for the postponement of the discussion, the debate, on the consideration of this Bill from last Tuesday to this day, he kept it as a closed Party secret. I learn from reliable sources that all of his Party members were told that this would be taken up on Tuesday, but as far as I can see from the records, I do not find that he made a definite statement to the House on this. He must behave as Leader of the House, Sir, and should have made a statement here that it would be taken up on Tuesday.

**The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha):** The hon. Member was not present on that day. It was on Friday last when I made the statement that I said that further consideration and passing of the Constitution (Twenty-first Amendment) Bill and the motion on Representation of the people (Amendment) Bill would be taken up on Tuesday, the 22nd November, 1966.

**Shri Hari Vishnu Kamath:** I can see that but I learn that even when the Bill was adjourned, postponed, last Tuesday,—one week ago—on that very day the Party members were told that it would be taken up on Tuesday, i.e., today.

**Mr. Speaker:** If the House has been told, that is all right. That is also part-discussed.

**Shri S. M. Banerjee:** We agree. But this could have been taken up at 3.30 after the Preventive Detention (Continuance) Bill.

**Mr. Speaker:** That does not matter. That is also on the agenda.

12.50 hrs.

MOTION RE: RESUMPTION OF DEBATE ON CONSTITUTION (TWENTY-FIRST) AMENDMENT BILL AND REPRESENTATION OF PEOPLE (AMENDMENT) BILL

**Mr. Speaker:** Now, the hon. Law Minister.

**The Minister of Law (Shri G. S. Pathak):** I beg to move:

That the debate . . .

**Shri Hari Vishnu Kamath (Hoshangabad):** Under what rule is he moving this motion? Let him quote the rule under which he is making the motion.

**Shri G. S. Pathak:** I am making a motion . . . . .

**Shri Hari Vishnu Kamath:** Under the Rules of Procedure, every motion has got to be made under some rule. Let him quote the rule under which this motion is being moved.

श्री मधु लिमये (मुंगेर) : उस नियम का नम्बर बतलाइये ।

**Shri Hari Vishnu Kamath:** That rule also must be mentioned.

**Mr. Speaker:** It is under rule 184. Now, he may make the motion.

**Shri Hari Vishnu Kamath:** You may help him out. We do not mind. But he should know the rules.

श्री मधु लिमये : कृपया प्राफ प्रॉसीजर पढ़ कर प्राओ ।

**Shri G. S. Pathak:** There is a rule and there is a practice and this was examined before it was tabled . . . .

**Shri Hari Vishnu Kamath:** He is ignorant.

श्री मधु लिमये : कानून मंत्री तो नहीं बता सके ।

Bill

**Shri G. S. Pathak:** I beg to move:

"That the debate on the motions 'That the Bill further to amend the Constitution of India, be taken into consideration' and 'That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as reported by the Joint Committee, be taken into consideration', which was adjourned on the 15th November, 1966, be resumed now."

**Shri Hari Vishnu Kamath:** That was exactly the point I was making. Under what rule is he making this motion?

**Mr. Speaker:** It is rule 184.

**Shri Hari Vishnu Kamath:** That was what you said, not he.

**Mr. Speaker:** The question is:

"That the debate on the motions 'That the Bill further to amend the Constitution of India, be taken into consideration' and 'That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as reported by the Joint Committee, be taken into consideration', which was adjourned on the 15th November, 1966, be resumed now."

*The motion was adopted.*

12.52 hrs.

CONSTITUTION (TWENTY-FIRST AMENDMENT) BILL—Contd.

**Mr. Speaker:** The House will now take up further consideration of the following motions moved by Shri G. S. Pathak on the 8th November, 1966, namely:—

"That the Bill further to amend the Constitution of India, be taken into consideration".

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation



of the People Act, 1951, as reported by the Joint Committee, be taken into consideration."

Now, the hon. Law Minister.

**The Minister of State in the Departments of Parliamentary Affairs and Communications (Shri Jaganatha Rao):** May I know when the voting on the Constitution (Twenty-first Amendment) Bill will take place?

**Mr. Speaker:** As soon as the hon. Minister finishes his reply.

**Shri Hari Vishnu Kamath (Hoshangabad):** How can that be known in advance?

**Mr. Speaker:** I have not told him any time. So, why should there be any objection?

**The Minister of Law (Shri G. S. Pathak):** I shall first take up the Constitution (Twenty-first Amendment) Bill. The discussion with regard to this Bill . . . .

**Mr. Speaker:** Now, I must make it clear that I would not further wait. When the reply is finished, I shall certainly put it to the House. Therefore, Members should take care to see that they are present in the House, if they want to.

**Shri G. S. Pathak:** This Bill has not been opposed in any of the speeches made in the House and I take it that it is generally agreed that the House . . . .

**Shri N. C. Chatterjee (Burdwan):** May I put one question to the hon. Minister so that I may have a clear answer to it? Nobody opposes this amendment of the Constitution provided one condition is accepted. We are very anxious that the High Court should be vested with the powers, and that means an amendment of the Constitution. As the Constitution stands, it has got to go to the election tribunals from the Election Commissioner. We do not want the election tribunals. But we should put in one particular clause and it is this that in the interests of justice and in the interests of the speedy

trial of the election petitions, it is desirable that the High Courts should have the authority, if necessary and if it commends to the High Court judge himself, to sit somewhere else and not at the headquarters. That means, for instance, that in Bengal it should not be confined to Calcutta. Unless this clause is put in we shall oppose this Bill. I want to make it clear that this position should be accepted. Since some amendments have come in this behalf, I want to have a clear answer on this point so that we may know where we stand.

**Shri G. S. Pathak:** The point raised by Shri N. C. Chatterjee relates to the Representation of the People (Amendment) Bill. I am not in favour of the view that the High Courts should move from place to place. There are 52 districts in UP and if the High Court should be moving from district to district, that will not be consistent with the dignity of the High Court.

**Shri Raghunath Singh (Varanasi):** We want the judges to move, just like the Circuit Court. We do not want the High Court as a whole to move.

**Shri N. C. Chatterjee:** I want to clarify one point. I never said that the High Court should move from district to district. I only wanted that the proviso that we recommended in the Joint Committee should commend itself to the House and to Government and Government should should give us an assurance. The proviso should be put into the following effect namely:

"Provided that the High Court shall have the discretion . . ."

It should be completely left to the judges to sit somewhere else, that is, at some place other than the headquarters, in the interests of justice and in the interests of speedy disposal of election petitions.

**Shri G. S. Pathak:** I cannot give any undertaking on this point

[Shri G. S. Pathak]

because in speeches some Members have not supported the idea that the High Court should move from place to place or should even have power to go to other places.

**Shri Hari Vishnu Kamath:** Otherwise it will be very expensive for the parties.

**Shri G. S. Pathak:** But that is a matter which the House will decide at the proper time when the amendment to the Bill as reported by the Joint Committee comes up for consideration.

**Shri Hari Vishnu Kamath:** He cannot give an assurance that such an amendment would be made.

**Shri Surendranath Dwivedy (Kendrapara):** Is he opposed even to giving the discretion to the High Court that if they feel that in the interests of justice they should sit at some other place, they could do so? He is not prepared to give us even that much assurance?

**Shri G. S. Pathak:** To proceed with my speech on this question, it is generally agreed as appears from the speeches made in the House that instead of the tribunal dealing with the election matters it should be the High Court which should deal with the election matters.

I shall pass on to the speeches made by Shri Muhammad Ismail and Shri Mohammed Koya. They were in support of the proposal that the Joint Committee's report be recommitted to the Joint Committee for the consideration of the question of two-member constituencies instead of single-member constituencies. I am opposing this view on the ground that it was in 1961 that by Act I of 1961, two-member constituencies were abolished and it has been the view of Parliament that there should be only one-member or single-Member constituencies and not two-member constituencies. The Delimitation

Commission Act of 1962 also deals with single-member constituencies. If the Bill on the Joint Committee's report is recommitted to the same Joint Committee, the Joint Committee will say that there is no clause in the amending Bill which deals with this question and, therefore, they will refuse to deal with this question, and consequently in that situation, the view propounded by Shri Muhammad Ismail and Shri Mohammed Koya should not be supported.

On the question of delay in election petitions, the position is this. Ultimately the House will decide when the amendment comes up for consideration. It is an impracticable proposition that the High Court judges should move from place to place; there will be the question of accommodation; there will be the question of library and so on, and if the High Court moves from one place to another, the other people from a third place may say: 'Why should the High Court not come to our place?'

**Mr. Speaker:** What I understood from the hon. Members was this. It is not the demand that a direction be given or a law might be passed that the judges should hear these petitions in the district from which they originate. The suggestion is that only when the judges themselves consider that it is more appropriate and in the public interest to hear some witness or to examine any spot or do something outside their central place that they should at least have the authority to go there. That is all that is wanted.

**Shri Hari Vishnu Kamath:** You have very well put it.

**Shri G. S. Pathak:** It will be open to the House to decide this question whether the discretion has to be given to the judges. I am merely pointing out that. . . .

**Shri Raghunath Singh:** What is the view of Government? The House is certainly going to decide on the amendment? But what is the view of Government?

**Shri Hari Vishnu Kamath:** They will blindly vote on the basis of what he says.

**Shri G. N. Dixit (Etawah):** That is the view of Government?

**Shri G. S. Pathak:** I shall take the House into confidence on this question.

**13 hrs.**

I may inform the House that I have consulted the High Courts and the Chief Justice of India in this matter. They are opposed to it. So far as the Government is concerned, it is not very rigid in these matters. But we must act in accordance with the wishes of a co-ordinate authority, that is, the judiciary, in matters of this kind, because they are concerned with their own problems; they know whether it will be possible for them to hold court in other places. If they exercise discretion in any particular case and say that it is convenient and appropriate that they should have a court in some place other than the seat of the High Court, there will be similar applications in other cases, and in that way time will be wasted on this question. I may inform the House that the expense which will be saved by the adoption of the new procedure will be much more than the expense which would be incurred by taking witnesses to the High Court. I may also inform the House that according to this procedure, the proceedings will be, generally speaking, day to day. If the High Court does not take up the case day to day, it has got to record its reasons. All that is spent so far in interlocutory applications to the High Courts, in appeals to the Supreme Court and so on, that will all be saved because there will be no adjournments, and the Chief Justice of every High Court has in the very beginning to assign to certain Judges

this very work, and those Judges will do only this work. It is also mentioned in the Bill that the Judges concerned should take up these cases and conduct them more expeditiously, and it is expected by Parliament that cases should be finished in six months.

**Shri Bakar Ali Mirza (Warrangal):** What was the exact question put to the Chief Justice? About point of discretion that was raised by Shri Chatterjee, it was not clear as to what was his stand. Did the Chief Justice and the Judges say that they are not willing to exercise discretion in deciding whether to hold a sitting somewhere else?

**Mr. Speaker:** They do not want to go from the seat of the High Court to any place outside.

**Shri Bakar Ali Mirza:** Making it compulsory by an amendment is one thing; exercising discretion something else.

**Shri G. S. Pathak:** This matter may be examined at the time the amendment comes up before the House for consideration. I have already stated that I am not too rigid in these matters. If the House feels that such discretion should be given it might be given.

**Shri Hari Vishnu Kamath:** Has Government no view?

**Shri G. S. Pathak:** I have placed before you the difficulties that the courts will face. If they exercise discretion in favour of a particular party, other litigants will ask, 'Why not exercise discretion in our favour also?', and this will go on.

**Shri Hari Vishnu Kamath:** What about the expense to be incurred by the litigant public?

**Mr. Speaker:** He will consider that.

**Shri N. C. Chatterjee:** What is the Government's view? What is the objection to the High Court Judge

[Shri N. C. Chatterjee]

himself having the discretion? If he thinks, he may.

**Mr. Speaker:** He has put the question twice or thrice. I have repeated it. We have heard the answer. Now, what can I do?

**Shri N. C. Chatterjee:** I am pointing out that we want to cooperate with Government in this matter, provided it makes it possible for us to do so. Let us have a clear answer as to what is the Government's stand. If a case is heard 600 miles away and there are 200 witnesses in the case, can you demand that the witnesses will be dragged to the High Court headquarters for the purpose?

**Shri Hari Vishnu Kamath:** You Sir, have yourself been an eminent High Court Judge. Would you not have liked to exercise your discretion in matters like this?

**Mr. Speaker:** That was a very small High Court.

**Shri Hari Vishnu Kamath:** It was a High Court all the same.

**Shri Hanumanthaiya** (Bangalore city): May I say a few words on this subject?

**Mr. Speaker:** The hon. Minister is replying.

**Shri G. S. Pathak:** In some speeches it was observed that the princes should be disqualified. The view taken was that some rich people should be disqualified and so on. I will dispose of this matter in one sentence, namely, that this is the National Parliament and it should be representative of the entire society, and Government is not prepared to disqualify any person on the ground that he holds a certain status or has got a certain amount of wealth.

**Shri Hari Vishnu Kamath:** Is it an obiter dictum or other statement?

**Shri G. S. Pathak:** Statement.

The next question is whether there should be a disqualification in case of conviction only on the ground that the offence involved moral turpitude. On this question, there is no express on 'moral turpitude' in the Act as it exists. Moral turpitude is an expression which is vague. For some people, it may have one significance; for others a different significance. I find from the proceedings on this Bill that some people do not think that even disloyalty involves moral turpitude. It may be that some people may think that if one resorts to violence or *bandh* that also does not involve moral turpitude.

श्री मधु लिवडे (मुंबई) : "बन्ध" भी मारल टर्पीट्युड है ?

**Mr. Speaker:** He has not said it. Why should he interrupt?

**Shri G. S. Pathak:** Therefore, we should not import any idea of this uncertain character, and the Bill, as has emerged from the Joint Committee, should stand in this respect.

So far as the Election Commission is concerned, throughout all this period the Commission has given good evidence of high integrity and high principle. It has worked in the most efficient manner and deserves praise.

One small case has been picked out by one or two hon. Members. In that case, it does not appear whether there was a proper appreciation of the order of the Commission. If the Commission had exceeded its powers and had done something it was not entitled to do, it was open to the aggrieved party to go to the Supreme Court and to have that order vacated. Nothing of the kind was done. Therefore, all these aspersions which have been attempted to be made on the Election Commission are not justified.

A regards the government machinery, there are ample provisions in the

Act which safeguard the interests of the people against any abuse of government machinery. There is sec. 129 which punishes all those officers who are concerned with the election process. There is sec. 123 which makes the taking of help of government officer a corrupt practice. There are service rules which prevent government officers from taking any part in the election process contrary to such part as has been assign by the Act itself. Therefore, the observations on this score are also not justified.

So far as the question of election expenses is concerned, I submit that that is a matter which cannot be decided by law. It is a matter which has created difficulty not only in this country but in other countries also. It has been said that disputes between legitimate and unauthorised expenses are unending and therefore the law cannot rectify all the errors; it cannot remove all the evils and there should be electoral morality, and public opinion should be developed on these matters. It is for this reason that in England, although there are more and more candidates at every election, the election petitions are getting reduced in number. Therefore, that question does not create any difficulty and we have not introduced any amendment.

There was one matter relating to Government contracts. On that point there is an amendment, and I had better speak on it at the appropriate time if necessary.

श्री रघुनाथ सिंह: वह बात तो रह गई, जिस पर हम लोग अपनी राय जाहिर करना चाहते हैं।

Mr. Speaker: The Minister has replied.

श्री रघुनाथ सिंह: यह बड़ा इम्पोर्टेंट मवाल है, अगर पांच मिनट दे द तो ठीक ह।

अध्यक्ष महोदय: इम वक्त कैसे हो सकता ह, मिनिस्टर साहब जवाब दे चुकें हैं।

Shri Hari Vishnu Kamath: I am raising a point of order before the motion is put to the vote. The point of order is this. If I heard the Minister aright, he said with regard to the important point raised by my hon. colleague, Shri N. C. Chatterjee, that the House is free to decide on that particular matter: whether upon tribunals being abolished the high courts will have the discretion to move from place to place, if necessary. He said that these issues will be decided by the House later on. Please turn to the Bill itself which is before the House.

Mr. Speaker: I cannot go into it now.

Shri Hari Vishnu Kamath: The Statement of Objects and Reasons—

Mr. Speaker: If the Minister is not prepared to deal with it now....

Shri Hari Vishnu Kamath: I am sorry you are not following.

Mr. Speaker: It may be my bad luck if I am not following it.

Shri Hari Vishnu Kamath: Please see the Statement of Objects and Reasons of the Bill.

Mr. Speaker: I cannot now examine the Statement of Objects and Reasons of the Bill.

Shri Hari Vishnu Kamath: Government have already stated that if that matter is decided first, only then can the Constitution be amended. That is the position. Please see the statement for a minute.

Mr. Speaker: Does not matter. (Interruption) When they put in the Statement of Objects and Reasons, then it was taken up in the Bill. The objection was raised and then we decided.

Shri Hari Vishnu Kamath: This objection was not raised.

Mr. Speaker: This was raised; the hon. Member himself raised it.

Shri Hari Vishnu Kamath: I raised that matter with regard to the rules of procedure. But the Minister himself, in that statement, has stated—

**Mr. Speaker:** That does not matter.

**Shri Hari Vishnu Kamath:** Let him see himself, if he wants.

**Mr. Speaker:** I am sorry, I cannot take it up now.

**Shri Hari Vishnu Kamath:** I am sorry you are so brusque in this matter.

**Mr. Speaker:** He can make use of any words he wants to use; he can throw out words that might or might not be proper. I shall put the question to the vote.—The lobbies have been cleared. The question is:

“That the Bill further to amend the Constitution of India, be taken into consideration.”

*The Lok Sabha divided.*

### Division No. 9]

### AYES

[13.8 hrs.]

Achal Singh, Shri  
Achuthan, Shri  
Akkamma Devi, Shrimati  
Alagesan, Shri  
Alva, Shri A. S.  
Aney, Dr. M. S.  
Anjanappa, Shri  
Ankineedu, Shri  
Azad, Shri Bhagwat Jha  
Babunath Singh, Shri  
Bajaj, Shri Kamalnayan  
Bakliwal, Shri  
Bal Krishna Singh, Shri  
Balmiki, Shri  
Barman, Shri P. C.  
Barua, Shri R.  
Barupal, Shri P. L.  
Basappa, Shri  
Baswant, Shri  
Bhagwati, Shri  
Bhakt Darshan, Shri  
Bhanja Deo, Shri L. N.  
Bhattacharyya, Shri C. K.  
Brendra Bahadur Singh, Shri  
Bisai, Shri J. B. S.  
Brajeshwar Prasad, Shri  
Brij Basi Lal, Shri  
Brij Raj Singh-Kotah, Shri  
Buta Singh, Shri  
Chakraverti, Shri P. R.  
Chanda, Shrimati Jyotsna  
Chandak, Shri  
Chandrabhan Singh, Dr.  
Chandrasekhar, Shrimati  
Chandriki, Shri  
Chatter Singh, Shri  
Chaturvedi, Shri S. N.  
Chaudhry, Shri Chandramani Lal  
Chaudhuri, Shri D. S.  
Chaudhuri, Shrimati Kamala  
Chaudhuri, Shri Sachindra  
Chavan, Shri D. R.  
Chavda, Shrimati Johraben  
Daljit Singh, Shri  
Das, Shri B. K.  
Das, Shri N. J. T.

Das, Shri Sudhansu  
Das, Shri C.  
Desai, Shri Morarji  
Deshmukh, Shri B. D.  
Dey, Shri S. K.  
Dhuleshwar Meena, Shri  
Dighe, Shri  
Dixit, Shri G. N.  
Dwivedi, Shri M. L.  
Pirodia, Shri  
Gaekwad, Shri Panchainthrao  
Gahmari, Shri  
Ganapati Ram, Shri  
Gandhi, Shri V. B.  
Ganga Devi, Shrimati  
Ghosh, Shri Atulya  
Ghosh, Shri N. R.  
Govind Das, Dr.  
Guha, Shri A. C.  
Hajarnavis, Shri  
Hansda, Shri Subodh  
Hanumanthaiya, Shri  
Harvani, Shri Anasir  
Hazarika, Shri J. N.  
Heda, Shri  
Hem Raj, Shri  
Himataingka, Shri  
Iqbal Singh, Shri  
Jadhav, Shri M. L.  
Jadhav, Shri Tulaidas  
Jamunadevi, Shrimati  
Jedhe, Shri  
Jha, Shri Yogendra  
Joshi, Shri A. C.  
Joshi, Shrimati Subhadra  
Jyotishi, Shri J. P.  
Kadadi, Shri  
Kamble, Shri  
Kedaria, Shri C. M.  
Keishing, Shri Rishang  
Khadilkar, Shri  
Khan, Shri Shah Nawaz  
Khanna, Shri P. K.  
Kindar Lal, Shri  
Kisan Veer, Shri  
Kotaki, Shri Liladhar

Kripa Shankar, Shri  
Kriahna, Shri M. R.  
Kureel, Shri B. N.  
Lahtan Chaudhry, Shri  
Lakshmikanthamma, Shrimati  
Lalit Sen, Shri C.  
Laskar, Shri N. R.  
Laxmi Bai, Shrimati  
Mahadeo Prasad, Shri  
Mahatab, Shri  
Mahishi, Dr. Sarojini  
Maimoona Sultan, Shrimati  
Majithia, Shri  
Malalchami, Shri M.  
Malaviya, Shri K. D.  
Mallick, Shri Rama Chandra  
Manen, Shri  
Mandal, Dr. P.  
Mandal, Shri J.  
Mandal, Shri Yamuna Prasad  
Mantri, Shri D. D.  
Mariyappa, Shri Mali  
Masuriya Din, Shri  
Mathur, Shri Harish Chandra  
Mathur, Shri Shiv Charan  
Mehdi, Shri S. A.  
Mehrotra, Shri Braj Bihari  
Mehta, Shri J. R.  
Mehta, Shri Jashvant  
Melkote, Dr.  
Mengi, Shri Gopal Datt  
Menon, Shri Krishna  
Menon, Shri P. G.  
Minoimata, Shrimati  
Mirza, Shri Bakar Ali  
Mishra, Shri Bibhuti  
Mishra, Shri M. P.  
Mishra, Shri Shyam Dhar  
Mohammad Yusuf, Shri  
Mohsin, Shri  
Morarka, Shri  
More, Shri K. L.  
Mukane, Shri  
Mukerjee, Shrimati Sharada  
Munzini, Shri David  
Murthi, Shri B. S.

Murti, Shri M. S.	Ranga Rao, Shri	Siddiah, Shri
Naidu, Shri V. G.	Ranjit Singh, Shri	Sidheshwar Prasad, Shri
Naik, Shri Maheswar	Rao, Shri Jagannatha	Singhvi, Dr. L. M.
Naskar, Shri P. S.	Rao, Dr. K. L.	Sinha, Shri Satya Narayan
Nayak, Shri Mohan	Rao, Shri Krishnamoorthy	Sinha, Shrimati Tarkeshwari
Nigam, Shrimati Savitri	Rao, Shri Muthyal	Sinhasan Singh, Shri
Niranjan Lal, Shri	Rao, Shri Ramapathi	Sivapraghassan, Shri Ku.
Oza, Shri	Rao, Shri Rameshwar	Snatak, Shri Nardeo
Paliwal, Shri	Rao, Shri Tbirumala	Sonavane, Shri
Pande, Shri K. N.	Rattan Lal, Shri	Soundaram Ramachandran, Shrimati
Pandey, Shri R. S.	Raut, Shri Bhola	Soy, Shri H. C.
Pandey, Shri Vishwa Nath	Rawandale, Shri	Srinivasan, Dr. P.
Pandit, Shrimati Vijay Lakshmi	Ray, Shrimati Renuka	Subbaraman, Shri
Panna Lal, Shri	Reddi, Dr. B. Gopala	Subramaniam, Shri C.
Pant, Shri K. C.	Reddiar, Shri	Subramanyam, Shri T.
Paramasivan, Shri	Reddy, Shri H. C. Linga	Sumat Prasad, Shri
Patel, Shri Chhotubhai	Reddy, Shri R. Surender	Sunder Lal, Shri
Patel, Shri N. N.	Reddy, Shrimati Yaahoda	Surendra Pal Singh, Shri
Patel, Shri P. R.	Roy, Shri Bishwanath	Surya Prasad, Shri
Patel, Shri Rajeshwar	Sadhu Ram, Shri	Swaran Singh, Shri
Patil, Shri D. S.	Sahu, Shri Rameshwar	Tabir, Shri Mohammad
Patil, Shri M. B.	Saigal, Shri A. S.	Thengal, Shri Nullakoya
Patil, Shri S. K.	Samnani, Shri	Thevar, Shri, V. V.
Pattabhi Ramao, Shri C. R.	Sanji Rupji, Shri	Thimmaiah, Shri
Prabhakar, Shri Naval	Saraf, Shri Sham Lal	Tiwary, Shri D. N.
Pratap Singh, Shri	Sarma, Shri A. T.	Tiwary, Shri K. N.
Puri, Shri D. D.	Satyabhama Devi, Shrimati	Tiwary, Shri K. S.
Raghunath Singh, Shri	Nen, Shri P. G.	Tula Ram, Shri
Raghramaiah, Shri	Shah, Shri Manubhai	Tyagi, Shri
Rai, Shrimati Sahodra Bai	Shakuntala Devi, Shrimati	Ukey, Shri
Raj Bahadur, Shri	Sham Nath, Shri	Ulaka, Shri Ramachandra
Raja, Shri C. R.	Shankaraiya, Shri	Upadhayaya, Shri Shiva Dutt
Rajdeo Singh, Shri	Sharma, Shri A. P.	Varma, Shri Ravindra
Ram, Shri T.	Sharma, Shri K. C.	Veerappa, Shri
Ram Sewak, Shri	Shashi Ranjan, Shri	Venkataubbaiah, Shri P.
Ram Subhag Singh, Dr.	Shastri, Shri Ramanand	Verma, Shri Balgovind
Ram Swarup, Shri	Sho?Narain, Shri	Vidyalankar, Shri A. N.
Ramdhani Das, Shri	Shinde, Shri	Virbhadra Singh, Shri
Rampure, Shri M.	Shree Narayan Das, Shri	Wadiwa, Shri
Rameshkar Prasad Singh, Shri	Shukla, Shri Vidya Charan	Wasnik, Shri Balkrishna
Rane, Shri	Shyamkumari Devi, Shrimati	Yadav, Shri Ram Harkh
	Siddananajappa, Shri	Yadava, Shri B. P.

## NOES

Chatterjee, Shri N. C.  
Gupta, Shri Kashi Ram

Lakhan Das, Shri  
Paradhi, Shri

Utiya, Shri

## Some hon. Members rose—

**Mr. Speaker:** The Ayes have 263; the Noes have 5. Besides those three have stood up and said that their machines did not work. Their names would also be added. The "Ayes" have it; the "Ayes" have it. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

## Clause 2—(Amendment of article 324)

**Shri Shree Narayan Das** (Darbhanga): I have an amendment. (*Interruption*) I request the House to hear my amendment and then consider it and vote upon it. I beg to move:

Page 1, for lines 5 to 8, substitute—

"2. In article 324 of the Constitution, in clause (1), after the word "tribunals" the words "if any provided for by or under any

[Shri Shree Narayan Das]

law made by the appropriate Legislature" shall be inserted'. (2)

My intention is, either it is not necessary to amend the Constitution or if it is thought that it should be amended, then, my amendment which I have just moved should be accepted. This question of amending the Constitution has risen only because of the fact that the Election Commission has recommended that henceforward election petitions should not be heard by tribunals appointed by the Election Commission but should be heard by the high courts. This amendment is under consideration in the provisions contained in the report of the Joint Committee.

This question had come up earlier also. In 1952, when the Representation of the People Act was framed, we made a provision that there would be no appeals against the decisions of the tribunal. Because of that, under different provisions of the Constitution, the High Courts and the Supreme Court in their wisdom accepted a large number of appeals against interlocutory orders of various tribunals. That took a very long time in the disposal of election petitions. On the eve of the second general election when the Representation of the People Act was being amended, Government thought that because of the actions taken by the High Courts and the Supreme Court, a large number of cases have gone to the High Courts and the Supreme Court and therefore an appeal should be provided against the decisions of the tribunal to the High Court. At that time it was said in that Act that there will be no appeal against the decisions of the High Court. Even then a large number of cases against the decisions of the High Courts went to the Supreme Court under the provisions of article 136. Now after 15 years, the Election Commission have thought that the disputes arising out of election petitions should not be heard by tribunals, but the original power of hearing of the petitions should be given to the High Courts. Article 324 is

sought to be amended by removing the provision with regard to appointment of tribunals under the jurisdiction of the Election Commission. Suppose after sometime the House wants that the power of hearing election petitions should not be given to High Courts, but should be given to the tribunals, what will happen? There will be no provision in the Constitution by which this Parliament can give such powers to the Election Commission. Therefore, my amendment only provides that whenever this House gives this power to the tribunal, then the tribunal should be appointed by the Election Commission. Therefore, my amendment only provides that whenever this House gives this power to the tribunal, then the tribunal should be appointed by the Election Commission. Whenever the power will not be given to the tribunal that may remain with the High Court. Under article 329, the authority for hearing election petitions has to be decided by this House. So, I request the Minister to accept my amendment.

**Shri G. S. Pathak:** I have fully considered the amendment and I oppose it. In my view, this amendment will create difficulties and it is not right to accept it.

**Dr. L. M. Singhvi (Jodhpur):** I think the hon. member has made a very good case for including in the Constitution an alternative possibility and flexibility in respect of the forum for election controversies. The Minister should spell out more adequately the difficulties he expects so that the House can make up its mind.

**Mr. Speaker:** How can I compel him? Whatever answer he wants to give he has given.

I will now put Shri Shree Narayan Das's amendment to the House.

*Amendment No. 2 was put and negatived*

**Mr. Speaker:** The question is:

"That clause 2 stand part of the Bill".

*The Lok Sabha divided*



## Division No. 10]

## AYES

[13.18 hrs.

Abdul Wahid, Shri T.	Gangu Devi, Shrimati	Mehrotra, Shri Braj Bihari
Achal Singh, Shri	Ghosh, Shri Atulya	Mehta, Shri J.R.
Achuthan, Shri	Ghosh, Shri N.R.	Mehta, Shri Jashvant
Akkamma Devi, Shrimati	Govind Das, Dr.	Melkote, Dr.
Alagesan, Shri	Gowdh, Shri Veeranna	Mengi, Shri Gopal Datt
Alva, Shri A.S.	Guha, Shri A.C.	Menon, Shri Krishna
Anjanappa, Shri	Hajarnavis, Shri	Menon, Shri Govinda
Ankineedu, Shri	Hansda, Shri Subodh	Minimata, Shrimati
Azad, Shri Bhagwat Jha	Hanumanthaiya, Shri	Mirza, Shri Bakar Ali
Babunath Singh, Shri	Harvani, Shri Ansar	Mishra, Shri Bibhuti
Bakliwal, Shri	Hazarika, Shri J.N.	Mishra, Shri M.P.
Bal Krishna Singh, Shri	Heda, Shri	Misra, Shri Shyam Dhar
Balmiki, Shri	Item Raj, Shri	Mohammad Yusuf, Shri
Barman, Shri P.C.	Himatsingka, Shri	Mohain, Shri
Barua, Shri R.	Iqbal Singh, Shri	Morarka, Shri
Barupal, Shri P. L.	Jadhav, Shri M.L.	More, Shri K.L.
Basappa, Shri	Jadhav, Shri Tulajdas	Mukane, Shri
Baswant, Shri	Jamunadevi, Shrimati	Mukerjee, Shrimati Sharda
Bhagvati, Shri	Jedhe, Shri	Munzni, Shri David
Bhakt Darahan, Shri	Jha, Shri Yogendra	Murthi, Shri B.S.
Bhanja Deo, Shri L. N.	Joshi, Shri A.C.	Murti, Shri M.S.
Bhattacharyya, Shri C.K.	Joshi, Shrimati Subhadra	Muthiah, Shri
Birendra Bahadur Singh, Shri	Jyotishi, Shri J.P.	Naidu, Shri V.G.
Bist, Shri J.B.S.	Kadadi, Shri	Naik, Shri Maheswar
Brajeshwar Prasad, Shri	Kamble, Shri	Naskar, Shri P.S.
Brij Basi Lal, Shri	Kedaria, Shri C.M.	Nayak, Shri Mohan
Brij Raj Singh-Kotah, Shri	Keishing, Shri Rishang	Nayar, Dr. Suahile
Buta Singh, Shri	Khadilkar, Shri	Nigam, Shrimati Savitri
Chakraverti, Shri P.R.	Khan, Shri Shahnawaz	Niranjani Lal, Shri
Chanda, Shrimati Jyotana	Khanna, Shri Mehr Chand	Oza, Shri
Chandak, Shri	Khanna, Shri P.K.	Paliwal, Shri
Chandrabhan Singh, Dr.	Kindar Lal, Shri	Pande, Shri K. N.
Chandrasekhar, Shrimati	Kisan Veer, Shri	Pandey, Shri R.S.
Chandriki, Shri	Kotoki, Shri Liladhar	Pandey, Shri Vishwa Nath
Chatter Singh, Shri	Kripa Shankar, Shri	Pandit, Shrimati Vijay Lakshmi
Chaturvedi, Shri S.N.	Krishna, Shri M.R.	Panna Lal, Shri
Chaudhry, Shri Chandramani Lal	Kureel, Shri B.N.	Pant, Shri K.C.
Chaudhuri, Shri D.S.	Lahtan Chaudhry, Shri	Paramasivan, Shri
Chaudhuri, Shrimati Kamala	Lakshmikanthamma, Shrimati	Patel, Shri Chhotubhai
Chaudhuri, Shri Sachindra	Lalit Sen, Shri	Patel, Shri N.N.
Chavan, Shri D.R.	Laskar, Shri N.R.	Patel, Shri P.R.
Chavan, Shri Y. B.	Laxmi Bai, Shrimati	Patel, Shri Rajeshwar
Chavda, Shrimati Johraben	Mahadeo Prasad, Shri	Patil, Shri D.S.
Daijit Singh, Shri	Mahadeva Prasad, Dr.	Patil, Shri M.R.
Das, Shri B.K.	Mahatab, Shri	Patil, Shri S. K.
Das, Shri N.T.	Mahishi, Dr. Sarojini	Pattabhi Raman, Shri C.R.
Das, Shri Sudhansu	Meimooona Sultan, Shrimati	Prabhakar, Shri Nawal
Dass, Shri C.	Majithia, Shri	Pratap Singh, Shri
Desai, Shri Morarji	Malaichami, Shri M.	Puri, Shri D.D.
Deshmukh, Shri B. D.	Malaviya, Shri K.D.	Raghunath Singh, Shri
Dey, Shri S.K.	Mallick, Shri Rama Chandra	Raghuramaiah, Shri
Dhuleshwar Meena, Shri	Mansen, Shri	Rai, Shrimati Sahodra Bai
Dighe, Shri	Mandal, Dr. P.	Raj Bahadur, Shri
Dixit, Shri G. N.	Mandal, Shri J.	Raja, Shri C.R.
Dubey, Shri R.G.	Mandal, Shri Yamuna Prasad	Rajdeo Singh, Shri
Dwivedi, Shri M.L.	Mantri, Shri D.D.	Ram, Shri T.
Firodia, Shri	Mariyappa, Shri Mali	Ram Sewak, Shri
Gaekwad, Shri Fateh Sinhrao	Masuriya Din, Shri	Ram Subhag Singh, Dr
Gahmari, Shri	Mathur, Shri Hariah Chandra	Ram Swarup, Shri
Ganapati Ram, Shri	Mathur, Shri Shiv Charan	Ramdhani Das, Shri
Gandhi, Shri V.B.	Mohdi, Shri S.A.	Rampure, Shri M.

Rameshkar Prasad Singh, Shri  
Rane, Shri  
Ranga Rao, Shri  
Ranjit Singh, Shri  
Rao, Shri Jagannatha  
Rao, Dr. K.L.  
Rao, Shri Krishnamoorthy  
Rao, Shri Muthyal  
Rao, Shri Ramapathi  
Rao, Shri Rameshwar  
Rao, Shri Thirumala  
Rattan Lal, Shri  
Raut, Shri Bhola  
Rawandale, Shri  
Ray, Shrimati Renuka  
Reddi, Dr. B. Gopala  
Reddiar, Shri  
Reddy, Shri H. C. Linga  
Reddy, Shri R. Surender  
Reddy, Shrimati Yashoda  
Roy, Shri Bishwanath  
Sadhu Ram, Shri  
Sahu, Shri Rameshwar  
Saigal, Shri A.S.  
Sammani, Shri  
Sanji Rupji, Shri  
Saraf, Shri Sham Lal  
Sarma, Shri A.T.  
Satyabhama Devi, Shrimati

Sen, Shri P.G.  
Shah, Shri Manubhai  
Shakuntala Devi, Shrimati  
Sham Nath, Shri  
Shankaraiya, Shri  
Sharma, Shri A.P.  
Sharma, Shri K.C.  
Shashi Ranjan, Shri  
Shastri, Shri Ramanand  
Sheo Narain, Shri  
Shinde, Shri  
Shree Narayan Das, Shri  
Shukla, Shri Vidya Charan  
Shyamkumari Devi, Shrimati  
Siddananappa, Shri  
Siddiah, Shri  
Sidheshwar Prasad, Shri  
Sinha, Shri Satya Narayan  
Sinha, Shrimati Tarkeshwari  
Sinhasan Singh, Shri  
Sivapraghassan, Shri Ku.  
Snatak, Shri Nardeo  
Sonavane, Shri  
Soundaram Ramachandran,  
Shrimati  
Soy, Shri H.C.  
Srinivasan, Dr. P.  
Subbaraman, Shri  
Subramaniam, Shri C.

Subramanyam, Shri T.  
Sumat Prasad, Shri  
Sunder Lal, Shri  
Surendra Pal Singh, Shri  
Surya Prasad, Shri  
Swaran Singh, Shri  
Thengal, Shri Nallakoya  
Thevar, Shri V.V.  
Thimmaiah, Shri  
Tiwary, Shri D.N.  
Tiwary, Shri K.N.  
Tiwary, Shri R.S.  
Tula Ram, Shri  
Tyagi, Shri  
Uksey, Shri  
Ulaka, Shri Ramachandra  
Upadhyaya, Shri Shiva Dutt  
Varma, Shri M.L.  
Varma, Shri Ravindra  
Veerappa, Shri  
Venkatasubbaiah, Shri P.  
Verma, Shri Balgovind  
Verma, Shri K.K.  
Vidyalankar, Shri A.N.  
Virbhadra Singh, Shri  
Wadiwa, Shri  
Wasnik, Shri Balkrishna  
Yadav, Shri Ram Harkh  
Yadava, Shri B.P.

### NOES

Utiya, Shri  
Pandey, Shri Sarjoo

**The Deputy Minister in the Ministry of Labour, Employment and Rehabilitation (Shri Shah Nawaz Khan):** The machine is not working.

**Mr. Speaker:** That will be noted. Mr. Bajaj's vote also might be noted. The result of the division is as follows:

Ayes 269; Noes 2.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

*Clause 2 was added to the Bill.*

#### Clause 1—(Short Title)

**Mr. Speaker:** There is one Government amendment to clause 1.

*Amendment made:*

Page 1, line 3,—

for "Twenty-first" substitute—

"Nineteenth", (1)

(Shri G. S. Pathak)

**Mr. Speaker:** The question is:

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted*

*Clause 1, as amended, was added to the Bill.*

*The Encating Formula and the Title were added to the Bill.*

**Shri G. S. Pathak:** Sir, I beg to move:

"That the Bill, as amended, be passed".

**Mr. Speaker:** The doors are already closed. I shall put the motion to the vote of the House.

**Shri Sonavane (Pandharpur):** Sir, if there are some hon. Members who want to come in they may be allowed.

**Mr. Speaker:** Even if there is one hon. Member we will allow him in.

**Shri Tyagi (Dehra Dun):** Sir, it is not a case of division. When the votes are taken by the mechanical device there is no need for asking for closure of the doors. Even in the normal course we can just put our fingers and do the voting.

**Mr. Speaker:** How can we do that? Now do hon. Members want the doors to be opened?

**Several hon. Members:** No, no.

**Mr. Speaker:** The question is: "That the Bill, as amended, be passed."

*The Lok Sabha divided.*

### Division No. 11]

### AYES

[13.24 hrs.

Abdul Wahid, Shri T.  
Achal Singh, Shri  
Achuthan, Shri  
Akkamma Devi, Shrimati  
Alagesan, Shri  
Alva, Shri A.S.  
Aney, Dr. M.S.  
Anjanappa, Shri  
Ankineedu, Shri  
Azad, Shri Bhagwat Jha  
Babunath Singh, Shri  
Bejel, Shri Kamalaayan  
Bakliwal, Shri  
Bal Krishna Singh, Shri  
Balmiki, Shri  
Barman, Shri P. C.  
Barua, Shri R.  
Barupal, Shri P. L.  
Basappa, Shri  
Baswant, Shri  
Bhagvati, Shri  
Bhakt Darshan, Shri  
Banja Deo Shri L.N.  
Bhattacharya, Shri C.K.  
Birendra Bahadur Bingham, Shri  
Bisat, Shri J.B.S.  
Brajewar Prasad, Shri  
Brij Basi Lal, Shri  
Brij Rai Singh-Kotah, Shri  
Buta Singh  
Chakraverti, Shri P.R.  
Chanda, Shrimati Jyotsna  
Chandak, Shri  
Chandrabhan Singh, Dr.  
Chandrasekhar, Shrimati  
Chandriki, Shri  
Chatter Singh, Shri  
Chaturvedi, Shri S.N.  
Chaudhry, Shri Chandramani Lal  
Chaudhuri, Shri D.S.  
Chaudhuri, Shrimati Kamala  
Chaudhuri, Shri Sachindra  
Chavan, Shri D.R.  
Chavan, Shri Y.B.  
Chavda, Shrimati Johraben  
Daljit Singh, Shri  
Das, Shri B. K.  
Das, Shri N. T.  
Das, Shri Sudhansu

Dass, Shri C.  
Deasi, Shri Morarii  
Deahmukh, Shri B.D.  
Dey, Shri S.K. ■  
Dhuleshwar Meena, Shri  
Dighe, Shri ■  
Dixit, Shri G.N.  
Dubey, Shri R.G.  
Dwijvedi, Shri M.L.  
Pirodis, Shri  
Geekwad, Shri Fatehainhrao  
Gahmari, Shri  
Ganapati Ram, Shri  
Gandhi, Shri V. B.  
Ganga Devi, Shrimati  
Ghosh, Shri Atulya  
Ghosh, Shri N.R. ■  
Govind Das, Dr.  
Gowdb, Shri Veeranna  
Guha, Shri A.C.  
Hajarnavis, Shri  
Hansda, Shri Subodh  
Hanumanthaiya, Shri  
Harvani, Shri Anaar  
Hazarika, Shri J. N.  
Heda, Shri  
Hem Raj, Shri  
Himatsingka, Shri  
Iqbal Singh, Shri  
Jadhav, Shri M.L.  
Jadhav, Shri Tulaidas  
Jarnunadevi, Shrimati  
Jedhe, Shri  
Jha, Shri Yogendra  
Joshi, Shri A. C.  
Joshi, Shrimati Subhadra  
Jyotishi, Shri J.P.  
Kadach, Shri  
Kamble, Shri  
Kedaris, Shri C.M.  
Keishing, Shri Rishang  
Khadilkar, Shri  
Khan, Shri Shahnewaz  
Khanna, Shri Mehr Chand  
Khanna, Shri P.K.  
Kindar Lal, Shri  
Kisan Veer, Shri ■  
Kotaki, Shri Liladhar  
Kripa Shankar, Shri  
Krishna, Shri M.R.  
Kureel, Shri B.N.  
Lalhan Chaudhry, Shri  
Lakshmitanamma, Shrimati  
Lalit, Sen, Shri  
Laakar, Shri N.R.  
Laxmi Bai, Shrimati  
Mahadeo Prasad, Shri  
Mahadeva Prasad, Dr.  
Mahatab, Shri  
Mahishi, Dr. Sarojini  
Maimoona Sultan, Shrimati  
Malithia, Shri  
Malacharni, Shri M.  
Malaviya, Shri K.D.  
Mallick, Shri Rams Chandra  
Mansan, Shri  
Mandal, Dr. P. ■  
Mandal, Shri J.  
Mandal, Shri Yamuna Prasad  
Mantri, Shri D.D.  
Mariyappa, Shri Mali  
Masuriya Din, Shri  
Mathur, Shri Hariash Chandra  
Mathur, Shri Shiv Charan  
Mehdi, Shri S.A.  
Mehrotra, Shri Braj Bihari  
Mehta, Shri J.R. ■  
Mehta, Shri Jashvant  
Melkote, Dr.  
Mengi, Shri Gopal Datta  
Menon, Shri Krishna  
Menon, Shri Govinda  
Minimata, Shrimati  
Mirza, Shri Bakar Ali  
Mishra, Shri Bibbuti  
Mishra, Shri M.P.  
Mishra, Shri Shyam Dhar  
Mohammad Yusuf, Shri  
Mohsin, Shri  
Morarka, Shri  
More, Shri K.L. ■  
Mukane, Shri ■  
Mukerjee, Shrimati Sharda  
Munzini, Shri David ■  
Murthi, Shri B.S. ■  
Murti, Shri M.S.  
Muthiah, Shri  
Naidu, Shri V. G.  
Naik, Shri Maheswar ■  
Naskar, Shri P.S.

Nayak, Shri Mohan  
Nayar, Dr. Sushila  
Nigam, Shrimati Savitri  
Niranjan Lal, Shri  
Oza, Shri  
Paliwal, Shri  
Pande, Shri K.N.  
Pandey, Shri R.S.  
Pandey, Shri Vishwa Nath  
Baudit, Shrimati Vijay Lakshmi  
Panna Lal, Shri  
Pant, Shri K.C.  
Paramasivan, Shri  
Patel, Shri Chotabhai  
Patel, Shri N.N.  
Patel, Shri P.R.  
Patel, Shri Rajeshwar  
Patil, Shri D.S.  
Patil, Shri M.B.  
Patil, Shri S.K.  
Pattabhi Raman, Shri C.R.  
Prabhakar, Shri Neval  
Pratap Singh, Shri  
Puri, Shri D.D.  
Raghunath Singh, Shri  
Raghuramiah, Shri  
Rai, Shrimati Sahodra Bai  
Raj Bahadur, Shri  
Raja, Shri C.R.  
RajJeo Singh, Shri  
Ram, Shri T.  
Ram Sewak, Shri  
Ram Subhag Singh, Dr.  
Ram Swarup, Shri  
Ramdhani Das, Shri  
Rampure, Shri M.  
Rameshkhari Prasad Singh, Shri  
Rane, Shri  
Ranga Rao, Shri  
Ranjit Singh, Shri  
Rao, Shri Jaganatha  
Rao, Dr. K. L.

Rao, Shri Krishnamoorthy  
Rao, Shri Muthyal  
Rao, Shri Ramespathi  
Rao, Shri Rameshwar  
Rao, Shri Thirumala  
Rattan Lal, Shri  
Raut, Shri Bhola  
Rawandale, Shri  
Ray, Shrimati Renuka  
Reddi, Dr. B. Gopala  
Reddlar, Shri  
Reddy, Shri H. C. Linga  
Reddy, Shri R. Surender  
Reddy, Shrimati Yashoda  
Roy, Shri Bishwanath  
Sadhu Ram, Shri  
Sahu, Shri Rameshwar  
Saigal, Shri A.S.  
Sammami, Shri  
Sanji Rupji, Shri  
Saraf, Shri Sham Lal  
Sarma, Shri A.T.  
Satyabhama Devi, Shrimati  
Sen, Shri P.G.  
Shah, Shri Manubhai  
Shakuntala Devi, Shrimati  
Sham Nath, Shri  
Shankaraiya, Shri  
Sharma, Shri A.P.  
Sharma, Shri K.C.  
Shaahi Ranjan, Shri  
Shastri, Shri Rama Nand  
Sheo Narain, Shri  
Shinde, Shri  
Shree Narayan Das, Shri  
Shukla, Shri Vidya Charan  
Shyamkumari Devi, Shrimati  
Siddananiappa, Shri  
Siddiah, Shri  
Sidheswar Prasad, Shri  
Sinha, Shri Satya Narayan  
Sinha, Shrimati Tarkeshwari

Sinhaan Singh, Shri  
Sivapppraghasan, Shri Ku.  
Sivasankaran, Shri  
Snatak, Shri Nardeo  
Sonavane, Shri  
Soundaram Ramachandran,  
Shrimati  
Soy, Shri H.C.  
Srinivasan, Dr. P.  
Subbaraman, Shri  
Subramaniam, Shri C.  
Subramanyam, Shri T.  
Sumat Prasad, Shri  
Sunder Lal, Shri  
Suresh Pal Singh, Shri  
Surya Prasad, Shri  
Swamy, Shri M.N.  
Swaran Singh, Shri  
Tahle, Shri Mohammad  
Thangal, Shri Nallakoya  
Thevar, Shri V.V.  
Thimmiah, Shri  
Tiwary, Shri D.N.  
Tiwary, Shri K.N.  
Tiwary, Shri R.S.  
Tula Ram, Shri  
Tyagi, Shri  
Ulkey, Shri  
Ulaka, Shri Ramachandra  
Upadhyaya, Shri Shiva Dutt  
Utiya, Shri  
Varma, Shri Ravindra  
Veerappa, Shri  
Venkatesubbalah, Shri P.  
Verma, Shri Balgovind  
Verma, Shri K.K.  
Vidyalankar, Shri A.N.  
Virbhadra Singh, Shri  
Wadiwa, Shri  
Wasnik, Shri Balkrishna  
Yadav, Shri Ram Harkh  
Yadava, Shri B.P.

## NOES

Nil

**Mr. Speaker:** The result of the 13.35 hrs.  
division is:

Ayes—272; Noes—nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

## REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL— contd.

**Mr. Speaker:** Now we come to the Representation of the People (Amendment) Bill. There was one amendment for recommendal of the Bill to the Joint Committee.

**Shri Hari Vishnu Kamath** (Hoshangabad): Sir, I rise on a point of order. Kindly turn to arti-

cle 368 of the Constitution. The House has in its wisdom or otherwise passed the Constitution (Amendment) Bill despite the fact that the Law Minister could not even indicate the view of the Government on an important point raised by my hon. friend, Shri Chatterjee. Article 368 deals with amendment of the Constitution. When will an amendment take effect? It says:

"An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament....."

I am not tiring the House by reading the first part of it. But after it has been passed by a constitutional majority, what happens:

".....it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill."

Now, we have got our Rules of Procedure. Rule 128(1) says:

"When a Bill is passed by the Houses....."

So unless it is passed by the other House that stage of sending it for assent of the President will not arise. It has been passed by one House now. We have to pass it on to the Council of States, the Rajya Sabha. After it is passed by that House what happens:

"When a Bill is passed by the Houses and is in possession of the House....."

—that means it comes back here after it is passed by the Rajya Sabha—

"...the Bill shall be signed in duplicate by the Speaker...."

—that is a matter of procedure, a matter of mere routine—

"...and presented to the President:"

—for his assent in accordance with the terms of article 368 of the Constitution.

Now we turn to Rule 66 dealing with dependent Bills, one Bill depending upon the other. The proviso to Rule 66 says as to when a Bill shall be taken into consideration for passing in the House. It says that only after the first Bill has been passed by the Houses and assented to by the President.....

The Minister of Law (Shri G. S. Pathak): That was suspended by this House.

Shri Hari Vishnu Kamath: You cannot suspend the Constitution.

Mr. Speaker: Constitution we cannot suspend; only this proviso to this Rule was suspended.

Shri Hari Vishnu Kamath: The Constitution provides specifically....

Mr. Speaker: He need not read Rule 66 and rely upon that. That proviso has been suspended. He cannot advance his arguments on a suspended rule.

Shri Hari Vishnu Kamath: Let the Minister have it for the time being.

Mr. Speaker: Now I shall put Shri Ismail's amendment to the vote of the House. The question is:

"That the Bill be recommitted to the same Joint Committee for incorporating in the Bill, the principle of multi-member constituencies with cumulative voting in the place of single member constituencies."

The motion was negatived.

Mr. Speaker: Now I shall put the original motion to the vote of the House. To question is:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as reported by the Joint

[Mr. Speaker]

Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up clause-by-clause consideration. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—Provision as to sitting members in certain cases)

Mr. Speaker: There is an amendment by Shri Kamath.

Shri Hari Vishnu Kamath: Sir, the Minister has not replied to the general discussion at all, where many points were raised.

Shri G. S. Pathak: All those points were raised in the Joint Committee and they were all considered.

Mr. Speaker: The Minister says he has replied to them.

श्री मधु लिमये (मुंबई) : पचासों प्रश्न उठाए गये हैं, चुनाव मसला करने के सम्बन्ध में कई प्रश्न उठाए गए हैं, लेकिन एक का भी जवाब नहीं दिया गया है।

Shri Hari Vishnu Kamath: Since the Minister has not replied to those points, we will have to spend more time on the clauses.

Mr. Speaker: He may now move his amendment.

Shri Hari Vishnu Kamath: I beg to move:

Page 3,—

after line 3. insert—

"Notwithstanding anything contained in this Act, until the area of the State"

—it means the Jammu and Kashmir State—

"under the occupation of Pakistan ceases to be so occupied and the people residing in the area elect their representatives, two seats in the House of the People shall remain vacant, and the said area shall be excluded in delimiting the Parliamentary Constituencies of the State." (80).

13.42 hrs.

[MR. DEPUTY-SPEAKER in the Chair].

This is an amendment *mutatis mutandis* based on a similar provision in the Constitution of Jammu and Kashmir. I have copied it, making the necessary modifications from the relevant article in the Constitution of Jammu and Kashmir. I am sorry, I have not got the Constitution of Jammu and Kashmir with me here; I have not brought it with me; if the Minister wants it, I will bring it from library and show it to him, after my speech is over, so that the Minister can have a look at it. I am not talking in the air or in vacua. In the Constitution of Jammu and Kashmir there is an identical article. They have provided that 25 seats in the Legislative Assembly of Jammu and Kashmir shall remain vacant till such time as the area occupied by Pakistan is liberated by us, by India. This was mentioned by me in the course of the general discussion to which the Minister, I do not know why, has not cared to give any reply at all. I hope now at least he will not slur over it or summarily dismiss it, because it is an important matter, politically, constitutionally and electorally also, in every way. We have, this House has, time and again, and rightly so, subscribed to the proposition that in terms of article 1 of the Constitution of Jammu and Kashmir is an integral part of the Union of India. But whenever it came to important issues like this one, Government have shied away from this. This matter was raised in the Joint Committee, when the Minister pointed to the Pra-

sidential Order that has been issued some time ago in this connection. I hope the Minister will read that Order. If he reads that Order, he will find that that Order will not debar Parliament from assigning or allotting two seats to that area. What has been stated in the Presidential Order is that area will not be taken into consideration in delimiting the constituencies of that State. That is the substance of the Order, though I do not remember the exact wording. It says that the occupied area of Jammu and Kashmir will not be taken into consideration or delimiting the 5 or 6 seats allotted to Jammu and Kashmir in the House of the People. So, it does not lie in the mouth of the Minister to say that the Presidential Order deprives us of the right to allot seats to that area. If that is the interpretation which he gives to the Presidential Order, it will be *ultra vires* the Constitution. I venture to submit, therefore, that in the interest of the people of Jammu and Kashmir, in the interest of our Constitution, in the interests of total political integration between Kashmir and the rest of the Indian Union, and for the sake of psychological impact upon the people of Jammu and Kashmir, the time has come when Parliament should legislate on this particular issue in this manner.

Two or three months ago I had a talk with the State Minister, Shri Dhar. I do not know whether he is the Home Minister or the Education Minister of Jammu and Kashmir. He was good enough to come and see me here. There was another Minister with him at that time. Two Ministers of Jammu and Kashmir came and saw me in Delhi. At that time, my hon. friend, who is rather somnolent now, Shri Tyagi, had also raised this issue in the House. I am glad that he raised it, and he supported me in the House when I raised this issue on that occasion, that these two seats should be given to the occupied area of Jammu and Kashmir and that they should be kept vacant till the day of liberation and then the seats should be filled up in the House of the People. The Ministers of Jammu

and Kashmir who saw me in July were in agreement with me and they were glad that this issue had been raised. That Minister, later on, at a press conference referred to this matter and stated that he discussed this matter with me. They were happy that this matter was raised by me and Shri Tyagi in this House. So, I hope that Government and Parliament will see to it that two seats are allotted to the occupied area of Jammu and Kashmir, just as 25 seats are allotted to that area in the State Assembly. I do hope that my hon. friends on both sides of the House will support this amendment in the interest of Jammu and Kashmir as well as the Indian Union and see to it that this amendment is adopted by the House. Just as the amendment in regard to the Legislative Assembly having 25 seats allotted to the occupied area was adopted unanimously by the Assembly of Jammu and Kashmir, I do hope that Parliament will adopt this unanimously and ensure closer association of the people of Jammu and Kashmir with the people of the rest of the Indian Union. I commend this amendment for the acceptance of the House.

**Shri G. S. Pathak:** Sir, I am fully in agreement with the spirit behind this amendment but, I am afraid, this amendment runs counter to the Constitution.

**Shri Hari Vishnu Kamath:** Then, how can the Constitution of Jammu and Kashmir have it?

**Shri G. S. Pathak:** The Constitution, as it stands today, says:—

“Subject to the provisions of article 331, the House of the People shall consist of—

not more than five hundred members chosen by direct election from the territorial constituencies in the States”.

Please mark the word “constituencies”.

So far as Jammu and Kashmir is concerned, the President, acting

[Shri G. S. Pathak]

under article 370, made an amendment to this article, namely, article 81, and this article now says:—

“For the purposes of sub-clause (a) of clause (1)—”

—which I read to you just now—

“there shall be allotted to the State six seats in the House of the People;

the State shall be divided into single-member territorial constituencies by the Delimitation Commission constituted under the Delimitation Commission Act, 1962, in accordance with such procedure as the Commission may deem fit;

the constituencies shall, as far as practicable, be geographically compact areas”

—now comes the important part—

“the constituencies into which the State is divided shall not comprise the area under the occupation of Pakistan;”

**Shri Hari Vishnu Kamath:** That is all right.

**Shri G. S. Pathak:** It is the entire Jammu and Kashmir State, including the area under the illegal occupation of Pakistan.

**Shri Hari Vishnu Kamath:** I have not excluded the area.

**Shri G. S. Pathak:** That is a part of the Indian territory under Schedule I. But so far as the number of seats is concerned, you cannot have an allocation of seats without reference to constituencies. There must be a constituency to which a seat would be related. That is the object of article 81 which I read to you. The President, in his order, says that the constituencies into which the State is divided shall not comprise the area under the occupation of Pakistan.

**Shri Tyagi (Dehra Dun):** Does this order of the President become a part of the Constitution?

**Shri G. S. Pathak:** That is right. The President is entitled, under article 370, to amend the Constitution.

**Shri Hari Vishnu Kamath:** On a point of order, Sir. When an important matter is being debated and discussed, there must be quorum in the House.

**Mr. Deputy-Speaker:** The bell is being rung. . . Now there is quorum.

**Shri G. S. Pathak:** In answer to the question put by Shri Mahavir Tyagi, I may make reference to article 370, clause (1), sub-clause (d). Under this sub-clause the President has got the power to apply any part of this Constitution to Jammu and Kashmir State with such modifications and exceptions as the President may by order specify.

**Shri Tyagi:** That order does not become a part of the Constitution. This only proves that, whatever the order is, it is constitutionally right. That is all. That order is in the same position as an Act of this Parliament authorised by the Constitution. That order has been authorised by the Constitution just as so many enactments are authorised by the same Constitution. So, that order takes the position of an Act of this Parliament and not as a part of the Constitution.

**Shri Hari Vishnu Kamath:** Before he proceeds, by your leave, here is the Constitution of Jammu and Kashmir; I have just now got it from the Library. Article 48 of the Constitution of Jammu and Kashmir—certainly, they are subject to the Constitution as much as we are—says:—

“Notwithstanding anything contained in section 47,”



—of the Jammu and Kashmir Constitution—

“until the area of the State under the occupation of Pakistan ceases to be so occupied and the people residing in that area elect their representatives,—

twenty-five seats in the Legislative Assembly”—

of the State—

“shall remain vacant and shall not be taken into account”—

the same; it is not “comprise”—

“for reckoning the total membership of the Assembly; and the said area shall be excluded”—

the same; it is not “comprise”—

“in delimiting the territorial Constituencies under section 47”.

It is exactly the same. Now in spite of that, 25 seats have been kept vacant. I do not know why in his wisdom he says otherwise.

**Shri Tyagi:** Could it be possible to persuade the President to amend the order in this manner because that will not be amending the Constitution?

**Shri G. S. Pathak:** That is a matter which has to be postponed and which will require consideration, namely, whether the President will amend the order which he made with reference to article 81. It cannot hold up this Bill.

**Shri Tyagi:** That is true; but whenever the word “President” is used, it means “the Government” or “the President on behalf of the Government”. If you give us an assurance on behalf of the Government, that will be good.

**Shri G. S. Pathak:** Shri Mahavir Tyagi, with respect, is not right when he says that President merely applies

the Indian Constitution to Jammu and Kashmir and that that part of the Constitution, which he applies to Jammu and Kashmir State, acquires only the status of an ordinary Act. When this Constitution is applied, it means that Jammu and Kashmir State is governed by this Constitution so as far as the Presidential Order is concerned. The Presidential Order is quite different from what Shri Kamath has read. Shri Kamath has read the Jammu and Kashmir Constitution. Article 81, as amended by the President, in its application to Jammu and Kashmir State, governs the law here and the Parliament, so long as that law is not changed, is bound by it. To interpret this Constitution by reference to the Constitution of Jammu and Kashmir State in relation to a parliamentary constituency, which is governed by our Constitution, is not a correct approach at all. The position, so far as our Constitution is concerned, is that there must be a constituency for which there shall be a seat. That is the scheme of our Constitution. It was open to our Constitution-makers to have made a provision as the Jammu and Kashmir Constitution made, namely, that even though there is no constituency, yet the seats will be reserved; but our Constitution has not adopted that scheme.

**Shri Hari Vishnu Kamath:** At that time there was no direct election.

**Shri G. S. Pathak:** Therefore there must be a constituency in relation to which there must be a seat. It is for this reason and in consonance with our Constitution that the President said that so far as the area occupied by Pakistan is concerned, it will not be a part of any constituency. If it is not a part of any constituency, you cannot have a Member in relation to anything which is not a constituency. That is the position. I submit that Mr. Kamath's amendment is based on some misapprehension arising by an application of Jammu and Kashmir Constitution to our Constitution, when there is a direct provision in our Con-

[Shri G. S. Pathak]

stitution, as it stands today, that there shall be no constituency so far as Pak-istan-occupied area of Jammu and Kashmir State is concerned. Therefore, there cannot be any reservation of any membership with regard to that area. Our Constitution contemplates that the seats shall be allocated to constituencies. If you have no constituency, then there is no seat. So, I oppose this amendment.

14.00 hrs.

श्री मधु लिमये : उपाध्यक्ष महोदय, एक बात मैं कानून मंत्री जी से कहना चाहता हूँ . . .

Mr. Deputy-Speaker: There cannot be any speech now. I am sorry.

श्री मधु लिमये : मैं स्पीच नहीं कर रहा हूँ, सफाई चाहता हूँ ।

Shri Hari Vishnu Kamath: Before the debate began, the Speaker gave us a promise that we will have a longer time on the clauses.

Mr. Deputy-Speaker: The Minister has replied. I am now putting the amendment to the vote of the House. There cannot be any speech now.

श्री मधु लिमये : मैं तो एक खुलासा चाहता हूँ ।

Mr. Deputy-Speaker: I am sorry. Order, order.

Shri Hari Vishnu Kamath: What is this, order, order? You are summarily proceeding. I am sorry to say that.

Mr. Deputy-Speaker: I am now putting amendment No. 80 of Shri Kamath to the vote of the House.

The question is:

"Page 3,—

after line 3, insert—

"Notwithstanding anything contained in this Act, until the area of the State under the occupation of Pakistan ceases to be so occupied and the people residing in the area elect their representatives, two seats in the House of the People shall remain vacant, and the said area shall be excluded in delimiting the Parliamentary Constituencies of the State."

(80)

The Lok Sabha divided:

Div. No. 12]

AYES

[14.06 hrs.

Aney, Dr. M.S.  
Cupta, Shri Priya  
Famath, Shri Hari Vishnu

Limsye, Shri Madhu  
Mandal, Shri Yamuna Prasad  
Singh, Shri Y.D.

Trivedi, Shri U.M.  
Utiya, Shri  
Verma, Shri K.K.

१।

NOES

१।

Alva, Shri A.S.  
Ankineedu, Shri  
Bal Krishna Singh, Shri  
Basappa, Shri  
Bhanja Deo, Shri L.N.  
Bhattacharyya, Shri C.K.  
Brajeshwar Prasad, Shri  
Chandriki, Shri  
Chaudhry, Shri Chandramani Lal  
Chavan, Shri D.R.  
Daljit Singh, Shri  
Das, Shri N. T.  
Das, Shri C.

Dixit, Shri G. N.  
Dora, Shri Kasinatha  
Gackwad, Shri Fatehsinbrao  
Ganapati Ram, Shri  
Gandhi, Shri V.B.  
Gowdh, Shri  
Harvani, Shri Assar  
Horn Raj, Shri  
Jadhav, Shri M.L.  
Joshi, Shri A.C.  
Kiesbing, Shri Rishang  
Kindar Lal, Shri  
Kisan Veer, Shri

Kureel, Shri B.N.  
Lahjan Chaudhry, Shri  
Lakshmi Kantamma, Shrimati  
Lalit Sen, Shri  
Mahadeva Prasad, Dr.  
Mandal, Dr. P.  
Mandal, Shri J.  
Masuriya Din, Shri  
Mathur, Shri Shiv Charan  
Mehrotra, Shri Braj Bihari  
Melkote, Dr.  
Mishra, Shrimati  
Mishra, Shri Bibhuti

4725 Representation of AGRAHAYANA 1, 1888 (SAKA) the People 4726  
(Amdt.) Bill

Mishra, Shri M.P.  
Mishra, Shri Shyam Dhar  
Mohammad Yusuf, Shri  
Morarka, Shri  
More, Shri K.L.  
Oza, Shri  
Paliwal, Shri  
Pant, Shri K.C.  
Prabhakar, Shri Naval  
Rajdeo Singh, Shri  
Ram Sewak, Shri  
Rameshkar Prasad Singh, Shri  
Rane, Shri  
Rao, Shri Rameshwar  
Rao, Shri Thirumala

Raut, Shri Bholu  
Reddier, Shri  
Roy, Shri Bishwanath  
Sadhu Ram, Shri  
Sarma, Shri A.T.  
Sen, Shri P.G.  
Sharma, Shri K.C.  
Shashi Ranjan, Shri  
Shastri, Shri Ramanand  
Sheo Narain, Shri  
Shree Narayan Das, Shri  
Siddananappa, Shri  
Siddiah, Shri  
Sidheshwar Prasad, Shri

Snatak, Shri Nardeo  
Sonavane, Shri  
Soy, Shri H.C.  
Subramanyam, Shri T.  
Sumat Prasad, Shri  
Thengal, Shri Nallakoya  
Tiwary, Shri D.N.  
Tiwary, Shri K.N.  
Tula Ram, Shri  
Valvi, Shri  
Verma, Shri Balgovind  
Yadab, Shri N.P.  
Yadav, Shri Ram Harkh  
Yadava, Shri B.P.

श्री सरजू पाण्डेय (रसड़ा) : उपाध्यक्ष  
महोदय, हमारी मशीन काम नहीं कर रही है।

Mr. Deputy-Speaker: That will be recorded. The result of the Division is: Ayes 9; Noes 82.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Deputy-Speaker: Amendment No. 69, that is, Clause 3A New, is now barred on account of amendment No. 80 being negatived.

Clause 4—(Substitution of new sections for section 7)

Shri Hari Vishnu Kamath: I move:

(i) Page 3,—

for lines 12 to 24, substitute—

"Provided that for the period referred to in clause (2) of article 371A, the total number of seats allotted to the Legislative Assembly of the State of Nagaland shall be forty-six which shall be filled by persons chosen by direct election from assembly constituencies in the rest of the State." (70)

(ii) Page 3, lines 18 and 19,—

omit "from amongst themselves" (71)

The present provision in the Bill before the House is to the effect that—

"(a) six seats shall be allocated to the Tuensang district and shall be filled by persons chosen by the members of the regional council, referred to in that article, from amongst themselves in such manner as the Governor, after consulting that council may, by notification in the Official Gazette, specify, and

(b) the remaining forty seats shall be filled by persons chosen by direct election from assembly constituencies in the rest of the State."

Now, this is a sort of—I do not know whether to call it a diarchy; it will not be diarchy; I do not know what type of election it is—having two different systems or methods of election to the same Assembly, that is, Nagaland. In all, there are 46 seats, 40 seats by direct election and 6 seats by this peculiar process or procedure which is indicated in (a) of clause 4 which says:

"... shall be filled by persons chosen by the members of the regional council, referred to in

[Shri Hari Vishnu Kamath]

that article, from amongst themselves..."

They cannot go outside themselves. First there is indirect election and then they cannot go outside themselves. If the case of Rajya Sabha, when you were a Member some years ago, you were elected indirectly. The Members of Rajya Sabha are elected indirectly but by the Assembly, and not necessarily from themselves—they can go outside their field; they can elect outsiders. But here they are bound to elect from amongst themselves and different principles embodied here, I think, are not very desirable and wholesome. Amendment No. 70 is to this effect:

"Provided that for the period referred to in clause (2) of article 371A, the total number of seats allotted to the Legislative Assembly of the State of Nagaland shall be forty-six which shall be filled by persons chosen by direct election from assembly constituencies in the rest of the State."

I want to delete first the provision of indirect election. If this is not acceptable, I have got a second string to my bow, i.e., the alternative; therefore, I move that also along with this. If the first amendment falls through, if this is not accepted by the House, I would at least expect the House, I would appeal to the House, to accept the second amendment which says that "from amongst themselves" be deleted. I am not referring to the present position, but just imagine what would have been your own position. Suppose, for Rajya Sabha when you were elected 10 or 15 years ago, this provision was there in the Constitution, namely, "from amongst themselves" you would not have been there; and it would have been a misfortune that you would not have been there. Therefore, the members of the Regional Council should at least have the liberty, the right, to go outside themselves and elect such persons as

they may consider desirable to represent them in the Assembly of Nagaland. I do not know why the Government shies such a proposition. I think this is the least that should be acceptable. I wish the entire procedure to be by direct election, but if this does not appeal to the House, I hope the second amendment that it may be filled from outside themselves, not necessarily from amongst themselves—I mean the six seats—should be accepted. I commend both the amendments for the acceptance of the House. If the first is not acceptable, then I do hope that at least the second one, Amendment No. 71, will be accepted and adopted unanimously by the House.

Shri N. C. Chatterjee (Burdwan): May I support Mr. Kamath on this? I think there is some force in his contention that this amendment No. 70 should be accepted. We, in our wisdom in this House, do our best to promote forces of integration; we should not in any way stimulate forces of disintegration. I cannot understand why for Nagaland itself there should be two kinds of representation—one for one district, namely, that six seats shall be filled by persons chosen by the members of the Regional Council, and another for others, namely, that the remaining forty seats shall be filled by persons chosen by direct election. This is not proper. We know what is happening outside India. The sooner we put Jammu & Kashmir, the whole of it, including the territory illegally occupied by Pakistan as a part of India and recognise it as such and deal with it on the same footing in our election apparatus and also the whole of Nagaland on one footing, the better; otherwise, we will be doing something which will be disturbing the integrity of India and the integrity of the different States constituting India. Therefore, I think that it will be much better if one system for the whole territory, one system of

direct election for all the 46 seats, is adopted. Why should we allow for six seats some kind of a different representation, more or less by nomination by Regional Council? That will not be very effective and is not desirable. That will be going against our electoral system. Why should direct election be confined only to 40 seats?

To the other point which Mr. Kamath referred to, I do not know what will be the reaction of the Minister. I think it will be much more desirable to have the whole of Nagaland on one footing on one pedestal, and say that election for all the 46 seats would be on the same principle on which the whole of India is electing its representatives to the national legislature or the State legislature. That will be much better and more consistent with our whole outlook and more consistent with the spirit of our Constitution, the spirit which animates the Representation of People (Amendment) Bill itself.

**श्री मधु सिन्हा :** उपाध्यक्ष महोदय, मैं इस संशोधन का इसलिए समर्थन करता हूँ कि लोकतन्त्र में प्रत्यक्ष चुनाव के सिद्धान्त से भागना नहीं चाहिये। इसलिए नागालैंड विधान सभा की सभी सीटों पर चुनाव कराने का जो प्रस्ताव है उसका मैं समर्थन करता हूँ। मुझे उम्मीद है कि कानून मंत्री भी लोकतन्त्र में विश्वास रखते हुए वह इस प्रत्यक्ष चुनाव के सिद्धान्त को स्वीकार करेंगे और जो संशोधन पेश किया गया है उस पर अपनी सहमति की मुहर लगायेंगे।

**श्री रघुनाथ सिंह (वारणसी) :** उपाध्यक्ष महोदय, नागालैंड के विषय में मुझे यह कहना है कि जब हम उसके विषय में विचार करते हैं तो सिर्फ एक जाति के लोग हमारे सामने आते हैं। 60 प्रतिशत आबादी नागालैंड में रहती है जबकि बिल्कुल खयाल नहीं करते। जो इंडियरेक्ट एलेक्शन की

बात रखी गई है वह इसलिए कि जो पार्टी अथवा एक जाति के लोग वहाँ पर आज शासन कर रहे हैं उनके हाथ में एलेक्शन हो। अगर हम इंडियरेक्ट एलेक्शन की प्रणाली अपनाते हैं तो जो वहाँ की 60 परसेंट पापुलेशन है, जिनका शासन में कोई हाथ नहीं है, वह शासन में आयेगे, और जो आज शासन कर रहे हैं वह बिल्कुल बाहर चले जायेंगे। इस चीज को रोकने के लिये ही यह संशोधन पेश किया गया है।

मैं आपसे कहना चाहता हूँ हिन्दुस्तान में दो प्रकार के नियम नहीं होने चाहिये। हिन्दुस्तान में एक प्रकार के नियम होने चाहिये हिन्दुस्तान एक देश है, हिन्दुस्तान में एक कानून होना चाहिये। हमारे वास्ते एक कानून आपके वास्ते दूसरा कानून होगा तो इसका अर्थ यह होगा कि आप हिन्दुस्तान के डिस्ट्रिक्शन की नींव रखेंगे। अगर आपने दो कानून बनाये तो डिस्ट्रिक्शन हो जायेगा। इस तरह से आप एक विघटनात्मक, काब्र आरम्भ करना चाहते हैं। इसलिये मैं कहता हूँ कि अगर नागालैंड के लिये आप इंडियरेक्ट एलेक्शन दें तो वहाँ की स्थिति बिल्कुल उलट जायेगी क्योंकि जो 69 परसेंट आदमी हैं वह आयेगे और उनके हाथ में शासन की बागडोर होगी। 40 परसेंट आदमी जो यहाँ आते हैं और मुलह की बात करते हैं, समझौता करते हैं उसमें 60 प्रतिशत आदमियों का एक भी रिप्रेजेंटेटिव नहीं होता।

इसलिये मैं श्री पाठक से कहूँगा कि वह बहुत समझदारों के साथ, दूरदर्शियों के साथ इस संशोधन को स्वीकार कर लें तो बहुत अच्छा है।

**Shri G. S. Pathak :** I cannot accept this amendment because it disregards the conditions prevailing in one part of Nagaland. A perusal of Article 371A will show to you that a distinction was drawn between Tuensang area and the remaining part of Nagaland.

**Shri Hari Vishnu Kamath:** Three years ago.

**Shri G. S. Pathak:** And there is no evidence that for the purposes of election, the conditions have become different. I will read to the House Article 371A, Clause (2),

"Notwithstanding anything in this Constitution, for a period of ten years from the date of the formation of the State of Nagaland or for such further period as the Governor may, on the recommendation of the regional council, by public notification specify in this behalf,—

- (a) the administration of the Tuensang district shall be carried on by the Governor...."

and other specific provisions with regard to the Tuensang area of the Nagaland State; for example,

- "(c) no Act of the Legislature of Nagaland shall apply to the Tuensang district unless the Governor.....by public notification so directs and the Governor in giving such direction with respect to any such Act may direct that the Act shall in its application to the Tuensang district or any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation....." etc.

I will not read the other provisions, but in clause (h) you will find this:

"(h) in article 170—

- (i) clause (1) shall, in relation to the Legislative Assembly of Nagaland, have effect as if for the word 'sixty', the words 'forty-six' had been substituted;
- "(ii) in the said clause, the reference to direct election from territorial constituencies in the State shall include elec-

tion by the members of the regional council established under this article;"

Therefore, when this article was enacted by the Parliament, it was in the contemplation of the Parliament that the Tuensang area will be administered in a different manner and the number of those who are in the Legislative Assembly shall be only 46 and so far as election in the remaining area is concerned, that election shall be by members of the Regional Council established under this article.

**Shri Hari Vishnu Kamath:** That was three years ago.

**Shri G. S. Pathak:** That is the reason why for the purposes of the entire area except Tuensang 46 seats have been allotted under this Bill. So far as six seats are concerned, they pertain to the Tuensang area and those six seats should be filled not by elections but by the regional council from amongst its members.

Therefore, what has been done in this Bill is in pursuance of the Constitution itself and it has been done with the full knowledge that there are special conditions existing in that particular area due to which six people come under the Act to the Assembly. So, what has been done in this Bill is in accord with the provisions of the Constitution relating to the Tuensang area of the Nagaland State and the remaining area of the Nagaland State. Therefore, this argument that there should not be any difference at all between the methods of election is opposed to the very provision in the Constitution itself. I have to comply with the Constitution, and, therefore, I am opposing these amendments.

**Mr. Deputy-Speaker:** I shall now, put amendments Nos. 70 and 71 to the vote the House.

*Amendment Nos. 70 and 71 were put and negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 4 stand part of the Bill".

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clauses 5 to 8 were added to the Bill.*

**Clause 9— (Amendment of section 21)**

**Shri Madhu Limaye:** I beg to move:

Page 7, for lines 7 to 18, substitute—

"(2) The said electoral roll—

(a) shall be revised in the prescribed manner by reference to the qualifying date—

(i) before each general election to fill a casual vacancy in or to the Legislative Assembly of a State; and

(ii) unless otherwise directed by the Election Commission for reasons to be recorded in writing before each bye-election to fill a casual vacancy in a seat allotted to the Constituency; and "

**Mr. Deputy-Speaker:** The amendment is now before the House.

॥ श्री मधु लिमये ॥

**श्री मधु लिमये :** मेरा यह जो संशोधन है इसका मतलब यह है कि हर पांच साल के बाद जब आम चुनाव होता है उसके पहले मतदाता सूची का नवीकरण अवश्य होना चाहिये और इस संशोधन के मुताबिक वह अनिवार्य हो जाता है, इसको टाला नहीं जा सकता है। जहां तक उपनिर्वाचन का संबंध है यह बात इलेक्शन कमिशन पर छोड़ने के लिए हम तैयार हैं कि जहां तक हमें मंके वह नवीकरण उपनिर्वाचन के पहले करे लेकिन यदि कोई ऐसी स्थिति पैदा होती है कि जिसकी वजह से मतदाता सूची का नवीकरण नहीं किया जा सकता तो वह कारण बता कर इस बात को टाल सकता है। लेकिन चूंकि न जब पांच साल के

बाद आम चुनाव होता है और मतदाता सूचियों में काफी परिवर्तन की गुंजाइश रहती है, पांच साल में काफी नए मतदाता आते हैं, कुछ लोग मर भी जाते हैं, इसलिए हर आम चुनाव के पहले मतदाता सूचियों का नवीकरण में समझता हूँ, अनिवार्य और लाजिमी बना देना चाहिये। नहीं तो जो हम न्यायपूर्ण चुनाव चाहते और आशा रखते हैं कि जनता का मत विधान सभाओं में और लोक सभाओं में प्रतिबिम्बित हो, वह नहीं हो पाएगा। मैं आशा करता हूँ कि कानून मंत्री मेरे इस संशोधन को स्वीकारेंगे कि हर आम चुनाव के पहले नवीकरण को लाजिमी और अनिवार्य बना दिया जाए।

**Shri G. S. Pathak:** I cannot accept this amendment by reason of the fact that the Joint Committee has comprehensively framed section 21 and the fear which the hon. Member has been removed by what the Joint Committee has recommended. I shall read out what the Joint Committee has said and it is as follows:

The said electoral roll—

(a) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date—

(i) before each general election to the House of the People or to the Legislative Assembly of a State...

**Shri Sham Lal Saraf** (Jammu and Kashmir): That should satisfy him.

**श्री मधु लिमये :** उपनिर्वाचन का जहां तक संबंध है ठीक है।

**Shri G. S. Pathak:** And it further reads thus:

(ii) before each bye-election to fill a casual vacancy in a seat allotted to a constituency; and

[Shri G. S. Pathak]

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission.

So, there are ample safeguards given here that there shall be revision but in a particular case the Election Commission thinks that revision is not necessary, a direction to that effect has to be given by the Election Commission and it shall have to give reasons for the same so that everyone may know why it was done in a particular manner. Supposing two months before the general elections or six months before the general elections, there has been a bye-election and there has been a revision, it will be open to the Election Commission to say that it is not necessary to have another revision. So, there are ample safeguards. So, I submit that this amendment should not be accepted.

**Shri Sham Lal Saraf:** All these angles were discussed there.

**Shri G. S. Pathak:** All these were fully discussed before the Joint Committee.

**Mr. Deputy-Speaker:** I shall now put amendment No. 25 to vote.

*Amendment No. 25 was put and negatived.*

**Mr. Deputy-Speaker:** The question is:

"That Clause 9 stand part of the Bill."

*The motion was adopted.*

*.. Clause 9 was added to the Bill.*

**Re: New Clause 9A**

**Mr. Deputy-Speaker:** There is an amendment seeking to introduce a new clause 9A. I am sorry that that is out of order.

**Shri Madhu Limaye:** Why is it out of order? It is not out of order.

**Mr. Deputy-Speaker:** That is amendment to section 22 which is not touched by this Bill at all. So, it is out of order.

**श्री मधु लिमये :** तो क्या हुआ उससे सम्बन्धित है ।

**Mr. Deputy-Speaker:** If this Bill tried to amend section 22 then that amendment would be in order, but section 22 is not touched at all. So, it is out of order. I am sorry I cannot allow it to be moved.

**श्री मधु लिमये :** उस किस्म की एक एमेंडमेंट दूसरी जगह भी है ।

**Clause 16—** (Substitution of new section for section 23)

**Shri Madhu Limaye:** I beg to move:

Page 8, after line 2, insert—

"(4) In case the electoral registration officer rejects any application for inclusion in the electoral roll, he shall record the reasons for doing so in writing."

**Mr. Deputy-Speaker:** The amendment is now before the House.

**श्री मधु लिमये :** मेरा संगोधन इस प्रकार है :

"Page 8,—

after line 2, insert—"(4) In case, the electoral registration officer rejects any application for inclusion in the electoral roll he shall record the reasons for doing so in writing".

अगर अर्जी देने पर भी आफिसर किसी कारण से नाम दर्ज नहीं करना चाहता है, तो उसको उगका कारण बताना चाहिए, ताकि



लोगों को पता चले कि उनकी अर्जी को क्यों नामन्जूर किया गया है। मंत्री महोदय का इस पर बिल्कुल एतराज नहीं होता चाहिए। मुझे आशा है कि वह इस संशोधन को स्वीकार करेंगे।

**Shri Shree Narayana Das (Darbhanga):** I would support the amendment moved by Shri Limaye that in case the registration officer rejects any application for entry in the electoral roll, he should record the reasons. If he does not do so, at the time of appeal, the higher authorities will not be able to know the grounds of refusal. The higher authority should know on what grounds the registration officer or the electoral officer rejected that application for entry. Therefore, this amendment is necessary. It should be provided in the Act itself.

It was said in the Joint Committee that this will be taken care of in the rules. But this being an important matter should find a place in the Act itself so that it may be a guidance for all. It will also facilitate the work of the appellate authority in case an application is rejected by the registration officer.

**Shri Sonavane (Pandharpur):** Let the hon. Minister give an assurance that he will include it in the rules. Then I think it will be all right.

**Shri K. K. Verma (Sultanpur):** I support this amendment. The registration officer should not act arbitrarily. He must record the grounds for rejection. Otherwise, the higher authority will not be able to follow the order. It would also not be just to the applicant if the grounds are not stated. After all, we must proceed in a judicial manner and the authority should not act in an arbitrary manner.

**Shri Hari Vishnu Kamath:** May I also reinforce the arguments and join my voice with those of my colleagues who have gone before to say that this

is an eminently reasonable proposition made by my hon. friend, Shri Madhu Limaye?

**Shri G. S. Pathak:** It may not be necessary for him to proceed if he allows me to say a word.

**Shri Hari Vishnu Kamath:** If he accepts it, it is all right.

**Shri G. S. Pathak:** I will accept it and say that either it would be put here or we will make a provision in the rules. I am suggesting the latter alternative for the reason that there may be other such orders which are appealable and for which there is no such provision for giving reasons. In the rules we may be able to provide for all these cases also. I accept the principle of the amendment and will include it in the rules.

श्री मधु लिमये : मंत्री महोदय के आश्वासन की रोशनी में मैं अपने संशोधन को प्रेस नहीं करता हूँ।

**Shri Hari Vishnu Kamath:** If that is a firm undertaking, it will be accepted.

**Shri G. S. Pathak:** There has never been an infirm undertaking by me so far.

**Shri Hari Vishnu Kamath:** So many. Anyhow, does not matter.

*Amendment No. 27 was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 10 stand part of the Bill".

*The motion was adopted.*

*Clause 10 was added to the Bill.*

**Clause 11—(Amendment of section 24)**

**Shri Shree Narayan Das:** I beg to move:

Page 8,—for lines 3 and 4, substitute—

'11. In section 24 of the 1950 Act,—

(a) in clause (a) after the words "chief electoral officer", the words "or any local officer authorised by him" shall be inserted; and

(b) in clause (b),—

(i) after the words "chief electoral officers" the words "or any local officer authorised by him" shall be inserted; and

(ii) for the word and figure "section 23" the words and figures "section 22 or section 23" shall be substituted.' (49)

Section 24 of the Act is going to be amended. The present section provides for appeal against the decision of the registration officer. With regard to the entry of names, the appeal is to lie to the chief electoral officer. In the present Bill, we are going to provide for district election officer as well. The chief electoral officer lives at the State headquarters. Now for a simple thing as registration of a name which has been rejected by the registration officer, he has to go in appeal to the State headquarters.

With regard to enrolment, it is the duty of the State to see that each and everyone qualified to vote should have his name entered in the roll. Sometimes some names are left out and they have to submit their applications. Generally, the authority accepts it. But in case some applications are not accepted, then they have to go in appeal to the chief electoral officer.

My amendment is to the effect that it should be provided that the chief electoral officer is authorised to nominate a local officer who will hear such petitions at the district level at least,

not at the sub-divisional level, because that will provide facilities to the appellants.

With my amendment, the section will read:

"An appeal shall lie within such time and in such manner as may be prescribed—

(a) to the chief electoral officer or any local officer authorised by him".

Consequential amendments will also follow. This is the only point. It is a simple amendment and I would request the hon. Minister to accept it because it is very reasonable.

**Shri Sham Lal Saraf:** With the introduction of district election officer in the amended Bill, is this task going to be entrusted to him? Will this be done in the law itself? If so, that will solve, the difficulty.

**Shri Shree Narayan Das:** That is not possible. Here is a specific provision in the Bill that appeal shall lie to the chief electoral officer. That cannot be done.

**Shri G. S. Pathak:** The appeal will lie to the chief electoral officer. The question for the House would be whether it will be right to give power to the chief electoral officer to appoint his substitute. That will be the result of accepting this amendment. I submit such a power will be too wide. We should trust the chief electoral officer as the person in whom authority to decide appeals resides, because it may be that in some place one kind of officer may be appointed, while in another another kind of officer may be appointed. That will introduce anomalies in the administration of this important matter. I submit registration is an important matter.

**Shri Sham Lal Saraf:** My point is: will it be one of the tasks of the district election officers who are being appointed? If so, that will meet his point.

**Shri G. S. Pathak:** I will consider the point raised by Shri Saraf. When we are framing rules, I will examine it. But I oppose the present amendment because it is too drastic a power to give to the chief electoral officer to appoint his substitute.

**Mr. Deputy-Speaker:** I shall now put the amendment to the vote of the House.

*Amendment No. 49 was put and negatived.*

**Mr. Deputy-Speaker:** The question is—

“That clause 11 stand part of the Bill”.

*The motion was adopted.*

*Clause 11 was added to the Bill.*

**Clause 12— (Amendment of section 28)**

**Shri Hari Vishnu Kamath:** May I invite your attention to the parent Act of 1950? We are dealing with two Acts here, 1950 and 1951 Acts. This Bill is having a very chequered career in Parliament. It is over a fortnight, nearly a fortnight, since the Bill was first moved. I believe it was on the 9th of this month when the Bill came up, when the motion for consideration of the Bill was moved, and today it is the 22nd November. A fortnight has elapsed before the Bill has come for the second reading. Whatever it be, be that as it may, the elections are in the offing, not far off, unless there is possibility as envisaged by certain Cabinet Ministers among whom is the Minister of Labour, Employment and Rehabilitation who said sometime ago, about a month ago, in Bihar—not in the House but outside—that conditions are such that elections may have to be postponed. Such sentiments are being expressed by many Members on the other side of the House, not on this side. Be that as it may, I do not know what will finally happen; in that case they may come forward with another Bill

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to amend the Constitution if they want to put off the election. But we presume that the elections will be held in February, as scheduled, as expected and as originally announced. I do not know, the Minister is shaking his head—

**Shri G. S. Pathak:** Nodding.

**Shri Hari Vishnu Kamath:** That means he agrees with me that the elections will not be postponed.

Now, section 28, which is sought to be amended by clause 12 of the Bill is the rule-making power, the power to make rules. It reads:

“The Central Government may, after consulting the Election Commission by notification in the official Gazette, make rules for carrying out the purposes of this Act . . .”

I do not know whether you have the parent Act with you. Have you or have you not? No, you do not have it. I shall read sub-clause (3) of section 28 of the parent Act which is very relevant to the discussion which I seek to initiate. It reads:

“Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament—

I am glad you have got it now—

“while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree that the rule should be either modified or annulled, the rules shall thereafter have effect only, in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment should be without prejudice to the validity of anything previously done under that rule.”

[Shri Hari Vishnu Kamath]

This is a very important and vital rule-making power because the entire law and the rules together will either make for free and fair elections in our country or for vitiated elections or for unfair and unfree elections in our country. I had raised this point earlier also, last week. I had raised this point when the parent Act was brought before the House in the form of Bills, and it is only at the suggestion of many Opposition Members in this House that clause 3 of section 28 of the parent Act, seeking to get the rules being placed before the House for agreement and annulment or modification was inserted in the Bill. The original Bill did not have that provision, and we saw to it that this section which asserts the supremacy of Parliament over the executive which is the essential feature, the vital, basic principle of parliamentary democracy, was inserted; this principle has to be safeguarded, and that is how this clause came to be inserted under section 28 of the parent Act.

What is being sought to be amended is only clause 2 of that section. But it has been ruled in the House that once a section is sought to be amended, any part of that section or the entire section is open to discussion. That section is now being sought to be amended with regard to sub-section (2). In sub-section (2), for clause (a), the following clauses are sought to be substituted, namely:—

“(a) the determination of ordinary residence under sub-section (7) of section 20;

(aa) the particulars to be entered in the electoral rolls.”

Now, I am anxious, you are anxious, and I am sure every Member of the House is anxious, those who stand for parliamentary democracy and want to ensure fair and free elections in our country, are anxious that the rules framed by the executive shall come before the House before they are enforced and put into force. The Gov-

ernment is entirely at fault; the blame lies squarely on the shoulders of the Government that they could not come forward, come before Parliament, earlier with this Bill—

**Shri Tyagi:** The other day, the hon. Minister replied that he will place the rules on the Table of the House.

**Shri Hari Vishnu Kamath:** He said he will try his best. He has not given an assurance.

**Shri G. S. Pathak** rose—

**Shri Hari Vishnu Kamath:** Let me finish. My hon. friend Shri Tyagi refers to some sort of assurance that he gave the other day. It is only some sort of assurance that he gave; not a categorical assurance or promise which will be implemented duly and honourably. That, he did not give. That is why I am making this point. I hope all hon. Members will support the proposition because nobody wants unfair and unfree elections in the country. The rules are as important as the law, because the rules are delegated legislation and the rules have the force of law. Therefore, I do hope that, considering that clause (3) of that section is not being amended, every rule made by the executive, by the Government, will, and they must come before the House. The hon. Minister said something the other day. I do not know whether he will repeat it more categorically, unambiguously and unequivocally.

**Shri Tyagi:** He told us that he would be keeping the rules ready.

**Shri Hari Vishnu Kamath:** I will therefore, seek an assurance, a categorical assurance, an unequivocal, unambiguous assurance, from the Minister that the rules to be framed by the Government after the passage of this Bill by this House and by the other House, by Parliament, shall be brought before the House in this session for agreement, annulment or modification as the case may be.

**Shri Sham Lal Saraf:** Just a word. While I agree with the spirit behind what my hon. friend Shri Kamath has said, I understand that there is a convention that after a certain Bill is passed into law, into an Act, the rules that are made thereunder have to be placed on the Table of the House. The House is not precluded from pointing out any discrepancy, or the need for changing or amending any rule which in principle might be found to be contrary to the spirit of the law that has already been passed by the House, I understand that is the convention, and keeping that in view, in all the legislatures, the rules framed shall be placed on the Table of the House, and then, if any hon. Member finds any fault in them certainly he can initiate a discussion. But to say that the rules have to be passed by the House, I think, may not be correct either from the Constitutional point of view or from a procedural or conventional point of view. This is what I wanted to submit. I would like to know the reaction of the hon. Minister.

**Shri Tyagi:** May I add that rules have a lot of meaning, and rules are as good as laws in the matter of elections. I wonder if the hon. Minister can find a way to informally send his draft rules to Members—not put them officially on the Table—and circulate those rules to Members before getting them approved by the Government, for eliciting opinion or comments of various Members, so that when they finalise them, the Minister may be in possession of the reactions of the Members and then he could consider what the Members' suggestions are and then finalise the rules formally.

**Shri G. S. Pathak:** Before the assent is given by the President, I cannot place the rules on the Table. I have already given instructions to obtain the views of the Election Commission with regard to the rules which can be made under the new provisions. As soon as the assent is given

by the President, the next day I shall place the rules on the Table.

**Shri Tyagi:** Is there any harm if the minister informally circulates the rules for eliciting opinion?

**Shri G. S. Pathak:** Then I will have to wait and before I receive the views of the members, I will not be able to place the rules on the Table. So, circulation cannot be done. I only hope that we pass this Bill here quickly so that the Rajya Sabha also may be able to pass it quickly. I cannot undertake to do something which is impossible under the law, namely, to place the rules before the assent is given.

**Mr. Deputy-Speaker:** The question is:

"That clause 12 stand part of the Bill."

*The motion was adopted.*

*Clause 12 was added to the Bill.*

*Clauses 13 to 19 were added to the Bill.*

**Clause 20—(Substitution of new Chapter for Chapter III of Part II.)**

**Shri A. N. Vidyalkar** (Hoshiarpur): I beg to move:

Page 12.—

after line 40, insert—

"(3) A Government employee, who has resigned from the service shall be ineligible for standing as a candidate unless—

(i) period of one year has elapsed between his resigning the Government service and the date of nomination; and

(ii) if any enquiry had been pending against the Government employees, and during the pendency of the enquiry he had relinquished Government service, he shall continue to remain disqualified, until the enquiry had

[Shri A. N. Vidyalkar]

been completed or was withdrawn by the Government before the date of the nomination." (78).

**Shri Shree Narayan Das:** I beg to move:

(i) Page 12, lines 8 and 9,—

for "for a period of six years from the date of such conviction".

Substitute "from the date of such conviction and shall continue to be disqualified for a further period of six years since his release." (51).

(ii) Page 12, line 24,—

for "six years" substitute "ten years". (52).

(iii) Page 12, line 41,—

after "long as" insert "and two years thereafter." (53).

(iv) Page 13,—

after line 8, insert—

"9B. If a person, having been a member of either House of Parliament or of State Legislature, has been suspended from the service of the House thrice during the period of membership for disregarding the authority of the Presiding Officer or abusing the rules of the House by persistently and wilfully obstructing the business thereof he shall be disqualified for a period of six years from the date he ceases to be a member." (54).

(v) Page 13, line 21.—

for "three years" substitute "five years." (55).

(vi) Page 13,—

omit lines 23 to 25. (56).

**Shri Madhu Limaye:** I beg to move:

(i) Page 12, line 10,—

after "offence" insert—

"involving moral turpitude." (28).

(ii) Page 13,—

after line 8, insert—

"9B. A person shall be disqualified from contesting the elections, if he is a prince who draws privy purse from the Government, unless he intimates the Government before the last day for filing nomination that he has foregone his right to receive the purse under the Constitution." (29).

**Shri G. N. Dixit (Etawah):** I beg to move:

Pages 12 and 13.—

for lines 41 to 43 and 1 to 8 respectively.

substitute—

"Disqualification 9A. A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government etc.

for the supply of goods to, or for the execution of any works undertaken by, that Government.

*Explanation.*—For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part." (67).

**Shri G. S. Pathak:** I beg to move: Page 13,—

after line 8, insert—

"*Explanation.*—For the purposes of this section, where a

contract entered into by a person himself or by any person or body of persons referred to in this section with the appropriate Government or with any company or corporation (other than a co-operative society) referred to in this section, has been fully performed by the person himself or by the person or body of persons as aforesaid, the contract shall be deemed not to subsist by reason only of the fact that the appropriate Government of such company or corporation has not performed its part of the contract either wholly or in part." (63).

**Shri Hari Vishnu Kamath:** I beg to move:

(i) Page 12,—

after line 14, insert—

"(2A) A person convicted, under the appropriate Act, by a Court in India of an offence of hoarding or profiteering or blackmarketing or adulteration of foods or drugs, shall be disqualified from the date of such conviction, and shall continue to be disqualified for a further period of six years since his release, irrespective of the sentence awarded by the court." (72).

(ii) Page 12,—

omit lines 23 to 25. (73).

(iii) Page 13,—

after line 25, insert—

"Provided that the Election Commission shall not remove any disqualification under this Chapter before the General Election following the election in the wake of which the disqualification was incurred." (75).

**Mr. Deputy-Speaker:** Amendment No. 74 of Mr. Kamath is the same as Amendment No. 52 which has been

already moved. So, it is barred. These amendments and the clause are before the House.

**Shri A. N. Vidyalankar:** Sir, so long as the Government employees are in service, they are disqualified for standing for election. My amendment is, until a year elapses after a Government employee relinquishes charge and resigns, he should not be eligible for standing for election. The reason is simple. The Government employees know many secrets of the Government on many matters which they were dealing with. So, it is but proper that after his resignation, sometime should elapse before he can stand for election.

Secondly, when certain enquiries are going on against a Government employee. Somehow or other it has happened in a number of cases in the past also—that such employees, apprehending that something might go against them in the enquiry, at once resign and after that those enquiries were shelved. They also become eligible for standing for election. I want that until those enquiries were completed or until the Government declared that those enquiries had been withdrawn, such employees should be disqualified for standing for election. That is the second part of my amendment. It is but proper that these restrictions should be imposed with regard to Government employees who resign from service. I hope the Minister will accept my amendment.

**Shri Shree Narayan Das:** I will take up my first amendment 51. Under the clause when a person is convicted for any offence and sentenced to imprisonment for not less than 3 years, he shall be disqualified for 6 years from the date of such conviction. Instead of 6 years from the date of conviction, I want that such persons should be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since their release. Those who will be disqualified under this provision are law-breakers. Such

[Shri Shree Narayan Das]

persons should not be easily allowed to stand for election; at least for two general elections, they should be debarred. When they themselves break the law, they should not be easily allowed to stand for elections and come here to make laws for others. That is the purpose of my amendment 51.

Then I come to amendment 52. The section says that a person who is found guilty of a corrupt practice by an order under section 99 shall be disqualified for a period of 6 years, i.e. he will be disqualified only for one general election. Sometimes it takes nearly 4 years for election petitions to be decided; sometimes it is decided just on the eve of the next general election. So, my amendment seeks to disqualify such persons found guilty of corrupt practices for at least two general elections, so that it may serve as a deterrent, otherwise, this simple disqualification for 6 years will make it easy for those who want to resort to corrupt practices for winning elections.

My third amendment is to the proposed clause 9A which deals with disqualification arising out of having contract with the appropriate Government—Central Government or State Government. Here the provision is:

"A person shall be disqualified if, and for so long as, there subsists a contract entered into by himself or by any person or body of persons in trust for him or for his benefit . . ."

15 hrs.

So long as the contract subsists he is disqualified, but as soon as the contract is over he is entitled to come to the Parliament or any State legislature. Then he will be in a position to influence the opinion of the Government because he was a contractor previously supplying some goods or carrying out some work for the Government. He will be able to exercise his influence in two ways. After the Parliament is dissolved, when he is no more a Member and

he is again a contractor, he will influence the Government and enter into contract with them. After the contract is over, he will come to the legislature and influence the Government. This tendency should be checked. Therefore, my amendment is that the disqualification should be there at least for two years thereafter, after the contract is terminated so that it will have a deterrent effect.

My next amendment is a new one. This will come as a surprise to many. I will read out the amendment for the benefit of hon. Members. By this I want to increase the number of disqualifications and add it as 9B. My amendment is:

"9B. If a person, having been a member of either House of Parliament or of State Legislature, has been suspended from the service of the House thrice during his period of membership for disregarding the authority of the Presiding Officer or abusing the rules of the House by persistently and wilfully obstructing the business thereof he shall be disqualified for a period of six years from the date he ceases to be a member."

This is a new provision. Some hon. Members might say that this is going beyond the scope of the disqualifications that have been provided in the present Act. My amendment is not intended against any party or any particular Member belonging to any party. My mind is quite clear on that point. Anyone, belonging either to the ruling party or any party in the Opposition, if he persists in wilfully defying the orders or ruling of the Chair and goes on obstructing the proceedings of the House, if a Member who as Member knows the rules of the House, who frames the Act and who is responsible for framing the Act, if he goes on behaving in the House against all the rules that are provided by himself, he should not be allowed to come again to the same Parliament and to create the same kind of scenes in the House. I would,



therefore, request you, and through you the House and the hon. Minister here to consider this. Although this is a new thing this is necessary because a Member here who makes laws has to set an example to the general public. As law-makers we have to set an example to the citizens outside, that whatever rules and Acts we pass here we also observe and follow. If any hon. Member goes on disobeying or violating those rules and Acts, I think it should be a just reason why he should not be allowed to come to Parliament at least for one general elections so that if in future he is elected by the people he will behave in the right manner observing all the rules that are there. As I have already said, this is not intended against any individual Member sitting in the House.

Before I conclude I want to say a word on the amendment moved by my hon. friend, Shri Kamath about those who are convicted for indulging in hoarding, blackmarketing and profiteering. This should be considered by the House. I would request the hon. Minister to accept this. Even if the provision is not there that he should be sentenced for more than two years, even if the sentence is for six months or a period less than two years, even in such cases those persons who indulge in blackmarketing, adulteration and all those things should be disqualified from being a Member of this House or a Member of Rajya Sabha.

**श्री मधु सिन्हा** : उपाध्यक्ष महोदय, मेरे दो संशोधन हैं। उनमें से 28वां संशोधन इस प्रकार है :

Page 12, line 10—

after "offence" insert "involving moral turpitude." (28)

वह मैं इसलिये पेश कर रहा हूँ कि इस वक्त हमारे सामने जो उपघारा 2 है वह इस प्रकार है :

"A person convicted by a court in India for any offence and sen-

tenced to imprisonment for not less than two years shall be disqualified...."

अब इनका क्या नतीजा होगा ? जो अपराध होते हैं वह भी कई किस्म के होते हैं। जो खुद भारत के प्रधान मंत्री कई साल रट चुके हैं उनको मेरा डगल है कि दो-तीन मंत्रों दो साल में ज्यादा सजा हुई थी। क्या अपराध था उनका ? जंगल का कानून तोड़ा, नमक का कानून तोड़ा, दफा 144 को तोड़ा। इन कानूनों को तोड़ने की बात को लेकर उनको दो-दो, तीन-तीन सालों की सजा हुई। उन्होंने कोई बलात्कार नहीं किया था, कोई भ्रष्टाचार नहीं किया था, न हिंसा की थी और न डकैती की थी। फिर भी अंग्रेजी राज्य में उनको इस प्रकार की सख्त सजायें हुईं। अब आप कहेंगे कि वह अंग्रेजी राज्य में हुआ।

**श्री स्याही** : वह विदेशी राज्य था।

**श्री मधु सिन्हा** : अभी मैं आता हूँ आप के स्वदेशी राज्य पर। पहले तो मैं ने यह बतलाया कि नेहरू साहब ने हिंसा नहीं की, बलात्कार नहीं किया, भ्रष्टाचार नहीं किया, डकैती नहीं की, चार सौ बीसी नहीं की फिर भी जवाहरलाल जैसे भ्रादमी को विदेशी राज्य में इस तरह की सजायें दी गईं। वही कानून आज भी चल रहा है। आप अपने भूत को भूल गये हैं, मैं नहीं भूल सकता।

अब आप देखिये कि स्वदेशी राज्य के मातहत क्या हुआ। मेरे दल से एक भ्रादमी आप के दल में चला गया है और उसका आप ने न केवल प्लैनिंग कमीशन का उपाध्यक्ष ही बनाया बल्कि उसको योजना मंत्री भी बना दिया है। कैबिनेट का मंत्री है वह। उनका नाम है प्रशोक मेहता। वह जब हमारे दल में थे और उनका दिमाग खराब नहीं हुआ था, जब वह कुछ क्रान्तिकारी तबियत के भ्रादमी थे, तब उन्होंने क्या किया। हमारे यहां जो

[श्री मधु लिमये]

सिविल नाफरमानी चलती है। उसमें, तेरह साल पहले की बात है, 1953 में उन्होंने भी गुजरात में उसी तरह का आन्दोलन चलाया था। उसको पार्टी सत्याग्रह कहा जाता है या खेड सत्याग्रह। उसमें, मैं निवेदन करना चाहता हूँ, भ्रशोक मेहता को करीब करीब सवा दो या ढाई साल की सजा हुई थी। मान लीजिये यह कानून आज आप पास करते रहे हैं, उस वक्त अस्तित्व में होता, तो उसका क्या के नतीजा होता ? अंग्रेजों के जमाने जिन कानूनों के मातहत जवाहरलाल नेहरू को दो दो सालों की कई सजायें हुई हैं, वे कानून आज भी उसी तरह चल रहे हैं और कांग्रेस राज्य के अन्दर भी कई दफे ऐसा हुआ है कि हम जैसे लोगों को सजायें हुई हैं। मैंने भ्रशोक मेहता का उदाहरण दिया, स्वदेशी कांग्रेस राज्य का भी उदाहरण दिया जिनमें दो दो सालों के लिये खेड सत्याग्रह में सजायें हुईं। वह न तो डाकू थे न चोर थे, न उन्होंने चार सौ बीसी की थी जिसके लिये उनको सजा दी गई थी। उन्होंने इसलिये सत्याग्रह किया था कि किसानों की जमीनों को छीन कर वहाँ पर घास पैदा करने का जो काम जमींदार चलाते थे उसको खत्म कर वह जमीनें फिर से किसानों को घास पैदा करने के लिये दी जायें। दो साल की सजा यह एक माव कसीटी नहीं हो सकती है। आप को देखना पड़ेगा, कि इस जुर्म के लिए सजा हुई खाम कर कानून मंत्री ने मैं कहूँगा कि जब कांग्रेस पार्टी ने महात्मा जी के नेतृत्व में—मैं उस जमाने की बात कर रहा हूँ जब मैं भी कांग्रेसी था—सब से पहले दुनिया में सिविल नाफरमानी का मिथान्त मार्वाजिनिक जीवन में सामूहिक ढंग में—वैश्व में तो मुकरात या प्राह्लाद जैसे व्यक्तिगत सत्याग्रह करने वाले लोग पहले बहुत हो चुके हैं—अपनाया तब वह इसलिए अपनाया कि भारतवर्ष में राजनीतिक समस्या का हल निकाला जाये। स्वतंत्रता प्राप्ति के लए मुक्त को उन्होंने सिविल नाफरमानी का

रास्ता दिखाया। अगर सिविल नाफरमानी का रास्ता आप बन्द करेंगे तो एक ही रास्ता रह जाता है और वह गोली और बन्द का रास्ता है . . .

**श्री स्थायी :** विदेशी राज में तो वह ठीक था लेकिन अब इसको ठीक नहीं कहा जा सकता है। यह महात्मा गांधी का भी कहना था।

**श्री मधु लिमये :** गांधी जी ने कर्मा ऐसा नहीं कहा था, उनका कहना था कि हर अन्याय के खिलाफ सिविल नाफरमानी करना हर इंसान का अधिकार है। अब आप लोग यह भाष्य कर रहे हैं और तब कर रहे हैं जबकि आप को सत्ता मिल चुकी है। जब तक सत्ता नहीं मिली थी तब तक आप यह भाष्य नहीं किया करते थे। तब तो आप सिविल नाफरमानी के समर्थक थे। अब चूँकि आप सत्ता में हैं, इसलिए सिविल नाफरमानी आप को याद नहीं आती ?

मैं बहुत जरूरी समझता हूँ कि अपराधों का वर्गीकरण किया जाये। अगर कोई बलात्कार में पकड़ा जाता है, उसको सजा हांती है, खून करता है, उसको सजा हांती है, चार सौ बीसी करता है, उसको सजा हांती है, अमानत में खयानत करता है, उसमें उसको सजा हांती है तो इस तरह के जो अपराधों का मैं नैतिक दृष्टि से बहुत ही गंदे अपराध कहूँगा। मैं श्री श्रीनारायण दास जी से मुत्तफिक राय रखता हूँ कि अगर ऐसे गंदे काम करने वाले अपराधियों को एक साल की भी सजा होती है तो आप जबर उनके ऊपर पाबन्दी लगायें। लेकिन मान लें कोई सिविल नाफरमानी करके, मजदूरों की लड़ाई में, किसानों की लड़ाई में, नवयुवकों की लड़ाई में या औरतों और पिछड़े वर्गों के जो अधिकार हैं उनको सुरक्षित रखने के लिए लड़ाई करके जेल जाता है, उसको चाहे दो साल की या पांच साल की सजा हो तो उससे कोई मतलब नहीं है।

उस वर्ग में जितने अपराध आते हैं उनके ऊपर आप को पाबन्दी नहीं लगानी चाहिये । यह तो मेरा एक संशोधन हुआ । आप जरा ठंडे दिमाग से इस पर सोच विचार करें । अपने भूत को आप याद करें । आदमी हमेशा अपने भूतकाल को भूला करता है । मैं कानून मंत्री से पूछना चाहता हूँ कि विदेशी राज में क्या वह कभी जेल गये हैं ? शायद नहीं गये हैं । हमारे त्यागी जी गये हैं, हम जैसे लोग भी गये हैं । शिव नारायण जी भी शायद गये हैं ।

एक सवाल कानून मंत्री उपस्थित करेंगे और वह यह है कि " मारेल टरपीट्यूड " की क्या व्याख्या है । वह तो कानून के बड़े विशारद हैं, हाई कोर्ट के जज भी रह चुके हैं और दूसरे बड़े ओहदों पर रह चुके हैं । उनके पास जरूर इतनी बुद्धि है कि मारेल टरपीट्यूड की वह ऐसी व्याख्या बनायें जिससे मैं जिन अपराधों का जिक्र कर रहा हूँ वे छंट जायेंगे ।

श्री त्यागी : राष्ट्रीय सरकार की मजालफत करना भी मारेल टरपीट्यूड है ।

श्री मधु सिमये : छोड़िये राष्ट्रीय सरकार को, यह तो अपराष्ट्रीय सरकार है । अपराष्ट्रीय सरकार जो आप राष्ट्रीय सरकार बनाने जा रहे हैं ।

दूसरे अपने संशोधन पर अब मैं आता हूँ । वह इस प्रकार है :

Page 12, line 10,—

after line 8, insert—

"9B. A person shall be disqualified from contesting the elections, if he is a prince who draws privy purse from the Government, unless he intimates the Government before the last day for filing nomination that he has foregone his right to receive the purse under the Constitution." (29)

कभी कभी आप लोगों की तरफ से यह ताना मारा जाता है कि हमारे साथ स्वतंत्र पार्टी वाले, जो मिला बैठते हैं, वह राजा महाराजाओं की पार्टी वाले हैं या पूंजीपतियों की पार्टी वाले हैं । मैं ममझता हूँ कि आप असलियत को छिपाना चाहते हैं । अगर मैं गिन लूँ तो स्वतंत्र पार्टी में जितने राजे हैं उनसे अधिक और कहीं अधिक राजे और महाराजे आप लोगोंके साथ हैं । हमारे साथ तो एक ही बड़ी महारानी बैठती हैं । आप के साथ दो हैं, एक बड़े महाराजा हैं और एक बड़ी महारानी हैं । एक बड़ीदा के हैं और दूसरी बालियार की हैं । यहाँ एक है और आप के यहाँ दो गुना ज्यादा है । छोटे राजों रजवाहों का अगर हिसाब किताब रखा जायेगा, तो मैं दावे के साथ कहता हूँ कि कांग्रेस पार्टी में राजा लोग ज्यादा हैं । इसलिए विरोधी दल को जो ताना आप मारते हैं, उसके लिए कोई आधार नहीं है । आप पूंजीपतियों का सवाल करेंगे । वह इससे सम्बन्धित नहीं है । लेकिन यह कहना मैं जरूरी समझता हूँ कि पूंजीपतियों के जितने गिरोहों का आप को सहयोग प्राप्त है उतना इनको नहीं है । जैसे विद्रोही कांग्रेसी होते हैं उसी तरह से जा विद्रोही पूंजीपति हैं, डिसिंटेंट बिजिनस है वे शायद उनका कभी कभी पैसा दे देते हैं । लेकिन आप लोगों को तो मेरा खयाल है सब से अधिक पूंजीपतियों और राजा महाराजाओं का सहयोग प्राप्त है ।

इस खूलासे के बाद मैं बताऊंगा कि मैं यह संशोधन क्यों रखना चाहता हूँ ? राजा महाराजाओं के साथ मेरी कोई व्यक्तिगत दुश्मनी नहीं है । मैं कहता हूँ जिस दिन वे सरकार से प्रिवी पर्स लेना बन्द कर देंगे उस दिन से वे मुक्त हो जायेंगे । राजा लोग इस बात को समझ नहीं रहे हैं कि ये प्रिवी पर्स देकर कांग्रेस पार्टी ने उनके लिए एक जंजीर बनाई है कांग्रेस जितना दबाव उनके ऊपर डालती है,

[श्री मधु लिमये]

वे उस सब को इस लालमा में कि उनके प्रिवी पर्स बने रहें महते चले जाते हैं।

श्री त्यागी : प्रिवी पर्स कोई तनख्वाह नहीं है। यह उनको इसलिए मिलते हैं कि उन्होंने अपने राज्य का त्याग किया है और उनके बदले में उनको ये मिलते हैं और उसी तरह से मिलते हैं जिस तरह से जमींदारियों को समाप्त करके हमने उनको बाँट दिये थे।

श्री मधु लिमये : प्रिवी पर्स के रहने के कारण इन कांग्रेस लोगों को उन्हें टबाने का एक हथियार मिल गया है। अगर वे प्रिवी पर्स जो छोड़ देते हैं तो वे मुक्त और स्वतंत्र नागरिक बन जायेंगे। लेकिन उसके लिए तो संविधान में परिवर्तन करने की जरूरत होगी। उसकी चर्चा मैं नहीं करता हूँ। मैं यह निवेदन करना चाहता था कि एक साधारण नागरिक, एक गरीब मेरे जैसा उम्मीदवार जिसकी कोई आर्थिक हैसियत नहीं है, अगर इलैक्शन के लिए खड़ा हो जाता है तो उसको पैसा कहां से मिलेगा? अगर उसके खिलाफ कोई कांग्रेसी राजा खड़ा हो जाता है जोकि सरकार से प्रिवी पर्स प्राप्त करता है तो उसका वह मुकाबला कैसे करेगा? इसका परिणाम क्या होता है? शुरू से ही असमानता रहती है, समानता नहीं रहती है क्योंकि उसको जो सरकारी खजाने से पैसा मिलता है, उसके बल पर वह हमारे खिलाफ चुनाव आसानी से लड़ सकता है। इंग्लैंड में भी ऐसा ही था। हाउस आफ लार्ड्स में जो लोग बैठते हैं पहले उनके लिए छूट नहीं थी कि वे कामंड में आयें। एक बार लेबर पार्टी के एक सदस्य ने वहां पर झगड़ा किया। उसके बाद कानून बना कि जो आदमी हाउस आफ लार्ड्स में बैठना नहीं चाहता है और अपने खिताब को छोड़ देना चाहता है तो वह कामंड का चुनाव लड़ सकता है और वह कामंड बन सकता है। कामंड बनने में कोई बुराई नहीं है। अर्चिल ने आखिर तक इस खिताब को नहीं स्वीकार किया। इसी

में उनको फँस रहा था कि वह ग्रेट कामंडर है। इसी तरह हमारे राजा लोग भी अपने प्रिवी पर्स है उसका त्याग करने की इत्तिला अगर सरकार को दे देते हैं और कह देते हैं कि संविधान के मातहत हम को जो प्रिवी पर्स मिलता है उसको छोड़ने के लिए हम तैयार हैं तो मैं कहूंगा कि उनको चुनाव लड़ने का जरूर अधिकार दिया जाये। मैं जो गैर-बराबरी और असमानता है उसको खत्म करना चाहता हूँ। कोई आदमी कहेगा कि फिर करोड़पतियों के बारे में आप क्यों कुछ नहीं कहते मैं जरूर उनके बारे में भी कहना चाहूंगा। समय आयेगा और हमें जायदाद और आमदनी और खास करके, जो काला बाजार का घन बगैरह है उस पर रोक लगाने का काम करना पड़ेगा। लेकिन यह पहला कदम है जो मैंने बताया है।

**Shri Hari Vishnu Kamath:** Mr. Deputy Speaker, I have four amendments in my name which, by your leave, I moved, namely, amendments numbers 72, 73, 74, and 75, and I shall speak briefly on each one of them.

This clause, clause 20, is an important clause of this Bill because it seeks to ensure that the supreme law-making body in our country shall be manned to the best of human capacity by honest men and women, as far as it lies in human power, because unless the function is pure the law will be vitiated. The laws emanating from the lawmaking body cannot be pure and will be vitiated by the composition of the lawmaking body. The Constitution expressly provides for this purpose.

Article 102 lays down so many dis-qualifications plus it says:—

“if he is so disqualified by or under any law made by Parliament.”

Article 102 is for the Lok Sabha, the House of the People, and there is a corresponding article for the Vidhan

Sabhas. Under that article this section was embodied or incorporated in the parent Act.

Now, there are various modifications suggested to clause 20 of this Bill which deals with disqualifications for the Lok Sabha or for the Vidhan Sabhas. I do hope that the House, thinly attended though it is, will pay earnest attention to this matter.

My first amendment seeks to provide that any person convicted under the appropriate Act by a Court in India of an offence of hoarding or profiteering or blackmarketing or adulteration of foods or drugs, shall be disqualified from the date of such conviction, and shall continue to be disqualified for a further period of six years after his release, irrespective of the sentence awarded by the court. The tail is important because the provision in the Bill before the House does impose a disqualification for an offence which merits or is awarded a sentence of two years or more.

Now, what is happening in our county? In spite of the pressing demands from all sides of the House, offences of blackmarketing, profiteering hoarding and adulteration—these anti-social crimes—have been treated leniently because many of these persons are financiers of the Congress Party and they contribute to their election chest; that is why many of them go scotfree and some of them get a lenient sentence or a moderate fine which they can easily pay or cough upon the spot and get away with it.

**Shri Tyagi:** Every party is a treasure to them.

**Shri Hari Vishnu Kamath:** They are honest treasures; you are dishonest treasures. I perfectly accept the proposition. I have no difficulty about it.

When the Essential Commodities Act, the Prevention of the Food Adulteration Act, Prevention of Drugs Adulteration Act came before the House, we sought to provide very deterrent

sentences but our amendments were rejected on those occasions. Ultimately, what has happened in regard to most enactments in regard to these anti-social crimes is that the merchants of death and disability reap rich dividends from starvation. They are stalking the land today. Everywhere there is a cry of starvation, hunger, drought and famine, yet these anti-social criminals are stalking the land and the Government does not seem anxious to take drastic action against these anti-social criminals.

Therefore I have sought to provide that whatever the sentence may be, because sometimes it may be a fine only, or a sentence of three months, six months, nine months or one year and under this provision a sentence of less than two years will not be taken into consideration, any person convicted of any of these four crimes—hoarding, profiteering, blackmarketing and adulteration—which lead to death, disability and disaster in this country, after conviction after an appeal to the Supreme Court should be disqualified from offering themselves as candidates for being Members of Parliament.

Sir, I am reminded of what happened in this very House some three years ago, before the Kamaraj Plan came into operation and before Shri Morarji Desai, as Finance Minister, was pushed out of the Cabinet.

**Shri S. M. Banerjee (Kanpur):** before he was Kamarajed.

**Shri Hari Vishnu Kamath:** Yes, before he as Kamarajed.

I referred to this matter and I agitated it for a long time even before, ten years ago, but the Government used to treat them leniently because they were the black-market financiers for their election funds; they were treating them jackadassically. I had said that when such crimes are practised on a large scale—let them go to the highest court, the Supreme

[Shri Hari Vishnu Kamath]

Court; but once convicted by the highest court in the land—we should make an example of half a dozen of them either by flogging them in public or by hanging them in public.

**Mr. Deputy-Speaker:** What is your next point?

**Shri Hari Vishnu Kamath:** This point is not yet over, I am sorry. If you are going to shut us up, we will walk out of the House. This is an important matter.

**Mr. Deputy-Speaker:** You know the time.

**Shri Hari Vishnu Kamath:** I know the time. But time is not the essence of the matter; the law is the essence of the matter and I hope you will have patience on this very day. It is all due to them. Their flock went away and stayed there for a long time and now they want to hustle this. If you want me to sit down, I will walk out; I will not sit down.

**Mr. Deputy-Speaker:** Please come to the next point.

**Shri Hari Vishnu Kamath:** No. I will come to the first point first. If you do not want to carry on this debate, I am not anxious to participate in the debate. I will walk out if you want to hustle me.

I raised this point as far back as three years ago. When I made a suggestion, Shri Morarji Desai, the then Finance Minister, said, "Shri Kamath has made his proposal about flogging or hanging". He said, "Flogging is barbarous but I do not mind hanging"—not that he did not mind himself hanging but he did not mind others hanging. At once I caught him and said, "Is it your view or is it the Government view?", because I would have been happy if a provision had been made in the Act. Immediately, he shifted his ground and said, "That is my personal view."

Be that as it may—I do not know what the Law Minister thinks of the

matter—I do hope that this amendment, which has been supported by hon. friends on his side of the House, and also by Congress Members on the other side of the House, will be acceptable to the Government and will be adopted by the House so that we do show to India and to the world that we are anxious, that Parliament is anxious, to ensure that these anti-social criminals are firmly dealt with and are awarded deterrent sentences and are disqualified from coming to this House which, otherwise, in course of time may become a house of dishonest contractors, corrupt black-marketers hoarders and profiteers or agents of those people.

Now I come to the next point which you wanted me to a little while earlier. The next amendment, amendment No. 73, seeks to omit lines 23 to 25 on page 12. This is, again, an important amendment, because the law in force empowers the Election Commission, for reasons to be recorded in writing, to remove any disqualification out of this chapter or to reduce the period of such disqualification.

As I said the other day, by and large the Election Commission has behaved not improperly, but there was a case recently when a Member of this House—it was some three years ago, I believe—who had been unseated and disqualified for corrupt practices, was enabled to contest a by-election within less than six months of his disqualification. The disqualification was removed by the Election Commission and he was enabled to contest a by-election and to come back to the House. And he is now promoted or elevated to a Deputy Ministership.

I referred to this matter on the 9th when the Bill was being discussed and then Mr. Jagannatha Rao—he ought to know better; I do not know; they do not come prepared and they just make some random statements which are absolutely baseless; there are no Ministers on the Treasury

Benches; anyhow, it is their headache and look-out—said that the High Court held that he was not guilty of corrupt practices. Quite to the contrary. Here is an extract from the judgement of the Madhya Pradesh High Court. I read only its relevant parts, less than a dozen lines. The Tribunal had been lenient. The High Court reversed the Tribunal's judgement. The judgement reads:

"In the result there are two such acts of corrupt practice...."

This was held in the case of Shri Vidya Charan Shukla in which case my Party candidate, Shri Khubchand Baghel, who was defeated by him, filed a petition against Mr. Shukla and he was as a result unseated and disqualified.

**Shri Tyagi:** How is that relevant here?

**Shri Hari Vishnu Kamath:** You are not following the discussion. I am sorry to that. You have been somnolent or perhaps somnoiloquent, not somnambulant.

**An hon. Member:** Shri Shukla is coming. He is under fire.

**Shri Hari Vishnu Kamath:** This was the Bench of the Madhya Pradesh High Court consisting of Shri Krishnan and Shri Bhargava, two Judges. It says:

"In the result there are two such acts of corrupt practice each coming under section 123(4) and each by itself calculated to prejudice the success of Khubchand Baghel in the election in which he was a candidate...."

He was my Party candidate, the Praja Socialist Party, and he lost by 2000 votes or so to Shri Vidya Charan Shukla in the election.

It says further:

"Each of them by itself would justify the declaration as void the

election of the successful candidate, namely, Vidya Charan Shuka Respondent No. 1 under section 98(b). The Tribunal has failed to do so even though it has found on several of the facts; this is because of its failure to appreciate on the one hand the difference between the political character and the personal character of the allegation and, on the other, failure to give a definite finding as to whether the statements are really true or honestly, though incorrectly believed to be true by the writer and by the successful candidate, acting as men of normal intelligence and fairmindedness."

Some leaflets had been distributed by the Congress Party and a few were distributed by Shri Vidya Charan Shukle himself attacking the character of Shri Khubchand Baghel. That is what the High Court is discussing. Then, it goes on:

"The foregoing discussion shows that they are patently false...."

That means the literature distributed by the Congress candidate was patently false making allegations against Shri Khubchand Baghel. And it says—mark this—

"No man in his senses would believe them to be true and not false."

Now comes the conclusion:

"As the only possible consequence of the findings, the appeal is allowed, the order of the Tribunal set-aside and it is declared that the election of Vidya Charan Shukla, Respondent No. 1—the successful candidate to the Lok Sabha from Mahasamund constituency is void for corrupt practices...."

".....coming under section 123(4) of the Representation of the People Act, 1951. He shall pay the appellant costs of this appeal...."

[Shri Hari Vishnu Kamath]

Because it is such a serious case.

"...which we assess at Rs. 3000 subject to the usual certification. In addition, he shall refund the costs and counsel's fee awarded to him by the Tribunal."

That is, Mr. Shukla to refund the fee awarded to him by the Tribunal.

"... and paid by the appellant and further pay him (the appellant) Rs. 500 as costs before the Tribunal."

So, this was a case where the High Court held not merely corrupt practices but even used such a strong language as 'no man in his senses' of fairplay would make such allegations against his opponent. I have not got the leaflet with me. If you read that, even you would be shocked. I am sure that any member in his senses of fairplay—even Mr. Shukla in his sober moments—would be shocked would not have made such an allegation in a leaflet against Shri Baghel.

**The Deputy Minister in the Ministry of Home Affairs (Shri Vidya Charan Shukla):** After the hon. Member has finished, I would like to make a personal explanation to this.

**Shri Hari Vishnu Kamath:** What happened? The High Court held him guilty of corrupt practices. The date of the judgment is 23rd April, 1963. Of course, the candidate who is disqualified under the Act is at liberty to apply to the Election Commission for reduction of the period or even for removal of disqualification and so, under that provision, I suppose he must have applied to the Election Commission and the Election Commission passed an order giving some reasons. I think he may read out that thing; that is what he is going to read out. Does the Election Commission sit as an appellate court, when such clear findings were given by the High Court. A reversal of this finding, a reversal of this order, will be tantamount to a reversal of the verdict

of an appellate court. That is why I am anxious to divest the Election Commission of this power, particularly now because the law is being amended to vest the power of deciding election petitions in the High Courts themselves—the original jurisdiction—and appeal to the Supreme Court. It was open to Mr. Shukla to go to the Supreme Court for getting the High Court's judgment reversed. I do not know whether he did it or if he did not do it, why; he will probably explain this.

**Shri Vidya Charan Shukla:** He should have known?

**Shri Hari Vishnu Kamath:** Who should have known?

**Shri Vidya Charan Shukla:** You

**Shri Hari Vishnu Kamath:** Let us have that done. The Election Commission removed the disqualification imposed by the High Court and a few months later—I do not know exactly, it was September or October—by the end of 1963, I believe, if my memory does not betray me, a by-election was ordered in that constituency, was notified in that constituency. That was before the blanket ban was imposed on by-elections after the Pakistan war, I believe. Even now the Prime Minister cannot fight a by-election and come to this House. This is just by the way. So, Mr. Shukla fought the by-election and won it.

**Shri Vidya Charan Shukla:** By have welcomed him.

**Shri Hari Vishnu Kamath:** We are not concerned with majority there. I am not concerned with the victory, whether it is with one or one lakh votes; I am concerned with the power of the Election Commission. Even if he had won with one vote, I would have welcomed him.

**An hon. Member:** Numbers with morality



**Shri Hari Vishnu Kamath:** My amendment seeks to divest the Election Commission of the power vested in that Commission to remove or reduce the period of disqualification, once it is imposed by the High Court or Supreme Court.

Now, I shall just say a word before I close, about the last amendment which stands in my name. Amendment No. 74 is more or less a simple one, and therein I want to increase the period of disqualification from six to ten years. Amendment No. 75 is an alternative amendment. Amendment No. 73 seeks to completely divest the Election Commission of that power. If that is not accepted, then I have got an alternative amendment, a second string to my bow, and that is that:

'Provided that the Election Commission shall not remove any disqualification under this Chapter before the general election following the election in the wake of which the disqualification was incurred.'

The object of this amendment is to ensure that a candidate who has been disqualified in a general election in the wake of a general election shall not be enabled to contest the bye-election which is notified just as a result of his becoming unseated so that he may not contest that very bye-election which is notified as a result of his being unseated on account of the disqualification for corrupt practices.

Now, I want to say a word about the amendment moved by my hon. friend Shri Shree Narayan Das. In his zeal, worthy of a better cause, he seeks to provide that a Member who has been grossly disorderly in the House, who has defied the Chair and disobeyed the Chair once or twice, I do not know many times whether it is twice, thrice or four times . . .

**Shri U. M. Trivedi:** He calls them law-breakers.

**Shri Hari Vishnu Kamath:** . . . should be disqualified from becoming a Member of the House. I am at a loss to understand what motivates some of my friends on the opposite side. I wonder whether the Minister shares his view; anyway, he will make his position clear when he replies to the amendment. But have you ever heard of any Parliament in the world—and I hope that we are trying to emulate the highest traditions of the best Parliaments of the world and nothing less and nothing more—where a Member who has been disorderly or disobedient to the Chair is completely prevented from going to the people and getting elected when the people want him?

**An hon. Member:** It is fantastic.

**Shri Hari Vishnu Kamath:** It is a fantastic under-statement.

**Shri U. M. Trivedi (Mandsaur):** That stupidity was committed twice.

**Shri Hari Vishnu Kamath:** I would not like to say 'stupid' or 'foolish'; I would have said that if it was not otherwise.

As the Speaker himself has explained so often in this House, and you, Sir, have been sitting down below at that time and you have been listening to that and you know what he has said, and he has made it abundantly clear, this House is sovereign in every respect; if the House finds a Member unworthy of membership of the House it can expel him. That has happened only once before in 1951 when Mr. Mudgal was expelled. You were a Member of the House at that time, and Pandit Jawaharlal Nehru, the Prime Minister, himself brought forward a motion before the House. There was a committee appointed and it went into the whole question. But he was expelled not for having been disorderly or defiant or disobedient to the Chair. As you are aware, he was

[Shri Hari Vishnu Kamath]

held guilty of some malpractices outside the House, where some financial things and some money etc. were involved. That was a thing in which moral turpitude came in. I am all at one with my hon. friend Shri Madhu Limaye that moral turpitude is not the same thing as what Shri Tyagi thinks is moral turpitude. I do not know why he is so sleepy today. He has said that fighting or opposing our own Swadeshi government is a moral turpitude. It is a wonderful political statement which he has made!

**Shri Alvares** (Panjim): Did he actually say so?

**Shri Badrudduja** (Murshidabad): He never meant it.

**Shri Hari Vishnu Kamath**: If it was mere mazaak, I can understand it.

As you are well aware, all agitation, demonstration, so long as they remain non-violent and peaceful, peaceful agitation, peaceful demonstration, peaceful struggle, and satyagraha on top of it, are all legitimate weapons in the armoury of the citizen in a democracy, and nobody, not even Tyagiji, nor even the cohorts sitting there can deprive us of the power to fight the Government if it goes wrong, to fight injustice and evil. That is what Mahatma Gandhi taught us— which Shri Tyagi has now forgotten.

I remember Gandhiji saying—this as a very brief but very terse, significant *upadesh* he gave—'Swaraj means not the acquisition of authority by a few but the acquisition of strength by the many to resist authority when abused'. This is Gandhiji himself on whose *charan* he was; I am sure he has got his picture in his heart, but he has forgotten it.

I therefore oppose the amendment moved by my hon. friend, Shri Shree Narayan Das, and also oppose the thesis brought before the House by

Shri Tyagi that opposing or fighting our own Government, Indian Government, means moral turpitude. Remember it was Gandhiji who said at that time 'Sedition is my religion'.

**Shri Hanumanthaiya** (Bangalore city): Not now.

**Shri Tyagi**: Against the foreign power.

**Shri Hari Vishnu Kamath**: The word 'sedition' has got a particular connotation. Semantics apart, sedition has got a particular connotation. Semantics apart, sedition was his religion in those days. Today fighting evil, fighting a government which is a bankrupt, corrupt, inefficient, dishonest government is as much a religion with us in the Opposition as sedition was with Gandhiji.

**Shri Vidya Charan Shukla**: I wish to make a brief statement on a personal matter.

**Mr. Deputy-Speaker**: He only quoted the High Court judgement. Does he dispute the correctness of the judgement?

**Shri Vidya Charan Shukla**: That is what I will do.

The judgement delivered by Krishnan J. surprised everybody who knew law.....

**Shri Hari Vishnu Kamath**: On a point of order. Under what rule is he raising this matter?

**Shri Vidya Charan Shukla**: Let me complete.

**Shri Hari Vishnu Kamath**: He can not criticise the High Court. He says that Justice Krishnan gave a wrong judgement.

**Shri Madhu Limaye**: On a point of order.

**Shri Vidya Charan Shukla**: I should be allowed to complete. After that, any points can be raised.

**Mr. Deputy-Speaker:** He only quoted from the High Court Judgement. Does he dispute the correctness of the judgement?

**Shri Vidya Charan Shukla:** Yes.

**Mr. Deputy-Speaker:** He cannot do that as long as it is not set aside. The hon. Member has not made any comments.

**Shri Vidya Charan Shukla:** I will only give facts as they are.

**Mr. Deputy-Speaker:** He only read from the judgement.

**Shri Vidya Charan Shukla:** I am only going to give the sequence of facts as they took place....

**Mr. Deputy-Speaker:** It will not be proper. He never went beyond the judgement. He never made any comments.

**Shri Vidya Charan Shukla:** I will not make any comments on that.

**Shri Madhu Limaye:** Let him go in appeal.

**Shri Vidya Charan Shukla:** I am telling the facts which Shri Kamath did not tell the House.

After this High Court judgement was delivered, an appeal was preferred to the Supreme Court. The usual practice is that they look to points of law, not of facts. On the point of law, of course, there was not much in it. The appeal was made to remove the disqualification. The Election Commissioner whose status is independent....

**Mr. Deputy-Speaker:** That is a separate matter.

**Shri Madhu Limaye:** On a point of order.

**Shri Hari Vishnu Kamath:** The Supreme Court dismissed it.

**Mr. Deputy-Speaker:** The order of the Election Commissioner is a separate matter.

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**Shri Hari Vishnu Kamath:** That is different.

**Shri Vidya Charan Shukla:** That is what he was referring to.

**Mr. Deputy-Speaker:** They removed the disqualification within a few months of the judgement....

**Shri Vidya Charan Shukla:** I should be allowed to complete.

**Shri Hari Vishnu Kamath:** The Supreme Court dismissed his appeal.

**Shri Vidya Charan Shukla:** He quoted the order of the Chief Election Commissioner. I am only saying that he has quoted it partially, and I will make it full. Just half a minute, (Interruption). When the truth is coming out, they are afraid of the truth.

**Shri Hari Vishnu Kamath:** Under what rule is he quoting?

**Shri Vidya Charan Shukla:** They should not be afraid of truth. I will finish in half a minute, Sir.

**Mr. Deputy-Speaker:** The Election Commissioner set aside the order.

श्री मधु लिमये : गलत बोल रहे हैं । इस तरह से नहीं चल सकता है । मेरा प्वाइंट आफ़ ऑर्डर है ।

**Mr. Deputy-Speaker:** He cannot.

श्री मधु लिमये : मेरा प्वाइंट आफ़ ऑर्डर है । यह किस तरह से कार्रवाई चल रही है । उनको पहले रोकिये । उन्होंने एक वाक्य कहा है, उस को काट दीजिये कार्रवाई से । उस को एक्स्पन्ज़ करना चाहिये । यह मेरा प्वाइंट आफ़ ऑर्डर है ।

**Mr. Deputy-Speaker:** I am sorry I cannot allow it. Please sit down.

श्री मधु लिमये : सिट डाउन कहने से कैसे काम बनेगा । मेरा प्वाइंट आफ़ ऑर्डर है ।

**Mr. Deputy-Speaker:** I am not allowing him to say anything. Please sit down. There is no point of order.

**श्री मधु लिमये :** मंत्री महोदय एक वाक्य बोले हैं। मेरा प्वाइंट ऑफ आर्डर है।

**Mr. Deputy-Speaker:** There is no point of order. Please sit down.

**श्री मधु लिमये :** एक वाक्य उस में से खारिज कर दिया जाये।

**Mr. Deputy-Speaker:** There is nothing to expunge. It is not a point of order. I am not allowing him to say anything.

**श्री मधु लिमये :** इस तरह से नहीं हो सकता है।

**Shri Hari Vishnu Kamath:** Why do you prejudice it? It is a constitutional point of order. How can you decide it before you hear it?

**श्री मधु लिमये :** मेरा प्वाइंट ऑफ आर्डर है। उन्होंने एक वाक्य यह कहा है कि कानून के सभी जानकार जानते हैं कि हाई कोर्ट का यह फैसला गलत था। आप संविधान की धारा 121 को देखिये।

"No discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the Judge as hereinafter provided."

मेरा कहने का यह मतलब है कि यह वाक्य कार्रवाई से काट दिया जाये। अगर वह कोई ऐड्रेस लाना चाहें तो लायें कि यह जर्नी ने गलत किया है। वह गन्दा आदमी है। जो कुछ भी कहना है उस में कहे। लेकिन वहां पर इस तरह से चर्चा नहीं हो सकती है। इस की आलोचना इस तरह से नहीं की जा सकती है। वह सुप्रीम कोर्ट में जा सकते हैं। उन को वहां जाने का अधिकार था। वह वहां गये।

आप इस को काट दीजिये। क्या आप हमेशा हमारे ही वाक्यों को एक्सपन्ज करते रहेंगे ?

**Mr. Deputy-Speaker:** Order, order. He has finished now.

**श्री मधु लिमये :** जो वह बोले हैं वह रेकार्ड में आ गया है।

**Mr. Deputy-Speaker:** Order, order. I have not allowed him to make any comment on the High Court Judge. There is no point of order.

**Shri Hanumanthaiya:** We have to know the correct position on such subjects. May I say a word?

**Mr. Deputy-Speaker:** Shri Kamath only referred to the High Court judgment. I did not allow Shri Shukla to make any comment on that. So, there is no point of order.

**Shri Vidya Charan Shukla:** May I say a word on the Election Commission's judgment?

**Mr. Deputy-Speaker:** No.

**Shri Hanumanthaiya:** I am not commenting upon your ruling. Only, if you please allow me a minute, I will state the correct position, because I have a little parliamentary experience. So far as the High Court judgment is concerned, as the Law Minister may know, when it is sub judice, we cannot discuss it. Shri Madhu Limaye is right. After the judgment is delivered, the judgment is subject to comment. Only we cannot.... Why don't you wait? Is this the way of conducting the discussion?

**श्री मधु लिमये :** एक आधा वाक्य से इंटरप्शन होता है। यह आप भी कीजिये।

**Shri Hanumanthaiya:** Even when I am trying to clarify the position, if you want to interfere, what can we do? (Interruption). Now, please listen to me. The legal position is,

anybody can comment upon a judgment of a court, whether it is the High Court or the Supreme Court. The only thing one should not do is to impute dishonest motives to the judge. Shri Madhu Limaye is right when he said that the judges should not be attacked personally for delivering a judgment according to their conscience. But here, if a Member who is attacked, namely, Shri Vidya Charan Shukla, wants to offer a personal explanation to clarify his position, there is no point of order involved. In fact, he could say that the judgment delivered did or did not take some points into consideration. The judges should be presumed to have delivered the judgment *bona fide*. But one could comment that this was the view they could have taken on facts. He could very well say.... (Interruption).

**Mr. Deputy-Speaker:** I am sorry I cannot agree with you. A High Court judgment cannot be a matter of discussion, especially when he himself was a party. He has not taken any appeal to the Supreme Court.

**Shri C. K. Bhattacharyya** (Rai-ganj): May I make a submission?

**Mr. Deputy-Speaker:** No submission.

**Shri G. N. Dixit:** My amendment relates to clause 9A. I have put in a substitute section in place of the one which has been brought in by the Joint Committee. My provision is the same as what has been existing from 1952 upto this day. For 14 years, there has been a certain provision for disqualification for Government contracts. My view is that the provision as it has been all these years is correct and represents the correct principle. When the Bill was introduced by the Law Minister in the Lok Sabha, this provision as amended now by the Joint Committee was

not there. This has newly come. I think this amendment made by the Joint Committee against the experience of 14 years is wrong.

The section as it stood before is the same as my substitute motion. It says:

"9A. A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by that Government.

*Explanation:* For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part."

This is the section in the law at the moment. I will read out those portions which are sought to be added by the Joint Committee instead of the words "a person", i.e., the candidate himself, it is desired that these words should be added namely "or by any person or body of persons in trust for him and for his benefit or on his account". If somebody else does anything in trust for him, he should be disqualified. Up-till now it was only contract with Government. Now company also is introduced. It says "Or with any company or corporation in the capital of which the appropriate Government has not less than 25 per cent shares". Then, in place of goods, it is said "goods or animals". In place of "appropriate Government" now it is said "the appropriate Government or by such company or corporation."

[Shri G. N. Dixit]

15.59 hrs.

[MR. SPEAKER in the Chair]

A lot of difficulties would arise if these amendments go through. A very large number of people will now come under the mischief of the new provisions. Even if one is a shareholder in a company and is benefited, all these questions of a technical nature will have to be decided by the returning officer, who will become a civil court. Whether there is any trust or not, whether there is benefit or not, whether it is on account or not, all these questions will crop up. Suppose a fully subscribed Government company desires certain things which are not available in the market.

16.00 hrs.

If I agree to offer, as a favour to the Government, certain things I become disqualified. I am doing a favour to the Government yet I will be disqualified. These conditions overlook the fundamental principle which is behind this provision. The same principle also applies, you will remember, to the Prevention of Disqualification of Members Act. The fundamental principle is that there should be no patronage involved, there should be no influence of the Government on the candidate or the person. If a certain person holds an office and thereby comes under the influence of the Members of the Government then he should be stopped from entering the Parliament or remaining a Member of Parliament. The same principle which is in that Act is here also. That principle is sufficient for the purpose of the contract and it was fully looked after in the previous Acts. What is designed now will stop almost all supplies to Government companies. Government companies functioning in the country will immensely suffer. People will have to choose whether to be disqualified or to supply things to Government companies.

**Shri Shree Narayan Das:** Selling is not prohibited.

**Shri G. N. Dixit:** Supply of goods.

**Shri Shree Narayan Das:** It is not a contract.

**Shri G. N. Dixit:** Everything will come under that. My constituency is known throughout the world to have the best Jumna-pari-goats. A Government company wants to send them to America. My people can sell them to the Government company or to private people. It is not necessary that they should sell them to the Government company. If somebody sells them as favour to the Government company, then he is disqualified. Government companies today with the expense of the public sector are functioning everywhere and a lot of trade and business is going on. This is bound to create a lot of difficulties for them. Such a new provision is not called for when a certain provision has functioned very well for these 14 years. Therefore, that provision, which is well known throughout the country, as to what will incur disqualification and what will not incur disqualification, should not be changed. That is my submission and it is for this reason that I have moved my amendment.

There are two or three other things about which I would like to make my submission. I support the amendment of Shri Shree Narayan Das which seeks to add a disqualification dealing with misconduct in the House. I have heard Shri Kamath and his best arguments. But the conditions obtaining in this country are very different today. You will find not only in this House but in every legislature in the country there are disorderly scenes and some of the hon. Members are determined to violate the authority of the Speaker and not to go by the rules that are there. If such a provision is there that persons who are expelled three times by the Speaker for disorderly conduct will not be eligible to become a Member, it will create a sort of fear in such

unruly elements and they will not incur the displeasure of the Speaker. The result will be, it will be easy for the Chair here as well as in the State legislatures to maintain order in the House. It is not for orderly people in the Opposition, it is not for orderly people here on this side, it is really for the few who disobey, it is really to root out that instinct which subsists in some that there is no danger even if they defy the Chair and they are expelled a hundred times. If you can make it a disqualification, that a man who goes to jail for two years will not be allowed, if I cannot stand for election in case I strike a person with a lathi and I am convicted for four years under Section 325, when a person strikes at the very foundation of democracy should he be permitted to stand although he is striking at the very foundation of rule of law? This is my submission. On this ground, there is much force in what Shri Shree Narayan Das has said.

I am very happy that for once Shri Madhu Limaye has said—I find he is not here now—that he is an admirer of Mahatma Gandhi. I wish he will pause and think; then, I am sure, he will become an admirer and devotee of Mahatma Gandhi rather than a devotee of his colleague, who always preaches violence. Gandhiji has said many times that violence is not the way in which this country can develop. Gandhiji never advocated violence. He always advocated non-violent methods and even today what he advocated hold good and, therefore, they should be adopted.

Lastly, I come to the Election Commission. There is, I find, one amendment by Shri Kamath. I hope the Law Minister will consider this point. Now, we are going to make a change. From the tribunal we are going to the High Court, and it may not be fair for the Election Commission to set aside what the High Court has done. The powers of the High Court and the Supreme Court are to be accepted as above that of

the Election Commission. The individual point raised by Shri Kamath is not of importance, because, after all, the Election Commission was vested by law, by an Act of Parliament, to act in a particular manner, to exercise its right, and it exercised that right under a law which was passed by this august House. Having exercised that power by the Election Commission, now to say that it was not properly exercised is extremely unfair. We cannot say that the Election Commission has not acted correctly. But now that we are shifting the power from the tribunal to the court, this matter deserves the attention of the Minister as to whether now there should be a change in the law.

**Shri U. M. Trivedi:** I will not take much time, as my hon. friend has taken. I will refer to the question of disqualification. Shri Kamath wants to extend the disqualification for ten years. But, probably, he has no experience as to how these judgments are secured in the various courts.

**Mr. Speaker:** A learned barrister says "how the judgments are secured"?

**Shri G. S. Pathak:** By persuasive arguments.

**Shri U. M. Trivedi:** Through fabricated evidence and false witnesses a judgment can be obtained.

**Mr. Speaker:** Then he should state it clearly. We should not cast reflection on the judiciary.

**Shri U. M. Trivedi:** I am not saying anything against the judiciary. I am just mentioning how they are secured. There are some professional persons available, to give you sufficient evidence for getting or securing disqualification and getting your election set aside. There are professionals available in our country and we have only to pick and choose. That is why the removal of disqualification is necessary. But in the

[Shri U. M. Trivedi]

removal of disqualification what I personally do not like is the discriminatory powers to be exercised capriciously, or look to be exercised capriciously, by the Election Commission which is vested with the powers of exercising the removal of disqualification. Very recently, a judgment of the High Court was read out by which our present Deputy Home Minister was disqualified by the High Court. He went in appeal to the Supreme Court and the Supreme Court dismissed his appeal *in limini*; in other words, there was nothing even to argue on the basis of the question of disqualification. Yet, the disqualification was removed.

**Shri J. B. Kripalani** (Amroha): By whom?

**Shri Surendranath Dwivedy** (Kendrapara): Within six months.

**Shri U. M. Trivedi**: Within three days.

The election date was postponed, the disqualification was removed, the election was held and then he was elected.

**Shri Priya Gupta** (Katihar): And made a Minister.

**Shri U. M. Trivedi**: Sections 8A and 11 should be read as one coherent piece. The power to remove disqualifications may be vested subject to the right of appeal and further with this rider to be added that no disqualification, if it has been imposed by the High Court or the Supreme Court, shall be removed within one year of such imposition. At least that provision must be made.

**Shri J. B. Kripalani**: Why even one year? It should remain.

**Shri U. M. Trivedi**: It may not remain because I know that our High Courts have held—and they have now become very fond of this—that if there are concurrent judge-

ments, they do not want to disturb them, howsoever erroneous the findings might be. That thing has grown in the minds of the judiciary. How these concurrent findings have been made by some of the District Judges has now become a notorious thing.

**Mr. Speaker**: Again, he talks about the judiciary in that strain.

**Shri U. M. Trivedi**: So far as the District Judges are concerned, I have got a right. I am very sorry that I have not yet been able to get out of the rut—you were lucky enough to get out of this rut long ago—and more and more I practise in the district courts I find that a hell of a trouble is created by the provisions of section 100 of the Civil Procedure Code. That is why when the Kerala Consultative Committee wanted to remove this provision, which was there—a very healthy provision—I opposed it and I feel it today that with that provision standing—I do not agree with my hon. friend, Acharya Kripalani, who says that such a disqualification should remain for all times; I want to be more liberal—the power to remove the disqualification may be given but not to the extent that today the disqualification is incurred and the next day itself it is removed or that today the disqualification is imposed and it is not removed for six years in another case. There must be some provision that the power shall not be so exercised within one year of the disqualification having been imposed after a proper hearing and the right of appeal.

One argument that my hon. friend, Shri Dixit, a good lawyer, has advanced about this contract business is that even if somebody wants to supply some goods out of some regard for the Government when those goods are not available anywhere, he will still incur a disqualification if he supplies those goods to a company. I do not find that any such provision exists. Clause 10 makes it



clear that this does not apply to a share-holder of a company. But supposing it does, even then I do not see any reason why Shri Dixit should be so anxious that that gentleman or Shri Dixit himself should be anxious to supply goods directly to the Government. If he wants to escape it, he can give it to somebody else and that somebody else may sell it to the Government if the necessity is so great.

The fundamental principle is that you shall not be in any way interested in the financial aspect of the Government by contractual relations which you are to enter.

Shri Shree Narayan Das, in his wisdom, says that mere purchasing and selling will not be a contract. I do not think that I agree with him. These are fundamentals of law that even selling and purchasing means entering into a contract.

Therefore I should say that this provision, which has now happily been incorporated, must remain. The amendment that has been proposed, I think, is not a healthy amendment. The Joint Committee has gone into this aspect for a long time, has discussed it threadbare and has come to this conclusion. I think, the proposal made by the Joint Committee in this direction is acceptable and is a healthy proposition and it should be accepted.

**Dr. M. S. Aney (Nagpur):** Mr. Speaker, Sir, the amendment of the hon. Member says that the ex-rulers who enjoy privy purses should not be allowed to contest the elections at all. That is his contention. I think he is under a very great misunderstanding. What the privy purse is, that is clearly stated in article 294 of the Constitution. In fact, it is a kind of contract between the ex-rulers and the Government of India for the advantages they have given to the Government for constituting the whole of India including the sovereign princely States. They have given up their rights to rule and they have given all their territories to constitute the whole

of India and in return the privy purses have been provided to them.

My point is this. The sanctity of the contract is one of the essential things for all those who respect the Constitution. This amendment has no regard for the sanctity of the contract at all. It does not care for all these obligations at all. My submission is that we should not be ungrateful people and not honor the contract and say that they shall not be eligible as candidates for the election unless they give up the right of privy purse. It will be an injustice done to these people. This has no parallel in history, that they have parted with all their sovereign rights. The whole of India should be grateful to them because they have enabled us to form the whole of India into a solid sovereign State. If we disqualify them, we shall be ungrateful people.

With these few words, I oppose this amendment.

**Shri K. K. Verma:** Mr. Speaker, Sir, I would first like to speak on clause 8, sub-clause (2) which says:

"(2) A person convicted by a court in India for any offence and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release."

In this proposed amendment, I find that it is the period of the sentence that has been taken into account. But it would be most unfair to take into account the period of the sentence. The offence may be a technical one and if he is sentenced to two years, he will be disqualified. I think, we should look to the nature of the offence and not to the period of the sentence. If a person is convicted for theft, it may be only for six months or three months or even two months, but I think, that would be a good criterion for disqualifying a person from standing for election to any legisla-

[Shri K. K. Verma]

ture. So, the amendment that has been proposed, that the offences should be for moral turpitude, I think, is a right one and I would request the hon. Minister to think seriously over this amendment and that we should not allow those persons who have committed offences involving moral turpitude to come in any legislature and represent the people. I think the very purpose of democracy would be defeated and people will point their finger and say, 'here is a thief who is representing the people in the Parliament'. That will be a very serious thing.

Secondly, Shri Shree Narayan Das proposed that those members who are suspended from the House for three times should be disqualified and should not be allowed to stand again for elections to Parliament or State Legislature. So far, such a situation has not arisen, but sometimes we are seeing the unruly behaviour of members in the State Legislatures as well as here also. So, I think some provision should be made like the one that Shri Shree Narayan Das has proposed, so that we are able to stop such disorderly behaviour. After all, members of the Legislature should set an example to others as to how to behave. If they misbehave, if they create disorder, if they indulge in unruly acts, it has its repercussion on the general public and they will say, "oh! certain MPs and certain MLAs are behaving like this; why should I not do it?" This creates a bad example.

The third point that I would like to urge is about the amendment regarding those persons who are drawing a privy purse from the Consolidated Fund of India. It has been sought to disqualify such persons. I think this would not be fair because Zamindari was abolished; Zamindaris are given compensation and we have not disqualified those persons. The Princely States, of course, agreed to merge in the Union and the Princes

gave up all their rights and in lieu of that, they were given, as a compensation, a certain amount as Privy Purse. Why should these persons be dis-franchised? Why should they not be allowed to stand for the membership of Legislatures? I think there is no such provision in any other country also that they should not be allowed to stand for election to Legislatures. This would be a wholesome provision.

So far as the power given to the Election Commission in Clause 11 is concerned, I do agree with the members who oppose it, who say that it is a very wide power that has been given to the Election Commission and we must have a rider to it; otherwise, there is the apprehension of discrimination. Of course, the Election Commission should not be allowed to sit in judgment over the judgment passed by the High Court or Supreme Court. If the Supreme Court or High Court passes an order imposing this disqualification, then, of course, it is possible, if you give such a wide power to the Election Commission, that the next day the Election Commission might say that the disqualification is removed. Then, virtually it comes to this that the Election Commission sits in judgment over the judgment or the order of injunction of the High Court. This is a very wide power and we must have riders to it. As suggested by the hon. Member opposite if one year is allowed to elapse, then, of course, the Election Commission may consider such and such circumstances which may show that the person applying for the removal of the disqualifications has now certain grounds for urging that such disqualification may be removed.

With these words, I would request the hon. Minister to consider these points.

Shri C. K. Bhattacharyya: While speaking on this matter of qualifications and disqualifications, the first

thing that I would do is to refute some imputations that have been made on the Election Commission. In the course of the debate on this Bill also such imputations and comments have been made which I consider not fair to them. I feel that in the Election Commission we have some of the best officers that India could give and I have seen them and known them and I know that they do their work with such impartiality and as much sense of duty as possible.

Having said this, I take this opportunity of firstly supporting the amendment of my hon. friend Shri Vidyalankar about putting some check on the Government servants standing for elections to legislatures. In doing this, I shall reveal a strange experience which I myself had in one case.

An officer working in one of the Central Government-managed corporations got permission from his Department to stand for elections to the Parliament on the contingent understanding that he would resign if elected, and on that basis he got leave. He began carrying on election propaganda and that began to appear in the party papers. My attention was drawn to this, and I brought this to the notice of the Deputy Minister in that Department who is no longer there now; I contacted him and asked him whether an employee in a corporation like that could stand for election and whether he had got the permission of the Department to stand for election. He said 'No'. I said 'Here it is, he has got permission for doing so and he has even got leave for that purpose.' He asked whether I could prove that he had been carrying on election propaganda. I said 'Yes', and I got the party papers and marked out the portions carrying the reports of his carrying on election campaign and made them over to the Deputy Minister. He said that he would look into it. But even then it continued.

Then, a question had to be put in this Lok Sabha whether this person had been permitted by Government to stand for elections. The question was answered here by saying that he had no such permission. Even then, matters continued. At the time of the scrutiny of the nomination papers the question was raised that as a government servant he could not stand for election. The contention of that officer was that he had got the permission from his Department to do so. Then, the question and the answer in the Lok Sabha were put forward before the returning officer. The returning officer asked him whether that was true. After that, that officer brought out a sheet of paper from his pocket and said "This is my trump card; I have resigned from my post." So, so much had to be done in order to correct the wrong procedure adopted by a Department of a Central Government-managed corporation which had permitted one of its officers to stand for election while in office on the understanding that he would resign if he got elected.

Therefore, I think the amendment that Shri Vidyalankar has put forward is a very essential one and I request the Minister, even if he is not in a position to accept it today, to consider the case to which I referred. He will get the references from the Lok Sabha questions and answers and also from the department.

**Shri A. N. Vidyalankar:** There are many cases.

**Shri C. K. Bhattacharyya:** I know of one definitely to which I have drawn attention. He should steps to see that such cases are not repeated.

Next I take up Shri S. N. Das's amendment about checking the growing tendency to challenge the authority and dignity of the Chair. It is a very modest attempt to do so. I know cases of many legislators who have defied the Chair in this manner.

[Shri C. K. Bhattacharyya]

In one State Legislature, the Speaker has a silver mace that is carried before him and put in front of his Table during the discussion. During the troubles that came up, one Member took it into his head to run to the Table of the Speaker and take it away. He then ran away with that. It was brought back somehow. This thing was repeated. If I remember aright, on one occasion, the mace was broken. I had these pictures in my view when I was looking at the amendment of Shri S. N. Das. I think his amendment or proposal should, in some form, be incorporated in the list of disqualifications so that instances like this may not recur.

The third thing concerns what Shri Trivedi was referring to, about the court judgments. I have gone through the Constitution. I humbly submit its articles do not prevent Parliament from discussing court judgments. The press gives its opinion for and against court judgments and points out where they have gone wrong. This happens every day. Why should Parliament be prevented from discussing court judgments? What the Constitution prevents is discussion of the conduct of Judges. That is the particular point to which attention should be riveted. Our debate should be conducted in such a way that while we may discuss the judgment we may not bring into it the conduct of particular Judges.

If I have not forgotten it, in this House Shri Govind Ballabh Pant, who was Home Minister, discussed a judgment of the Supreme Court. It was done after certain very important revelations were made and matters were carried to the Supreme Court. In any case, this matter should be looked into, as Shri Trivedi raised the question, whether court judgments could be discussed in the House and whether there is anything in the Constitution to pre-

vent us from doing so even if we feel that judgments have gone the wrong way.

The fourth point is about Shri Kamath. His amendment castigated certain types of persons. He wanted to prohibit them from standing for election for a longer time than proposed in the Bill. In doing so, he paid us the compliment that all those persons he named were our patrons. As is usual with him, he contradicted himself the next moment when he said that his amendment had the support of the Congress Members. I was feeling amused that a person of Shri Kamath's status could make these two statements in the same speech, one, a minute earlier and the other a minute later, namely, that these persons, money-suppliers, were patrons of the Congress Party and the other, that his amendment had the support of the Congress Party and should, therefore, be accepted by the Law Minister.

These are the four points I wanted to make.

**Shri S. M. Banerjee:** Sir, I was speaking on clause 20, dealing with section 8(2). It reads thus:

"A person convicted by a court in India for any offence and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release."

I fully support amendment No. 29 moved by my hon. friend Shri Madhu Limaye. I would also like to speak on amendment Nos. 72 to 75 moved by Shri Kamath. When should a person be disqualified? The clause as it is says that for a sentence of two years or more by a high court or the Supreme Court he will be disqualified.

The amendment moved by Shri Madhu Limaye reads thus:

Page 12, line 10, after "offence" insert—"involving moral turpitude".

16.36 hrs.

[SHRI P. VENKATASUBBAIAH in the Chair]

I am one with him when he says that if a person wants to contest and he was involved in a case involving moral turpitude, either rape or any other such offence which should constitute moral turpitude, then naturally, he cannot have the privilege of becoming a Member of this august House. But what happens, and what actually happened in Bihar? Two or three members of our Jamshedpur Mazdoor Union, eminent labour leaders like Kedar Das, Ali Amjad and Biren Dey were involved in a case of conspiracy. In 1958, when there was a token strike in Jamshedpur, false cases were initiated against them. I was also convicted and my hon. friend Shri Indrajit Gupta was also convicted for six months. We were not involved in conspiracy cases, but there was another charge against us, of breaking section 144. But what happened? None of these cases—Kedar Das was convicted for more than two years; Ali Amjad had been convicted for more than two years and Biren Dey had been convicted for more than two years—involved any moral turpitude. They were not involved in any case of bribery, corruption or disloyalty to the State or in any case which involves moral turpitude. It was a simple labour dispute which arose in 1958. They asked the workers of the Jamshedpur steel plants—TISCO and TELCO—to go on strike. There was a strike and the police with the help of Tatas and the Bihar Government resorted to firing in which six workers were killed; this naturally roused the emotions of the people of Jamshedpur, and they tried to champion the cause of the working class and in doing so they delivered certain

speeches which were construed by the Bihar Government as a case of inciting the workers for violation and so on, and there was a charge of conspiracy against them. Even today they are sure to win in Jamshedpur in the elections. The Bihar Government knows it fully well; the Central Government knows it; they know that the Congress will have no Assembly seat in Jamshedpur constituency; and knowing fully well these things, they have been disqualified under this particular provision. So, when the matter was referred to the Election Commission, what happened? The Election Commission condoned Shri V. C. Shukla, but the judgment was pronounced by the Madhya Pradesh High Court that he was involved in corrupt practice and it was dismissed by the Supreme Court. The Election Commission was generous enough.—I do not want to impute any motive—to condone that, and today, a person who was disqualified on the ground of corrupt practice is a Deputy Minister in the Ministry of Home Affairs. (*Interruption*). The Home Minister deals with High Court Judges. The tragedy is, taking advantage of this, with pulls and pressures, he is a Deputy Minister now and a person who was elected by such a huge majority—Mr. Kedar Das—is disqualified from fighting the election from Jamshedpur, from where he will win again and again.

There are cases going on against so many trade union workers—against me, Dr. Lohia and so on. Sections 332 to 335 are all applicable to trade union workers. When there is drought in the country and people are dying of starvation, when there is lathi charge on students, when firing takes place on peaceful demonstrators, we, who really represent the people who have honestly voted for us in the past and who will do so in future also, have to champion their cause and fight against glaring injustices. Even before the elections, cases have been initiated against trade union workers. If the word 'moral turpitude' is not there, I can be sentenced for 2 years and dis-

[Shri S. M. Banerjee]

qualified for fighting the elections. I do not boast, but I can say I am going to be elected from Kanpur again despite the speeches of Mrs. Indira Gandhi and others. But if I am convicted for more than 2 years, I will be disqualified. Mr. Ram Rattan Gupta is qualified and again he has been given a Congress ticket from Fatehpur—a man who has indulged in gross malpractices, tax evasion and moral turpitude to the extent that he brought a girl of 17 years—some actress and kept her in his house in Bombay when the AICC session was going on. Such an anti-social man can fight the elections. But if I am convicted for championing the cause of the workers for 2 years, I am disqualified. Mr. Ram Rattan Gupta can fight from Fatehpur or any constituency in UP because he has promised to give Rs. 20 lakhs to the Congress. Is this the way we want to maintain the sanctity of the Parliament and State Legislatures?

I would urge the Government to accept Mr. Limaye's amendment that there should be disqualification only if there is moral turpitude. I have suffered. I was a dismissed Government employee and I was elected. Fortunately or unfortunately, I did not attach a certificate saying I was not dismissed for disloyalty to the State or for corruption. Just because of that technical mistake, there was an election petition though I had won by a majority of 17,000 votes. Thanks to my friend, Mr. Chatterjee, he saved me. In the 1962 elections because the majority was 60,000, there was no petition.

If the Government is moving towards Fascism like this banning demonstrations outside Parliament in a blanket manner, what should be our attitude? There will be more and more election petitions. Even before the elections candidates who are likely to win may be sentenced for more than 2 years and disqualified. Therefore, I fully support Mr. Kamath's amendments 72 to 75 where

he says that those who indulge in blackmarketing and hoarding should be disqualified. Most of the big industrialists who are fighting elections have been prosecuted under the Foreign Exchange Regulations Act and fined, whether it is Rs. 500 or Rs. 1000.

One industrialist, who is in this House—I do not want to name him—was fined by the Director of Foreign Exchange. This question was raised by another Congress candidate, but that was ruled out on the basis that violation of foreign exchange regulations is not a violation, it is not applicable in the case of Congress members. So I would only request, in all fairness that this amendment, which is the minimum, should be accepted by this House. The hon. Law Minister, who is master of Law, knows law more than I. Kindly let him accept this amendment. If it is a case of moral turpitude, yes; if it is not a case of moral turpitude let the person concerned be not disqualified.

With these words, Sir, I support the amendment.

Shri N. C. Chatterjee: I am sorry, Sir, my hon. friend, Shri Trivedi made some imputation on the Election Tribunal. I can claim, along with the Law Minister, Shri Pathak, some knowledge of the working of Election Tribunals in this country. It will be unfair to say that because some of them acted improperly, dishonestly, you are now giving the power to the High Courts. As a matter of fact, we are taking away the power of the Election Commission to form Election Tribunals, and we are giving this jurisdiction to the High Courts. They will try election cases on their own. It is not because, on the whole, the Election Tribunals misbehaved or they have been corrupt or they have been behaving on the dictate of any party or any Government that we are doing it. We think the High Court judges will behave according to the standard

expected of them and that we shall have speedy justice which is very important. We know that some of the retired High Court Judges were functioning as Election Tribunals. I would not have won some of the cases. Take, for instance, Shri Dwivedy's case. A very powerful Congressman was opposing him. But in that case an ex-Judge of a High Court acted as the Election Tribunal, he dispensed justice in a proper manner and therefore I could win his case. Same was the case in other election matters also.

I do not appreciate the argument of my hon. friend, Shri Dixit, with regard to the innovation you are making in Section 9A. In 9A we are saying:

"A person shall be disqualified if, and for so long as, there subsists a contract entered into by himself or by any person or body of persons in trust for him or for his benefit. . ."

I think this is a great improvement on the present law as it stands. I think we were unanimous in the Joint Committee. If you look at page (vi) of the report of the Committee, it is said:

"The Committee are also of the opinion that a person should incur disqualification when a contract with the appropriate Government etc., though entered in the name of other persons is actually for his benefit."

That means you want to penalise if a contract is entered into in the name of a benamdar and that should also be struck down. Then they say:

"The Committee also feel that contracts not only with the appropriate Government but also with companies or corporations in the capital of which the appropriate Government has 25 per cent or more share should disqualify a person."

That is also important and that is an improvement. I think the Minister has done very well and the Joint Committee—I also take credit for that—has also done well in putting in this disqualification clause. We should not fight shy of that. We are really making the disqualification clause operative.

With regard to Shri Kamath's amendment, there is a lot of force in that. This country is passing through a grave food crisis. Thousands of people, we know, in this very city of Delhi, do not get two square meals a day. And, you know, the prices are shooting up. You also know that blackmarketeers, profiteers and hoarders are in the field. I represent a constituency, which is Burdwan in Bengal and which is supposed to be the granary of that part of India. We say: "Sujalam, suphalam, malayaja seethalam". The land of Bande Mata-ram is supposed to be very productive, Burdwan was one such part. When I went there one week back, I found in some parts of Rayna than people were starving. In the canal the water is not flowing. The result has been that crops have practically failed and people are starving. This is happening in other areas also near about Burdwan. If this is happening in a place which is supposed to be the granary of Bengal and India, what would be happening in other places? Millions of people in India are in a very bad plight. It is not merely because of paucity of food, but because also of the dishonesty of blackmarketeers, profiteers and hoarders. Therefore, I think the amendment of Shri Kamath is very appropriate in the present context. What is he saying? Give condign punishment to those profiteers and blackmarketeers—when? when they are convicted by a court of law. If they are wrongly accused, they have sufficient means to defend themselves. It is only if they are held guilty after the prosecution is over that they are condemned. Therefore, I am support the amendment of Shri Kamath.

[Shri N. C. Chatterjee]

Then, after hearing Shri Banerjee, I think there is some force in the amendment moved by him regarding moral turpitude. An offence may be technical, may be due to excessive trade union zeal or similar activities and a person may be convicted for two years. A punishment like that is not enough to condemn him. Therefore, I think the hon. Minister will be good enough to consider the suggestion that moral turpitude should be there, and it should be made clear, so as to disqualify a citizen. Here we want to disqualify a citizen. We are practically taking away the citizenship rights for years, and we want to take away citizenship rights not because of technical offence or over-zealous activities as a trade union leader or something else for which a person has been convicted for two years, but because he is really morally guilty and, therefore should not be associated with the national or State Legislature. That is a point which should be sympathetically considered by the Minister.

Section 9A, introduced by the Minister, is a distinct improvement and should not be allowed to be whittled down at all. It should not be said: why should you put in supply of animals and so on. There are various ways in which these contractors behave. Therefore, when we make an all-comprehensive law, this should be made clear.

Although we are giving power to the High Court, that is not because judgments are procured from the election tribunal in a dishonest or unfair manner. They have, on the whole, behaved properly. Although we are taking away that power, that does not mean that we are condemning them for wholesale corruption or general dereliction of duty.

**Shri Ranga (Chittoor):** I have only very few things to say. In regard to the question of moral turpitude, I am in favour of the amendment moved by my hon. friend, in order to see that

those who work for the people, either in the labour field, or in the kisan field, or in any other public field of service, who come to be convicted in the court of law for two years or a little more than that on technical grounds should not come to be disqualified, and it is no good leaving it either to the rule-making authority....

**Shri Hari Vishnu Kamth:** Sir, on a point of order. At least when the leader of the biggest Opposition party is speaking, there should be a quorum in the House.

**Mr. Chairman:** The hon. Member may resume his seat. The bell is being rung.....Now, there is quorum. He might continue his speech.

**Shri Ranga:** I want my hon. friend the Law Minister, to accept that amendment and ensure that only those, who come to be convicted for moral turpitude, would be disqualified and not others. The reasons given by our friends are quite sustainable and I hope he would be reasonable enough to accept this amendment.

Secondly, I am not prepared to agree with Shri N. C. Chatterjee in giving a good certificate to the tribunals or with the other friends in giving them a black record. In many places they have not been satisfactory but in some other places they have been satisfactory. But one thing is clear. Those people have come to be appointed by the local government, I suppose, with the concurrence of the Union Government and with the final acceptance of the Election Commission. Once or twice I had the opportunity of telling the Election Commission themselves that they were reduced to more or less a rubber stamp, because they came to be at the mercy of the local government in choosing the people to be appointed as election tribunals. So, I am very glad indeed that that system is being given up and the High Courts are being brought in to settle these matters.



But I would like my hon. friend once again to give some thought to the suggestion that I had made at the general consideration stage, and that is that there is need for the Chief Election Officers and District Election Officers also to be recruited from among the ranks of either the District Judges or the High Court Judges and also from among the ranks of those who have retired as District Judges, so far as the District Election Officers are concerned, and retired High Court Judges, so far as the Chief Election Officers at State level are concerned. Unless he gives some thought to this and sees to it that once again the same mistake that was made earlier by giving this authority to the executive officers is not repeated, there is likely to be any amount of injustice done to the various political parties which would have to rival with the ruling party and, even within the ruling party, the minority group is likely to be discriminated against by the majority group.

**Shri Muthiah** (Tirunelveli): Mr. Chairman, I have tabled two amendments, Nos. 103 and 104. I take up the first amendment which I have proposed.

This amendment dealing with hoarders, blackmarketeers, profiteers and adulterators of foodstuffs and drugs, is a very essential amendment and I request the hon. Minister to consider and accept this amendment in the interest of the country. If the Government does not accept this essential amendment, the Opposition people will say that the Government supports the hoarders, blackmarketeers, profiteers and people who indulge in adulteration of foodstuffs and drugs.

When we consider an offence, it is not merely the sentence that is awarded that matters. There are certain offences, which may not involve very much of moral turpitude, but the punishment may be two years or more of imprisonment, whereas in the case of hoarders, blackmarketeers and profiteers, and adulterators of foodstuffs and drugs, the punishment that is awarded by a court may be less than

two years of imprisonment; and even though the punishment may be less than two years of imprisonment, the crime is a very serious crime, a most serious crime. It is most anti-social and such people thrive at the expense of millions of poor people in the country, who starve and suffer.

17 hrs.

Our country is passing through crisis after crisis and drought after drought. Famine conditions are prevailing in different parts of the country. Even at such times, there are anti-social people who have no conscience, who have no fellow-feeling or human sympathy, and who think that this is the best time to amass money. These people go on hoarding and indulging in black-marketing and profiteering. There are cruel people who do not hesitate to adulterate foodstuffs and drugs. These are most heinous crimes against man, against society, and such people have no right at all to stand for election. Therefore, Government should see that such people are not allowed to stand for election even though the punishment that has been awarded by the court of law may be less than two years. We know, there is the Essential Commodities Act which also makes hoarding, black-marketing and profiteering a serious offence and makes all such offences punishable.

Sir, our country is a welfare State. We are wedded to a welfare State. Our Government is creating a welfare State and a socialistic society. In a socialistic society, there should not be a single man who will suffer from hunger and who will be denied his basic needs, particularly, food. In view of the goal that has been set up by the Government, namely, a welfare State and a socialistic society, the Government should see that these people who are most anti-social people, these hoarders, black-marketeters and profiteers, and the people who indulge in adulteration of foodstuffs and drugs, being these the greatest sinners against human society, should be punished and disqualified from standing for election.

[Shri Muthiah]

I now come to my second amendment. Today, elections have become most costly. In several villages, in several States, we do not have adequate means of transport. There are many villages in my constituency where there are not sufficient roads and where there are no buses, and the people are very poor and they find it difficult to go to the polling stations which are three or four miles away. Therefore, I plead, in view of the lack of means of transport in several villages in India today and also in view of the need that every voter should cast his vote, that this amendment may be accepted by the hon. Minister. The polling station should be established in every village so that there may be no difficulty for the poor voter in the matter of going to the polling station. Also, there should be a polling station for every 500 voters in small towns and in cities. Government should also see that wherever possible mobile polling booths are set up so that they can move about from place to place, from house to house, and make the people vote without any difficulty.

I move:

"Page 12,—

after line 25, insert—

"8B. A person, convicted by a court for hoarding, blackmarketing, profiteering and adulteration of foodstuffs and drugs, shall be disqualified for six years from the date of such conviction, even though the punishment awarded is less than two years' imprisonment, or no imprisonment at all, but only fine." (103)

**Shri S. M. Banerjee:** The Minister may reply tomorrow. More time may be given to the Members.

**Mr. Chairman:** We shall see.

**Shri Sham Lal Saraf:** Mr. Chairman, Sir, I support the amendments that

are before the House excepting one. I would like to make some observations on the amendment of my hon. friend, Shri Kamath.

I support Mr. Madhu Limaye's amendment wholeheartedly. I am not personally against princes as such. But, unfortunately, today what we find is that after about 20 years of our Independence after having set a goal before us of creating a classless and casteless society, without any kind of reservation whatsoever, we are not yet near our goal. Now, it is a matter for very serious consideration. It must cut across all party affiliations when we consider these things. If that is our goal, the question is how can we reach our goal and what should be our means. I am one of those who always uphold agreements, understandings and also constitutional provisions. But we find that almost the entire lot of old Rajas and Maharajas have come out in the elections against even the best patriots. I can say that in every State there are dozens of persons who have fought for this sacred cause of freedom of the country and who have been beaten and driven to all sorts of difficulties. Now today the remnants of that old order, the representatives of that old order, can have at their command their own personal guards, resources and money and an ordinary worker, however efficient he may be, has little chance of getting elected against them. Not only this, a number of other things are also coming up on the surface. I do not know whether, under the Constitution, this amendment moved by Shri Limaye can be accepted. I do not know at the moment, but I do feel and see from my own personal experience that some sort of a bar should come in their way. If it is not there, we will not be going towards our goal which is so pious and we are desirous of achieving and it will only be a lip sympathy, whether we call it a socialistic pattern of society or socialism. As has been rightly pointed out by my hon.

friends, we have certainly done away with the edifices of those rulers. Nawabs and Maharajas in the past, but at the same time a new hierarchy of rulers is coming up like anything. How can you deal with them? At least the representatives of the country, the legislators, should keep up the democratic set-up. I feel that some such thing should be kept in consideration. Some ban should be there. Let them be patriots. Many of us have given up many things in the world—money, land and business. What for? For the cause of the country. They might have given up certain things which their ancestors and left behind, they might have given up some of their assets. Why should they hanker after this money? The working class of this country is affected. Keeping that in view, I would certainly recommend that a ban should be there, in case we are very eager of achieving the goal of socialistic pattern of society.

I have great respect for my hon. friend, Mr. Kamath. It is very easy to say that hoarders and profiteers should be brought under law. I have 15 years of experience of serving as a Minister in my State. You frame a law here and the Minister makes all sorts of platitudes. But who is implementing it? The sub-inspectors and small Magistrates implement it. I can assure my hon. friend that the biggest of our friends or my friends can be strangled like this when we give them the power. My experience is that we should not give wide powers to the executive. I shall tell you one instance. I was in Srinagar. A relation of mine who is a very prominent businessman. Somehow he did not supply some type of tea to a particular officer at a particular rate that he wanted him to supply. So, they have implicated him, only three days back, in some sort of black-marketing. He could explain to none and a number of people had to rush for getting his bail accepted. My submission is that—I can tell my Opposition friends also; God knows what

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will happen tomorrow—we should not give wide powers to the executive.

**Shri N. C. Chatterjee:** I want to point out that it is not for the executive at all. There has to be a conviction by a court of law and it is only on conviction by a court of law for the offence of blackmarketing or profiteering or hoarding that this disqualification would come in.

**Mr. Chairman:** It is only after conviction by a court of law.

**Shri Hari Vishnu Kamath:** Conviction by the highest court, if necessary.

**Shri Sham Lal Saraf:** Then again the question will come up about the quality of the crime and so also there is the quantity.

But for these things, I support the clauses that are before us. I also support very strongly the amendment moved by Shri Madhu Limaye.

**श्री अणु (खारगोन) :** माननीय सभापति महोदय, यह श्री मधु लिमये जी का जो प्रमैडमेंट है उसको मैं सपोर्ट करता हूँ। यह मारल-टपिट्यू का जो प्रमैडमेंट है उसमें लिखा है :

Page 12, after 'offence' insert 'involving moral turpitude'.

इस को केवल मैं सपोर्ट करता हूँ। उसका कारण यह है कि हम ने देखा है कि विशेषतः पार्टी पालिटिक्स के अन्तर्गत जितने मुकदमे हमारे ऊपर चले, जनसंघ पर चले, उतने बहुत कम लोगों पर चले होंगे हमारे मध्य प्रदेश में, डी० पी० मिश्र के राज में। और सब से पहले 307 सेक्शन हमारे ऊपर लगता है, फिर 332 और फिर 326 या 326/107 और सब में तीन साल से अधिक कन्विक्शन है, दो साल से ऊपर तो है ही। 109 का आफेंस हमारे ऊपर चलाया और कांसपिरेसी प्रगैस्ट गवर्नमेंट उसके लिए हमारे ऊपर मुकदमे

[श्री बड़े]

चले। यह भी हमने देखा है कि मैजिस्ट्रेट जो वह रखते हैं वह जो गवर्नमेंट के नये नये अप्वाइंटेड होते हैं उनको रखते हैं और वह दो साल का कन्विकशन तो जनरली दे ही देते हैं। इसलिए मैं ऐसा समझता हूँ कि मारल टर्पीट्यूड शब्द जरूर होना चाहिए। केवल कन्विकशन शब्द होना ठीक नहीं है क्योंकि भ्रमसर कभी किसी को बचाने जाता है तो उस का भी कन्विकशन हो जाता है। तो मारल टर्पीट्यूड शब्द भ्रमश्य होना चाहिए। चोरी डकैती वगैरह में कन्विकशन हो तो वह भ्रमश है लेकिन किसी के लिए भी दस साल की सजा हो जाय तो उसको डिस्क्वालीफाई कर देना ठीक नहीं होगा। कभी कभी तो ऐसा होता है कि मोर्चा जो हम ले जाते हैं, उस में भ्रमसर बाहर के लोगों ने आ कर मोर्चा खत्म कर दिया, तो मुकदमा हमारे ऊपर चसता है। जो इस तरह की गड़बड़ करने वाले होते हैं वह पुलिस की पकड़ में नहीं आते क्योंकि सच्चे बदमाश कभी नहीं आते पकड़ में, केवल सीधे सादे भ्रमदमी पकड़े जाते हैं और जो मोर्चा ले जाते हैं, हमारे ऊपर मुकदमा चलता है। फिर जितने विटनेसेज आते हैं वह कहते हैं कि हां, यह उस में हाजिर थे। वह कहते हैं कि तुम मोर्चा ले गए इसलिए तुम्हें 109 और 307 में ले रहे हैं। इस प्रकार इस का प्रयोग होता है। इस वास्ते भ्रमर मारल टर्पीट्यूड न हो तो केवल कन्विकशन की वजह से डिस्क्वालीफिकेशन हीं होनी चाहिए। मधु लिमये जी का यह जो भ्रममेंट है, इस को मैं सपोर्ट करता हूँ और पाठक जी से कहना चाहता हूँ कि आप साधारण ला के पंडित हैं तो आप देखिए कि किसी भी ला में, किसी भी दूसरी जगह नौकरी के लिए या पंचायत वगैरह के लिए मारल टर्पीट्यूड जब तक नहीं है तब तक डिस्क्वालिफिकेशन नहीं रखा है तो यही यह क्यों रख रहे हैं कन्विकशन को, यह ठीक नहीं है। आपकी न्याय बुद्धि को मैं अपील करता हूँ और कहना हूँ कि मारल टर्पीट्यूड का शब्द जरूर होना चाहिए।

दूसरा, ब्लैक मार्केटिंग और होडिंग के बारे में श्री कामत को मैं सपोर्ट करता हूँ क्योंकि वह दरभसल मारल टर्पीट्यूड है। ब्लैक मार्केटिंग और होडिंग करने वाले समाज विरोधी तत्व हैं। वह भ्रमर एलेक्शन में जीतकर आ जायें और ब्लैक मा टियर मिनिस्टर वहां बन जायें तो फिर तो बकरी खेत को खूब खायगी।

तीसरी बात यह है कि आपने अभी कहा है कि राजा महाराजाओं को यह मौका नहीं मिलना चाहिए क्योंकि वह प्रिवीपर्स लेते हैं। लेकिन मैं कहता हूँ कि राजा महाराजाओं से भी बड़े बड़े भ्रमदमी ऐसे हैं करोड़पति जिनका राजाओं से भी ज्यादा राज चलता है। तो उन को क्यों चुनाव में खड़े होने देना चाहिए? उन के वास्ते मधु लिमये जी ने क्यों नहीं कहा? राजा महाराजाओं का भ्रम प्रभाव खत्म हो गया। भ्रम उन्होंने कांग्रेस ज्वायन कर लिया और इसी वास्ते ज्वायन कर लिया कि उन के प्रिवी पर्स के झगड़े थे या उनके और झगड़े थे। तो उन्होंने सोचा कि कांग्रेस में जाओ और कांग्रेस का टिकट लेकर कांग्रेस को सपोर्ट करो। उन्होंने कहा कि बी हैव बीकम स्ट्रीट वंगर्स। तो भ्रम हम को कहां जाना चाहिए? इसलिए वह इधर आये। और फिर सभी राजे महाराजे बड़े नहीं हैं। छोटे छोटे राजे महाराजे भी हैं। बहुत ही छोटी छोटी स्टेट्स हमारे इन्दौर और मध्य प्रदेश में हैं और वह सच्चे रैट्रिप्रट्स भी हैं। यदि वह देश की सेवा करना चाहते हैं तो उनको क्यों नहीं मौका देना चाहिए? मैं मधु लिमये साहब से कहता हूँ कि राजे महाराजों का अधिकार आप ले लेंगे लेकिन यह जो मिनिस्टर्स बने हैं, वह 500 तो चले गए, लेकिन इन मिनिस्टर्स के पास कितना पैसा है, इसको क्यों नहीं देखा जाय? राजे तो छोटे छोटे भी हैं; धार के महाराज हैं देवास के महाराज हैं, यह बड़े छोटे छोटे राजे हैं, उनके पास तो बंगले भी नहीं हैं। लेकिन

इन मिनिसटर्स के पास, बड़े बड़े मैनेजिंग-डाइरेक्टर्स के पास क्या क्या है? धौलपुर में मैं गया तो इनके ठाट देखकर, इनकी राज-शाही देखकर मैं दंग रह गया, क्या कहना है? यह अंत्रेरगर्दी चल रही है। यह तो किसी के दिमाग में आता नहीं है और राजे महाराजे जो हैं जो पहले से ही मरे हुए हैं उनको और मारना चाहते हैं . . .

**सभापति महोदय:** मय देवास जैसे ही नहीं है। बड़े भी है।

**श्री बड़े:** बड़े आते हैं तो अच्छा है। देश की सेवा करें। पार्लियामेंट में बैठकर उनके दिमाग खुल जाते हैं। उनको मालूम पड़ता है कि किस प्रकार काम यहां होता है। उनको जो बैंकबर्डनम हानी वह भी दूर हो जायेगी। लोग कैसी कैसी गालियां उनको देते हैं यह वह स्वयं सुनेंगे। तो मैं कहता हूँ कि उनका आगे आने का चांग देना चाहिए। केवल प्रिवीपरम लेते हैं इसलिए उनको इस अधिकार से वंचित करना ठीक नहीं है बल्कि जिनके पास अनुचित पैसा आया है, जिन्होंने शासन का अनुचित लाभ उठाया है उनको यह अधिकार नहीं मिलना चाहिए। इस प्रकार किसी का रास्ता बन्द करना ठीक नहीं है। मैं यह कोई राजे महाराजाओं को सपोर्ट करने के लिए नहीं कह रहा हूँ लेकिन उनको चुनाव में खड़ा न होने दिया जाये इसको मैं सपोर्ट नहीं कर सकता हूँ।

**श्री प्रिय गुप्त:** सभापति महोदय, इस बिल के ऊपर मैं कुछ बोलना चाहता हूँ सिर्फ डिस्क्वालीफिकेशन की जो क्लॉज है उस पर। डिस्क्वालीफिकेशन के लिए जो अमेंडमेंट श्री कामत साहब या मधु लिये साहब लाये हैं उसका मैं समर्थन करता हूँ और मैं कहता हूँ कि मारल टर्पीट्यूड के अन्दर जो सजा आती है उसी पर गौर करते हुए ला मिनिसटर साहब फंसला लें और इसके अलावा अगर किसी को किसी किस्म की सजा दो साल की हो तो उसको डिबार न करें। जैसे आज हम लोगों

का अपोजीशन का रोल है, आप देखते ही हैं, हम लोग तो बाहर में जाकर आन्दोलन ही कर सकेंगे, सरकार बनाने का हक तो आज है नहीं। जो भी खाना या अनाज बिहार सरकार को या बिहार प्रान्त को सेंटर से दिया गया है, आपके कांग्रेसी मेम्बर श्री भागवत झा प्राजाद ने कहा, आज सबेरे एक प्रश्नोत्तर में बताया भी है कि उस चीज का सही ढंग से बंटन नहीं हो पा रहा है। एग्जीक्यूटिव के लोग मनमानी कर रहे हैं। तो हमारा कहना है कि हम तो आन्दोलन कर सकते हैं और आन्दोलन करेंगे। डिस्ट्रिक्ट मैजिस्ट्रेट और एस० डी० ग्रो० को जाकर कहेंगे कि हमारा कटिहार का इलाका जो है सूखाग्रस्त है, या यू० पी० का हिस्सा जो सूखा हुआ है, उत्तरी बिहार का इलाका सूखा हुआ है, जहां भूख से आत्मी मरते हैं, भुखमरी है, उनको फेमिन एरिया डिक्लेयर करो। फलां आदमी मर गए, फेमिन एक्ट इस्तेमाल करो। वह कहेंगे कि हम नहीं करते। तो आन्दोलन हम को डिस्ट्रिक्ट मैजिस्ट्रेट से करना पड़ेगा, एस० डी० ग्रो० से करना पड़ेगा और जब हम को वह अरेस्ट करेगा तो ठोक कर के दो साल तीन साल की सजा दे देगा। फिर हम डिबार भी हो जायेंगे, अनक्वॉलीफाइड भी हो जायेंगे, डिस्क्वालीफाई भी हो जायेंगे। . . .

**सभापति महोदय:** अनक्वॉलीफाइड नहीं हो जायेंगे।

**श्री प्रिय गुप्त:** डिस्क्वालीफाई हो जायेंगे। I am sorry. I am glad for the correction. तो ऐसा हो सकता है। किशनगंज के आन्दोलन में लखनलान कपूर 25-30 हजार आदमी ले गये, वह हमारी प्रजा सोशलिस्ट पार्टी का प्रदर्शन था और बड़ा पीसफुल प्रदर्शन था, वहां पर उनके खिलाफ चार्ज लगा कर उन को बांध कर ले गये। अब उन के ऊपर कम चल रहा है, वह हमारे प्रान्त के जनरल सेक्रेटरी हैं, अगर उन के लिए दो-तीन साल की सजा बना दी तो वह चुनाव से डिस्क्वालीफाई हो जायेंगे।

[श्री प्रिय गुप्त]

हमने सुना है कि गजेन्द्र गडकर साहब ने कहा है कि हमारे पाठक साहब वन आफ्रिडी वेस्टमैन हैं who understands fraud यह उनको ज्यादा जानते हैं, हमारा जानकारी नहीं है, अगर उनका ऐसा अनुभव है तो मैं उनसे यह निवेदन करूंगा कि इस चीज को वे इनकी रीयल सर्वेपेक्टिव देखें, असलियत को देखते हुए, बुनियाद को देखते हुए, पक्षपातविहीन कर दें तो उनसे हमारा वायदा है कि हम उनकी बात मान लेंगे।

दूसरी बात बड़े आमदमियों के बारे में है जैसे प्रिन्सेज हैं। इन सब को पोस्ट आफ्रिडी डिक्लेअर कर दिया जाय, आफ्रिडी आफ्रिडी डिक्लेअर कर दिया जाय। अगर सरकार अमेण्डमेंट लाने से डरती है, कि प्रिन्सेज बिगड़ जायेंगे, बड़े आमदमी नाराज हो जायेंगे, तो रूलज में इसको लाकर इसकी व्यवस्था कर सकती है।

आखिर में एक चीज प्रीर निवेदन करना चाहते हैं। जितने एम० पी० एम० एल० एज० चुने गये हैं, जिन दिन चुने गये थे, उन दिन उनकी इकानामिक कन्डीशन क्या थी प्रीर आज उनके पास कितनी गाड़ियां हैं, कितने घर उन्होंने बनाये हैं, कितनी विल्डिग्स बनाई हैं, जायदाद बनाई है इन सारी चीजों का हिसाब लिया जाय।

**सभापति महोदय :** यह किस कानून के तहत कह रहे हैं।

**श्री प्रिय गुप्त :** उसकी जांच पड़ताल हो कि पहले उनकी इन्कम क्या थी, जैसे वैरिस्टर हैं, एडवोकेट हैं, डाक्टर हैं, प्रीर अब उनके पास कितनी दौलत है। इस सब का हिसाब लगाना चाहिए प्रीर यह जांच केंद्र के मिनिस्टर्स, डिप्टी मिनिस्टर्स, पार्लियामेन्ट्री सिक्रेटरीज, स्टेट के मिनिस्टर्स, एम० पी०, एम० एल० एज०, सब की

होनी चाहिए, सब का हिसाब ले लिया जाय कि पांच सालों में कितनी तरक्की हुई है, किस इंग से प्रीर कहाँ से पैसा आया है, इसका हिसाब लेते हुए देखा जाय कि हम लोग कर्जदार कैसे हुए? अगर इन बातों का सफिशियेन्ट रिकॉर्ड न हो, तो उनका डिस्क्वालिफाई कर दिया जाय।

आखिर में मैं यह निवेदन करूंगा कि यह प्रपोजीशन की बात है, यह बिल जिस वक्त लाया गया है, वह एण्ड आफ्रिडी सेशन है, चुनाव का वक्त है, इसलिए प्रपोजीशन की बातों को उठाकर देना चाहिए, जितना पार्टी की बात को देते हैं।

कामध साहब ने कहा है कि रूलज बनाने के बाद ट्रेवल आफ्रिडी हाउस पर रख दिया जाय, आपने शायद यह बात मान भी ली है, लेकिन पार्लियामेन्ट का यह सेशन ता० 2 का बदन हुआ जायेगा, इसलिए यह सही सुझाव है कि जो रूलज बनाने हैं, वे ता० 2 से पहले रख दिये जायें कि मेम्बर लोग अगर कोई सुझाव देती या सुझाव रखना चाहें, तो रख सकें।

**Shri S. N. Chaturvedi (Firozabad):** Mr. Chairman, Sir, I would like to support some of the amendments that have been moved. The first is by Shri Madhu Limaye. I think it is very necessary that only those persons who are guilty of moral turpitude should be disqualified. There may be persons being committed other offences, either for the sake of preserving their honour or on certain provocations and they may have inflicted injuries which may have necessitated a punishment to the extent of imprisonment for two years or more. I do not think such persons should be disqualified from standing as candidates in the elections. The amendment moved by Shri Madhu Limaye in respect of offences involving moral turpitude should be accepted by Government.

Secondly, I also support Shri Kamath's amendment. The only thing that I would suggest is, some precaution should be taken. If frivolous convictions are obtained and people are disqualified in that manner, some very good workers may not be able to come to Parliament or State legislatures. They may not have sufficient money to go in appeal. A certain minimum punishment, say 6 months or something like that, should be provided. Mr. Kamath's amendment does not specify any punishment. Even for a technical offence if some body is convicted for 15 days, he will be disqualified. So, some safeguard—some minimum punishment—should be there. Subject to that, I support Mr. Kamath's amendment.

Regarding Mr. Dixit's amendment, I can understand the anxiety of the Joint Committee in providing against benami transactions. But I cannot understand disqualification for transactions with Government companies where Government has 25 per cent interest. We are expanding the public sector day by day. It will become impossible for any person to carry on any commercial transaction with these companies. That would be to the detriment of the country and the public sector. So, the present recommendation of the Joint Committee should exclude these Government companies. That the Joint Committee has taken precautions against benami transactions can be understood, but not this ban on transactions with Government companies.

Mr. Vidyalkar's amendment No. 78 is also very reasonable and it should be accepted.

**Shri Shree Narayan Das:** Sir, I have heard Mr. Dixit's speech on his amendment. The Joint Committee has made some drastic change in the original provision . . . .

**Mr. Chairman:** I understand he has already spoken on this clause.

**Shri Shree Narayan Das:** This is not a general discussion that I should not

speak twice. I have not spoken on Mr. Dixit's amendment.

**Mr. Chairman:** The Deputy-Speaker announced that all these amendments and the clause are before the House and you have spoken.

**Shri Shree Narayan Das:** Sir, I think the provision is that a Member should not speak twice on the general discussion. When amendments are moved and some new points are raised, I think there is no provision to bar any Member from speaking twice.

**Mr. Chairman:** That is not possible. In that case the discussion will not end.

श्री श्रीकार लाल बेरवा : (कोटा) : सभापति महोदय, श्री मधु लिमये ने जो संशोधन रक्खा है मैं उसका समर्थन करता हूँ क्योंकि अगर ऐसे व्यक्तियों को जो कि किसी भी तरह से एजिटेशन करें, प्रदर्शन करें उनका किसी प्राध्वर पर नामिनेशन रिजेक्ट कर दिया जाये, उनको किसी ऐक्ट के अन्दर गिरफ्तार कर के सजा लाई जाये और उसके बाद उनका नामिनेशन खारिज कर दिया जाये ताकि उनको चुनाव लड़ने का मौका न मिले, तो इसमें ऐसा होगा कि विरोधी दलों का बड़ा नुकसान होगा। प्रदर्शनों के अलावा विरोधी दलों के पास कोई दूसरा उपाय नहीं होता सरकार से लड़ने के लिए। उनके निर्णयों के खिलाफ लड़ने के लिए हर रोज कोई न कोई प्रदर्शन होता रहता है। विरोधी दल भी अपनी मांगों को मनवाने के लिए इसी का सहारा ले सकते हैं। मान लीजिए कि आज सूखा पड़ रहा है। राजस्थान भी एक सूखाग्रस्त क्षेत्र है। सरकार ने सब जगहों के लिए 1 अरब 30 करोड़ रुपया मंजूर किया, लेकिन राजस्थान को सिर्फ 2 करोड़ रुपया दिया गया। अब राजस्थान वाले क्या करेंगे। भूख हड़ताल और प्रदर्शन ही तो करेंगे क्योंकि 2 करोड़ ६० में कुछ ही नहीं सकता है। वह अगर भूख

[श्री श्रीकार लाल बेरवा]

हड़ताल और प्रर्शन करेंगे तो सरकार उन को अरेस्ट कर लेगी। यहां पर कितना एजि-टेशन हुआ, कितना प्रर्शन हुआ। उसमें आखिर कौन सी खराबी है। लेकिन चूंकि वह बिरोधियों को भागे नहीं बढ़ना देना चाहती है इसलिए सरकार उनको अरेस्ट कर ले जाती है ताकि उन के नामिनेशन खारिज हो जायें। यही पंजाबी सूत्रे के सम्बन्ध में हुआ। उस में जनसंघ के लोगों को रोक दिया गया और कहा जायेगा कि तुम ने प्रदर्शन किया इसलिये तुम्हारा नामिनेशन खारिज कर दिया जायेगा। गोहत्या के सम्बन्ध में जो प्रदर्शन हुए उस में सब जन-संघियों को बन्द कर दिया गया। यह सब एकतरफा कार्रवाई हो जायेगी। इस लिये श्री मधु लिमये का जो संशोधन है मैं उस का समर्थन करता हूं।

जो संशोधन श्री कामत का है मैं उसका भी समर्थन करता हूं। हिन्दुस्तान में जितने राजा महाराजा हैं, या जो उन की तरह के भ्रादमी हैं उन को रोक लिया जाये। जैसे कि राजस्थान के चीफ मिनिस्टर 52 किलो सोना खा गये। लेकिन वह खड़े हो सकते हैं।

एक अनर्थय त्वयः ज्यादा खाया है। 132 किलो।

श्री श्रीकार लाल बेरवा : इतना खा कर भी वह खड़े हो सकते हैं। लेकिन दूसरे भ्रादमी नहीं हो सकते हैं। नाथद्वारा कांड में भी ऐसा ही हुआ जिस का पैसा खा गये।

सभापति महोदय : सवाल यह है कि चाहे यह चीज सही हो या नहीं, बगैर नाम लिये हुए आप कह सकते हैं। नाम ले कर नहीं कहा जा सकता क्योंकि जवाब देने के लिए वह यहां पर नहीं है।

श्री राम सहाय पाण्डेय (गुना) : इस को एक्सपन्ज कर दिया जाये।

श्री मधु लिमये : एक्सपन्ज करने की क्या बात है।

श्री श्रीकार लाल बेरवा : राजस्थान के मुख्य मंत्री ने 88 किलो सोना खा लिया। जो तीन तीन किलो की 44 इंटे थीं उन की जगह पर एक एक किलो की इंटे रख दीं। इस तरह के भ्रादमियों को खड़ा होने दिया जा सकता है लेकिन जो भ्रमने हकों के लिए प्रदर्शन करें, भ्रमनी मांगों के लिए लड़ें, ऐसे भ्रादमियों को भ्रमर भ्राप किसी कानून के अन्दर पकड़ लें और वह चुनाव लड़ने के लिए भ्राना चाहें तो भ्राप उन के नामिनेशन को खारिज कर दें, तो यह विरोधी दलों के साथ बड़ा अन्याय होगा। इसलिये मैं चाहूंगा कि ऐसे भ्रादमियों पर रोक लगाई जाये जिन को राजा महाराजा कहा जाता है लेकिन जिन के पास चून नहीं है। जो नाम के महाराजा हैं उनको भ्राप ने दे दी है। उन को नाम से ही नहीं राजा मान लिया जाना चाहिये। उनकी एन्क्वायरी होनी चाहिए। जब भी राजा महाराजा बनते हैं उनकी जांच कर के तब फिर उनको खड़े होने की अनुमति दी जाये। जब ऐसा किया जायेगा तब तो मैं समझूंगा कि शासन ने उचित निर्णय लिया है और हल्स पर चलने वाले हैं नहीं तो यही होगा कि नाम के तब महाराजा होंगे लेकिन नामी चोर कमा जायेंगे।

श्री ज्वा० प्र० उग्रोत्तिष्ठः (सागर) : सभापति महोदय, इस देश में हमारे सामने प्रजातन्त्र की स्थापना हो रही है तब यह बहुत जरूरी है कि हम ऐसे व्यक्तियों को इस सदन में और दूसरे सदन में भ्राने दें जिनका चरित्र भ्रष्ट हो, चरित्रवान की कसौटी पर जो उचित व्यक्ति हों। निश्चित रूप से हमें इस बात की बन्दिश लगानी पड़ेगी कि वह भ्रादमी, जिनका प्रजातन्त्र में विश्वास नहीं है, जो कि तोड़ फंड और उपद्रव की चीजों में विश्वास करते हैं, न भ्रा सकें। हमें कानून में



कुछ इस प्रकार के संशोधन करने चाहियें कि उन लोगों को भी हम सदन में आने से रोक सकें जो इस सदन में आ करके जनता द्वारा दिये गये अधिकारों का दुरुपयोग करते हैं, गलतफहमी दूसरों के विषय में फैलाते हैं । मैं समझता हूँ कि शीघ्र ही हम ऐसे आदमियों के खिलाफ भी कानून बनायें ।

**Shri S. M. Banerjee:** Sir, when the hon. Member is making an important speech, there is no quorum in the House.

**Mr. Chairman:** The bell is being rung.—Now there is quorum. The hon. Member may continue.

श्री ज्वा० प्र० उयोत्तिषी : सभापति जी, मैं निवेदन कर रहा था कि चरित्रवान व्यक्तियों को इस सदन में लाने के लिये हमें भरसक प्रयत्न करना चाहिये । इस तरह के संशोधन रखे जायें इस कानून में ताकि वह उचित व्यक्ति ही इस सदन में आ सकें । मैं जब वह बात इस वक्त कह रहा हूँ तो उसका अर्थ यह नहीं कि अगर कोई आदमी गलत है, कोई आदमी इधर का या उधर का कहीं भी कोई गलत काम कर रहा है जिसने जनता के धन का अग्रहरण किया है, उस को किस तरह से सुरक्षित रखना चाहता हूँ ऐसी मेरी कोई भ्रमा नहीं है, लेकिन मैं यह जरूर चाहता हूँ कि किसी आदमी पर कोई आरोप लगाये जायें तो वह आरोप स्वस्थ आधारों पर निर्धारित हों । यदि कोई व्यक्ति इस तरह के आरोप इस सदन में लगाता है और उन आरोपों के लिये शहीद आधार या सबूत प्रस्तुत नहीं करता है तो ऐसे व्यक्ति को भी इस सदन में आने से डिबार किया जाना चाहिये जो कि कल्पना के आधार पर आधारित आरोपों को लगाता है ।

मैं श्री मधु लिये द्वारा जो संशोधन प्रस्तुत किया गया है उसकी भावनाओं का पूरी तौर से समर्थन करता हूँ । मैं यह जरूर चाहता हूँ कि अष्टाचारी तब जो कि जनता

के साथ गहारी करते हैं, जनता को ठगते हैं उनको कदापि इस सदन में नहीं आने चाहिये । जिस आदमी के खिलाफ कानूनी कार्रवाई की गई हो, जिसको कोई सजा हुई हो, ऐसे सजावार आदमी को इस सदन में आने देना उचित नहीं होगा । अष्टाचार को ऐसे व्यक्तियों द्वारा प्रश्रय मिलता है और प्रागे भी मिलेगा । यहां आकर वह और भी शक्तिशाली हो जायेंगे । और इस देश में और अधिक अष्टाचार प्रसारित कर सकेंगे । इसलिए जो भी गलत आदमी गलत काम करता है देश में उसे डिबार किया जाना चाहिये इस सदन में आने से । सचमुच मैं चाहता हूँ कि जो सत्ताधीश हैं, जिनके पास बड़ा सरमाया है वैसे लोगों को भी हम इस सदन में आने से रोकें । लेकिन मुझे नहीं लगता है कि कानून में हम किस तरह से उसके बारे में व्यवस्था कर सकते हैं जिससे उन लोगों पर रोक लग सके । सचमुच मुझे डर है कि सरमाया और सत्ता के द्वारा वे इतनी ताकत पैदा कर लेते हैं कि वे जहां कहीं भी पहुंचते हैं अपना उस शक्ति के द्वारा अपने किसम का एक बहुमत देश में बना लेते हैं । दूसरे वे देश के लिए नुकसानदायक साबित हो सकते हैं । लेकिन मैं इस समय कोई ऐसी चीज सोचने में या कोई ऐसी तजवीज पेश करने में अपने को समर्थ नहीं गता हूँ कि जिस के द्वारा हम सत्ताधीशों को यहां आने से रोक सकें । यह बात जरूर है कि काश हम ऐसा कर सकें । काश हम कोई ऐसी बांदाश लगा सकें कि इस सदन में गरीब और भुखमरी को दूर करने के भाग्य में अड़गे लगाने वाले, उलटी बात करने वाले आदमी न आ सकें, ऐसी व्यवस्थायें पेश करने वाले आदमी न आ सकें जिससे कि सरमायेदारी बढ़े, ऐसे आदमी न आ सकें जो कि गरीबी दूर करने की दिशा में सहायक न हों, इस दिशा में देश को प्रागे न बढ़ायें । मैं समझता हूँ कि आज नहीं तो कल उस देश को सोचना पड़ेगा कि हम ऐसे लोगों को और केवल ऐसे लोगों को इस सदन में लायें या लाने में समर्थ हों जो कि इस देश की पिसी

[श्री उवा० प्र० जयतिर्वा]

हुई, पददलित और शोषित जनता को भलाई की सब बातें सोचें और सरमायेदारों के हितों की रक्षा करने वाली बातें यहाँ न उठाये।

**Shri Sonavane:** Sir, I rise to support the clause as it has emerged from the Joint Committee. The Joint Committee had deliberated at great length on the disqualifications for the membership of Parliament and of the State Legislatures and one notable feature is that the Joint Committee provided a safeguard to a person aggrieved. That safeguard is on page 12. It reads:—

“Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

A person shall be disqualified if, and for so long as, there subsists a contract entered into by himself by any person or body of persons in trust for him or for his benefit” etc.

So, this clause, clause 9A, has been retained because it ropes in persons who have an interest even indirectly. The original clause, as it was drafted, the Committee thought, was not sufficient to rop in persons for whose interest or for whose trust a contract has been entered into by a person with the Government and they also should be disqualified. Therefore, it goes far beyond and I think, my hon. friends opposite will welcome this clause, particularly the safeguard provided therein.

I would like to draw the attention of the House to the fact that the disqualification is there even for a person who is corrupt and who has been

convicted or awarded a two-year sentence, for any offence—it may be for corruption or blackmarketing or anything. Therefore the Committee did take it into consideration and thought that a person, who has been convicted of offences that have been enumerated by my hon. friends opposite, should not sit in this House. I think, in the fitness of things, my hon. friends opposite will have no grouse or complaint on that score because their amendment was also considered in the Joint Committee. But looking to the pros and cons.....

**Mr. Chairman:** This sort of amendment, not their amendment.

**Shri Sonavane:** This sort of amendment. The substance and the spirit of their amendment was discussed, gone through and it was found that unnecessary disqualification should not be made. In that case, most of the Members who would otherwise be qualified would be disqualified if the disqualification, as they suggest, is incorporated.

I think, the clause as it has emerged from the Joint Committee is very reasonable and the amendments that have been brought forward by the Members opposite should be opposed.

With these words, I wholeheartedly support the clause as it is.

**Mr. Chairman:** The Law Minister.

**Shri G. S. Pathak:** Sir....

**Shri S. M. Banerjee:** At least for the Minister, let there be quorum in the House.

**Shri Hari Vishnu Kamath:** It is an important issue. He should have quorum. Have it tomorrow morning.

Mr. Chairman: The bell is being rung. House stands adjourned to meet again tomorrow at 11.00 A.M.

There is no quorum. The bell may be rung once again.

17.52 hrs.

Even now, there is no quorum. The Minister will reply tomorrow. The

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, November 23, 1966/Agrahayana 2, 1888 (Saka).