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Friday, May 3, 1963
Vaisakha 13, 1885 (Saka)

LOK SABHA DEBATES

(Fourth Session)



{Vol. XVIII contains Nos. 51—61}

LOK SABHA SECRETARIAT
NEW DELHI

ONE RUPEE (INLAND)

FOUR SHILLINGS (FOREIGN)

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LOK SABHA DEBATES

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LOK SABHA

Friday, May 3, 1963/Vaisakha 13, 1885
(Saka).

The Lok Sabha met at Eleven of the
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

MEMBER SWORN

Mr. Speaker: Secretary may call out the name of the Member who has come to make and subscribe the oath or affirmation under the Constitution.

Secretary: Shri Hemappa Verrabhadrappa Koujalgi.

Mr. Speaker: The Minister of Parliamentary Affairs may introduce the Member to the House.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I have great pleasure in introducing to you and through you to the House Shri Hemappa Verrabhadrappa Koujalgi who has been returned to Lok Sabha from Belgaum constituency of Mysore in the vacancy caused by the death of Shri B. N. Datar.

Shri Hemappa Verrabhadrappa Koujalgi (Belgaum).

Barter Deal with Japan

- *1152. { Shri Subodh Hansda:
Shri S. C. Samanta:
Shri B. K. Das:
Shri P. C. Borooah:
Shri Morarka:
Shri Marandi:
Shri P. Venkatasubbalah:
Shri R. S. Pandey:

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

(a) whether it is a fact that the State Trading Corporation has entered into a barter deal with Japan; and

(b) if so, what are the commodities that will be dealt with under this deal?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). Yes, Sir. A number of deals have been negotiated by S.T.C. On the export side the commodities are mineral ores, sugar, and scrap. Against these, fertilisers, Industrial equipment, textile machinery, steel and urea have been imported.

Shri Subodh Hansda: May I know whether the present barter deal is a long-term deal or a short-term deal?

Shri Manubhai Shah: These are mostly short-term deals, for one or two years.

Shri Subodh Hansda: May I know whether the earlier agreements made by the STC will be discontinued after this barter deal?

Shri Manubhai Shah: These are barter deals which are a part of the national economy in the field of foreign trade and they get on revived every year, and even after three months.

Shri Bhagwat Jha Azad: Could we have any idea as to what would be the worth of goods that would flow in these barter deals which are short-term ones?

Shri Manubhai Shah: The total I have indicated which is about Rs. 46 crores in all. With Japan, it might be Rs. 11 to 12 crores.

Shri S. C. Samanta: What is the percentage of decrease in exports during 1961-62?

Shri Manubhai Shah: Decrease or increase? There has been an increase of about Rs. 40 crores; not decrease.

Shri P. Venkatasubbaiah: How does it compare, whether our exports are on increase or imports are on increase, so far as our dealing with Japan is concerned?

Shri Manubhai Shah: This does not arise out of this. This is a barter deal.

Shri K. C. Pant: Is it a fact that Japan is taking advantage of the present increased supply of iron ore in the world to beat down the price of iron ore it is purchasing from this country on a long-term contract?

Shri Manubhai Shah: This is a separate question of barter where iron ore does not figure in. Iron ore is sold for cash and on five or six or seven year contract with Japan.

Shri Bade: What kind of fertilisers are going to be bartered and may I know whether the bartered fertilisers will be given at the same rights as given to fertilisers in India.

Shri Manubhai Shah: These terms are general. They are rather global. As the House will appreciate, barterers are not destinational. Say, sugar. 200,000 tons have been sold to Japan and we get about 50 per cent fertilisers, some oil which comes from Japan and some barterers themselves manage to import from others. We have permitted 50 per cent of it to be utilised for importing fertilisers, for this type of essential commodity.

Shri Bade: My question was whether it is ammonium sulphate or all kinds of fertilisers.

Shri Manubhai Shah: About urea, I do not think it is so much. It depends upon the requirements of the Food and Agriculture Ministry for fertilisers.

Shri Kapur Singh: May I know whether the possibilities of barter trade with sterling and dollar areas

have also been explored in the interest of foreign exchange problems?

Shri Manubhai Shah: Yes, Sir.

Shri Sham Lal Saraf: May I know if there are finished or semi-finished goods also in the list of exports from our country and also equally there are finished or semi-finished goods which are imported from Japan on a barter basis?

Shri Manubhai Shah: Barter deals, as I said, are for selective items. This does not equate the general trade. So, there should not be any sort of misunderstanding on that account. Here, in barter, we allow only a packet of such goods which are generally difficult to sell or which are having a large availability in our country. Similarly, we allow import by way of barter or partial barter of very essential things which the country's economy needs.

Production of Small Tractors

*1154. **Shri P. Venkatasubbaiah:** Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether Government have decided to produce small tractors at cheap price in the public sector;

(b) if so, the details thereof;

(c) whether Punjab Government have started one such scheme in that State; and

(d) whether any financial assistance has been sought by the State Government for this scheme?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) No, Sir.

(b) Does not arise.

(c) No, Sir.

(d) Does not arise.

Shri P. Venkatasubbaiah: In view of the fact that cost of production has gone up so far as cultivation and food-grains and other agricultural commodities are concerned, may I know whether the Government have considered the desirability of starting such factories ourselves?

Shri P. C. Sethi: With regard to the production of tractors, the Ministry of Food and Agriculture have observed that for the time being only those makes of tractors which have already been tested in the country should be considered. From that point of view, we have already considered the manufacture of 5 H.P. power tillers in Hyderabad.

Shri P. Venkatasubbalah: May I know whether a suitable type of tractor has been designed to suit our agricultural conditions in this country and if so when that is going to be manufactured?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): Two or three types are now recognised to be suitable for our country. We are encouraging the manufacture of those types. As my colleague pointed, recently, Krishi Engine Ltd., Hyderabad has been licensed to produce this type which has been tested.

श्री शिव नारायण : क्या मैं जान सकता हूँ कि स्माल होल्डिंग के लिये रशियन टाइप के छोटे ट्रैक्टरों से सस्ते दामों पर खरीदने का यहां की सरकार विचार कर रही है ?

Shri C. Subramaniam: This is for small tractors below 12 H.P. These are called power tillers. We are encouraging manufacture of them.

Shrimati Savitri Nigam: May I know what would be the number of tractors produced by these two factories which have been recently given licence and whether Government is intending to issue licences for small little tractors which have been recommended by the Planning Commission and by several other experts?

Shri C. Subramaniam: Yes, Sir. We were mentioning small little tractors which Krishi Engine Ltd. would be producing. They have been licensed to produce 12,000 per annum.

डा० गोविन्द दास : क्या यह बात सही है कि जबलपुर की गन कैरेज फैक्ट्री ने, जहां शक्तिवान ट्रक बनते हैं, एक योजना भेजी थी सरकार के पास, कुछ दिनों पहले, छोटे ट्रैक्टरों के बनाने के सम्बन्ध में ? यदि हां, तो उस पर कोई विचार किया गया है ?

Shri C. Subramaniam: In the factory for producing Shaktiman, they were producing only earth moving machines, bigger type. This is with reference to the smaller types. This is below 12 H.P.

डा० गोविन्द दास : मैं जानना चाहता था कि उन्होंने कोई योजना भेजी थी ?

अध्यक्ष महोदय : छोटे की नहीं है, वहां बड़े बड़े ट्रैक्टर बन रहे हैं ।

Shri C. Subramaniam: No plan has been given for the production of small tractors.

Shri S. M. Banerjee: May I know whether it is a fact that the tractors which are at present being manufactured in the ordnance factories and there is some co-ordination with this Ministry and how this Ministry is helping the development of tractors?

Mr. Speaker: Is that a small tractor?

Shri S. M. Banerjee: All types of tractors; they are doing crawlers.

Shri C. Subramaniam: No small tractors.

Shri K. N. Tiwary: What would be the lowest price? May I know whether it will be diesel or powerine driven? By what time will supply begin?

Shri C. Subramaniam: I am sorry I do not have the details. My recollection is, because I visited this factory and saw this model I think it runs on kerosene, if I remember aright. The price has not yet been fixed.

All-India Printers' Conference

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- *1155. } Shri D. C. Sharma:
 } Shri P. C. Borooah:
 } Shri Onkarlal Berwa:
 } Shri Priya Gupta:
 } Shri Yashpal Singh:
 } Shri Bishanchander Seth:
 } Shri D. D. Mantri:

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

(a) whether the All-India Printers' conference has urged Government to restrict the import of the books and magazines that could be produced in India; and

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

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Yes, Sir.

(b) Government have since announced that Quota or supplementary licences granted for import of books including covers for printed books, etc. will not be valid for import of foreign titles which are re-printed in India in collaboration with foreign publishing houses.

Shri D. C. Sharma: What was the total import of books and magazines in this country during 1962-63 and how much is going to be reduced in 1963-64?

Shri Kanungo: Actually this item is liberally licensed. The figures for 1962-63, April to February are Rs. 2.84 crores.

Shri D. C. Sharma: What saving in terms of foreign exchange will be effected by the new step that the Ministry has taken, and how is this step being implemented by the printers and others?

Shri Kanungo: It will be difficult to work out the precise figures. But the point is that wherever the title is published in India, that title or the covers of that title will not be allowed

to be imported because it is available here.

Shri P. C. Borooah: May I know whether it has come to the notice of Government that much of the literature imported is of an obscene nature and not fit to be read by the younger ones and if so what steps have been taken by Government to prohibit the import of such literature?

Shri Kanungo: They are not only prohibited under the Import Control Acts but there are special Sea Customs Acts which give power to prohibit all such imports.

श्री ओंकार लाल बरवा : क्या मैं जान सकता हूँ कि फिलहाल किस किस तरह की पाठ्य सामग्री, पुस्तक वगैरह अपने देश में आयात की जाती हैं और किन किन देशों से ?

श्री कानूनगो : ज्यादातर अंग्रेजी की किताबें आती हैं और वह अमरीका और इंग्लैंड से आती हैं ।

श्री यशपाल सिंह : क्या मैं जान सकता हूँ कि जिन किताबों पर बाहर से मंगाने पर रोक लगायी जा रही है, उनमें से भारत में कितनी तैयार हो चुकी हैं और कितनी इस साल के आखिर तक तैयार हो जायेंगी ?

श्री कानूनगो : जवाब में बतलाया गया है कि उन किताबों पर रोक लगायी गई है जो कि यहाँ छपी जाती हैं ।

Shri Sham Lal Saraf: May I know whether Government have given full consideration to the present state of this industry in this country and to the question whether they produce quality printing before issuing orders or accepting the recommendations of this printers' conference?

Shri Kanungo: I would like to make a distinction between publishing and printing. As far as printing is concerned, I suppose the printing establishments in India are quite well developed and they do the highest type of printing. As far as publishing is concerned, well, obviously, it

depends upon the authors and the quality of the publications. It is certainly not as good as it ought to be.

Shri Kapur Singh: May I know whether irritating restrictions exist even on the import of those books and periodicals, the printing of which in this country is not commercially feasible?

Shri Kanungo: No.

Black-marketeering in Imported Cars

*1157. **Shrimati Renu Chakravarty:** Will the Minister of Commerce and Industry be pleased to state:

(a) the measures taken to restrict black-marketeering in imported cars;

(b) whether a French Press Correspondent was permitted to import a car and his initial duty was substantially reduced; and

(c) whether the State Trading Corporation has permitted him to sell the car to a private party within one and a half years of importation?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the House.

STATEMENT

(a) The sales of imported cars are now being canalised through the State Trading Corporation. The position is as under:—

(1) No. of cars purchased by the STC till 15-3-63.	39
(2) Cars in stock with STC at present	22
(3) Sold upto 15-3-63	17

Party to whom sold

- (i) Raj Bhavan, Kerala.
- (ii) Hindustan Aircraft Ltd., Bangalore.
- (iii) Fertilisers Corporation Ltd., New Delhi.

(iv) Press Information Bureau, New Delhi.

(v) Indian Oil Co. Ltd., Bombay.

(vi) Raj Bhavan, Orissa.

(vii) Punjab Government, Chandigarh.

(viii) Ministry of Home Affairs, New Delhi.

(ix) Orissa Government, Bhubaneswar.

(x) Orissa Government, Bhubaneswar.

(xi) Praga Tools Corporation Ltd., Hyderabad.

(xii) Mercury Travels Ltd., New Delhi.

(xiii) Heavy Engineering Corporation, Ranchi.

(xiv) Ministry of Finance, (Deptt. of Economic Affairs), New Delhi.

(xv) Perambikulam Aliyar Project, Government of Madras, Madras.

(xvi) Raj Bhavan, U.P.

(xvii) Government of Kerala, Trivandrum.

(b) Yes, Sir. The initial duty was readjusted as the earlier assessed value of the imported car was erroneous.

(c) No, Sir.

Shrimati Renu Chakravarty: In part (b) of the question, I had asked:

“whether a French Press Correspondent was permitted to import a car and his initial duty was substantially reduced.”

In the reply to part (b), the hon. Minister has stated:

“The initial duty was readjusted as the earlier assessed value of the imported car was erroneous.”

May I know why the assessment was erroneous? Do our customs authorities not have the price of a well known make like Renault (Triple Convertible) with them? Is it a fact that the

price assessment was reduced on high ministerial intervention?

Shri Manubhai Shah: Surely, the hon. lady Member does not expect the customs to keep with them a list of the up-to-date prices of about 10,000 makes of car produced in the world. They first assess on what is called a basic tariff value or anything which comes near that. The onus of getting any refund or otherwise is then left to the importer who can produce the documents to show that the tariff value was either higher or lower.

Shrimati Renu Chakravartty: What was the value assessed originally, and was it assessed at ex-factory value originally.

Shri Manubhai Shah: It will be too much to go into all these details in respect of a single transaction. The net difference was about Rs. 2,200. The assessment was made at Rs. 11,000 and the actual value turned out to be Rs. 8,800.

Shri S. M. Banerjee: May I know whether this particular French correspondent has applied to the STC and he wants a permit for selling this car, and if so, whether this permit has been issued, and if not, whether proper investigation will be made before he is permitted to sell his car?

Shri Manubhai Shah: I think perhaps the hon. Member had the interest that he should be allowed to sell. The gentleman has refused to sell it to the STC so far, and we cannot allow him to sell it outside the STC.

श्री भक्त बर्षान : श्रीमन्, क्या माननीय मन्त्री जी के ध्यान में यह बात आयी है कि इन्हीं फ्रांसीसी सम्वाददाता ने एक टेली-प्रिंटर मशीन इस देश के अन्दर इसलिए आयात की थी...

अध्यक्ष महोदय : उनके जनरल कॅरेक्टर के बारे में तो सवाल नहीं किया जा सकता ।

श्री भक्त बर्षान : मैं बताना चाहता हूँ कि इन फ्रेंच सम्वाददाता की यह आदत है कि वे इस सुविधा का दुरुपयोग करते हैं...

अध्यक्ष महोदय : वह हम यहाँ पर इस वक्त डिसकस नहीं कर रहे हैं । सवाल कार के बारे में है, उसके बारे में सवाल कीजिए ।

श्री भक्त बर्षान : क्या माननीय मन्त्री जी के ध्यान में यह बात आयी है कि इन फ्रेंच सम्वाददाता ने पहले एक टेलीप्रिंटर मशीन यहाँ आयात की थी और फिर उसको बाहर नेपाल भेज दिया था ? क्या उनकी इस आदत के बारे में छानबीन की जायेगी ?

Shri Manubhai Shah: It does not arise out of this question. There are lakhs and lakhs of importers. It is difficult to answer who brought teleprinters, how they were sold etc.

Mr. Speaker: I remember this was discussed on the floor of the House once.

Shri Bhagwat Jha Azad: Can Government say categorically that this gentleman will not be allowed to sell this car in the open market—which he intends to sell in the black market—and the STC will purchase the car if he sells it?

Mr. Speaker: He has already answered that he will not be allowed to sell it outside.

Shri D. C. Sharma: I find that the STC has been selling cars to government agencies. But in these government agencies named, there is one name, Mercury Travels Ltd., New Delhi. May I know if this firm has become a government body or not? Why was the car allowed to be sold to Mercury Travels, on what basis and for what reason? Is it because the proprietor and director of this firm is a Member of the Rajya Sabha or is it something else?

Shri Manubhai Shah: There has been a slight misunderstanding. The hon. Member thinks that we sell only to government agencies.....

Shri D. C. Sharma: Look at this list.

Shri Manubhai Shah: We want to sell the least number of cars to government departments because that is not the best way of utilising these cars. Travel agencies are people who earn foreign exchange and who require these cars for foreign travellers and to Indians on long-distance trips. Mercury Travels Ltd. is among the travel agencies to whom these cars are allowed according to rules.

Shri D. C. Sharma: 17 agencies have been listed here to whom the cars have been sold. What the hon. Minister has said runs contrary to what has been stated here. 17 agencies are here; 16 of them are government agencies to whom these cars have been sold.....

Mr. Speaker: Order, order.

Shri Manubhai Shah: The hon. Member draws an inference from the list of persons to whom the cars have been sold. The rule is that cars will be sold as under—I have laid a statement on the Table, I think, half a dozen times.

Rashtrapati Bhavan, Defence requirements, Central and State Government departments, public sector undertakings, Raj Bhavan, tourist promotion agencies and public auction.

Shrimati Renu Chakravarty: When foreigners sell their cars here, is it always done through STC? Or they will be permitted to sell in black market—which transactions take place—and they will be permitted to take away what they earn in the form of foreign exchange? Is it only for government use that STC takes over these cars? If foreigners who are permitted to import cars want to sell them, do they have to do it through STC?

Shri Manubhai Shah: This applies to all of them, both non-diplomatic and diplomatic. All the cars imported on such basis—even by Indians, not only by foreigners—will be, if they

want to sell them, be saleable to STC. There is a price formula based on import duty plus certain other charges as may be applicable and the basic price minus depreciation. No profit will be allowed. Only that basic money will be allowed to be remitted. The profit, whatever it is, will be appropriated to STC, that is, Government.

Shrimati Savitri Nigam: It has been stated that 39 cars have been purchased and 17 have been sold. Have Government made proper arrangements for the safe keeping of the cars which are not yet sold?

Shri Manubhai Shah: Information is given in the statement. Number of cars purchased till the 15th March, 1963 has been given.

Mr. Speaker: She has asked about safe cover for the cars not yet sold.

Shri Manubhai Shah: They are all safely covered.

Shri Kapur Singh: May I know whether in this particular case, when this car was brought into India in 1961, full 100 per cent duty on the c.i.f. price was paid and now this person has merely applied to STC for the disposal of this car because he is being transferred out of this country?

Shri Manubhai Shah: The fact is that the gentleman refuses to hand over the car to STC. We cannot force or coerce anybody. He will not be allowed to sell to anybody else. He has to surrender it to STC.

Regarding price, it is a question of negotiation. He can put us wise about facts and details. There is a standard formula for the evaluation of such cars by all people who sell it to STC.

Mr. Speaker: Maheswar Naik.

Shri Kapur Singh: Is it true he has done nothing by way of.....

Mr. Speaker: Order, order. Shri Maheswar Naik.

Import of Pig Iron

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*1158. { Shri Maheswar Naik:
Shri Jashwant Mehta:
Shri R. S. Pandey:
Shri Yashpal Singh:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether Government propose to import pig iron from Russia to meet the existing shortage of internal supply of this material;

(b) what is the position of pig iron production in the country today as against the requirements of the country;

(c) the estimated cost to be incurred in the import account; and

(d) whether Government are taking steps to augment indigenous production of pig iron so as to obviate the necessity of its import from outside?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) The matter is under negotiation.

(b) The production of pig iron is approximately one million tonnes against the estimated requirement of about 1.5 to 2 million tonnes.

(c) The cost of pig iron will be determined at the time of import according to the international price at that time.

(d) Suitable steps are being taken to increase the capacity for production of pig iron to meet the requirements.

Shrimati Renuka Ray: May I suggest that the next question may also be taken up with this? It is almost the same matter.

Mr. Speaker: That is a different one.

Shrimati Renuka Ray: It is allied.

Mr. Speaker: That is coming soon after.

Shri Maheswar Naik: From the Report of the Ministry for 1962-63 I find that pig iron to the tune of Rs. 54 lakhs has been exported. In view of the shortage that the country is facing, may I know whether the Government do not think that they should stop these exports?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): I do not think hereafter there would be any export of pig iron because there is acute shortage here.

Shri Maheswar Naik: May I know whether Government are aware that some two decades ago our indigenous iron smelters used to produce iron on a cottage industry basis, and whether Government think it desirable that encouragement should be given to them to produce indigenously, so that we can meet the shortage to a certain extent?

Shri C. Subramaniam: Cottage industry basis? I think China tried it and then it has given it up. I do not think iron can be produced, anyhow in considerable quantities, on a cottage industry basis.

श्री यशपाल सिंह: क्या सरकार इस भारी कमी को दूर करने के लिए कोई नये प्लांट्स लगाने जा रही है, यदि हां, तो कब तक यह लागये जायेंगे ?

इस्पताल और भारी उद्योग मन्त्रालय में उपसंचारी (श्री प्र० चं० सेठी) जी हां, इस कमी को पूरा करने के लिए कुछ प्राइवेट कम्पनियों को भी लाइसेंस दिये गये हैं। इसके अलावा आंध्र प्रदेश इण्डस्ट्रियल डेवलपमेंट कारपोरेशन लिमिटेड को एक लाख टन का प्लांट लगाने की इजाजत दी है। पंजाब गवर्नमेंट ने भी एक लाख टन के प्लांट के लाइसेंस के लिए ऐप्लाइ किया है। एक और कम्पनी ने भी एक लाख टन के

प्लांट के लिए ऐप्लिकेशन भेजी है। इसके अलावा ३०० टन की फारनैस दुर्गापुर में, २०० टन की फारनैस भिलाई में और १०० टन की फारनैस रूरकेला में लगाने का प्रोग्राम है।

Shri Kashi Ram Gupta: May I know whether the imported pig iron from Russia will be of a better quality or of the same quality as is being produced in India?

Shri C. Subramaniam: The quality required particularly for castings etc. will be imported.

Shri Vasudevan Nair: Has it come to the notice of the Minister that even the quotas allotted for various industries are not delivered in time, and in some cases are not delivered at all, especially for many industries in the South? There are many cases that have come to our notice.

Shri C. Subramaniam: I made a detailed statement yesterday with regard to the availability of pig iron and how a new system has been adopted for distribution of the available pig iron. Under this system, everybody will be able to get what has been allotted to him, and we shall try to see that it is available in time.

Shri P. Venkatasubbaiah: What would be the productive capacity of the pig iron plant that is to be started in Andhra Pradesh and when will it start production?

Shri C. Subramaniam: The production is 100,000 tons. When it will be able to produce depends on the implementation of the programme.

डा० गोविन्द दास : अभी मन्त्री जी ने यह कहा कि भिलाई और रूरकेला में भी कच्चे लोहे का उत्पादन होता है तो मैं जानना चाहता हूँ कि भिलाई में कितना होता है और उस को बढ़ाने के लिए क्या प्रयत्न किए जा रहा है ?

श्री प्र० चं० सेठी : मैंने अभी बताया कि ३०० टन की एक फारनैस दुर्गापुर में, २०० टन की भिलाई में और १०० टन की रूरकेला में लगाने का प्रोग्राम है। जहाँ तक वर्तमान उत्पादन का सम्बन्ध है, टाटा में २१,११२ टन, इस्को में २०४,२६८ टन और भिलाई में ३३४,३६० टन पैदा होगा।

Shri Indrajit Gupta: May I know to what extent this shortage is due to actual shortage of furnace capacity and to what extent to the unsatisfactory quality of coking coal which is required for these furnaces?

Shri C. Subramaniam: As I have already said, we produce about 1.1 million tons of pig iron, but the capacity of the various foundries is estimated at 2 million tons. Therefore, there is a big gap. That is why the shortage has arisen.

The other question is about the coke necessary for castings, which comes in the next question. This is with regard to the availability of pig iron.

Production of Steel Castings

*1159. **Shrimati Renuka Ray:** Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether it is a fact that the production of steel castings and foundry industry products are much below the demand even for engineering industries dealing with defence and other priority needs;

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

(c) the steps being taken to increase the production?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) The present production of steel castings and malleable castings is not sufficient to meet the demand. The production of grey iron castings is adequate, for the present.

(b) The inadequate production of steel and malleable castings is due to insufficient capacity for production, lack of know-how and shortage of power and raw materials.

(c) Licences for additional capacity are being issued liberally and high priority is given to this industry for allocation of foreign exchange for import of capital goods.

Shrimati Renuka Ray: It was well-known that the foundry industries and steel castings were the basis of support for all engineering industries and as the Minister has just now stated the capacity is two million tons. Is it a fact that because of lack of pig iron the capacity is not being fully utilised and that is why we are not able to supply steel castings?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): Steel casting is different from cast iron castings for which pig iron is required. We have licensed capacity of 52,000 tons for steel castings but the actual production is 43,000 tons. Apart from the capacity, the production is not sufficient and that is why we are licensing additional capacity freely.

Shrimati Renuka Ray: Foundry industry also?

Shri C. Subramaniam: As far as grey iron castings are concerned, my hon. colleague has mentioned that production is adequate now. There is additional capacity also and when they produce it may be possible to utilise that. For want of pig iron it is not possible to increase production there and in the previous question we enumerated the various methods we adopt for increasing availability of pig iron.

Shri D. N. Tiwary: Is it a fact that very few of the licensees have utilised their licences to start the manufacture because of unsound financial position?

Shri C. Subramaniam: It is not merely unsound financial position; there may be some cases like that but

mainly steel casting requires high technical know-how and they are unable to get the same or the foreign collaboration. Wherever collaboration is available it has been possible and we are trying to get collaboration so that the licensed capacity may come into existence.

Dr. Sarojini Mahishi: To what extent will licences for new industrial undertakings for the manufacture of steel castings be given to meet the additional demand in the country?

Shri C. Subramaniam: As I already stated we are licensing additional capacity for the purpose of producing steel castings and it is on the free list and licences will be granted. But it is not merely licensing alone; it is a question of getting the technical know-how and foreign collaboration. We are trying to improve the position in this matter.

Shri Sham Lal Saraf: Is the Government aware that the small-scale industries are suffering very much for want of these raw materials and what steps are taken to ensure regular supply to industries that are already there? For new undertakings some other steps may be taken.

Shri C. Subramaniam: I think I made a detailed statement yesterday and today also the previous question referred to the steps taken and they had been explained. I do not think I can throw more light on this.

Shri Bhagwat Jha Azad: Yesterday's statement did not tell us whether any assessment is available with the Government as to how far our production of steel castings fall short of our demand? Is it correct to presume that it is less than 50 per cent?

Shri C. Subramaniam: The existing capacity is 52,000 tons. By the end of the Third Plan our assessed requirements would be two lakhs of tons. That is why we are licensing further capacity and we will try our best to see that they go into production.

Shrimati Renuka Ray: I wanted to ask, with the additional licences given now and with the work that will be done in the public sector, how long it will take for the supply of pig iron to be equal to the demand.

Shri C. Subramaniam: It cannot be produced overnight. Even if it is sanctioned immediately it will take at least 24 months to put up these blast furnaces. That is the real difficulty.

खादी तथा ग्रामोद्योग आयोग

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*११६०. { श्री भक्त बर्मान :
श्री गो० महन्ती :

क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि खादी तथा ग्रामोद्योग आयोग ने उत्तर प्रदेश के सीमावर्ती तथा अन्य पर्वतीय जिलों के लिये एक नई योजना स्वीकार की है ;

(ख) यदि हां, तो उसकी रूपरेखा क्या है ; और

(ग) इसकी क्रियान्विति के संबंध में अब तक क्या प्रगति हुई है ?

वाणिज्य तथा उद्योग मंत्रालय में उद्योग मंत्री (श्री कानूनगो) : (क) जी, हां ।

(ख) अपेक्षित जानकारी देने वाला एक विवरण सदन की मेज पर रखा जाता है ।

विवरण

खादी तथा ग्रामोद्योग आयोग द्वारा उत्तर प्रदेश के सीमावर्ती तथा अन्य पर्वतीय जिलों के लिये स्वीकृत योजना में ऊनी तथा अन्य ग्रामोद्योगों का विकास करने की व्यवस्था भी है । इस योजना में पौड़ी में एक क्षेत्रीय कार्यालय की स्थापना तथा विकास कार्यक्रम को कार्यान्वित करने के लिये

२० केन्द्रों को संगठित करने की व्यवस्था भी शामिल है जो निम्न प्रकार है :—

(१) **ऊनी उद्योग** :—ऊनी वस्त्र उद्योग के विकास कार्यक्रम में इन बातों की व्यवस्था है (क) आत्मनिर्भर कतवारों तथा अन्य उत्पादकों को उचित एवं नियंत्रित मूल्यों पर अच्छी किस्म की कच्ची ऊन का संभरण करना, (ख) आत्म-निर्भर कतवारों को बुनाई की मुफ्त सुविधायें देना, (ग) वाणिज्यिक उत्पादन की उन्नत प्रविधियां चालू करना और इसके अतिरिक्त जहां कहीं संभव हो उत्पादन को खरीद लैना और खादी भंडारों की मार्फत उसकी बिक्री करना, (घ) धागे की मात्रा और उसकी किस्म दोनों में सुधार करने की दृष्टि से उन्नत तथा सादे कर्षों को चालू करना ।

(२) **ग्रामोद्योग** :—कार्यक्रम में इन बातों की व्यवस्था है : (क) उन स्थानों पर जहां पानी से चलने वाली चक्की उपलब्ध न हो वहां घाटा पीसने की चक्कियां मुफ्त बांटना तथा बड़े पैमाने पर और आसान शर्तों पर बांटने के लिये घाटा पीसने की चक्कियों का स्थानीय रूप से निर्माण कराना और (ख) शहद एकत्र करने के तरीके में सुधार करना तथा गारण्टीयुदा उचित मूल्यों पर उसकी खरीद के लिये प्रबन्ध करना । अन्य ग्रामोद्योगों का विकास मुख्यतः स्थानीय रूप से उपलब्ध कच्चे मालों, स्थानीय परम्पराओं एवं कुशलता के आधार पर किया जायगा और इस प्रयोजन के लिये उपयुक्त

स्थानों का चुनाव करने की दृष्टि से सर्वेक्षण किये जाने का प्रस्ताव है।

(ग) पौड़ी में एक क्षेत्रीय कार्यालय खोलने तथा केन्द्रों का संगठन करने के लिये कार्रवाई की जा रही है।

[(a) Yes, Sir.

(b) A statement containing the required information is laid on the Table of the House.

STATEMENT

The scheme approved by the Khadi and Village Industries Commission for the border and other hilly districts of Uttar Pradesh provides for the development of woollen and other village industries. It also provides for the setting up of a Regional Office at Pauri and organisation of 20 centres for implementing the programme of development which is detailed below—

- (i) *Woollen Industry.*—The development programme for the woollen industry envisages (a) the supply of quality raw wool to self-sufficiency spinners and other producers at fair and controlled rates (b) free weaving facilities for the self-sufficiency spinners (c) introduction of improved techniques of commercial production, besides arrangement, wherever feasible, for purchase of the production and its marketing through Khadi Bhandars (d) introduction of improved and simple spinning wheels with a view to improving both the quantity and quality of yarn.
- (ii) *Village Industries.*—The programme envisages the (a) distribution of Atta Chakkis, free of cost in places where the water-mill is not available and local manufacture of Atta Chakkis for distribution on a large scale on easy terms

and (b) introduction of improvements in the method of the collection of honey and arrangements for its purchase at guaranteed fair price. The development of other Village Industries will be mainly on the basis of locally available raw materials, local tradition and skill and for this purpose surveys for the selection of suitable places are proposed to be conducted.

(c) steps are being taken to set up a Regional office at Pauri and to organise centres.]

श्री भक्त दर्शन : श्रीमन्, मैं यह जानना चाहता हूँ कि यह जो नई योजना प्रारम्भ की जा रही है, यह कितने वर्षों के लिये प्रारम्भ की जा रही है। क्या वह दो चार वर्षों के लिये स्वीकृत की गई है, या पक्के तौर से जारी रहेगी ?

श्री कानूनगो : यह तो नई योजना नहीं है। खादी कमीशन की यह योजना दूसरी जगह चालू है। इसको व्यापक रूप में उस जगह चालू करने का काम हो रहा है। यह दो चार साल के लिये नहीं है, बल्कि यह खादी बोर्ड का पर्मानेंट काम है।

श्री भक्त दर्शन : श्रीमन्, क्या माननीय मंत्री जी के ध्यान में यह बात आई है कि उत्तर प्रदेश के पर्वतीय जिलों में पहले से ही दो तरीके से काम हो रहा है—एक तो उत्तर प्रदेश सरकार के उद्योग विभाग के द्वारा विशेषकर ऊन का धंधा चलाया जा रहा है और दूसरे गांधी आश्रम के द्वारा कताई बनाई का काम चल रहा है ? मैं यह जानना चाहता हूँ कि इस नई स्कीम का उन से क्या संबंध रहेगा। क्या वे दोनों इसमें सम्मिलित किये जायेंगे या इसको उन में अलग रूप में चलाया जायगा ?

श्री कानूनगो : गांधी आश्रम तो खादी कमीशन का काम करते हैं। उत्तर प्रदेश की

गवर्नमेंट का जो काम हो रहा है, उस के साथ कोऑर्डिनेशन किया जायगा।

श्री ब्रज बिहारी मेहरोत्रा : श्रीमन्, मैं यह जानना चाहता हूँ कि मुख्यतया किस तरह की इंडस्ट्रीज पर्वतीय क्षेत्रों में आर्गेनाइज की जायेंगी।

श्री कानुनगो : वह स्टेटमेंट में दिया गया है।

श्रीमती सावित्री निगम : श्रीमन्, क्या मैं जान सकती हूँ कि जो योजनाय यहां पर बनाई जा रही हैं, क्या उनमें यह भी देखने की चेष्टा की गई है कि वे पर्वतीय क्षेत्रों के लोगों के आर्थिक विकास के लिये प्रभावशाली सिद्ध होंगी ?

श्री कानुनगो : इसीलिये तो ये योजनायें बनाई गई हैं।

Shri Manaen: May I know whether the Khadi and Village Industries Commission has been producing schemes for the hilly border districts of West Bengal also and, if not, whether the Commission will entertain any scheme if and when it is put before the Commission?

Shri Kanungo: At the moment we are considering the schemes for the border districts of Himachal Pradesh, Punjab and Uttar Pradesh. I do not know whether they have any activities in the border areas of West Bengal. Presumably they have, but if the question of expansion comes in, the Commission will consider it.

Shri K. C. Pant: May I know the estimated annual budget for the scheme and where the centres are likely to be located?

Shri Kanungo: The headquarters will be at Pauri. At present, the non-recurring expenditure is estimated at Rs. 5,12,000 odd and the recurring expenditure at Rs. 90,575. This is the beginning.

Dr. L. M. Singhvi: We are told that a survey of locally available raw materials and of local traditions and skill would be made, and it is on this basis that the development programme would be finalised. I would like to know whether such surveys and information are not already available with the Government.

Shri Kanungo: We have got broad surveys. This will be specifically for the purpose of particular industries which are under the purview of the Khadi Commission, because the Khadi Commission has a philosophy different from the normal industrial activities.

हिन्दुस्तान स्टील लिमिटेड

*११६१. श्री श्रीकारलाल बेरबा : क्या इस्पात और भारी उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिन्दुस्तान स्टील लिमिटेड में करोड़ों रुपये के कच्चे माल का लेखा जोखा नहीं रखा गया है ;

(ख) यदि हां, तो इसके क्या कारण हैं; और

(ग) क्या इसकी कोई जांच की जा रही है ?

इस्पात और भारी उद्योग मन्त्रालय में उपमन्त्री (श्री प्र० च० सटी) : (क), (ख) और (ग). वास्तविक सत्यापन से कच्चे माल के स्टॉक में पाए गए नुकसान को हिन्दुस्तान स्टील लिमिटेड ने हिसाब में दिखा दिया है। नुकसान की जांच करने तथा भविष्य में कमी पर नियंत्रण हेतु सुझाव देने के लिए एक समिति नियुक्त की गई है।

[(a) to (c). Losses in the stocks of raw materials which were noticed on physical verification have been accounted for by Hindustan Steel Ltd. A

Committee has been set up to investigate the losses and suggest steps for the control of shortages in future.]

श्री श्रीकार लाल बेरवा : श्रीमन्, मैं यह जानना चाहता हूँ कि यह जो जांच की जा रही है, वह कब तक पूरी हो जायेगी ।

Shri P. C. Sethi: It is not possible to indicate the exact date but we are trying to have it as early as possible.

श्री श्रीकारलाल बेरवा : श्रीमन्, मैं यह जानना चाहता हूँ कि हिन्दुस्तान स्टील लिमिटेड में हिसाब किताब रखने की क्या प्रणाली अपनाई जाती है ?

Shri P. C. Sethi: This committee is also going to report on the methods of keeping accounts.

Shrimati Renu Chakravarty: May I know what exactly is the amount which has been lost and whether the cost accountancy system which had been proposed much earlier by the Estimates Committee has not yet been introduced?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): I have got figures for three years 1959-60, 1960-61 and 1961-62 with regard to the three steel plants. As far as Rourkela is concerned, the total loss has been Rs. 15.69 lakhs; Bhilai Rs. 64.66 lakhs and Durgapur Rs. 42.51 lakhs. Various reasons have been given, but the main reason is in loading there has been under-loading and therefore this main loss should have arisen out of that. The committee is going into it and when the committee makes a report, it should be possible to take effective steps to see that the losses are not incurred. But my own impression is in 1962-63 as far as possible these losses have been avoided; but I am not able to give exact figures.

Shri Hem Barua: May I know if it is not a fact that the expenditure division of the Finance Ministry has estimated the losses suffered by the

Hindustan Steel Limited to the tune of Rs. 19 crores, between 1961 and 1962 and if so, may I know whether Government have tried seriously to put their fingers on the plague spots of the criminal losses and improve the situation?

Shri C. Subramaniam: This question is with reference to the raw materials and losses in raw materials. This is a general question which the hon. Member is asking about the running of the steel plant. But I can assure the hon. Member that the performance during 1962-63 has considerably improved and there will be further improvement during 1963-64.

Shri Morarka: What is the system of physical verification of stocks which is followed in the steel plants?

Shri C. Subramaniam: I am unable to give the details with regard to the actual physical verification. But it has been noted here that physical verification is made and it is because of the physical verification that the shortages were found. But I am not able to give exact figures.

Shri Bade: Mr. Hem Barua and Mr. Kamath are standing and I could not catch your eye.

Shri Hari Vishnu Kamath: I did not stand up.

Mr. Speaker: Does he consider me competent enough to demolish that wall?

Shri Hari Vishnu Kamath: It is for the CPWD to demolish, not for you, Sir.

Shri Bade: There should be some windows in the wall.

मैं यह जानना चाहता हूँ कि यह जो रा मँटीरियल्स का लास बताया गया है, शासन के पास जो इन्फर्मेशन है, उस के अनुसार वह लास होने का क्या कारण है । क्या उस का कारण चोरी है या करप्शन है ?

Shri C. Subramaniam: As I said, the committee has been appointed to find

out the causes of the losses. Before the committee reports, I cannot say whether it is due to corruption.

श्री शिव नारायण : जो कमेटी जांच के लिए एन्वायंट हुई है, क्या उस में कोई गजेटिड आफिसर भी जांच के लिए मुकर्र है ?

Shri C. Subramaniam: I am sorry I do not have the personnel of the committee here.

Shri Joachim Alva: May I know what is the system of accounting in Hindustan Steel Limited and whether they have got sufficiently strong accounting unit who can go into the accounts and make it better year after year?

Shri C. Subramaniam: We are trying to make it better. But my own impression is we have got sufficiently strong accounting personnel and we are adopting proper methods. It should further improve, I agree. We shall try to improve it.

Shri Ramanathan Chettiar: The hon. Minister in reply to a supplementary question put by Mr. Hem Barua said that the sum of Rs. 19 crores is the general loss of the company and the value of stores not being accounted for should not be included in that. Are we to understand that the losses incurred in not having proper accounts of stores is apart from the general losses that Hindustan Steel have incurred, which I understand is not Rs. 19 crores, but Rs. 40 crores?

Mr. Speaker: In this question we were only concerned with the restricted matter of losses in stocks and not all losses.

Shri Ramanathan Chettiar: Mr. Speaker, Sir, you are not allowing us to put supplementaries on such important matters. I am only just referring to a supplementary question already put. I want to be enlightened and the House would also like to be enlightened as to whether the losses incurred by not keeping

proper accounts of stores is also included in the general loss or is it apart from the general loss of the company?

Shri C. Subramaniam: The total loss includes every loss which has happened in the factory.

Shri Ramanathan Chettiar: If so, what is the loss of stores due to not keeping proper accounts?

Mr. Speaker: Let us go to the next question.

Supply of Opium to Russia

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*1162. { **Shri P. R. Chakraverti:**
Shri Onkarlal Berwa:
Shri P. C. Borooah:
Shri Ram Harkh Yadav:

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

(a) whether it is a fact that the State Trading Corporation has entered into a contract for the supply of opium to Russia;

(b) if so, when and what are the terms of contract;

(c) whether 20 tons of opium have been despatched by plane on the 4th April, 1963, to Russia; and

(d) when the balance is expected to be sent?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) The contract was concluded between the State Trading Corporation and V/o Madexport, Moscow on the 21st March, 1963 for the supply of seventy tonnes of opium valued at Rs. 47 lakhs approximately.

(c) A consignment of 20 tonnes of opium was airlifted in three equal lots on the 2nd, 3rd and 4th April, 1963.

(d) Of the balance 50 tonnes of opium, a quantity of 30 tonnes is to be despatched by the 30th June 1963 and the remaining 20 tonnes in the 3rd quarter of this year.

Shri P. R. Chakraverti: May I know what will be the expected earnings in foreign exchange from this deal?

Shri Manubhai Shah: That is about Rs. 47 lakhs.

Shri P. R. Chakraverti: What are the countries taking opium from India, and may I know how far the rates of the present deal compare favourably with the rates they pay?

Shri Manubhai Shah: Well, Sir, they are the international terms. We export over Rs. 4.5 crores worth of opium to practically every country in the world. This is only for about Rs. 47 lakhs.

Shri P. C. Borooah: May I know whether this deal opens up new avenues for development of trade between India and Russia; if so, what steps Government have taken to see that quality articles are sent to this country?

Shri Manubhai Shah: Every item adds to the trade; opium also does.

श्री श्रीकारलाल बेरवा : जो अफीम भेजी जा रही है उसका जो रेट है वह हमारे यहां के रेट से कम है या ज्यादा है और अगर कम या ज्यादा है तो कितना ?

श्री मनुभाई शाह : वह फर्क तब पड़ता है जब इंटरनेशनल प्राइसिस का इन्वैल्युएशन होता है, कई बार दाम बढ़ जाते हैं और कई बार कम हो जाते हैं। वे बेरी करते हैं।

श्री श्रीकारलाल बेरवा : कितना फर्क रहता है ?

श्री मनुभाई शाह : साढ़े सात परसेंट का फर्क है। लेकिन कभी कभी पन्द्रह परसेंट ज्यादा भी आता है।

Shri Kapur Singh: May I know whether this opium export programme completely accords with the various international agreements into which we entered under the aegis of the former League of Nations?

Shri Manubhai Shah: Yes, Sir.

Shri Hari Vishnu Kamath: In view of the fact that Soviet Russia in tune with the teachings of Karl Marx has banished religion as the opium of the people, is Indian opium meant as a substitute for that?

Mr. Speaker: That might be addressed to the USSR (*Interruption*).

श्री काशी राम गुप्त : यह जो ७० टन अफीम रशिया को भेजी जा रही है और इस में से २० टन भेज भी दी गई है और यह जो समझौता हुआ है स्थायी रूप से हुआ है या यह केवल अभी के लिए है, अस्थायी है ?

श्री मनुभाई शाह : यह तो अभी के लिए है। यह आइटम हमारी एक्सपोर्टबल आइटम है। पैदावार इसकी यहां होती है, इस्तेमाल हम यहां घटा रहे हैं; इसलिए बाहर एक्सपोर्ट कर रहे हैं।

डा० गोविन्द दास : क्या पुराने चीन के म्वाफिक रूस ने भी अफीम खाना शुरू किया है और क्या ऐसी हालत में पुराने मालवा के इलाके में जो अफीम की खेती होती थी, उसको फिर से करना शुरू कर दिया गया है ?

अध्यक्ष महोदय : दोनों के स्वभाव का मुकाबला करना चाहते हैं।

श्री मनुभाई शाह : जो बड़े बड़े देशों में नेगोशियेशंस होती है, तो उसको जरा सीरियसली लिया जाना चाहिये। इससे एलक्लाइड बनता है, ड्रग बनता है। अफीमची जिस तरह से अफीम का इस्तेमाल करते हैं, उस तरह से वे इसका इस्तेमाल नहीं करते हैं।

Shri D. C. Sharma: May I know if it is the policy of the Government to progressively reduce the land which is used for cultivation of opium; if so, what has the Government done to stop people from drinking opium? Also, if opium is in sufficient quantity to be exported out of the country,

may I know why opium is being smuggled into our country?

Mr. Speaker: They are not connected with the main question.

श्री यशपाल सिंह : रशिया से इस तरह की कोई गारंटी क्या ली गई है कि यह जो अफीम हम भेज रहे हैं यह रशिया के रास्ते चीन तो नहीं चली जाएगी ?

अध्यक्ष महोदय : आर्डर, आर्डर ।

श्री सरजू पाण्डेय : यह जो अफीम भेजी जा रही है यह गाजीपुर की अफीम फैक्ट्री से भेजी जा रही है या रा अफीम भेजी जा रही है ?

श्री मनुभाई शाह : अलग-अलग जगहों पर सेंट्रल बोर्ड आफ रेवेन्यू के कंट्रोल के नीचे बहुत सी फैक्ट्रीज हैं और रा अफीम भी कोलैक्ट की जाती है खेटों में से । सब को मिला कर भेजा जाता है ।

Serajuddin & Co.

*1164. **Shri Surendranath Dwivedy:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 731 on the 5th April, 1963 and state:

(a) whether Serajuddin & Co. was one of the firms which was in any way connected with eleven barter deals valued at Rs. 17.33 crores and link deals valued at Rs. 6.24 crores in 1962-63;

(b) if so, what was the amount of money involved in the commodities for which this firm was permitted and what are the commodities concerned; and

(c) whether this was the only firm that was given preference for manganese ore and if not, which are the other firms?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) No, Sir. Serajuddin & Co. were not connected with any barter or link deals in 1962-63. The firm, however, shipped in 1962/63 certain quantities of Manganese Ore and Chrome Ore against some barter deals and cash

sales approved prior to 1962-63. On behalf of two firms, Messrs Serajuddin & Co. shipped 10,799 tons of Manganese Ore valued at Rs. 13.5 lakhs.

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

Shri Surendranath Dwivedy: Out of the export of manganese ore worth about Rs. 5.31 crores, which was made by the STC in the year, may I know whether the bulk purchase for this export was made from Messrs Serajuddin & Company?

Shri Manubhai Shah: That is what I have explained. That firm is not directly connected with any barter sale as such, which was the hon. Member's question, for 1962-63. Also, in the link deal, even though they are not directly involved, the total purchases made by the third party, namely, two firms, comes to 10,799 tons of manganese ore valued at Rs. 13 lakhs.

Shri Surendranath Dwivedy: May I know whether it is a fact that in the East European countries this firm was allowed to trade in manganese ore, although it is the monopoly of the State Trading Corporation?

Shri Manubhai Shah: That is quite a different question. Manganese ore is fully allowed to be sold by anybody, including private shippers. There is no monopoly as such. But, in recent years, due to the world price of manganese ore sagging, most of the transactions are registered through the State Trading Corporation.

Shrimati Renu Chakravartty: May I know the comparative trading capacity of Messrs. Serajuddin & Company? Is it not one of the biggest manganese ore companies in India? Is there any manganese company bigger than this in India?

Shri Manubhai Shah: Messrs. Serajuddin & Company is one of the companies. One need not pin-point on this particular company.

Mr. Speaker: Shri S. M. Banerjee.

Shri S. M. Banerjee: I would like to know whether the Minister . . .

Shrimati Renu Chakravartty: Sir, my question has not been answered.

Mr. Speaker: He saidⁱ that it is one of so many.

Shrimati Renu Chakravartty: My question was whether Messrs. Serajuddin & Company was one of the biggest companies. He has not specifically answered that question.

Shri Manubhai Shah: The question of big or bigger does not arise. It is one of the companies dealing in manganese ore.

Shri S. M. Banerjee: I would like to know whether the Government is prepared to place all the papers connected with the various deals with Messrs. Serajuddin & Company on the Table of the House, including the correspondence by the Minister and so on, to allay the apprehensions in the minds of this House and also in the public at large.

Shri Manubhai Shah: May I suggest that there is no question of any apprehension, as mentioned by the hon. Member, because nothing wrong was done by the firm. The firm has subcontracted for a small quantity which has been approved.

Mr. Speaker: Shri Hem Barua.

Shri S. M. Banerjee: May I submit . . .

Mr. Speaker: I do not allow that question.

Shri S. M. Banerjee: My submission is, since we are having these questions almost every day, is it not possible for the Government to place all the papers on the Table?

Mr. Speaker: That would be besides the question.

Shri Hem Barua: May I know if it is a fact that Messrs Serajuddin & Company was recommended for the import of machinery for the Oil and Natural Gas Commission against the firm's manganese ore in the recent past by the Ministry of Mines and Fuel? If so, may I know whether it is a fact that barter deals are not allowed except against steel? If it is a fact that barter deals of manganese are not allowed except against steel, may I

know how it was possible on the part of the Ministry of Commerce and Industry to entertain this application of Messrs Serajuddin & Company?

Mr. Speaker: That is not a question that I can allow. Shri Dwivedy.

Shri Hem Barua: In this connection, may I submit, Sir . . .

Mr. Speaker: Order, order. I have called Shri Dwivedy. I will call him again.

Shri Surendranath Dwivedy: In reply to part (a) of the question, the hon. Minister has stated that whatever purchases were made from Messrs. Serajuddin & Company were on applications received prior to 1962-63. When this was granted, may I know whether it was not within the knowledge of the Government of India that in 1959 this firm was searched for violation of the Customs Act?

Shri Manubhai Shah: I have already had occasion to refer to this matter. The firm of Messrs. Serajuddin and Company is one of the persons who took interest in barter deals as well as in export of manganese ore. In the normal course they are entitled to do it as any firm in India is. It is when we found that recently there was a customs raid on the 30th March 1963 that the barter proposal which came to us was turned down by the Government as a whole. There cannot be any division between one authority or another. We, the Ministry of Commerce and Industry in the Department of International Trade, are the final authority and we turned down the offer.

Shri Surendranath Dwivedy: I referred to 1959 and he is referring to 1963. It may be true that in 1963 the Mines and Fuel Ministry recommended it and they turned it down. But what about 1959?

Shri Manubhai Shah: As far as 1959 was concerned, it was a minor thing at that time, just as many other inquiries and investigations take place. Unless something is regularly found and a man is tried in a court of law and proved guilty, Government cannot

withhold all the transactions of the firm because of that.

Mr. Speaker: Shri Hem Barua: He should be very concise.

Shri Hem Barua: My question is very specific.

Mr. Speaker: I could not follow it.

Shri Hem Barua: I would be very simple this time. May I know whether it is a fact that Messrs. Serajuddin and Company was recommended to the Commerce and Industry Ministry by the Mines and Fuel Ministry for the import of machinery for the Oil and Natural Gas Commission against the firm's manganese ore; if so, is this not the accepted policy of the Government not to allow barter deal for manganese ore except against steel? If that is so . . . (*Interruption*).

An Hon. Member: It is a significant question . . . (*Interruption*).

Mr. Speaker: Order, order. He himself is bringing in so many things in one question that it cannot possibly be answered . . . (*Interruption*). Order, order. I will request hon. Members to allow me first to understand the question because I am not able to understand . . . (*Interruption*).

Shri S. M. Banerjee: May I request that a statement should be laid?

Shri D. C. Sharma: He has asked the same question twice. He should be asked to write down the question . . . (*Interruption*).

Shri Surendranath Dwivedy: He is going to be the Deputy Leader.

Shri Hem Barua: He is going to be the Deputy Leader of the Party . . . (*Interruption*).

Mr. Speaker: Is that also a part of the supplementary?

Shri Hem Barua: No, Sir. May I submit for your consideration that it has become almost impossible to function?

Mr. Speaker: His complaint also might be justified to a certain extent. But I also have that complaint, that

is, that it is not possible to follow his question because he brings in so many things together . . . (*Interruption*).

Shrimati Renu Chakravartty: We all feel that.

Shri Kapur Singh: The hon. Member's mind is so full and pregnant with significant ideas that the House . . . (*Interruption*). This is my submission . . . (*Interruption*).

Shri Hem Barua: I will boil it down to a sentence. May I know whether an application was recommended by the Mines and Fuel Ministry during February or March to the Commerce and Industry Ministry for a barter deal for machinery against this firm's manganese ore; if so, what has happened to that?

Shri Manubhai Shah: I might say for the information of the House that the procedure followed is that every ministry or department of Government or any private authority or firm in the country can propose a barter deal. So, in proposing the barter deal there is no question of what and who recommends or sends that. The proposal did come to us . . . (*Interruption*) from the Oil and Natural Gas Commission. Any number of proposals come from various sources. I want to tell the House so that doubts may be set at rest and no wrong inferences could be drawn from what the statement of facts are that these types of barter are not exclusively meant for steel which the hon. Member was pointing out. Here I have got a list of barter of manganese ore against which ammonium sulphate has come, newsprint has been allowed, wood pulp and sulphur has been allowed, staple fibre has been allowed and steel and machinery have been allowed. Therefore, it will be wrong to infer or to create such an impression that the machinery proposal was something out of the way for the barter of manganese ore. This is an acceptable thing.

Shri Surendranath Dwivedy: But you did receive one from the Mines and Fuel Ministry?

Shri Manubhai Shah: The hon. Member raised so many points and created so many impressions. The Government is functioning as one and I would like to satisfy the hon. Member that whatever has happened is absolutely legitimate. The final authority is the Government. Government functions as one and it is this department which sanctions the barter proposal. The barter proposal was turned down for the very reason which the hon. Member said, that is, the firm was presently under a cloud.

Mr. Speaker: Next question.

Shri Hem Barua: He has admitted it.

Shri Surendranath Dwivedy: Now the cloud has cleared.

Floor Price of Raw Cotton

*1165. { **Shri P. C. Borooah:**
Shri Onkarlal Berwa:

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

(a) whether Government propose to raise the floor price of raw cotton;

(b) if so, to what extent; and

(c) the reasons therefor?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the House.

Statement

The Government have very recently raised the floor-price of the standard basic variety Moglaj Jarilla 25/32" by Rs. 28-20 per quintal (Rs. 100/- per candy), with corresponding increase in the floor-prices of other varieties. The increased floor-prices will be made applicable from the next season's (1963-64) crop.

The floor-prices have been increased in order to make them more realistic as compared to the market prices and also to provide an inducement to the cultivator to produce more cotton by instilling in him a sense of security.

Synthetic Rubber Factories

*1166. **Shri Maniyangadan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any of the factories for the production of synthetic rubber have started production; and

(b) if not, when the production will start?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Not yet, Sir, but trial runs are in progress.

(b) Production is expected to start in a month or so.

Shri Maniyangadan: May I know the total capacity of the factories that are licensed and also the foreign exchange involved for setting up those factories?

Shri Kanungo: This particular factory has a capacity of 20,000 tons. Our estimated requirements are of the order of 40,000 to 50,000 tons. At present none of the proposals is in a stage of advancement.

Shri Maniyangadan: In view of the fact that there is a large scope of production of natural rubber and also the Rubber Board is taking steps for developing rubber plantation, may I know whether in issuing licences to these factories, the Rubber Board was consulted as regards the quantum of natural rubber that can be produced and the necessity of synthetic rubber.

Shri Kanungo: All these factors have been taken into consideration. For the immediate purpose and for all time to come also there will be a demand for synthetic rubber.

श्री ब्रज बिहारी मेहरोत्रा : जो फैक्ट्री रबर की बरेली उत्तर प्रदेश में बनने वाली है उस का बनाना कब तक पूरण होगा और उसकी कितनी कपैसिटी होगी ?

श्री कानूनगो : ३०,००० टन ।

Shrimati Savitri Nigam: May I know whether there is any plan with the Government for having factories

which would produce synthetic rubber and may I also know how the prices of synthetic rubber compare with natural rubber.

Shri Kanungo: There are no factories. The first factory is going into production and it will be on stream in a month's time. All those questions do not arise now.

श्री भक्त दर्शन : मेरे इसी प्रकार के एक प्रश्न के उत्तर में कुछ समय पहले माननीय मंत्री जी ने बतलाया था कि बरेली में जो कृत्रिम रबर का कारखाना है उसमें अभी ट्रायल प्रोडक्शन हो रहा है । मैं जानना चाहता हूँ कि पक्की तौर पर मे प्रोडक्शन कब शुरू हो जायेगा ?

श्री कानूनगो : वही जो जवाब में बतलाया था कि अभी ट्रायल प्रोडक्शन वहाँ हो रहा है । और एक महीने में प्रोडक्शन ठीक शुरू हो जायेगा ।

Issue of Industrial Licences

*1167. **Dr. Sarojini Mahishi:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of industrial licences issued during 1962-63 for new undertakings; and

(b) the industries wherein the full targeted capacity of the Third Plan has already been licensed?

The Minister of Industry (Shri Nityanand Kanungo): (a) 456.

(b) A statement giving the information is laid on the Table of the House. [Placed in the Library. See No. LT-1284/63].

Dr. Sarojini Mahishi: The statement laid on the table of the House shows that licences have been issued to 46 new undertakings. If these licences are issued in addition to the licences issued for the expansion of these industries, may I know whether the additional output in newsprint will be in a position to help the Government

to revise the restriction on the supply of newsprint?

Shri Kanungo: Most of the licences are in the process of implementation. The demand is growing in the meantime. Every six months we take a review of the capacity installed and the demand and then we put certain lines of production not open to licensing and certain others open to licensing.

Dr. Sarojini Mahishi: The licences for the full targeted capacity of the Third Five Year Plan have already been issued to some industries. May I know what steps are being taken by the Government to supplement the shortage and the technical knowhow and other raw materials which are necessary for expediting production?

Shri Kanungo: Whenever adequate capacity has been licensed, we always review it from time to time and try to see that the capacity comes upto the production as quickly as possible.

श्री तुलसीदास जाधव : यह जो लाइसेंस दिये जाते हैं इंडस्ट्रीज के लिये वे इस लिये दिये जाते हैं कि सब जगहों पर उन का फैलाव हो, उन का सही बटवारा हो, या कि कहीं कम दिये जाते हैं और कहीं ज्यादा दिये जाते हैं ?

12-00 hrs.

श्री कानूनगो : हमारी पॉलिमी डिसेंट्रलाइजेशन की है और जो बैकवार्ड एरियाज़ हैं उन पर ख़ाम तौर से ध्यान दिया जाता है, लेकिन It depends upon industries. Certain locations may not be convenient for certain industries.

Shri Joachim Alva: May I know why licences were granted for the three items 19, 26 and 44—fluorescent tubes, caustic soda and soap, especially soap?

Shri Kanungo: Because the demand was growing up.

Shri Bhagwat Jha Azad: May I know if it is a fact that in the licences

given in 1962 and 1963, most of them have been issued to a few firms which are old houses and new entrants are very few?

Shri Kanungo: This question has been answered. The full list is before the House, before the public.

Shri Bhagwat Jha Azad: Not of 1963; we want to know from the Minister.

Shri Kanungo: 1962-1963 figures were given to the House by the Prime Minister.

Shri Iqbal Singh: How many licences have been issued to new entrants?

Shri Kanungo: That has been placed before the House by the Statement of the Prime Minister—I forget the date—on 27th, I think.

Shri S. M. Banerjee: The hon. Prime Minister, in reply to a Calling Attention Notice stated that out of 4000 licences issued 153 or 164 were issued to 6 big business houses. What is the money value of these 3700 and what is the value of 163?

Shri Kanungo: I have not got the figures.

Mr. Speaker: The question hour is over.

Shri S. M. Banerjee: I want your protection. This question has been evaded in this House.

Mr. Speaker: Order, order, now. If the hon. Member could write to me, I will pass it on and get the information.

Shri S. M. Banerjee: One question should be allowed. This is important.

Mr. Speaker: I am asking him, if he wants that information, he can write to and I will get that information. What else can I do?

Shri S. M. Banerjee: You are so good to us.

Mr. Speaker: I expect reciprocity also.

SHORT NOTICE QUESTIONS

स्वीडन के साथ व्यापार करार

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S. N. Q. ११. { श्री महानन्द :
श्री नरसिंहन् रेड्डी :
श्री सेन्नियान :
श्री राजाराम :

क्या बाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हाल में स्वीडन के साथ एक द्विपक्षीय व्यापार-करार पर हस्ताक्षर किए गये हैं ;

(ख) यदि हां, तो इस करार के अन्तर्गत कौन सी वस्तुएं मंगायी जायेगी ,

(ग) क्या कुछ बिजली का सामान और ड्रिलिंग उपकरण भी जो भारत में बनाए जाते हैं, मंगाये जाने का विचार है; और

(घ) यदि हां, तो इस के क्या कारण हैं और इस पर कितनी विदेशी मुद्रा खर्च होगी ?

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

(a) whether it is a fact that a bilateral trade agreement has recently been signed with Sweden;

(b) if so, what items are to be imported under this agreement;

(c) whether certain electrical goods and drilling equipment, which are manufactured in India are also proposed to be imported; and

(d) if so, the reasons therefor and the foreign exchange involved?

Ultimately the Speaker has to put the question.

Shri Hem Barua: On a point of order, Sir, the Speaker cannot put the question.

Mr. Speaker: I have not put the question. The Member's voice could

not reach the Minister. I have reproduced that.

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): Merely for my information, because what is written down here is somewhat different, would he please say if it is the same question as with regard to Sukab of Sweden?

Mr. Speaker: I have got the question. I have read that.

Shri Manubhai Shah: (a) There is no bilateral trade agreement on 'Government-to-Government' basis. However, the State Trading Corporation concluded a Link Agreement with M/s A. B. Sukab of Sweden on 7-3-1963 for exchange of goods valued at Rs. 155 lakhs each way in a period of one year, i.e. upto 6-3-1964.

(b) The following items are proposed to be imported under the STC-Sukab Agreement:—

	(Rs. in Lakhs)
1. Chambal Project machinery .	35
2. Machinery including drilling equipment .	60
3. Ball Bearings .	35
4. Special Steel .	25
Total .	155

(c) Imports are arranged only after the item of import is cleared from indigenous angle by the Directorate General of Technical Development and is considered essential by the competent authorities for national economy.

(d) Does not arise.

Bokaro Steel Plant

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SNQ. 12. { **Shri Morarka:**
Shri Subodh Hansda:
Shri P. C. Borooah:
Shri Krishnapal Singh:
Shri Yashpal Singh:
Shri Brij Raj Singh:
Shri Bade:
Shri Nath Pai:
Shri Bibhuti Mishra:

{ **Shri Daji:**
Shri S. M. Banerjee:
Shrimati Renu Chakravartty:
Shri Hem Barua:

Will the Minister of **Steel and Heavy Industries** be pleased to state:

(a) whether the United States Government have decided to postpone indefinitely the consideration of financial assistance for setting up the Bokaro Steel Plant;

(b) if so, the reasons for the same;

(c) the reaction of Government to the above; and

(d) the steps Government propose to take to expedite the setting up of the Bokaro Steel Plant?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) to (d). On the 28th April, the Agency for International Development released in Washington a summary of the techno-economic survey report of the U.S. Steel team on Bokaro. The same summary was also released in Delhi by us. There has been considerable comment on the matter in the Indian press. This presumably is based on reports that the U.S. have decided to postpone indefinitely a decision on this project. Owing to the keen interest evinced by Hon'ble Members in this subject—this is natural because Bokaro is of vital importance to us—I would like to deal with the matter in some detail.

2. In releasing the summary to the U.S. press, the Agency for International Development said that the U.S. Government had taken no decision on the question of participation in the financing of the proposed steel mill at Bokaro and that no deadline had been set for its final determination. It also said that the report answers many questions but raises others which would require further exploration. There are, as a matter of fact, many questions raised which require examination not only by the Agency for International Development but even more by the Government of India. So far as I have been able to

ascertain from authoritative sources, there was no statement by AID that a decision on Bokaro has been postponed indefinitely, as reported or interpreted by some newspapers here.

3. The object of the U.S. Steel team's report was to assist the Agency for International Development in taking a decision on financing Bokaro. The report, in brief, has found that the demand for steel, and of the products that Bokaro will produce will justify a new steelworks. It has proposed a modern steelworks with an initial capacity of 1.4 million tonnes of ingot steel rising in two steps to 4 million tonnes. It also recommends that the raw material assumptions made by it should be rechecked and supplies ensured in time. Bokaro will be, according to the report, a capital-intensive plant, unremunerative in the first stage but profitable later. The report has emphasised the problems of training and management and suggested American direction of construction and initial operation of the plant. The report, in short, is generally favourable and provides the basic data on which the Agency for International Development can take a decision on the project. The Agency for International Development are, like us, studying the report. *Prima facie*, the estimated capital costs are high and the phasing too prolonged. These are, however, matters for which satisfactory solutions could be found after discussion.

4. As matters stand, therefore, there is no reason for pessimism. I have no doubt that with the goodwill that exists on both sides, satisfactory solution can be found for the many questions that have been, or will be, raised. In any case, so far as the Government of India is concerned, Bokaro is an urgent necessity and we have taken a final decision that the plant will be in the public sector. I hope that realising this our American friends will communicate to us very early their final decision regarding this project.

Shri Morarka: May I know whether this question of Bokaro is likely to be discussed by the hon. Minister with Mr. Dean Rusk who is presently here?

Shri C. Subramaniam: I am sorry there is no schedule for discussion with Mr. Dean Rusk, but I cannot say that this matter will not be raised at any time.

Shri Morarka: Since the team of experts has accepted the economic desirability and technical feasibility of this project, may I know whether the factors responsible for further delay are essentially political?

Shri C. Subramaniam: I do not think so.

Shri Subodh Hansda: It has been stated that the financial participation has not yet been finalised. Is it due to the fact that the US firm wants to bring pressure on Government to set this up in the private sector?

Shri C. Subramaniam: I do not think so. That matter has been settled, that this Bokaro plant is going to be in the public sector. Therefore, it is with reference to that that we have to take a decision.

Shri Nath Pai: The US Ambassador to India has as late as 12th April stated publicly that the Bokaro plant will be erected. Then an event has taken place, that is, the Clay Commission's Report. Will the Minister tell us whether the Clay Commission's hesitation to offer aid to any public sector project may have something to do with the postponement of this scheme?

Shri C. Subramaniam: My own reading of the situation is that the recommendations have nothing to do with that. I am assured by the American Ambassador that this matter is being urgently considered at Washington and therefore, I do not think the Clay Commission's recommendation or any such thing is standing in the way of getting an answer for this.

Shrimati Renu Chakravarty: Is there any connection between the US's putting off a decision on Bokaro and certain slashing attacks which have been made on the three public sector steel projects yesterday in the biggest circulated paper in Bengal, that is, the *Anand Bazar Patrika*? Is there an attempt to really turn this over into a private sector project?

Shri C. Subramaniam: I have not seen what has been published in the *Anand Bazar Patrika* or *Amrita Bazar Patrika*, whatever it is. But I do not see any connection between the two. As I have already stated in my statement, the report is under study and as soon as the study is over, we hope to be able to get the reaction of the American authorities.

Shri Hem Barua: In view of the fact that the USA has proposed a ten-year American management as a pre-requisite to the attainment of full capacity, may I know how Government propose to fit this proposal into the pattern of our public sector?

Shri C. Subramaniam: These are matters of detail, what should be the sort of management, how long it should be etc. These will have to be discussed later . . .

Shri Hem Barua: They have stated 'ten years'.

Shri C. Subramaniam: . . . and decisions arrived at. The first thing is that a decision will have to be taken whether American assistance will be available for Bokaro as a public sector project. The others are matters of detail to be discussed later.

Shri Daji: Is it a fact that this condition of 10-year management has been placed by the AID as a condition precedent to the aid? If so, what is Government's reaction thereto?

Shri C. Subramaniam: No such condition has been laid down by AID.

Shri S. M. Banerjee: Do Government still maintain that this plant will be in the public sector, whether US aid comes or not?

Shri C. Subramaniam: I have given a categorical answer with regard to that.

श्री यशपाल सिंह : क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि रूस ने भी कोई फौरमल या इनफौरमल ग्रौफर बोकारो प्लांट के लिए किया है ?

Shri C. Subramaniam: I do not think the hon. Member should press this question at this stage.

Shri H. N. Mukerjee: May I know if Government's very rightful insistence that Bokaro shall be in the public sector does not necessarily presuppose that the direction and the management in the essential phases cannot possibly be in foreign hands, whatever the personnel might be as far as the technical activity in connection with this project is concerned?

Shri C. Subramaniam: These are matters of detail which will have to be discussed later. I do not think I can give any answer with reference to that now.

WRITTEN ANSWERS TO QUESTIONS

मोटर साइकिलों का निर्माण

*११५३. श्री विभूति मिश्र : क्या इस्पात और भारी उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पोलैंड के सहयोग से भारत में मोटर साइकिलों के निर्माण के लिए फरीदाबाद में एक कारखाना खोले जाने की आशा है ; और

(ख) यदि हाँ, तो उमका व्योरा क्या है ?

इस्पात और भारी उद्योग मंत्री (श्री चि० सुब्रह्मण्यम्) : (क) और (ख.), जी हाँ । सर्वथी एस्कॉर्ट्स लिमिटेड, नई दिल्ली, को उद्योग (विकास और

विनियमन) अधिनियम, १९५१ के अन्तर्गत पोलैंड के सर्वश्री सीकोप के सहयोग से १५०/१७५ मी० सी० मोटर-साइकिल और स्कूटर बनाने के लिए फरीदाबाद में एक नया कारखाना लगाने के लिए लाइसेंस दिया गया है। लाइसेंस की गई क्षमता ६,००० प्रति वर्ष है। उन्होंने हाल ही में मोटर साइकिलों का उत्पादन आरम्भ किया है।

Shortage of Tin Containers

*1156. **Shri R. S. Pandey:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the vanaspathi manufacturers in Calcutta are facing a crisis for want of tin containers; and

(b) if so, the steps taken to resolve the crisis in this industry?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kapungo): (a) We are not aware of any such crisis.

(b) Does not arise.

राज्य व्यापार निगम द्वारा मूल्य जांच

*११६३. श्री प्रकाशबीर शास्त्री : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या राज्य व्यापार निगम के पास इस बात की जांच करने की कोई व्यवस्था है कि सोल एजेंट निगम द्वारा निर्धारित बिक्री मूल्य से अधिक न ले ; और

(ख) क्या राज्य व्यापार निगम खरीदारों से यह पूछता है कि उन्होंने सोल एजेंटों को वास्तव में कितना मूल्य दिया है ?

वाणिज्य तथा उद्योग मन्त्रालय में अन्तर्-राष्ट्रीय व्यापार मन्त्री (श्री मनुभाई शाह) : (क) और (ख). जी, हाँ। एजेंट को आयात लाइसेंस देने से पहले उमड़े

और राज्य व्यापार निगम के बीच आयात की गई सम्बन्धित वस्तु के मूल्य और उसकी वितरण व्यवस्था के बारे में एक करार किया जाता है। राज्य व्यापार निगम अधिक बिक्री लाभ निर्धारित कर देता है और एजेंट को वास्तविक उपयोग्यता में उमड़े अधिक मूल्य लेने की अनुमति नहीं देता। एजेंट को राज्य व्यापार निगम के पास बिक्री के तिमाही विवरण भेजने पड़ते हैं, जिनमें वास्तविक उपयोक्ताओं के हाथ बेचे गये माल—उनके नाम और पते, बीजक नम्बर तथा वास्तविक उपयोक्ता के हाथ जितने मूल्य में वह वस्तु बेची गई उमका ब्योरा दिया जाता है। ये विवरण चाटर्ड लेखाकारों द्वारा सम्यक् रूप से प्रमाणित किए हुए होते हैं। इन विवरणों के प्राप्त हो जाने पर राज्य व्यापार निगम विभिन्न वास्तविक उपयोक्ताओं को, आकास्मिक जांच करने की दृष्टि से पत्र लिखता है जिससे यह पता लगाया जा सके कि उन्होंने एजेंट को वास्तव में कितना मूल्य दिया है।

Steel Ingot Plant, Ranchi

*1168. **Shri Subodh Hansda:** Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether there is any proposal to establish a Steel Ingot Plant at Ranchi;

(b) if so, the capacity of the proposed plant;

(c) whether the plan and estimates of the plant have been prepared; and

(d) if so, the total estimate of the plant?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) No, Sir.

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

Quality Control on Agricultural Goods

*1169. **Shri P. Venkatasubbaiah:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to introduce quality control on agricultural commodities for promoting exports; and

(b) if so, what are the commodities under consideration and the pattern of control to be exercised?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) (i) Several agricultural commodities are now being brought under compulsory quality control and pre-shipment inspection for promoting exports. These are:

- (i) Sann Hemp,
- (ii) Unmanufactured Tobacco,
- (iii) Raw Wool,
- (iv) Bristles,
- (v) Goat Hair,
- (vi) Sandal Wood Oil,
- (vii) Lemon-grass Oil,
- (viii) Palmrosa Oil,
- (ix) Black Pepper,
- (x) Cardamom,
- (xi) Chillies,
- (xii) Myrobalan, and
- (xiii) Cashew Kernels.

The pattern of control for these is that all the commodities excepting Cashew Kernels are graded and marked with AGMARK labels by the Agricultural Marketing Adviser under the Agricultural Produce (Grading and Marking) Act and Rules. Exports of these goods are not allowed by the Customs unless they carry the AGMARK label.

In respect of Cashew Kernels, grading and marking is done by the Cashew Export Promotion Council and exports not allowed unless the

packages carry the label of Cashew Export Promotion Council.

(ii) In addition to the agricultural commodities stated above, introduction of quality control is under consideration for the following:—

- (i) Pulses,
- (ii) Onion,
- (iii) Ginger,
- (iv) Turmeric,
- (v) Walnuts,
- (vi) Vegetable oils,
(such as ground nut oil,
caster oil and linseed oil)
oil)
- (vii) Vetiver oil,
- (viii) Senna leaves, and Senna
pods,
- (ix) Tendu (Biri) leaves,
- (x) Edible Mushrooms,
- (xi) Potato.

The pattern of control to be exercised will be the same as for commodities already being covered under the AGMARK Scheme.

Export of Salt

*1170. **Shri Maheswar Naik:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether export of salt from India has considerably gone down;

(b) if so, the reasons therefor; and

(c) whether any action is being taken to improve the position?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Exports of salt have been as under:—

	Tons
1953	2,98,650
1954	2,32,648
1955	2,49,174
1956	3,08,506
1957	4,55,109
1958	2,96,717
1959	3,40,629
1960	4,48,505
1961	1,58,378
1962	1,64,665
1963 (upto 28-2-63)	4,229

(b) and (c). The reasons for the decline in exports of salt have been that Japan which was our principal buyer has been buying large quantities of salt from Rumania, China and other neighbouring countries of Japan. Also in recent years, due to increase in internal consumption of salt, our available surplus of salt for export was very limited.

Recently, however, the Japanese interest for purchase of Indian salt has revived and accordingly the STC is negotiating a further contract of 4.5 lakh tons of salt to be sold to Japan. We are also trying to increase production of salt so as to export larger quantities.

टीन के डिब्बों का निर्माण

*११७१. श्री श्रीकार लाल बैरवा :
श्री द्वारका दास मन्त्री :

क्या इस्पात और भारी उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि खाद्य पदार्थ परिरक्षक संघ ने सरकार से अनुरोध किया है कि टीन के डिब्बे बनाने के लिए, उन्हें दरों का लाइसेंस दिया जाये; और

(ख) यदि हाँ, तो इस मामले में सरकार का क्या निर्णय है ?

इस्पात और भारी उद्योग मन्त्री (श्री चि० मुखर्ज्ययम्) : (क) इस प्रकार का कोई अनुरोध नहीं किया गया है।

(ख) प्रश्न नहीं उठता।

Broad Looms Supply to Jute Mills in East Pakistan

*1172. Shri P. R. Chakraverti: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that an Engineering firm in Calcutta has accepted a contract for the supply of broad looms to jute mills in East Pakistan;

(b) whether it has become a matter of deep concern to the Indian Jute industry; and

(c) how far the export of broad looms to Pakistan will affect the jute mills in Calcutta where more broad looms to manufacture carpet-backing cloth for export to the U.S.A. have been installed?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) to (c). Yes, Sir; a few looms had been allowed to be exported in the past. This would not affect our export at all.

Auto-transformer manufactured in India

*1173. Shri P. C. Borooah: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether it is a fact that the first auto-transformer manufactured for the first time in India by the Heavy Electricals Ltd. at Bhopal has passed all tests successfully;

(b) if so, how the manufacturing cost of this type of transformer compares with the average cost in European countries;

(c) whether it contains all indigenously manufactured parts; and

(d) if not, the foreign contents therein?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) to (d). A Statement is laid on the Table of the House. [Placed in the Library, See No. LT-1285/63]

Shortage of Battery Cells for Transistors

*1174. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the battery cells used to power the transistors are in short supply in Delhi for the past few weeks;

- (b) if so, the reasons therefor; and
 (c) the steps taken or proposed to be taken in the matter?

The Minister of Industries in the Ministry of Commerce and Industry (Shri Kanungo): (a) to (c). We have not so far received any such complaints, Sir. The Delhi Administration also has not received any complaint.

Rubber Requirements

*1175. **Shri Maniyangadan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any estimate has been made of the requirements of raw rubber in India by the end of the Third Plan period;

(b) if so, what are the estimated requirements; and

(c) the steps taken for producing the required quantity of rubber in India?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). The present estimate of requirements of raw rubber by the end of the Third Plan period is between 65 and 70 thousand tonnes.

(c) The more important measures undertaken for increasing production of raw rubber in the country are indicated below:—

1. A subsidy of Rs. 1000 per acre is being paid for replating low-yielding rubber with high-yielding planting material.
2. A loan of Rs. 750 per acre is given to small growers for expanding their holdings upto 15 acres in extent.
3. Seeds, manure etc. are supplied to the small growers at subsidised rates.
4. An advisory service has been set up to educate the growers on the improved methods of

cultivation, cultural operations and plant protection measures. Twelve Demonstration Centres have been established to popularise such methods among growers.

5. Facilities for aerial spraying as a plant protection measure were arranged.
6. The Kerala Government have set up a Rubber Planting Corporation for cultivation of rubber in the State.
7. Survey of land suitable for rubber cultivation in other parts of India is being undertaken.

Trade Agreement with Indonesia

*1176. { **Shri P. C. Borooah:**
Dr. L. M. Singhvi:
Shri Yashpal Singh:

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

(a) whether talks for a trade agreement between India and Indonesia were held in New Delhi recently; and

(b) if so, whether an agreement has been signed as a result of the talks?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Yes, Sir. An Agreement of Trade and Commerce between the Government of India and the Government of Republic of Indonesia was signed in New Delhi on the 24th April, 1963 and copies of the same have been placed in the Parliamentary Library.

Foreign Exchange Ceiling for import of Steel

2675. **Shri Ulaka:** Will the Minister of **Commerce and Industry** be pleased to state how much foreign exchange ceiling was given to Orissa for 1962-63 for import of steel?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): The foreign exchange allotment to the State of Orissa for the year 1962-63 for import of steel was Rs. 16.2 lakhs.

Common Salt Industries in Orissa

2676. Shri Ulaka: Will the Minister of Commerce and Industry be pleased to state:

(a) the production of common salt in Orissa during 1961-62 and 1962-63;

(b) whether any financial assistance was given by the Central Government to Common Salt Industries in Orissa during 1962-63; and

(c) if so, the details thereof?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a)

1961-62	48,400 tonnes
1962-63	49,000 tonnes

(b) and (c). A scheme has been started during this period for improving brine supply in the Surla Sumadi area. Other schemes for effecting improvements in the Ganjam and Surla Salt factories are under consideration.

Heavy Industries for Orissa

2677. Shri Ulaka: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether Orissa Government have approached the Central Government to establish new heavy industries in the State under the public sector as well as the private sector during the Third Five Year Plan period; and

(b) if so, the details of the schemes?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) and (b). A statement is placed on the Table of the House. [Placed in the Library, See No. LT-1286/63].

Import and Production of Newsprint

**2678. { Shri Ulaka:
Shri Dhuleshwar Meena:**

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

(a) the total quantity of newsprint imported and produced in the country respectively during 1962-63; and

(b) the total amount of foreign exchange spent for importing the newsprint during the same period?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). The quantity of newsprint produced in the country during 1962-63 was 26,669 tonnes. The quantity and value of newsprint imported during 1962-63 (upto February 1963) were 85,745 tonnes and Rs. 6.5 crores respectively.

Handloom Industries

**2679. { Shri Dhuleshwar Meena:
Shri Ulaka:**

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

(a) whether the handloom industries in the country received subsidies from the Central Government during 1962-63, and

(b) if so, amount thereof?

The Minister of International Trade in the Ministries of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Rs. 174.41 lakhs.

Cement Factories in Maharashtra

2680. Shri D. S. Patil: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether it is a fact that the scheme for establishing Cement Factories in Maharashtra State has been approved; and

(b) if so, when the factories are expected to go into production and the production capacity of each of these factories?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) and (b). Three schemes for setting up cement factories in Maharashtra have so far been approved. Two of these will be near Rajur with an installed capacity of 200,000 tonnes a year each. The Third will be near Hadapsar with an installed capacity of 100,000 tonnes a year. Formal licences in these cases are to be issued after the parties concerned are in a position to make firm and satisfactory arrangements for the machinery and equipment required.

It is too early to say at present when these factories are likely to go into production.

Small Scale Industries in Maharashtra

2681. Shri D. S. Patil: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether it has come to the notice of Government that Small Scale Industries in Maharashtra State are short of pig iron and are on the verge of closure; and

(b) if so, the steps taken by Government to avert their closure?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) and (b). Complaints have been received from the foundries in Maharashtra State regarding shortage of foundry grade pig iron, resulting in restricted production. Government are aware of the general shortage of pig iron (foundry grade) for foundries not only in Maharashtra State but in other States also. No precise information is available as to which small-scale units in Maharashtra State are on the verge of closing down due to this shortage. About 38,000 tons of pig iron were supplied to the various foundries in Maharashtra State during 1962 against the current

and outstanding orders. Some despatches have also been arranged on priority basis to keep the foundries going.

Cotton Import

2682. Dr. Sarojini Mahishi: Will the Minister of Commerce and Industry be pleased to state:

(a) the total value of cotton imported during 1962-63; and

(b) the reasons for importing cotton?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). Cotton valued at Rs. 13.24 crores was imported under the special payment arrangements of P.L. 480 from U.S.A. Rs. 2.44 crores worth of cotton was imported under barter deals. Rs. 9.03 crores worth of cotton was imported from U.A.R. under Indo-U.A.R. balance trade arrangements. Rs. 26.23 crores of cotton was imported as commercial imports from African and other countries. Thus total imports were 7.5 lakh bales valued at Rs. 50.94 crores in 1962-63.

2. During the same period short staple cotton valued at Rs. 12.23 crores was exported from India. This cotton is not largely used by the Indian industry.

3. The cotton textiles valued at Rs. 52.56 crores were also exported during the same period.

4. The import of cotton was necessary to meet the industry's requirements of cotton which the country is always short due to the total production of the country being less than our total needs of home market and export markets. We are both short in long staple and medium staple cotton for meeting our needs.

5. Efforts to grow more cotton partially in irrigated areas are continuing in order to reach our target of 70 lakh bales by 1965-66. Presumably we are short by 10-15 lakh bales a year. Efforts are also being made

to produce man-made fibres to supplement our supplies of cotton.

Import from Pakistan

2683. Dr. Sarojini Mahishi: Will the Minister of Commerce and Industry be pleased to state:

(a) the items which are allowed to be imported under O.G.L. from Pakistan; and

(b) the reasons for importing them?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). The following items are allowed to be imported under O.G.L. from Pakistan:—

- (i) Fish, not otherwise specified.
- (ii) Fish, salted, wet.
- (iii) Live tortoise.
- (iv) Hides and skins, raw or salted.
- (v) Kapok.

As regards reasons for import, the first three items are required for consumption in West Bengal and Assam and the last two items are put to industrial use.

Small Scale Industries in Madras

2684. Shri Rajaram: Will the Minister of Commerce and Industry be pleased to state:

(a) whether any loan has been granted to Madras State for the development of Small Scale Industries in the State during 1962-63; and

(b) if so, the details thereof?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Yes, Sir.

(b) Net sums of Rs. 55.77 lakhs and Rs. 72.91 lakhs were sanctioned as grant and loan respectively to the Government of Madras for the development of Small Scale Industries during 1962-63. Besides this, a net amount of Rs. 37.94 lakhs was sanc-

tioned as loan for the establishment of industrial estates.

Issue of Industrial Licences in Madras

2685. Shri Rajaram: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of licences issued during the first two years of the Third Plan for starting industries in Madras State;

(b) the number of licences utilised; and

(c) the industries for which licences have been issued?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to (c). Particulars of licences issued from time to time under the Industries (Development and Regulation) Act, 1951, are published in the "Bulletin of Industrial Licences, Import Licences and Export Licences", and in the "Indian Trade Journal", both of which are weeklies, and in the Monthly "Journal of Industry and Trade". Particulars regarding licences implemented are also published in the monthly "Journal of Industry and Trade". Copies of the three publications are available in the Library of the House.

National Instruments Factory Calcutta

**2686. { Shri Subodh Hansda:
Shri S. C. Samanta:**

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

(a) whether the products of the National Instruments Factory, Calcutta are departmentally sold;

(b) whether there is any arrangement for open market sale; and

(c) whether all the products are consumed in the country?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) The products

of the National Instruments Ltd. (formerly National Instruments Factory) are sold departmentally.

(b) No. Appointment of distributors for sale to private parties is under consideration.

(c) Yes.

राजस्थान में कर्ज देने के लिए कम्पनियाँ

२६८७. { श्री प० ला० बारूपाल :
श्री हेम राज :
श्री नवल प्रभाकर :

क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) राजस्थान में कर्ज देने हेतु कितनी कम्पनियों की स्थापना की गई है ;

(ख) क्या राजस्थान जन्डू-फाइनस ट्रेडिंग प्राइवेट लिमिटेड के नाम से कोई कम्पनी है; और

(ग) यदि हां, तो आज तक इस कम्पनी के एजेंटों ने कितने किसानों से ११ रुपये प्रति मेम्बर की दर से सदस्य शुल्क और कितने रुपये ऋण देने के अंशों के रूप में लिए हैं ?

वाणिज्य तथा उद्योग मन्त्रालय में उद्योग मन्त्री (श्री कानूनगो) : (क) राजस्थान राज्य में २७ ऐसी रजिस्टर्ड कम्पनियाँ काम कर रही हैं जिसके उद्देश्य सम्बन्धी खण्डों में ऋण तथा अग्रिम बताराशि देने की व्यवस्था शामिल है ।

(ख) जी, हां । राजस्थान जन्डू फाइनेंस ट्रेडिंग क० प्राइवेट लि० २७ दिसम्बर, १९६१ को रजिस्टर की गई थी । इस कम्पनी की अधिकृत पूंजी ४०,००० रु० है जो १०० रु० के ४०० इक्विटी अंशों में बंटी हुई है ।

549(Ai) LSD—3.

(ग) कम्पनी रजिस्ट्रार, राजस्थान को इस कम्पनी द्वारा भेजी गई सांविधिक आय विवरणियों में यह जानकारी उपलब्ध नहीं है ।

Tools manufactured by H.M.T.

2688. Shri Subodh Hansda: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether it is a fact that the quality of Hindustan Machine Tools has gone down very recently due to quick turnout of machines;

(b) whether any complaints have been received; and

(c) the steps being taken to see more for quality than for quantity?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) to (c). No complaints regarding deterioration in quality of machines manufactured by the Hindustan Machine Tools Ltd., have been received. The few complaints that were received by the company mainly relate to adjustments of items like Clutches and Brakes and operational and maintenance problems of the customers. Rigid quality control measures are enforced at all stages of manufacture including the control on materials. Inspection at all stages is carried out to ensure quality and workmanship.

Small Scale Industries in Assam

2689. Shrimati Renuka Barkataki: Will the Minister of Economic and Defence Coordination be pleased to state:

(a) whether it is a fact that the Director-General of Supplies and Disposals has recommended eighteen items for small scale industries in Assam for the production for defence needs;

(b) if so, which are those items; and

(c) whether there is a proposal to give financial aid to these small-scale

industries so that work is started immediately?

The Deputy Minister in the Ministry of Economic and Defence Co-ordination (Shri Jaganatha Rao): (a) and (b). As regards requirements of Defence Services stationed in Assam, the following 18 items will be procured to the extent possible from small-scale industries in Assam:

1. Tent pegs, pins and poles;
2. Brooms;
3. Culverts;
4. Hospital Furniture;
5. Water tanks;
6. Kit box;
7. Buckets;
8. Pick Axes;
9. Soap and Phenyle;
10. Basket Rations;
11. Rifle Butts;
12. Barbed Wire;
13. Ammunition Boxes (small-sizes);
14. Mess Tins;
15. Tarpaulins;
16. Pickets (for barbed wire);
17. Stretchers;
18. Trailers.

(c) Normally, the DGS&D allow a price preference upto 15% to the products of the small-scale industrial units over the quotations from the large-scale units. Each case of price preference is decided on merits. No special price preference is allowed to suppliers from Assam.

The Government of Assam and the Ministry of Commerce and Industry are considering the question of additional financial assistance to the small-scale industries in Assam.

Indirect Trade handled by State Trading Corporation

2690. Shri Maheswar Naik: Will the Minister of Commerce and Industry be pleased to state:

(a) the various commodities which are involved in the indirect trade

handled by the State Trading Corporation;

(b) the basis on which service charges are levied on these deals; and

(c) the total volume and value of indirect trade handled by the State Trading Corporation during 1962-63 as also the gross earnings therefrom?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) A list of commodities which are involved in the indirect trade handled by the State Trading Corporation is laid on the Table of the House. [Placed in the library, see No. LT-1287/63].

(b) State Trading Corporation does not levy any service charge on the requirements of the actual users. Service charge is, however, levied on imports of accredited Indian Agents of foreign suppliers. This charge is designed to cover expenditure of State Trading Corporation. The percentage of service charge depends upon the type of item and is fixed taking into account the nature of assistance given by the State Trading Corporation.

(c) Total value of indirect imports during the year 1962-63 is estimated to be Rs. 60 crores approximately. The gross earnings from indirect trade are estimated to be approximately Rs. 35 lakhs.

Pig Iron Ore Plant in Punjab

2691. Shri Yashpal Singh: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether it is a fact that the Punjab Government are planning to set up a Pig Iron Ore Plant;

(b) if so, the details thereof and whether any foreign collaboration or foreign assistance will be sought in this regard; and

(c) whether Punjab Government have approached the Union Government for foreign exchange release?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) Yes, Sir.

(b) The Punjab Government have applied for grant of Industrial Licence for setting up a plant for the manufacture of Pig Iron using iron ore of Mohindergarh District for a capacity of 100,000 tons per annum at an estimated cost of Rs. 2.5 to 3 crores with foreign exchange component of about Rs. 0.38 crores. No foreign collaboration is stated to be envisaged at present. This application is under examination.

(c) No, Sir. This will arise after the Industrial Licence is issued.

बेयारिग के लिए आयात लाइसेंस देना

२६६२. श्री प्रकाशवीर शास्त्री : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि पिछले चार वर्षों, अर्थात् १९५८-५९, १९५९-६०, १९६०-६१, १९६१-६२ और अप्रैल से ३१ दिसम्बर, १९६२ तक की अवधि में आयात व्यापार नियंत्रण अनुसूची के भाग २ के मद संख्या १९(१), (२) और (३) में उल्लिखित बेयारिगों के लिए निम्नलिखित को कितने मूल्य के आयात लाइसेंस दिए गए :—

- (१) पुराने आयातकों ;
- (२) सरकारी विभागों के अतिरिक्त अन्य वास्तविक उपभोक्ताओं ;
- (३) सरकारी विभागों और सरकार के स्वामित्व के कारखानों ;
- (४) इन बेयारिगों के विदेशी निर्माताओं के सोल एजेंटों ; और
- (५) भारत के राज्य व्यापार निगम ?

वाणिज्य तथा उद्योग मन्त्रालय में अन्तर्राष्ट्रीय व्यापार मन्त्री (श्री मनुभाई शाह) : अप्रैल—सितम्बर, १९५८ से अप्रैल, १९६२—मार्च, १९६३ (५-१—

१९६३ तक) की लाइसेंस अवधि में आयात व्यापार नियंत्रण अनुसूची के भाग २ के क्रम संख्या १९(१), (२) और (३) के अधीन आने वाले बालबेयारिग के विभिन्न श्रेणियों के आयातकों को जारी किए गए लाइसेंसों का मूल्य बताने वाला एक विवरण सभा पटल पर रखा गया है [पुस्तकालय में रखा गया, देखिए संख्या एलटी-१२८५।६३]।

राज्य व्यापार निगम द्वारा बेयारिगों की सप्लाई

२६६३. श्री प्रकाश वीर शास्त्री : क्या वाणिज्य तथा उद्योग मंत्री निम्नलिखित जानकारी प्रदान करने वाला विवरण सभा-पटल पर रखने की कृपा करेंगे :

(क) १९५८-५९ से १९६१-६२ तक हर साल राज्य व्यापार निगम के अनुदेश के अधीन सोल एजेंटों ने निम्नलिखित को कुल कितनी कीमत के बेयारिग की सप्लाई की :

(१) राज्य व्यापार निगम, उद्योग निदेशकों या विकास अनुभागों द्वारा नामनिर्देशित वास्तविक उपभोक्ताओं ;

(२) सोल एजेंटों द्वारा नामनिर्देशित वास्तविक उपभोक्ताओं ; और

(ख) सोल एजेंटों को वास्तविक उपभोक्ताओं के अतिरिक्त अपनी पसन्द के अन्य ग्राहकों को कितने मूल्य का सामान बेचने की अनुमति दी गयी है ?

वाणिज्य तथा उद्योग मन्त्रालय में अन्तर्राष्ट्रीय व्यापार मन्त्री (श्री मनुभाई शाह) : (क) एक विवरण सभा पटल पर रखा गया है । [पुस्तकालय में रखा गया, देखिये संख्या एल-टी-१२८५।६३]

(ख) रु० ५,३०,०००।

Production of Bidis and Cigarettes

2694. **Shri Ram Harkh Yadav:** Will the Minister of Commerce and Industry be pleased to state the total production of bidis and cigarettes in 1955 and 1961 respectively?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): The production of cigarettes and bidis was as follows:—

Year	Production	Millions
Cigarette.	1955	22813 "
	1961	39470 "
Bidis	1955-56	*217000 "
	1961-62	*224000 "

*These are only estimated. Precise statistics of bidi production are not available, as they are produced in a very large number of cottage scale units.

Trade with Somalia

2695. **Shri P. C. Borooah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Somalia's Minister for Agriculture during his recent visit to New Delhi discussed various measures for securing Indian aid for development of his country in the various fields of economy and establishing good trade relations; and

(b) if so, what measures were discussed with him and what decision were taken?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). The discussions were of a general nature relating to the development of mutually beneficial trade between the two countries and allied matters. No concrete proposals were made or decisions taken.

Tour Programme of Minister

2696. { **Shri Harish Chandra Mathur:**
Shri Hari Vishnu Kamath:

Will the Minister of Economic and Defence Coordination be pleased to state:

(a) whether he has finalised his tour programme abroad; and

(b) whether he has received any report from teams which have already preceded him?

The Minister of Economic and Defence Coordination (Shri T. T. Krishnamachari): (a) The Hon. Members presumably refer to the visit to the U.S.A. and U.K. The programme is not finalised yet.

(b) The official team will report on its return early next week.

Manufacture of Explosives

2697. **Shri E. Madhusudan Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of parties which have offered themselves for the manufacture of explosives with foreign collaboration; and

(b) what sort of explosives are to be manufactured?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Thirteen parties have applied for licences under the Industries (Development and Regulation) Act 1951 either for establishing new industrial undertakings or for effecting substantial expansion of their undertaking for the manufacture of blasting/industrial explosives.

(b) The various kinds of explosives are Gun powder, Nitro Compounds like dynamites, galatines, plastex, etc., Slurry blasting agents, prilled ammonium nitrate/fuel oil mixture and liquid oxygen explosives.

Barter Deals

2698. **Shri E. Madhusudan Rao:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the State Trading Corporation has the sole monopoly for barter deals with the Communist countries or the private concerns have also any scope for the same; and

(b) if not, the reasons therefor?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) The State Trading Corporation has not entered into any barter deals with the Communist countries. Private concerns also have no scope to enter into any barter deals.

(b) Our foreign trade with East European countries is organised on rupee payment basis. Rupee funds generated by these countries as a result of our imports from them are utilised by them for the purchase of Indian commodities. Imports and exports are on balanced basis. In the circumstance the need for barter deals has not arisen.

Adulteration of Cement

2699. { **Shri M. P. Swamy;**
Shri Malaichami;
Shri Arunachalam;

Will the Minister of **Steel and Heavy Industries** be pleased to state:

(a) whether any actual instances of adulteration of cement were detected by Government since the promulgation of cement (Quality Control) Order, 1962;

(b) if so, whether any test of the adulterated cement was carried out to find the exact substance used in the adulteration of cement; and

(c) the result thereof?

The Deputy Minister in the Ministry of Steel and Heavy Industries (Shri P. C. Sethi): (a) No case of adulteration of cement has been

reported by the State Governments since the promulgation of the order.

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

Footwear Industries

2700. **Shri Ulaka:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any decline in the production of shoes in the country during 1962-63 as compared to the production of last year;

(b) if so, the reasons therefor; and

(c) the amount of foreign exchange earned during 1962-63 by the production of the foot-wear industries?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) No, Sir.

(b) Does not arise.

(c) Rs. 2.44 crores during 11 months ended February, 1963.

Manufacture of Power Cables

2701. **Shri D. D. Mantri:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of licences for the manufacture of power cables using P.V.C. and V.I.R. Cables and aluminium enamelled issued in 1961 and 1962;

(b) how many licensees have actually started production and their progress; and

(c) how many licences have been revoked or cancelled?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Total number of licences issued for the manufacture of Power Cables, P.V.C. & V.I.R. Cables and Winding Wires are as follows:—

Year	Power Cable	V.I.R. & P.V.C.	Winding Wires
1961	7 Nos.	3 Nos.	8 Nos.
1962	1 No.	1 No.	4 Nos.

(b) Two licensees of VIR & PVC Cables and one licensee of Winding Wires from among those licensed in 1961 and 1962 have started production.

(c) Only one licence for the manufacture of Power Cables has been revoked.

Export of Peacock Feathers

2702. { Dr. L. M. Singhvi:
Shri Yashpal Singh:

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

(a) the total export of peacock feathers from India; and

(b) whether peacocks are killed to give a boost to these exports, and if so, in what manner and to what extent?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Small quantities of peacock feathers are allowed for export. Export of "peacock feathers" is not separately classified as such.

(b) No, Sir. No such complaints have been received by us.

Re-Plantation of Rubber

2703. **Shri Maniyangadan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any appeals have been filed before Government against the decisions of the Rubber Board for refusing grant of subsidy for replantation of rubber;

(b) how many such appeals have been filed; and

(c) whether any decisions have been taken on any of the appeals and if so, how many appeals have been decided?

The Minister of International Trade in the Ministry of Commerce and

Industry (Shri Manubhai Shah): (a) to (c). One such appeal received by Government is under consideration.

Rubber Plantation in Andamans

2704. **Shri Maniyangadan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether a scheme for developing rubber plantation in the Andaman has been submitted by the Rubber Board; and

(b) if so, the details thereof?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). A scheme for a Pilot Project to plant rubber in an area of 1500 acres in Rutland Island over a period of 8 years at an estimated cost of Rs. 40 lakhs was submitted by the Board. Based, however, on the findings of a survey team deputed by the Board to the Andaman and Nicobar Islands in 1962, it was decided that it would neither be economical nor administratively feasible for the Board to undertake the scheme.

रेशमी कपड़े की कीमत

२७०५. श्री आंकार लाल बेरवा :
क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि सरकार ने रेशम की कमी के कारण रेशमी वस्त्र की बढ़ती हुई कीमतों को रोकने के लिये क्या कदम उठाये हैं ?

वाणिज्य तथा उद्योग मन्त्रालय में उद्योग मन्त्री (श्री कानूनगो) : यह कहना ठीक नहीं है कि रेशमी कपड़े की कीमतें केवल रेशम की कमी के कारण बढ़ी हैं। फिर भी कीमतों को और अधिक बढ़ने से रोकने के लिये केन्द्रीय रेशम बोर्ड ने नीचे लिखे उपाय किये हैं :-

(१) कच्चे रेशम का आयात राज्य व्यापार निगम के जरिये किया जाने लगा है तथा उस के वितरण की व्यवस्था

केन्द्रीय रेशम बोर्ड द्वारा की जाती है। इसका प्रमुख उद्देश्य यह है: (१) देशी तथा देश में आयात किए गए रेशम की कीमतों को स्थिर बनाए रखना तथा (२) देश में कच्चे रेशम की मांग और उसके स्थानीय उत्पादन के बीच की कमी को पूरा करना।

(२) आयात किए गए रेशम की कीमतें देशी रेशम के प्रचलित मूल्यों को ध्यान में रखते हुए निश्चित की जाती है तथा इनका मूल्य समय समय पर इस प्रकार निश्चित किया जाता है जिससे मूल्य-स्तर बनाए रखने में सुविधा रहे।

(३) आयात किए गए रेशम तथा स्पिन्डल कर तैयार किए गए देशी रेशम के वितरण की एक मिली जुली योजना पर विचार किया जा रहा है। इस योजना के अधीन मैसूर और जम्मू तथा काश्मीर से लपेट कर तैयार किया गया रेशम प्राप्त कर के उस से खरीदे गए मूल्य से भी कम कीमत पर देने का विचार है जिस से यह उद्योग लपेट कर तैयार किए जाने वाले देशी रेशम की लागत में धीरे-धीरे कमी कर सकें। इस योजना के अधीन प्रशुल्क आयोग द्वारा सिफारिश की गई देशी रेशम की दर अर्थात् रु० ३६.६६ न० पैसे प्रति पौण्ड मूल्य निश्चित करने का प्रयत्न भी किया जाएगा।

(४) रेशम बोर्ड की सलह पर मैसूर सरकार ने १५ अप्रैल, १९६३ से अपने यहां लपेट कर तैयार किए गए रेशम का विक्रय मूल्य रु० १०३.६२ नये पैसे प्रति कि०

ग्रा० से घटा कर रु० १००.३० न० पैसे प्रति कि० ग्रा० कर दिया है।

(५) इसके अलावा बोर्ड ने एक दीर्घ कालिक कार्य-क्रम भी चलाया है जिस में विभिन्न क्षेत्रों के लिये उपयुक्त अधिक रेशम तैयार करने वाले रेशम के कीड़ों की नस्लों में गवेषणा की जा सकेगी, जिस से लपेट कर तैयार किए गए रेशम में अच्छी किस्म के उपयुक्त कीट-कोष मिल सकें और वे प्रतिस्पर्द्धात्मक मूल्यों पर अन्तर-राष्ट्रीय किस्म का रेशम तैयार कर सकें।

Textile Mills

2706. Shri D. J. Naik: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the progress of setting up Textile Mills in various States is very slow even though the allocation of spindles was done long ago; and

(b) if so, the reasons therefor?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). Progress in the setting up of textile units has not been satisfactory due to certain practical difficulties such as shortage of building material and difficult supply position in regard to textile machinery.

Import of Russian Watches by S.T.C.

**2707. { Shri Kapur Singh:
Shri Buta Singh: }**

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

(a) whether the State Trading Corporation had finalised a deal for import of Russian watches of the

value of approximately Rs. 2 lakhs by about May, 1961;

(b) if so, whether the State Trading Corporation had applied for an import license in terms of this deal; and

(c) if so, the particulars of this deal and at what stage the matter rests at present?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) No, Sir.

(b) Although an application for issue of licence for import of Russian watches was made by the State Trading Corporation, no licence was actually issued to them.

(c) Does not arise.

Trade with Pakistan

2709. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Pakistan has suggested for expansion of trade with India; and

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

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) No formal proposal has been received. India has always desired expansion of trade between India and Pakistan.

(b) Does not arise.

Bhilai Steel Project

2710. Dr. M. S. Aney: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether the Central Government received any offer from the Vidarbha Small Scale Re-Rolling Mills' Association for supplying bars and rods at a cost below Rs. 20 per ton Column one to Bhilai Steel Project for their expansion programme;

(b) if so, the steps Government have taken thereon; and

(c) if no steps were taken, the reasons therefor?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) Yes, Sir.

(b) The offer was dependent on the supply of billets for working on two shifts. Billets are in short supply even for recognised billet re-rollers and are not normally released to rerollers who use scrap as their raw material. The Vidarbha Association is not a recognised billet reroller. The offer was not, therefore, accepted.

Appointment of Inspectors in Companies

2711. { Shri Hem Barua:
Shri Bishanchander Seth:
Shri Yashpal Singh:
Shri S. M. Banerjee:
Shri Ram Sewak Yadav:

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

(a) the Companies in which Inspectors were appointed by the Government of India under Sections 237 and 249 of the Companies Act, 1956 since 1st April, 1956;

(b) the rules on the basis of which Inspectors are appointed;

(c) whether it is a fact that the rules for investigation are not being uniformly applied to all the Companies;

(d) if so, the reasons therefor;

(e) whether it is also a fact that the appointments of all such Inspectors are not notified in the Gazette of India; and

(f) if so, the reasons therefor?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) The information sought by the Hon'ble Members is contained in the Department's Annual Statutory Reports which have been placed on the table of the House from year to year. A consolidated statement

in this regard is laid on the Table of the House. [Placed in the library, see No. LT-1290/63].

(b) to (d). While the power of the Government in appointing Inspectors under sub-section (a) of Section 237 of the Companies Act, 1956, is obligatory, that under sub-section (b) of Section 237 is discretionary. In exercise of this discretionary power, Government satisfy themselves on the basis of the *prima facie* material that the statutory requirements embodied in sub-section (b) are fulfilled before Inspectors are appointed. The basic considerations underlying such appointments have been set out in the relevant chapters of the Department's Annual Statutory Reports. Briefly stated, the decision to order an investigation is taken only when the Government, having due regard to the circumstances attendant on each case, are of the opinion that there are *prima facie* grounds for making a detailed probe for the purposes of ascertaining the full facts about any allegation of fraud, misfeasance, misconduct or oppression on the part of the management. Each case is considered on merits. Apart from this, there is no set of rules, which can be of universal application. Parts (c) and (d) of the Question do not, therefore, arise.

(e) and (f). The appointment of Inspectors is not required to be notified in the Gazette of India.

Export of Bamboos to Pakistan

2712, **Shri S. M. Banerjee**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that supply of poles for tents urgently required for Defence Services is being delayed due to shortage of bamboos;

(b) whether it is a fact that in spite of the shortage, bamboos from Rajasthan, Madhya Pradesh and U.P. are

being exported to Pakistan in large quantity;

(c) if so, the steps taken by Government to ban this export; and

(d) the quantity of bamboos exported during 1962 and upto 28th February, 1963 and the number of firms who exported?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) It has not been brought to the notice of the Government that supply of poles for tents urgently required for defence services is being delayed due to shortage of bamboos.

(b) and (d). Do not arise in view of reply to (a). In any case, State-wise figures of exports are not readily available and exports as a whole from India to Pakistan are very insignificant amounting to Rs. 10,18,000 in 1962.

(c) Does not arise.

12.64 hrs.

Calling Attention to Matter of Urgent Public Importance

JHARKHAND COLLIERY ACCIDENT

Shri C. K. Bhattacharyya (Raiganj): I call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and I request that he may make a statement thereon:—

The accident in Jharkhand colliery on the 19th February, 1963, resulting in the death of four persons and injuries to others, the information about which is alleged to have been suppressed by the management of the colliery.

The Deputy Minister in the Ministry of Labour and Employment (Shri R. K. Malviya): I regret to inform the House that an unfortunate accident occurred in the Jharkhand Colliery on the 19th February, 1963. While

[Shri R. K. Malviya].

some persons were working in an open-cast working, a mass of alluvial soil and loose earth measuring 6m × 6m and having a maximum thickness of 1.8 metres came down from the side from an average height of 3 metres burying six persons and inflicting minor injuries on another. Four of the buried died instantaneously and two received minor injuries. The accident thus resulted in death of four persons.

The mine management did not send intimation about the accident to the Mines Inspectorate though they informed the Police. On the basis of an anonymous complaint, the Inspectorate, however, held an inquiry into the accident. According to the inquiry officer, had the provisions of regulations 98 and 112 of the Coal Mines Regulations regarding benching the sides and fencing the top of open-cast workings been complied with, the accident could have been averted.

The mine management has therefore been held responsible for the accident and steps are being taken for institution of criminal proceedings.

Shri C. K. Bhattacharyya: Is it a fact that the quarry where the accident occurred was declared closed, but was being unlawfully worked by the management through contractors?

Shri R. K. Malviya: It appears it was not closed. The information is that it was being worked through the contractors.

12.16 hrs.

PAPERS LAID ON THE TABLE REPORT OF COAL BOARD

The Parliamentary Secretary to the Minister of Mines and Fuel (Shri Thimmaiah): On behalf of Shri K. D. Malviya, I beg to lay on the Table a copy of Annual Report of the Coal Board for the year 1961-62. [Placed in Library, See No. LT-1282/63].

ANNUAL REPORT OF THE KHADI AND VILLAGE INDUSTRIES COMMISSION

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): On behalf of Shri Kanungo, I beg to lay on the Table a copy of Annual Report of the Khadi and Village Industries Commission for the year 1961-62 under sub-section (3) of section 24 of the Khadi and Village Industries Commission Act, 1956. [Placed in Library, See No. LT-1283/63].

12.17 hrs.

PRESENTATION OF PETITION

श्री उदिया (शहडोल) : श्रीमान्, मैं कुछ डालमिया-जैन कम्पनियों के प्रशासन संबंधी जांच आयोग की रिपोर्ट के बारे में एक याचिकाकार द्वारा हस्ताक्षरित एक याचिका पेश करता हूँ ।

Shri S. M. Banerjee (Kanpur): May I know whether copies will be circulated to us before the discussion?

Mr. Speaker: The petition has to be first sent to the Petitions Committee. The Committee will decide whether copies are to be distributed or not. If the Committee decides that, certainly we will see that the copies are distributed.

Shri S. M. Banerjee: We are going to have the discussion tomorrow.

Mr. Speaker: If it is too late, I cannot help it. First, it must be sent to the Petitions Committee. I will ask the Petitions Committee to look into that.

Shri S. M. Banerjee: May I know why the petition was not submitted before this? Just to sabotage the whole discussion?

Mr. Speaker: That is not for me to say.

Shri Sonavane (Pandharpur): Now this petition will be referred to the Petitions Committee. If they do not report before the discussion on the Vivian Bose Report takes place, then probably we will not get the advantage of the deliberations of the Petitions Committee. I think, it is essential that the Petitions Committee reports to use before the discussion takes place.

Mr. Speaker: The Petitions Committee is not to deliberate on it. They will only decide whether the copies should be distributed to Members. That opinion they can give us even today, and we can see they are distributed if they come to that decision.

12-19 hrs.

EXPORT (QUALITY CONTROL AND INSPECTION) BILL—Contd.

Mr. Speaker: Further consideration of the following motion moved by Shri Manubhai Shah on the 2nd May, 1963, namely:—

“That the Bill to provide for the sound development of the export trade of India through quality control and inspection and for matters connected therewith, be taken into consideration.”

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): Yesterday I was mentioning that I was very grateful to the House for the unanimous support that they accorded to this Bill. It heartened me to find that the Members were so keen on it that they pointed out it should have been brought earlier.

Shri Warior pleaded for representation of the small-scale exporters. I can assure him that among the eleven seats provided in clause 3 of the Bill, it is our intention to give adequate representation to the exporters, and particularly the small-scale exporters. It is difficult to define legally the ‘small exporters’ or how they

should be taken in. But I can assure the House that while constituting this council I shall keep this in mind and see that adequate representation is given to the small scale exporters.

There was some impression in the mind of Shri Warior which has been clarified by Shri Abdul Waheed. It is true that export trade had not improved much over a decade but fortunately it is looking up since the last two years and this year we have registered the highest increase in the last 17 years, since, our export trade begun. However, there is no room for complacency and much more will have to be done if the targeted yearly addition of Rs. 40 crores to our export trade is to be achieved. In this endeavour, quality is important; it is not only an image of India abroad; quality also pays. With our experience over the last four months when we brought in quality control for 39 items, the prices of our commodities in the world market are looking up.

Shri Saraf and some other hon. Members said that there should be no delay in the quality control and inspection procedure. When we brought a very wide inspection control on cardamom, black pepper, turmeric, chillies, etc. the trade also expressed these fears. We assured that we had made proper arrangements at every port and we had adequate staff and that they would not find any cause for delay. When they departed after discussing this matter with us, they had severe misgivings and were cautioning us that this would cause delay. I should say that I am grateful to the staff of the quality control and inspection branch of our Ministry and of the Agriculture Ministry as the very same black pepper and cardamom exporters have expressed satisfaction at the working of quality control and inspection in the last 2½ months. We want to have the field laboratories and the various types of apparatus first established before we rush in for

[Shri Manubhai Shah]

quality control and inspection. Another Bill in relation to textiles will come up for consideration at the next session where we have provided for a corporate body to look after quality control both for internal market and external market for the entire textile industry, textile machinery, stores, chemicals, textile fabrics, etc. so that anything which is produced in this country should be free from doubt regarding its quality and they adhere to the samples and specifications that international markets demand. More so, the domestic market must be attuned to that. There is sometimes a fallacious view that external trade should be separated from internal trade. Those countries which have earned their reputation for trade abroad have fundamentally been quality conscious for the domestic market itself because foreign trade is only a small part of the vast domestic market. Our efforts are therefore to see that the trading community and various people in the field of production of agricultural and industrial commodities are all educated and trained and properly attuned to quality control enforcement within the country itself both for the domestic market and for the markets abroad.

Some hon. Members said that punishments and fines should have been enforced at the very outset. It is not the principle in law or in jurisprudence that at the very first offence committed against a provision of an Act like this a man should be punished by both. We have followed the well-known principle here. The highest penalty here is two years imprisonment and Rs. 5000 fine or both together. In a certain contingency, no alternative has been left to the deciding court or tribunal to even vary these. The minimum penalty we have got is three months and it should be considered as adequate looking to the nature of the measure that is before us.

Then there were one or two points which my hon. friend Shri Guha men-

tioned. It is true that tea and jute are very basic to our country's export promotion and I can assure him that even for these commodities we are going to bring in standard specifications and because they are very widely dispersed in the international markets we will have to honour what is called the international export contracts, that is, the contracts which are entered into between the buyer and the seller are as valid as the specification which should not be in an arbitrary way or in an absolute way or in a different way in which we want to consume the product. Therefore, that provision is healthy and salutary which has been provided in the Bill—that we shall not interfere or allow the law to be interfered, which is the internationally established practice, as long as the image of India to be created during the export of these goods is not vitiated, blurred or damaged in anyway. That is the only criterion by which we shall judge the purpose of this Act.

Then there were other points whether the quality control will add to the cost. The hon. Member, Shri Sham Lal Saraf and one or two other hon. Members, made this point. I can assure them that the total cost of quality control measures as we have estimated today is 0.2 per cent, that is for a hundred rupee worth of export, 20 p. have to be spent on inspection. I do not think anybody could consider it is a heavy charge. Even if it were slightly higher, the trade has welcomed that if we can obtain one rupee or two rupees or three per cent or four per cent more, the 0.2 per cent surcharge or levy as inspection charge should not be considered as too heavy. As a matter of fact, in the very first year we have even subsidised quality control expenses and in the case of pepper, cardamom and other things, we are even bearing half the charge and leaving only half the charge to be borne by the exporters of various commodities and items. I can assure the House that we want to make this a self-financing scheme. It would -

be possible to carry the burden of quality control on the normal exporter, when these products can easily bear such a small charge. During the current year, our programme is to recognise and establish 300 field laboratories throughout the length and breadth of this country to cater for the different commodities in which, as one of the hon. Members yesterday pointed out, specialised agencies will also be taken care of. That is, organisations like the General Superintence Co. of India, Briggs and Co., Italah etc. those who want to specialise in quality control and pre-shipment inspection will be given full encouragement to establish these laboratories. We shall utilise the laboratories of research organisations. We shall utilise the laboratories and test houses of professional organisations of specialists and other international and national organisations and universities in this country for carrying out this massive programme.

As a matter of fact, some of the quality-conscious countries like Japan and the United States have laboratories and test houses which run into thousands. Maybe in the one country there are as many as 50,000 laboratories and test-houses doing this work. Looking to the size of our country, over a period of the next five years, we will have to act likewise for every area, particularly the industrial and trading centre we shall be required to have scores of laboratories specialised to carry out the test for different products.

Mention was made about mineral ore. There also I can assure the House that the mineral ores, though they look like dust, require very rigid specifications and we are not going to yield to any sort of understanding that because it is a product which does not require quality, it will not be tested. Some people interested in oils and agricultural products and mineral products had contended that when these were raw materials which go to other countries, where was the

need for quality control and pre-shipment inspection. This is a highly fallacious argument. The more the thing is a basic raw material, the greater is the need to see that the specifications are adhered to so that the buyer on the other hand knows what he is buying and therefore we get better prices, and the continuous market price fluctuations, variations, and the bad name that we get, the losses that we incur, the claims and disputes and other types of quarrels that we have to settle—all get minimised, when we become what is called a sample-adhering nation. Apart from standard, what is important is this: when once we show to the foreign buyer a particular sample, and when the products that follow it are quite different, we lose all the confidence that the foreign buyer has. Therefore, a strict adherence to sample, adhering to scientific specifications and an adherence to the same, providing all facilities in the fields, and test houses and the laboratories, are essential. We expect that the co-operation of the business community should be forthcoming, and with the support of this House and encouragement and blessing from here, we shall be able to make this country very greatly quality conscious.

It is true that over the last 100 years we have neglected this. But this was not always the heritage of India. Indian businessmen used to sell goods across the seven seas. In the sixth, seventh and the eighth centuries, we were one of the greatest sea-faring nations, though transport and communications were not as fast as they are now. From the grandfather to the grandson, from the sire to the son, the Indian tradition was that the pledged word was honoured; that the sample was adhered to. The product that followed was always much better than the one which preceded it and the successive products ran from generations to generations and it created a very great name for India as one of the most powerful and healthy trading nations of the world.

[Shri Manubhai Shah]

That is the aim of the Bill. We want to recapture the grand image of India created in the past and to ensure that we emerge as one of the quality-conscious nations over the next five or ten years. As I said earlier, this year will go down in the history of the foreign trade of this country as the quality control year. There are 10,000 commodities which enter foreign trade, but 700 commodities play a principal part. All of them gradually over a phased programme of a pragmatic nature will be brought under quality control and pre-shipment inspection, both for the foreign market and for domestic consumption.

I have tried to clarify all the points which the hon. Members had raised. I am grateful to them for giving their unanimous support to the Bill. There are some amendments suggested by Mr. Warior, to which I have already replied and I hope he will not press those amendments.

Shri A. C. Guha (Barasat): In clause 13, there is a reference to notification, by which there can be delegation of powers. May I know whether a copy of this notification will be laid on the Table of the House? I referred to it yesterday in my speech.

Shri Manubhai Shah: I have checked it up. This is really nominating only a particular officer to carry out the responsibilities. The rules, as laid down in clause 17, will be laid on the Table of the House. This is not really a notification for doing anything excepting nominating a particular officer. In all our substantive legislations, this provision does exist and there is no provision to lay it on the Table of the House.

Shri A. C. Guha: I submitted yesterday that this is delegation of powers which the Government is deriving from this Act itself. The power is delegated to certain officials. I think such a notification should also be placed before the House.

Mr. Speaker: This is only to nominate a person. The rule-making power is contained in another clause and there in that clause there is provision to place it on the Table of the House.

The question is:

"That the Bill to provide for the sound development of the export trade of India through quality control and inspection and for matters connected therewith be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall 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—(Establishment of Export Inspection Council)

Shri Warior (Trichur): I beg to move:

Page 2, after line 28, insert—

"Provided that one out of such three members shall be a member representing the small scale exporters." (1)

Shri Yashpal Singh (Kairana): I beg to move:

Page 2, after line 25, insert—

"(ee) three Members of Parliament, two from Lok Sabha and one from Rajya Sabha, to be elected by respective Houses of Parliament." (8)

12.34 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

श्री यशपाल सिंह : अपनी एम्बेडमेंट्स के सिलसिले में मैं यह कहना चाहता हूँ कि दूसरी दफा अगर कोई जुर्म करता है तो

उस को कम से कम दस हज़ार रुपया जुमाना होना चाहिये और कम से कम तीन साल की सज़ा होनी चाहिये। अभी परसों हमारी हेल्थ मिनिस्टर साहिवा कह चुकी हैं कि दुबारा जुर्म करने पर ज्यादा सज़ा दी जायेगी। इसलिए मेरा सजेशन यह है कि दुबारा जुर्म करने पर इतनी सख्त सज़ा दी जाये कि वह फिर उस तरह का जुर्म करने की जुरत न कर सके।

दूसरा मेरा कहना यह है कि इसको सिर्फ़ आफिसर्स पर ही न छोड़ दिया जाये बल्कि जैसा जनतंत्र में कायदा होता है उसके मुताबिक इस में दो मੈम्बर लोक सभा से और एक मੈम्बर राज्य सभा से लिया जाये। इसके लिए यह भी जरूरी है कि ऐसा हैल्दी एटमसफीयर तैयार किया जाये कि किसी भी ट्रेडर को हिम्मत न हो कि उस तरह का अमल कर सके जिससे देश की गरिमा पर धक्का आये। ऐसी तजवीज़ की जानी चाहिये कि काम अच्छी तरह से चल सके।

श्री मनुभाई शाह : मैंने पहले भी कहा था कि इस किस्म के बिल में इस तरह की व्यवस्था करना अच्छा नहीं होगा कि पार्लियामेंट के मੈम्बर रखे जायें। यह अलग किस्म का काउंसिल बनेगा। इसका ज्यादा तर काम एपेलेट और एनफोर्समेंट का होगा सलाह देने का नहीं। यह कोई एडवाइज़री बोर्ड या डिबेलेपमेंट बोर्ड के किस्म का नहीं होगा। इसका मकसद यह होगा कि हमारी कंट्री के प्रेस्टीज़ को बढ़ाये। इस किस्म का बिल चूँकि यह है और इस किस्म का काउंसिल चूँकि यह है, इसलिए बहुत सोच विचार करने के बाद किसी पार्लियामेंट्री या लैजिस्लेटिव के टाइप के मੈम्बर को या इस किस्म के पब्लिक के रिप्रेजेंटेटिव को जो पार्लियामेंट्री लाइफ से ताल्लुक रखता है, लेने की व्यवस्था नहीं की गई है। आफिशल्ज और नान-आफिशल्ज जो इस में रखे गये हैं, वे एक्सपर्ट्स हैं, स्पेशलिस्ट हैं खाली सरकारी नौकरों को रखने का सवाल नहीं है।

जहाँ तक दस हज़ार जुमाने का और तीन साल की सज़ा का सवाल है और इंग कंट्रोल की जो बात माननीय सदस्य ने कही है, मैं कहना चाहता हूँ थोड़ा सा उस में और इस में फर्क है। वहाँ पर इंसान की रोजमर्रा की जिन्दगी, उसके खानपान उसकी तनदुरुस्ती के साथ उसका ताल्लुक है, लेकिन यह सवाल ज्यादातर ट्रेड का है। फिर भी पांच हज़ार रुपये के जुमाने और दो साल कैद की जो सज़ा रखी गई है, वह कम नहीं है। इस किस्म के बिल में यह बहुत ज्यादा है। इसलिए मैं समझता हूँ कि अभी जैसा है, इसको वैसे ही स्वीकार कर लिया जाये।

Mr. Deputy-Speaker: Is Shri Warior pressing his amendment No. 1?

Shri Warior: No, Sir.

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

Several Hon. Members: Yes.

Amendment No. 1 was, by leave, withdrawn.

Mr. Deputy-Speaker: What about Shri Yashpal Singh's amendment?

Shri Yashpal Singh: I am not pressing my amendment.

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

Several Hon. Members: Yes.

Amendment No. 2 was, by leave, withdrawn.

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.
Clauses 4 to 6 were added to the Bill.*

Mr. Deputy-Speaker: Then we take up clause 7. There are some amendments to this clause.

Shri Warrior: Sir, I beg to move:

(i) Page 4, line 10,—
after "may" insert—

"in the first instance suspend the recognition granted to that agency and". (2)

(ii) Page 4, line 20,—

add at the end—

"The inspection shall be completed within such time as may be prescribed." (3)

(iii) Page 4, lines 34 and 35,—

omit "and shall not be questioned in any court of law". (4)

Sir, in clause 7 of the Bill it is provided:

"Provided that if the Central Government is of opinion that any recognition granted to any agency under this sub-section should, in the public interest, be withdrawn, the Central Government may, after giving a reasonable opportunity to that agency to make representations in the matter, withdraw, by like notification, the recognition granted to it."

In between giving this opportunity and their defending their own stand, the agency may continue to exercise their authority of inspection. By my amendment No. 2 I want to say that that authority of the agency should not continue during the interim period between finding out the defect or fault of the agency and the withdrawal of the recognition. During the that interim period this authority of inspection of that particular agency must be suspended, because having found out something wrong with them how can we allow them to continue to

do the inspection. Moreover, when this clause is inserted here as it is, we presume that there are opportunities for such agencies to do something wrong—I do not say mal-practices, but something wrong—or something detrimental to the exporters. Which are these agencies, it is not yet known and it is yet to be notified. These agencies presumably will be some of the Chamber of Commerce institutions or some of their subsidiary organisations. We know that especially at the ports these organisations are headed by people who have big interests in business. So, there will be always that amount of caution necessary to see that these agencies do not harm the interests of small-scale traders. Hence it is, that this authority must not be vested in them during the interim period especially because it will be handled by people of not very sure sympathies for the small-scale traders. Therefore, I want that this amendment be accepted.

My next amendment is about the punishment. I am not yet convinced by what the Minister has pleased to say.

I do not press amendment No. 3 to a vote, because that has almost been granted. Coming to amendment No. 4, the authority of court has been taken out by sub-section (5).

Shri Hari Vishnu Kamath (Hoshangabad): Sir, on a point of order. When the hon. Member is making interesting points I think there should be quorum in this House.

Shri Warrior: As far as I am concerned, I am not so particular about it.

Shri Hari Vishnu Kamath: I am interested in seeing that there is quorum.

Shri Warrior: I do not want the time of the House to be wasted like this. Further, all those who are interested in this Bill are present.

Mr. Deputy-Speaker: The bell is being rung.

Shri Warrior: I was only saying that we have to rush through business.

Shri Hari Vishnu Kamath: Why should they be rushed through?

Shri Warrior: Because there are other Bills also to be passed.

Mr. Deputy-Speaker: Now there is quorum. The hon. Member may continue.

Shri Warrior: Sub-clause (5) of clause 7 reads:

"Subject to the provisions of sub-section (6), the decision of the agency where no appeal is filed, and the decision of the appellate authority where an appeal is filed, shall be final and shall not be questioned in any court of law."

I do not understand why the authority or the power of the court should be taken out. Because, in the ultimate analysis, if the parties to the appeal are convinced that they are given justice, why should they go to the court of law? Of course, I know that in the next sub-clause they have reserved the right of revision but, all the same, I cannot understand why the court of law should be precluded from looking into this. At least, I am not convinced by the arguments.

Shri Sham Lal Saraf (Jammu and Kashmir): Sir, I want to oppose both these amendments. Having heard what my hon. friend, Shri Warrior, had to say in support of his amendments, I feel that they will do more harm than good and hence I oppose them.

With regard to the first amendment, I would say that it is out of sort at the present juncture. I think my hon. friend is labouring under some delusion. Nothing has happened as yet. Something should come into being first before the suspension of its recognition can be thought of. Let us

see how it comes into being and how it functions. If it is not functioning in the way it should, the Parliament is certainly free to ask for certain decisions to be taken to meet the situation. Now some new measures are being taken for improving our export trade, on which most of the prosperity of the country and its future depends. So, my submission is, at this stage we should make it neither too penal nor too stringent, because that will create consternation in the minds of the people and take away their missionary zeal to increase our exports. So, I am of the firm opinion that the acceptance of such amendments will do more harm than good, because they act as a disincentive to their efforts to improve our export trade.

As far as the penal section is concerned, I think the attitude of the hon. Minister is perfectly right. This is the time when we have to ask people to come forward to increase their exports. We have to guide them as to the lines in which they should function. Keeping that in view, I am in perfect agreement with what the hon. Minister has said. Therefore, while agreeing with the view of the hon. Minister, I oppose all these amendments.

Shri Manubhai Shah: What Shri Warrior said about suspending the recognition granted will not be correct because, while the Government might take action, the agency may be wholly not guilty at all, or free from any blame. Therefore, merely to suspend the agency, or a concern, or a factory is a punishment which is very drastic. Even according to the normal process of law and justice, we should give them some time, hear their reaction, their explanation or reason and, after hearing them, expeditiously dispose of such cases. That is why I say that I would not like that amendment to be accepted. We have just sought to give a reasonable opportunity to the agency to make representation in the matter before the

[Shri Manubhai Shah.]

withdrawal of the recognition granted to it. If they are proved guilty, certainly we will withdraw the recognition. But merely on suspicion or on a *prima facie* case, to say that we will withdraw the recognition will not be quite right.

I am glad that he has not pressed for his amendment to sub-clause (2). As regards sub-clause (5), this is more like a question where the appellate authority will practically have all the judicial powers. So, it is provided there, namely,

“Subject to the provisions of sub-section (6), the decision of the agency where no appeal is filed, and the decision of the appellate authority where an appeal is filed, shall be final”.

If we leave it to litigation, I can assure the hon. Member that all the purpose of quality control will be defeated because they will go on dragging every case to the court of law and bring endless points of dispute. We want to create a quick and efficient machinery for quality control. I can assure the House that the appellate authority will be very vigilant and wide open and will listen to all that. In sub-clause (6) we have taken further powers, that is, if there is still any residuary hardship left, we can make a revision at the Government level.

Mr. Deputy-Speaker: Does Shri Warrior wish to press any of his amendments?

Shri Warrior: No, Sir.

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

Some Hon. Members: Yes.

Amendments Nos. 2, 3 and 4 were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

“That clause 7 stand part of the Bill.”

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 10 were added to the Bill.

Clause 11—(Penalty)

Shri Warrior: Sir, I beg to move:

(i) Page 6,—

(i) line 20, for “or” substitute “and”;

(ii) line 21, omit “or with both” (5)

(ii) Page 6, line 27,—

for “three months” substitute “six month”. (6)

Mr. Deputy-Speaker: Shri Yashpal Singh is not here; so, his amendment is not moved.

Shri Warrior: This clause pertains to punishment that will be given. Although the hon. Minister has tried to convince us that the punishment in the first instance must not be very deterrent or very harsh, as a person who had suffered punishment very many times I do not think that this punishment will be deterrent enough for the crime that is envisaged in the clause. When they know pretty well that quality control is there and all these regulations are there, if even then they want to infringe the law and commit a crime like this, I think, the punishment must be exemplary and others at least must know that if they deal in such a manner, they will be taken to task very harshly. Hence, it is that this punishment must be more.

In my speech itself I had pointed out that in Japan even for the first offence the punishment given is three years' imprisonment. Here, although the punishment is mentioned as “two years' imprisonment” for the

first offence, the minimum is not even mentioned. We can gain by the experience of 50 years in Japan. By their rich experience in this matter they have found that this much punishment must be given even for the first offence. Why not we gain by that experience and have that even now? But I do not want to go to that extent. Let it be two years and if the hon. Minister is pleased to put it, we may say "minimum three months' imprisonment for the first offence and minimum six months' imprisonment for the second offence". I will be satisfied with that.

I am not very much enamoured of fine for these people. These people are able to pay any amount of fine—leave alone a fine of Rs. 5,000 even if it is a fine of Rs. 10,000 because they know that in one consignment alone they can get back not only that but much more. So, it is not fine that matters as far as these people are concerned. Fine is important only when a man is insolvent or if he is not solvent enough to pay that. But for these merchants and exporters who can afford to pay that much money, is not what matters with them. Imprisonment is much more deterrent for them and that is why I wish that the hon. Minister will accept the amendment. The punishment must be made deterrent and exemplary, because it is not a question of one or two persons. So, I request that my amendments may be accepted.

Shri Manubhai Shah: As I have already explained, even in normal law, equity and common law, for the very first offence in the nature of this measure, when the country is to be trained into quality control, it would be extremely wrong on the part of the Government or the community to treat everybody as criminal. Therefore, in the case of second offence, we have left no alternative with the court. The court will have both the power of penalty and imprisonment. It is only in the first instance that the alternative is given and we should leave it to the goodwill of the court

to judge the quantum of the punishment and the quantum of the crime. Sometimes it may be a minor defect in a particular specification and it is not correct to say that because they are capable of paying any amount of fines that they will continue to send our bad goods because under the Customs Act and even under this Act, we have full power to completely deprive him of export licences or any permission to export even otherwise than what is provided here. So, I would request the hon. Members to give some time to this country, to the business community, the exporters, the foreigners who are involved in this great transaction in large numbers and if in due course—the House is supreme—we find that the malady persists and we are not able to stamp out these type of imbalances, then certainly we can always reconsider the matter. That is why I would request the hon. Member not to press for his amendments. What we have done is after a mature consideration.

Mr. Deputy-Speaker: Does the hon. Member want to withdraw them?

Shri Warior: No, I would like to have a voice vote.

Amendments Nos. 5 and 6 were 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—(Offences by companies)

Mr. Deputy Speaker: There is an amendment by Mr. Warior. Does he want to move it?

Shri Warior: Yes, Sir, I move:

"Page 7,—

omit lines 1 to 4" (7).

Sir, I want to delete this proviso:

"Provided that nothing contained in this sub-section shall render

[Shri Warior]

any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

This pertains to the companies, where offence under this Act has been committed by a company. So, this will be a very big loophole for people to escape through. Actually, the companies who are engaged in such transactions know that they are doing something quite illegal and criminal. So, the usual course for these people in authority will be to shift the burden of the fault, shift it one by one from the top-most in the ladder down to the lowest man and often the man who could least resist the orders of the superior officers will be made the target of punishment. That should be avoided. This shirking of responsibility for the offence should not be given a go-by in the sense that it might not have been committed physically or directly by them. But at the same time they must be taken to task. Then only they will see that these things are not done under their management. Such things will not be done anywhere and nobody will have an opportunity to be taken to task. I do not want anybody to escape the grip of law. That is why I have suggested this amendment, to delete this proviso.

Dr. L. M. Singhvi (Jodhpur): Mr. Deputy-Speaker, Sir, I wish to oppose the amendment proposed by Mr. Warior. I have a suspicion that he has not perused sub-clause 2 of clause 12 before moving for consideration of the amendment standing in his name. Sub-clause 2 says:

"Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable

to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

This provision in sub-clause 2 is a complete answer to the objection that has been sought to be raised by my hon. friend Mr. Warior. As a matter of fact, penal liability in criminal law is always personal and if you could fasten criminal liability, even when a person has no knowledge of that act committed, or cannot by omission or commission be held responsible for it, that would be very unfortunate. As a matter of fact, that would be a move towards abrogating the rule of law which we all endorse and in the observance of which we always show such studious interest. I feel that the suggestion made by my friend Mr. Warior is not sound and within the framework of law in which we operate. Therefore, I beg to oppose it.

Shri Manubhai Shah: My hon. friend Dr. Singhvi has, to a certain extent, met the points raised by Mr. Warior. I may also add that this is something which is a little more complicated than meets the eye. A particular person, a manufacturer, or an exporter sends his goods and suppose in transit at the port, a whole bale falls down, the thing gets damaged and something gets torn. It is something beyond his competence or control by which the specification or the quality has gone down. Or, in casting a machine, pig iron which he uses, while he has to purchase it from other plants, may not always conform to specifications and he can prove to the satisfaction of the presiding authority, the judicial authority, that he took all the precautions that were possible, that quality control was enforced at every stage of production, both intermediate and primary and also at the

assembling stage. If in such rare cases—these are not the cases which are to be found every day—where it is beyond the competence or just beyond his own control over the stages of production, or transit, or transport, something happens, it must be quite natural and this is a provision practically, as we have examined, in most of the pre-inspection laws and quality control laws which are operated in every country. Therefore, I would request him to see that this is to be isolated from the normal way in which a loophole is created for any escape from the provisions of the law. But this is more about the marginal and peripheral cases where beyond the control of a person if something happens, the law must take care of that.

Mr. Deputy-Speaker: Does the hon. Member want to withdraw it?

Shri Warrior: Yes.

Amendment No. 7 was by leave withdrawn.

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.

Mr. Deputy-Speaker: Clause 13 to 18. There are no amendments.

The question is:

“That clauses 13 to 18 stand part of the Bill.”

The motion was adopted.

Clauses 13 to 18 were added to the Bill.

Mr. Deputy-Speaker: The question is:

“That clause 1, the Enacting Formula and the Title stand part of the Bill.”

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Manubhai Shah: Sir, I beg to move:

“That the Bill be passed”.

Mr. Deputy-Speaker: Motion moved:

“That the Bill be passed”.

श्री सिंहासन सिंह (गोरखपुर) :
उपाध्यक्ष महोदय, यह कानून हमारे देश के गौरव को बढ़ाने वाला सिद्ध होगा, इसलिए मैं इसका स्वागत करता हूँ ।

किसी समय हमारे देश में यह अवस्था थी कि यहां जो माल मिलता था अच्छा मिलता था । फाइवान ने लिखा है कि वह जहां गया उसको अच्छा दूध मिला । लेकिन आज इसी देश में यह दशा है कि हर जगह दूध में पानी ही पानी मिलता है । मैं आप को एक घटना बताना चाहता हूँ । सन् १९३० में जिस समय सत्याग्रह आन्दोलन चल रहा था तो स्वदेशी का बहुत जोर था । उस समय एक महाजन ने मुझे बुलाकर कहा कि आप देख लें कि स्वदेशी और विदेशी में कितना अन्तर है । उसने कहा कि विदेशी माल के जिस थान पर ४० गज लिखा होता है उस में ४० गज ही कपड़ा निकलता है, लेकिन स्वदेशी जिस थान पर ४० गज लिखा होता है, उस में ३८ या ३७ या ३६ गज ही कपड़ा निकलता है, हम कैसे स्वदेशी को चलायें । उसने कहा कि वह स्वदेशी का पक्षपाती था और जब से स्वदेशी आन्दोलन चला है उसने विदेशी धोती पहनना छोड़ दिया था, लेकिन उसका परिणाम यह था जबकि विदेशी धोती में वह दो लांगें लगा सकता था, स्वदेशी में एक लांग लगाने में भी कठिनाई होती थी ।

एक और उदाहरण आप के सामने रखना चाहता हूँ । हिन्दुस्तान मोटर कम्पनी के मालिक ने अपने एक कार्यकर्ता से पूछा कि हमारी मोटर कैसी बनी है, तो उसने बड़ा

[श्री सिंहासन सिंह]

सुन्दर जवाब दिया, वह मैं आप को पढ़ कर सुनाना चाहता हूँ। उसने कहा :

बाबू, गाड़ी तो घनी चोखी है। इसका हर पुरजा बोले है सिवाय हार्न के।

यानी गाड़ी ऐसी बनी है कि उसके पुरजे बोलते हैं, जो कि न बोलने चाहिएं, और हार्न जो कि बोलना चाहिए वह नहीं बोलता। तो यह हमारी हिन्दुस्तान गाड़ी के बारे में एक कार्यकर्ता की राय है।

13 hrs.

Dr. L. M. Singhvi: It is a much better car now.

श्री सिंहासन सिंह : जब कहा था उस समय यही हाल था।

तो मेरा कहना है कि जहां क्वालिटी इम्प्रूव हो वहां प्राइस का भी ख्याल रखना चाहिए। हमारे यहां गाड़ियां बन रही हैं उस के मुकाबले में उसी कीमत की और उस से भी कम कीमत में उस से अच्छी गाड़ियां विदेशों में बन रही हैं। ऐसी हालत में कोई कारण नहीं है कि हमारे यहां यह महंगी क्यों बनें? हमारे यहां टैरिफ कमिशन दाम बढ़ाने पर लगा हुआ है और परिणाम-स्वरूप दाम बढ़ते चले जाते हैं। जहां हमारा प्रयत्न अपने माल की क्वालिटी को अच्छा रखने के लिए होना चाहिए वहां दाम का भी ध्यान रखना होगा कि औरों के मुकाबले हमारी चीजों के दाम अधिक न रहें। अगर औरों के मुकाबले में हमारे माल की क्वालिटी बराबर रहे लेकिन अगर उन का दाम अधिक रक्खा जायेगा तो उन को कौन खरीदेगा? इसलिए दाम और क्वालिटी दोनों का ध्यान रख कर मार्केट में कम्पिट करना होगा। क्वालिटी और प्राइस दोनों की व्यवस्था ठीक रहने से ही हमारा व्यापार आगे बढ़ेगा। इस हेतु श्री मनुभाई शाह जो यह बिल लाये हैं

वह स्वागत योग्य है। मैं उनको बढ़ाई देता हूँ और आशा रखता हूँ कि हमारा व्यापार आगे बढ़ेगा।

Shri Sham Lal Saraf: Sir, the hon. Minister has stated clearly the purpose behind this Bill. I want to bring to the notice of the House a few suggestions.

First, I am very happy that he is going to set up testing laboratories all over the country. All the same, I have a feeling that the manufacturers or exporters, perhaps, may not have the opportunity of being as near the laboratory as possible. Proximity may not be there. Sufficient facilities should be created so that people may get the benefit. Secondly care must be taken to see that delivery is given in time. The machinery should be so devised that they see that the stuff that is exported is delivered in time. Otherwise what happens is, in a number of cases, orders get cancelled. Thirdly, I am happy that the pre-shipment inspectorate is about to be set up. My submission would be that this inspectorate should be made effective on the one hand to check the quality and all the other things and at the same time, they make it easy for the exporters to get the things checked in as little a time as possible. Because, instances have come to our notice where a lot of time has been taken and people have actually suffered. This may not be because of any adverse intention on the part of the authorities that be. May be this machinery has not been properly set up. Fourthly, where we tag on our exports with imports, please see that co-ordination is properly maintained and properly followed, and we send what we want to send and we actually get what we want.

With these few suggestions, I support the Bill.

Shri Manubhai Shah: There were only a few points which Shri Sham

Lal Saraf has raised. I can assure him that the facilities will be widespread. It is very correct that in a country of this continental size, it cannot be that facilities provided in a few ports and big industrial towns could be considered adequate. As a matter of fact, handicrafts is one of the items which has spread into the villages of this country in large numbers. I can, therefore, assure him that this is a very good suggestion which we have already taken into account. Therefore, the number of testing houses and laboratory facilities will multiply into, as I said hundreds or thousands.

He mentioned about claims on delivery, etc. I can assure him, at the last meeting of the Board of Trade, we considered this matter very thoroughly. This is one of the maladies which is attached to the Indian foreign trade for the last several decades. Under the Chairmanship of the Secretary in the Law Ministry, we have appointed a Committee to go into this question of settling international claims and disputes. It is our intention to set up claims tribunals both at the Chamber level and at the Government level to see that the good name of India is not tarred by sluggishness on the part of the importers and exporters in making payment of proper damages or delivery payment or failure in contractual obligations. Once the claims machinery comes into existence, I am quite sure that what he has mentioned here will be a thing of the past.

The question of linking import and export is a much wider question, not arising directly out of this. I can assure him that it is our intention to forge adequate and scientific inter-relationship between export trade and import trade of India so that the exporters who were up till now the Cinderella of Indian economy and who used to be the last in the list of beneficiaries—established importer was the first, then actual user, then mass

of importers who simply became a drain on this country and exporters, last—are brought into focus and given the greatest advantage in importation and the rest will be in the rearguard.

Shri Sinhasan Singh mentioned about the Swadeshi movement.

श्री सिंहासन सिंह ने स्वदेशी माल के लिए जो विचार प्रकट किये हैं, उन के लिए हमारा पूरा ध्यान है। हम जानते हैं कि क्वालिटी और प्राइस दोनों में ही हमें अन्य देशों से मुकाबला करना है। इस देश में बने हुए सामान और चीजों को दुनिया के बाजारों में रखने के लिए हम प्रयत्नशील हैं और सभी आवश्यक कदम उठा रहे हैं। मैं उनको विश्वास दिलाना चाहता हूँ कि हमारा प्रयत्न सिर्फ यह ही नहीं है कि इस देश में स्वदेशी चीज बिके बल्कि वह ऐसी हों जिससे कि वह फोरेन मार्केट में भी कामयाबी के साथ कम्पिट कर सकें। दुनिया के बाजारों में हमारी चीज अपनी जगह बना सके, मशहूरी पा सके और जिन के लिए कि हम लोग गर्व अनुभव कर सकें, ऐसी हमारी कोशिश है और इसीलिए यह बिल लाया गया है।

Shri Himatsingka (Godda): What is the opinion of the hon. Minister as regards quality? Has there not been very definite improvement in quality of late? Are there not lesser and lesser complaints now?

Shri Manubhai Shah: There is no doubt on that. The country is getting quality conscious. With all these measures that we are taking, it will be more cumulatively felt in a shorter period of time than in the past several decades.

Mr. Deputy-Speaker: The question is:

“That the Bill be passed”.

The motion was adopted.

13.06 hrs.

GOVERNMENT OF UNION TERRITORIES BILL

The Minister of Home Affairs (Shri Lal Bahadur Shastri): Sir, I beg to move: *

"That the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters, as reported by the Joint Committee, be taken into consideration."

I am glad to move this Bill before the House as it should be most welcome to the Union Territories. Some important changes were made in the Joint Committee. In fact, I had gauged the feeling of the Members of this House and of the other House when the Motion for reference to the Joint Committee was under consideration. In the light of the discussions further held in the Joint Committee, I myself moved for the amendment of some of the clauses of the Bill. I am sure, with these changes, the Bill should commend itself fully to this House and it would receive general support.

I know there is a strong opinion in this House as well as outside that these areas should be merged in the neighbouring States. It is felt that it would be economically useful especially for the territories themselves. If they merge the composite State will be in a better position to develop its trade and commerce and these units which are not economically viable at present, would become economically viable and it will lead to a reducing of the burden on the Central Government which exists at present. I personally feel that there is a good deal of substance in this argument. But, it has to be realised as to what we should do in the existing circumstances. We have to remember that

these territories were more or less autonomous, or in a sense free before 1947. Himachal Pradesh, Manipur and Tripura were mostly princely States, small or big.

Shri Hari Vishnu Kamath (Hoshangabad): Don't call them free.

Shri Lal Bahadur Shastri: Free means that they were autonomous. Most of the areas were not in the British territories. They were autonomous. What kind of autonomy it was, is a different matter. But, they must have had the feeling that they had their own Assemblies, etc. Similarly, Pondicherry and Goa were also under foreign rule and they had their own legislatures and their own Cabinets.

It may not, therefore, be advisable to consider their merger immediately into the neighbouring States. As the House knows, even Himachal Pradesh, Tripura and Manipur were treated as Part C States, and that arrangement continued for a number of years. Later on, of course, during the last five years, they just functioned as Union Territories, and there were Territorial Councils only. Still, I must say that we should avoid separatist tendencies, and even if we agree to have these smaller territories as separate from the neighbouring States, we do want that they should have before them the picture of an integrated India, and I think that if they will do so, it would be in the best interests of the Union Territories as well as the country as a whole. I do not rule out the possibility of the merger of these areas into the neighbouring States. But I do not suggest it just at present, so that it might not cause any misapprehension. However, as an ultimate objective, as I said, it should not be ruled out. Whenever we take that step, we shall see to it that the Union Territories themselves realise that it is in the best interests of their own territories.

*Moved with the recommendation of the President.

We have given necessary and adequate powers to the Union Territories in accordance with the provisions of this Bill. I do not think that the representatives of the Union Territories will get a better opportunity to serve their area in a better way, because if they get these powers, they get ample opportunities to serve their areas in the best possible manner, and I feel sometimes that they might be better off than what they were when they functioned as Part C States. It is true that the President cannot absolve himself of his responsibilities for these areas, and Parliament also cannot absolve itself of its own responsibility. It should have the concurrent power to make laws which naturally will supersede laws, if any, on the subject, made by the Legislative Assemblies of the Union Territories. To my mind, there is nothing in this Bill which can really be objected to in regard to this particular matter. As I said, the new set-up would give great opportunities to the representatives of the people to carry on the administration as they consider best in the interests of their own people.

Now, I shall say a few words about the important changes made in the Joint Committee in this Bill. I remember that there was a good deal of criticism made in regard to the Administrator, in fact, to the word 'Administrator' used in the Bill. It was said that the Administrator had been made all-powerful and it was felt that he would in a way reduce the autonomy of the representatives of the people or the powers which were being given under this Bill. It is needless to make it clear that in fact, this word 'Administration' was used in its generic sense. It does not in any way mean that the President could not designate him in any other way or could not give any other designation to the Administrator, for example, that of the Chief Commissioner, or Lieutenant-Governor, and so on. It is entirely at the discretion of the President to give any designation to the person who is put in charge of these

Union Territories. Further, clause 2 (1) (a) has been further amplified to make it clear that the word 'Administrator' means the Administrator appointed under article 239 of the Constitution.

Another important matter is regarding reservation of seats for the Scheduled Castes and Scheduled Tribes in these territories. We had provided in the Bill for reservation for Scheduled Castes and Scheduled Tribes in two territories, namely Himachal Pradesh and Pondicherry. No such reservation was made in the other territories, namely Goa, Manipur and Tripura. We did so because the population in Himachal Pradesh and Pondicherry was fairly sizable, whereas in the other territories it was not so. Secondly, in these areas, they do not live in compact areas, and, therefore, it becomes difficult to delimit constituencies, as we do here in other States. Hon. Members are aware that Scheduled Castes constituencies are generally formed where there is bulk of Scheduled Castes living. So, we had not provided for reservation in other Union Territories. However, in the Joint Committee, various Members pressed for it, and we agreed that there should be reservation for Scheduled Castes and Scheduled Tribes both in Manipur and in Tripura.

In regard to Goa, we have not done so. The Joint Committee did not agree to it. We did not do so because no census had been taken of Goa so far, and we did not exactly know the number of Scheduled Castes living in that territory. Besides that, one can only guess. If we see the neighbouring areas, we find round about Goa that the percentage of Scheduled Castes is very small or very low, and if we could make any assessment on that basis, we feel that it may not perhaps be advisable to make any reservation. However, we shall have to depend on a census report or wait till the census is completed in that area. In any case, we have not provided for any reservation. And the

[Shri Lal Bahadur Shastri]

Joint Committee did not agree to this also because it would have delayed the elections in Goa, and the new set-up would not have come soon. In these circumstances, I think that the Joint Committee took the right decision in not giving reservation to Scheduled Castes in Goa.

I might also add that an important section of Tripura also met me, and they felt that no reservation should be given to Scheduled Castes and Scheduled Tribes in Tripura also. The reason given by them was that the Scheduled Tribes were fairly represented already in the Territorial Council in Tripura. Without any reservation, they have got their due in the last elections both in the Tripura Territorial Council and, of course, in Manipur. The House will be interested to know that in Manipur, the scheduled tribes members elected are 9 and nominated, one—out of 30. In Tripura, 10 scheduled tribes members and 2 scheduled caste members have been elected in the Territorial Council. This is a fairly satisfactory position. It is good that the scheduled castes and scheduled tribes members are elected from the general constituencies as such and no separate reservation is given. It is good in principle, but, as I said, the Joint Committee took the decision with which, I think, we have to agree and this will naturally continue till the general reservation continues in the whole country, not beyond that. I might add that in case of Goa, if no scheduled caste is elected, we have the provision for nomination, and we would certainly like to nominate at least one of the scheduled caste members.

The other important changes made were in regard to the Administrator having some special powers. Firstly, it was provided that the Administrator will have the power to address the Assembly or to take part in the proceedings of the Legislative Assembly. The Joint Committee decided that the Administrator will not take

part in the proceedings. But the natural corollary follows that the subject with which the Administrator will have to deal exclusively will not be discussed in the Assembly, because he would not be present to take part in the discussions. The second thing proposed in the Bill was that the Administrator might preside over Cabinet meetings. It was felt that the Administrator would not be presiding always, but whenever he happened to be present or when he goes there to have a discussion on any important matter, he might preside over the Cabinet meetings. We have dropped that proposal, and the Cabinet will now be presided over by the Chief Minister. Of course, in his absence, he will have to delegate that authority to one of his senior colleagues. Another change made in the Joint Committee was in regard to increasing the number of nomination. The Joint Committee decided that instead of 2, not more than 3 should be nominated.

I have seen some of the amendments and also minutes of dissent. I am surprised that objection has been taken to the proposal in clause 54 which empowers or suggests that the present Territorial Councils should be converted into Legislative Assemblies. Legal and technical objections have been raised or were raised, but as far as I can see, there can be no legal or constitutional objection raised against this matter. I do not want to go into details, but perhaps Shri Kamath will remember . . .

Shri Hari Vishnu Kamath: I was not a member of the Committee.

Shri Lal Bahadur Shastri: He was a member of the Constituent Assembly.

Shri Hari Vishnu Kamath: Yes.

Shri Lal Bahadur Shastri: Even the Constituent Assembly decided that during the interim period it will function as a legislature. So, there are many such examples and what

has been suggested in clause 54 is nothing new.

Shri Hari Vishnu Kamath: Not on all fours with this. But does not matter.

Shri Lal Bahadur Shastri: Besides, it would be unfair to hold fresh elections so soon after the last general elections, which were held about a year or so ago. The franchise, adult franchise, was exactly the same. The constituencies will be more or less the same.

Dr. L. M. Singhvi (Jodhpur): On a point of clarification which would, I think, help us to understand the nature and the import of clause 54. It appears that under the Act under which elections were held, even a person of 21 years of age could become a member of the Territorial Council. Under the Constitution, State legislatures should not have members whose age is less than 25 years. That is a difficulty which has been bothering some of us in the constitutional perspective.

Shri Hari Vishnu Kamath: By now they will be above 25 perhaps.

Shri Lal Bahadur Shastri: I do not really want to enter into legal niceties.

Shri Hari Vishnu Kamath: That can be done later on.

Shri Lal Bahadur Shastri: The minimum age limit for the members of the present Territorial Council is no doubt 21 while that for Assemblies is 25. Therefore, there may be cases where persons of less than 25 years of age become members of the first Legislative Assembly. I would like to say that clause 54 has overriding effect on other provisions. That is clear from sub-clause (2) thereof.

13.28 hrs.

[SHRI THIRUMALA RAO *in the Chair*]

Therefore, it is felt that even if there are any members of the Terri-

torial Councils whose age is below 25, they have to continue to be members of the provisional Legislative Assemblies constituted under clause 54. The whole body is deemed to be a Legislative Assembly. Any distinction made between elected and nominated members or between 21 and 25 years will not be valid. As I said, the whole of the Territorial Council will be deemed to be the Legislative Assembly of that particular area. This is the legal opinion given to us. In the circumstances, I feel that even this difficulty regarding difference in age should not come in the way. I do not think it would be justified. It is obvious that the whole Legislative Assembly for the time being will continue as such till the next elections are held, and the same members, whatever their position or age, will be deemed to be members of the Legislative Assembly.

As I said, it is not advisable in present circumstances to hold fresh elections. It will mean additional expenditure and a great strain on the electorate itself. So the present Territorial Councils should become Legislative Assemblies.

Shri Hari Vishnu Kamath: Economy during the emergency.

Shri Lal Bahadur Shastri: Naturally, our people in those territories are very keen that these Councils should be converted into Legislative Assemblies, so that they can form their own Government, and carry on their own administration.

Some other points were also raised, but they have been raised in the Minutes of Dissent. I merely wanted to say a few words about what Shri H. N. Mukerjee has said about the truncation of powers. In his Minute of Dissent, he has said that the legislative powers and the legislative assemblies are drastically truncated. Specific reference has been made to clauses 18 and 21.

[Shri Lal Bahadur Shastri]

Clause 18 affirms that Parliament will continue to have powers to legislate in respect of any matters for the Territories, and Clause 21 provides that future parliamentary legislation shall override the laws enacted by the legislative assembly. In consequence of the enactment of the Constitution (Fourteenth Amendment) Act, Parliament can by law establish legislatures and councils of Ministers in the five specified Territories. It cannot, however, altogether disown legislative authority nor can the President divest himself of the responsibility in respect of the administration of the Union Territories. It is, of course, obvious that normally Parliament will not undertake legislation in relation to Union Territories in the field in which the legislatures of these Territories are competent to operate. In fact, there is a provision in the Bill authorising the legislatures of the Territories to amend or repeal Parliamentary enactments which came into force before the establishment of the legislative assemblies in these Territories. If, however, Parliament decides to enact any law in the delegated field, this should be, of course, a rare occurrence, but that, however, should not mean that the powers of the legislative assemblies are drastically curtailed.

It is said that the Administrator can dissolve the legislative assembly at his will any time. That also is not quite correct. Under clause 6(2) it has been provided that the Administrator can dissolve the Assembly, but naturally, it is obvious that in these matters he takes his decisions in consultation with and on the advice of the Government there and the Ministers. It will thus mean that the Assembly will be dissolved either on the advice of the Ministers or on the direction of the President as is the case in other States also.

Clauses 22 and 23 of the Bill provide for the Administrator's sanction

or recommendation to certain Bills. Clause 22 in particular relates to the Court of the Judicial Commissioner. Such courts exist only in Himachal Pradesh, Manipur and Tripura. The Court of the Judicial Commissioner, although it is not a High Court for all purposes of the Constitution, has been declared to be a High Court for certain purposes. It is, therefore, necessary to ensure that matters relating to these courts are dealt with after careful thought, and there is nothing wrong in providing for the previous sanction of the Administrator in respect of Bills relating to these Courts. Here again, in giving the sanction, the Administrator is advised by his Council of Ministers, and he does not exercise this power in his discretion.

The provision of clause 23 follows the provisions of article 191 read with article 207(1) under which in a State the Governor's recommendation is necessary to financial Bills.

There has been some talk about discretionary powers having been given to the Administrator, and perhaps it was felt that it was not quite justified. I only wanted to say that there are only two main matters in which this discretionary power has been given to the Administrator. One is issue of directions or taking of measures necessary for the security of the border. This applies only in the case of Himachal Pradesh, Manipur and Tripura. Its importance has considerably increased in the changed context of things, and therefore this special power has been given to the Administrators of Manipur, Tripura and Himachal Pradesh only.

The other thing is securing the proper functioning of the Standing Committee of the Manipur legislature. This applies only in the case of Manipur. There will be a Standing Committee of the scheduled tribes elected to the Legislative Assembly, and this Standing Committee will deal with

various matters concerning the scheduled tribes. Their customs, their laws etc., will have to be considered in the Standing Committee first, and then taken to the legislature. Differences might crop up between the Members of the Standing Committee and the Government. So, it will be good that the Administrator is there to settle those differences, sometimes if necessary to arbitrate. So, the Administrator would be playing an important role, and it is only desirable that this discretionary power should be given to the Administrator in so far as Manipur is concerned.

I do not want to take more time of the House. I have only to say at the end that I have briefly tried to explain the provisions of this Bill, and I am quite sure the intentions of the Government of India to give the Union Territories necessary powers to manage their own affairs will not be misconstrued in any way. Our intentions are, I believe Shri Kamath will agree, absolutely pure.

Shri Hari Vishnu Kamath: Good intentions. I agree with you as far as that goes.

Shri Lal Bahadur Shastri: May I add that the Central Government have never shirked to give such powers and responsibilities to small areas where it has been found necessary, and I agree that it is better to give adequate powers when an area is to be properly administered by the representatives of the people. There is, of course, one condition. I mentioned about that in the beginning also. We must not lose sight of the integrated picture of our country, one India. That is absolutely important.

May I convey my goodwill and good wishes to the representatives of these Territories who will soon become Members of the Legislatures and form their own Governments?

Shri Hari Vishnu Kamath: And the people of the Territories.

Shri Lal Bahadur Shastri: And the people also. May I humbly submit that they will have considerable responsibility towards helping the common man in their Territories? It should be their main concern, and I have no doubt that they will discharge their responsibilities to the satisfaction of all. I hope this measure will receive the general support of this House.

Thank you.

Mr. Chairman: Motion moved:

"That the Bill to provide for Legislative Assemblies and Councils of Ministers for certain Union territories and for certain other matters, as reported by the Joint Committee, be taken into consideration."

Shri Hari Vishnu Kamath: On a point of order, Sir. As I develop my point of order, I shall endeavour to the best of my ability to convince you and my colleagues in the House, including the Rt. Hon. Minister, that the Bill before the House . . .

Shri H. N. Mukerjee (Calcutta Central): Right Honourable?

Shri Hari Vishnu Kamath: I am sorry. The "right" may be deleted.

Shri Lal Bahadur Shastri: Not even "honourable".

Shri Hari Vishnu Kamath: Somebody objected, that is why.

Shri Lal Bahadur Shastri: The hon. Member can delete "honourable" also.

Shri Hari Vishnu Kamath: . . . is unconstitutional, and accordingly, the motion made by the Minister is wholly out of order.

I would have been happy if the Bill that has been brought before the House was truly the fruit or the outcome of the Bill that was passed in this House in September last and the people of those Territories had really been granted the substance and the

[Shri Hari Vishnu Kamath]

soul of democratic government, but under this Bill what they have got is only a travesty and a mockery. As the Sanskrit saying has it:

विनायकम् प्रकृवीर्णो, रचयामास वानरम् ।

श्री बड़े (खारगोन) : इसका मतलब भी बतला दीजिए ।

Shri Hari Vishnu Kamath: I believe it is easily understood by all.

I will invite your attention to the Constitution (Fourteenth Amendment) Act of 1962. People of these five territories, Himachal Pradesh, Tripura, Goa, Daman and Diu and Pondicherry have been looking forward to this welcome measure in its reality, not its mockery, not a travesty of it, like the fabled chataka bird.

Mr. Chairman: I would request the hon. Member to confine himself to the constitutional point.

Shri Hari Vishnu Kamath: That is what I am doing. Have you got a copy of the Constitution (Amendment) Act?

Mr. Chairman: I will get it now. Apart from the various things which the hon. Member is saying

Shri Hari Vishnu Kamath: I say so that you may grasp the point better; otherwise it would be difficult to grasp the point.

Mr. Chairman: If the hon. Member comes to the point, it will enable me to grasp it better.

Shri Hari Vishnu Kamath: It cannot be said in one sentence. You have been in the Constituent Assembly, Sir; you have laboured there and you know very well how difficult it is to set forth the constitutional point. . . (Interruption).

Shri Bade: It is relevant to the question, Sir and so it is admissible.

Shri Hari Vishnu Kamath: The Bill before the House—have you got a copy of the Bill with you?—contains several clauses; clauses 3, 4 and 54 are pivotal clauses of the whole Bill and if I convince you that these three clauses together form an unconstitutional whole, the whole Bill will fall to the ground and cannot be sustained.

The Home Minister will remember very well the 14th Amendment Bill that he brought before the House to provide for something and had the House approved of it, it would have made the position easy today. Unfortunately, the House did not approve of the Bill as it was brought before the House and a very vital change was made before the House passed that Bill. It was my amendment which was accepted, Sir. Have you got a copy of the Bill as introduced? It was brought here in September 1962 and I refer to clause 4 of that Bill which inserted article 239A. That clause 4 of that Bill—not of the Act—read as follows:

“Parliament may by law create for any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry a body, whether nominated”

Had this been retained in its entirety in its pristine impurity, imperfection, then his way would have been clear and easy. But the House thought better of it; the House was wiser than the Minister and deleted the word ‘nominated’. Instead of reading: “. . . a body whether nominated or elected or partly nominated and partly elected, to function as a Legislature for the Union territory . . .” in the Act that was passed the word ‘nominated’ was deleted by the wisdom of the House, perhaps much to the chagrin of the Minister. I thought that he also approved of the amendment at that time when I moved it and ultimately it was passed. Later on he might have thought about it and he might have felt that if the word ‘nominated’ had been retained it would

have been better. However, in the Act, in the Bill when it was passed by the House, that word had been deleted.

I come to this clause in the light of this very significant and very vital change made by the House to the effect that there shall be no nominated body; none of these assemblies shall be completely nominated but they shall be either elected or partly elected and partly nominated. The cent per cent, whole hog, total nomination principle was not accepted by the House.

Now, what do we find in the Bill before the House, please refer to clauses 3, 5 and 54. Clause 54 is linked up inextricably with clauses 3 and 5. What does clause 3 say?

"There shall be a Legislative Assembly for each Union Territory."

Well and good. Now, clause 5 says:

"The Legislative Assembly of a Union territory, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly."

May I now request you to turn to clause 54(2):

"... Notwithstanding anything in this Act, until the Legislative Assembly of each of the Union territories of Himachal Pradesh, Manipur, Tripura and Pondicherry has been duly constituted. . ."

Goa and Daman and Diu had been excluded from this clause. Now, these assemblies will function as duly nominated, duly constituted assemblies. The clause reads:

"... has been duly constituted and summoned to meet for the first session under and in accordance with the provisions of this Act, the following provisions shall

apply in relation to the Legislative Assembly of each of those Union territories, . . ."

Later on the clause says:

"Every person who immediately before the commencement of this Act is a member . . . shall . . . represent the assembly constituency.

On that point, the Minister has made a detailed statement. The Territorial Councils shall function as legislative assemblies under this Act. But for what period? It is not merely one or two months, Clause 54(3) enumerates this. In the case of Himachal Pradesh, it is five years from 3rd August, 1962; so also in the case of Manipur. In the case of Tripura, five years from 1st August, 1962 and in the case of Pondicherry five years from the 25th of August, 1962.

Can you, Sir, or any of my colleagues accept the position? These territorial councils were formed, elected and constituted under an old law, Territorial Council Act of 1956. Now, the Constitution (Amendment) Act was passed after the elections were held. I refer to the 14th Amending Act of which this Bill is the fruitful outcome, but a shoddy outcome, shoddy stuff, doled to the people, not the genuine article. This amendment provided for an elected legislative assembly or partly elected and partly nominated body. Now, what is being done is that the territorial councils, elected on the basis of an old, moth eaten Act of 1956 . . . (Interruptions.)

Shri C. K. Bhattacharyya (Raiganj): Old, older, oldest.

Shri Hari Vishnu Kamath: I accept the professor's amendment. I was saying that the old, moth eaten Act of 1956 is taken wholesale and the body is nominated. How can the Minister or this House or this Bill say that some people who were elected under the old Act shall be deemed to be elected under the new Act. It is wholly unconstitutional as article 239

[Shri Hari Vishnu Kamath]

has done away with the nomination principle. Now, he has not nominated only one member but the whole body is nominated. There too, I am told in the old council there were some members who were nominated and others who were elected. That means to say, now, the elected members are nominated and the old nominated members are re-nominated. This principle that has been introduced in this Bill is most repugnant and abnoxious.

Can the Minister lay his hand on his heart and seriously tell the House, "I am giving these people this Bill?" These are the people who have been eagerly awaiting the dawn of true democratic Government, parliamentary government, in their States. Can the Minister go to those people and tell them: "Ye, take this Bill, and this is the same thing as was envisaged in the Constitution (Amendment) Act, 1962." This was not the thing for which the people really hungered. I, therefore, submit that these territorial councils that have been embodied in this Bill, these new legislative assemblies, are nothing but nominated bodies, completely nominated by the Government, because it is just like treating a child born in 1957 as a child born in 1963. Nobody can do it; even God cannot do it, once when he has brought the child into the world; the House cannot do it. Some elections took place five or 10 years ago before this Constitution (Amendment) Act was passed by this House. Under this Act this Bill has come. This Bill is not a product of the old Act. This Bill before the House is a product of the Constitution (Amendment) Act, 1962—September, 1962. The election took place under the old Act completed in August, 1962, before the amended Act even came into operation, was assented to by the President, before the amendment Act was discussed by the House. The Minister had the temerity—I use the word advisedly—to come and tell the House that this is an elected body, or partly elected

and partly nominated body which he promised to the Union territories. I say this is a monstrosity, and this is not the way to treat the oppressed people of the Union territories, who have hungering for freedom and democracy and democratic government. I therefore submit that the Bill before the House is contrary to the provisions of the Constitution—article 239A. This is repugnant to the letter and spirit of the article and the motion made by the Home Minister is wholly and completely out of order.

Shri Lal Bahadur Shastri: I am sorry that Shri Kamath should have taken so much time of the House....

Shri Hari Vishnu Kamath: It is not for you alone to take the time; other Members can also take. The time is not yours. It is the Members' time.

Shri Lal Bahadur Shastri: Yes; Members' time and that of the House also.

Shri Hari Vishnu Kamath: I resent this, when he says that I took the time of the House. I resent this; I protest against this. I rose to a point of order and spoke. He says I am taking the time of the House. What does he mean by this?

Shri C. L. Chaudhry (Mahua): Sit down. आप बैठ जाइये ।

Shri Hari Vishnu Kamath: You shut up there. The Chair is there to guide the House; not you.

इस के लिए चेयरमैन साहब बैठे हुए हैं, यह आप का काम नहीं है ।

Mr. Chairman: Order, order.

Shri Raghunath Singh (Varanasi): You have no right to tell another hon. Member to sit down.

Shri Hari Vishnu Kamath: I have got every right. You do not butt in now. You keep quiet.

Mr. Chairman: Order, order. There is no point in your losing temper.

Shri Hari Vishnu Kamath: You could ask me to sit down; not they.

Mr. Chairman: I am asking you.

Shri Hari Vishnu Kamath: That is all right.

Mr. Chairman: He should resume his normal temper. The hon. Minister has started replying. Please resume your normal temper; why do you spoil the discussion with all this interlude? I request you not to.

Shri Hari Vishnu Kamath: I may submit, Sir, that it is not for the Minister to say that I am taking the time of the House. I was speaking on a point of order. I can say he is taking the time of the House by making a speech, but I did not say that when he made a long speech. This is not parliamentary manners. (*Interruption*).

Mr. Chairman: The hon. Member should not lose his temper. I request the hon. Member to bring in a sense of humour about these things. You do not take it seriously. (*Interruption*). I am not arguing. The hon. Minister was simply saying that this is a simple point about which so much has been said.

Shri Hari Vishnu Kamath: He did not say.....

Mr. Chairman: Do not interrupt. Even at the beginning, I wanted to understand the point before he began to refer to the injustice to the people, etc. You are bringing in an argument whereas a simple point has to be raised. That has been referred to by the hon. Minister. There is nothing in it. There is nothing for anybody to lose temper.

Shri Hari Vishnu Kamath: He said I took the time.

Mr. Chairman: That is all over.

Shri Hari Vishnu Kamath: What is all over? (*Interruption*). I bow to your ruling willy-nilly.

549(Ai) LSD—5.

Shri Lal Bahadur Shastri: I am sorry that Shri Kamath, who has been such an experienced parliamentarian, who has been a Member of this Lok Sabha for sometime previously also, and also a member of the Constituent Assembly, should lose his temper in this way over only a few words used by me which were not in any sense derogatory. I am indeed surprised—I shall again say—at the way he lost his temper and dealt with other colleagues was something beyond my imagination. I could never imagine that—I can understand a new Member doing that—such an experienced Member, as Shri Kamath, with all his experience and knowledge, should deal with the matter in this way. I leave it to him, and it is for you to decide.

Shri Hari Vishnu Kamath: I am surprised that a senior Minister like him should use those words.

Shri Lal Bahadur Shastri: I never meant to suggest that what the hon. Member said was irrelevant or something like that. I never meant that. I only said that perhaps this matter could have been finished in a short time. That was the only thing that I wanted to mention. But, however, if he does not like it, I am very sorry.

Shri Hari Vishnu Kamath: That is better.

Shri Lal Bahadur Shastri: I do hope that he also sometimes realises that he commits mistake. Obviously.....

Shri Hari Vishnu Kamath: You point out; I am willing to correct myself. (*Interruption*).

Shri Lal Bahadur Shastri: Shri Kamath even now has committed a great error in the way he spoke to the other hon. Members in this House.

Shri Hari Vishnu Kamath: You have closed the matter.

Mr. Chairman: Order, order. I cannot allow this running commentary.

Shri Hari Vishnu Kamath: You cannot call me alone to order. The others are there.

Mr. Chairman: I am sorry to say this: when an hon. Member is on his legs, it is not proper for another Member to have a running commentary. I will give you time if you want to say anything.

Shri Hari Vishnu Kamath: It is not a running commentary at all.

Mr. Chairman: I take objection to that. (*Interruption*).

Shri Hari Vishnu Kamath: I am confident; you are equal to all Members.

Shri Lal Bahadur Shastri: Shri Kamath has also said that he will also, or he is also prepared to accept the mistake; that he will do so; but as soon as it is pointed out, he gets upset. Then there is no point in pointing out or making any suggestion. I really expected better response from him.

However,—I am again making a reference to him—I am amazed at the way he was referring to this matter. He referred to my accepting the amendment he had moved in the Constitution (Amendment) Bill. He even objects to that and he criticised me.

Shri Hari Vishnu Kamath: I did not object.

Shri Lal Bahadur Shastri: He said that it was accepted perhaps with great hesitation and something like that. In fact, perhaps he was not fully satisfied.

Shri Hari Vishnu Kamath: What is wrong in that?

Shri Lal Bahadur Shastri: Please permit me to proceed. I did not disturb the hon. Member at all when he was speaking. It is very unfair on the part of Shri Kamath to suggest

that the House, in its wisdom accepted it and the Minister did not want it and all that. Certainly, the House in its wisdom did accept it. But it was accepted by me first when the amendment was moved by the hon. Member. In fact, he had expressed his thankfulness for the same. Now, perhaps he may completely forget it. But I did accept it, when I found that there was substance in what Shri Kamath had said.

However, in that connection, it is clearly provided as he himself has said, that the legislative assemblies in these territories may be partly elected and partly nominated. Now, Shri Kamath wants to suggest that this is wholly a nominated body; that this could be only a wholly nominated body. I am sorry I do not agree at all with this. I was trying to explain in brief as to why it would not be a nominated body. I said that even from the practical point of view and consideration, it was essential that the present territorial councils should be converted into legislative assemblies as early as it could be done. However, may I say that during the period of transition from the provisions of one statute to those of another, such legal provisions are commonly made. There does not appear to be any legal objection to this. The provision in clause 54 is nothing but incidental and ancillary provision to the main provision in Part II and Part III of the Bill. By article 239A, power has been conferred by the Parliament to create a legislative body for a Union Territory. By this Bill provision has been made for the creation of such legislative body and it is only incidentally provided that for a temporary period mentioned in clause 54, the Legislative Assembly of the Union Territory shall be deemed to be constituted in the manner indicated in that clause.

14 hrs.

As I said sometime before, even in the Constitution of India, temporary

and transitional provisions similar to clause 54 were made. It was provided by article 379 of the Constitution that until both Houses of Parliament had been duly constituted and summoned to meet for their first session, the body functioning as the Constituent Assembly of the Dominion of India would function as the Provisional Parliament, and exercise all the powers and perform all the duties conferred and imposed by the Constitution on Parliament. Similar provisions were contained in article 382 in relation to a State Legislature. So, in the Constitution itself, this kind of interim arrangement was provided.

In regard to nomination, etc., I do not want to take much time of the House, but the process of nomination of members is entirely different to what is being proposed in this, in so far as the formation of the Legislative Assembly is concerned. Nomination is done by the executive and it is done by individual names. If Members are nominated to any Legislative Assembly or to any elected body, the State Government or the Central Government does it. Every person is selected by name and then nominated. So, there is a clear distinction between nomination and election. As I said, the Territorial Councils were elected by adult franchise. It is an elected body, which can never be termed as a nominated body. Only for an interim period it is being provided in clause 54 that this Territorial Council should be deemed as Legislative Assembly till the new general elections are held.

I do not want to say more, but I would very much like Mr. Kamath to go and face the people of those territories. There are Members sitting here from those territories—Members of Parliament. They have a much greater right to speak on behalf of these territories. I have no manner of doubt that each and every one of them will feel exceedingly sorry if the objection of Mr. Kamath is upheld. They will feel sorry because they will not be able

to form their own Government and carry on the administration in a manner they consider best. I have no doubt that Mr. Kamath will be ruled out in no moment as soon as he goes to that area. I personally feel he will not dare to go and visit that area.

Shri Hari Vishnu Kamath: Don't make a mockery of the Constitution. (*Interruptions*).

श्री चे० ला० चौधरी : जनाब चेयरमैन साहब, मेरी दरखास्त है कि कामत साहब मेम्बरों को कहते हैं "शुट अप"। "बेइल्मे नातमा खुदारा खनात"। उन को यह मालूम होना चाहिए कि अगर वह किसी भी मेम्बर को लियाकत से नहीं देखना चाहते, तो और मेम्बर उन को पानी की तरह देखेंगे। इसलिए उन को बड़े अदब के साथ अपने लपज विदड़ा करने चाहिए।

श्री हरि विष्णु कामत : स्पीकर साहब, श्री अग्र्यंगार, ने उस को पार्लियामेंटरी रूल किया है।

Mr. Chairman: I thought I would not take cognizance of it since we were passing on to the next item. But since the hon. Members affected have raised this point, I have no other alternative but to request you, Mr. Kamath, that this is not a proper term to use against a fellow Member. I heard the words 'shut up'. You are a gentleman and you are very careful in your language; in spite of a little heat in the expression, I do not think you intended to use the words 'shut up' against a fellow Member.

Shri Hari Vishnu Kamath: All are gentleman here; none of us non-gentleman. I may bring to your notice—you were not in the House in the first Parliament—this point was raised by me in the first Lok Sabha when Mr. Ananthasayanam Ayyangar was in the Chair. Another Congress Member used the words 'shut up' and I raised the point. He said, it is perfectly parliamentary, because 'shut up' only means 'keep quiet'. Therefore, I do not see any reason why I should

[Shri Hari Vishnu Kamath]

withdraw those words. The records will bear me out. You can over-rule that; that is a different matter. But the Speaker has ruled that.

Mr. Chairman: After all, such rulings are not always case-law.

Shri Hari Vishnu Kamath: I go by that ruling.

Mr. Chairman: I can only express my opinion that it is not fair on the part of Mr. Kamath to use such expression. Now, on the merits of this proposition Shri Gauri Shankar.

Shri Gauri Shanker Kakkar (Fatehpur): Sir, I stand to support the point of order which has been raised by Mr. Kamath. As a Member of the Joint Committee, I also hammered the same thing. His appreciation are quite genuine. The hon. Home Minister has taken shelter under article 379 of the Constitution saying that this is only for the transitory period. The period of five years which has been given can never be construed by any stretch of imagination to be covered under a transitory period. Under the present Bill, which is under discussion, the Territorial Councils are to be converted into Legislative Assemblies for a period of five years, full long five years. Five years are the life-time of Parliament. So, it would hardly be a transitory period.

The objection can be raised that according to the Constitution, the present Assembly is not elected or partly elected and partly nominated. When the Territorial Councils were elected, they had very restricted and limited powers and so, naturally, persons with merit and other status could not come forward to contest the election or to be nominated to the Territorial Council. Now by this enactment such persons are being debarred for five years, because the Territorial Council is quite different from a full-fledged Assembly. A person may not come forward to contest the election for a Territorial Council, but

he may have an aspiration and desire to become a member of the Assembly. If this is to be allowed to be done in this manner, it means there is certainly a breach of the fundamental rights of many such persons.

For the Territorial Council, the age was 21. According to the Representation of the People Act, it is 25. If the Congress Party of the Home Minister has taken it into his head to convert persons of 21 into persons of 25, I have nothing to say. But I submit this is not possible and feasible to convert a man into a lady. I would call it like that, because a person of 20 years who was eligible for standing for election to the Territorial Council is not at all eligible to become a member of the Legislative Assembly. He is being allowed to enjoy that privilege now. I have got a genuine apprehension this this piece of enactment is against the spirit of the Constitution, against the specific provision of article 239A of the Constitution, which was passed here in 1962. So, this should be seriously looked into. I would even say that it would be in the best interest if the Attorney-General is consulted on this point, because it is a very serious matter and it would not be proper and decent if this is challenged in a court of law and set aside.

Sir, I support the point of order raised by Shri Kamath.

Dr. L. M. Singhvi: Mr. Chairman, Sir, it appears, I am sorry to say, that there was undue heat generated, and I think the constitutional issue which is before us perhaps tended to be under-emphasised or clouded. I do, however, feel that the issue that was raised by Shri Kamath immediately after the motion moved by the hon. Minister has considerable force. As a matter of fact, it was this very issue which I had sought to raise during the speech of the hon. Minister. He was good enough to yield then and explain as to why the Government considered the Bill constitutional. He even cited legal opinion obtained by the Government on this particular issue.

It seems that article 239A which was the provision of the Constitution sought to be inserted by a constitutional amendment has a *non-obstante* clause 239A(2) which says:

"Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

Now, of course, there is no doubt that this was a piece of circumlocution, a piece of going round and round a particular provision of the law because here it is said that any law which is enacted in pursuance of this constitutional amendment may actually have the effect of amending the Constitution but not have the form and status of a constitutional amendment. As my hon. friend, Shri Kakkar said, it is not possible for this Parliament to convert a man into a woman. But I would certainly say that it is perhaps possible for this Parliament to call a man into a woman.

The question is not only this, that that we are trying to describe Territorial Councils as councils constituted under the constitutional amendment, under article 239A. There is, apart from the question which I raised, the question of legality and propriety of continuing the present Territorial Councils which were elected under a specific piece of legislation, for a specific purpose, under specific circumstances, before this enactment came into force, before this constitutional amendment came into force. It would, of course, be a travesty of law and an example of retrospective thinking.

The whole thing is this. These Territorial Councils were constituted in fulfilment of the assurance of giving them, giving the people of these territories, all the incidents of self-government; not the extrinsic paraphernalia only, not the outside mechanism only, but the reality of self-government. I quite agree and con-

cede the point of the Home Minister that the people of these areas are very anxious for self-government. But even while sympathising with their anxiety, we cannot act in a manner which is not in consonance with the provisions of the Constitution. That is the point I raise before you, Sir, and I will read to you, therefore, article 294A(1). It says:

"Parliament may by law create for any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry—

(a) a body....." (this is to be marked ".....whether elected" (that is one category) ".....or partly nominated and partly elected" (that is another category) "to function as a Legislature for the Union territory,"

That is to say, this constitutional provision postulates only two categories of legislature, two kinds of legislatures, which we may by law create. These two categories adumbrated in the constitutional amendment are: (i) elected, which means only elected....

Mr. Chairman: What do you say to the contention of the Government that the present Territorial Councils are elected on universal franchise?

Dr. L. M. Singhvi: I will submit to that also. I was saying that article 239A(1)(a) postulates only two categories of legislature, either only elected territorial legislatures or a legislature which is partly nominated and partly elected. Now, Sir, I suppose you agree with this.

Mr. Chairman: Elected or partly nominated; it may be either or both.

Dr. L. M. Singhvi: Now, if the body is to be wholly elected, of course, the existing Territorial Councils do not fulfil the requirements of that law, and wholesale conversion which is sought to be attained by clause 54 of the Bill before us will be *ultra vires* of the Constitution. Therefore, we

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would revert to the second category postulated in article 239A. The second category of legislature is one which is partly elected and partly nominated.

Mr. Chairman: There is no expression "partly elected and partly nominated"; it is only "elected or partly nominated".

Dr. L. M. Singhvi: If you read the next phrase you will find that there is also "partly elected". When I say, this, I am fully fortified by the text of the Constitution as amended by the Fourteenth Amendment Act. I will read it again. It says:

"Parliament may by law create....."

(a) a body, whether elected or partly nominated and partly elected...."

The word "or" is interposed here to signify the second category. This is how it will have to be read. I am referring to the second category, which means that the body should be partly nominated and partly elected.

In this particular case it would be futile to argue that the bodies which are sought to be converted, the existing Territorial Councils which are sought to be converted in a blanket way are bodies which are partly elected and partly nominated. If that were so, as a matter of fact, which is the elective element and which is the nominated element, because elective elements and nominated elements should refer not to earlier nominations or earlier elections but to elections and nominations under the enactment which is authorised under article 239A. Any earlier enactment of this sort would actually have been *ultra vires*. That is why Government were impelled and persuaded to bring about this constitutional amendment. If this Fourteenth Constitutional Amendment is to have any relevance we must recognise that before this amendment

came into force we could not have given a legislature to these territories which is actually permitted only by the amended article of the Constitution.

There is another matter, whether it is correct legally and constitutionally to say that these legislatures which are existing and the elections or nominations to which were held under the Territorial Councils Act, 1956—not under this legislation, not under the Representation of the People Act, which seeks to impart a sense of uniformity to all our elective institutions under the Constitution in all the States and leaves outside its pale only the local government institutions—are relevant for the purpose of constituting State legislatures under the present enactment. These are State legislatures. If it is to be a State legislature, there is no reason, no rhyme in the argument that you can create a legislature outside the pale of the Representation of the People Act, because that is one machinery which is sought to ensure impartiality of elections. The Election Commission is the one machinery through which all elections are supposed to be held, and any elections which may have been held to a municipality by the State Government or to a panchayat will not be valid, will not be relevant for the purpose of constituting a State legislature under the present enactment authorised by article 239A.

In that context, I would like to submit that the objection which I earlier raised also becomes relevant. If it does not raise a complete legal barrier, at least it becomes relevant as an example for showing why the present legislation before us is not in consonance with the Constitution. The Territorial Councils which exist today were constituted under a different Act. Persons of less than 25 years of age could become members of those Territorial Councils. Persons who were interested only in certain restricted confined affairs of the State sought

elections to it. Now, naturally, when we are in the threshold of giving them the promised self-government, we are bound to give them the reality and substance and not the shadow. If we have to give them the substance and reality, then it is quite evident that the elections, in the first place, should be held under the Representation of the People Act.

Then, the Minister said two matters on which I want to dilate a little. The Minister has said that it is only a transitional arrangement. This is not sanctioned under any of the provisions of the Constitution. I would like the learned Home Minister, or the learned Minister of State in the Ministry of Home Affairs, who is himself a lawyer, to tell us under which constitutional provision is such a transitional arrangement sanctioned. Secondly, is an arrangement which is to last for the entire duration of five years or four years to be described as transitional? That would be a travesty of its ordinary, common sense dictionary meaning. Transitional is a shorter duration than the routine, normal tenure. And a legislature would not in any way live beyond five years, ordinarily, under our Constitution. So, it is wrong to argue that this is a transitional arrangement.

Another argument raised by the Home Minister was by referring to clause (b) of article 329, which does not hold water. Because, in all these matters, the courts in this country and we in this Parliament, upon whom falls the responsibility of preserving and maintaining the constitution in all its strictness, will be bound to take a restrictive interpretation of the constitutional terms in so far as it comes to restrict democratic institutions, and this is one of those provisions which will restrict, at least for the time being, and when the "time being" is being extended for a period of five years or four years, we are bound to interpret this as not in consonance with the spirit and the letter of the Constitution. Therefore, I submit that under our Rules of Procedure this is

a measure which does not fall within the legislative competence of this House, because it is not in consonance with, and is clearly contrary to, the provisions of the Constitution. That is my submission.

Shri Bade: I fully support Shri Kamath in his objection. According to the Constitution, the present assembly is not fully elected or fully nominated. It is partly elected and partly nominated, according to fiction. The main objection to clause 54 is this. According to clause 54, every person who, immediately before the commencement of this Act, is a member elected from a constituency to fill a seat in a territorial council shall be deemed to have been elected to the Legislative Assembly. This is a legal fiction. My submission is that this legal fiction is against the Constitution. The legal fiction must be according to law. The moment it goes against the spirit of the Constitution, it ceases to be a legal fiction. The wording of the clause clearly shows that it is a legal fiction which this Bill wants to provide.

Secondly, as the hon. Minister has stated, according to them this is a provisional arrangement. So far as Parliament is concerned, there was a specific provision for the provisional period. But, so far as the union territories are concerned, no provisional arrangement is specifically provided in the Constitution itself. Therefore, the argument of the hon. Minister that this provisional arrangement is according to the analogy of the provisional arrangement for Parliament under the Constitution is not valid.

The clause says that every person who, immediately before the commencement of the Act, was a member elected from a constituency should be deemed to have been elected to the Legislative Assembly from that constituency is something absurd, because it goes against some provisions of this Bill, as there are some provisions

[Shri Bade]

here for qualification and disqualification of members. According to the Bill, a person who wants to stand for election must be 25 years of age. Suppose there is already a member who is below 25 years of age. Then, by this legal fiction, he will be entitled to have a seat in the Legislative Assembly.

Shri Hari Vishnu Kamath: Preposterous.

Shri Bade: So, it goes against the spirit of some clauses of the Bill. Therefore, I submit that what Shri Kamath says is quite correct, and if this Bill goes to the Supreme Court, quite likely that it will be declared ultra vires. So, I feel that this requires very careful consideration. I fully support Shri Kamath in the objection which he has raised and again submit that there can be no legal fiction which goes against the spirit of the Constitution.

Mr. Chairman: Does the Minister want to say anything in reply?

Shri Priya Gupta (Katihar): Before that, may I seek a clarification? What is the projection of political strength in the present composition of the territorial councils? Or, do you want to keep this out in the background?

Shri Bade: That is our objection. Other political parties may not get representation.

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): May I add something to what has fallen from the Home Minister, though I have very little to add? First of all, I will read the relevant words from article 239A.

"Parliament may by law create... a body, whether elected or partly nominated and partly elected, to function as a Legislature...."

Now, assuming that this body is limited by the expression "whether elected or partly nominated and partly elected"—I am not conceding this

point; I think it is only illustrative; a third alternative is not necessarily debarred; that is how I feel—assuming that these are the two ways in which the body can be constituted, that is, "elected or partly nominated and partly elected" what is the constitutional requirement? The constitutional provision requires that the members who constitute the body should be elected and, as Dr. Singhvi was constrained to observe, the word "elected" is not qualified by any phrase as to whether elected....

Shri Bade: Elected under the Bill?.

Shri Hajarnavis: Shut up.

Shri Hari Vishnu Kamath: Sir, this is very wrong. The hon. Member was telling me something. Now the Minister has thought it fit.....

Mr. Chairman: I very much disapprove of this. It is not fair. It should not be done.

Shri Hari Vishnu Kamath: Sir, can you please ensure that healthy traditions....

Mr. Chairman: Whoever it is, such words should not be used on the floor of the House. They are not respectful.

Shri Hari Vishnu Kamath: May I again submit....

Mr. Chairman: There should be no retaliation.

Shri Hari Vishnu Kamath: It is not a question of retaliation.

Shri Hajarnavis: Sir, I express my regret for using that term.

Mr. Chairman: If it is used a second time, I will expunge it.

Shri Hajarnavis: I will not repeat it. I only request hon. Members that while I am arguing rather an important and difficult point, I ought not to be disturbed.

Mr. Chairman: That is all right. Let him proceed. Why should he be interrupted.

Shri Hari Vishnu Kamath: Why did he interrupt us?

Mr. Chairman: Please do not provoke him.

Shri Hari Vishnu Kamath: I was only telling my colleague something.

Mr. Chairman: Let us hear what the Minister has to say.

Shri Hajarnavis: The only constitutional injunction is that it ought to be elected. If there is any doubt anywhere, or if there is any contention raised anywhere, that the constitution of the legislature is simultaneous with the elections, let us go to section 73 of the Representation of the People Act. General election follows the dissolution of the legislature. The legislature have ceased to exist. Then, one by one, the elections are announced. Then, what happens? There is publication of the results under Section 73. There is a general notification, and upon the issue of such notification the House or the Assembly shall be deemed to be duly constituted. So, the election of the members always precedes the constitution of the House. What the interval should be will depend upon the facts of each case. Here, there has been an election four, five or six months back. Now, what the law tries to say or do is that those elected members shall constitute the legislature, a provision which copies the exact words of section 73 of the Representation of the People Act. Therefore, there is complete compliance with article 239A. Secondly, as regards the main objection that has been raised regarding nomination, as the hon. Home Minister has explained before me, the members are not nominated at all. Nomination is the act of selection by the executive of an individual. In this case what has happened is that the members who are elected by a provision of the law....

Mr. Chairman: The hon. Minister might resume his argument tomorrow. Now it is 2:30; the House will take up the non-official business.

Shri Lal Bahadur Shastri: Sir, this may be finished.

Mr. Chairman: I think, there is a lot of argument about it.

The Minister of Law (Shri A. K. Sen): What is the argument? Your ruling is necessary.

Shri Hari Vishnu Kamath: Let us take up the non-official business. We held it over last week. We did not have it last week.

Mr. Chairman: If the House so desires, we will continue it for another five minutes.

Shri A. K. Sen: If I may say so, I will not be here tomorrow, because I have to leave the station, in case my assistance is necessary.

Shri Hajarnavis: I will finish it just now.

Shri Indrajit Gupta (Calcutta South West) rose—

Mr. Chairman: I have extended it by five minutes. It will be over very soon.

Shri Hajarnavis: I will meet Dr. Singhvi's objection by pointing out to him that here is a legislature not constituted under the Constitution; therefore, the provisions of the Constitution do not apply. This legislature is being constituted under an Act or law where we can prescribe any qualifications for the members or electors. Therefore the Constitutional question does not arise.

Now "deemed to be" is a well-known provision by which legal fiction is created and no one can say that that is not the reality because even if it is not the reality the law bids us to imagine that the legal fiction exists.

Shri Bade: I want one clarification, namely, whether there can be any member of the Council who is below 25 years of age. If he can tell us that, we will be highly obliged and then I will shut up.

Mr. Chairman: What I feel is that there are certain finalities about the law. Once an election is declared

[Mr. Chairman]

valid, even if a member is elected under a wrong age, one cannot question that. Once you have reached the highest court and your election is upheld even though your age is wrong, there is no remedy. So also here they have made a provision for these old territorial councils to continue until a specified period approved by law. Nobody has contended that these territorial councils are not elected. The Government's contention is that they are elected bodies and their life is prolonged by the sanction of the legislature. I do not want to enter into the question whether there is any provision which is contrary to the Constitution. If that is the case, that has to be decided elsewhere. I put it to the House whether the House accepts that this Bill be put through and I will abide by the decision of the House

Shri Hari Vishnu Kamath: On a point of clarification. You just now held about the age.....

Mr. Chairman: I gave an example.

Shri Hari Vishnu Kamath: But there have been reported cases of the Supreme Court where the election is set aside on the ground of being under age, that is, less than 25 years of age.

Mr. Chairman: After the process of law is exhausted, that is final.

Shri Hari Vishnu Kamath: You may hold over this point for the hon. Speaker's ruling. That is much better. Moreover, time is up.

Shri A. K. Sen: Your ruling is good enough for us.

Mr. Chairman: I put it to the House whether we should proceed with this Bill.

Shri Hari Vishnu Kamath: There is a point of order to be decided.... Is there no point of order?

Mr. Chairman: Yes. I want the opinion of the House whether we should proceed with this Bill.

Some Hon. Members: Yes.

Mr. Chairman: Then we will proceed with this tomorrow.

14.35 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTY-FIRST REPORT

Shri Hem Raj (Kangra): Sir, I beg to move:

"That this House agrees with the Twenty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 1st May, 1963."

Mr. Chairman: Motion moved:

"That this House agrees with the Twenty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 1st May, 1963."

Shri Hari Vishnu Kamath (Hoshangabad): Mr. Chairman, the Twenty-first Report of the Committee has got four items and may I invite your attention to item No. 4 where Bills shown therein have been listed in category 'B'. One is the Bill introduced by Shrimati Lakshmikant-hamma and the other is my Bill, the Constitution (Amendment) Bill, 1963 regarding amendment of the article enabling Parliament to amend the Constitution, which I introduced a fortnight ago, on the 19th April.

Article 368 empowers Parliament to amend the articles of the Constitution as detailed therein. I have introduced the Bill seeking to amend that article so as to provide for a two-thirds majority of the total membership of the House and a three-fourths majority of the Members present and voting. That Bill has been classified as a Bill falling under category 'B'. I would submit for your consideration that the Bill is very important because if it is adopted by the House at the earliest possible opportunity, it will do away with all kinds of partisan amendments to the

Constitution, as I have said in the statement of objects and reasons, and genuine amendments to the Constitution will be brought forward before the House in the highest national interest and in the interest of social justice. A mere partisan view of the Constitution should not be taken. The Constitution should not be tampered with. It should not be lightly amended on frequent occasions by the executive to suit their own convenience. I am firmly of the opinion that this Bill which I introduced a fortnight ago must be put in category 'A' so that it may come up before the House with the least possible delay and considered by the House on its merits.

Dr. L. M. Singhvi (Jodhpur): I have also a submission to make in respect of the Report that is before the House. I have an independent matter to raise. Shri Kamath has raised a point about his Constitution (Amendment) Bill; I have to raise a point in respect of the Constitution (Amendment) Bill of which I have given notice.

Shri Hem Raj: May I reply to the objection raised?

Dr. L. M. Singhvi: He might reply to all of them together.

Shri Hem Raj: The objection which has been raised by Shri Kamath, I think, is not tenable. When the Bills are taken up in the Committee, an opportunity is given to the hon. Member concerned to come and present his view. Whenever categorisation takes place, the hon. Member concerned presents himself and argues his case. The notice of the meeting was given to Shri Kamath also and he could present his view there. Now, in this case because it has been put in category 'B', he wants that it should be placed in category 'A'. But that question can only be decided by the Committee itself. Therefore this question may not be taken up now.

Shri Hari Vishnu Kamath: The House is supreme. One a point of personal explanation may I submit

that on the 30th April, that is, last Tuesday, when the Committee met at 3 or 3.30—I was informed about it—I was to speak in the House and I told the hon. Deputy-Speaker that I shall not be able to attend the Committee.

Shri Hem Raj: He can get an opportunity again.

Mr. Chairman: That is all right. Is Dr. Singhvi's point connected with this?

Dr. L. M. Singhvi: In connection with the Report of the Committee on Private Members' Bills and Resolutions.....

Mr. Chairman: I have got only two Bills on the agenda here.

Dr. L. M. Singhvi: As you know, Sir, the convention is that we can speak about things that are here and also about the things which have been excluded from the Report, we are entitled to make our submissions at the time the Report is presented.

My submission is—it is a very brief one—that a Constitution Amendment Bill for insertion of Rajasthani as one of the regional languages in the Seventh Schedule was notified to the Secretariat several months ago. I was told that this Bill should not be taken up now because.....

Shri Hem Raj: That contention does not stand.

Dr. L. M. Singhvi: If I may continue, Sir,.....

Shri Hem Raj: That Bill was taken up in the former Committee.

Dr. L. M. Singhvi: It was reconsidered during this session also. Sir, the whole matter is this. The Committee informed me that the representatives of the Home Ministry considered it not proper that the Bill should be taken up during the present state of emergency, I have applied with great diligence all my brains to

[Dr. L. M. Singhvi]

it and I am unable to follow the relationship of the Constitution Amendment Bill which I have sought to move with the exigencies of the emergency. I would make a plea to the Committee to make its reasons a little more intelligible to the Members whose Bills are not introduced, or not permitted to be placed or introduced in the House. This is the plea that I would like to make.

Mr. Chairman: The hon. Member may kindly resume his seat. The hon. Member can very well obtain this information by writing to the Committee. He need not take the time of the House just now. I am only concerned with the subjects that are before me.

Dr. L. M. Singhvi: I am informing the House about it.

Mr. Chairman: You are at liberty to write to the Committee and get a reply from them.

Now, with regard to the priority fixed for Mr. Kamath's Bill, apart from the contention of Mr. Hem Raj that it should go back to the Committee again, I think we can waive that and take the opinion of the House. If the hon. Member agrees, it can go back to the Committee again.

Shri Hari Vishnu Kamath: Let it be sent to the Committee

Mr. Chairman: All right. So, I take it the House agrees with the Report subject to the modification regarding the Constitution (Amendment) Bill by Shri Kamath.

Hon. Members: Yes.

Mr. Chairman: Then we take up Private Members' Bills to be introduced.

14.40 hrs.

INDUSTRIAL DISPUTES (AMENDMENT) BILL*

(Amendment of section 3) by Shri C. K. Bhattacharyya.

Shri C. K. Bhattacharyya (Raiganj): Sir, I beg to move for leave to introduce a Bill further to amend the Industrial Disputes Act, 1947.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend the Industrial Disputes Act, 1947."

The motion was adopted.

Shri C. K. Bhattacharyya: Sir, I introduce the Bill.

14.41 hrs.

SALARIES AND ALLOWANCES OF MINISTERS (AMENDMENT) BILL*

(Amendment of sections 3, 4 etc.) by Shri Hari Vishnu Kamath

Shri Hari Vishnu Kamath (Hoshangabad): Sir, I Hari Vishnu Kamath beg to move for leave to introduce a Bill further to amend the Salaries and Allowances of Ministers Act, 1952.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend the Salaries and Allowances of Ministers Act, 1952."

The motion was adopted.

Shri Hari Vishnu Kamath: Sir, I introduce the Bill.

14.42 hrs.

DISCLOSURE OF ASSETS OF
MINISTERS BILL*

by Shri Hari Vishnu Kamath

Shri Hari Vishnu Kamath: Sir, I, Hari Vishnu Kamath, beg to move for leave to introduce a Bill to provide for the periodical disclosure of assets of Ministers.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill to provide for the periodical disclosure of assets of Ministers."

The motion was adopted.

Shri Hari Vishnu Kamath: Sir, I introduce the Bill.

Shri Morarka (Jhunjhunu): On a point of order, Sir. How can the hon. Member say, "I, Shri Hari Vishnu Kamath, beg to move . . ."? Why a special formula for a particular Bill? *(Interruption)*

Shri Hari Vishnu Kamath (Hoshababad): I would not mind if my hon. friend says "I, Shri Radhey Shyam, R. Morarka, . . .". *(Interruption)*.

Mr. Chairman: There is no point of order.

Shri Kapur Singh (Ludhiana): Is there any doubt about his name! *(Interruption)*.

The Minister of Law (Shri A. K. Sen): He is so well-known that he need not announce himself.

Shri Hari Vishnu Kamath: I am not as well-known as the Law Minister is.

Shri S. M. Banerjee (Kanpur): He can say, Hari Vishnu in the name of Vishnu. *(Interruption)*

Shri C. K. Bhattacharrya (Raiganj): That is a deviation from the usual formula that we have been hearing in this House for so long. This is the first time I hear announcing one's own name.

Shri Hari Vishnu Kamath: You can amend that formula. *(Interruption)* It is not a cut-and-dried formula.

14.42 hrs.

INSURANCE (AMENDMENT) BILL
—contd.

(Amendment of sections 31A and 40c)
by Shri Inderjit Gupta.

Mr. Chairman: Order, order. The House will now take up further consideration of the following motion moved by Shri Indrajit Gupta on the 19th April, 1963:—

"That the Bill further to amend the Insurance Act, 1938 be taken into consideration."

The time allotted is 1 hour out of which already 34 minutes have been taken. So, only 26 minutes remain.

I, think, the Minister may reply.

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): The reply will be by the Member. I would like to intervene now.

Mr. Chairman: Yes, the hon. Minister.

Shri B. R. Bhagat: The hon. Member, Shri Indrajit Gupta has in this Bill, proposed two amendments to the Insurance Act, 1938. The first amendment proposes to take away from the scope of Government's discretion the existing power of specifying the limit upto which bonus can be paid by an insurer. This is the first amendment, if I have understood him correctly.

The second amendment is intended to provide that bonus should be

[Shri B. R. Bhagat]

specifically considered while fixing the limit of expenses under Section 40C of the Act.

These are the two amendments very specifically suggested by the hon. Member. I have heard him—did hear him patiently the other day—and tried to follow the rationale of his amendments. I am unable to accept either of them. As regards the first amendment, I would explain why it would not be possible to accept it. He said in his speech the other day that his amendment is designed to meet the hardships felt by the employees in the wake of the Supreme Court judgement which he quoted. He suggests that it would make a fundamental change in the existing law. Needless to say, insurance is a highly technical subject and the question whether an insurer is in a position to bear a certain burden of bonus has to be decided only after taking into consideration its financial circumstances, the technical aspects of its working, its past record, the adequacy of its insurance funds, reserves and so on. Apart from this, the main point is that it is necessary to keep a check and control over unhealthy competition between insurers. It was precisely for these reasons that the Act had vested powers in the Central Government to decide in any particular case whether any bonus should be declared, and if so, upto what extent. If at all, the Central Government's discretion would be in favour of the employees. The intention was not to take away the normal rights of the employees in the matter of raising the industrial dispute. This was not the intention. As the House is aware, the Act itself provides for control on the working of insurance companies in many detailed respects. The payment of bonus, which ultimately is bound to reflect itself in the level of expenses of the management, cannot be kept away from the other factors of operation of the insurer which are kept under constant watch by Government. The decision of the

Supreme Court went further than what was originally intended. As Shri Gupta himself has pointed out, the Government has been taking a somewhat liberal view in regard to the payment of bonus . . .

Shri Indrajit Gupta (Calcutta South-West): Had been; before the judgement.

Shri B. R. Bhagat: Even afterwards. The Government did not change it. But the judgement of the Supreme Court being what it is, the position has admittedly to be set right by the amendment of the Act. That is what he has said. It is however a matter for careful consideration whether a suitable remedy would be to completely remove the discretion which he wants to take away with regard to the maximum limit of bonus from the scope of governmental powers. The Government was inclined to the view that while it retained powers to prescribe the maximum rate of bonus payable, the employees might be given the right to raise a dispute with regard to the rate of bonus within the limit. That is a very legitimate point of view. I think the real hardship is that the matter cannot be taken to the tribunal. Such a course would have the advantage that while on the one hand the financial position of the insurer would be safeguarded by the fixing of the maximum rate of bonus, taking into account all the circumstances of the insurer, within this limit, in case of dispute, it can be settled by negotiation. So, I think the position is that it would not serve any interest of the employees to take away the entire discretionary power of the Central Government. Because, he has himself admitted that the Government has been liberal in its view. I can assure him that the Government will be and is liberal in its view where the interests of the employees are concerned.

My only point is that if he takes away all the discretionary powers, it

does not serve the purpose. The only thing is, where a company may have surplus funds and is not declaring bonus, there is a legitimate case of hardship to the employees. Now, we are considering that aspect of the matter as to what should be done about this. I have tried to find out the factual position. I have not come across any acute case in which an insurer is trying not to declare bonus.

Shri Prabhat Kar (Hooghly): I will give you a case.

Shri B. R. Bhagat: I do not want. I am only giving the factual position. But, I think there is great force in what he says. There is some force in the situation that some remedy should be found out in cases imaginary or real where an insurer, having funds, is not willingly or wilfully declaring bonus and where the interests of the employees may be in jeopardy. That aspect of the matter is before us. We are certainly giving our due consideration.

I would also like to remind the hon. Member that the whole question of bonus is before the Bonus Commission. The norms of bonus, what should be the principles of bonus, all these are before them. Certainly we would like him to await the decision of the Bonus Commission.

Shri Prabhat Kar: This section will be a bar.

Shri B. R. Bhagat: I agree. I am not arguing from a purely legalistic point of view. I have already said that that aspect of the matter is under our consideration. But, I am saying, let us see what the important Bonus Commission is going to say about the general principles and norms of bonus and all these matters and then that would be time to say.

Shri Prabhat Kar: Just for your information, they have raised this point and stated that the Bonus Commission is precluded from going into the bonus of insurance companies.

Shri B. R. Bhagat: I agree, technically, of course. They are going to decide about the norms and principles of bonus. Certainly it would be worth while awaiting their recommendations. But, as I said, I made it clear that it is not the intention of the Government that the employees where they have a justifiable claim for bonus, where they have earned it, there are resources and the company is not declaring bonus—there is force in that—we are looking into that aspect of the matter. Therefore my point is, I would request the hon. Member that the remedy does not lie in taking away the entire powers of the Central Government, but in authorising or giving the Central Government the necessary power to cover that field also. That is my point,

About the second amendment, . . .

Shri Prabhat Kar: Take this particular case of the Supreme Court judgment. It has been pointed out that in this particular case, in spite of repeated requests the Government has not taken steps. Bonus shares were issued by the company to the shareholders. The share capital was doubled. Twenty per cent dividend was declared. That means the shareholders got 40 per cent dividend. The employees were deprived of the bonus.

Shri B. R. Bhagat: It is a bad case, I know. That is why I say there is some force in the situation. We are considering that.

About the second amendment I would also humbly explain that as he knows, bonus is in the nature of added remuneration and has been held to be an item of expense of management for the purpose of section 40-C of the Act. There would, therefore, seem to be no point specifically and separately in making reference to bonus in section 40C. Bonus already is an item of expense. Why mention it? Therefore, it is unnecessary. Therefore, the proposed amendment will not only not achieve in practice anything, but might, on the other hand, lead to

[Shri B. R. Bhagat]

doubts and complications. Therefore, I would request that he should withdraw both the amendments because the second is not necessary and on the first one, one aspect of it is already under the consideration of the Government.

14.56 hrs.

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

Shri Indrajit Gupta: Mr. Deputy-Speaker, the Minister has really, if I am say so, begged the question. Because my point is not primarily a technical point at all.

Shri B. R. Bhagat: I have not answered the technical point.

Shri Indrajit Gupta: The Government is seized of the fact, I know. Because, I have quoted the other day from correspondence which shows that the matter has been under consideration for 2 or 3 years. The Employees unions were informed in writing that the matter was being considered. I was looking forward and anticipating that perhaps today, we would get some inkling how far Government's consideration has gone in that matter. But, we are up against a blank wall. The point is not that we want to take away entirely the discretion of the Government. Not at all. The point is also not that the tribunal would not have any competence or power to go into the financial position of a particular insurer. Also, there is nothing to prevent the Government appearing before the tribunal and making its position clear regarding its view of a particular insurance company. But, the point is that, despite any attitude which the Government might take, in practice, the insurance companies, taking advantage of this lacuna in the Act, have begun, since the Supreme Court Judgment, to turn down the demand of the employees, who are left with no legal remedy, and are not able to avail

themselves of the remedy which is open to other industrial workmen under the Industrial Disputes Act.

What I want to ask the Government is to say whether they recognise this anomaly, this lacuna or not, whether they will take any steps to remove this. I would remind the hon. Minister that a similar case took place with the banks under section 10 of the Banking companies Act. In the Central Bank case, a similar position arose. By that section of the Banking Companies Act, the bank employees were not able to plead the case of bonus. The hon. Supreme Court had pointed that out. Subsequently, the Government came forward with an amendment and amended that section 10 of the Banking Companies Act removing that bar, so that there is no obstacle now in the path of banking employees to agitate the matter of bonus before the tribunal. Why should this discrimination be practised only against employees of general insurance companies?

Shri B. R. Bhagat: No discrimination. I said, we are looking into this matter.

Shri Indrajit Gupta: What I want to know from the Minister is this. What happens to my Bill is not the main thing. He has said, let us await the report of the Bonus Commission. I am saying that this Bonus Commission may not be able to give any specific direction with regard to general insurance companies. That is not a term of reference, I know. Therefore, I would like to know whether he is prepared to give even this much assurance on the floor of the House that the Government is seriously considering bringing forward some suitable amendment which will remove this hardship which the employees are likely to suffer from in this case, where a particular insurance company takes it into its head to utilise this lacuna in order to deprive them of their legitimate

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bonus. If he gives this assurance, I am prepared, for the time being, to withdraw my Bill. Let him tell us that Government are actively considering it, and will bring forward a suitable measure. Otherwise, I am not going to withdraw it.

15 hrs.

Shri B. R. Bhagat: I may again say that when I referred to the Bonus Commission, I did not say that this particular matter had been referred to them. I only said that they were going to decide about the principles, and norms of bonus which may have indirectly some relevance to this aspect also. But I said very clearly about this particular aspect of the matter where I concede the point that there is some substance in the point raised by the hon. Member, that we are ourselves considering the question. Where an insurer has funds and is not wilfully or deliberately declaring bonus, although the employees have a legitimate right to it, and where just now in the Act there is no remedy, we are considering the question as to what steps should be taken and what amendments should be brought forward. It is not as if we are considering it for two or three years. That was because, as you know, and as I said in my reply, we ourselves were thinking, and our intention was, that such cases should be taken to the industrial tribunal, and the labour unions were also advised that they should take such cases to the industrial tribunal. But, only after the judgment of the Supreme Court was there, we are considering it, in fact, not only considering it but actively considering it. So, I think that that should satisfy the hon. Member.

Shri Indrajit Gupta: Since the intention of Government, as the Deputy Minister himself admits, was something else, but that intention has not been realised, is he prepared to rectify this position by an early amendment?

Shri B. R. Bhagat: As I said, we are actively engaged in considering what should be done, how it should

be done, what the pros and cons of this aspect of the matter are and so on.

Shri S. M. Banerjee (Kanpur): The hon. Minister has stated that this Bonus Commission was seized of this problem.

Shri B. R. Bhagat: Leave aside the bonus commission just now. I did not say that.

Shri S. M. Banerjee: I only ask whether this particular point has at all been referred to the Bonus Commission for consideration.

Shri B. R. Bhagat: I am sorry I could not follow what the hon. Member said.

Shri Indrajit Gupta: In view of what the hon. Minister has stated, I hold him to this, and I take this as an assurance that Government are actively considering the question of rectifying this anomaly.

Shri B. R. Bhagat: I am sorry. I did not give any assurance. In whatever way my hon. friend may take it, I stand by what I have said that we are looking into this matter, and we are engaged in considering this particular aspect of the matter.

Shri Indrajit Gupta: In the face of this which I take as an assurance, I beg leave to withdraw the Bill.

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

Several Hon. Members: Yes.

The Bill was, by leave, withdrawn.

15.04 hrs.

CONSTITUTION (AMENDMENT)
BILL

(Amendment of articles 100 and 189)
by Shri M. L. Dwivedi.

Shri M. L. Dwivedi (Hamirpur): I beg to move:

“That the Bill further to amend the Constitution of India be taken into consideration”.

Shri S. S. More (Poona): May I rise to a point of order regarding this Bill? Should I raise the point of order immediately or defer it until after the hon. Member has moved the motion for consideration?

Mr. Deputy-Speaker: We have no business before us just at this moment. So, let the hon. Mover finish his speech.

Shri S. S. More: That is why I seek your advice whether I should postpone it till after the hon. Mover has finished his speech.

Mr. Deputy-Speaker: Let him move the motion, and then I shall place it before the House, and then the hon. Member can raise the point of order.

Shri Hari Vishnu Kamath (Hosangabad): Where is the Minister concerned? He is not present here.

Shri S. M. Banerjee (Kanpur): The Law Minister should be here.

Mr. Deputy-Speaker: The concerned Minister must be here.

Shri Sheo Narain (Bansi): The Deputy Minister of Finance, Shri B. R. Bhagat is here.

An Hon. Member: The Minister of Parliamentary Affairs should be present here.

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): For the time being, I am here.

Shri Nath Pai (Rajapur): I rightly concede that Shri B. R. Bhagat is among the more intelligent members of his team. But what we are interested in is that either the Law Minister or the Minister of Parliamentary Affairs should be here. Only yesterday, we pointed out the cavalier manner in which they treat this House, and we do urge that you should convey our grievance to them.

Mr. Deputy-Speaker: This is non-official business, and Government are represented here.

Shri Hari Vishnu Kamath: This is a Constitution Amendment Bill and not an ordinary Bill.

Shri S. M. Banerjee: In that case, we can discuss this outside the House also.

Shri M. L. Dwivedi: This is a Bill by a private Member, and if there is any question with regard to law or anything relating to the Constitution, I shall be able to reply to the points because the Bill is mine. Therefore, whether the Minister is present here or not does not matter.

Mr. Deputy-Speaker: Government are represented here. The Minister of Parliamentary Affairs also has just now come.

Shri S. M. Banerjee: Why should the hon. Mover say that he will reply on behalf of the hon. Minister?

Shri Warior (Trichur): Does it mean that there should not be any Minister present here at all?

श्री म० ला० द्विवेदी : संविधान में संशोधन करने के लिए मैंने जो विधेयक प्रस्तुत किया है, वह एक साधारण सा विधेयक है और उन कठिनाइयों को दूर करने के लिए है जो समय समय पर सामने आती रहती हैं। माननीय सदस्यों को मालूम है कि हमारे संविधानकारों ने जब कोरम के सम्बन्ध में व्यवस्था की थी संविधान में, उस समय उन को इस बात का पता न था कि दोनों सदनों और राज्यों की विधान सभाओं में ऐसी स्थिति पैदा हो सकती है कि काम बहुत बढ़ जाये और उन्हें इतने अधिक समय के लिए बैठने की आवश्यकता पड़ सकती है कि माननीय सदस्य थक सकते हैं और कभी कभी कोरम की कमी भी हो सकती है। इस कारण से अत्यन्त आवश्यक कार्य, अत्यन्त आवश्यक विधेयक संसद के सम्मुख जो होते हैं या विधान सभाओं के सम्मुख जो होते हैं, वे रुक सकते हैं।

आप को पता है कि इस समय हम लोग एक आपातकालीन स्थिति में से हो कर गुजर रहे हैं और इस समय रुपये पैसे तथा समय की बचत करना बहुत आवश्यक है। सिर्फ कोरम की वजह से सदन की कार्रवाई स्थगित करनी पड़े और जो व्यय हो रहा है वह होता रहे, यह एक दुरुपयोग होगा उन संविधान की धाराओं का जिन धाराओं में हम ने कोरम के सम्बन्ध में कुछ बातें निश्चित की थीं।

आप को यह भी मालूम है कि आज भी सदन की अनुमति से ऐसी व्यवस्था है कि कोरम का प्रश्न नहीं उठाया जा सकता है, उस समय के लिए जब कि दुपहर में लंच का समय होता है, भोजन का समय होता है, अर्थात् एक बजे से ले कर ढाई बजे तक यह प्रश्न नहीं उठाया जा सकता है। क्या माननीय सदस्य नहीं जानते हैं कि यह व्यवस्था संविधान के विरुद्ध जाती है? किन्तु हम ने स्वीकार कर लिया है कि इस समय कोरम का प्रश्न नहीं उठाया जायेगा और इस को एक कनवेंशन के रूप में हम निभाते आ रहे हैं। यह एक प्रथा है जो चल रही है। आज मैंने जो कुछ काम किया है वह केवल यह है कि जो काम कनवेंशन द्वारा हो रहा है, उसे मैं संविधान संशोधन विधेयक के द्वारा स्वीकृत करा दूँ, विधिवत् वह काम होता रहे, ऐसा इस सदन से स्वीकृत करा दूँ।

इसके अतिरिक्त मैं माननीय सदस्यों का ध्यान इस ओर भी आकर्षित करता हूँ कि दूसरे देशों में भी ऐसी ही प्रथाय चली आ रही हैं। उदाहरण के लिए इंग्लैंड में अध्यक्ष बाध्य नहीं हैं इस बात के लिए कि सदन में जिस वक्त कोरम न हो तो वे कोरम को देखेंगे ही। वहाँ पर अध्यक्ष महोदय बगैर इस बात का खयाल किये हुए सदन की कार्रवाई को चलाते रह सकते हैं, चाहे कोरम हो या न हो

एक माननीय सदस्य: वहाँ पर अनरिटेन कांस्टीट्यूशन है।

श्री म० ला० द्विवेदी : यह मैं मानता हूँ कि वहाँ पर अनरिटेन कांस्टीट्यूशन है। लेकिन वहाँ पर मेज़ पार्लिमेंटरी प्रेक्टिस उन बातों के लिए लागू होती है जिनके बारे में हमारा संविधान खामोश होता है या जिन के बारे में संविधान में कोई व्यवस्था नहीं होती है। उस को आप यहाँ भी मान्य समझते हैं। माननीय सदस्य इसलिए इस का विरोध नहीं कर सकते हैं कि वहाँ संविधान नहीं है और वह बात यहाँ लागू नहीं होती है। इंग्लैंड की पार्लिमेंटरी प्रेक्टिस से हमने बहुत कुछ प्रेरणा हासिल की है और जब कभी भी हमारा संविधान किसी विषय पर खामोश होता है या उस में कोई बात नहीं होती है तो मेज़ पार्लिमेंटरी प्रेक्टिस के आधार पर हम कार्य करते हैं। जिस देश को आधार मान कर हमने यहाँ पर प्रजातंत्र की स्थापना की है, वहाँ पर भी ऐसी व्यवस्था है कि कोरम होना अनिवार्य नहीं है। हमारे यहाँ जब संविधान बनाया गया तो उसमें कहा गया कि अध्यक्ष महोदय के लिए यह आवश्यक है कि वे देखते रहें कि ११० कोरम है अथवा नहीं। मैंने अपने विधेयक में यह बात नहीं कही है कि ११० कोरम न रहे। यदि माननीय सदस्यों ने मेरे बिल के स्टेटमेंट आफ आब्जेक्ट्स एंड रीज़न्स को देखा है तो उन को साफ पता लगेगा कि उसमें यह लिखा हुआ है :

"It is sufficient if it is provided that the quorum shall be one-tenth of the total strength of the House."

इसके अतिरिक्त यह है कि संविधान में जो ११० की व्यवस्था की गई है, उसे हम स्वीकार करते हैं और उसका संशोधन नहीं करना चाहते हैं। संशोधन हम इस बात का करते हैं कि

"Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of members of the House."

मेरा संशोधन करने का केवल मंशा यह है कि जहाँ पर ये शब्द हैं

[श्री म० ला० द्विवेदी]

"Until Parliament by law otherwise provides"

इस की जगह पर ये जोड़ दिये जायें

"Save as otherwise provided by rules regulating the procedure of the House."

मैं सिर्फ इतनी व्यवस्था करना चाहता हूँ अनुच्छेद १०० में। इसी प्रकार से राज्यों में जो विधान मंडल हैं वहाँ के लिये अनुच्छेद १८६ है। चूँकि यहाँ के लिये मैं संविधान के अनुच्छेद १०० में संशोधन उपस्थित कर रहा हूँ इस लिये उसी प्रकार का जो अनुच्छेद १८६ राज्यों के विधान मंडलों के लिये है उसमें संशोधन उपस्थित कर रहा हूँ। वहाँ के लिये भी इस प्रकार का संशोधन आवश्यक है।

हमने इस को अपनी स्वीकृति दे दी है चाहे वह जानकारी में दी हो या अनजाने में दी हो क्योंकि हम इस बात को मान रहे हैं कि १ बजे से २ बजे तक इस सदन में कोरम पर जोर नहीं दिया जाता हालाँकि यह असंवैधानिक है। जब हमने इस कंभेशन को स्वीकार कर लिया है, और हम इस चीज को बैलिड करना चाहते हैं, इस को विधि का रूप देना चाहते हैं, तो माननीय सदस्यों को आपत्ति नहीं होनी चाहिये क्योंकि इस सदन की कठिनाइयों को दूर करने के लिये ही मैंने यह संशोधन विधेयक प्रस्तुत किया है।

जैसा मैंने बतलाया है, हमारा सदन पांच बजे से अधिक समय के लिये भी बैठता है। संसद सदस्यों के जो क्षेत्र हैं वे देश के दूर दूर के हिस्सों में हैं। दूसरे देशों में इतनी दूर दूर के क्षेत्र नहीं होते हैं। सदस्यों का कर्तव्य हो जाता है कि वे समय समय पर अपने क्षेत्रों में भी जायें। इसलिये भी इस विधेयक को स्वीकार कर लेना उचित है। संविधान में स्वयम् इस बात का उल्लेख किया गया है कि किन किन स्थितियों में

विशेष रूप से कोरम की आवश्यकता है। उदाहरण के लिये संविधान के अनुच्छेद :

"६१ (२) (बी), ६१ (४), ६० (सी) ६४ (सी), १०८ (४), १२४ (४), २१८, २४६ (१), ३६८ आदि "

इन अनुच्छेदों के लिये एक विशेष कोरम की आवश्यकता होती है। इस में मैं कोई संशोधन नहीं कर रहा हूँ। इस का मतलब यह है कि जिस प्रकार से संविधान के संशोधन के लिये आवश्यक है कि कुल सदस्यों का बहुमत हो और उपस्थित सदस्यों में से दो तिहाई का बहुमत हो, उस में मैं को संशोधन नहीं करना चाहता हूँ। उन को वहाँ रहना ही है। यह संशोधन विधेयक तो केवल इस सदन के नित्य प्रति की कठिनाइयों को दूर करने के लिये है, जिस में कि यदि कभी यह सदन पांच बजे के बाद छः ७ या कभी कभी ८ बजे तक भी बैठे तो कोरम का प्रश्न न उठाया जाय तब इस आपातकालीन परिस्थिति में इन बातों के उठने से बेकार रूपया बरबाद न हो और हमारा काम चलता रहे।

हम चाहते हैं कि यहाँ पर १।१० का नियम कोरम के सम्बंध में रक्खा जाये लेकिन साथ ही साथ यदि यह निश्चित करे, यदि इस सदन की प्रक्रिया में, रूल्स में हम यह निश्चित करे कि कोरम का प्रश्न नहीं उठाया जायेगा तो वह निर्णय चलना चाहिये। आज भी यह कंभेशन चल रहा है। मैं उसी को विधि का रूप देने के लिये यह विधेयक सदन के सामने रख रहा हूँ। यही व्यवस्था आज लंका, कनाडा, इंग्लैंड तथा दूसरे संसदों में भी चल रही है।

डा० मा० श्री० अणु (नागपुर) : क्या इसी तरह से संशोधनकर के संविधान में चल रही है जैसे कि आप करना चाहते हैं ?

श्री म० ला० द्विवेदी : हमने जो भी कंभेशन माना है उस को मैं विधि का रूप

देने जा रहा हूँ। ११० के कोरम की जो व्यवस्था है वह ज्यों की त्यों रहेगी। इस सम्बन्ध में डी० डी० बासु ने जो संविधान की कमेंटरी लिखी है उस की और सदन का ध्यान आकर्षित करना चाहता हूँ। उन में लिखा है :

"It is debatable whether the Speaker can, in the absence of law, as contemplated by clause (3) dispose off the quorum during any period or any part of a sitting."

कहने की मंशा यह है कि यदि कोई हमारे इस क्वेश्चन को सुप्रीम कोर्ट में या दूसरी जगह चैलेन्ज करता है तो वह असंवैधानिक ठहराया जा सकता है और जो मुविधा आज सदन के लिये है वह खत्म हो सकती है जिस के फलस्वरूप बहुत सी कठिनाइयाँ सामने आ सकती हैं। उन कठिनाइयों को दूर करने के लिये मैंने यह संविधान का संशोधन विधेयक प्रस्तुत किया है।

इस के अलावा आप को इस बात का भी पता होगा कि विधि मंत्री ने इसी प्रकार का एक संशोधन सन् १९५५ में प्रस्तुत किया था और लोक सभा सचिवालय ने उस के लिये प्रेरणा दी थी क्योंकि लोक सभा सचिवालय ने यह अनुभव किया था कि संविधान की कोरम की व्यवस्था के कारण कार्य विधि में और संसदीय कार्य के चलाने में बड़ी कठिनाइयाँ उपस्थित होती हैं और उस के सम्बन्ध में सदन को कोई अधिकार नहीं है। यही नहीं, अध्यक्ष महोदय या जो सभापति होते हैं उन के और सदन के सामने जो कठिनाइयाँ उपस्थित होती हैं उनका अनुमान सदस्य लोग लगा सकते हैं। उन कठिनाइयों को दूर करने के लिये ही लोक सभा के सचिवालय ने भारत सरकार के विधि मंत्री को लिखा था और प्रेरणा दी थी और उन्होंने एक संशोधन विधेयक रक्खा भी था संविधान के लिये, लेकिन समय न होने के कारण और प्रथम लोक सभा के समाप्त

हो जाने के कारण वह विधेयक रद्द हो गया और उस पर वाद विवाद नहीं हो सका।

इस सम्बन्ध में समय समय पर कई बार प्रश्न उठाये गये, संसद् सदस्यों ने उठाये और इस तीसरी लोक सभा के समय में भी अध्यक्ष महोदय ने और संसद् सदस्यों ने इस के सम्बन्ध में प्रश्न उठाये कि संविधान की जो कड़ाई है कोरम के विषय में उसे दूर किया जाय। मैंने इस सदन के अभिमत को देखते हुए सोचा कि इन कठिनाइयों को इस विधेयक के द्वारा दूर किया जा सकता है। इसीलिये मैंने यह संविधान संशोधन विधेयक प्रस्तुत किया है और मैं आशा करता हूँ कि यह सदन इस पर विचार करेगा।

मैं इस विधेयक को सदन के सम्मुख प्रस्तुत करता हूँ।

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Constitution of India be taken into consideration".

Shri S. S. More: My point of order is this. The Constitution contemplates that a change in the quorum should be only by law—'Until Parliament by law otherwise provides, the quorum to constitute a meeting of either house of Parliament shall be one-tenth of the total number of Members of the House'. The effect of the present legislation will be that instead of by law, we are making a change by rules of procedure, which is not the intention of the Constitution. The mover wants only to change 'Until Parliament by law otherwise provides' and put in 'Save as otherwise provided by rules regulating the procedure of the House'. Here his amendment ends. What happens to the other words of the particular clause, 'the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the number of members of the House'? All these words are left intact. The

[Shri S. S. More]

result will be that there will be a contradiction: in the first part there will be 'Save as otherwise provided by rules regulating the procedure of the House' and later those particular words will follow. My submission is that this Bill seeking to amend the Constitution cannot, by any stretch of the imagination, be said to be 'by law' which is contemplated under the Constitution. If it is not a law, if he only wants to substitute the rules of procedure for the word 'law', it is definitely against the spirit of the Constitution.

Mr. Deputy-Speaker: What prevents this House from changing the Constitution itself? It has got the power to do so. That is what he is seeking to do. There is no point of order.

Shri Warrior: We oppose this Bill for several reasons. First of all, we are sorry that a Member from the Government Party itself has brought forward such a Bill, because legislatures and Parliaments are primarily concerned with the business of Government. Private Members' Bills and Resolutions are only an offshoot of that; they are a concession given to private Members, especially to the Opposition, by sufferance.

Mr. Deputy-Speaker: Where it is said so—that it is only the right of the Opposition?

Shri Sheo Narain: Every Member has equal right.

Shri Warrior: It is not written anywhere, but it is there in practice. We know there will be difficulties if practice is put into words and forms. Then everybody will oppose it. But in his heart of hearts everybody knows that such and such things are there. That is why I mention this. It is a conventionally accepted theory that legislatures are meant primarily for the conduct of government business, to facilitate administration. It

is one of the major wings of Government. We do not say so in so many words. It may not be written in any Constitution, but that is accepted.

In the first instance, it is the primary duty of the Government itself to muster sufficient representative character for the legislature in the form of the presence of elected Members. It is the duty of the Government Whip to see that at least the quorum prescribed in the Constitution is present here.

It will be almost out of place to quote here any thing from the British practice. Although *May's Parliamentary Practice* may give some other view, the main thing is that in Britain there is no written constitution as such, while here we have a written constitution, and the combined and collective wisdom of our constitution-makers has given this primary importance that this House should not lose apparently or intrinsically its representative character at any moment of its deliberations, and in order to ensure that, they have put it deliberately, intentionally, after much discussion and consideration, that there must be at least one-tenth of the Members as quorum. To seek to change that will be going against the basic idea enshrined in that constitutional provision.

Of course, this august House is competent to make certain changes if necessary in the smooth functioning of the democratic system that we have accepted, but is this of such a fundamental, basic nature? I do not think that this is of such a nature.

We passed, for instance, the Fifteenth and Sixteenth amendments to the Constitution. Compared to them, this Bill is not a basic necessity, it does not give any basic reason or justification for changing the provision of the Constitution. If it is for the advancement of the people in any aspect, either in their economic or

social life or any other aspect of their life, we can understand that there is necessity for changing the provisions of the Constitution, to attune it to the present demands of the people and their aspirations, but this is not of such a nature.

We always say inside and outside the House we must respect the Constitution, that we should not seek to dabble with it as and when we wish, unless pressed by an urgent and unavoidable necessity to make an alteration in the provisions of the Constitution. This is not of such a nature.

Not only that. Members might have very many difficulties in being present here. That I can understand. I also had experience of that, but that does not mean that the people do not expect us, Members elected on a representative basis, to be present here. The Government, the Constitution and the parliamentary rules and procedures have given all the facilities that can be given to the Members to be present here and to discharge the responsibilities they have undertaken to the electorate as well as to the Constitution to which we have taken an oath. Hence, it has become the primary duty of the Members, it is enjoined on us by our democratic system to be present here representing the people's views and aspirations and make our full quota of contribution to the discussions and decisions arrived at by this august assembly. Hence, I do not think that this amendment should be made. Rather, it would be fitting to encourage more attendance of members and their taking more active interest in the deliberations and decisions of this House. Hence, our party opposes this amendment.

Dr. M. S. Aney: I regret I have to oppose the Bill which my learned friend has moved. I believe he has looked at things more from the point of view of conveniences and inconveniences.

Certain conventions have been observed for some time in this House, and he wants to make those illegal things statutory and legal. That is his idea. He thinks that instead of having illegal conventions, it is better to legalise them and live under them. Actually, the attempt should be to remove all those illegalities and keep everything on a sound basis of law and constitution.

What is the real object of having a quorum introduced in the Constitution? The quorum is not only a matter of form. India is represented here. The 500 Members are the representatives and that work that is done in this House is supposed to be national work. Everything that is done here is of national importance, of importance to the country as a whole. And what is the test for showing that the work which is being transacted in this House is of national interest? If the minimum that is laid down, if at least one-tenth of the Members of the House are present here, then it could be said that they are supposed to be interested in that matter. You may reduce to one-twentieth if you like, but you have to find some minimum to show that the business that is transacted is not a matter in which nobody or only a few are interested, but one in which the nation is interested. In order to stand that test of national importance, it is necessary that some minimum percentage of the Members of the House as a whole must be present here, and it has to be provided by some kind of statutory rule. That is why the quorum has been fixed. You may reduce the quorum, but you have to fix some figure and be guided by that, and not by the conventions which are observed here.

There is a convention that during such and such hours no vote should be taken, not that we can proceed without a quorum if somebody draws the attention of the Speaker. As soon as attention is drawn, he has no option but to call for the quorum and get the Members present here, or adjourn

[Dr. M. S. Aney]

the House if they are not present in sufficient numbers. The rule is imperative, because those who made the Constitution wanted to keep up the representative character of this House in carrying on its business throughout. It must act in that representative capacity, and the world must see it from that point of view. That is why the provision for quorum so solemnly enacted ought to be kept.

If you want to make it more easy for Members, make some other change, but do not dispense with it and do not try to perpetuate the illegality sanctifying it as law. That is what my hon. friend wants to do. That is why I am very sorry I have to oppose it.

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, द्विवेदी जी को मैं बधाई देता हूँ कि उन्होंने लोगों की अमुविधा का ख्याल किया और चेंबर के इनकनवीनिअंस का भी ख्याल किया। उन का जीवन देश सेवा में गया है। उनके इंटेंशन तो गुड हैं, इसलिए बधाई देता हूँ, लेकिन जो बात उन्होंने कही है वह डिमाक्रेसी के खिलाफ है। अतः मैं इस रिजोल्यूशन की ताईद नहीं कर सकता। उन का विचार बहुत सुन्दर है। लेकिन अक्सर ऐसा होता है कि The way to hell is often paved with good intentions. कई दफा ऐसा होता है कि अच्छे विचार होते हैं पर उनके कारण अनिष्टकारी कार्य हो जाते हैं। हम यहां जनतंत्र के मंदिर में बैठे हुए हैं और इस मंदिर में ४४ करोड़ इन्सानों का रिप्रेजेंटेशन होता है। यहां अगर दस बीस आदमी बैठकर कोई बात तै कर लें तो विल्कुल अनडिमाक्रेटिक है। हमारी परम्परा तो यह रही है कि सारे भारत में एक राय बिनाफ थी, भगवान राम के खिलाफ एक राय थी, तो भी एक राय के ऊपर उन्होंने भगवती सीता का त्याग कर दिया था और यहां हम करोड़ों आदमियों की राय को इनोअर करें, यह कुछ अच्छा नहीं लगता है। हम लोग बड़ा काम करने के लिये आये हैं। जनता

ने चुन कर हमें यहां पर भेजा है। लाखों का दिल दिमाग हमारे साथ है तो फिर यह अच्छा नहीं लगता कि कोरम न हो तो भी हम कोई बात पास कर लें। यह कतई अनकांस्टीट्यूशनल है। जब हम को काम करने का शौक नहीं होगा तो हम कैसे इस चीज को चलायेंगे? मेरी राय तो यह है कि लोक सभा की सिटिंग के बीच में थोड़ी हाफटाइम की छुट्टी होनी चाहिए जिससे कि लोग खाना खा कर फिर समय पर हाजिर रह सकें। यह उचित नहीं है कि कुछ लोग यहां खाना खाने के लिए या और किसी काम पर बाहर चले जाय और यहां का काम चलता रहे। लोक सभा में मੈम्बरों की उपस्थिति रैगुलर होना चाहिये।

मुझे पहले ही से काम करने का शौक था। रात दिन मैंने काम किया है। यहां से एक मिनट के लिए भी गैरहाजिर होना मैं अपने लिए गुनाह समझता हूँ। जैसा मैंने अभी अर्ज किया मुझे एक तो पहले ही काम करने का बहुत शौक था और दूसरे मुझे प्रधान मंत्री जी को कोठी के पास फ्लैट मिल गया है और इसलिए हर वक्त प्रधान मंत्री जी का वह संदेश "आराम हराम है" उस की ध्वनि मेरे कानों में गूँजती रहती है। "आराम हराम है" इसकी शुआएँ यानी किरणें मेरे दिल को हमेशा छूती रहती हैं, वैसे वाकई यह बात सही है। कि जब तक हम अपने देश का निर्माण न कर लें, तब तक आराम हराम है। आज देश के निर्माण का काम हम करना है। इसलिए आज जरूरत इस बात की है कि हम हर एक की राय को जानने की कोशिश करें। जो यहां हाउस से कीसिटिंग से गैरहाजिर रहते हैं और कोरम पूरा नहीं करते हैं वह दोषी हैं और वह उस जनता की आवाज को जिसने कि उन्हें यहां चुन कर भेजा है, नहीं पहुंचाना चाहते हैं। मेरा दरखास्त यह है कि इस बिल को वापिस लिया जाय और मँबरान से यह कहा जाय कि वे ठीक समय पर आया करे और

ठीक समय पर यहाँ से जाया करें। संशय ज्यादा लम्बे न किये जायें। छोटे छोटे किये जायें क्योंकि मੈम्बरों को अपने निर्वाचन क्षेत्रों में भी काम करना होता है और जनता के पास जा कर उन की राय लेना होता है। कानून का यह तख्ययल हमारे सामने है :

“Law is nothing but the will of the people expressed in terms of law.”

जब पीपुल की राय को हम यहाँ ऐक्सप्रेस नहीं कर सकते तो फिर यहाँ हमारा बैठना बेकार है। इसलिए थोड़ी सी सुविधा के लिए अपने कर्तव्य से बचने की जो चेष्टा इस बिल के द्वारा हो रही है वह सर्वथा अनुचित है। मनुष्य को सुविधा, अमुविधा की कोई पर्वाह न करते हुए सतत अपने कर्तव्य पूर्ति की ओर बढ़ने रहना चाहिए और कर्तव्य की ओर बढ़ने का मतलब ही यह है कि आराम हराम हो जाना है, सुविधा हराम हो जाती है। हमें रात दिन काम करना है और जब रात दिन काम करना है तो यह अच्छा नहीं लगता कि यहाँ प्रोसीडिंग चलती रहे, हाउस चल रहा हो और हम लोग बाहर फिरते रहे, कोई कनाट प्लेस में घूम रहा हो तो कोई चांदनी चौक में फिर रहा हो। इसलिये मेरा खयाल है कि अगर इस बिल को हम पास करेंगे तो यह अनडमोन्स्ट्रिक होगा, अनकेस्टीट्यूशनल होगा। जिस जनता के नुमायन्दे बन कर हम यहाँ आये हैं उस के प्रति हम अपने कर्तव्य का पालन नहीं करेंगे।

अगर एक दिन कोरम के अभाव में हाउस ऐडजोर्न हो जाता है तो उस से जनता के ऊपर २५००० रुपये का बोझ पड़ता है। अब बजाय यह बिल लाया जाता, हम इस बारे में सोच कर कोई ऐसा बिल लायें कि जो शक्स गैरहाजिर होगा वह दोष का जिम्मेदार होगा। उस गैरहाजिर व्यक्ति के ऊपर डेमोक्रेसी के हनन करने का दोष होगा। इस तरह का बिल लाने के बजाय इस तरह का बिल यहाँ आना चाहिए था

ताकि कोई भी मेम्बर बैठक के समय हाउस से गैरहाजिर न रह सके। मैं द्विवेदी जी से दरखास्त करता हूँ कि वह अपने इस बिल को वापिस ले लें। उन्होंने ने देशभक्ति और जनसेवा का जो मार्ग अपनाया है उस के लिए मैं उन को मुबारकबाद देता हूँ और हम सब इस के लिए उन के बहुत मशकूर हैं लेकिन अपने इस मौजूदा बिल को वापिस ले लें तभी यह डेमोक्रेसी ठीक तरह से चल सकेगी।

श्री ज्वा० प्र० ज्योतिषी (सागर) :

उपाध्यक्ष महोदय, मुझे खेद है कि श्री म० ला० द्विवेदी ने जो संशोधन विधेयक सदन के सामने प्रस्तुत किया है उस के सम्बन्ध में मुझे कुछ ऐसे विचार प्रकट करने हैं, जो विचार मुमकिन है कि शायद सरकार को भी पसन्द न हों। सरकार द्वारा प्रस्तावित इस तरह का बिल सदन के सामने नहीं आ पाया, उस को मैं बड़ा सौभाग्य समझता हूँ क्योंकि इस तरह का बिल प्रजातंत्र को मजबूत करने वाला नहीं है। हम ने इस देश में प्रजातंत्र स्थापित किया है। प्रजातंत्र के माने यह होते हैं कि हम जोकि जनता का प्रतिनिधित्व करते हैं, आपस में चर्चा करें और विचार विनिमय करें। एक व्यक्ति किसी विषय में क्या विचार रखता है उन विचारों को सुन और फिर उस के ऊपर अपनी राय कायम करें। कहा गया इंग्लैंड में क्या हो रहा है और सीलोन में क्या हो रहा है? ठीक बात है। वहाँ इस तरह का विधान हो कि कोरम न होते हुए भी बहस चलती रहती हो और केवल मतदान लेते वक्त कोरम का खयाल किया जाता हो, अब किन्हीं देशों में अगर गलतियाँ हो रही हैं तो इस के माने यह नहीं हैं कि हम अपने देश में भी गलती करें? यह बड़ी गलत चीज होगी अगर हम गलत बातों का अनुकरण करते हैं। हम को अपने विवेक से काम लेना चाहिये। चूँकि इस

[श्री ज्वा० प्र० ज्योतिषी]

देश में हम ने प्रजातंत्र स्थापित किया है इसलिए यह जरूरी है कि प्रजातंत्र पर आघात करने वाली किसी भी गलत प्रणाली की हम नक़ल न करें। मेरी समझ में नहीं आता है कि जब हम ६ या १० लाख व्यक्तियों का प्रतिनिधित्व करने के लिए यहां आये हैं, उन्होंने ने हम पर एक जिम्मेदारी डाली है और जब हम इस सदन में उस की पूर्ति को आये हैं तो क्या कारण है कि हम लोग इस सदन में न बैठें, यह कोरम की कमी आखिर हो ही क्यों? मैं समझता हूँ कि ऐसा विधेयक आता कि सदन के अंदर कोरम में जो कमी होती है उस की पूर्ति के लिए सदस्यों को इस के लिए मजबूर किया जा सकता कि वे यहां सदन की कार्यवाही के दौरान बैठे रहें तो ज्यादा ठीक होता।

हम सब लोगों ने जनता का प्रतिनिधित्व करने की कसम ली है। आखिर हम लोग चाहते क्या हैं? क्या हम यह चाहते हैं कि सदन के सदस्य रहते हुए हम अपनी बकालत करते रहें, दुकान आदि चलाते रहें? क्या हम चाहते हैं कि जब सदन यहां चल रहा हो तो हम सिनेमाओं में बैठ कर नाच व गाने का आनन्द उठाते रहें? जब हम ने जनता का प्रतिनिधित्व करने की कसम खाई है तो हमारा लाजिमी कर्तव्य है कि जब सदन चल रहा हो तब सदन के अंदर उपस्थित रहें और विचार विनिमय आदि करें।

उपाध्यक्ष महोदय, विचारों के आदान प्रदान की बुनियाद पर प्रजातंत्र कायम होता है। अगर हम इस सदन की बहस में शामिल नहीं रहते हैं, इस सदन में जब बहस चलती है, उस समय उपस्थित भी नहीं रहते हैं तो हम एक दूसरे के विचारों को कैसे समझ सकेंगे? "वादे वादे जायते तत्व बोधा"। ज्ञान-प्राप्ति का रास्ता यही है कि हम बहस मुबाहिसा करें और उन में भाग लें। बहस मुबाहिसे के द्वारा देश व समाज के लिए

कौन चीज मुफ़ीद है और कौन हानिकारक, उस पर सोच विचार कर के उचित फैसले पर पहुंचें। मैं महसूस करता हूँ कि श्री द्विवेदी सदन के सामने जो विधेयक लाये हैं वह मूलतः एक गलत विधेयक है। इस से हमारे प्रजातंत्र की बुनियाद कमजोर पड़ने वाली है। कोई भी प्रगति प्रजातंत्र के कार्य में इस के द्वारा नहीं आने वाली है। हमारे मित्र द्विवेदी जी ने जो कोरम का प्रश्न उठाया कि कोरम के पूरा न रहने के कारण कभी कभी बहस स्थगित करनी पड़ती है और काम मुचार रूप से नहीं चल पाता है तो मैं समझता हूँ कि हम विधान में ऐसा दुस्ती करें जिस से कि कोरम पूरा रखना हमारे लिए लाजिमी हो जाय। यह नहीं कि हम लोगों को इस प्रकार से और भां छूट दे दें कि वे इस सदन की कार्यवाही में शामिल न हों। यह बड़ा गलत चोज़ है। अगर यह विधेयक हम आज पास करते हैं तो मुझे लगता है कि उस का नतीजा कल यह होने वाला है कि एक नया अमेंडमेंट आयोगा और मुमकिन है कि फिर वोट देने के लिए भां हम यहां पर इकट्ठा होना आवश्यक न समझें शायद एक ऐसा विधेयक यहां से पास कर दिया जाय और विधान में संशोधन कर दिया जाय कि मੈम्बर लोग अपना वोट प्रौक्सो से कर सकें। या अपने घरों में बैठे रह कर अपनी दुकानों व अदालतों में बैठे रह कर चिट्ठी के जरिए अपनी राय लिख कर भेज दें कि उन की क्या राय है। एक विह्व हो जाय कि हमारी पार्टी का यह मत है और पार्टी के मत के अनुसार मੈम्बर लोग घर बैठे हुए अपना मत लिख कर भेज दें। मैं समझता हूँ कि प्रजातंत्र की दृष्टि से यह विधेयक उचित नहीं है। इस के बारे में शासन का क्या मतव्य था वह मुझे द्विवेदी जी की बात से मालूम हुआ। शासन का क्या मतव्य है मुझे उस का इल्म हुआ लेकिन मैं समझता हूँ कि इस बारे में फिर से विचार किया जाय और अभां जल्दा में इस को हाउस में प्रैस न किया जाय।

Shri K. K. Verma (Sultanpur): Mr. Deputy-Speaker, Sir, this amending Bill is a very simple one. Formerly, it had been provided that until Parliament by law otherwise provides the quorum to constitute a meeting of both Houses of Parliament shall be one tenth of the total number of Members of the House. So, our constitution-makers had already provided that if Parliament so desires they may change this provision about quorum.

Dr. M. S. Aney: Change it but not dispense with it.

Shri K. K. Verma: The words used are: "Until Parliament by law otherwise provides,". So, the Parliament is the sovereign authority. It may provide for quorum or for another procedure. There was no impediment to our providing another procedure. So, Shri Dwivedi only wants to change it into "Save as otherwise provided by rules regulating the procedure of the House". I think this amendment is quite reasonable, and as he has explained, it is up to the House to provide such rules that may be suitable. While the Bill is under consideration by Parliament—whether it be a Bill or a motion or a resolution—there are several stages and one stage is the consideration of the motion or resolution or the Bill. So, we may make such a rule that while a Bill is under consideration we may not insist upon quorum of one-tenth, but when it comes to passing of a Bill or a motion or a resolution, that quorum should be required. I do not think that this amendment provides any such law or procedure by which, as some hon. Members expressed, democracy is affected. Shri Dwivedi has already quoted by saying that in some of the oldest democracies such a provision has been made, and that the Parliaments of those countries act according to those provisions as pointed out by him. So, I do not think any such provision is being made here which is contrary to democracy. On the other hand, as Shri Yashpal Singh pointed out, when the House is ad-

journing for want of quorum, then a heavy financial burden is cast upon the public, because we are not able to transact that business, while, all the same, Members are entitled to their allowances. So, in order to avoid such difficulties, and also in order to avoid this financial loss, I think this provision which is being sought to be made here is quite sound and I would recommend that this House may be pleased to pass it.

Shri Hari Vishnu Kamath: Mr. Deputy-Speaker, Sir I have no hesitation in saying at the very outset that this Bill brought up by my good old friend Shri Dwivedi is an ill-conceived, ill-drafted, undesirable and pernicious piece of legislation.

Shri S. M. Banerjee: It will then come under the DIR!

Shri Hari Vishnu Kamath: May I invite your attention first to the articles of the Constitution dealing with this matter of quorum? I shall refer to article 100. I need not deal with the second one, the subsequent article, because it is an identical one. Let me first take article 100, clauses (3) and (4). As you will remember, Sir,—you were also a member of the Constituent Assembly—this was discussed in extenso, extensively, in the Constituent Assembly. I do not want to read the proceedings of the Constituent Assembly because I do not want to take the time of the House at the moment on that point; after due deliberation and careful consideration of all the aspects of the matter, the provision with regard to quorum was duly inserted, with the fullest sense of responsibility, by the Constituent Assembly in this article 100. Clause (3) of article 100 reads as follows:

"(3) Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of members of the House."

[Shri Hari Vishnu Kamath]

As you know, the Speaker and his predecessors have so often held that "to constitute a meeting" means the beginning of the sitting of the House. Therefore, it has been deliberately differentiated there. Clause (3) is differently worded from clause (4). Clause (4) deals with the matter of quorum during the sittings of the House. First, there is the wording: "to constitute a meeting" in clause (3). That is the commencement of the sitting, which is 11 o'clock or any other time which the Chair may fix. In the second one, that is, in clause (4), you do not have this prefix or phrase: "Until Parliament by law otherwise provides,". Clause (4) reads as follows:

"(4) If at any time during a meeting of a House there is no quorum, it shall be the duty of the Chairman or Speaker, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum."

Much has been said about financial burden. I regret to have to say that such a consideration, certainly valid perhaps and important from their point of view, has been imported into this debate. If at all that is thought to be valid, then the only course, the honest course, the way out of it, is to wind up Parliament and the State legislatures. That is the logical though not honourable course if this financial burden is sought to be given the importance which is being given to it by some hon. Members.

Shri M. I. Dwivedi: Where will you be then?

Shri Hari Vishnu Kamath: I am not worried so much as the ruling party. The ruling party is more worried about themselves. I may be out of Parliament. I do not worry about that.

श्री नाथ पार्ई : यह तो मन्यासी है ।

Shri Hari Vishnu Kamath: May I have your ear, Sir? What I was trying to impress upon my colleagues in this House is that if this is the only consideration that is governing the thoughts and minds of most of them—that if there is no quorum in the House and the House is adjourned there will be a financial burden on the nation—then, as I have said, do away with this Parliament, do away with this House; of course, automatically the quorum also goes when the House goes; the question of quorum will not arise.

But the more important, the more vital, the more essential aspect of the matter that we have to discuss today in connection with this Bill is the moral and psychological impact of this Bill upon our people, upon our nation, who have been only 15 years ago ushered into this world of parliamentary democracy. What will be the moral and psychological impact of this Bill on them? The Parliament is the supreme legislature of the nation. A municipal committee has also got a provision for quorum. I do not know whether the rules provide that even if there is no quorum the meeting of the municipal committee can go on. I am not sure. I have never been a member of a municipal committee, but even there is a provision for quorum. If unfortunately this Bill is passed into law, the people will think our Parliament has come to this sorry pass, that the ruling party, with its cohorts, the battling cohorts here—370 to 375 or more, is hard put to it to provide a quorum. The Prime Minister has been very, very helpful in this respect. When the quorum bell rings, he is the first to come into this House, but not so his colleagues in the House. I am sorry to say that the 375 Members cannot provide a quorum of 50 Members. What is the quorum? One-tenth of the total number of Members of the House. And there are 60 Ministers including Parliamentary Secretaries; it is 59 or 60—more than the quorum. Each member of the

House is supposed to represent, I believe, nearly a million—8 or 9 lakhs. My hon. friend, the former Defence Minister represented nearly double that number in North Bombay, the biggest constituency in India. But ordinarily it is about 8 or 9 lakhs of the population. Here my friend, Mr. Dwivedi seeks to impress upon the House that there are various difficulties which have arisen in the working of Parliament, and we have oftentimes come against this hurdle of no quorum and the House is adjourned.

What, Sir, is my amiable friend, the Minister of Parliamentary Affairs for? He has been straining his nerve with his colleagues, who do not respond to him as much as they should. He has been trying and his deputy whips numbering two or three have also been trying, apart from the regional whips—there is a big army of whips all over the country. . . .

Shri Muthyal Rao (Mahbubnagar): What about opposition Members?

Shri Hari Vishnu Kamath: I am coming to that.

Mr. Deputy-Speaker: The time allotted for this Bill is 1½ hours. He should conclude.

Shri Hari Vishnu Kamath: I am sorry, Sir. With due respect and due deference to you, I may submit that you are inclined to be rigid in this matter. The House is considering a Bill to amend the Constitution. . . .

Mr. Deputy-Speaker: That was the time fixed by the Business Advisory Committee and its report has been accepted by the House.

Shri Hari Vishnu Kamath: But the House is willing to extend the time. Under rule 292, the House can extend the time.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): It is to meet the wishes of the hon. Member that this Bill has been brought.

Shri Hari Vishnu Kamath: Let me explain. I have always been saying that no convention of the House can override the Constitution. I will prefer the Constitution to remain intact. But if the ruling party, which has a brute majority want to change this provision in the Constitution, they can bring forward an amending Bill and get it passed. We are helpless in that matter. But no convention can override the Constitution. You can pass an amending Bill. But the Constitution, as it is, must be respected. That is my position. During the last 15 years, whenever the point of quorum has been raised, I have always said that article 100 should be respected as long as it is not amended. I have been trying to impress that point, though I do not want it to be amended.

Mr. Deputy-Speaker: The hon. Member himself tabled a Bill to amend the Constitution.

Shri Hari Vishnu Kamath: I had withdrawn it long ago. It was just to test them. I was not serious about it. That was why I withdrew it.

Then, there is this aspect of the matter. What will our masters think? In a democracy, the people are the masters, who have elected us and sent us here, to serve them as best as we may in this august House. What impression will they gain? Nearly 45 or 50 crores of people of the Indian nation cannot ensure the presence of 50 Members in the Lok Sabha? It is a disgraceful state of affairs, if at all it comes to this sorry pass; it is anti-democratic and completely subversive of the spirit and letter of parliamentary democracy.

Before I close, may I also impress upon my colleagues that the way to build up a strong parliamentary democracy is not an easy one? It is not a bed of roses. Parliamentary democracy has got to be striven for. We must endeavour with all our might and main to make it a success. It is one of the fundamentals needed for

[Shri Hari Vishnu Kamath]

building the edifice of this parliamentary democracy. We must strive together, put our shoulders to the wheel, to the task of seeing to this that in this august House quorum is preserved. This amending Bill is not the way to ensure success of parliamentary democracy.

One point more. I have no hesitation in saying that those hundreds of my colleagues who are unable to preserve quorum do not deserve parliamentary democracy. Before, I close, I would also like to say one thing more. The Minister of Parliamentary Affairs, after Question Hour, in one of his routine Friday announcements, two or three weeks ago, said when I raised this question, that the Government was consulting the Law Ministry; the matter was receiving the earnest attention of the Law Ministry and the Government will bring forward a Bill, when certainly we will get more time for consideration. It will be better drafted, I believe, and better presented to the House. The Bill, as it is, I do not think, deserves the support of any Member of this House either on this side or on the other side, who really means well by parliamentary democracy.

Mr. Deputy-Speaker: Dr. Singhvi.

Dr. L. M. Singhvi (Jodhpur): Sir, the Bill before the House exemplifies the line of least resistance. . . .

Mr. Deputy-Speaker: Is it the desire of the House that the time for this Bill should be extended?

Some Hon. Members: Yes.

Mr. Deputy-Speaker: Then, we will finish all the stages of the Bill by 5 o'clock. I will give 5 minutes to each hon. Member.

Dr. L. M. Singhvi: You have laid down this rule after calling me. If only 5 minutes are to be allowed to me, I do not want to speak.

Mr. Deputy-Speaker: I have to provide time for so many hon. Members.

Shri S. S. More: It is a most important Bill; 5 minutes would not be enough to do justice to the subject.

Dr. L. M. Singhvi: How is it possible? This completely reduces parliamentary discussions to a mockery.

Mr. Deputy-Speaker: The hon. Member knows that 2½ hours are allotted for non-official business.

Dr. L. M. Singhvi: You may not allow a large number of speakers, but if you do not allow the speakers to make their points, what is the use?

Mr. Deputy-Speaker: Mr. More.

Shri S. S. More: Sir, this is a Bill of fundamental importance. It proposes to make a revolutionary and a rather retrograde change in the pattern of our democracy. I may tell you, Mr. Deputy-Speaker, that Indian democracy is held in great admiration and respect by the neighbouring countries. It is told that Ceylon has done a particular thing. Are we to follow Ceylon and Timbuctoo in this matter? Supposing the Bill is passed, let us imagine what would happen. The rules will provide that it is difficult to keep the quorum at 50 and so it will be reduced to 25. The result will be, out of this quorum of 25, only 14 persons will be present and taking decisions. In a House of 500 Members, 14 persons will be the deciding factor. My submission is that such a decision by a small tiny number of persons will not command the respect and admiration as it ought to in a parliamentary democracy.

There will be another sinister example that we would be setting up. When the Parliament, which is supposed to be the highest body, reduces its quorum to a shadow, the result will be that all the local boards and other bodies which require quorum will follow this example and the result will

be that a few persons, who can be counted on our fingers, will be taking important decisions. My submission is that the principle enunciated in the Bill is most sinister, objectionable and obnoxious. If you play havoc with the Constitution. . . .

Dr. L. M. Singhvi: He says, the Deputy-Speaker is playing havoc!

Shri S. S. More: The Constitution-makers very wisely laid down that it shall be changed by law. Now the Bill seeks to leave it to the rules. The rules are not passed by the House, but by the small Rules Committee. This is again abdication of the responsibility of the House. Therefore, I propose that the Government will be ill-advised in accepting the principles of the Bill. We should rather stand by the provisions as they are, if we cannot better them.

16 hrs.

Dr. L. M. Singhvi: Mr. Deputy-Speaker, Sir, as I submitted, the Bill exemplifies the line of least resistance. It exemplifies the approach to bring into being through the back-door a provision which has operated sometimes with our sufferance and which sometimes has been objected to in every legitimate manner.

Sir, I should like to preface my submissions in this regard by saying that with the exception of a few countries where a convention has grown not to count the House during certain specified hours the constitutions of the world are unanimous in prescribing a certain quorum requisite for transacting any business. I would draw your attention, Sir, to article 1, Section V of the Constitution of the United States of America. It says:

"... a majority of each House shall constitute a quorum to do business."

There it is said: "a majority of each House", and not mere 50 Members of the House to transact any business. I would invite your attention also to Section 39 of the Australian Constitution Act which says:

"Until the Parliament otherwise provides, the presence of at least

one-third of the whole number of members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers."

Here the material phrase is "for the exercise of its powers". In Canada, Section 48 of the British North America Act provides:

"The presence of at least 20 members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers, and for that purpose the Speaker shall be reckoned as a member."

Section 35 makes a similar provision in the case of the Canadian Senate, the quorum in that case being 15 Senators. In South Africa, Ceylon, Japan and Burma also quorum is provided.

It appears that we are willing now, or at least the proposal signifies the willingness, to do away with this very salutary provision of the Constitution requiring a certain quorum to be present to do business in the House. I need hardly remind the House that there used to be a time in parliamentary democracies where it was the duty of the Chair at the time of the Chairman or the Speaker taking the Chair to count the House and to see that the House was properly made. By recent convention this has been changed. In our House the presumption is that the House is properly made until a Member raises the question. But once a Member raises the question, in law, according to the expressed terms of the Constitution, it is mandatory and incumbent upon the Chair to count the House and to ensure that the business of the House is transacted with full quorum.

I would like to point out through you, Sir, to the House, that what Shri More has said in his book is this. Shri More has been a deep student of parliamentary procedure. He, in his book, has this to say:

"Whatever the reasons, lack of quorum is becoming in the Indian Parliament a repeated fea-

[Dr. L. M. Singhvi]
 ture. There are instances when it was pointed out three times a day that there was no quorum. As a Member put it humourously, lack of quorum seems to be like history which repeats itself."

He points out instances where in a single day as many as three times absence of quorum had to be pointed out in our House. We have brought into being a convention, a very unfortunate convention of not counting the House during certain specified hours. In the first place, this convention is completely in contravention of the express provisions of the Constitution. The convention purports to be borrowed from the practice of the British House of Commons under the Standing Order 27. But, Sir, it is forgotten that Great Britain does not function under a constitution which is binding on its legislature. We do. We have got to observe the mandatory provision of the Constitution, and if we are to allow our proceedings to become unreal and indeed ridiculous, we must insist that there is quorum in this House at all times.

It has been pointed out by many authors, and it has been observed at one time by the Speaker of this House also, that the responsibility for maintaining quorum in the House is primarily that of the Government Benches. Whenever we find that there is not enough quorum, I think we can legitimately blame the Government whips as well as the whips of the Opposition groups. If a time comes when we provide for this sort of constitutional change, it would be really writing and signing the death warrant of our effectiveness.

I feel that the Constitution (Amendment) Bill proposed by Shri Dwivedi seeks to do away the requirement of a parliamentary enactment for providing a different quorum than is provided in the Constitution. He wants to accomplish it through the modality of change of rules of procedure. This is unwarranted, this is entirely illogical and this is entirely improper. There is absolutely no justification for it. He also wants to take away the

requirement under clause 4 of article 100 requiring the Chair to count the House whenever it is necessary. That is the only safeguard, Sir, that we have.

One last point, Sir, and I would conclude. We pass day in and day out important legislation affecting the liberties of the people, affecting the lives of the people, affecting inter-relationship of subjects and the State. These are all important matters of far-reaching significance. How can we allow ourselves, in all fairness to the people whom we claim to represent, to have the business of the House transacted by a small coterie of people? It is very unfortunate and very unfair. I feel, that instead of agreeing to such a proposal to have a constitutional amendment seeking to allow for lack of quorum or absence of quorum, we should actually have a convention or, if necessary, enact legislation to ensure that every Bill that is passed in the House is required to be passed in the presence of a certain number of Members. Without this, Sir, we would never ensure proper legislation, representative legislation.

Shri Himatsingka (Godda): Mr. Deputy-Speaker, Sir, I find that the Bill as drafted appears to be innocent, absolutely harmless, but I feel that if this Bill is passed it will introduce a practice which will be very dangerous. What happens now? The quorum that has been fixed is only 10 per cent. I think you cannot have a lesser number for a quorum in a House which deals with the interests of the entire nation. I feel it is rather a sad spectacle when you find that important Bills are under discussion in the House, Bills like Compulsory Deposit Bill, Super Profits Tax Bill and other things like Budget, there is hardly a quorum and sometimes there is less than a quorum. If we allow it by law, then it will become worse. After all, this House deals with very important matters which affect the destiny of the whole nation. Therefore, we should not do anything to encourage this kind of laxity on the part of the Members, that they are not present in the House when impor-

tant matters are discussed. We know that even in elections a candidate who does not get one-sixth of the votes loses his security deposit. That is to say, he expects at least one-sixth of the persons to support him. If we cannot have 10 per cent. of the Members in the House which deals with important matters, it will be a sad day. Therefore, I feel that this Bill should be withdrawn.

Shri Gauri Shankar Kakkar (Fatehpur): Mr. Deputy-Speaker, Sir, I have very great respect for Shri Dwivedi, but still I rise to oppose the Bill which he has brought. Sir, the gist of democracy is to have as many persons as possible for taking certain decisions, certain views. Once we come to this decision that we can pass any legislation, any Bill, without having the necessary quorum, it will mean that we are doing away with the principle of a democratic set up and we are fast heading towards autocracy. Now, you are reducing the minimum number from fifty. As Shri More has said, if you pass this, you can get a certain legislation passed even with two members present. This would in effect mean not the operation of the democratic set up but a step towards proceeding to autocracy. Parliament is the highest parliamentary institution. If Parliament is setting this bad example this will be followed by other democratic institutions, and that would be a very sad day for the country. Because, then the other democratic institutions also will introduce this provision and they can do or undo anything without looking into the question of quorum. So, I feel that by this measure we are proceeding towards autocracy rather than democracy. We have to set up a good example for other democratic institutions, instead of setting up such examples as the present one.

Thirdly, I have to say that in Parliament, in the Lok Sabha, it is the responsibility of the ruling party to maintain the quorum, especially

when they have such an overwhelming majority. We have seen many instances in this House when the quorum is being challenged, and that is mainly the fault of the ruling party, because they do not give serious consideration to this aspect of the matter and allow important items of business to be discussed and piloted in the House without the quorum, which makes a mockery of democracy. I have myself challenged the question of quorum in this House many a time. I have seen many important Bills being discussed in the House without any quorum and yet not any member raising that point. I am of the firm opinion that this is an aspersion on the ruling party, which can very easily maintain the quorum, if only it wishes to do so.

Lastly, by introducing this Bill, we are by-passing the mandatory provisions of article 100 of the Constitution. According to clause (4) of article 100, the quorum is mandatory. If we just pass this Bill in order to take away the question of quorum from the purview of the Constitution and incorporate it in the rules of procedure or elsewhere, it would simply mean that we are resorting to a legislation to by-pass a mandatory constitutional provision.

So, in the end, in the name of democracy, because, I am sure, my hon. friend, Shri Dwivedi, for whom I have very great respect, believes in democratic set up, I would appeal to him that if he wants decisions to be taken by an overwhelming majority, by a bigger body, then he should withdraw this Bill, because his attempt to reduce the number by this Bill would lead to autocracy, and that would indeed be a very sad day for this Parliament and for the whole country.

श्री स० मो० बनर्जी : उपाध्यक्ष महोदय,
मैं इस बिल का विरोध करने के लिए खड़ा हुआ हूँ। मैं समझता हूँ कि यह सदन प्रजा-
तांत्रिक उसूलों का मंदिर है, यह जनता

[श्री स० मो० बनर्जी]

जनार्दन की मूर्ति है और संसद् के जितने सदस्य हैं वे सब उस के पुजारा हैं। इस अवस्था में यह बिल लागू उचित नहीं है। इस में केवल सवाल कोरम का नहीं है, इस में सवाल है कि ऐसा करने से प्रजातांत्रिक उमूलों का हनन होगा।

आप ठंडे दिल से सोचें कि जो कानून हम इस सदन में पास करते हैं वह इस देश के करोड़ों लोगों पर लागू होते हैं। अगर हम १५ या २० आदमी मिल कर उन कानूनों को पास कर दें तो वे लोग जो कि यहां आ कर हसरत भरी निगाहों से हमारी तरफ देखते हैं, उन के दिल में यह ख्याल पैदा होगा कि इतने थोड़े से आदमी मिल कर जनता के भाग्य का निर्णय कर देते हैं। इस का असर लोगों पर गलत पड़ेगा। मैं समझता हूँ कि संसद् के सदस्यों का सब से बड़ा कर्तव्य यह है कि संसद् के काम को सही तरीके से चलाने की कोशिश करें।

मैं आप का इजाजत से कहूंगा कि संसद् के सदस्यों के बारे में बाहर लोग क्या कहते हैं। अक्सर लोग कहते हैं कि अच्छी नौकरी मिल गयी। किसी ने मजाक में कहा कि संसद् सदस्य की परिभाषा क्या है, तो दूसरे ने हंसते हुए कहा कि चार सौ रुपया माहवार, २१ रुपया रोज, हां, ना की नौकरी, राज भवन में भोग, बोली क्या है, संसद् सदस्य। जनता समझता है कि हमारे ऊपर देश का काफ़ा पैसा खर्च होता है और उस पर अगर यह बिल पास हो जायगा तो उस का परिणाम यह होगा कि सदन में केवल भाषण देने वाला और आप नजर आयेंगे और तासरा आदमी नजर नहीं आयगा, क्योंकि उस का जरूरत नहीं होगा।

Shri Sonavane (Pandharpur): I want to know whether the hon. Member also would not be attending the House.

श्री स० मो० बनर्जी : मैं तो यहां रहता हूँ लेकिन मैं समझता हूँ कि यह रूलिंग पार्टी का फर्ज है कि वह कोरम को मेनटेन रखे। यह सवाल नहीं है कि पार्लियामेंट में कौन ज्यादा रहता है या कौन ज्यादा नहीं रहता। हम लोग तो विशेष रूप से जोक की तरह चिपके रहेंगे।

श्री सत्य नारायण सिंह : आनरबिल मेम्बर ने शायद इस बिल को पढ़ा नहीं है। इस में कोरम घटाने का बात कहाँ है।

श्री स० मो० बनर्जी : मैं कहता हूँ कि फिर संशोधन लाने का क्या मौका था।

श्री सत्य नारायण सिंह : विधान से हटा कर इस चीज को रूल्स में लाने का उद्देश्य है। किसी पार्लियामेंट में या किसी कांस्टीट्यूशन में कोरम नहीं रखा गया है। अफसोस है कि हम ने कांस्टीट्यूशन में इसे पास कर दिया। अब १५ साल के अनुभव के बाद हम इस चीज को रूल्स में लाना चाहते हैं। तो इस में कोरम घटाने का सवाल कहाँ उठता है। इस को रूल्स आफ प्रोसीज्योर में लाना है। फिर आप चाहे कोरम ५० के स्थान पर ७५ रख लें, आप को अधिकार है।

Dr. L. M. Singhi: It is an incorrect statement to make, to say that quorum is not provided in any Constitution. As a matter of fact, it is provided in most Constitutions including those of the United States, Australia, Canada etc.

Mr. Deputy-Speaker: Order, order. The hon. Member had his say.

श्री स० मो० बनर्जी : मैं समझता हूँ कि हमारा संविधान अक्लमंद आदमियों ने बनाया है। अगर आज हम यह कहें कि वे अक्लमंद आदमी नहीं थे तो मैं कहूंगा कि उन लोगों के प्रति एक गम्भीर कटाक्ष करना

होगा। अगर आप इस बिल को पास करेंगे तो मैं समझता हूँ कि विधान की हैसियत एक स्कूल के लड़के की एक्सरसाइज बुक जैसी हो जायेगी कि जिसको जब चाहा तब काट दिया और बदल दिया। जब चाहा तब विधान को बदल दिया, ऐसा करने से तो यह बच्चों का खेल हो जायेगा। ऐसा करके तो जो सरकार प्रजातांत्रिक उसूलों पर चलना चाहती है, वही उनका जनाजा निकाल रही है और हम जो उसके खिलाफ आवाज उठाते हैं तो हम से कहा जाता है कि तुम खलल अन्दाज होते हो। इस बिल को पास करना प्रजातांत्रिक उसूलों पर कठाराघात करना होगा और इसलिये इसको पास नहीं किया जाना चाहिये।

मैं समझता हूँ कि अपोजीशन का यह कर्तव्य है कि अगर सदन में कोरम न हो तो वह सदन को इस बात का ध्यान दिलाये। हमको जनता ने यहाँ चुन कर भेजा है और मैं समझता हूँ कि ऐसा करना हमारा कर्तव्य है। मैं समझता हूँ कि संसद् सदस्य इस बात को महसूस करें कि उनका फर्ज क्या है और विधान में इस तरह को चेंज न किया जाये। हमको विधान में हमेशा कांट छांट नहीं करते रहना चाहिये। इस प्रकार से विधान को बदला गया तो इसका लोगों पर बुरा प्रभाव होगा। मैं समझता हूँ कि इस बिल को वापस लिया जायेगा और मिनिस्टर आफ पार्लियामेंटरी एफेयर्स, जो कि प्रजातंत्र के प्रतीक हैं और जिनका कर्तव्य है कि सदन में पूरा कोरम रखें, अपने इस कर्तव्य का पालन करेंगे।

उपाध्यक्ष महोदय : यह सब का कर्तव्य है।

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): Sir, we have patiently and carefully listened to the speeches made on this Bill. We feel that the matter requires further consideration and, probably, it cannot be disposed of in the limited time which is allotted to Private Members' Bills. Therefore, I move:

"That the debate on this Bill be adjourned".

Dr. L. M. Singhvi: Is he moving for an adjournment of the House or is he adjourning the discussion?

Shri Hajarnavis: Because, even if it is adjourned, it will probably come up for discussion on a future date. What is attempted to be done, or what we are trying to do is, as the Minister of Parliamentary Affairs has stated, to substitute....

Shri S. M. Banerjee: Sir, on a point of order.

Dr. L. M. Singhvi: Is it adjournment or postponement?

Mr. Deputy-Speaker: It is adjournment.

Shri S. M. Banerjee: May I submit.....

An Hon. Member: The question may be put.

Mr. Deputy-Speaker: The question is:

"That the debate on this Bill be adjourned".

The motion was adopted.

16.20 hrs.

DELHI LAND REFORMS (AMENDMENT) BILL

by Shri Naval Prabhakar

Shri Naval Prabhakar (Delhi-Karol-Bagh): Sir, I move:

"That the Bill further to amend the Delhi Land Reforms Act, 1954 and also to amend the Delhi Land Reforms (Amendment) Act, 1959 be taken into consideration."

उपाध्यक्ष महोदय, मेरा यह संशोधन विधेयक दिल्ली के किसानों को जो सुविधायें पहले के कानून के अनुसार दी गई हैं, उन को पूरा करने के लिये अत्यन्त आवश्यक है।

श्रीमान्, हमने १९५४ के अन्दर दिल्ली भूमि सुधार नामक एक विधेयक दिल्ली की विधान सभा में पास किया और दिल्ली के उन किसानों को, जो कि वह और उनके पूर्वज जिस भूमि को जोतते चले आ रहे थे और

[श्री नवल प्रभाकर]

अपने अधिकार से वंचित थे, उनको अधिकार दिया गया। सन् १९५४ का जो भूमि सुधार अधिनियम बना उसमें यह अधिकार उनको दिया गया कि जो भूमि को जोतता है, बोता है, वही उसका मालिक होगा, उसका स्वामी होगा।

वह विधेयक तो पास हो गया। अधिनियम बन गया और लागू हो गया किन्तु जो किसानों को एक आशा थी, बहुत दिन से एक आशा थी और हमारी सरकार का भी कहना है कि भूमि उसकी जो उसे जोते या बोये, वह आशा पूरी नहीं हुई है। उसके जब बनने का समय आया तो उसमें एक कमी या खामी रह गयी और उसी को मैं बताने के लिये एक छोटा सा विधेयक लाया हूँ। इस विधेयक के द्वारा जो कमी रह गयी है उसकी तरफ जो मैंने संकेत किया है वह मैं बताना चाहता हूँ।

इस विधेयक में कहा गया है कि एक अधिकार दिया गया था १९५४ के विधेयक में और फिर १९५६ के विधेयक में जिसमें कि स्पष्ट शब्दों में यह कहा गया था कि चीफ कमिश्नर महोदय को या डिप्टी कमिश्नर महोदय को यह अधिकार होगा और उनके द्वारा जो भूमिधरी के सर्टिफिकेट अथवा प्रमाणपत्र दिये जायेंगे वे सही होंगे। विधेयक में या अधिनियम में तो वह बात यही थी किन्तु दिल्ली प्रशासन में, या तो यह समझिये कि उन्होंने उस अधिनियम को समझने की कोशिश नहीं की या उनकी शब्दावली का जो भावार्थ था उसे वे अच्छी तरह से नहीं समझ सके। उस के कारण जो अधिकार डिप्टी कमिश्नर को दिये गये थे या चीफ कमिश्नर महोदय को दिया गया था कि चीफ कमिश्नर महोदय एक सूचना के द्वारा, राजकीय गजट में एक सूचना के द्वारा किसी भी अधिकार देंगे, डिप्टी कमिश्नर को, और डिप्टी कमिश्नर जो है वह भूमिधरी का जो सर्टिफिकेट है वह

बांटेगा, हुआ यह कि चीफ कमिश्नर साहब ने ऐसा लगता है कि डिप्टी कमिश्नर साहब को कह दिया कि भाई भूमिधरी का सर्टिफिकेट बांटना है और डिप्टी कमिश्नर साहब ने अपने नीचे वाले अधिकारी को बुला कर रैवेन्यू असिस्टेंट को कह दिया, माल अफसर को कहा कि जो भूमिधरी के सर्टिफिकेट्स हैं वे बांट दिये जायें। जो माल अफसर ये वे थोड़ा और आगे चले गये। उन्होंने तहसीलदार को कहा कि भूमिधरी के सर्टिफिकेट्स बांट दिये जायें। उस समय इस कानून का कोई ब्याल नहीं किया गया और उस के कारण यह भूमिधरी के सर्टिफिकेट्स बांटे गये। सारी दिल्ली के अन्दर इस तरीके के भूमिधरी के प्रमाणपत्र लोगों को दिये गये। प्रमाणपत्र जिस समय मिले तो एक बड़ी आशा सामने आई। वह किसान जो सैंकड़ों वर्ष से दबे चले आ रहे थे उन्होंने एक सन्तोष की सांस ली। उस ने यह सोचा कि अब मैं भूमि का मालिक बन गया हूँ क्योंकि मुझे भूमिधरी का सर्टिफिकेट प्राप्त हो गया है। घरों में और गांवों में बहुत खुशियां मनाईं और यह कहा कि आज हमारे लिये एक नवल प्रभाकर का उदय हुआ है, एक नव जागरण का समय आया है किन्तु वह जो नवल प्रभाकर का उदय हुआ था, वह अस्त होने वाला है। वह उस समय अस्त होने लगा जबकि जो जमींदार लोग थे, उन्होंने दावे दायर कर दिये और दावे दायर करके उन्होंने यह कहा कि जो प्रमाणपत्र दिये गये हैं वे सही नहीं दिये गये हैं। इस की जांच पड़ताल हुई। मुकदमे चले और काफी पैसा बर्बाद हुआ। वह बेचारा किसान, वह बेचारा मुजारा जो कि आशा खगाये हुए बैठा था, जिसके कि पास पूंजी नहीं थी, पैसा नहीं था, उसे एक यह उम्मीद थी कि जमीन मिलेगी और वह उसको जोतेगा, वह आशा निराशा में बदल गयी। उसको अदालतों के दरवाजे देखने पड़े। १९५४ के लगा कर आज तक कितना समय हो गया है बराबर अदालत के दरवाजे वह लोग देख रहे हैं। जिस जिस मिली हुई जमीन को वह

एक वरदान समझने लगा था वह उसके लिए एक अभिशाप हो गया है क्योंकि वह उस भूमि पर अच्छी तरह से कोई भी काम नहीं कर सकता है। आये दिन रोज अदालत में खड़ा रहता है और जो वकील साहब हैं उनको पैसा देता है। आज उन बेचारे गरीब किसानों की पैसा देने की उतनी हिम्मत भी नहीं है। इतना उनके पास देने को पैसा भी नहीं है किन्तु जितना कर्ज मिल सकता था, जितना छोटा मोटा बेबर था उसको बेच बाच कर उसमें समा दिया लेकिन उसके बावजूद भी इसका परिणाम यह निकला कि जो उनकी आशा बंधी थी वह निराशा में बदल गयी। एक, दो नहीं बल्कि बहुत सारे ऐसे केसेज अदालत के अन्दर फेल हो गये। वह ज़मींदार जो कि हजारों साल से कब्जा किये चले आते थे, उन किसानों और मुजारों का शोषण करते चले आ रहे थे वह फिर से मालिक हो गये। सरकार का एक आशय था सरकार ने एक वरदान दिया था वही दिल्ली की असेम्बली में और उसका समर्थन यहाँ पर इस सदन के अन्दर भी किया गया १९५६ में किन्तु श्रीमन्, आज वह वरदान और समर्थन जो यहाँ से हुआ था वह उनके लिए अभिशाप हो गया। अब उनके पास कोई बड़ी पूजी तो भी नहीं, जितना उनको थोड़ा बहुत जेवर आदि बेच कर कर्ज मिल सकता था, वह उसमें लगा दिया। आज वह लोग बिल्कुल मुफलिस हो गये हैं। आज उनके पास पैसा नहीं है और जिस ज़मीन की उनको आशा थी, वह आशा भी उनके पास नहीं रही है। इसलिए मेरा यह निवेदन है कि इस विधेयक को माना जाय और मान कर उन लोगों को जिनको कि हमने यह एक वरदान दिया था, जो उनको एक राहत दी थी और जिस राहत की वह बहुत आशा लगाये हुए थे, अब इस बिल को मीन कर उनको फिर से वह राहत दी जाय।

उसके अन्दर एक और भी इस तरह की बात है कि १९५६ में हमने लैण्ड रिफार्म्स

बिल को अमेंड किया और अमेंड करने के बाद इस तरह का हमने उनके अन्दर संशोधन किया। उस संशोधन में यह कहा गया कि अब तक जो ज़मीनें बिक गयी हैं वह बिक गयी हैं। १५ गाँवों की उसमें मैं कहानी आपको बतलाऊँ। जब १९५४ का भूमि सुधार कानून दिल्ली की विधान सभा में आया और उसके बाद जब वह पास हुआ तो उस समय दिल्ली के सारे गाँवों पर वह लागू किया गया। दिल्ली के सारे गाँवों पर वह लागू हो गया किन्तु थोड़े दिन के बाद ही मैं नहीं कह सकता किन कारणों से, दिल्ली विधान सभा ने जब उसके अन्तिम दिन अन्तिम घड़ी के अन्दर, जो आखिरी आध घंटा था, उसमें एक बिल लाया गया और उस बिल के द्वारा यह कहा गया कि चूंकि दिल्ली का शहर बढ़ रहा है और दिल्ली शहर बढ़ने के लिए, उसको अरबन एरिया बनाने के लिए, उसमें और ज़मीन की आवश्यकता है, इसलिए कुछ खास पन्द्रह गाँव थे, जिन को भूमिदारी से वंचित कर दिया गया। वे पन्द्रह गाँव भूमिदारी से वंचित हो गए और किसी को पता भी न चला, क्योंकि दिल्ली एसेम्बली टूटने वाली थी और जल्दी में वह बिल पास कर दिया गया। वह बिल वहाँ से पास तो हो गया और कानून भी बन गया, लेकिन उसके बाद हमारे महा-मान्य गृह-मन्त्री जी, स्वर्गीय पंडित पन्त, को उन किसानों ने कहा, "श्रीमन्, हमने क्या कुसूर किया है कि सारी दिल्ली में तो यह कानून लागू किया गया, लेकिन हमको जो अधिकार दिया गया, वह हम से छीन लिया गया?" स्वर्गीय पन्त जी ने जब उतनी कष्ट कदाही सुनी, तो उनको सारी स्थिति समझ में आ गई और एक संशोधन करने के लिए एक विधेयक यहाँ पर लाया गया, जिसके अन्तर्गत उन पन्द्रह गाँवों को फिर से भूमिदारी के अधिकार दिये गए। उस विधेयक में कुछ इस तरह की शब्दावली रखी गई कि १९५४ के बाद और उस विधेयक के आने से पहले, उस बीच में, जो ज़मीनें बिक गई हैं, उन ज़मीनों पर यह कानून लागू नहीं होगा।

[श्री नवल प्रभाकर]

उस कानून के बनने के बाद फिर मुकदमे-बाजी हुई और आप जानते हैं कि जो पैसे वाले होते हैं, बड़े जमींदार लोग होते हैं, वे अदालत का रास्ता अच्छ्यार कर लेते हैं। मैं यह कहना चाहता हूँ कि सैकड़ों जमींदारों ने अदालत में जाकर झूठे बयाने, एडवोस रकमे, लिखवा दिये। उन्होंने यह लिखवा दिया कि उनकी जमीनें १९५४ या उससे पहले बेची गई थीं, ताकि जो कानून बनावे, वे उस की जद में न आ सकें। आज दिल्ली की अदालतों और हाई कोर्ट में ऐसे बहुत से मामले पड़े हुए हैं। बहुत से किसानों के खिलाफ़ इस तरह के फ़ैसले हों गए हैं और वे बेचारे अपने अधिकारों से वंचित हो गए हैं।

मैं माननीय मन्त्री जी से यह प्रार्थना करना चाहता हूँ कि सरकार की तरफ से उनको अधिकार दिये गए, उनको आश्वासन दिया गया और उन्होंने एक मुख की सांस ली, लेकिन जैसे किसी भूखे के सामने भोजन रखें और जब वह एक ग्रास उठा कर मुँह में डालने लगे, तो उसका हाथ पकड़ लिया जाये, आज वही हालत उन लोगों की है। मैं गृह मन्त्री जी से यह कहना चाहता हूँ कि जो अधिकार उन को दिया गया है, वह अधिकार कायम रहे और शब्दावली का जो हेर-फेर है, उसको ठीक कर लिया जाय। मैं चाहता हूँ कि उस हेर-फेर को ठीक करके उन ग़राब किसानों को उनके अधिकार उसी प्रकार से प्राप्त दिये जायें।

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Delhi Land Reforms Act, 1954 and also to amend the Delhi Land Reforms (Amendment) Act, 1959 be taken into consideration."

श्री सरजू पांडेय (रसड़ा) : उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। जैसा कि इसके उद्देश्यों में लिखा हुआ है, दिल्ली लैंड रिफ़ॉर्म एक्ट, १९५४ की धारा ११ और १३ के अन्तर्गत

डिप्टी कमिश्नर को यह अच्छ्यार दिया गया था कि वे किसानों को भूमिदारी का अधिकार दे। इसके साथ ही डिप्टी कमिश्नर को यह भी पावर थी कि वह जिस किसी को चाहे, उसको भी इस बात का अच्छ्यार दे कि वह किसानों को भूमिदारी का अधिकार दे सके। लेकिन ऐसा मालूम होता है कि उन्होंने इस तरह का अच्छ्यार नहीं दिया और, जैसा कि माननीय सदस्य ने बताया है, जिन बहुत से किसानों को भूमिदारी के अधिकार दिये गए थे, अदालतों ने उनको इस आधार पर बेदखल कर दिया कि चीफ कमिश्नर ने बाकायदा गज़ेट जारी करके रेवेन्यू एसिस्टेंट को डिप्टी कमिश्नर के कर्तव्यों को पूरा करने का अधिकार नहीं दिया था और डिप्टी कमिश्नर ने स्वयं उनको भूमिदारी के अधिकार नहीं दिये थे इस कारण बहुत से किसानों को नुकसान उठाना पड़ा है।

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरतबोस) : मैं बीच में नहीं बोलना चाहता, लेकिन यह कहा गया है कि ऐसा फ़ैसला हुआ है कि चूंकि डिप्टी कमिश्नर ने इसमें हुकम नहीं दिया है, इसलिए जो भूमिदारी के हक दिये गए हैं, वे रद्द कर दिये गए हैं। जहाँ तक मेरा ख्याल है, जहाँ तक मैंने मालूम किया है, जितने फ़ैसले हुए हैं, वे सब किसानों के हक में हुए हैं। उनमें कहा गया है कि अगर कार्रवाई डिप्टी कमिश्नर ने नहीं की है, रेवेन्यू एसिस्टेंट ने किया है, फिर भी जो कुछ उन्होंने हुकम दिया है, वह वाजिब है। इस तरह के हाईकोर्ट के फ़ैसले हैं। अगर कोई फ़ैसला इससे भिन्न हुआ हो, तो मैं उसकी जानकारी लेना चाहता हूँ।

श्री सरजू पांडेय : यह तो माननीय सदस्य ही बता सकते हैं, जिन्होंने इस बिल को पेश किया है।

श्री हजरतबोस : अगर वह बताये, तो मैं कुछ कह सकूंगा।

श्री सरजू पांडेय : मुझे तो ऐसे किसिद्ध मालूम नहीं हैं, लेकिन इस बिल के उद्देश्यों में यह बात कही गयी है। मैं समझता हूँ कि अगर ऐसी बात हुई है, तो लाजिमी तौर पर इस धारा को तब्दील करना चाहिए और उन तमाम किसानों को, जो इस दौरान में बेदखल किये गए हैं सिर्फ इस आधार पर कि जिन लोगों ने उनको भूमिदारी के राइट दिये, उनको भूमिदारी के राइट देने का अख्यार डिप्युटी कमिश्नर ने नहीं दिया, भूमिदारी के अधिकार देने चाहिए। इस बिल को पेश करने वाले माननीय सदस्य को इस बारे में ज्यादा जानकारी होगी। मैं समझता हूँ कि कानून की इस तरह की गड़बड़ियों को दूर किया जाना चाहिए, जिनके कारण हजारों लोग सफ़र करते हैं। इस कानून के बनने के बाद उन बेचारों को यह आशा बंधी थी कि हम ज़मीनों के मालिक बनेंगे, लेकिन उन की आशाओं पर बहुत अधिक कुठाराघात हुआ है। इस लिए मेरा निवेदन है कि अगर इस क्रिस्म की बातें हुई हैं, तो मन्त्री महोदय को लाजिमी तौर पर इन सुझावों को मानना चाहिए और एकट में आवश्यक परिवर्तन करना चाहिए, ताकि जो किसान बेदखल हुए हैं, उन सब को भूमिदारी का अधिकार मिले।

श्री सूर्य प्रसाद (भिड़) : उपाध्यक्ष महोदय, माननीय सदस्य, श्री नवल प्रभाकर, ने जो बिल रखा है, मैं उसका समर्थन करना चाहता हूँ। इस बिल की भावना तो बहुत अच्छी है। इसमें इस बात का उल्लेख है कि जिन लोगों को ज़मीनों के पट्टे दिये गए, उनको कानूनी त्रुटि की वजह से परेशानी हुई। मुझे खुशी है कि कृषि मन्त्री जी भी यहाँ पर बैठे हुए हैं। यह सिर्फ दिल्ली का ही मसला नहीं है, बल्कि सारे देश में लोगों को इस तरह के पट्टे दिये गए और उनमें बहुत सी खामियाँ हैं। मैं तो कहूँगा कि केवल दिल्ली की तरफ ही एडमिनिस्ट्रेशन का ध्यान नहीं जाना चाहिए, बल्कि लैंड रिफ़ॉर्मज़ के सिलसिले में जितने भी कानून बने हैं, उनमें जो भी खामियाँ हैं, होम

मिनिस्ट्री और एग्रीकल्चर मिनिस्ट्री को उस की देखभाल करनी चाहिए।

आज सारे देश में यह नारा लगाया जाता है कि पैदावार बढ़ानी चाहिए। हम को विदेशों से अन्न मंगाना पड़ता है और उसके बदले में काफी सोना देना पड़ता है। मैं तो कहूँगा कि महत्व की दृष्टि से डिफ़ेंस के बाद दूसरा जो महकमा है, वह एग्रीकल्चर का है, देश के लोगों के लिए खाने-पीने की सामग्री को जुटाने का है। आज आवश्यकता इस बात की है कि देश में जैनविन टिल्लर के पास ज़मीन होनी चाहिए। दुनिया भर की कोशिश की गई, ब्लाक बनाए गए, यह बनाया गया, वह बनाया गया, लेकिन फिर भी हमारे लक्ष्य के अनुसार पैदावार नहीं बढ़ी। इसका एक मतलब यह है कि देश में जो जैनविन टिल्लर है, उस के पास ज़मीन नहीं है। दूसरे मुल्कों में ज़मीन का रकबा कम है, लेकिन पैदावार ज्यादा है, जबकि हमारे मुल्क में ज़मीन का रकबा ज्यादा है, पैदावार कम है।

मैं अपने हलाके की बात कहता हूँ। सीलिंग और दुनिया भर की रिफ़ॉर्मज़ होने के बाद भी, ज़मीन की डिस्ट्रीब्यूशन न हुई; अभी एक एक आदमी के पास तीन, चार सौ एकड़ ज़मीन है। आप सोचिए कि जिस आदमी के पास तीन, चार सौ एकड़ ज़मीन है, वह उतनी अच्छी तरह कास्त नहीं कर सकता, जितनी अच्छी तरह थोड़ी ज़मीन वाला कर सकता है, जो यह समझता है कि यह मेरी ज़मीन है। जिसके पास तीन, चार सौ एकड़ ज़मीन है, वह ज्यादा से ज्यादा तीस या चालीस बीघा ज़मीन पर कास्त कर सकता है। बाकी या तो वह बटाई से करायेगा, या नौकर रख कर करेगा। जो नौकर होता है वह ज़मीन से उतनी अच्छी पैदावार नहीं कर सकता है जितनी अच्छी खुद मालिक जो होता है वह कर सकता है। उसकी अपनी ज़मीन होती है और जब वह खुद मेहनत करता है तो पैदावार भी बहुत ज्यादा करता है। मैं कहना

[श्री सूर्य प्रसाद]

चाहता हूँ कि लैण्ड रिफार्म के आपने जितने कानून बनाये उनकी देखभाल करना भी आपका फर्ज है। आपको देखना चाहिये कि जो जैनुइन टिल्लर है जो मेहनत और मुशक्कत लगा कर ज्यादा से ज्यादा पदावार करने की कोशिश करता है, उसको ज़मीन दी जाए। इसके बगैर खाद्य समस्या हल नहीं हो सकती है। एक आदमी जो मकान में रहता है, उसको अगर आप स्वस्थ देखना चाहते हैं, तो उसके लिए आपको यह भी देखना होगा कि आप उसमें खिड़कियाँ बनायें, तथा आसपास उसके सफाई रखें और जब तक ऐसा नहीं होता है आप उसको स्वस्थ नहीं देख सकते हैं। इसी तरह से गाय को ही आप लें। उससे आप ज्यादा से ज्यादा अगर दूध लेना चाहते हैं तो आपको यह भी देखना होगा कि गाय क्या कसाई के पास है या उसकी जो पूजा व सेवा करता है, उसके पास रहती है। अगर इस की तरफ ध्यान आप नहीं देते हैं तो गाय ज्यादा दूध नहीं दे सकती है। यही मसला ज़मीन का है। आपको देखना होगा कि आया जमीन जो जैनुइन टिल्लर है उसके पास है या शहर में तहसील हैडक्वार्टर में जो रहता है और दूसरा बंधा करता है और यही कोशिश करता है कि जितना अनाज मिल गया उतना ही ठीक है, उसके पास है। अगर ज़मीन एक ऐसे आदमी के हाथ में हो जो ज्यादा से ज्यादा मेहनत करके ज्यादा से ज्यादा पैदा कर सकता हो, उसके स्त्री बच्चे सब सामूहिक मेहनत करके ज्यादा फसल पैदा करने की कोशिश करते हों, तो यह जो साध्य समस्या है हल हो सकती है। हमारे देश में बहुत भारी संख्या खेतीहर लोगों की है। उनके पास ही ज्यादा से ज्यादा खेती का ज़मीन रहनी चाहिये। धन देखने की कदम इतनी ज़रूरत है कि ज़मीन किस के पास है।

उन लोगों के साथ माननीय नवल प्रभाकर जी ने जो विधेयक प्रस्तुत किया है और

जो दिक्कतें सामने आई हैं, उनका निराकरण करने की कोशिश की है, उनको शासन को दूर करना चाहिये और यह कोशिश करनी चाहिये कि जो जैनुइन टिल्लर है, उसके पास ही ज़मीन रहे।

श्री यशपाल सिंह (कैराना) : मैं माननीय नवल प्रभाकर जी को इतना सुन्दर बिल लाने के लिए बधाई देना चाहता हूँ। इसके साथ साथ जो उत्तर प्रदेश के भूमिधारी एक्ट में कमियाँ रह गई थीं, उनको दूर करने की तरफ भी आपका ध्यान दिलाना चाहता हूँ। अगर वे खामियाँ दूर नहीं होती हैं तो किसान सुखी नहीं हो सकेंगे...

उपाध्यक्ष महोदय : यह दूसरी बात है। यह बिल सिर्फ दिल्ली के बारे में है।

श्री यशपाल सिंह : उन्होंने जिक्र किया है कि उत्तर प्रदेश के भूमिधारी कानून के मुताबिक यहाँ का कानून है। वह बिल मेरे हाथों का बनाया हुआ है। उस वक्त मैं उत्तर प्रदेश असेम्बली में था। मैं उन खामियों को समझ रहा हूँ।

श्री हज़रतबीस : माननीय सदस्य लोक-सभा में हैं, उत्तर प्रदेश असेम्बली में नहीं हैं। अब वह यहाँ आ गए हैं।

श्री यशपाल सिंह : इस बिल की जो सबसे बड़ी खामी है वह यह है कि ज़मींदारी प्रथा का जब तक एवालिशन नहीं हुआ था, तो ज़मींदारी एवालिशन में तीन साल तक ज़मींदार डिग्री नहीं कर सकता था, लगान की डिग्री तीन साल तक नहीं कर सकता था और फिर डिग्री में भी वह उसके बँलों को, हल को, गाड़ी को और मकान को नहीं ले सकता था। यह वा इमलिए डिफैक्टिव है कि इसमें हर छः महीने में एवालिशन की कुर्की हो जाती है, उसको जेल में भिजा जाता है, उसके हथकड़ियाँ डाल दी जाती हैं, उसके बैल,

उसकी गाड़ी, उसका हल इत्यादि नीलाम कर दिये जाते हैं। यह जो बहुत बड़ी परेशानी है, इसकी दूर किया जाना चाहिये। यह जो बिल माननीय सदस्य लाये हैं, यह बहुत सुन्दर कार्य उन्होंने किया है और इसके लिए वह बधाई के पात्र हैं।

किसानों के ऊपर प्राय जो बार है, उसको आप देखें। मान लीजिये जो जमीन दी गई थी वह छः साल में दी गई थी और छः साल तक किसान उससे महकूम रहा, उससे बंभित रहा। छः साल तक किसान को जो नुकसान हुआ है, उसको पे करना भी सरकार का काम है और कहीं न कहीं से उसका कम्पेंसेशन उसको मिलना चाहिये, चाहे जमींदार से कराया जाए या सरकार खुद करे। काश्तकार के ऊपर बोझ न पड़े, इसको आप देखें।

मैं नवल प्रभाकर जी से कहना चाहता हूँ कि उनको पैसिमिस्ट कभी नहीं होना चाहिये। प्रभाकर कभी अस्त नहीं हो सकता है। 'मन एव मनुष्याणां कारणं बन्धमोक्षयोः।' यह अस्त नहीं हो सकता है। यह हमेशा उदय रहेगा और हम लोग दुनिया की तरफ जब भी देखेंगे कल्याण के लिए देखेंगे। गुड इज मोर दैन ए मैच फार बैड। हमेशा यही होगा कि सत्य जीतेगा और असत्य हारेगा। हमेशा धर्म की जीत होगी और अधर्म हारेगा। यह कहना कि नवल प्रभाकर अस्त हो गया है सुन्दर नहीं है। हम इस को मानते हैं कि संसार में हम आशावाद के लिए, सुन्दरता के लिए, सत्यं शिवं सुन्दरम् के लिए आये हैं और जब तक इस मिशन में हम सफल नहीं हो जाते हैं, इस ध्येय को प्राप्त नहीं कर लेते हैं, तब तक सचार्ड के लिए लड़ते रहेंगे और उसी के लिए काम करते रहेंगे, संघर्ष करते रहेंगे।

अन्त में मैं इतना ही कहना चाहता हूँ कि काश्तकार को जो छः साल के अन्दर नुकसान हुआ है, उसको जमींदार या सरकार पूरा करे।

श्री हजरतबीस : उपाध्यक्ष महोदय, जिस भावना से प्रेरित हो कर यह विधेयक लाया गया है, उसके साथ हमारी पूरी सहानुभूति है। लेकिन जिस सवाल के आन्धार पर इन्होंने इसको यहां उपस्थित किया है, वह अस्तित्व में ही नहीं है।

आप को याद होगा मैंने पूछा था कि अभी तक हार्ड कोर्ट से कोई ऐसा फैसला हुआ है जिस में कहा गया हो कि चूँकि डी० सी० ने रेवेन्यू असिस्टेंट को यह प्रखत्यार दिया नहीं है, इसलिए जो कार्रवाई रेवेन्यू असिस्टेंट के सामने हुई, वह नाजायज थी और इसलिए भूमिधारी हक नहीं दिया गया ? अगर इस तरह का कोई फैसला होता तो हमारा कर्तव्य होता कि हम सोचें कि कुछ न कुछ दुस्स्ती की जाये। जब हम विधेयक में यह कहते हैं कि फलां चीज होनी चाहिए और उस में हम को कोई कठिनाई होती है, दिक्कत आ जाती है, महज इसी वजह से कि प्रोसीजर की कोई बात, व्यवस्था की कोई बात ठीक तरह से नहीं की गई है और इसलिए जो हक मिलना चाहिये वह नहीं मिल पा रहा है, तो जरूर मैं मानता हूँ कि हमें कानून में उस तरह की दुस्स्ती करनी चाहिये जिससे कानून के मुताबिक जो लोगों को हक मिलना चाहिये वह मिल जाये। लेकिन अभी तक यह मालूम नहीं हुआ है कि प्रोसीजर में कोई कमी है। अभी दो चार जो फैसले हुए हैं हार्ड कोर्ट्स के, उस में साफ तौर से कहा गया है कि रेवेन्यू असिस्टेंट के सामने जो कार्रवाई हुई है वह ठीक हुई है और डी० सी० को जिस तरह के हुकम करने चाहियें, उस तरह के हुकम उन्होंने किये हैं और रेवेन्यू असिस्टेंट ने आगे जो कार्रवाई बढ़ाई, प्रोसीजरल कार्रवाई जो की, वह ठीक तरह की थी . . .

श्री यशपाल सिंह : हार्ड कोर्ट तक पहुंचते पहुंचते किसान के जो हज़ारों रुपये खराब हुए हैं, उसको कौन पूरा करेगा और वे कैसे पूरे होंगे ?

श्री हजरनवीस : जब तक कोई झगड़ा करने को तैयार है तब तक कोर्ट के दरवाजे उसके लिये बन्द नहीं हो सकते हैं। माननीय सदस्य जानते हैं कि जब किसान को जमींदार के खिलाफ हक दिया जाता है तो जमींदार हाई कोर्ट तक मामले को पहुंचाये बिना नहीं रहते हैं, चाहे आप कानून कौसा ही बना लें। यह तो होता ही है। ऐसा कानून कोई नहीं बना सकता है जिस के बारे में अदालत में कोई न कोई मतान खड़ा न किया जा सके। वह तो होगा ही। फिर भी हम मानते हैं कि साफ तार से कानून बनना चाहिये और उस पर इस तरह से अमल किया जाना चाहिये जिससे किसी तरह के झगड़े की कोई गुंजाइश न रहे और न ही कानून में किसी तरह के शक की गुंजाइश रहे।

जहां तक मुझे मालूम है ऐसे दो चार मामले और भी हैं जिन में जो अधिकार दिये गये हैं, उन के ऊपर संशय जाहिर किया गया है और वे मामले हाई कोर्ट्स के विचाराधीन हैं। अगर उन का फैसला इस तरह का होता है कि रेवेन्यू असिस्टेंट ने जो कार्रवाई की वह नाजायज की, तो अगर कानून में दुरुस्ती करने की बात सरकार सोचेगी।

इतना आश्वासन देने के बाद मैं समझता हूँ कि माननीय सदस्य इस विधेयक को वापिस ले लेंगे और मैं उन से दरखवास्त भी करता हूँ कि वह इस को वापिस ले लें।

श्री ज्वा० प्र० ज्योतिषी (सागर) : छोटे किसानों को अनावश्यक लिटिगेशन से बचाने के लिए क्या यह उचित न होगा कि सरकार स्वयं इस तरह के केसिस को स्टडी करे ताकि कानून में जो खामी रह गई है, उस खामी को दूर किया जा सके ?

श्री हजरनवीस : अभी तक जो फैसले हुए हैं, उनके अनुसार किसी हाई कोर्ट ने

कानून में कोई खामी नहीं पाई है। जब तक खामी पाई नहीं जाती है तब तक दुरुस्ती किस बात की जाये ?

श्री नवल प्रभाकर : माननीय मंत्री जी ने जो कुछ कहा है, उस के उत्तर में मैं इतना ही कहना चाहता हूँ कि १९५४ में यह बिल आया और उस के बाद इसने कानून का रूप धारण किया। कानून बनते ही मुकदमे-बाजियां शुरू हो गईं और बहुत से लोग बेदखल हो गये। इस समय यह एक बड़ी भारी समस्या सरकार के सामने है और लोगों के सामने भी है। जब नीचे के कोर्ट ने बेदखल कर दिया तो बहुत से लोग जो कि, जैसा मैं ने कहा, बहुत गरीब थे, जिन के पास पैसा नहीं था, जिन में आगे लड़ने की हिम्मत नहीं थी, वह नीचे के कोर्ट ने जैसा फैसला दिया उस को मान कर बैठ गये। वे आगे नहीं बढ़ सके।

मैं आप का आश्वासन तो माने लेता हूँ, किन्तु उन लोगों का क्या होगा जिन लोगों के मामलों का लोअर कोर्ट में फैसला हो गया और जो अपने अधिकार से वंचित हो गये। ऐसे केस एक या दो नहीं हैं, सैकड़ों हैं। जो लोग जरा सम्पन्न थे या जिन को पैसा मिल सकता था वह तो हाई कोर्ट में चले गये, किन्तु कितने किसान हाई कोर्ट में जा सकेंगे, यह देखने की बात है। एक, दो या चार आदमी हाई कोर्ट में चले गये तो चले गये लेकिन सैकड़ों लोग नीचे के कोर्ट से ही घबरा कर रुक गये। मैं बतलाना चाहता हूँ कि जब मैं गांव में जाता हूँ तो गांव के लोग क्या कहते हैं। वे कहते हैं कि तुम ने हमें भूमिधर बनाया, पहले हम रोटी तो दो जून खा लेते थे, अब वह बात भी खत्म हो गई।

इस में एक बात और भी है कि जब उस के खिलाफ लोअर कोर्ट में फैसला हो गया तो उस का दिल टूट गया। उस ने काशत नहीं की। जब उस ने काशत नहीं की तो उस की गिरवावरी बदल गई, और ऐसे बहुत से केस हुए।

तो मैं कहना चाहता हूँ कि इस बीच में जो ऐसे लोग हैं जो कि आगे मुकदमे नहीं ले जा सकें और जिन की गिरदावरियां बलद गईं, उन का क्या होगा, यह एक सोचने वाली बात है। मैं माननीय मंत्री जी से कहना चाहता हूँ कि दिल्ली के किसानों के जीवन में यह एक बहुत महत्वपूर्ण प्रश्न है। एक तरफ तो उन को दिखलाने के लिये कह दिया गया कि हम तुम को भूमिधर बना दिया और वह खुश हो गये, दूसरी तरफ उन के जो अधिकार थे, चाहे आप उन को प्रशासन की गलती समझिये या यह समझिये कि जो जमींदार थे उन की ग्रेग्रोच थी उस के कारण, जो कुछ उन को मिलने वाला था वह उन को नहीं मिला। यह जो गफलत की गई है उस के कारण लोगों को जो कठिनाई, परेशानी और जो हानि हुई है उस का मंत्री महोदय ने कोई हल नहीं बतलाया, कोई समाधान नहीं बतलाया।

जैसा उन्होंने कहा, अगर हाई कोर्ट ने किसानों के खिलाफ फैसला दे दिया तो वे स्वयम् एक विधेयक लायेंगे। अच्छी बात है, विधेयक लाया जाना चाहिये, लेकिन विधेयक लाने के बाद इतना तो जरूर सोचना चाहिये कि जो नुकसान उन किसानों का हुआ है, जो परेशानी उन को हुई, जो कठिनाई उन को भुगतनी पड़ी, उस को जाने भी दिया जाये, किन्तु जो नुकसान हुआ है, उस का हर्जाना दिलाने का भी सरकार को कोई प्रबन्ध करना चाहिये, उस के लिये कोई कदम उठाना चाहिये।

मैं माननीय मंत्री जी के आश्वासन पर विश्वास करता हूँ और मैं समझता हूँ कि वह किसानों को न्याय दिलायेंगे। मुझे इस की पूरी उम्मीद भी है क्योंकि सरकार पहले स्वयम् बिल लाई और उन को अधिकार दिलाया, किन्तु किसी गफलत से वह अधिकार से वंचित हो गये। मैं ने जो आप कह घ्यान आकर्षित किया है, मैं समझता हूँ कि आप सहानुभूतिपूर्वक उस की ओर देखेंगे और हाई

कोर्ट के फैसले को भी देखेंगे तथा किसानों को जो कठिनाइयां, परेशानियां और जो आर्थिक हानि हुई है और जो जमीन की हानि हुई है उस के सम्बन्ध में उन को संतोष दिलाने की कृपा करेंगे।

Mr. Deputy-Speaker: Does he withdraw the Bill?

Shri Naval Prabhakar: Yes, Sir.

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

Some Hon. Members: Yes.

The Bill was, by leave, withdrawn.

16.55 hrs.

THE DELIVERY OF BOOKS AND NEWSPAPERS (PUBLIC LIBRARIES) AMENDMENT BILL

(Amendment of Section 2) by Shri C. K. Bhattacharyya

Shri C. K. Bhattacharyya (Rai-ganj): Mr. Deputy-Speaker, I move:

"That the Bill further to amend the Delivery of Books and Newspapers (Public Libraries) Act, 1954 be taken into consideration."

Sir, the purpose of this amendment is to insert in clause (a) of section 2 of the Delivery of Books and Newspapers Act of 1954 after the words 'printed or lithographed', the words 'and phonograph discs popularly known as gramophone records'. That is the one material section of my Bill.

In the statement of objects and reasons, I have explained the causes which led me to bring in this Bill. The old records of recitations, speeches and music by Rabindranath Tagore, Mahatma Gandhi, Faiz Khan, R. C. Boral and other illustrious persons and musicians are fast depicting as no copy of these records is preserved. There is no provision in the

[Shri C. K. Bhattacharyya]

existing Act for delivering copies of these records to Government for preservation. These are national treasures and must be protected at all costs from destruction. This Bill seeks to achieve this purpose by making the delivery of gramophone records to the National Library and other public libraries obligatory. That is what I have stated in the *statement of objects and reasons*; that is the long and short of the Bill.

What is done in relation to books now, I want to be done in relation to gramophone records. Certain number of copies of books printed have to be presented to the Government for preservation in different libraries. It is because of this law that we are still able to get copies of old publications in the India Office Library in London but which are lost in India, particularly those publications during the earlier periods of British administration of India which have not been preserved here may be had there. These papers and books have been preserved because there was the law that at least some copies will have to be presented to the India Office Library. Because of this law we are now getting that advantage. I want to apply the same law or make an amendment in the law so that it may apply in the case of gramophone records which I want to be preserved, at least a certain type of these.

17 hrs.

I have been after this subject even before I came to the Parliament. As a newspaperman I got interested in it and when Shri R. R. Diwakar was the Minister of Information and Broadcasting, in the first period of the Independence days, I approached him for making arrangements for preservation of these records in the All India Radio office or library. After that Dr. Keskar came and I requested him that this be done. Till now that has not been done. I have tried

to impress upon them the extreme importance of these materials to be preserved for future generation. In fact, with regard to the valuable materials that we have lost, I would refer to two great orators of India who came from Bengal.

Mr. Deputy-Speaker: You will take more time, I hope.

Shri C. K. Bhattacharyya: Yes, Sir.

Mr. Deputy-Speaker: He may continue on the next day.

11.01 hrs.

PARLIAMENTARY PROCEEDINGS
ON A.I.R.

Shri Inder J. Malhotra (Jammu and Kashmir): **Mr. Deputy-Speaker,** Sir, many a time the question regarding the coverage of parliamentary proceedings by All India Radio has come up before this House. It is needless to mention the importance of this question which directly concerns this supreme democratic institution in the country. Without any doubt, without any difference of opinion, more especially among the Members of this House, there is the feeling that the coverage done by the All India Radio over the proceedings of this House at present is not only inadequate but falls to a large extent in the standard also.

All India Radio is one of the significant, important and rather a very powerful media through which this House and the work done in this House and what happens within this House can be and is being projected not only to the people in India but to the outside world also. It is with regret that I have to point out that many a time in the past, pleas were made before this Ministry to give adequate coverage to the parliamentary proceedings and also to improve the coverage from the technical point of

view, but no attention was paid in this regard.

During the supplementaries to Starred Question No. 867, on 15th April, 1963, in this House, a supplementary question was asked that why "Today in Parliament programme" which was there in the past had been suspended, and the hon. Deputy-Minister replied:

"That programme had to be discontinued because of the emergency, since it was thought necessary that there should be broadcast of some programme of topical interest at that peak listening time."

Now, I would like to ask only this question: whether parliamentary proceedings are not of topical interest. If the Parliament is in session, and if whatever is done in this House is of national interest, then how could he say that that programme is suspended which is directly concerned with the proceedings of this House? Is it because it is thought that the proceedings of this House are not of topical interest? I would very much like the hon. Deputy Minister to clarify this point.

Looking to the other two democratic countries, namely, the United Kingdom and the United States of America, let us see what is being done there. I take first the United Kingdom, because for other democratic conventions of this House we look towards the House of Commons. I want to put forward before the House an example as to how the BBC covers the proceedings of the House of Commons. The BBC coverage includes references to the proceedings of the House of Commons in the newscast, 10 to 15 minutes programme "Today in Parliament", special features on important Bills and other discussions which take place in the House of Commons, and then there are special talks which are given by the lobby and parliamentary correspondent of the BBC. At present,

the All India Radio is covering the proceedings of this House only through newscast and that too in a manner which in my opinion is below the dignity of this House.

On a particular discussion, when hon. Members take part in the discussion, and 15 to 20 Members of the House of various parties take part in the debate, what happens is, when the radio goes on in the air at 9 p.m., we hear that so and so, so and so took part in the debate and then unfortunately sometimes in that list of so and so, so and so, certain Members are omitted.

Dr. L. M. Singhvi (Jodhpur): I will submit sometimes? Most often.

Shri Inder J. Malhotra: I would very strongly plead that whatever coverage is to be done by All India Radio about the proceedings of this House must be done in a very dignified manner. The people are interested to know what went on in the Parliament on that particular day. I do not know on what grounds it is thought that coverage of parliamentary proceedings becomes boring. If that is the reason given, the fault lies with the AIR, not with this House or with the Members who participate in the debate.

I would now refer how the US Congress and Senate are being covered by the private organisations of the radio network. They are covered in the newscast and in special features. Everyday there is a special programme which is listened to all over USA over the radio networks, viz., "Today in Congress" and "Today in Senate". In addition, special group discussions are being arranged by the BBC and the USA radio networks in which hon. Members belonging to all political parties and members from all sides of the House participate and discuss matters. They come into direct contact with their constituents through the radio.

[Shri Inder J. Malhotra]

Up till now I have said how the coverage of parliamentary proceedings is being done from the national point of view. Most of the time we say that India is the largest democracy in the world. Certainly every Indian is proud of this democratic parliament, the way it has been functioning and is going to function. Certainly, people the world over are also interested to know what goes on in the Indian Parliament. I hardly know of any instance when parliamentary proceedings are being adequately covered in the foreign services of the AIR. Especially during the emergency, a good deal of complaint was made regarding the coverage done by the foreign services of AIR. This Parliament took a historic decision regarding the Chinese aggression. This Parliament takes historical decisions on so many other things. I want to know from the Minister what steps AIR took to see that the people the world over were made to know what happened inside the Indian Parliament when they were considering the emergency created by the Chinese aggression.

I do not want to sound only critical. I submit that more constructive attention should be paid to the complaints voiced by the Members of the House regarding the coverage of parliamentary proceedings in the past and steps should be taken to make this coverage adequate and more interesting and more up-to the required standard. Keeping that in view, I would make some suggestions.

My first suggestion is that a permanent cell in AIR should be created to cover parliamentary proceedings. Let this assignment in the AIR not remain as a shifting assignment, that an officer who is a member of the Central Information Service or who has been working in the State information department or in any other department of the Ministry may be asked one fine morning, "Please go to the Lok Sabha and cover the day's proceedings". Not only coverage of parliamentary proceedings, but news

coverage and production of special features are special technical jobs, for which the Ministry must see that whosoever is assigned that job, he is given proper training and better training.

Time and again controversy has arisen about the time being allotted for coverage to the Government party and the opposition parties.

My friend, Shri Kamath is here, and in his presence I again want to mention this, that as far as the coverage by the All India Radio of this aspect is concerned we can divide this House into three categories. One is the ministerial side, which we can say is the people who actually represent the Government. The second one is the Opposition, a section of the Opposition being represented by Members like my hon. friend Shri Kamath. The third, Sir, is the common Members who come from both sides of the House, both the Opposition as also the party to which the Government belongs, and to which I have the privilege to belong.

Now, to give adequate coverage and to keep a proper balance between all these three categories is, I do concede, a very difficult job. But I must also say at the same time that All India Radio up till now has never paid any attention to this aspect. They have never tried to have the required reasonable balance between the three categories of hon. Members in this House.

Sir, I would again come back for a minute to the programme which was there in the past: "Today in Parliament". I would say that to have this programme during the session of Parliament everyday from the All India Radio is a very important thing. Probably, in the past the time allotted to this was only five minutes. I would plead that this time may be increased even to ten minutes. I am sure this time the hon. Minister will not be able to satisfy the

House saying that this programme cannot be put again on the air.

Now I come to another suggestion which I mentioned sometime ago. To ask an hon. Member of this House or invite him to go and talk over the All India Radio, no doubt, is a good thing. But sometimes it is said that the talk becomes uninteresting. Now, to make that talk more interesting, I would suggest, let there be group discussions by the Members of Parliament representing all groups of political thought, all political parties represented in this House. These group discussions should form a regular feature. It should, rather, become a regular programme over the All India Radio. My friend Shri Sham Nath must be thinking how to tell me when he replies that there is no time available over the All India Radio. I would like again to say that it is all a matter of judgment; it is all a matter of giving significance, giving importance or, rather, realising the importance and the significance of the coverage of this House.

In the end, I would like to say this, that in this country the Press and the All India Radio are the only two important media through which proceedings of this House can be projected before the people. The Press, I would like to say, is an absolutely free Press. We leave it to them. But the All India Radio is a government organisation. Certainly, whatever deficiencies are there can be removed. There should be no difficulty before the Government to remove those deficiencies and to see that this House gets a fair deal from the Government, and from the All India Radio as far as the coverage of proceedings of this House is concerned.

Shri Hari Vishnu Kamath (Hoshangabad): To what extent are the defects—I am not going to dilate upon the other deficiencies or shortcomings in the working of the All India Radio—and shortcomings in the working of the All India Radio

pointed out by Shri Malhotra not due to the fact that the All India Radio is a completely Government monopoly; and if it is due to that, is Government aware of the widespread public feeling that to make it a more popular institution in the true democratic sense of the word, it should be demonopolised and it must be made a corporation?

Mr. Deputy-Speaker: Shri Sham Nath.

Dr. L. M. Singhvi: Sir, may I put a question? I will take only a few seconds.

Mr. Deputy-Speaker: The hon. Member knows very well that only those members who have given notice previously can put questions. If I allow him to put questions, I have to allow all. So, I am sorry.

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath): Mr. Deputy-Speaker, the other day when a question was asked in this House in regard to the coverage of parliamentary proceedings by All India Radio, some hon. Members had stressed their anxiety and concern in respect to the exclusion of the item "Today in Parliament" from the programmes of the All India Radio. In the course of my answers to the supplementaries, I tried to explain the reasons on account of which this feature, which I admit was a very interesting and popular item of four programmes, was excluded from the broadcasts of the All India Radio. The reason, as I stated that day, was that we, after the commencement of the emergency, had to allocate some time for talks and other subjects of topical interest concerning the emergency. I also tried to explain that there is a time which we call "peak listening time" and it was thought necessary that the subjects of topical interest should be broadcast at this time when the maximum number of listeners are able to take advantage to listen to broadcasts. But, it appears that some hon. Members have not considered that reason to be adequate. So, I welcome

[Shri Sham Nath]

this opportunity of a Half-an-Hour Discussion, and I should like to submit at the outset that it was not the intention of the Ministry in any way to ignore Parliament. Who does not know that Parliament is the most supreme body under our Constitution? Who does not know that all people in the country are very much interested in what happens here? So, I would respectfully submit to you, Sir, that no hon. Member should think for a moment that we are trying to do anything which is in any way derogatory to the importance of this House.

The discussion has centered round three points; firstly, that the parliamentary proceedings are not adequately covered by the All India Radio; secondly, that the reporting standard is not up to the mark and, thirdly, that no efforts are being made to improve the coverage of parliamentary proceedings, both quantitatively and qualitatively.

In regard to point 1, Sir, I would submit that the All India Radio's correspondents in Parliament report the proceedings in a most comprehensive fashion. These reports are sent from here every 15 or 20 minutes relay by peons to the general news room of the All India Radio. There the proceedings are edited for inclusion in various home and external news bulletins. In the evening senior editors go over the whole of Parliamentary proceedings of the day and keeping in mind what the fall of news from the other sources, home and foreign, is they often have to edit the reports further so as to make room in a 10 or 15-minute bulletin for other important items of news from Delhi, the 16-States, United Nations and elsewhere.

For any particular bulletin no fixed duration has been fixed for coverage of Parliamentary proceedings. I have got some information with me in regard to the coverage during particular six days. Those six days are the 11th, the 13th and the 15th to the 18th

April. A study of coverage in the English news bulletins on these days shows that the time taken for Parliamentary proceedings in these news bulletins varied from 6 to 9 minutes. In these bulletins while a mention was made of the names of all the hon. Members who spoke, lack of time did not make it possible for a detailed reference to the speeches of all of them being made.

Shri Bhagwat Jha Azad (Bhagalpur): Do these days represent fairly all the other days or are they chosen just to suit the Ministry?

Shri Sham Nath: It is not so, Sir. These days have been taken at random and, if my hon. friend desires, I shall have information collected in regard to other days also.

Shri Bhagwat Jha Azad: I doubt if it is so.

Shri Sham Nath: Anyway, to satisfy the hon. Member, I will certainly collect the information that would satisfy him.

Shri Bhagwat Jha Azad: We hear the news bulletins and therefore we say from experience and not from records which are meant for him.

Shri Sham Nath: As I said just now, Sir, information in regard to the other days would also be collected. I was referring to the six days on which the time allotted to Parliamentary proceedings varied from 6 to 9 minutes. For instance, on the 11th April 9 minutes were allotted and reference was made to extracts of speeches of six hon. Members. On the 13th April

Shri Bhagwat Jha Azad: Who are those six hon. Members? Could you say that?

Shri Sham Nath: I have not got the names of those hon. Members; I have,

however, got the information that speeches of six hon. Members were referred to on the 11th April in the 9 o'clock English news bulletin. On the 13th April, 8 minutes were allocated; on the 15th April, 6 minutes; on the 16th April, 7½ minutes; on the 17th April, 6½ minutes and on the 18th April, 7 minutes were allotted. Sir, I hope that hon. Members will kindly appreciate the difficulties of the AIR as far as the news bulletins are concerned. If we give more time to Parliamentary proceedings, naturally we have to cut down other news. Therefore a balance has to be kept. It is always a thing before the editors who edit the news bulletins that they give due regard to the proceedings of the House and also to the news from other sources as also to world news.

That day hon. Members wanted to know something about the time allocated to speeches of hon. Members of the Congress Party and of the Opposition parties. As I said that day, in regard to this query that no directive has been issued to the AIR. It is for the editors to judge what happens here, what an hon. Member says, from the point of view of its news value and from the point of view of its public importance. That day, when a question in regard to this point was asked by my hon. friend Mr. Kamath, I said, 'No' and when somebody else on this side asked a similar question to that also I gave a reply in the negative. At this, an hon. Member stood up and said, "How could the two 'Noes' be correct?". As I told that day, it was not a question of the Government having issued any directive. It is entirely a matter for the editors of the news bulletins to decide.

Shri Joachim Alva (Kanara): Would they have group discussions with MPs. as my hon. friend suggested? When are you going to have group discussions with MPs?

Shri Sham Nath: I will come to that, Sir.

Shri Joachim Alva: MPs are never invited.

Shri Sham Nath: I am coming to that point.

Shri Joachim Alva: Ours is the only country where MPs are ignored on the radio.

Shri Bhagwat Jha Azad: The only point we want to know is, how editors of the All India Radio only see good things from what my friends say on my right and they never see good points from what the hon. Members say from this side? That is our only concern. (*Interruption*).

Dr. L. M. Singhvi: That is very unfair. (*Interruption*).

Shri Joachim Alva: The system during the British days is still continuing in the Indian raj. What was done under Bokhari & Co. is still continuing.

Shri Sham Nath: The other point that has been referred to here is regarding the reporting standard and it has been said that the same is not up to the mark.

Shri Bhagwat Jha Azad: Yes.

Shri Sham Nath: My hon. friend Mr. Malhotra has further stated that there is no separate unit for covering the Parliamentary proceedings. I wish to say that he is mistaken in regard to this point because there is a team which consists of five to six correspondents and they are led by All India Radio's senior correspondent who has 20 years experience in journalism and this team includes other experienced journalists as well.

Shri Bhagwat Jha Azad: In spite of it, it is so bad.

Shri D. C. Sharma (Gurdaspur): I think, the report is very objective. (*Interruption*).

Shri Sham Nath: The AIR report proceedings in a most comprehensive fashion. As I stated earlier, the reports from here are sent to the AIR News Room for use in our afternoon bulletins. So, it would be wrong to

[Shri Sham Nath]

say that we have not got any satisfactory arrangement for covering the parliamentary proceedings.

Shri Bhagwat Jha Azad: We only question the efficiency of the unit that is there. (*Interruption*).

Shri Sham Nath: The third point was that no efforts are being made to improve the coverage of parliamentary proceedings. In regard to this, I will say that we have at present no item in our programmes exclusively devoted to parliamentary proceedings. Previously there was an item entitled "In Parliament Today". In case the hon. Members desire that this item should be revived, then it would have to be done at the expense of other broadcasts concerning the emergency.

Shri Joachim Alva: In the name of emergency do not strike off good features. In the name of emergency, they cover all kinds of defects.

Shri Bhagwat Jha Azad: Yes.

Shri Sham Nath: Another point made was that the AIR has failed to apprise the world of what happened in the House discussions here concerning the emergency. In regard to this, I shall submit that we have our external services and in all external services a reference is made to parliamentary proceedings. Obviously, so much time is not allotted to parliamentary proceedings in external broadcasts as we do in our internal bulletions. But, to say that parliamentary proceedings or what happens in the

House is ignored, I think, will be a mistake.

Shri Hari Vishnu Kamath: You did not have the Chinese dragon.

Shri Sham Nath: Another point made by the hon. Member was that Members of Parliament are not invited for broadcasts. I have not got the list with me, but I know that during the last 6 or 7 months, a number of hon. Members were invited by the A.I.R. to speak on different subjects. It may be that probably more Members could have been invited. That matter, of course, could be considered, but, to say that Parliament Members were not given an opportunity to express their views will be entirely wrong.

In regard to group discussions, I would submit that this suggestion would also be considered and we would try to do whatever is possible in the matter.

Dr. L. M. Singhvi: Reintroduce the old features.

Shri Sham Nath: These are the submissions, Sir, that I wished to make in connection with the discussion.

Mr. Deputy-Speaker: The discussion is over. The House stands adjourned till 11 A.M. tomorrow.

17:32 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, May 4, 1963/Vaisakha 14, 1885 (Saka).

[Friday, May 3, 1963/ Vaisakha 13, 1885 (Saka)]

MEMBER SWORN		COLUMN.	WRITTEN ANSWERS TO QUESTIONS—contd.		
		13541			
ORAL ANSWERS TO QUESTIONS		13541—90	S. Q. No.	Subject	COLUMNS
S.Q. No.	Subject		1174	Shortage of battery cells for transistors . . .	13596-97
1152	Barter deal with Japan	13541-44	1175	Rubber requirements . . .	13597-98
1154	Production of small tractors . . .	13544-46	1176	Trade agreement with Indonesia . . .	13598
1155	All-India Printer's Conference . . .	13547-49	<i>U.S.Q.</i>		
1157	Black-marketeering in imported cars . . .	13549-54	2675	Foreign exchange ceiling for import of steel . . .	13598-99
1158	Import of pig iron . . .	13555-58	2676	Common Salt Industries in Orissa . . .	13599
1159	Production of steel castings . . .	13558-61	2677	Heavy industries for Orissa . . .	13599
1160	Khadi and Village Industries Commission . . .	13561-66	2678	Import and production of newsprint . . .	13600
1161	Hindustan Steel Ltd. . .	13566-70	2679	Handloom Industries . . .	13600
1162	Supply of opium to Russia . . .	13570-73	2680	Cement factories in Maharashtra . . .	13600-01
1164	Serajuddin & Co. . .	13573-79	2681	Small Scale Industries in Maharashtra . . .	13601-02
1165	Floor price of raw cotton . . .	13579	2682	Cotton import . . .	13602-03
1166	Synthetic rubber factories . . .	13580-81	2683	Import from Pakistan . . .	13603
1167	Issue of industrial licences . . .	13581-83	2684	Small Scale Industries in Madras . . .	13603
<i>S.N.Q.</i>			2685	Issue of industrial licences in Madras . . .	13604
11	Trade agreement with Sweden . . .	13584-85	2686	National Instruments Factory, Calcutta . . .	13604-05
12	Bokaro Steel plant . . .	13585-90	2687	Companies in Rajasthan for advancing loans . . .	13605-06
WRITTEN ANSWERS TO QUESTIONS		13590-622	2688	Tools manufactured by H.M.T. . . .	13606
S.Q. No.			2689	Small Scale Industries in Assam . . .	13606-07
1156	Manufacture of motorcycles . . .	13590-91	2690	Indirect trade handled by State Trading Corporation . . .	13607-08
1156	Shortage of tin containers . . .	13591	2691	Pig iron Ore Plant in Punjab . . .	13608-09
1163	Price-checking by S.T.C. . . .	13591-92	2692	Issue of import licences for Bearings . . .	13609-10
1168	Steel Ingot Plant, Ranchi . . .	13592	2693	Supply of bearings by S.T.C. . . .	13610
1169	Quality control on agricultural goods . . .	13593-94	2694	Production of Bidis and Cigarettes . . .	13611
1170	Export of salt . . .	13594-95	2695	Trade with Somalia . . .	13611
1171	Manufacture of tin containers . . .	13595	2696	Tour programme of Minister . . .	13612
1172	Broad looms supply to jute mills in East Pakistan . . .	13595-96	2697	Manufacture of explosives . . .	13612
1173	Auto-transformer manufactured in India . . .	13596	2698	Barter deals . . .	13613

WRITTEN ANSWERS TO QUESTIONS— <i>contd.</i>		COLUMN	PETITION PRESENTED . . .		COLUMN N.
<i>US.Q</i> No.	<i>Subject</i>			13624-25	
2699	Adulteration of cement .	13613-14	Shri B. Singh Utiya presented a petition signed by a petitioner relating to the Report of the Commission of Inquiry on the administration of certain Dalmia-Jain Companies.		
2700	Footwear industries .	13614	BILL PASSED 13625-50		
2701	Manufacture of power cables	13614-15	Discussion on the motion to consider the Export (Quality-Control and Inspection) Bill moved on 2-5-63 concluded, and the motion was adopted. After clause-by-clause consideration the Bill was passed.		
2702	Export of peacock feathers	13615	BILL UNDER CONSIDERATION 13651-88		
2703	Re-plantation of rubber .	13615-16	The Minister of Home Affairs (Shri Lal Bahadur Shastri) moved that the Government of Union Territories Bill, as reported by the Joint Committee by taken into consideration. The discussion was not concluded.		
2704	Rubber Plantation in Andamans	13616	REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS ADOPTED 13688-91		
2705	Price of silk cloth . . .	13617-18	Twenty-first report was adopted.		
2706	Textile mills	13618	PRIVATE MEMBERS' BILLS INTRODUCED 13692-94		
2707	Import of Russian watches by S.T.C. . . .	13618-19	(1) The Industrial Disputes (Amendment) Bill, 1963 (<i>Amendment of section 33</i>) by Shri C.K. Bhattacharyya.		
2709	Trade with Pakistan . . .	13619	(2) The Salaries and Allowances of Ministers (Amendment) Bill, 1963 (<i>Amendment of sections 3, 4 etc.</i>) by Shri Hari Vishnu Kamath.		
2710	Bhilai Steel Project . . .	13619-20	(3) The Disclosure of Assets of Ministers Bill, 1963, by Shri Hari Vishnu Kamath.		
2711	Appointment of Inspectors in Companies	13620-21	PRIVATE MEMBER'S BILLS WITHDRAWN 13694-702		
2712	Export of bamboos to Pakistan	13621-22	(1) Discussion on the motion to consider the Insurance (Amendment) Bill (<i>Amendment of sections 31A and 40C</i>) moved by Shri Indrajit Gupta on 19-4-63 continued. Shri Indrajit Gupta replied to the debate. The Bill was, by leave, withdrawn.		
CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE		13622-23			
Shri C.K. Bhattacharyya called the attention of the Minister of Labour and Employment to the accident in Jharkhand Colliery on the 19th February, 1963, resulting in the death of four persons and injuries to others, the information about which is alleged to have been suppressed by the management of the Colliery.					
The Deputy Minister of Labour and Employment (Shri R.K. Malaviya) made a statement in regard thereto.					
PAPERS LAID ON THE TABLE		13624-25			
(1) A copy of Annual Report of the Coal Board for the year 1961-62.					
(2) A copy of Annual Report of the Khadi and village Industries Commission for the year 1961-62 under sub-section (3) of section 24 of the Khadi and Village Industries Commission Act, 1956.					

PRIVATE MEMBER'S BILL
WITHDRAWN—*contd.*

(ii) Shri Naval Prabhakar moved for consideration of the Delhi Land Reforms (Amendment) Bill. He also replied to the debate. The Bill was, by leave, withdrawn.

PRIVATE MEMBER'S BILL
DEBATE ADJOURNED

13702—38

Shri M. L. Dwivedy moved that the Constitution Amendment Bill (*Amendment of articles 100 and 189*) be taken into consideration. the discussion was postponed on a motion to that effect having been moved by the Minister of State in the Ministry of Home Affairs (Shri Hajarnavis). and adopted.

PRIVATE MEMBER'S BILL
UNDER CONSIDERATION

13738—54

Shri C.K. Bhattacharyya moved for consideration of the Delivery of Books and Newspapers (Public Libraries)

PRIVATE MEMBER'S BILL
UNDER CONSIDERATION
—*contd.*

Amendment Bill. (*Amendment of section 2*). The discussion was not concluded.

HALF-AN-HOUR DISCUSSION

13754—68

Shri Inder J. Malhotra raised a half-an-hour discussion on points arising out of the answer given on the 15th April, 1963 to Starred Question No. 867 regarding Parliamentary Proceedings on A.I.R.

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath) replied to the discussion.

AGENDA FOR SATURDAY,
MAY 4, 1963/VAISAKHA 14,
1885 (SAKA)

Further discussion on the motion to consider the Government of Union Territories Bill and passing thereof.