

**LOK SABHA  
DEBATES**

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**LOK SABHA SECRETARIAT  
NEW DELHI**

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LOK SABHA

Thursday, September 24, 1964/Asvina  
2, 1886 (Saka)

The Lok Sabha met at Eleven of the  
Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Power Requirement during Third  
Plan

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\*373. { Shri P. Venkatasubbalah:  
      { Shri S. N. Chaturvedi:

Will the Minister of Irrigation and  
Power be pleased to state:

(a) whether any assessment has  
been made regarding the requirements  
of the country in the matter of elec-  
tric power both thermal and hydel  
for the remaining period of the Third  
Plan;

(b) if so, the extent of the short-  
fall in production as assessed; and

(c) the steps Government propose  
to take to fill up the gap?

The Minister of Irrigation and  
Power (Dr. K. L. Rao): (a) Yes, Sir.

(b) and (c). The shortfall in the  
Third Plan is expected to be about one  
million kw. Most of this is expected  
to be made up during the succeeding  
six months following March, 1966.  
Meanwhile, sustained efforts are be-  
ing made to speed up the execution  
of projects, as much as possible.

Shri P. Venkatasubbalah: During  
the Mid-term Appraisal of the Plan  
the shortfall envisaged as against the  
target was only 0.06 million kilo-  
1210 (A) LS-1.

watts and now, as the hon. Minister  
points out, it will be 1 million kilo-  
watts. May I know the exact reason  
for the shortfall in production as anti-  
cipated during the Third Plan period?

Dr. K. L. Rao: This has been gone  
into very carefully and the present  
assessment reveals this shortfall as a  
million kilowatts. There are four  
reasons for the shortfall. The first  
reason is that in the case of some pro-  
jects there has been delay in resolv-  
ing inter-State disputes. Then, there  
has been delay in negotiating and  
fixing up the foreign exchange, espe-  
cially in the case of U.S.A. and  
U.S.S.R. credits. Then, there has been  
delay in the selection of sites and in  
the selection of civil engineering con-  
tractors. Finally, there has been de-  
lay in setting up the nuclear power  
station which was expected to be  
commissioned in 1964 but which, un-  
fortunately, is going to come up only  
in 1968.

Shri P. Venkatasubbalah: Some  
time back the Irrigation and Power  
Ministry had appointed a technical  
team to suggest to some of the State  
Governments rectification of some of  
the defects in the execution of cer-  
tain projects as some States go on  
changing designs even during the  
course of implementation. May I  
know whether the recommendations  
or suggestions made by that technical  
team have been implemented fully by  
the State Governments?

Dr. K. L. Rao: It is as a result of  
the assessment by this Committee  
that we have come to the realistic  
figure of the shortfall of a million kilo-  
watts. As I have submitted, already  
every endeavour is being made to re-  
duce even this gap as much as possi-  
ble.



**Shri S. N. Chaturvedi:** What part of the total energy requirements of the country will be met by electric power and what part from other sources, that is, in what proportion?

**Dr. K. L. Rao:** I am afraid, I will not be able to answer this question. The hon. Member's question is about the total of energy apart from electric from electricity and, I am afraid, I do not have that information.

**Shri S. N. Chaturvedi:** Sir, our difficulty is that our questions are clubbed together and the one that is more comprehensive is put in the second place.

**Mr. Speaker:** There will be another difficulty if I do not club them together, namely, then I shall have to disallow subsequent questions that are received.

**Shri S. N. Chaturvedi:** A more comprehensive question should be put first.

**Mr. Speaker:** We will try that.

श्री म० ल० द्विवेदी : जो पावर का प्रसैसमेंट ग्रभी मंत्री महोदय ने बतलाया उस में क्या न्युक्लियर पावर का भी कोई जिक्र है, यदि नहीं है, तो क्या मंत्री महोदय यह बतला सकते हैं कि इस चौथी योजना में न्युक्लियर पावर के कितने स्टेशंस लगेंगे और उन में कितनी एनर्जी जनरेट होगी ?

**Dr. K. L. Rao:** Yes, Sir; the shortfall includes that. We thought that 150 megawatts will come up in the Third Plan. That shortfall is due to the power station at Tarapore not coming up. In the Fourth Plan we have the power station at Rana Pratap Sagar.

**Shri Harish Chandra Mathur:** May I know the specific projects and the specific areas which will suffer because of this shortfall, and the positive steps that the Minister proposes to take to make up the time-lag?

**Dr. K. L. Rao:** The six States which will have the shortfall are Andhra Pradesh, Madhya Pradesh,

Delhi, Rajasthan and Punjab and also the DVC area. It is one happy feature of this shortfall that all this shortfall will be made up in the first six months succeeding March, 1963; that is, the machines will come up in April, May, June and so on. Therefore, we expect that the impact of this shortage will not be very much.

**Shri Hanumanthaiya:** In order to make up the shortfall, will the hon. Minister be pleased to examine the feasibility of the Barapole and Kalinad projects in the south?

**Dr. K. L. Rao:** Those are projects for the Fourth Plan. They are very good projects in the Mysore State, and it is very likely that one of them will be included in the Fourth Plan.

**Shri Alvares:** In view of the serious shortfall in power in the Goa region, will the hon. Minister state whether the feasibility of developing the Dudhsagar water-falls has been explored?

**Dr. K. L. Rao:** The present question relates to the Third Plan. There is no shortfall of a very serious nature in the Goa region in the Third Plan.

**Shri Kapur Singh:** Do Government propose to take any steps to narrow the wide and yawning gap between the pocket of the consumer and the charges for electrical energy?

**Dr. K. L. Rao:** As regards the question of charges, a committee has been appointed to go into the consumer tariffs and the various aspects of the revenues from electricity, and we expect that report to be ready by the end of this year.

**Shri Kapur Singh:** Will it be made cheaper?

**Mr. Speaker:** The hon. Member wanted to know whether that yawning gap would become narrower.

**Dr. K. L. Rao:** That will be known after the report is received.

**Shri Warrior:** May I know whether it is not a fact that in the State of Kerala, about 40 per cent of power

was reduced or cut, during the last summer season because the other power projects were not coming up and we had to take power from Madras?

**Dr. K. L. Rao:** It is a fact that there was shortage during this year, especially, of nearly 40 per cent in Kerala, due to the failure of the monsoon and the consequent non-filling up of the reservoirs. But I am glad to say that at the end of the Third Plan, this shortage will be made up and it will be very small.

**Shri Kashi Ram Gupta:** Is it a fact that the main reason for the shortfall in Rajasthan is due to the non-availability of funds for distribution lines, and if so, are the Government of India giving any special contribution for distribution lines in the Third Plan?

**Dr. K. L. Rao:** The shortfall in Rajasthan is due to two projects, namely the Bhakra Righ Bank powerhouse and the Satpura station. Rajasthan happens to be a partner in both these projects, and since in both these projects there is a shortage, there is a consequent shortage in the Rajasthan plan also.

**Shri Kashi Ram Gupta:** What about the distribution lines?

**Some Hon. Members** rose—

**Mr. Speaker:** Hon. Members on all sides are so power-hungry that I cannot satisfy all of them. Now, next question.

#### Delhi Development Authority

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**Shri Yashpal Singh:**  
\*374. { **Shri Indrajit Gupta:**  
**Shri Kapur Singh:**

Will the Minister of Health be pleased to state:

(a) whether it is a fact that certain contracts were given to the Bharat Sewak Samaj by the Delhi Development Authority without inviting open tenders;

(b) if so, the reasons therefor; and

(c) what safeguards are being taken so that such mistakes are not repeated?

**The Minister of Health (Dr. Sushila Nayar):** (a) and (b). A statement is laid on the Table of the Sabha.

(c) No mistake was committed as the award of works to contractors by negotiations is a normal method whenever considered necessary by the Central Public Works Department.

#### STATEMENT

All engineering works of the Delhi Development Authority are executed by the Central Public Works Department as deposit works and no engineering work was, therefore, entrusted by the Authority to the Bharat Sewak Samaj. Three works pertaining to the Delhi Development Authority were, however, awarded by the Central Public Works Department to the Bharat Sewak Samaj on the basis of negotiations without inviting tenders, the details of which along with the reasons therefor, are given below:—

1. Development of 161 acres of land to the east of the Ring Road and north of the Naraina village for residential colony. S. H. Roads and Paths (Contract Value Rs. 2,18,225/-).
2. Construction of Road joining the Patel Road with the Ring Road running west of the Pusa Institute (Contract value Rs. 1,49,203/-).
3. Development of 129.45 acres of land North-west of the Naraina Village and South-east of the Railway Line to Rewari for industrial purpose Phase I. (Contract value Rs. 1,74,276/-).

The award of these three works was made to the Bharat Sewak Samaj at one time and at the same rate and, therefore, these works have to be considered together. Due to development works being done near the

Naraina Village, it was considered desirable that the hillock in this area be levelled so that it could be converted into a park. The Bharat Sewak Samaj were asked if they could do quarrying to specified levels in this area and simultaneously supply stone and ballast for road works for the development areas in the neighbourhood. The Bharat Sewak Samaj agreed to this proposal and the above mentioned three works were awarded to them on negotiation at 38% above the estimated rate. This included both collection and consolidation. This rate had been accepted taking into consideration the extra expenditure which the Bharat Sewak Samaj would incur in operating a new quarry and in working upto specified levels.

In addition to the above eleven works were awarded to the Bharat Sewak Samaj on the basis of negotiations as the response to the call of tenders in those cases was poor.

**श्री यशपाल सिंह :** क्या यह सही नहीं है कि भारत सेवक समाज के प्रसीडेंट भारत के होम मिनिस्टर नन्दा जी हैं, अगर हां, तो यह हमारे जो लैंड के लाज हैं उन के मुताबिक क्या यह आफिस ऑफ प्राफिट के अन्तर्गत नहीं आता है जब कि इतने बड़े मिनिस्टर उस के प्रेजिडेंट हों और उस संस्था को यह कंट्रैक्ट्स दिये जायें ?

**स्वास्थ्य मंत्री (डा० सुशीला नायर) :** नन्दा जी के प्रेसीडेंट होने से इस का कोई विशेष सम्बन्ध नहीं है क्योंकि भारत सेवक समाज एक रजिस्टर्ड आर्गनाइजेशन है और उस में कोई नफ़ा कोई इंसान लेता नहीं है, अगर कोई थोड़ा बहुत नफ़ा होता भी है तो वह पब्लिक की सेवा के कामों में लग जाता है।

**श्री यशपाल सिंह :** क्या यह सही है कि हमारी पब्लिक एकाउंट्स कमिटी की रिपोर्ट में यह कहा गया है कि ये कंट्रैक्ट्स बहुत घाटे पर चले हैं और इस से सरकार को नुकसान हुआ है ?

**डा० सुशीला नायर :** पब्लिक एकाउंट्स कमिटी ने क्या कहा है, वह तो मुझे इन रमभय मालूम नहीं है।

**Some Hon. Members rose—**

**Shri S. M. Banerjee :** It is a report of a committee of this House.

**श्री यु० ति० चौधरी :** वह हाउस की कमिटी है।

**Mr. Speaker :** The Minister is expected to know what has been stated in the report, there I agree. But there is one further thing. What is contained in the report should not be asked.

**Shri Harish Chandra Mathur :** She is expected to know, but she cannot carry it in her pocket.

**श्री शिव नारायण :** माननीय सदस्य कमिटी की रिपोर्ट के बारे में नहीं, बल्कि कमिटी में मेम्बरजं ने जो कुछ कहा है, उस के बारे में कह रहे हैं।

**डा० सुशीला नायर :** इतना मैं कह सकती हूँ कि भारत सेवक समाज को जो टेंके दिये गए हैं, उन सब को मैंने देखा है। या तो कंट्रैक्टर लोग उस में इन्ट्रस्टिड नहीं थे या अगर उन को कोई ठेका दिया गया, तो बे बीच में ही छोड़ कर चले गए। जिस हिसाब से कंट्रैक्टर काम करने को तैयार थे, उस हिसाब से कुछ कम में ही सामान्यतया भारत सेवक समाज से काम कराया गया।

**Shri Indrajit Gupta :** The statement which has been laid on the Table says that the reason for not calling for tenders is that the response to the call of tenders was poor, but that does not relate actually to these three works under the Delhi Development Authority, but to 11 other works. This answer which the hon. Minister has given that the response from contractors was not forthcoming or was poor, can only apply if tenders were called for. May I know why it is that in the case of the three works under the DDA tenders were not even called for,

although the statement says that the works were awarded to the Bharat Sewak Samaj at 38 per cent above the estimated rates?

**Dr. Sushila Nayar:** The tenders were invited. The rates quoted by the contractors were more than 38 per cent above the estimated rates, and it was given to the Bharat Sewak Samaj for less than the quotation. Each one of the cases is in front of me, and if any hon Member is interested, I will be glad to share it with him in detail. If you like, I will be prepared to read the details of each case. It runs into 17 pages.

**Shri Indrajit Gupta:** This information is not mentioned in the statement that contractors were asked to do the work, but did not come up to specifications. Nothing has been mentioned.

**श्री विश्राम प्रसाद :** मैं जानना चाहता हूँ कि भारत सेवक समाज को बिना टेंडर के ही ये ठेके क्यों दिये गए और क्यों उस को फेर दिवाया गया ।

**अध्यक्ष महोदय** मिनिस्टर साहब [नि जवाब दे दिया है। अगर माननीय सदस्य उत से सैटिनकाइड नहीं हैं और वह और इन्फर्मेसन चाहते हैं, तो उन के लिए और रास्ते खुले हुए हैं ।

**श्री विश्राम प्रसाद :** रूलज के मुताबिक कोई भी ठेका बिना टेंडर के नहीं दिया जा सकता है ।

**अध्यक्ष महोदय :** जहां तक मैं समझा हूँ, मिनिस्टर साहब कहते हैं कि कई हालतों में दिया जा सकता है और रूलज का उल्लंघन नहीं हुआ है ।

**Shri Kapur Singh:** Is the Bharat Sewak Samaj an institution for voluntary national service or commercial enterprise; if the latter, why are huge public grants made to it?

**Dr. Sushila Nayar:** The Bharat Sewak Samaj has been given some work in certain cases so that it enables the poor people to get the full value of the work that they do, instead of

being largely deprived of the benefit, due to the contractors profits who employ the same people. As for the grants that are given to the Bharat Sewak Samaj, to the best of my knowledge these grants are given for specific purposes, and the accounts of every voluntary organisation are open for any one to inspect, and I am quite sure the Bharat Sewak Samaj will welcome a scrutiny by anybody who wants to look at their accounts.

**Shri Kapur Singh:** Mine was a question of principle. She has either not understood it or evaded it, one of two things.

**Mr. Speaker:** Might be both!

**श्री म० ला० द्विवेदी :** दूसरे पक्ष के माननीय सदस्य इस बात में अधिक रुचि रखते हैं कि ठेकेदारों को लाभ हो और भारत सेवक समाज जैसी स्वयंसेवी संस्थाओं को न हो । मैं यह ज नना चाहता हूँ कि भारत सेवक समाज ने जो काम किया है, क्या वह ठेकेदारों के काम की अपेक्षा ज्यादा अच्छा है या खराब है ।

**श्री विश्राम प्रसाद :** खराब भी है और पैसा भी ज्यादा लगा है ।

**डा० सुशिला नायर :** जहां तक मुझे मालूम है काम ठीक हुआ है और उस का जो दाम था, वह कंट्रैक्टर्स से ज्यादा नहीं दिया गया है । कई जगह पर कम दिया गया है । एक-आध जगह पर ठोड़ा सा ज्यादा भी हो सकता है, लेकिन औवर-अल मिला कर वह ज्यादा नहीं है ।

**Shri Hem Barua:** Tenders were not called and this contract was given to the Bharat Sewak Samaj. How can she say that the contract given to the Bharat Sewak Samaj was on a parity with the amount given to some contractors or lower than that? How can she give such details without having called tenders and without having made a comparative study of these matters?

**Dr. Sushila Nayar:** May I, Sir, with your permission read one or two cases which will illustrate how the work has been done, for the satisfaction of hon. Members?

**Shri S. M. Banerjee:** That should have been included in statement.

**Shri Ranga:** She may be allowed to give the information.

**Shri S. M. Banerjee:** That should be given in the proper place.

**Dr. Sushila Nayar:** We try to make the statement as brief as we can. Perhaps we could have made the statement running to 17 pages. But I did not think it was necessary. I will first give the details of the three works: 1. Development of 161 acres of land to the east of the Ring Road and north of Naraina village for residential colony. (2) Construction of road joining Patel Road with the Ring Road running west of Pusa Institute. (3) Development of 129.45 acres of land north-west of Naraina village. The award of these three works was made to the Bharat Sewak Samaj at one time and at the same rate and they are, therefore, considered as one. What had happened was that when these works were first given to contractors, they ran away in the middle of it or their rates were very very high. Some of these contracts were withdrawn from the Bharat Sewak Samaj also and later on they had to be done thorough different people.

With regard to the 11 cases, here is one case: Development of 65 acres of land at Najafgarh Road.

**श्री यु. रि० चौधरी:** इस सब का क्या फायदा है ?

**अध्यक्ष महोदय:** कुछ माननीय सदस्य कहते हैं कि यह इन्फ्रमेशन पट्टी जाय और दूसरे माननीय सदस्य यह कहते हैं कि न पट्टी जाय, इस से क्या फायदा है।

**Shri Daji:** It must be intelligible to us. Is it at all intelligible to you, Sir?

**Mr. Speaker:** The hon. Member himself demanded that the details should be given.

**श्री दाजी:** लेकिन वह कुछ समझ तो माना चाहिए।

**Shri Basappa:** May I know whether the accounts of this body are audited and whether it has made any profits and if so how the profits are distributed?

**Dr. Sushila Nayar:** Every voluntary organisation which is a registered body has to present an audited statement of accounts. I am not connected with the Bharat Sewak Samaj, but I have no reason to believe that Bharat Sewak Samaj is pursuing a different policy.

**Shri S. M. Banerjee:** From the statement it appears that these contracts were given by the Delhi Development Authority without calling for tenders. I want to know whether there is any instance whatsoever where the Delhi Development Authority has given any contract to a contractor without tenders being invited and if so, the reason why they deviated from this practice and whether it was due to the pressure from the top that they should be given the contract?

**Dr. Sushila Nayar:** That is not true. There are certain cases in which negotiations were made with the private contractors as well as the Bharat Sewak Samaj. Here is one case where a certain contractor Shri Bhasin, wanted 76.54 per cent above the estimated rates and ultimately it was given to the Bharat Sewak Samaj at 28.50 per cent above the estimated rates. I do not think there is anything wrong in giving a contract on this basis.

**Shri S. M. Banerjee:** I rise on a point of order. Sir. I put a straight question whether it was the general practice of the Delhi Development Authority not to give a contract unless it invites tenders and whether there was a deviation or departure from this general practice.

**Dr. Sushila Nayar:** The Delhi Development Authority generally gets its work done through C.P.W.D. There are a number of cases where the C.P.W.D. invited tenders and the contractors were either not interested in them or the rates quoted were extremely high. So, some negotiations were entered into with the Bharat Sevak Samaj and these three or four contracts were given to them. Later on there was some other urgent piece of work to be done and the Chief Commissioner considered negotiating with the BSS. They were small works and he gave them to BSS in accordance with the rates that had already been found to be very much better than the contractors' rates.

**श्री प्रबन्ध सिंह :** मैं जानना चाहता हूँ कि क्या यह मुनासिब नहीं होगा कि भविष्य में टेंडर इनवाइट करने के बाद ही भारत सेवक समाज को काम दिया जाए ?

**अध्यक्ष महोदय :** यह एक सलाह है जो दी जा रही है।

**श्री हुकूम चन्द कल्लूशय :** अभी बताया गया कि तीन चार काम दिये थे। मैं जानना चाहता हूँ कि कितने के ठेके उनको दिये गये थे, कितने लाख रुपये के दिये गये थे और क्या भारत सेवक समाज ने आगे दूसरों को ठेके दे कर भी सारा काम करवाया ?

**डा० सुशिला नायर :** मैं बता सकती हूँ कि कितने के ठेके थे और कुल कितने ठेके थे (इंटरप्ट)।

**अध्यक्ष महोदय :** एक तो यह सवाल पूछा गया कि कितने के ठेके थे और दूसरा सवाल जिस पर बहुत जोर दिया जा रहा है यह कि आया भारत सेवक समाज ने दूसरे आदमियों को दे कर वह काम करवाया ?

**डा० सुशिला नायर :** मेरे पास ऐसी कोई इनफार्मेशन नहीं है कि किसी और से करवाया गया है। एक ठेका 4 लाख 52 हजार का था, एक ठेका 1 लाख 13 हजार

का था, एक ठेका 1 लाख 89 हजार का था। 16 या 17 हजार का एक ठेका था। एक 4 लाख 94 हजार का था। और एक ठेका कोई 21 हजार का था। इस तरह से प्रलग प्रलग वैल्यूज के ठेके हैं। बहुत बड़े बड़े ठेके ये नहीं हैं।

एक निवेदन मैं कर देना चाहता हूँ। चंद्रावल के पास जो कंस्ट्रक्शन है, उस में भारत सेवक समाज पत्थर निकाल रहा है। बजाय इसके कि कोई और ठेकेदार भारत सेवक समाज से खरीद कर दिल्ली डिवेलपमेंट प्राथोरिटी को वह पत्थर देता, चीफ कमिश्नर ने मुनासिब समझा कि जन्हीं के साथ वह सीधा फैसला करके उन को वह पत्थर ले लें तो वह ज्यादा अच्छा हो।

**Shrimati Yashoda Reddy:** I would like to know honestly from the Government . . . (Some Hon. Members: Honestly?) whether when they give this encouragement to Bharat Sevak Samaj to take up construction or building work, they just go by the fact that they give some cheaper or smaller rates than the others or whether they look into the fact whether they have got experience, etc.

**Dr. Sushila Nayar:** I am really surprised. On the one hand my hon. friends are very keen that the middleman's profits should be curtailed . . . (Interruptions). May I finish the reply? If the Government tries to attempt to cut middleman's profits by making use of voluntary organisations, then they come and say . . . this . . .

**Shri Hanumanthaiya:** On a point of order.

**Dr. Sushila Nayar:** May I please finish? Wherever the work has been given the engineers have made sure that the work that is done is of the requisite standard and quality.

**Shri Hanumanthaiya:** The point of order is this. She was giving a homily on the good things of the Bharat Sevak Samaj and not any information on the subject.

**Shri A. P. Jain:** We wanted to hear it!

**Shri Hanumanthaiya:** Secondly, she said she has no knowledge of the accounts of the Bharat Sevak Samaj, and having said that, how can she go on defending that there is no middle-man's profit and so on?

**Mr. Speaker:** Shri Jain, your neighbour, has said that he wanted to hear it.

**Shri A. P. Jain:** Yes, Sir.

**Mr. Speaker:** Next question.

**Dr. Sushila Nayar:** I think the hon. Member has completely misunderstood SHRDLU HAT understood what I said.

**Mr. Speaker:** Next question.

#### Bird and Co.

\*375. { **Shri S. M. Banerjee:**  
       { **Shri Surendranath**  
       { **Dwivedy:**

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 455 on the 5th March, 1964 and state:

(a) whether investigations into the affairs of Bird & Co., for alleged violation of Foreign Exchange Regulation Act have since been completed; and

(b) if not, the reason for the delay?

**The Minister of Planning (Shri B. R. Bhagat):** (a) No, Sir.

(b) In respect of the cases initiated by the Calcutta Custom House, the firm has moved the High Court at Calcutta and the matter is *sub-judice*. However, in respect of the cases with the Directorate of Enforcement, adjudication proceedings have already been initiated and these cases are likely to be finalised soon.

**Shri S. M. Banerjee:** In reply to a previous question in the month of March, 1964, the hon. Minister stated that show-cause notice under the Sea Customs Act and the Foreign Exchange Regulation Act had been

issued and that further investigations were also progressing. He has now practically repeated the same reply, with the exception that the firm has gone to the High Court in regard to the customs case. I would like to know why they were not prosecuted before and why they were allowed to move the High Court, and why this period of six months or eight months was given to them.

**Mr. Speaker:** The question as to how they were allowed to move the High Court would look strange. The question should not be in that form. What he means to ask is, why there was so much delay caused so that they had enough time and so on.

**Shri S. M. Banerjee:** You remember that it was raised for the first time on the 12th December, 1963.

**Shri B. R. Bhagat:** As you rightly pointed out, anybody has the fundamental right to go to the court and it was not because....

**Mr. Speaker:** The objection was that the Government were slow and they had enough time to think over it.

**Shri B. R. Bhagat:** That is what I am going to say: that it has no relation to the time element. The show cause notice was heard and the case was complicated and big, and they wanted some time. It was given. When the case was fixed for personal hearing, it was at that stage of hearing that they raised the question of jurisdiction; they doubt that this is a valid jurisdiction, adjudication proceeding, and they wanted to go to the court. They subsequently went to the court and the High Court has stayed the proceedings. It has no time element; it is a question of law.

**Shri S. M. Banerjee:** The question was asked for the first time in the House on the 12th December, 1963, and we were told after asking so many questions—whether the Minister's son was there or not and all

questions and we did not get an answer—that every step would be taken when the cases are finalised at the earliest opportunity. I would like to know what concrete steps have been taken from December, 1963, till today to prosecute them either under the Foreign Exchange Regulation Act or any other Act, and why was there this delay?

**Shri B. R. Bhagat:** I am sorry, the hon. Member is not able to appreciate this fact that the proceedings in one case have been stayed by the High Court. In the other case, already we have said it is going to be finalised very soon. There is, therefore, no element of delay.

**Shri S. M. Banerjee:** Why is prosecution delayed? Why has it not been launched?

**Mr. Speaker:** He says that so far as one case is concerned . . .

**Shri S. M. Banerjee:** I have understood that.

**Mr. Speaker:** Then he need not raise that point.

**Shri S. M. Banerjee:** Why is the other case delayed—the case in respect of the Foreign Exchange Regulation Act.

**Mr. Speaker:** About that he said that already the Enforcement Directorate is proceeding with it.

**Shri S. M. Banerjee:** Why there is so much delay?

**Shrimati Renu Chakravartty:** What is the difficulty in the way of the Government to move expeditiously in the matter of the prosecution of these cases? I want to know the reason for the delay.

**Shri B. R. Bhagat:** In the first group of cases the court has stayed the proceedings.

**Shrimati Renu Chakravartty:** I want to know at what stage, when it came up for prosecution, they checked it.

**Mr. Speaker:** Nobody has questioned so far about the first group which is before the High Court. Hon. Members are anxious to know about the second group of cases.

**Shri B. R. Bhagat:** I am coming to that. With regard to the second group of cases, according to law—we have to go by the law and not beyond the law—the adjudication is done by the Director of Enforcement under the Foreign Exchange Regulation Act. As soon as that adjudication is completed—it is going to be completed soon—it is for the Director of Enforcement to say whether fine is to be imposed or not or whether it is a fit case for prosecution. He can ask the Government to go ahead with the prosecution or he can go for prosecution in the court.

**Shrimati Renu Chakravartty:** Sir, my question has not been answered, What are the difficulties that come in the way of the Government taking expeditious steps for prosecution? If the adjudication takes one year, how much longer will it take for the prosecution?

**Mr. Speaker:** That he cannot help. His answer is that according to law the adjudication is to be done by the Director of Enforcement.

**Shrimati Renu Chakravartty:** Why has it taken one full year for adjudication?

**Shri B. R. Bhagat:** Which adjudication, on the second group?

**Shri Ranga:** First, second or the third one.

**Shri S. M. Banerjee:** You have understood it very well. You know what it is.

**Mr. Speaker:** Order, order. In this manner it should not be put.

**Shri Ranga:** Sir, a special question has been put. Why has it become difficult for the Minister to reply? The question is, in the second group of cases where the High Court's assistance was not invoked, why is it that



it has taken them so long to adjudicate and come to a decision? It is said that it has taken them more than a year.

**Mr. Speaker:** Do the hon. Members want to know why the Director of Enforcement has taken so much time?

**Shrimati Renu Chakravartty:** Yes.

**Shri B. R. Bhagat:** As I said, Sir, this case was a very complicated case.

**Shri Daji:** What is the complication? Is it because some big persons, some influential persons are involved?

**Shri S. M. Banerjee:** Minister's sons are involved.

**Shri B. R. Bhagat:** In spite of what the hon. Member may say or insinuate, I think those are not the facts. The facts will bear out when the adjudication will be completed. But there has been no unwarranted delay. He has done his best. It is because of the complex nature of the documents that it has taken so much time. A large number of documents are there. He has to go into all of them. Very soon, maybe in the course of a week or two, it will be completed.

**Shri Hari Vishnu Kamath:** By that time the bird may fly away.

**Shri Hem Ba ua:** May I know if it is a fact that some Indians in high places, either themselves in high places or connected with people in high places, are involved in this particular violation of foreign exchange regulation; if so, may we have the names of those Indians in high places or connected with persons in high places?

**The Minister of Finance (Shri T. T. Krishnamachari):** I do not know what the hon. Member means by 'high places'; I do not know whether he means high places in firms or in the commercial world. I am not aware of anybody in any high place who has brought in any influence to bear on the Government in regard to this

matter. May I tell the hon. Members that so far as I am concerned and my colleague here concerned, we would like to have this matter settled; we are not happy to come and answer questions in this House frequently about delays. But this is a case where a large number of documents have been seized. I saw, I think, day before yesterday, the officer who is doing the investigation. He mentioned to me that he wanted more staff and even space which he has not got for sorting out these documents. An enormous amount of documents have come into the hands of the investigating officer. It certainly took time for them to sort them out. In the meantime, one set of cases had to be, a sort of, kept in abeyance because of the matter having come up to the court. Then there is the other question, why there is no prosecution. Primarily it is for the Director of Enforcement to decide. In fact, I do not mind telling hon. Members that I had asked that question once as to why it is that there was no prosecution, when it came up last time, and that even though the revenue considerations are not very prominent there must be some prosecution. That is the feeling that I myself had. But it is primarily for the Director of Enforcement, who is in charge of the matter, to decide whether he thinks that prosecution should be launched or it should be dealt with according to the powers that he has and the particular person should be fined. I can give no assurance with regard to expediting the matter. It is not in my hands. It is in the hands of the people there. Government is equally interested in this matter coming to light and being disposed of. It gives us no pleasure to have to come time and again to this House and say, "The matter is under consideration". But, as hon. Members are aware, the parties try their best to see that the proceedings are delayed over which we really have no control.... (*interruption*).

**Shri S. M. Banerjee:** We ask for the names.

**Shri Hem Barua:** I have asked for the names of the persons involved in the matter.

**Mr. Speaker:** If the enquiry is going on by the Directorate, probably it will be found.... (Interruption).

**Shri S. M. Banerjee:** Shri Dange's name was announced. Everybody's name was announced in this House. Bird and Company is not bigger than Shri Dange. Why not the names be announced?

**Shri Indrajit Gupta rose—**

**Mr. Speaker:** Order, order. But after that long statement... (Interruption).

**Shri T. T. Krishnamachari:** I am not aware of any names. Therefore what is the use of asking me? If my knowledge is imperfect, it is imperfect even to satisfy the very desirable curiosity of hon. Members..... (Interruption).

**Shri Daji:** You are trying to screen them.

**Shri T. T. Krishnamachari:** I cannot sort of create names..... (Interruption).

**Shri Daji:** You know them..... (Interruption).

**Mr. Speaker:** Next question. Shri D. C. Sharma.

**Shri S. M. Banerjee:** They are shielding Bird and Company. You should protect us. (interruption).

#### Public Sector Projects

- \*376. {  
 Shri Yashpal Singh:  
 Shri D. C. Sharma:  
 Shri Bishanchand Singh:  
 Shri Rameshwar Tantia:  
 Shri Dhaon:  
 Shri B. P. Yadava:  
 Shri Indrajit Gupta:

Will the Minister of Planning be pleased to state:

(a) whether the State Governments have been asked to expedite the execution of public sector industrial programmes; and

(b) if so the action taken by them in the matter?

**The Minister of Planning (Shri B. R. Bhagat):** (a) and (b). The progress of State Projects, including industrial projects, is periodically reviewed by the Ministries concerned and the Planning Commission and advice/assistance given in the speedy execution of the programmes.

**श्री यशपाल सिंह :** इसी आदर्शिय सदन में माननीय वित्त मंत्री ने यह फरमाया था कि अगर 450 करोड़ रु० का फायदा हमें इस क्षेत्र में न रहा, जो पब्लिक सेक्टर है उस में हम 450 करोड़ रु० न बचा सके, तो जो हमारी घड़ फाइव इन्टर प्लान है वह कामगार नहीं हो सकेगी। मैं जानना चाहता हूँ अब तक सरकार कितना रुपया बचा सकी है।

**श्री ब० रा० भगत :** पहले तो यह जो सवाल है वह उन प्रोजेक्ट्स से ताल्लुक रखता है जो स्टेट गवर्नमेंट्स के मातहत हैं। इस लिये 450 करोड़ रु० जो देश के सारे पब्लिक सेक्टर का है और जो ज्यादा सेक्टर का है, इस पर लागू नहीं होता। जहाँ तक सवाल बचाने का है, अगर हम उन को ठीक समय पर चालू कर सकें और प्रोडक्शन में ला सकें और एकानामी और एफिशिएन्सी से चलायें, तो इस में ही सब से ज्यादा बचत होगी।

**श्री यशपाल सिंह :** मैं जानना चाहता हूँ कि सरकार के पास जो आज तक का आटु डेट अकाउंट है उस के मुताबिक क्या बतला सकती है कि अकेले स्टील में क्या बचत हुई।

**अध्यक्ष महोदय :** जो स्टेट गवर्नमेंट्स का पब्लिक सेक्टर है आप उस के बारे में पृष्ठते हैं या जो स्टेट गवर्नमेंट के पब्लिक सेक्टर के बारे में ?

**श्री यशपाल सिंह :** जो स्टेट गवर्नमेंट का पब्लिक सेक्टर है उसी के बारे में बतला : आज तक के अकाउंट के मुताबिक।

**अध्यक्ष महोदय :** अगर आप सेंट्रल गवर्नमेंट के बारे में पूछते हैं तो उन का कहना यह है कि सवाल स्टेट गवर्नमेंट्स के मताल्लिक है ।

**श्री यशपाल सिंह :** मेरे कहने का मतलब यह है कि जो सरकार की जानकारी है इस मामले में कि वह अब तक इतना बचा पायी है, वही बतला दें, जिससे हम अन्दज लगा सकें कि वह 450 करोड़ 50 बचा पायेंगे या नहीं ।

**अध्यक्ष महोदय :** लेकिन सवाल तो स्टेट्स के बारे में है ।

**Shri Daji:** Is the Central Government considering the proposal of taking over for execution certain of the public sector projects, which are with the State Governments now, for their speedy and expeditious execution?

**Shri B. R. Bhagat:** There is no proposal under consideration.

**Shri Indrajit Gupta:** To what extent is it the experience of the Government that the execution of certain central projects is delayed by a slowness of the State Governments in doing the ancillary work, like acquisition of lands or construction work and so on?

**Shri B. R. Bhagat:** In the past there has been some delay because of the delay in acquisition of land or other ancillary facilities. But as experience grew and we experienced all those difficulties, the bottlenecks have been removed. Now, the State Governments who are interested in the Projects being located in their own States are offering all co-operation in some of these matters.

**Dr. L. M. Singhvi:** May I know whether any evaluation has been made of the rate of return and cost of production in the industrial undertakings within the State sector; if so, what is the result of that evaluation and whether the Government have already

proceeded to fix the targets of investment in the State sector of industrial projects?

**Shri B. R. Bhagat:** There is a difficulty in giving the overall figure, because we have to go into each project in the State sector. Since this refers to details, I want separate notice of the question.

**Shri Hari Vishnu Kamath:** Has the senior Minister been correctly reported in the press as having said some time last month at a Delhi conference on research in corporate management, that public sector undertakings prepare unreal balance-sheets, and if so, which particular undertakings did he have in mind?

**Shri T. T. Krishnamachari:** The hon. Member is wrong. I was not speaking about any public sector undertaking.

**Shri Hari Vishnu Kamath:** Is the press report wrong? Or else who is wrong?

**Shri T. T. Krishnamachari:** I was not speaking about any public sector undertaking.

**Shri Hari Vishnu Kamath:** About which undertaking did he speak then? Let us have it made clear here. This is not the way to reply to questions.

**Mr. Speaker:** He has said that what has been reported is not correct, and he did not say that.

**Shri Sham Lal Saraf:** Are Government aware that some of the public sector projects do not come to fruition because of the fact that they could not get the necessary import licences in time nor the foreign exchange with which they could arrange for the direct import of machinery and other raw materials required, and if so, what steps have been taken to smoothen these processes so that those projects could be set up in time and properly?

**Shri B. R. Bhagat:** That was what I said. The progress is watched by the

Ministries and the Planning Commission. Then, there is a special Department of Co-ordination in the Finance Ministry, which looks into all these matters. If any foreign exchange bottle-neck is there, that is sought to be removed; similarly, if there are any other difficulties technical or otherwise, they are also sought to be obviated.

**Shri Ranga:** And with these bad results.

**Shri Shashi Ranjan:** May I know whether Government are in possession of information regarding the progress made in different States in the public sector projects, and if some States have lagged behind, what directions the Central Government are going to give to them to make up the lag?

**Mr. Speaker:** Would it be possible to state the progress in each State during the Question Hour?

**Shri T. T. Krishnamachari:** I can only mention the methodology. Primarily this is the concern of the Co-ordination Department in the Finance Ministry, that is, to watch the progress of public sector projects in the Centre as well as in the States, which form part of the Plan. Periodical reports are received by them, and any bottle-neck in regard to the supply of raw materials or lack of import licence or any delay in finding finance etc. is sought to be remedied by this organisation.

**Shri Hari Vishnu Kamath:** On a point of order. In the statement made earlier by the hon. Minister, there is a contradiction . . .

**Shri Bhagwat Jha Azad:** We want to ask some supplementary questions, but the hon. Member is raising points of order. This is not the time to raise points of order.

**Shri Hari Vishnu Kamath:** I know the procedure. My hon. friend need not teach me about procedure here.

The hon. Minister while answering a question here on the 10th September had stated as follows:

"The Finance Minister did state that balance-sheets of companies were often unreal . . ."

But just now he has stated that he made no such statement whatsoever.

**Shri T. T. Krishnamachari:** No. As a matter of fact, the hon. Member had asked me whether I had said that about the balance-sheets of public sector projects, and I said 'No'. I did say that the balance-sheets of companies did not reveal all the information, because the very nature of the certificate on the balance-sheet given by an auditor is that according to the papers that were placed before him, the balance-sheets represent the correct position; he does not go into the nature or the validity of the papers placed before him. This was in reference to balance-sheets in general. It did not refer to balance-sheets of public sector projects.

**Shri P. Venkatasubbaiah:** May I know whether any of the State Governments have expressed their inability to execute projects in the State sector because of difficulties in ways and means position, and if so, what those States are and what assistance the Central Government are going to give to them?

**Shri B. R. Bhagat:** There is a project in the State from which the hon. Member comes, namely the Andhra Paper Mills; it was first set up in the public sector, and recently it has been decided to transfer this scheme to the private sector with minority State participation.

**Shri Bhagwat Jha Azad:** May I know whether from the periodical review of the Central Government it has been established that in the light of the experience of those States where the projects have proved successful, the reasons for the lagging behind of the State projects in the other States are due to administrative failure?

**Shri B. K. Bhagat:** There is not one particular group of reasons. There are many other reasons also, one of them being administrative inefficiency or inadequacy.

**Shri Ranga:** The Finance Minister just now said that his remarks related to balance-sheets in general. May I take it that it covers the balance-sheets issued by the public sector undertakings also, or has he made any exception in regard to that?

**Shri T. T. Krishnamachari:** It would not cover balance-sheets of public sector undertakings because I do not think normally public sector undertakings are producing vouchers which are not real, but so far as the normal balance-sheet is concerned, the auditor can only testify to what is placed before him, and therefore, there is an element of unreality about it. It has nothing to do....

**Shri Hari Vishnu Kamath:** On a point of order, again. He did say in that answer.....

**Mr. Speaker:** If there is some discrepancy, he can write to me, and not raise one point of order after another.

**Shri Hari Vishnu Kamath:** He made it clear in the House itself....

**Mr. Speaker:** He can write to me. I will see the records, and then I will decide.

**Shri Hari Vishnu Kamath:** The Minister made a statement earlier. Is it open to him to contradict the statement in a few days time? You must come to our rescue.

**Mr. Speaker:** I will look into all that if he writes to me, and then if I decide that it requires to be raised in the House, I will allow it.

**Shri Hari Vishnu Kamath:** He did say it applies to both public sector and private sector. I have got it here in the record.

**Shri T. T. Krishnamachari:** May I seek your protection? These are

questions not relating to normal administration. They are matters of *obiter dicta*. It is an expression of a personal opinion. I do not think there has been any discrepancy, but I cannot understand my hon. friend holding me to ransom.

**Shri Hari Vishnu Kamath:** I strongly object to the word "ransom". I have got him in his own words, what he himself said.

**Mr. Speaker:** He has no complaint, but I have. I should not be held to ransom!

**Shri Hari Vishnu Kamath:** What ransom? My knowledge of English is very poor, and I am prepared to learn at your feet.

**Mr. Speaker:** Shri Kamath should take it in the spirit in which I have said it. He should not be so serious about it.

**Shri Hari Vishnu Kamath:** It is not proper. I can also use picturesque phrases like that. That does not break any bones or make any answer. This is not the way to function.

**Mr. Speaker:** When I say I should not be held to ransom, what I mean is that I might be allowed to proceed further.

**Shri Hari Vishnu Kamath:** I did not object to that, but to what he said. What does he mean by that? This is not the way to answer.

**Shri Ranga:** He gives us to understand that he is very particular and very careful about the words and phrases that he uses in this House. Here is a statement attributed to the Minister, which is supposed to have been made in the House. If he contradicts that statement and it is pointed out, and you ask him to write to you and say that it may be taken up afterwards in the House, the House would lose the trend of thought. Just now, we are seized of the matter. Here was a clear question put to the Minister. He says: no, I have not said that. In such a situation, why

should we call for the record? How else can we get any kind of redress? Here, my hon. friend has taken the trouble to keep the record before himself, and he has brought it to the notice of the House as well as yourself, and he seeks your permission to bring an additional fact which contradicts what the hon. Minister has said. If it is an ordinary Member, then, of course, what you have suggested could be followed, but should we not settle that matter here and now, whether he has said it or not?

**Mr. Speaker:** My difficulty is this. The reason why I say that that should be the procedure that applies to all, whether he be a Minister or a Member, is this. I allowed two opportunities to Shri Kamath, and he quoted from the records because he felt aggrieved that there had been some contradiction from the earlier statement. I asked the Minister to answer that. Then again, afterwards, he sees some portions, the latter part, and he says there is another contradiction. Shall I go on with the whole statement?

**Shri Ranga:** We can take this Government to task in whichever way we can. There is no other way of redress.

**Mr. Speaker:** The only way to take the Government to task is that the whole statement should be sent to me, and what he has said now. If he had read that also at the same time when he was raising that objection, I would not have taken exception to it, but then he sat down, and after some time again he says there is another contradiction.

**Shri Hari Vishnu Kamath:** Because he made another statement.

On a point of order. It is open to the Minister to say that a press report is wrong, but it is not open to him to say that this is also wrong. Let him say that.

**Shri Hari Vishnu Kamath:** It is from the record of Parliamentary proceedings.

**Shri Bhagwat Jha Azad:** Sir, on a point of order. My point of order is this. According to the rules under which the Question Hour of the Lok Sabha is conducted who is the final authority to say that the question has been properly answered or it should not be taken beyond that? Every day we who put questions on this side feel that it is only one or two Members who monopolise the entire Question Hour and in the name of clarifications . . . (*Interruptions*.) I am asking the hon. Speaker whether in the name of clarifications the Question Hour rule permits a Member so that he should go on putting half a dozen questions . . . (*Interruptions*.)

**Shri Hari Vishnu Kamath:** It is a grave reflection on you, Sir.

**Shri Bhagwat Jha Azad:** Please listen to me. Does the rule permit a Member to contest every supplementary and reply in this House? Since the time of Mavalankar up to this time, is there any rule like this that the same Member or a couple of Members should put one dozen questions in the name of clarifications? If there is a rule under which it comes, we would like to know that . . . (*Interruptions*).

**Mr. Speaker:** I have closed the List and am hearing only points of order.

**Shri Sham Lal Saraf:** I seek your guidance on one point. The point that has been made by Mr. Kamath—he has every right to make it but not at the cost of the Question Hour. My point is that Mr. Kamath is welcome to raise his point but not at the cost of the Question Hour. A number of questions are not reached; others may be dropped. My submission is that Mr. Kamath should write to you asking you to decide about his point . . . (*Interruptions*).

**Shri Hari Vishnu Kamath:** It is for the Speaker to decide and not for anyone else.

**Mr. Speaker:** I do not understand this attitude; any other Member has not the right to put his point of view. He has to listen to them. When he has said what he wanted to say; others also have the same right and I have to listen to them also. . . . (Interruptions).

**Mr. Speaker:** I will give my ruling. Let me hear Mr. Hem Barua.

**Shri Hem Barua:** Sir, when the hon. Member complained that the time of the House was wasted by one or two Members of the Opposition, I think it is an aspersion on certain Members of this House . . . (Interruptions.)

**Shri Bhagwat Jha Azad:** What is the aspersion?

**Shri Hem Barua:** Wait a minute. (Interruptions).

Several Hon. Members rose—

**Mr. Speaker:** Order, order. (Interruption).

**Shri Hari Vishnu Kamath:** Keep quiet.

**Shri Hem Barua:** I am trying to place my case before you in a very cool and collected manner.

**Mr. Speaker:** Shri Hem Barua must realise that I am listening to him most patiently.

**Shri Hem Barua:** But those Members are not. (Interruption).

**Mr. Speaker:** Order, order.

**An Hon. Member:** You will have to maintain order in the House.

**Shri Hem Barua:** When a particular hon. Member of this House said that the time of the Question Hour is wasted because of these interruptions or questions raised by certain Members of this House, particularly the Members belonging to the Opposition, there is an attempt rather to

stop Members from functioning. In the time of the Question Hour is being wasted, it is your job to find out whether it is so and point it out to the Members concerned, and it is not the job of other people to cast aspersions on other Members of the House, and at the same time, cast aspersions on the Chair also.

**Shri H. N. Mukerjee:** My submission is that we cherish every moment of the Question Hour. There is no doubt about it. But if any Member or Members do happen to have a ready wit and an alert grasp of the rules of procedure, he or she should not be referred to in the kind of manner in which it has been done. Apart from this, I feel that when in relation to a question and supplementaries arising thereon, the Minister is caught on the wrong foot, it is part of parliamentary acceleration, particularly in the Question Hour, that the supplementaries raised, as for instance, by Shri Kamath, and the points of order relating thereto, are disposed of as soon as ever that is possible. Otherwise, the entire purpose of the Question Hour and the whole spirit of supplementaries and the points of order, if any, arising therefrom, would go. Therefore, I feel that in regard to the kind of matter which Shri Kamath has raised, we should get it out straight, because the Minister is here and no delay is warranted.

**Shrimati Savitri Nigam:** I would like to submit very humbly that it has almost become a routine matter every day, under the pretext of points of order, namely, the Question Hour is wasted and only two or three Members are on their legs . . . (Interruption).

**Mr. Speaker:** Order, order. We should hear her also.

**Shrimati Savitri Nigam:** We have been able to cover in this session not more than four or five questions a day. I would like to appeal to hon. Members through you that

instead of raising points of orders which have no point.....

**Shri Hem Barua:** Who is she to say that? (*Interruption*).

**Mr. Speaker:** Order, order. When he was speaking and there were interruptions, he got so angry, and when another Member speaks he gets up again and interrupts. Let her speak.

**Shrimati Savitri Nigam:** You will bear me out when I say that when points of order are raised, you yourself have ruled many times that not one of them really is a point of order and not one of them is worth raising. In spite of that, again and again, every day, the same repetitions are being made and the whole Question Hour is being wasted. We have not been able to finish more than four questions a day.

**Shri Harish Chandra Mathur:** Sir, I have no point of order to raise, but I want just to make an observation on the point of order which has already been raised and which is before you for decision. I would invite your attention as also that of Shri Kamath to the fact that only a few days back, Shri Kamath himself gave notice, under your directions, under rule 115, regarding a contradiction.....

**Shri Hari Vishnu Kamath:** That was a press report.

**Shri Harish Chandra Mathur:** Whether it is a press report or anything else, whatever is said in this House, if it is to be contradicted, there is a definite and specific provision laid under the directions issued by you, and I had myself availed of an opportunity in this House to give notice under those specific rules and directions. If I remember rightly, it is rule 115. Whatever is said by an hon. Minister or even by another hon. Member, if it is to be contradicted, we have a regular provision under which we are to proceed. Therefore, let it be clear for us and for all times, that so far as the contra-

dictions and other things are concerned, they will have to be taken up under that provision, and no such question can be raised and they can never form the subject-matter of a point of order.

There is another aspect of it. We cannot ignore that in asking supplementaries there cannot be a point of order or any such thing, but the supplementaries are to be regulated as you deem fit, in your discretion. When certain points are raised here, they must be thrashed out immediately on the spot, but there should be supplementaries. Let us not be very rigid about this, that is to say, that a particular Member or Members can ask only one supplementary and so on. It is only because of these things, that various methods are being devised. If we can chalk out some provisions there would be no occasion for such methods as raising points of order. There is no point of order when a contradiction is there. So, let us have a clear-cut ruling from you in this matter so that both sides of the House may be satisfied.

**Mr. Speaker:** Since we began this session, hardly four to five questions or at the most six questions have been covered every day. It is really a tragedy; I have been feeling it, very honestly, that it is a very small number, and very important questions are left out and which ought to be covered.

**Shri Kapur Singh:** Points of order arise.

**Mr. Speaker:** That is the difficulty. So, I want to appeal to hon. Members that they should think whether what they want to raise is really a point of order. When they say that they have a right to raise it, I do sit down and listen to them, I listen to them. But now, taking stock of all of them, of course, there was some resentment expressed as to why it has been said by the other side that most of the points are not points of order, but that is a fact that we should realise.



That is mostly done and I am not blaming the opposition alone. This contagion has spread on all sides and points of order are raised which are really only interruptions and not points of order at all.

**Shri Hari Vishnu Kamath:** More from that side.

**Mr. Speaker:** No; I do not agree there.

**Shri Hari Vishnu Kamath:** All right; equally.

**Mr. Speaker:** As has been said by Mr. Mathur, we cannot have a rigid rule that never would I allow a point of order at all during the Question Hour. That cannot be done. There may be some occasion when I have to listen to them as was the opportunity when he immediately contradicted the statement of the Minister. But there should be an end to it. Once I had allowed; second time he read it afterwards and he found another thing contradictory and he pointed it out. When I had passed on to another Member, then he found something and he stood up to take it up again.

**Shri Hari Vishnu Kamath:** That arose from the answer of the Minister.

**Mr. Speaker:** Mr. Kamath should realise that after he has raised the point of order, I have allowed him and the explanation has come from the Minister. I have passed on to the second Member. After that, if he has still a complaint, then he can write to me. It can be done under Direction No. 115 and not otherwise.

As I have already said, I am not now laying any rigid and inflexible practice or rule that I would never allow it. But I am appealing to the Members that unnecessary points of order should not be raised.

**Shri H. N. Mukerjee:** It was at a point when the Minister said facetiously but not unwarrantably, since we

have here a battle of wits, that he was being held to ransom, that it was incumbent on the Member to point out certain things which have shown that he was doing it with no intention of holding the Minister to ransom or anything even remotely like that, but he was doing it on the basis of statements which seem to be there on the Order Paper.

**Mr. Speaker:** Then I tried to introduce a little humour, but that was not appreciated or I was not capable of doing that.

**Shri Hari Vishnu Kamath:** It was very well appreciated.

**Mr. Speaker:** I put it to the House whether this practice should continue that only 5 or 6 questions should be covered....

**Some Hon. Members:** No, no.

**Mr. Speaker:** .....or we should at least try to cover 15 to 20 questions.

**Some Hon. Members:** Yes.

**Mr. Speaker:** I would appeal that at least 15 to 20 questions should be gone through. Ordinarily there ought not to be more than 3 or 4 minutes spent on a question. If there is something extraordinary, of course, I will exercise my discretion and allow 5 or 6 minutes.

**Shrimati Renu Chakravarty:** It should be left to the House to decide.

**Shri Hari Vishnu Kamath:** It should be left to the House to regulate it.

**Mr. Speaker:** Shrimati Renu Chakravarty would realise that I cannot do it unless I get the cooperation of the Members, and they have also the desire to help.

**Shri Ranga:** If we fix the number of questions in this way, you make it difficult for us. Why do you want to say 10 or 15 questions. You took up that question about the Bharat Sewak Samaj today and the House thrashed it out. Don't you think it

has had a salutary effect? That freedom should be there.

**Mr. Speaker:** Freedom would always be there.

श्री हुकम चन्द कछवाय : मेरा निवेदन है कि प्रश्नों का समय आधा घंटा और बढ़ा दिया जाये ।

श्री श्रींकार लाल बरेबा : जैसे पांच पांच मिनट में एक सवाल पहले चलता था, वैसे ही चलाया जाये ।

अध्यक्ष महोदय : अच्छी बात है ।

#### WRITTEN ANSWERS TO QUESTIONS

##### Aid from Belgium

\*377. **Dr. L. M. Singhvi:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Belgium has been reluctant to pledge any further aid to India this year; and

(b) if so, the reasons therefor?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Yes, Sir.

(b) We have been informed that Belgium will be willing to pledge a further amount after the amounts previously pledged have been committed.

##### National Survey of Middle Class Income

\*378. {  
Maharajkumar Vijaya  
Ananda:  
Shri Indrajit Gupta:  
Shri Yashpal Singh:

Will the Minister of Finance be pleased to state:

(a) whether Government are aware of the recent report by the Central Statistical Organisation containing a national survey of income and expenditure of middle class families, conducted in 1958-59;

(b) whether the contents of the Report have been studied by Government; and

(c) if so, the conclusions drawn therefrom?

**The Minister of Planning (Shri B. R. Bhagat):** (a) and (b). Yes, Sir.

(c) Volume I of the Report which has been published so far is basically a factual one. It relates to a point of time, namely 1958-59, and contains no data as to whether and how the conditions had changed over time.

The middle class family living survey 1958-59 was undertaken (a) to facilitate the construction of middle class cost of living indices and (b) to ascertain the conditions and levels of living of middle class families.

Work on the construction of middle class cost of living indices is still in progress in the Central Statistical Organisation.

##### Unit Trust Scheme

\*379. {  
Shri Shree Narayan Das:  
Shri Rameshwar Tantia:  
Shri Onkar Lal Berwa:  
Shri Indrajit Gupta:  
Shri Yashpal Singh:  
Shri Himatsingka:

Will the Minister of Finance be pleased to state:

(a) whether the Unit Trust set up recently has started its business; and

(b) if so, the total amount of business so far carried on?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Yes.

(b) The information is being collected and a statement will be laid on the Table of the House.

##### Thermal Power Station in Madras State

\*380. {  
Shri P. R. Chakraverti:  
Shri P. C. Borooah:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government have accorded approval to the Madras Government to erect 300 M.W.

Thermal Power Station in the public sector at Ennore;

(b) whether the Centre has also sanctioned the setting up of another 100 M.W. Thermal Power Station in the public sector at Tuticorin; and

(c) how far the power scarcity in the State has been changed for the better?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Not yet. The Technical Advisory Committee of the Planning Commission has, however, found the scheme to be acceptable. The formal sanction of the Planning Commission is awaited.

(b) No, Sir.

(c) In Madras State, up to the year 1963-64, the peak demand exceeded the available firm generating capacity. However, according to the latest annual power survey, from 1964-65 up to 1968-69, the firm capacity is likely to be more or less equal to the peak load. Some deficit is anticipated during 1969-70 and 1970-71.

#### Searches in Jute Export House

\*381. **Shri Indrajit Gupta:** Will the Minister of Finance be pleased to state:

(a) whether raids and searches were carried out in July last on the premises of one of the largest jute and gunny export Houses in Calcutta;

(b) the name of the firm concerned;

(c) the grounds for carrying out the searches; and

(d) the result thereof?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Yes, Sir.

(b) M/s. Louis Dreyfus & Co., Ltd., 18A, Brabourne Road, Calcutta.

(c) For alleged under-invoicing of exports to foreign countries.

(d) Several documents have been seized from the office and other pre-

mises of the firm. These are under scrutiny by the Calcutta Custom House and the Enforcement Directorate.

#### विदेशी मुद्रा के लिये रिजर्व

\*382. **श्री बागड़ी :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) हमारे विदेशी मुद्रा के रिजर्व को इस समय क्या स्थिति है; और

(ख) विदेशी मुद्रा को सुरक्षित रखने के लिये क्या उपाय किये गये हैं ?

**योजना मंत्री (श्री ब० रा० भगत) :**

(क) भारत की विदेशी मुद्रा की प्रारक्षित निधि (भारतीय रिजर्व बैंक द्वारा रखे गये सोने को छोड़ कर) 11 सितम्बर, 1964 को अर्थात् उस अन्तिम तिथि को जिसकी सूचना उपलब्ध है, 131.67 करोड़ रुपया थी ।

(ख) सरकार विदेशी मुद्रा को बचाये रखने के लिए ये मुख्य उपाय कर रही है :—

- (1) निर्यात को बढ़ावा देना;
- (2) आयात की जाने वाली चीजों के स्थान पर अन्य चीजों को काम में लाना (इसमें देश की उस औद्योगिक क्षमता का उपयोग करके, जिसका उपयोग बिलकुल ही न किया जा रहा हो या पूरी तरह से न किया जा रहा हो, देश में उत्पादन में अधिक से अधिक वृद्धि करना शामिल है);
- (3) एसी प्रायोजनाओं को प्राथमिकता देना, जिन पर पूंजी लगाने से जल्दी लाभ हो सकता है;
- (4) विदेशी मुद्रा के निम्न प्राथमिकता वाले खर्च अथवा आवश्यक खर्च को—चाहे वह आयात पर हो या यात्रा पर—समाप्त करना;
- (5) चोरी-छिपे माल लाने ले जाने की रोकथाम करने के लिए और कड़े

उपाय करना, जिनमें स्वर्ण-नियंत्रण को लागू करना भी शामिल है;

- (6) औद्योगिक नीति सम्बन्धी संकल्प में निर्धारित दायरे के अन्दर, गैर-सरकारी विदेशी पूंजी के निवेश को प्रोत्साहन;
- (7) विदेशों से प्राप्त सहायता का अधिक से अधिक और जल्दी उपयोग करना;
- (8) लम्बी अवधि के लिए और कम ब्याज पर अधिक से अधिक सहायता प्राप्त करने का प्रयत्न करके अपनी विदेशी मुद्रा सम्बन्धी स्थिति पर, ऋण चुकाने के दायित्वों के बोझ को कम से कम करना; और
- (9) विदेशी पर्यटकों को भारत में पर्यटन करने के लिए बढ़ावा देना ।

#### Gramdan Movement

\*383. { Shri Ram Harkh Yadav:  
Shri Murli Manohar:

Will the Minister of Planning be pleased to state:

(a) whether the Central Government have suggested to the State Governments to introduce Bills to promote the Gramdan Movement initiated by Acharya Vinoba Bhave;

(b) whether Government have prepared a model Bill to be so introduced by the States; and

(c) if so, whether Government have sanctioned any special sum and financial assistance to the States for the development of Gramdan villages; if so, the amount?

**The Minister of Planning (Shri B. E. Bhagat):** (a) and (b). Draft Gramdan Bill was prepared in consultation with the All India Sarva Seva Sangh and forwarded to the State Governments for their consideration and enactment of suitable legislation.

(c) A sum of Rs. 1 crore was provided in the Third Five Year Plan for development of Gramdan villages. So far Rs. 21.16 lakhs have been sanctioned to the State Governments.

#### Landscape Committee

\*384. { Shri Himatsingka:  
Shri Onkar Lal Berwa:  
Shri Dhaon:  
Shri Rameshwar Tantia:  
Shri Bishanchander Seth:  
Shri B. P. Yadava:

Will the Minister of Works and Housing be pleased to state:

(a) whether the landscape committee of Govt. has recommended that legislation should be undertaken for safeguarding the beauty and character of landscapes and sites in Delhi; and

(b) if so, whether any action is proposed to be taken on this recommendation?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** (a) Yes; the recommendation is of a general nature, covering other towns also.

(b) The matter is under examination.

#### Package Programme

\*385. Shri Ramanathan Chettiar: Will the Minister of Planning be pleased to state:

(a) whether an American Expert had visited some of the districts under the Intensive Agricultural Cultivation Programme;

(b) if so, whether he has submitted a report to the Planning Commission; and

(c) if so, what are its salient features?

**The Minister of Planning (Shri B. R. Bhagat):** (a) to (c). Mr. Wolf Ladejinsky of the Ford Foundation had studied tenurial conditions and their impact on the Intensive Agricultural District Programme in five districts, namely, Thanjavur district (Madras), West Godavari (Andhra Pradesh) Shahabad (Bihar), Ludhiana (Punjab) and Aligarh (Uttar Pradesh). He has submitted a Report which will be published shortly together with the comments of the State Governments.

#### Commonwealth Finance Ministers' Meeting

\*386. { Shri P. C. Borooah:  
Shri D. C. Sharma:

Will the Minister of Finance be pleased to state the decisions taken at the Commonwealth Finance Ministers' meeting held at Kuala Lumpur on the 2nd September, 1964?

**The Minister of Planning (Shri B. R. Bhagat):** A communique issued after the meeting summarising the discussions and conclusions arrived at is placed on the Table of the House. [Placed in Library, See No. LT-3231/64].

#### Reserve Bank Building

\*387. { Shri Hari Vishnu Kamath:  
Shri Yashpal Singh:  
Shri Naval Prabhakar:

Will the Minister of Finance be pleased to state:

(a) whether Government propose to sculpturally adorn the frontage or entrance to the Reserve of India building in New Delhi;

(b) if so, the salient features thereof together with an estimate of the expenditure involved; and

(c) the reasons for such expenditure?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Yes. As the building belongs to the Reserve Bank, the decision was, however, taken by the Bank and not by Government.

(b) Two stone statues representing Yaksha and Yakshi are proposed to be erected on either side of the main entrance at an estimated cost of about Rs. 3 lakhs.

(c) The decision was taken in 1955 in pursuance of Government's policy that Indian sculptors, artists, painters and designers should be encouraged to undertake some work in connection with the decoration of public buildings.

#### Regional Electricity Grids

\*389. { Shri P. Venkatasubbaiah:  
Shri Rameshwar Tantia:  
Shri Dhaon:  
Shri Onkar Lal Berwa:  
Shri Bishanchander Seth:  
Shri Vishwa Nath Pandey:  
Shrimati Savitri Nigam:  
Shri Yashpal Singh:  
Shri R. S. Pandey:  
Shri Mohammad Elias:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether the setting up of regional grids of electricity has been completed;

(b) if so, the benefits that will accrue by this arrangement; and

(c) whether uniform power charges have been introduced in all the grids?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) The regional grids are in various stages of development at present. It is expected that the first phase of inter-State links for the formation of regional grids would be completed partly by the end of the Third Plan period and partly during the Fourth Plan period.

(b) Apart from the various technical advantages, substantial economic benefits would also accrue from the co-ordinated operation of power systems in the various regions. Security of Power supply, freedom from major break-downs, minimising the effect of shortage of reservoir capacity due to monsoon failures and, reduction of standby, etc. are some of the other advantages. By proper co-ordinated working, more energy equivalent of a million kw of Power can be secured from the installation at the end of Third Plan.

(c) No, Sir.

**Mahalanobis Committee on Distribution of National Income**

- \*390. { Shri Hari Vishnu Kamath:  
Shri S. M. Banerjee:  
Shri Sidheshwar Prasad:  
Shri Daljit Singh:  
Shri Onkar Lal Berwa:  
Shri Vishwa Nath Pandey:  
Shri Dharmalingam:  
Shri Jashvant Mehta:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 1270 on the 30th April, 1964 and state:

(a) whether the Mahalanobis Committee on distribution of National Income has submitted Part II of its report; and

(b) if not, the reasons for the delay?

**The Minister of Planning (Shri B. R. Bhagat):** (a) No.

(b) In the first part of the report which was laid on the Table of the House on 29th April 1964, the Committee had briefly mentioned the circumstances that led to the submission of a part report. The Committee felt that an adequate treatment of their first term of reference viz., changes in levels of living during the First and Second Five Year Plans would take some more time as the extensive and complex data bearing on this topic required more critical examination.

Work in this direction has been in progress during the past few months and it is expected that the Committee will be able to complete their work soon.

**One Rupee Coins with the Effigy of Shri Nehru**

- \*391. { Shri Yashpal Singh:  
Shri Onkar Lal Berwa:  
Shri Bade:  
Shri Prakash Vir Shastri:  
Shri Ram Harkh Yadav:  
Shri Murli Manohar:  
Shri P. K. Deo:  
Shri Shinkre:  
Shri Alvares:  
Shri N. Dandekar:  
Shri Hari Vishnu Kamath:  
Shri Kapur Singh:  
Shri Vishram Prasad:  
Shri S. M. Banerjee:

Will the Minister of Finance be pleased to state:

(a) whether a proposal is under consideration for minting one-rupee coins with Shri Jawaharlal Nehru's effigy on one side and the national emblem on the other; and

(b) if so, the salient features thereof and when the coin will be issued?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Yes, Sir.

(b) The new coin will bear on its obverse face the profile of the late Shri Jawaharlal Nehru, his name in English and the dates "1889-1964" separated on either side by a star. On the reverse face, the coin will bear the Ashoka Pillar Emblem, the words "India" and "Bharat" in English and Hindi respectively and the denominational value. It is proposed to issue the coins on Shri Nehru's next birthday, namely the 14th November, 1964.

**Brick-Making Plant**

- \*392. { Maharajkumar Vijaya Ananda:  
Shri B. P. Yadava:  
Shri Dhaon:  
Shri Bishanchander Seth:  
Shri Rameshwar Tantia:  
Shri Veerappa:

Will the Minister of Works and Housing be pleased to state:

(a) whether an agreement has been reached between the Governments of India and Rumania for the setting up of a brick-making plant;

(b) if so, the location of the plant and the total outlay for its construction;

(c) when the production of bricks would be started; and

(d) what would be the maximum estimated production?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** (a) The National Buildings Construction Corporation Limited, a State-owned Company, has entered into an agreement with Messrs Industrial-Export, State Company for Foreign Trade, Bucharest, Rumania, for setting up a brick-making plant.

(b) The plant is proposed to be located at Sultanpur, a village in the Union Territory of Delhi and the total outlay for its construction is estimated at Rs. 20 lakhs.

(c) By about March, 1966.

(d) About 3 to 3½ crore bricks per year.

#### Rural Development

\*293. { Shri P. R. Chakraverti:  
Shri S. B. Patil:  
Shri P. C. Borooah:  
Shri Surendra Pal Singh:  
Shrimati Savitri Nigam:  
Shri S. C. Samanta:  
Shri M. L. Dwivedi:  
Shri M. R. Krishna:

Will the Minister of Planning be pleased to state:

(a) whether the Planning Commission has agreed to a scheme submitted by the American Ambassador, Mr.

Chester Bowles, relating to India's rural development; and

(b) how far an intensive and integrated development of a district in each State is sought to be brought about by this scheme?

**The Minister of Planning (Shri B. R. Bhagat):** (a) The scheme is under consideration.

(b) The main feature of the scheme is to evolve in one district in each State a prototype of integrated and comprehensive development with an order of outlay which is one Plan ahead. Details of the scheme are being examined in consultation with the State Governments.

#### U.S. Investment in Indian Industries

\*394. { Shri Indrajit Gupta:  
Shri P. R. Chakraverti:  
Shri P. C. Borooah:  
Shri K. N. Tiwary:  
Shri P. K. Deo:  
Shri Solanki:

Will the Minister of Finance be pleased to state:

(a) whether Government have urged upon American businessmen to invest at least 300 million dollars annually in selected Indian industries;

(b) the present annual rate of U.S. private capital investment;

(c) the industries suggested for further investment; and

(d) whether the U.S. businessmen's delegation to India has made recommendations to Government of India on ways and means of stepping up their investment?

**The Minister of Planning (Shri B. R. Bhagat):** (a) No, Sir.

(b) The rate of U.S. private capital investment in India in the last three years was as follows:

	Rs. lakhs
1961	557.00
1962	11148.61
1963	1702.75

These figures are based upon the approval order issued.

(c) These would be industries requiring technical knowhow from abroad and imports of capital equipment such as petrochemicals, machinery manufacturing, fertilisers, steel castings and forgings.

(d) The discussions of the U.S. businessmen's delegation with the Government representatives related to various general aspects of Government's policies which have a bearing on private foreign investment.

#### Government Employees Owning Houses

\*395. { Shri Ramanathan Chettiar:  
Shri Prakash Vir Shastri:

Will the Minister of Works and Housing be pleased to state:

(a) whether Government have decided that no Government employee owning a residential house in Delhi within 16 kilometres of the place of duty will be provided Government accommodation;

(b) if so, the number of such Gazetted staff in the general pool of accommodation occupying various categories of Government residences; and

(c) the action taken to get the houses vacated to meet the acute shortage of Government accommodation in the capital?

The Minister of Works and Housing (Shri Mehr Chand Khanna): (a) Yes, but subject to certain exemptions provided for in the revised rule e.g., where the private house has been placed under a Trust or the house is too small or cases of joint family property in specified circumstances.

(b) About 120.

(c) Under the revised rule, such employees need not vacate the Government residences if they pay rent at enhanced rates.

#### Low Income Group Housing Loan

\*396. { Shri P. C. Borooah:  
Shri Shiv Charan Gupta:

Will the Minister of Works and Housing be pleased to state:

(a) whether Government have of late revised the Low Income Group Housing loan ceiling to Rs. 10,000 restricted to 80 per cent of the total cost of the house including the cost of land;

(b) if so, how much more funds have been allocated for the scheme for the current year; and

(c) the percentage increase in the cost of house construction since the ceiling was originally fixed and how much of this increase would be met by the increase in the ceiling of the loans?

The Minister of Works and Housing (Shri Mehr Chand Khanna): (a) Yes. The loan-ceiling has been raised from Rs. 8,000 to Rs. 10,000, i.e. by Rs. 2,000.

(b) No additional funds have been allocated for the Scheme for the current year.

(c) There is about 40 per cent increase in the cost of construction since 1954 when the loan-ceiling of Rs. 8,000/- per house was fixed. A house which cost Rs. 10,000/- in 1954 would now cost about Rs. 14,000/-.

#### Inter-State Control Board to reclaim Ravines

\*397. Shri D. C. Sharma: Will the Minister of Planning be pleased to state:

(a) whether the Committee on natural resources set up by the Planning Commission has recommended the setting up of an inter-State control board for the reclamation of ravines; and

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

The Minister of Planning (Shri B. R. Bhagat): (a) In the draft report of the Study on Survey and Reclamation



of Ravines in India undertaken by the Committee on Natural Resources, a suggestion has been made for the setting up of an Inter-State Control Board under the aegis of the Central Board of Soil Conservation for formulation of priority and planning of action in respect of reclamation of ravines. The draft report is still under discussion and has not been finalised.

(b) Does not arise.

#### Research Schemes for Rajasthan

1169. **Shri Karni Singhji**: Will the Minister of Irrigation and Power be pleased to state:

(a) the research schemes sanctioned for Rajasthan by the Central Board of Irrigation and Power for the year 1963-64; and

(b) the location of their centres?

**The Minister of Irrigation and Power (Dr. K. L. Rao)**: (a) No research problem under the scheme for Fundamental and Basic Research has been allotted to Rajasthan as there is no Research Station in that State at present.

(b) Does not arise.

#### Duty Free Medical Supplies from U.K.

1170. **Shri Ram Harkh Yadav**: Will the Minister of Health be pleased to state:

(a) whether Government have entered into an agreement with the U.K. Government for the entry of duty-free medical supplies and equipment in India; and

(b) if so, the details of the agreement and the details of the exempted supplies and equipment?

**The Minister of Health (Dr. Sushila Nayar)**: (a) and (b). No. However the Government of India and the Government of United Kingdom of Great Britain and Northern Ireland agreed in principle to the following:

The Government of India shall accord duty free entry into India to all

supplies of goods and standard packs for relief and rehabilitation donated through U.K. relief agencies and consigned through the Medical Stores Organisation of the Government of India at the ports of Calcutta, Madras and Bombay or at designated airports, to voluntary relief and rehabilitation organisations, including branches of these agencies in India, which have been or hereafter may be approved by the Government of India.

For the purposes of the Agreement, supplies of goods and standard packs for relief and rehabilitation shall be Confined to foodgrains and other food-stuffs, including milk powder, processed food stuffs and multi-purpose foods drugs and medicines, multivitamin tablets, hospital equipment and supplies, agricultural implements and such other donated supplies and goods for purposes of relief and rehabilitation as may be agreed to by the Government of India and the Government of U.K.

#### Sales Tax on Gas and Carbide

1171. **Shri Onkar Lal Berwa**: Will the Minister of Finance be pleased to refer to the reply given to Unstarred Question No. 2684 on the 30th April, 1964 and state:

(a) whether it is a fact that a large number of firms in Delhi are still getting gas and carbide free of tax for purposes of manufacture against the provisions of the Act resulting into a huge loss to Government revenue and the Delhi Sales Tax authorities have not taken any action in the matter;

(b) how many firms are still getting gas and carbide free of tax and what is the approximate loss to the Exchequer; and

(c) the action taken by Government against those who were responsible for the loss of Government revenue?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). On finding that sale of gas and carbide, when purchased for use in manufacture of goods, cannot be allowed tax free under the provisions of the sales tax law applicable in Delhi, the said items were deleted from the registration certificates of the concerned dealers under the normal process of the law. The Government is not aware whether any dealer is still purchasing gas and carbide tax free, for the purpose of manufacture, by misrepresenting that the said items are still included in his registration certificate. However, if he does so, he would be liable to prosecution or penalty equal to 1½ times the tax avoided under the relevant provisions of the law.

(c) Does not arise in view of the position explained in (a) and (b) above.

#### **Rihand and Matatila Dams**

**1172. Shri Ram Harkh Yadav:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government appointed a Committee for deciding the distribution of energy to U.P. and Madhya Pradesh from the Rihand and Matatila Power Stations in U.P.; and

(b) if so, whether the Committee has given its decision and has fixed the rates at which the energy would be supplied?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes.

(b) Yes. The following are the decisions:—

#### *Supply of power from the Rihand Power Station to Madhya Pradesh*

The U.P. Electricity Board will make available to the Madhya Pradesh Electricity Board 15 per cent of power based on energy available at Rihand from year to year. The power will be supplied at the Rihand power station step-up Sub-station terminal and will be made available at cost price

plus 5 per cent. The tariff on this basis has been fixed at 3.5 paise/kWh with the condition that a surcharge, should it at time be found necessary in the event of compulsory war risk insurance being imposed, shall be charged, in addition, on the basis of actuals and also that power will be supplied to Madhya Pradesh at its border and the Madhya Pradesh Electricity Board will have to bear an annual charge amounting to Rs. 1.5 lakhs to cover interest, depreciation, operation and maintenance of the transmission line from the Rihand Power Station to the Madhya Pradesh border.

#### *Supply of power from Matatila power station to Madhya Pradesh*

The U.P. State Electricity Board will make available to the Madhya Pradesh Electricity Board one third of the power based on the energy available at Matatila from year to year. Power will be made available at cost plus 5 per cent. The tariff on this basis has been fixed at 0.5 paise/kWh with the condition that a surcharge should it at any time be found necessary in the event of any compulsory war risk insurance being imposed, shall be charged, in addition, on the basis of actuals.

The rates for supply of power to Madhya Pradesh from Rihand and Matatila Power Stations will be subject to review after 10 years.

#### **Government Servants Suffering from T.B.**

**1173. Shri Wadiwa:** Will the Minister of Health be pleased to state:

(a) the number of Government servants suffering from T.B. in Delhi in the year 1963;

(b) the number of family members of Government servants suffering from T.B. during the same period; and

(c) whether Government are considering giving any financial assistance to those persons?

**The Minister of Health (Dr. Sushila Nayar):** (a) and (b). 2509 cases of Tuberculosis were reported in respect of Central Government servants and members of their families covered by the Central Government Health Scheme during the year 1963. Separate figures for Central Government servants and their families are not maintained. Most of the Government servants and members of their families in Delhi are covered by the Central Government Health Scheme. Figures in respect of Government servants and members of their families not covered by this Scheme are being collected and a statement furnishing the requisite information will be laid on the Table of the Sabha in due course.

(c) No. Full facilities for investigations, specialist consultation and treatment (including hospitalisation) are provided at Government cost.

#### Palai Central Bank

**1174. Shri Warior:** Will the Minister of Finance be pleased to refer to the reply given to Unstarred Question No. 328 on the 10th September, 1964, and state when the liability of the Palai Central Bank in liquidation for the income-tax for the period 1959-63 will be finally determined?

**The Minister of Finance (Shri T. T. Krishnamachari):** It is expected that the income-tax liability of the Palai Central Bank (in liquidation) for the period 1959-1963 will be determined by the Income-tax Officer by the end of the current financial year.

#### Homoeopathic System of Medicine

**1175. Dr. B. N. Singh:** Will the Minister of Health be pleased to state:

(a) whether Government have under consideration any proposal to bring forth a comprehensive legislation by way of standardising the teaching and practising in the

Homoeopathic system of medicine in the country on the lines of the existing legislation relating to the Allopathic system of medicine; and

(b) if so, when?

**The Minister of Health (Dr. Sushila Nayar):** (a) No.

(b) Does not arise.

#### Board of Homoeopathic system of Medicine

**1176. Dr. B. N. Singh:** Will the Minister of Health be pleased to state:

(a) the conditions laid down by the Board of Homoeopathic System of Medicine, Delhi for recognising Homoeopathic Educational Institutions in Delhi;

(b) whether it is a fact that since the enactment of Homoeopathic Act in 1956 the Board has not held any single Examination for registration of Homoeopaths; and

(c) whether the Board has submitted any Achievement Reports to Government since its inception and if so, how many, and what is the latest report?

**The Minister of Health (Dr. Sushila Nayar):** (a) Under Section 31 of the Delhi Homoeopathic Act, 1956, the Board of Homoeopathic System of Medicine, Delhi may grant recognition to any institution imparting instructions to students for preparing them for the qualifying examination if it is satisfied that the instructions imparted in such institutions come up to the standard required for such recognition.

(b) The Act does not prescribe any separate examination for registration of homoeopaths and as such the question of holding such examination does not arise.

(c) No. The Board however sends the minutes of its meetings to the Delhi Administration. According to

information available with the Government the Board has registered 280 homoeopathic practitioners and has prepared a curriculum for the Diploma in Homoeopathic Science examination.

**Diploma in Homoeopathic Science**

1177. **Dr. B. N. Singh:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that the Delhi Administration permitted the Board of Homoeopathic System of Medicine, Delhi in August, 1964 to hold the final Examination for the Diploma in Homoeopathic Science (DHS);

(b) if so, what are the basic qualifications laid down for appearing in the above Examination;

(c) whether Government are aware that there does not exist any training facility in Delhi for students for D.H.S. course; and

(d) if so, whether Government have under consideration any proposal to provide such training facilities?

**The Minister of Health (Dr. Sushila Nayar):** (a) Under Section 29 of the Delhi Homoeopathic Act, 1956 the Board of Homoeopathic System of Medicine, Delhi is fully empowered to conduct examinations. The first examination for the Diploma in Homoeopathic Science to be conducted by the Board is scheduled to be held in February, 1965, for private candidates in accordance with the provisions made in the Regulations.

(b) All homoeopaths are eligible to appear as private candidates in the first three consecutive examinations only.

(c) and (d). At present there is no training facility in Delhi. The Government of India has given grants amounting to Rs. 1,32,000, as first instalment of non-recurring grant, for the establishment of the Nehru

Homoeopathic College and Hospital in the Defence Colony, Delhi. The college is expected to start functioning from the middle of next year.

**Rural Electrification in Punjab**

1178. **Shri Daljit Singh:** Will the Minister of Irrigation and Power be pleased to state:

(a) the financial assistance sought for by the Punjab Government for rural electrification in the State during the Third Plan period; and

(b) the assistance given so far?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Rs. 1445.36 lakhs.

(b) Rs. 417 lakhs.

**Hospital in Kerala**

1179. { **Shri A. K. Gopalan:**  
**Shri Imblichava:**  
**Shri Vishwa Nath Pandey:**  
**Shri N. R. Laskar:**  
**Shri Rameshwar Tantia:**  
**Shri Bishanchander Seth:**  
**Shri B. P. Yadava:**  
**Shri Dhaon:**

Will the Minister of Health be pleased to state:

(a) whether the Junior Chambers of Commerce of South Carolina and Washington are building a hospital in Kerala;

(b) if so, under what agreement it is being built; and

(c) the estimated outlay and the foreign exchange involved?

**The Minister of Health (Dr. Sushila Nayar):** (a) to (c). There is a proposal to construct a hospital at Kottayam by the Indo-American Friendship Medical Trust, with assistance from the Junior Chamber of Commerce, Seattle, South Carolina, and other charitable bodies. A delegation from the United States visited Kerala and had discussions

with the State Health Minister and Finance Minister. The State Government is considering the allocation of 19 acres of land for this purpose and the other expenditure for the setting up of a 100-bed hospital will be borne by the Junior Chamber of Commerce. Seattle from funds raised for the purpose. The estimated outlay as reported by the Government of Kerala is Rs. 2.5 crores. The estimated foreign exchange component is not known. No agreement has yet been signed between the parties.

#### Allocation to Social services in the Five Year Plans

1180. { Shri B. P. Yadava:  
Shri Onkar Lal Berwa:  
Shri Bishanchander Seth:

*Financial Allocations for the Public Sector in the Successive Plans—(Rs. crores)*

	First Plan (revised)	Second Plan	Third Plan	Percentage increase in Second Plan over First Plan	Percentage increase in Third Plan over	
					First Plan	Second Plan
(1) Social Services	532	945	1300	78	144	38
(2) Total Plan outlay	2378	4800	7500	102	215	56
(1) as percentage of (2)	22.4	19.7	17			

(c) The matter is under consideration.

(d) The details have been indicated in the Mid-Term Appraisal of the Third Plan and a subsequent paper entitled "Steps taken or proposed to be taken in pursuance of the recommendations of the Mid-term Appraisal of the Third Five Year Plan", already laid on the Table of the House.

धमनियों की शल्य चिकित्सा

1181. { श्री म० ला० द्विवेदी :  
श्रीमती सावित्री निगम :

{ श्री Rameshwar Tantia:  
Shri Dhaon:  
Shrimati Jyotsna Chanda:

Will the Minister of Planning be pleased to state:

(a) whether it is a fact that in three five year plans, there has been a decline in the percentage allocations to social services;

(b) if so, what was the total percentage of decline in each Plan;

(c) whether Government are considering to give a priority to the social services in the Fourth Plan; and

(d) the measures taken by Government to improve the social service in the country?

The Minister of Planning (Shri B. R. Bhagat): (a) and (b). Yes, as given in the following table:

{ श्री स० चं० सामन्त :  
श्री सुबोध हंसदा :

क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) संयुक्त राज्य अमरीका के कई अस्पतालों में रक्त वाहक धमनियों में रक्तावरोध के कारण अत्यन्त भीषण व्याधियों का उपचार धमनियों की शल्य चिकित्सा से किये जाने का जो नया ढंग निकला है क्या भारत में कहीं इस का प्रयोग हुआ है और यदि हां, तो कहां; और

(ख) क्या भारत सरकार शल्य चिकित्सा के इस क्षेत्र में भारतीय शल्य चिकित्सकों को प्रशिक्षण दिलाने का विचार कर रही है ?

स्वास्थ्य मंत्री (डा० सुशीला नायर) :

(क) जी, हाँ; रक्त वाहक घमनियों में "रक्तावरोध" के इलाज के लिए शल्य चिकित्सा उपाय बहुत दिनों से प्रयोग में हैं। इस प्रकार के इलाज की सुविधायें देश के और विशेषतया बंगलौर, मंबई, नागपुर और कलकत्ता के सभी शिक्षण एवं प्रमुख अस्पतालों में उपलब्ध हैं।

(ख) भारतीय शल्य चिकित्सक शल्य चिकित्सा के इस क्षेत्र में पहले ही प्रशिक्षण पा रहे हैं। कुछ शल्य चिकित्सकों को वाहिनी शल्य चिकित्सा के विशेष प्रशिक्षण के लिए शिक्षा-वृत्ति कार्यक्रम के अन्तर्गत विदेशों में भेज गया है।

#### Quarters for Class III Government Employees

1183. **Shri Vishram Prasad:** Will the Minister of Works and Housing be pleased to state:

(a) whether it is a fact that no allotment of Government Quarters has so far been made to Class III Central Government employees appointed in or after 1954;

(b) if so, the reasons therefor; and

(c) when Class III employees appointed after 1954 are likely to be given Government accommodation (year-wise)?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):**

(a) Generally such is the case. Against a demand of about 1.16 lakh houses, the total number available for allotment is only 39 thousand.

(b) Due to shortage of accommodation.

(c) Government is taking every possible measure to build more

houses and it will take some years to provide them accommodation.

#### Tribal Economy

1183. { **Shri Rameshwar Tantia:**  
**Shri Bishanchander Seth:**  
**Shri B. P. Yadava:**  
**Shri Dhaon:**

Will the Minister of Planning be pleased to state:

(a) whether it is a fact that the Union Government propose to appoint a team to make a thorough study of the tribal economy based on intensive field survey;

(b) if so, when the team is likely to start functioning; and

(c) its scope and functions.

**The Minister of Planning (Shri B. R. Bhagat):** (a) Yes. It is intended to appoint a team or teams to study the different aspects of tribal economy.

(b) and (c). The details have yet to be worked out in consultation with the Department of Social Security and the concerned State Governments. After this has been done, it will be possible to finalise the scope and functions of such team(s) and determine the timing for their work.

#### Cottage Hospitals in Delhi

1184. **Shri Surendra Pal Singh:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that the New Delhi Municipal Committee has drawn up a plan to open several cottage hospitals in the city and has sought the Centre's financial help for the implementation of this scheme; and

(b) if so, Government's reaction to this proposal?

**The Minister of Health (Dr. Sushila Nayyar):** (a) and (b). The New

Delhi Municipal Committee have proposed a scheme for the establishment of some polyclinics and Health Centres in the various areas in their jurisdiction for inclusion in the Fourth Five Year Plan. The matter is still under consideration of the Delhi Administration.

**Delhi Development Authority**

1185. { Shri Yashpal Singh:  
Shri Indrajit Gupta:  
Shri Kapur Singh:

Will the Minister of Health be pleased to state:

(a) whether it is a fact that the work of development of land is being entrusted by the Delhi Development Authority to the C.P.W.D.;

(b) if so, the main reasons for not creating a separate organisation as contemplated in Section 6 of the Delhi Development Act; and

(c) whether Government contemplate taking an early decision in the matter?

**The Minister of Health (Dr. Sushila Nayar):** (a) Yes.

(b) Section 6 of the Delhi Development Act, 1957, does not specifically provide for the creation of a separate engineering organisation in the Delhi Development Authority. It empowers the Authority to carry out the building, engineering, mining and other operations, and to execute works in connection with water-supply, electricity, sewage disposal and other services. There is no embargo on the Authority entering into an arrangement with an organisation like the Central Public Works Department to execute its engineering works on payment of departmental charges.

(c) Government are of the view that the setting up of an independent engineering organisation under the Delhi Development Act is neither possible at this stage in view of the

difficulties involved in getting suitable staff, equipment and stores nor necessary. It may be more expensive than the present arrangement.

**Dam on the Cauvery River**

1186. { Shri Vishwa Nath Pandey:  
Shrimati Savitri Nigam:  
Shri Yashpal Singh:  
Shri Onkar Lal Berwa:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that a proposal to construct a dam across the Cauvery river either at Hogenekkal Falls or at some other site to be chosen for exploitation of power is under consideration of the Government; and

(b) if so, the details thereof?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes. The Governments of Madras and Mysore have suggested different proposals for power development in the Cauvery Valley, but no final decision has been taken.

(b) The question of implementation of any of these schemes can only be considered after the investigations, which are under way, are completed and realistic estimates of cost prepared.

**Directors of Companies**

1187. { Shri Yashpal Singh:  
Shri Indrajit Gupta:

Will the Minister of Finance be pleased to state:

(a) Whether there are a number of companies which do not provide for appointments of not less than two-thirds of the total number of directors according to principle of proportional representation;

(b) if so, what was their number during the last year; and

(c) the steps being envisaged to stop this malpractices?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) to (c). In terms of Section 265 of the Companies Act, a company may, if it so desires, provide in its articles for the appointment of not less than two-thirds of the total number of directors according to the principle of proportional representation whether by the single transferable vote or by a system of cumulative voting or otherwise. The section is permissive and a company may or may not adopt this system.

Information regarding the number of companies that have provided in their Articles for the appointment of directors by this system is not available. No steps are under consideration to ensure that companies adopt this principle.

#### Utilisation of West Flowing Rivers

**1188. Shri R. G. Dubey:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether in the course of meeting of the Southern Zonal Council at Trivandrum a Committee was set up consisting of all the Chief Ministers of the Southern States to go into the question of utilisation of west flowing rivers in the zone; and

(b) if so, the reasons that led to the setting up of this Committee?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) A committee has been set up consisting of the Union Minister for I & P and the Chief Ministers of Kerala, Mysore and Madras.

(b) It was considered that it would be advisable to settle such inter-State matters by mutual discussions utilising the good offices of the Central Minister, for arriving at some agreed solution.

1210 (Ai) LSD-3.

#### Educational Allowance for Children

**1189. Shri S. M. Banerjee:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that recent orders regarding educational allowance for children of Central Government employees, cover only students in Middle and Higher Secondary Schools;

(b) whether it has been brought to the notice of Government that there is no Higher Secondary course in U.P.; and

(c) if so, how these orders are likely to be implemented there?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). Yes, Sir.

(c) Reimbursement of tuition fees would be allowed in respect of children receiving education up to the High School level (X Class) in U.P.

#### Bhakra Dam Irrigation Potential

**1190. Shri D. C. Sharma:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether irrigation potential was fully created in 1963-64 as envisaged in the plan of Bhakra Dam; and

(b) if not, the reasons therefor?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) and (b). The filling of the reservoir upstream of Bhakra Dam for the first time has to be done gradually. It was filled to elevation 1640 as against 1645 expected during 1963, and to elevation 1660 during the current year.

#### Shortage of Doctors in Delhi

**1191. Shri P. C. Borooah:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that there is a great shortage of doctors in Government hospitals in the Capital;



(b) if so, the average number of out-patient attended by each doctor per day and the number of beds under the charge of each specialist; and

(c) the steps being taken to improve the position?

**The Minister of Health (Dr. Sushila Nayar):** (a) There is some shortage of doctors in the Government hospitals in the Capital.

(b) The average number of out-patients attended by each doctor per day is between 30 and 40 while the number of beds under each specialist is about 50.

(c) The staff position is always under review and additional staff is being sanctioned from time to time.

#### **Dalmia-Jain Companies**

1192. { **Shri P. C. Borooah:**  
 { **Shri Indrajit Gupta:**  
 { **Shri Yashpal Singh:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Inspector appointed by Government to look into the affairs of the five Sahu-Jain Companies, has resigned; and

(b) if so, the reasons therefor?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). In view of the lack of co-operation on the part of the companies concerned with the Inspector, the Inspector, Shri S. Prakash Chopra had been complaining that the work of investigation was taking a much longer time than he had anticipated, to the detriment of his professional work. He therefore expressed a desire to be relieved of this work. It was decided to relieve him in respect of the three companies, viz. Ashoka Marketing Ltd., Sahu-Jain Ltd. and New Central Jute Mills Co. Ltd. with effect from 1st July, 1964. Shri Chopra, however, continues to be Inspector in respect of the other two companies, viz. Bennett Coleman & Co. Ltd. and Rohtas

Industries Limited. The question of his being relieved in respect of these two companies is also under consideration.

Departmental Inspectors have since been appointed in respect of the three companies where Shri Chopra has already been relieved.

#### **Loan taken by Industrialists from International Banks**

**1193. Maharajkumar Vijaya Ananda:** Will the Minister of Finance be pleased to state:

(a) the amount of loan drawn by the private industrialists of India from the various International Banks during the period from July, 1963 to June, 1964 for development purposes; and

(b) whether the negotiations for such loans by private individuals and companies are processed through Government or whether Government are informed only after the finalisation of such deals?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Against loans already sanctioned, private Indian industry drew, in the period July 1, 1963 to June 30, 1964, a sum of Rs. 11.31 crores from the World Bank (inclusive of loans made through the intermediacy of the Industrial Credit and Investment Corporation of India), and a sum of Rs. 43 lakhs from the International Finance Corporation. There were no new loans to private industry from the World Bank during this period; there were no disbursements from new loans (Rs. 2.72 crores) sanctioned by the IFC to Indian industry during this period.

(b) Prior approval of the Government of India is necessary in both cases before the loans can be finalized; after such approval, negotiations with the IFC are conducted by the private industrialists; in the case of loans from the World Bank, however, Government of India is a guarantor and hence participates in the negotiations culminating in the loans.

**Cloth Printing Units in Amritsar**

1194. **Shri Hem Raj:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that nearly one hundred cloth printing units closed down in Amritsar in June last; and

(b) if so, the reasons therefor?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Yes, Sir. About 30 units undertaking processing of rayon or artificial silk fabrics at Amritsar with the aid of steam remained closed for some time during the months of June and July, 1964.

(b) The above units were reported to have been evading payment of appropriate Central Excise duty leviable on rayon or artificial silk fabrics processed by them with the aid of steam. It, therefore, become necessary to carry out searches of their premises. Protest against the threatened levy of Central Excise duty appears to have been the main reason for the above units to close down. However, certain relaxations having since been given by the Central Board of Excise and Customs, and implemented by the local Central Excise authorities, the problem is understood to have largely been resolved.

**Power House at Sissu and Shansha Nalas**

1195. **Shri Hem Raj:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Punjab Government have asked for clearance for the construction of power houses at Shansha and Sissu Nalas in the Lahaul and Spiti District of Punjab;

(b) whether this matter has been referred to the Pakistan Commissioner for Indus Waters;

(c) if so, the reasons therefor; and

(d) when the permission will be granted for their construction?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes.

(b) to (d). For generation of Hydro-electric power on the Western rivers, the Indus Waters Treaty requires certain information to be communicated to Pakistan at least 2 months in advance of the beginning of construction of the river works connected with a small plant. The required data relating to Shansha Hydro-electric plant was supplied to the Pakistan Commissioner for Indus Waters on 23rd December, 1963 and for Sissu Hydro-electric plant on 9th July, 1964. The Government of Punjab is going ahead with the construction of Shansha Plant and intend taking up work on Sissu Plant next year.

**Western Kosi Canal**

1196. { **Shri Shree Narayan Das:**  
**Shri Yogendra Jha:**

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Unstarred Question No. 405 on the 20th February, 1964 regarding Western Kosi Canal and state:

(a) whether the alignment of the Western Kosi canal has now been finalised;

(b) if so, the final shape of it that has now emerged; and

(c) whether the construction work has now started?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) The alignment of the Western Kosi Canal has not yet been finalised.

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

**Heart Attacks**

1197. **Shri C. K. Bhattacharyya:** Will the Minister of Health be pleased to state:

(a) whether Government's attention has been drawn to an article in the medical journal "Lancet" by Prof. John Yudkin, an authority on nutri-

tion, stating that a primary cause of heart attacks is high consumption of sugar; and

(b) whether investigations are being carried out in India to test the correctness of the above conclusion?

**The Minister of Health (Dr. Sushila Nayar):** (a) Prof. John Yudkin has stated that national levels of consumption of fat and of sugar are closely similar. Statistics relating fat intake to ischemic heart-disease or diabetes mellitus in different populations may therefore express only as indirect relationship, and the casual relationship may be with sugar.

(b) Yes.

**Capital Issues underwritten**

1198. { Shri Solanki;  
Shri Narasimha Reddy:

Will the Minister of Finance be pleased to state:

(a) the annual capital issues underwritten during the first half of 1964; and

(b) the amount underwritten in the corresponding period last year?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) An amount of Rs. 20.20 crores was underwritten out of total capital of Rs. 44.69 crores issued through prospectus.

(b) An amount of Rs. 6.52 crores was underwritten out of the capital of Rs. 16.37 crores issued through prospectus.

**Ayurvedic and other Indigenous Drugs**

1199. { Shri P. R. Chakraverti;  
Shri P. C. Borooah;  
Shri Vishwa Nath Pandey;  
Shri R. Barua:

Will the Minister of Health be pleased to state:

(a) whether any scheme has been drawn up to carry on research work

in Ayurvedic and other indigenous drugs on scientific lines;

(b) whether special indigenous drugs have been selected for investigation;

(c) whether separate zones will be formed to carry out research with full complements, dealing with pharmacology, clinical screening and chemical analysis; and

(d) the amount sanctioned for this research work for the remaining period of Third Five Year Plan?

**The Minister of Health (Dr. Sushila Nayar):** (a) Yes. The Central Council of Ayurvedic Research, in collaboration with the Indian Council of Medical Research, drew up a scheme to carry out research in indigenous drugs—pharmacognosical, clinical, chemical and pharmacological. The scheme envisages the setting up of ten circuits, each circuit comprising units for pharmacognosy, clinical screening, chemistry and pharmacology. Botany and Pharmacognosy departments of different Universities, chemistry departments of some of the Universities and pharmacology departments of some of the medical colleges have been selected for carrying out investigations on indigenous drugs.

(b) Yes. About 218 medicinal plants described in Ayurveda and/or employed by Vaidyas in their practice have been selected. 58 drugs out of this list have been selected for integrated research on a priority basis.

(c) and (d). Yes. For the current financial year Rs. 1.50 lakhs and during the subsequent years, the scheme is estimated to cost about Rs. 12 lakhs per annum.

**बन्वाई की फर्म पर छापा**

1200. श्री प्रोफ़ार लाल बेरवा  
क्या बिस्व मंत्री यह बताने की कृपा करेंगे  
कि :

(क) क्या यह सच है कि 30 जून 1964 को या उसके आस पास बम्बई की एक अयात-निर्यात फर्म पर वित्त मंत्रालय के इन्फोर्समेंट निदेश लय के अधिकारियों ने छापा मारा;

(ख) यदि हाँ, तो इस छापे में क्या क्या माल निकला और कितनी राशि का चोटाला मिला; और

(ग) फर्म के खिलाफ क्या कार्यवाही की गई है ?

**वित्त मंत्री (श्री ति० त० कृष्णमाचारी) :**

(क) विदेशी मुद्रा विनियम प्रवर्तन निदेशालय (एन्फोर्समेंट डायरेक्टरेट, फारेन एक्सचेंज रेगुलेशन्स) के अधिकारियों ने 27 जून, 1964 से 29 जून, 1964 तक की अवधि में आयात-निर्यात का काम करने वाली बम्बई की एक फर्म की तलाशी ली थी।

(ख) कुछ कागजात, जिनके आधार पर इलजाम लगाया जा सकता है, और विदेशी मुद्राएं, अर्थात् 152 पौण्ड स्टर्लिंग और 6 अमरीकी डालर वहां पकड़े गये थे। पकड़े गये कागजात से, प्रथम दृष्टि में ही यह प्रकट होता है कि काफी रकमों के सम्बन्ध में विदेशी मुद्रा विनियम अधिनियम के उपबन्धों का उल्लंघन किया गया है।

(ग) आवश्यक जांच-पड़ताल की जा रही है।

#### Development of State Capitals

**1201, Shri A. S. Saigal:** Will the Minister of Planning be pleased to state:

(a) the amounts sanctioned so far to the States of Madhya Pradesh, Orissa and Punjab for the development of their Capitals;

(b) what was the initial demand of Madhya Pradesh; and

(c) the steps taken to provide the required funds early to the Madhya Pradesh State?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Information is being collected from the concerned State Governments.

(b) The approved cost of the project is Rs. 1325 lakhs.

(c) Allocation for the Project is made each year in the annual plan.

#### Electricity Generation from Chitrakut Fall

**1202, Shri A. S. Saigal:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that Chitrakut Fall of Indravati River of Bastar in Madhya Pradesh has been included in the Fourth Five Year Plan for generating electricity and installing a thermal power station; and

(b) if so, when the work will be taken in hand?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) The Madhya Pradesh Government propose to consider the inclusion of this Scheme in their Fourth Five Year Plan, which is yet to be finalised.

(b) Investigations are in progress. The scheme can be taken up for execution only after the investigations are completed, the economic feasibility established and the Scheme sanctioned for implementation. It is, therefore, too early to indicate when the work would be taken in hand.

#### राडार द्वारा बाढ़ की पूर्व सूचना

**1203. श्री मोहन स्वरूप :** क्या सिंचाई तथा विद्युत् मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सिंचाई मंत्रालय में कुछ ऐसी योजनायें विचाराधीन हैं जिन के अन्तर्गत बाढ़ग्रस्त इलाकों में

राज्य द्वारा बाढ़ की पूर्व सूचना प्राप्त हो सकेगी;

(ख) यदि हाँ, तो योजनाओं का व्यौरा क्या है; और

(ग) योजना से कौन सा क्षेत्र लाभान्वित हो सकेगा ?

सिबाई और विद्युत मंत्री (डा० कु० ल० राव) : (क) हाँ, हाँ ।

(ख) और (ग). प्रोफेसर के० आर० रामानाथन की अध्यक्षता के अधीन निर्मित वैज्ञानिक बाढ़ पूर्व सूचना समिति की रिपोर्ट के प्राप्त होने पर ही स्कीम का व्यौरा बनाया जायेगा ।

**Jay Engineering Works Limited,  
Calcutta**

1204. { Shri Indrajit Gupta:  
Shri Yashpal Singh:

Will the Minister of Finance be pleased to state the progress made with the investigations into the allegations against Messrs. Jay Engineering Works Ltd., Calcutta for violation of Foreign Exchange Regulations?

**The Minister of Finance (Shri T. T. Krishnamachari):** In respect of certain matters, investigations have been completed and the cases are under adjudication. Further investigations are also in progress.

**Assistance to Rajasthan**

1205. { Shri Karni Singhji:  
Shri Rama Chandra Mallick:

Will the Minister of Finance be pleased to state the amount of money which was given to the Government of Rajasthan by way of loan and by way of subsidy to tide over the recent famine conditions in the State?

**The Minister of Finance (Shri T. T. Krishnamachari):** The Government

of India have so far sanctioned a loan of Rs. 150.00 lakhs to the Government of Rajasthan towards relief expenditure incurred on account of scarcity conditions during the year 1963-64 and in the year 1964-65 upto the end of July, 1964.

**Seizure of gold and jewellery  
in Calcutta**

**1206. Shri Vishwa Nath Pandey:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that gold bars and jewellery worth about Rs. 1 lakh were recovered by the Calcutta Customs on or about the 12th June, 1964 from a number of shops and residential houses on Upper Chitpur Road in North Calcutta; and

(b) if so, the details thereof and the action taken by Government in the matter.

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). On the 12th June, 1964, the Calcutta Customs authorities searched the premises of a shop on Upper Chitpur Road, Calcutta, and the residence of its owner in Abinash Kabiraj Lane, Calcutta, and seized gold bars and jewellery valued about Rs. 52,000 (at the international price) and Indian currency of the value of Rs. 35,760. Two arrests have been made in this connection and the persons are being prosecuted. Departmental proceedings in the case are also in progress.

**Welfare of S.C. & S.T.**

**1207. Shri Vishwa Nath Pandey:** Will the Minister of Planning be pleased to state:

(a) whether it is a fact that late Prime Minister Shri Nehru had addressed a letter to Chief Ministers of States asking them to take personal interest in the economic and social betterment of Scheduled Castes and Scheduled Tribes; and

(b) if so, the reaction of Chief Ministers of the States to that letter?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Yes, Sir.

(b) Favourable replies have been received from 14 States and in all cases State Governments have given promise to examine the recommendations for suitable action.

A statement giving extracts from the replies received from the State Governments is laid on the Table of the House. [Placed in Library. See No. LT-3232/64].

**Rajendra Ayurvedic and Unani University**

**1208. Shri Vishwa Nath Pandey:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that Government propose to establish Rajendra Ayurvedic and Unani University in the State of Bihar;

(b) if so, when and at what place; and

(c) the total amount of its cost?

**The Minister of Health (Dr. Sushila Nayar):** (a) No.

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

**Anti-Flood measures in Punjab**

**1209. Shri Vishwa Nath Pandey:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Punjab Government have approached the Central Government for additional aid for the purpose of anti-flood measure in the State for 1964-65; and

(b) if so, the action taken thereon?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes.

(b) The matter is under examination.

**Study of Tax evasion by U.S.S. Experts**

1210. { Shri Bade:  
Shri Vishwa Nath Pandey:  
Shri Yashpal Singh:

Will the Minister of Finance be pleased to refer to the reply given to Unstarred Question No. 2727 on the 30th April, 1964 and state:

(a) whether the report of the U.S. Tax Experts has since been received; and

(b) if so, the main points highlighted by the U.S. Experts team?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Yes, Sir.

(b) The main recommendations of the U.S. Experts Team are:—

(i) Separation of responsibility for collection from assessment work.

(ii) Balanced assessment programme based on selective scrutiny of returns.

(iii) Re-organization for tackling tax evasion.

(iv) Simplification of tax computations.

(v) Re-organisation and improvements in management techniques.

**Seizure of Contraband Gold**

1211. { Shri B. N. Kureel:  
Shri Vishwa Nath Pandey:  
Shri Daljit Singh:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Bombay Customs seized 3,570 tolas of contraband gold valued at Rs. 5 lakhs from a Coastal liner SS. "Sabarmati" which reached Bombay on the 22nd July, 1964; and

(b) if so, the details thereof and the action taken by Government in the matter?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). 3,570 tolas (41,637 grams) of unclaimed contraband gold worth approximately Rs. 223,091 at the international price (Rs. 5 lakhs approximately at the local market price) was seized by the Customs authorities at Bombay from SS. "Sabarmati" on the 22nd July, 1964. The gold was found lying on the top of the blower trunking in the first class passengers' lavatory. Departmental proceedings for the confiscation of the gold, as also against the Master and Owners of the ship, are being initiated.

#### Corrugated Iron Sheets

1212. **Shri Daljit Singh:** Will the Minister of Works and Housing be pleased to refer to the reply given to Unstarred Question No. 2009 on the 9th April, 1964 and state the steps since taken to provide corrugated iron sheets for roofing houses in the backward areas of Punjab?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** There is still an acute shortage of galvanised corrugated sheets in the country. Supplies against outstanding indents are, however, being made to the extent possible. The monthly quota of despatches against the indents of Punjab for the current quarter (July-September, 1964) is 104 tonnes.

#### Transmission and distribution of Power

1213. { **Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 969 on the 9th April, 1964 and state:

(a) whether the copies of the Code for safe operation and maintenance of transmission and distribution systems of power have been forwarded to the State Governments; and

(b) if so, the reaction of State Governments thereto?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) No. Copies of the Code are still under print.

(b) Does not arise.

#### Electricity for Food Production

1214. { **Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**  
**Shri P. C. Borooah:**  
**Shri M. L. Jadhav:**  
**Shri Balkrishna Singh:**  
**Shri Bishwanath Roy:**

Will the Minister of Planning be pleased to refer to the reply given to Starred Question No. 974 on the 9th April, 1964 and state:

(a) whether the question regarding the extent to which Central aid for electricity for more food production is to be stepped up has since been considered by Government; and

(b) if so, the result thereof?

**The Minister of Planning (Shri B. R. Bhagat):** (a) and (b). The question is still under consideration of the Government.

#### मंत्रियों के निवास स्थानों पर फर्नीचर

1215. { **श्री बड़े :**  
**श्री यशपाल सिंह :**

क्या निर्माण और आवास मंत्री यह बताने की कृपा करेंगे कि :

(क) आजकल प्रत्येक मंत्री और उपमंत्री के बंगलों पर कितने मूल्य का फर्नीचर और विद्युत् उपकरण इस्तेमाल में होता है ;

(ख) क्या मंत्री और उपमंत्री को जो फर्नीचर तथा विद्युत् उपकरण बिना मूल्य दिया जाता है उस की कोई सीमा है ; और

(ग) यदि हां, तो उस का ब्यौरा क्या है ?

निर्माण और आवास मंत्री (श्री मेहर चन्द खन्ना) : (क) सूचना इकट्ठी की जा रही है। यथासमय उसे सभा पटल पर रख दिया जायगा।

(ख) और (ग) जी हाँ।

मंत्री के निवास स्थान (रैजी-डेन्स) पर	रुपये 38,500
उप मंत्री के निवास स्थान (रैजीडेन्स) पर	22,500

**Central Excise Department, Orissa**

**1216. Shri Rama Chandra Mallick:** Will the Minister of Finance be pleased to state the number of quarters constructed so far for the employees of the Central Excise Department in Orissa?

**The Minister of Finance (Shri T. T. Krishnamachari):** No residential quarters have yet been constructed.

**Ford Foundation Grants**

- 1217.** { Shri P. C. Borooh:  
Shri Vishwa Nath Pandey:  
Shri Ram Harkh Yadav:  
Shri Murli Manohar:

Will the Minister of Health be pleased to state:

(a) whether the Ford Foundation has recently announced three new grants, totalling \$818,000 to assist India's family Planning projects; and

(b) if so, what are the specific projects to be financed therewith?

**The Minister of Health (Dr. Sushila Nayyar):** (a) Yes.

(b) The grants announced are for the following purposes:

- (i) Institute of Rural Health and Family Planning, Gandhigram, District Madurai, Madras, for training, research and Evaluation activities to

promote integration of several family planning and Health Programmes already existing at the Institute... \$465,000.

(ii) **Institute of Obstetrics and Gynaecology,** Government Hospital for Women and Children, Egmore, Madras, for expanding its programme of clinical research on contraception and reproduction including research on immunological aspects of reproduction . . . \$182,000.

(iii) **American Public Health Association** for providing supporting services for the Indian Family Planning Programme over the next two years. These services include recruitment of specialists for assistance to the programme, designing and conducting of training programmes in the United States for Indian specialists and procuring and shipping of supplies purchased in the United States . . \$171,000

Total: \$818,000

**Rehabilitation on Rajasthan Canal Area**

**1218. Shri Hem Raj:** Will the Minister of Irrigation and Power be pleased to state:

(a) the various categories of persons from Rajasthan, Punjab and Himachal Pradesh who are to be rehabilitated on the Rajasthan Canal area and the number to be rehabilitated from each State;

(b) the priorities that have been fixed either by the Rajasthan Government or by the Beas Control Board for their rehabilitation; and

(c) from which year the rehabilitation will commence and by which year it will be completed?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) The following categories of persons will be



rehabilitated in the Rajasthan Canal Project area:

- (i) Disabled ex-servicemen and dependents of deceased defence personnel.
- (ii) Ex-servicemen.
- (iii) Ex-Jagirdars under the Prime Minister's Award and other old commitments.
- (iv) Persons displaced on account of construction of the Projects having a bearing on Rajasthan Canal Project like Rajasthan Canal, Rajasthan Feeder, Pong Dam, Beas-Sutlej Link, Harike Project etc.
- (v) Other landless persons.

The number of persons to be rehabilitated has not yet been estimated.

(b) The question of fixing priorities is under examination by the Governments of India, Rajasthan and Punjab.

(c) The rehabilitation will be done as fast as possible after the colonisation policy for Rajasthan Canal is finalised.

#### Report on Audit of Orissa Government's Accounts

1219. **Shri Surendranath Dwivedy:** Will the Minister of Finance be pleased to state:

(a) whether Government have received information about the submission of a report of special audit of Auditor-General of India regarding Orissa Government's deal with certain private firms; and

(b) if so, whether this report has been examined?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Government understand from the Comptroller & Auditor General that inspection reports on the transactions relating to certain purchases by the Government of Orissa have been sent to the State Government.

(b) Government have no information.

#### Premium Prize Bonds Scheme

1220. **Shri Hari Vishnu Kamath:** Will the Minister of Finance be pleased to refer to the statement made in response to the Call Attention Notice regarding Premium Prize Bonds Scheme 1964 on the 5th June, 1964 and state:

(a) whether any modifications have been made or are proposed or contemplated with regard to the working of the scheme; and

(b) if so, the details thereof?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) No modification in respect of the working of the Premium Prize Bonds Scheme 1964 is contemplated. No decision on the continuance of the scheme beyond 31st December 1964 has yet been taken.

(b) does not arise.

#### Cost of Power Generation

1221. **Shri Raghunath Singh:** Will the Minister of Irrigation and Power be pleased to state the comparative cost of generation of power per MW from thermal stations, hydro-electric stations and atomic reactor?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** Perhaps, the information sought is about comparative cost of generation of power per kWh. If so, the average cost of generation from hydro, thermal, and nuclear stations at the power house bus-bars at present is as under:—

Hydro:	2 paise per kWh.
Thermal:	3.3 paise per kWh (at pithead station)
Nuclear:	3.8 paise per kWh (for Tarapore Station) (Estimated)

#### Designs of Thermal Station

1222. **Shri Raghunath Singh:** Will the Minister of Irrigation and Power be pleased to state:

(a) the amounts spent during the Third Five Year Plan on obtaining

designs for thermal stations from the foreign countries;

(b) whether there is any proposal to set up a designs organisation in India; and

(c) number and capacity of thermal stations planned in the last two years of Third Plan and in the Fourth Plan?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Consulting Engineers are appointed by the various State Electricity Boards/Project Authorities. The scope of their services varies from Project to Project, though generally it includes preparation of designs and drawings. It is estimated that payments to the Consulting Engineers for thermal power stations during the Third Plan would be about Rs. 612.31 lakhs, but the exact break-up of the amount paid for designs work only is not available.

(b) A Designs Organisation is already functioning in the Central Water and Power Commission and it has taken up designs work connected with some power stations.

(c) The thermal schemes planned during the last two years of the Third Plan are only those which are actually Fourth Plan schemes, and for which advance action has been authorised. A list of schemes, approved for 'advance' action is laid on the table of the House. [*Placed in Library. See No. LT-3233/64*]. As regards other thermal power stations to be taken up in the Fourth Plan, no final decision has been taken so far.

#### **Coal for Power Generation**

1223. { **Shri Rameshwar Tantia:**  
**Shri M. L. Dwivedi:**

Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government have assessed the requirement of coal for generation of power during the Fourth Plan; and

(b) what is the break-up, grade-wise and field-wise?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) According to tentative estimates, the annual requirement of coal for Thermal Power Stations would rise from about 15 million tonnes at the end of the Third Plan to about 33.8 million tonnes by the end of the Fourth Plan.

(b) The break-up, grade-wise and field-wise, has not yet been finalised.

#### **Teesta Barrage Project**

1224. **Shri Swell:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the inclusion of the Teesta Barrage Project in the Fourth Plan is being actively considered;

(b) whether preliminary studies of the Project have been completed; and

(c) what will be the financial implications of the Project?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes.

(b) Yes.

(c) The financial implications have not yet been fully assessed.

#### **World Bank and Fourth Plan**

1225. { **Shri H. N. Mukerjee:**  
**Shri M. Rampure:**  
**Shri Koya:**

Will the Minister of Finance be pleased to state:

(a) the nature of the talks currently being held between his Ministry and the Planning Commission on the one hand and the President of the World Bank on the other; and

(b) whether the World Bank is expected to contribute to the "basic thinking" reportedly going on in regard to the Fourth Plan?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) The World Bank

plays a dual role as a major lender for India's economic development and as the convenor and Secretariat of the Consortium countries that contribute towards aid for India. In consequence the World Bank keeps in continuous contact with various agencies and departments of the Government of India including the Planning Commission and the Finance Ministry. No specific talks are, however, being currently or specifically held between the President of the World Bank and the Government of India.

(b) No, Sir.

#### Seizure of Diamonds and Watches

**1227. Shri Jashvant Mehta:** Will the Minister of Finance be pleased to state the value and the number of diamonds and wrist watches seized by the Customs since 1st June, 1964?

**The Minister of Finance (Shri T. T. Krishnamachari):** Diamonds valued at about Rs. 2,31,000 and 18,073 wrist watches valued at approximately Rs. 13 lakhs, were seized by the Customs and Central Excise authorities during the period from the 1st June, 1964 to the 31st August, 1964.

#### Seizure of Mint in Moradabad District

**1228. Shri E. Madhusudan Rao:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that a miniature mint for making counterfeit coins was seized in August, 1964, in a village in Moradabad District;

(b) if so, the details thereof; and

(c) the action taken in the matter?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Yes.

(b) Six persons have been arrested. 23 counterfeit 50 paise coins, 4 clay coin casts, 1 kilogram of metal alloy and some powder and other equipment for melting the alloy have been recovered from them.

(c) Two cases have been registered by the State police against the six persons and the cases are under investigation.

#### Streamlining of Work in Planning Commission

**1229. Shri Ram Harkh Yadav:** Will the Minister of Planning be pleased to state:

(a) whether Government propose to set up a panel of experts to help the Planning Commission in streamlining its work;

(b) if so, the reasons therefor and the urgency of having the panel; and

(c) the details of the proposal for Panel?

**The Minister of Planning (Shri B. R. Bhagat):** (a) The setting up of a panel of experts to assist the Planning Commission in its work is under consideration.

(b) The main reason in favour of setting up the panel is to enable the Planning Commission to take the help of prominent non-official experts and the urgency arises in the context of the formulation of the Fourth Plan.

(c) Details of the proposal have not yet been finalised.

#### Over Payment to Contractors

**1230. Shri D. C. Sharma:** Will the Minister of Works and Housing be pleased to state:

(a) whether the Central Public Works Department has been asked to recover over payments amounting to Rs. 2,28,000/- from contractors by the Chief Technical Examiner of the Ministry of Works and Housing;

(b) if so, the circumstances under which these over payments were made; and

(c) the steps taken or proposed to be taken to recover the same?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** (a) Yes.

(b) The Chief Technical Examiner's Organisation carries out examination of works after completion as well as during their progress and scrutinises final bills after payment. The overpayments in question mostly represent the assessed reduction in payment to contractors on account of sub-standard execution of work, excessive payments due to incorrect measurements, short-recoveries for materials supplied and Tools and Plant given on hire to contractors, and wrong interpretation of terms of contract.

(c) The Divisional Officers of the C.P.W.D. have been asked by the Chief Technical Examiner's Organisation to recover the amounts of overpayment pointed out to them. Full particulars of the overpayments have also been intimated to the Accountant Generals concerned for watching the recoveries. The Divisional Officers are expected to effect recoveries of the amounts in question while finalising accounts of the contractors relating to the particular contracts where overpayments have been pointed out, or to effect recoveries from any other payments which may be due to the contractors.

**C.G.H.S. for Government Pensioners**

1231. **Shri Balgovind Verma:** Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 152 on the 13th February, 1964, and state:

(a) whether Government have since taken a decision regarding extension of C.G.H. Scheme to Government pensioners;

(b) if so, the details thereof; and

(c) if not, when a decision is likely to be taken?

**The Minister of Health (Dr. Sushila Nayar):** (a) to (c). The matter is under consideration.

**Control over Brahmaputra**

1232. { **Shrimati Renuka Barkataki:**  
**Shri P. C. Boroah:**  
**Shri P. R. Chakraverti:**  
**Shrimati Savitri Nigam:**

Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that Government of Assam have requested the Central Government to take necessary and immediate steps to control the Brahmaputra and its tributaries; and

(b) if so, the reaction of the Central Government to the request?'

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) An informal request has been received.

(b) The matter is receiving earnest attention.

**Family Planning**

1233. { **Dr. P. Srinivasan:**  
**Shri Paramasivan:**

Will the Minister of Health be pleased to state the methods advised, adopted or practised for family planning in the country and the details thereof?

**The Minister of Health (Dr. Sushila Nayar):** A statement containing the required information is laid on the Table of the House. [*Placed in Library. See No. LT-3234/64.*]

**Slums in Madras**

1234. { **Dr. P. Srinivasan:**  
**Shri Paramasivan:**

Will the Minister of Works and Housing be pleased to state the amount so far given during the Third Plan period either as grant or subsidy for improvement of slums in Madras city?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** Projects under the Slum Clearance Scheme are sanctioned by the State Governments and funds for these projects are also disbursed by them directly to the Construction Agencies.

Central assistance aggregating Rs. 84.42 lakhs for the State as a whole has so far been released to the Government of Madras who have sanctioned projects for construction of 5597 dwelling units in Madras City at an approved cost of Rs. 179.04 lakhs, during the Third Plan Period.

#### Land Reforms in Kerala

1235. **Shri A. V. Raghavan:** Will the Minister of Planning be pleased to state:

(a) the progress made in the matter of carrying out land reforms as envisaged by the Planning Commission in Kerala;

(b) the total number of applications pending in the Land Tribunals for purchase of landlord rights under section 53 of Kerala Act I of 1964;

(c) the number of certificates issued by the Land Board under Section 59 of Kerala Act I of 1964;

(d) the number of applications that were pending in the Tribunals for purchase of landlord rights when Kerala Act I of 1964 came into force; and

(e) the manner in which such applications were disposed?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Provisions have been made in the Kerala Land Reform Act, 1963 for fixity of tenure, regulation of rent, conferment of ownership on tenants and imposition of ceiling on land holdings. The provisions relating to fixity of tenure, regulation of rent and optional right of purchase by tenants were brought into force with effect from 1st April, 1964.

(b) and (c). 73 applications have been filed under the provisions for

optional purchase in the Kerala Land Reform Act, 1963 up to the end of August 1964. Land Tribunals have to conduct enquiries on the applications to determine the purchase price payable by tenants before the Land Boards could issue certificates of purchase. No. certificate has been issued so far.

(d) and (e). Under the Kerala Agrarian Relations Act 15,645 applications had been filed under section 18 and 4,368 applications under section 36. These applications have lapsed.

#### Agitation by Field Workers of LIC

1236. { **Shri S. M. Banerjee:**  
**Shrimati Renu Chakravarty:**  
**Shri Brij Raj Singh:**  
**Shri J. B. Singh:**  
**Shri Yashpal Singh:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Field Workers of Life Insurance Corporation have started agitation for the redress of their grievances;

(b) whether they have represented their grievances to his Ministry and to the Life Insurance Corporation; and

(c) if so, the action taken by Government thereon?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). Yes.

(c) After protracted negotiations with the National Federation of Insurance Field Workers of India, the Life Insurance Corporation entered into a settlement with the Federation in March, 1964, regarding the terms and conditions of service of field or development officers. As the present grievances of the development officers do not seem to be justified, and as some of the demands are not also related strictly to their terms and conditions of service, no particular action by the Central Government is considered necessary.

**"Tax Collections"**

and New Jemahari Khas collieries and lay off without any lay off benefit of Babisol colliery."

1237. { Shri Ram Harkh Yadav:  
Shri Murli Manohar:

Will the Minister of Finance be pleased to state:

(a) the amount of tax collections by the Centre during the first quarter of the current financial year on account of income tax, excise duty and customs duty;

(b) whether the tax collections have been comparatively smaller during this period than the corresponding period of the last year; and

(c) if so, the reason therefor?

The Minister of Finance (Shri T. T. Krishnamachari): (a) The required information is given below:--

	Rs. (crores)
Income-tax including Corporation tax	49.95
Excise duty	*177.62
Customs duty	98.56

(b) No.

(c) Does not arise.

13.05 hrs.

**CALLING ATTENTION TO MATTER  
OF URGENT PUBLIC  
IMPORTANCE**

**ALLEGED SERIOUS SITUATION IN THE  
COLLIERY AREA OF RANIGANJ**

**Shrimati Renu Chakravartty** (Barrackpore): Sir, I call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and request that he may make a statement thereon:

"The serious situation in the entire colliery area of Raniganj arising out of lockouts in Bankola

The Minister of Labour and Employment (Shri D. Sanjivayya): The Notice concerns three collieries.

Regarding Bankola, a telegram was received in the Ministry from the Colliery Mazdoor Sabha about lock-out of over 3,000 workers, tear-gassing by the police, and burning down of workers' quarters. An enquiry was made by the Conciliation Officer (Central), Raniganj, who has reported that the trouble began on 17th September 1964 when two labour huts were observed to be on fire at about 8.30 p.m. The workers, who appear to have been agitated, formed themselves into two groups consisting of the members of the Colliery Mazdoor Sabha and that of the Colliery Mazdoor Congress. It has been alleged on one side that the Colliery Mazdoor Sabha members stopped the workers from going to work as a result of which the third shift could not function, but the Colliery Mazdoor Sabha members, however, allege that they were stopped from work by the Management's men. There seems to be much inter-union rivalry in the Colliery. The police had to be called in. Since the peace in the colliery was greatly disturbed they had to use tear gas. It is reported that about 55 workers have been arrested by the police, 26 belonging to Colliery Mazdoor Sabha and 29 belonging to Colliery Mazdoor Congress.

The Labour Inspector, Central, was able to get the work in the colliery started from 11 A.M. on 18th September, 1964. The situation in the colliery is now reported to be peaceful. The police are stationed there to prevent any further breach of the peace and they are making detailed investigations into the case.

\*excludes figures in respect of Salt Cess, Coal Cess and Cess on Iron Ore.

[Shri D. Sanjivayya]

A telegram was received in the Ministry from the Colliery Mazdoor Sabha, Asansol, on 20th September, 1964, alleging that the New Jemahari Khas Colliery Management had vindictively and illegally locked out without notice all workers since 28th August, 1964. The Regional Labour Commissioner, Calcutta, has been asked to look into the matter and report the facts of the case. His report is awaited.

A telegram was received in the Ministry from the Colliery Mazdoor Sangh, Asansol, on 14th September, 1964 in the same terms as in the case of New Jemahari Khas Colliery, alleging that the Babisol colliery Management had vindictively and illegally locked out without notice all workers. On enquiry, it has been reported that work in the Lower Kajora Seam of Babisol Colliery was stopped on grounds of safety with effect from 8th September 1964, in pursuance of the directions of the Chief Inspectorate of Mines. On receipt of subsequent permission from the Chief Inspectorate of Mines to re-start work, normal working of the mine was restored from the afternoon of 14th September 1964. The quarry working in the colliery, which had also been stopped due to accumulation of water on 8th September, was also allowed to be resumed from 19th September 1964. The situation in the colliery is now reported to be normal. Information about the lay-off benefits to the workers for this period is awaited.

**Shrimati Renu Chakravarty:** May I know whether it is not a fact that as far as Bankola colliery is concerned these workers' quarters were actually burnt down by the management, by gangsters led by the manager himself, and whether it is not a fact that under the leadership of this manager the workers were not permitted to go to the third shift? If so, may I know why it is that this manager himself has not yet been arrested by the police?

**Shri D. Sanjivayya:** As I have said in the statement, police are investigating into the matter and when the investigations are over they will take action.

**Shrimati Renu Chakravarty:** May I know why it is that the entire question of lockouts of so many workers in the entire colliery area has not been brought to the notice of Government by the central labour machinery which functions in that area, why it is that in a colliery like Babisol colliery, which has already been found by the central labour machinery of Government to be guilty of unfair labour practices on more than one occasion, this question of laying off giving benefits has not been implemented and the central Government is still awaiting for news from its implementation machinery?

**Shri D. Sanjivayya:** It is only recently that it was reported to us and we have asked the central industrial relations machinery to look into the whole case. The moment we receive reports from them and the moment we come to know the facts of the case, we will certainly take action.

**Shri Indrajit Gupta** (Calcutta South-West): It is not at all clear from the statement that the hon. Minister read out whether the Jemahari Khas Colliery is actually at a stoppage or it is working. It is alleged that it is locked out and the Minister said that he was still awaiting the report of the Regional Labour Commissioner. Is it working or is it closed down?

**Shri D. Sanjivayya:** With regard to the Jemahari Colliery, I said that the colliery was closed down on account of the instructions given by the Chief Inspectorate of Mines for safety reasons. Now, they have obtained....

**Shrimati Renu Chakravarty:** That is Babisol.

3493 *Calling Attention ASVINA 2, 1886 (SAKA) Death of School 34  
to matter of Urgent Children  
Public Importance in Kurnool*

**Shri D. Sanjivayya:** I am reading out about the Jemahari Colliery which is under the Babisol Colliery management.

**Shri Indrajit Gupta:** I am talking about the Jemahari Khas.

**Shri D. Sanjivayya:** Please let me read it again. It says:

"in the case of New Jemahari Khas Colliery, alleging that the Babisol colliery Management had vindictively and illegally locked out without notice all workers. On enquiry it has been reported that work in the Lower Kajora Seam of Babisol Colliery...."

**Shrimati Renu Chakravartty:** That is Babisol.

**Shri Indrajit Gupta:** I am asking about New Jemahari Khas.

**Shri D. Sanjivayya:** There seems to be some confusion because according to the report that we have received it looks as though Jemahari Khas and Babisol are one and the same.

**Shrimati Renu Chakravartty:** No, no.

**Mr. Speaker:** He will kindly ascertain the facts.

**Shri D. Sanjivayya:** A telegram was received in the Ministry from the Colliery Mazdoor Sabha, Asansol, on 20th September, 1964. Therefore, we are still awaiting a report, according to that. A report is still awaited from the Regional Labour Commissioner.

**Shri Indrajit Gupta:** That may be a detailed report. I want to know whether the colliery is working or not. Even that report he cannot give us. That is all I want to know. The detailed report can come later on.

**Shri D. Sanjivayya:** I have no information.

**Shrimati Renu Chakravartty:** He should really look into the matter.

**Mr. Speaker:** He might ascertain more facts about it.

**Shri D. Sanjivayya:** We will certainly ascertain facts.

STATEMENT RE: DEATH OF SCHOOL CHILDREN IN KURNOOL

**Mr. Speaker:** The hon. Minister of Education.

**The Minister of Education (Shri M. C. Chagla):** The unfortunate tragedy in question came to the notice of the Ministry through radio and press reports. We are all deeply grieved that such a shocking tragedy affecting a large number of children of an elementary school should have occurred. The Ministry has been constantly in touch with the Director of the CARE in Delhi and also with the Education Department of the Andhra Pradesh Government for further details. Information received from both these sources indicates the following position:

Maddekar is a Panchayat village with a population of about 15,000 in Kurnool District. The CARE Mid-day Meals Programme had been discontinued in the Block for some time prior to 15th September because of the incidence of Cholera. There were no cases of Cholera in Maddikare village. The school-going children of this village were supplied Mid-day Meals on 15th, 17th and 18th September. On the night of the 19th the President of the Panchayat Board reported to the Chief District Medical Officer Kurnool about the cases of suspected food-poisoning and resultant deaths. The Medical Officer visited the village on the 20th and organised medical help. The Secretary Zila Parishad suspended the supply of mid-day meals in all the schools of the Kurnool District on receipt of the report.

The Mid-day Meal which consists of Corn Meal, Butter, Oil and Milk



[Shri M. C. Chagla]

Powder supplied by CARE (With salt and onions) was prepared at one central place in Maddikare and served to various schools.

The Chairman Zila Parishad Kurnool met the Director of Public Instruction at Hyderabad on the 22nd and expressed the opinion that the unhappy incident might have been the result of food-poisoning during the process of cooking the mid-day meals. In his opinion the food material supplied by CARE are in fresh condition and are being supplied from the same stock to other villages in the Block without any complaint.

According to the Health Officer the exact cause for the contamination or the infection will be known after the analysis of (i) food stuffs (ii) vomittings (iii) excreta (iv) viscera obtained as a result of post mortem. The Chemical Examiner's opinion had not been received by the Education Department of Andhra Pradesh till the 23rd.

The total number of students who were supplied mid-day meals was 320 of whom 174 were reported to be infected. This shows that part of the meal might have been infected as it was cooked in instalments.

The number of attacks and deaths date-wise is as under:

Date	Attacks	Deaths
19-9-64	63	17
20-9-64	66	12
21-9-64	30	3
22-9-64	15	6
	174	38

Special medical assistance was rendered by the Superintendent of the General Hospital, Kurnool. No complaint has been received in regard to the inadequacy of the medical help.

The CARE authorities had also started anxious investigations. They have reported that this programme

covers millions of children and all the food-stuff received in Andhra Pradesh are subject to the same rigid controls and made with the same high standards as those consumed in the school lunch programme in America and other countries. It may be stated that the CARE Mid-day Meals Programme is in operation in several States of the country covering about 7 million children and the CARE appoints its own Administrator in each of the States where the Programme has been accepted by the State Government.

**Shri Hem aBrua** (Gauhati): May I seek a clarification?

**Mr. Speaker:** Would they like to ask questions?

**Shri Hem Barua:** Yes, Sir.

**Shri Hari Vishnu Kamath** (Hoshangabad): It was held over last week.

**श्री यशपाल सिंह :** (कैराना) : कुकिंग में जो पायजनिंग हुआ है, वह इंटेशनली किया गया है या एक्सीडेंटली हो गया है..... (इंटरप्राइज)

**उपाध्यक्ष महोदय :** आर्डर आर्डर ।

**श्री यशपाल सिंह :** आगे क्या सरकार कोई एसा रूल बनाने जा रही है कि कुक करने वाले जो हैं, उनको बच्चों को खिलाने से पहले खिलाया जाए जिससे आइंदा यह गलती न हो ?

**अध्यक्ष महोदय :** अभी एक ओपिनियन यह आई है कि गालिबन वहां यह हुआ हो । दूसरी ओपिनियन अभी आनी बाकी है । हम फौरन ही इस तरह की बात न करें । अभी एक ओपिनियन दी गई है, बाकी नतीजा आने से पहले ही कनक्लूयेंस पर जम्प करके कोई चीज नहीं कहनी चाहिये ।

**Shri Hari Vishnu Kamath:** Is the Minister in a position to indicate whether the chemical examiner's report will be received very shortly

and, if that is not the case, will he make every effort to get the report expedited so that we can have it in this session and, if necessary, on the report when it is received a further enquiry could be ordered in the matter?

**Shri M. C. Chagla:** I shall place on the Table of the House the report of the chemical examiner as soon as it comes.

**Shri Hari Vishnu Kamath:** Will it be expected and placed on the Table in this session?

**Shri M. C. Chagla:** I have already asked the authorities to give me information as soon as possible. After all, it is for the Andhra State to do it; I cannot do it from Delhi.

With regard to the other question, it is not yet decided or definite that the cause of death was faulty cooking. This is merely a guess.

**Mr. Speaker:** That is what I told Shri Yashpal Singh. I suggested to him that it is only one guess or opinion that it might be due to that.

**Shri Warrior (Trichur):** I wish to know whether, apart from the supplies made by CARE, any other supplies were made for cooking from outside sources, from the bazar or somewhere and, if so, whether some investigation has been made about those stores.

**Shri M. C. Chagla:** As far as I know the only supply was through CARE. CARE sends all the supplies and the cooking is done on the spot. So, it is either the supplies or some defect with the cooking.

**Shri Warrior:** Other things were also mentioned.

**Mr. Speaker:** There were onions and some other things.

**Shri M. C. Chagla:** That was also supplies by CARE.

**Shri Hem Barua:** It cannot be onions came from the local bazar.

**Mr. Speaker:** I suppose, onions must have come from the local bazar.

**Shri M. C. Chagla:** My statement reads as if both the salt and onions were supplied by CARE.

**Shrimati Renu Chakravartty (Barackpore):** Why was it continued for four days? It seems that the attacks took place on four consecutive days. Why was it that the entire thing was not stopped on the very first day when this poisoning took place?

**Shri M. C. Chagla:** The hon. Member is mistaken. The supply was stopped as soon as the attack took place. But these are the figures of attacks on four different days.

**An Hon. Member:** That means that it went on.

**Mr. Speaker:** I also could not follow that. I also wanted to put the same question because that roused my curiosity as well. The hon. Minister has said that on such and such a date there were so many affected, and so many deaths were there, then, again, on the subsequent day, so many were affected, and so many deaths were there . . .

**Shri P. K. Deo (Kalahandi):** Was it in the same school or in different schools?

**Mr. Speaker:** That was exactly what was not clear to me also. If the children had been affected and the deaths had taken place on one day, why was it that on the second day also the same thing was allowed to be repeated?

**Shri M. C. Chagla:** As you know, sometimes the infection takes place later.

**Shri Ranga (Chittoor):** Why does the hon. Minister give his impressions now? If he has got any information he can give it.

**Shri M. C. Chagla:** I shall make inquiries. But as far as I know, as soon as it was known that the attack took place, the supply was stopped.

**Mr. Speaker:** It is just possible, as the hon. Minister has said, that the infection might have been discovered later. But then according to his statement, it might be construed or understood as if so many had been affected on one day and so many of them died, then, again on the next day, so many were affected and so many died, and again on the third day so many were affected and so many died. The statement reads like that and gives a wrong impression.

**Shrimati Renu Chakravartty:** I think that the matter should be clarified.

**Shri M. C. Chagla:** This is the statement attached, but it may be that the infections were discovered from day to day. I shall ascertain the facts.

**Mr. Speaker:** Now, Shri Bagri.

**Shrimati Renu Chakravartty:** I think this is a matter which we should take notice of. This is not a satisfactory answer, because deaths have taken place in such a virulent form.

**Mr. Speaker:** Then, I can ask the hon. Minister to ascertain more facts and place them before the House, and on that occasion Members can put questions.

**Shri S. M. Banerjee (Kandur):** May I ask one question?...

**Mr. Speaker:** The same thing should not be repeated every time. The question has been asked, and now more information is required . .

**Shri Warrior:** Much more investigation is required.

**Mr. Speaker:** . . . As soon as he gets more information he may place

it on the Table of the House; particularly in regard to those matters on which doubts have been expressed, he may try to ascertain what the actual facts are and then place them before the House.

**Shri M. C. Chagla:** I shall take your permission to make a statement as soon as I have got some more information.

**श्री बागड़ी (हिसार):** अध्यक्ष महोदय, इस में मेरा भी नाम था।

**अध्यक्ष महोदय:** मैंने तो आप को बुलाया था, मगर यह स्थगित रक्खा गया है ताकि पूरी इत्तला आ लें।

**Shri Hem Barua:** My name was also there, but you did not call me.

**श्री बागड़ी:** लेकिन इस के अन्दर तो यह हुआ कि आधे आदमियों को तो आप ने सवाल करने का मौका दिया और बाकी आधे आदमियों को . . . . .

**अध्यक्ष महोदय:** मैंने तो सारे हाउस की मर्जी से, उन से पूछ कर ऐसा किया। मैंने हाउस के सामने इस को रक्खा और उन की मर्जी से यह फैसला हुआ। मैंने आप को बुलाया था, लेकिन जब देखा गया कि मुकम्मिल बयान नहीं है तो सारे हाउस की मर्जी से इसको मुलतवी रक्खा गया। खाली आप का ही नाम बाकी नहीं रहता है, और भी बहुत से बाकी रहते हैं जो कि इस में थे।

**श्री हुकम चन्द कछुवाय (देवास):** उन से नहीं पूछा गया इस लिये नाराज हैं।

**अध्यक्ष महोदय:** मैंने सब से पूछा था और कइयों ने सोचा कि बयान पूरा नहीं आया है।

PAPERS LAID ON THE TABLE  
NOTIFICATIONS UNDER COMPANIES ACT

**The Minister of Finance (Shri T. T. Krishnamachari):** I beg to lay on the Table a copy each of the following papers:—

(1) The Petroleum Companies Amalgamation Order, 1964, published in Notification No. S.O. 2987, dated the 31st August, 1964, under sub-section (5) of section 396 of the Companies Act, 1956. [Placed in Library. See No. LT-3221/64].

(2) The Trustees (Declaration of holdings of shares and debentures) Rules, 1964, published in Notification No. GSR. 1268 dated the 1st September, 1964, under sub-section (3) of section 642 of the Companies Act, 1956. [Placed in Library. See No. LT-3222/64].

12.24 hrs.

RE: CALLING ATTENTION  
NOTICES (Query)

**श्री बागड़ी (हिसार):** अध्यक्ष महोदय, मैं एक अर्ज करना चाहता हूँ। मेरा एक कालिग अटेंशन नोटिस था, लेकिन उसे जनाब ने नामन्जूर कर दिया। राज्य सभा में उसी कालिग अटेंशन नोटिस के बारे में, उन्हीं गिरफ्तारियों के ऊपर, गृह मंत्री बयान देने को राजी हो गये।

**अध्यक्ष महोदय:** माननीय सदस्य को मेरी तकलीफ को भी देखना चाहिये। जब मैं फंसला करता हूँ तो जो रूल्स मुझे इस हाउस ने बना कर दिये हैं, अपनी अक्ल के मुताबिक मैं उन पर अमल करने की कोशिश करता हूँ। अब अगर दूसरे साहब इस मामले में कोई और नतीजे पर पहुँचें तो मेरा उस पर कोई जोर नहीं है। हो सकता है कि इस में

कमी फर्क हो जाये। वह एक अलाहदा इंड-पेन्डेंट हाउस है, और वहाँ के प्रेजाइडिंग आफिसर खुद फंसला करते हैं कि कौन सी चीज . . .

**Shri S. M. Banerjee (Kanpur):** We would like to know whether those persons have been arrested under the Centre's instruction. That was the calling-attention-notice.

**Mr. Speaker:** I am coming to that, and I am just taking it up. But, before I take it up I find that some hon. Member gets up and puts the question.

I have received eight calling-attention-notices, and they are signed by the representatives of most of the parties. For instance, they have been tabled by Shri H. N. Mukerjee, Shri-mati Renu Chakravartty, and others; there is a third one also; then again there is one by Shri Umanath; then we have the names of Shri Hem Barua, Shri S. M. Banerjee, Shri Warior, Shri Hari Vishnu Kamath etc. There is another name which I cannot read. I think it must be Shri Bagri's name. If I cannot read out the name, it must be Shri Bagri's. Then, there is Shri Indrajit Gupta's name. I have received so many notices. In most of them it has been stated that it was in consultation with the Central Government or at the instance of the Central Government or after talks with the Prime Minister that this has been done . . .

**Shri Hari Vishnu Kamath (Hoshan-gabad):** Under advice or instructions.

**Mr. Speaker:** These are the allegations made. I would request the hon. Minister, Shri Hathi to inform me whether there has been any such thing as consultation with the Central Government or at the instance of the Central Government or any discussion with the hon. Prime Minister.

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** No; it was neither with the consent nor under the instructions or advice of the Central Government.

**Shri Hem Barua (Gauhati):** The Home Minister Shri Nanda made an omnibus statement that he had given a suggestion to the State Governments to take care of the possible action by the trade union leaders and political workers, so that they might not stage any *hartal*, on the 25th September. These arrests are concerned with the *hartal*. The Home Minister had made an omnibus statement to that effect.

**Mr. Speaker:** I am not concerned with that now.

**Shri S. M. Banerjee:** We only want to know the position in regard to the Central Government. For we have in our possession information to the effect that when the Prime Minister visited Calcutta last Sunday, he had some consultation with the Chief Minister and others. Apart from that, when the decision was announced, we found that it was the Home Minister who had always been opposing this *Bharat bandh* and so on. So, we would request the hon. Minister to kindly let us know whether these arrests had anything to do with the Central Government, whether the Prime Minister had given any instructions.

**Mr. Speaker:** I shall again put the question to the hon. Minister.

**Shri S. M. Banerjee:** Shri Hathi is not the conscience-keeper of the Prime Minister.

**Shri Daji (Indore):** On a point of order. My calling-attention-notice specifically says that it was done when the Prime Minister visited Calcutta on the 20th of this month. My submission is that Shri Hathi is not the conscience-keeper of the Prime Minister, nor did he accompany him to Calcutta. It is only for the Prime Minister to come and tell us what the position is.

**Mr. Speaker:** The copies of these notices do go to the Ministers concerned, and, therefore, I expect that when the hon. Minister comes here to answer it, he has tried to get all the

information that is required here. I suppose that the hon. Minister should either say that he does not know it or that he has not got the information, or I must accept the statement that he has made. Now that the question has been put, the hon. Minister might answer it.

**श्री बागड़ी:** मेरा एक व्यवस्था का प्रश्न है।

**अध्यक्ष महोदय:** यह सब व्यवस्था ही तो चल रही है। आप भी कह लीजिये।

**श्री बागड़ी:** मैं तो सिर्फ आप ने जो हुकम अभी फरमाया था कि वह अलग हाउस है और वह अलग अपना फैसला देता है, उसी के ऊपर अपनी बात अर्ज करना चाहता हूँ। आप भी फैसला देने के पहले मामले को मंत्री महोदय के पास भेजते हैं और वह भी भेजते हैं, उस पर राय जानने के लिये। लेकिन राज्य सभा के अन्दर इस किस्म का फैसला हुआ कि माननीय मंत्री जी अपनी राय दे देते हैं कि अंडर कंसिडरेशन है, और इधर नहीं। इस आधार पर अगर.....

**Shri S. M. Banerjee:** The hon. Prime Minister is now here, and he may give us the answer.

**Shri Bhagwat Jha Azad (Bhagalpur):** Though it may be technically right for the hon. Minister to say that the State Government did not consult the Central Government before arresting Bakshi Ghulam Mohammed, may I know whether just before the actual arrest or a week or so before that, directly or indirectly, the State Government had sought the permission of the Centre to arrest him or to put him under restrictions?

**Mr. Speaker:** Order, order. I have put it to the hon. Minister already.

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** All the other notices mention about instructions from the Centre, but one

particular notice from Shri Indrajit Gupta has said 'in consultation with the Prime Minister and the State Government'. I have just now asked the hon. Prime Minister also, and I understand that there was no consultation with him in Calcutta.

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**PAPERS LAID ON THE TABLE—**  
contd.

**NOTIFICATIONS UNDER PREVENTION OF  
FOOD ADULTERATION ACT**

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** On behalf of Dr. Sushila Nayar . . . (Laughter), I beg to lay on the Table a copy each of the following Notifications under sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954:—

(1) The Prevention of Food Adulteration (Amendment) Rules, 1964 published in Notification No. GSR. 1182 dated the 22nd August, 1964.

(2) The Prevention of Food Adulteration (Second Amendment) Rules, 1964, published in Notification No. GSR 1222 dated the 29th August, 1964. [Placed in Library. See No. LT-3223/64].

**Mr. Speaker:** The hon. Minister must have realised that the Members have objections to Shri Mehr Chand Khanna representing Dr. Sushila Nayar.

**Shri Hari Vishnu Kamath:** He has played his part well.

**NOTIFICATIONS UNDER CUSTOMS ACT  
ETC.**

**The Minister of Planning (Shri B. R. Bhagat):** I beg to lay on the Table—

(1) A copy each of the following Notifications under section 159 of the Customs Act, 1962:—

- (i) G.S.R. 1260 dated the 5th September, 1964.
- (ii) G.S.R. 1279 dated the 12th September, 1964.

(iii) G.S.R. 1282 dated the 12th September, 1964.

(iv) G.S.R. 1283 dated the 12th September, 1964.

(v) G.S.R. 1285 dated the 12th September, 1964.

(vi) G.S.R. 1286 dated the 12th September, 1964.

[Placed in Library. See No. LT-3224/64].

(2) A copy each of the following notifications under section 159 of the Customs Act, 1962 and section 38 of the Central Excises and Salt Act, 1944, making certain amendments to the Customs and Central Excise Export Drawback (General) Rules, 1960:—

(i) G.S.R. 1280 dated the 12th September, 1964.

(ii) G.S.R. 1281 dated the 12th September, 1964. [Placed in Library. See No. LT-3226/64].

(3) A copy of Notification No. G.S.R. 1284 dated the 12th September, 1964 containing Corrigendum to G.S.R. 1087 dated the 1st August, 1964, under section 159 of the Customs Act 1962 and section 38 of the Central Excises and Salt Act 1964. [Placed in Library. See No. LT-3228/64].

(4) A copy of the Annuity Deposit Scheme, 1964 published in Notification No. G.S.R. 1214 dated the 10th September, 1964, under sub-section (4) of section 280W of the Income-tax Act, 1961. [Placed in Library. See No. LT-3227/64].

(5) A copy each of the following schemes under sub-section (1) of section 45 of the Banking Companies Act, 1949:—

- (i) Scheme for the amalgamation of the Unao Commercial Bank Ltd. with the Bareilly Corporation (Bank) Ltd. published

[Shri B. R. Bhagat].

in Notification No. S.O. 2766 dated the 15th August, 1964.

[Placed in Library. See No. LT-3228/64].

- (ii) Scheme for the amalgamation of the Latin Christian Bank Ltd., Ernakulam, with the State Bank of Travancore, Trivandrum published in Notification No. S.O. 2823 dated the 22nd August, 1964. [Placed in Library. See No. LT-3229/64].

- (iii) Scheme for the amalgamation of the Southern Bank Ltd. with the United Industrial Bank Ltd. published in Notification No. S.O. 2910 dated the 20th August, 1964. [Placed in Library. See No. LT-3230/64].

12.32 hrs.

INTIMATION RE: RELEASE OF  
MEMBER

**Mr. Speaker:** I have to inform the House that I have received the following letter dated the 21st September, 1964 from the Sessions Judge, Eluru:

"I have the honour to inform you that **Shrimati V. Virola Devi**, Member, Lok Sabha, who was convicted on the 18th September, 1964, by the Additional District Munsif Magistrate, Eluru, for offences under sections 341 and 353, Indian Penal Code, and sentenced to undergo simple imprisonment for one week and simple imprisonment for six weeks, respectively (both the sentences to run concurrently) for having restrained two employees of the Andhra Bank, Eluru, from going into the Bank on the 26th August, 1964, and for having used criminal force....

**An hon. Member:** She is here in the House.

**Mr. Speaker:** I am coming to that. I have to read it.

"... against the Sub-Inspector of Police who was discharging his duty at the Bank, is ordered to be released on bail under section 426(1), Criminal Procedure Code, by this Court on the 21st September, 1964, suspending the sentences passed, pending disposal of the criminal appeal filed in this Court."

ANTI-CORRUPTION LAWS  
(AMENDMENT) BILL\*

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1898, the Criminal Law Amendment Ordinance, 1944, the Delhi Special Police Establishment Act, 1946, the Prevention of Corruption Act, 1947 and the Criminal Law Amendment Act, 1952.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1898, the Criminal Law Amendment Ordinance, 1944, the Delhi Special Police Establishment Act, 1946, the Prevention of Corruption Act, 1947 and the Criminal Law Amendment Act, 1952."

*The motion was adopted.*

**Shri Hathi:** I introduce the Bill.†

**Shri Hari Vishnu Kamath (Hoshangabad):** Before you proceed with the next item of the agenda, I wish to have a clarification. Today's List of Business, and tomorrow's also, have come to us and I find that tomorrow's

\*Published in the Gazette of India Extraordinary, Part II, Section 2, dated 24-9-64.

†Introduced with the recommendation of the President.

List of Business—we want to be posted correctly with the business of tomorrow—shows Questions first, and the second item is, straightaway the Motion by the Minister of External Affairs. Usually, the List of Business which arrives one day ahead, shows that after Questions, the business not concluded on the previous day would be taken up. Does it mean that irrespective of whether today's business is completed or not, this motion will have priority?

**Mr. Speaker:** If anything is left out in today's business, that will be taken up later?

APPROPRIATION (NO. 5) BILL

**The Minister of Finance (Shri T. T. Krishnamachari):** I beg to move\*

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1964-65, be taken into consideration."

**Mr. Speaker:** The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1964-65, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That Clauses 1, 2, 3, the Schedule, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

Clauses 1, 2, 3, the Schedule, the Enacting Formula and the Title were added to the Bill.

**Shri T. T. Krishnamachari:** I beg to move:

"That the Bill be passed."

**Mr. Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

KERALA STATE LEGISLATURE  
 (DELEGATION OF POWERS) BILL

**Mr. Speaker:** We take up further consideration of the following motion moved by Shri Hathi on the 23rd September, 1964, namely:—

"that the Bill to confer on the President the power of the legislature of the State of Kerala to make laws be taken into consideration."

No time was allotted.

**Shri Hari Vishnu Kamath (Hoshangabad):** Three hours at least.

**Mr. Speaker:** I will see.

**Shri Warior (Trichur):** Since we have discussed the situation which has given rise to this Bill, I do not want to expatiate on it.

Clause 3 of the Bill has a proviso which says:

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose . . . ."

I hope Government will not follow in practice literally what is said here, and that at least in respect of major legislation concerning the State, this committee, consisting of Members of Parliament from Kerala in both the Houses, will be consulted. That is my request.

\*Moved with the recommendation of the President.



[Shri Warior].

Though this President's rule is intended only for about four months before the elections in February, 1965, there are so many matters likely to come up, and we have only one session of Parliament, the winter session, intervening. Hence, when there is no session of Parliament, it is very essential that this committee should be consulted on legislation, because amendments will come only much later, and by that time effect is given to the enactment already made by the President.

In this committee, only Members of Parliament from both the Houses belonging to Kerala are taken. I wish the amendment moved by Shri Basumatari and others is accepted by the Government. It is the responsibility of Parliament as a whole, but not of the Members of Kerala alone. So, a wider committee is necessary, so that the entire Parliament feels that what is happening in that State is their responsibility, and not only of a few Members coming from that State.

Politically, it has become a problem State now. Elections are coming, and it is run by the Central Government now through its Advisers. Hence, in these elections, more people will be interested. Other States also have an interest to see that the elections are free and fair. In the circumstances, it is necessary, I think, that more Members from both the Houses of Parliament should have a say in matters concerning the State, and especially in conducting fair elections. Hence, I think the amendment of Shri Basumatari must be accepted by Government.

**Shri Nath Pai (Rajpur):** As one listens to Shri Hathi labouring to reply to the different points raised in the House, one is impressed, I must concede it to him, a little by his sincerity and honesty, though, of course, his reply does not prove quite adequate to the expectations which we entertain, and this is something which

I cannot afford to say about most of his colleagues that they make a very sincere, honest and deliberate effort to meet all our points.

You Sir, were pleased to direct that he reply to a particular point. It is not just for the sake of raising it that I venture to raise. I would like him to make a very candid reply, because, the issue that we are discussing is of wider significance and has wider implications, and we must never lose sight . . .

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** You mean Dhebar's visit?

**Shri Nath Pai:** Yes. We must never lose sight of the wider perspective in which we want to operate, that is, that we should never allow, consciously or unwittingly or inadvertently, the withering of our faith in democratic functioning in this country.

There is another question which is germane to the discussion. We have heard in a very vague way that the Government of India is determined to continue with the emergency in the country though we have never heard one convincing argument as to what they want to do with the emergency powers that have been conferred on them. Kerala is a case in point. Under article 353 of the Constitution, had the Government been aware of the powers or the armoury of powers which are at their disposal, perhaps what transpired later on would have been avoided. This article gives the power:

"Notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised;"

Before they took shelter under article 356, perhaps it was possible for

the Government to use the powers which were available to them under article 353 to direct the State Government to carry on the administration in a manner whereby the people's faith in the Constitution and in democracy would not be undermined and torpedoed as it happened there. They could have directed Mr. Santhar's Ministry that these charges coming from a section of the legislature need to be looked into, but what the people would feel and the nation as a whole would feel as non-partisan is converted into a party affair. These charges and complaints ought to have been looked into by the Union Government; if it is claimed that it is taking the recommendations of the Santhanam Committee seriously and earnestly, it ought to have done. One thing is open to it. Under those recommendations, whenever a charge is made against a Minister, by 10 members of the legislature, if the Minister happens to be a State Minister, and by 10 Members of Parliament if the Minister is a Minister in the Union Government, then the Government is called upon to see if there is a *prima facie* case, and if there is a *prima facie* case or not, whether a *prima facie* case exists or not, is not to be decided by the Chief Minister or the Prime Minister who belongs to the same party, but by a panel which has to be created by the President. Here is a formula made available by the Committee which we find is highly satisfactory. Government pledges loyalty to the formula; it always assures us that it wants to implement the recommendations of the Santhanam Committee, but when it comes to face that, to really give it a trial, somehow it shirks the responsibility. That was one aspect of it.

The second is that the Government should have used the directive powers which were available. I would like to ask why Shri Nanda goes on clinging pathetically to the powers which the emergency has conferred

on him. I am reminded here of the drowning man who will not part away with his miserable belongings even when he has no longer any use for them, but only because of his greed for things. We are not seeing how Shri Nanda is using the emergency powers for the purpose for which they were conferred by Parliament on him. On the last occasion, when the House discussed the continuance of the emergency, we had asked, "Are you going to put them to the use for which we conferred powers on you, and if not, for what purpose are they being kept there?" It only makes a mockery of the emergency and of the Constitution, because here was a case in Kerala where the powers could have been used and what has happened could have been prevented if the Government (a) knew what the powers available to them were, and (b) was serious about the emergency in force in this country.

I want to make one or two other proposals also. I do not think, in spite of his being very sincere, he really grasped what was being suggested to him. He is a very intelligent man; none-the-less, I am making this submission, and I hope he will not misunderstand. He normally does not and I plead with him that he does not. He tried to bring in the realm of Constitutional discussion what was submitted to him as practical, feasible step that could be taken. I think he was patently unfair; once again Shri Khadilkar manages to be absent at the crucial moment; Shri Khadilkar, at a very later stage performed that very rare thing—I would not use the word 'trick' because it may not be quite parliamentary, but he somehow wriggled out of the impossible position in which he landed himself the previous day. He had advocated not as a party government in this country but the imposition of one-party rule, and for that, he ought to have given a very categorical assurance to this House that he does not contemplate in any form, in any way, one-party rule in this country.

**An Hon. Member:** Coalition government.

**Shri Nath Pai:** It was something dangerous which he was advocating but very skilfully Shri Khadilkar, coming to the House the next day, and during the remaining part of his speech, deviated completely: I know Shri Lal Bahadur Shastri does not know how to deviate, and it is only a thing which Shri H. N. Mukerjee knows. But Shri Khadilkar departed, deviated, from his original line and then took shelter that he wanted a national government. It is a very serious matter. There is a section, a school, in the ruling party which is being converted, seeing the growing danger to its power, to this kind of philosophy of one-party rule.

Mr. Speaker, with your very wide experience of the Constitutions and of democracy not only in this country but throughout the world, you know that one-party rule is a contradiction in terms; one-party rule and democracy never go together. We want not an academic discussion;—whether this party, confronted with a growing challenge to its authority, is contemplating in terms of following the example of Nkrumahs,—we want to know. Shri Khadilkar was equivocal. If you do not want to be landed once again in the stalemate and the impasse which seems to be chronic in Kerala, some new fresh thinking has got to be done.

I have indicated very clearly my opposition to the united front, and not only with the party of Shri Mukerjee but with all the party's ideology, programme, appraisal, and values of life, I disagree. I have said it frankly and boldly. I wish they would do the same thing. Even then, after doing this, there may not be a solution to the problem of Kerala. Kerala may once again be faced with the problem of having a suitable government for the people of Kerala.

What are the Government thinking of, and what are they going to do?

I have read in today's newspapers that in the Trichur district, the Congress party leadership has come out, clamourously asking for some kind of understanding, alliance, with the Muslim League, and they have given those miserable accounts of how many votes they will be able to get. We want replies to these kinds of things and not constitutional quibbling. Once again, are you going to fall in that trap which is the only method you seem to have evolved after 17 years of functioning? Somehow, when the election comes, it is not the values and long-term interests of the country that should count, but grabbing more and more votes and some more seats! These are the questions germane and more vital than the technicalities and procedural matters that I want Shri Hathi to note.

Today's *Statesman* tells us that the Trichur district Congress party has called on Shri Kamaraj to forgive the so-called opposition which the late Prime Minister had, communal organisations like the Muslim League and to come to terms with the Muslim League. Mr. Namboodiripad has been saying the same thing, and I think if I am not completely misinformed—though not openly but behind subterfuge and facade Shri Mukerjee also wants—though not directly or openly—to do it.

**Shri Warrior:** From Shri Nath Pai's party, Mr. K. C. Menon was advocating something, and Shri Nath Pai was dissociating from it. Why all these extraneous matters should be brought here?

**Shri Nath Pai:** It is not at all extraneous. This is an honest testament of our faith because in Kerala we are all on test. I never repeat myself, but I may repeat that our basic tenets are: are we prepared to barter our faith for the loves and fishes. That is the challenge to us. I have always taken the stand that I would like to be defeated rather than barter away my faith or compromise with

what I regard as essential things of my life, my values, my faith. I would like the Congress to tell us categorically about this.

I have got a practical suggestion. If this stalemate is to be broken, new thinking will have to be done, and that requires courage. Face the electorate with your Plan and your programme and your record and let the Kerala people give the verdict on your record and our record. I want that my party does the same thing. If that does not do well, I have still the courage of saying that I disagree and I am prepared to take the consequences where my faith is involved. I would like the others to say the same thing and try to prove at least sometimes that the country is above the party. I would like them to think in this direction and it can be an experimental trial, an approach, to this.

The Minister yesterday referred to the point that the President is advised by the Kerala MPs in matters pertaining to Kerala. That is with regard to legislation. But there is an executive in Kerala. The Governor will be ruling Kerala for the next six months at least and we hope that they will assure us, as Shri Kamath has asked Shri Hathi, that the schedule of elections will be strictly adhered to and no excuses will be found. Because, Mr. Speaker, once again there are voices in the Kerala Congress—one such voice was raised in the House—that the elections can be postponed, could be postponed and should be postponed. I hope they will not fall into this temptation.

Pending the elections, may I know whether they would not give some consideration to an idea which another of his colleague, Mr. T. T. Krishnamachari, at least when he is informally sitting with us, tries to brush with us, the idea of creation of standing committees for different Ministries? Not those kind of consultative committees, whose counsel hardly

anybody cares for, which are degenerating into a big farce under the facade of which Parliament is being deluded into believing that Parliament is being really consulted in the day-to-day administration of the different departments. I would plead with you, Mr. Speaker, that you also lend your weighty support to this idea that the 18 M.Ps. who represent Kerala in this House could be associated with the different departments, because we do not have a State Legislature. It is novel, but the idea should be weighed whether we should leave it to the different Secretaries to rule a highly articulate people like the Keralites for six months, without any representative Government, when we have 18 chosen representatives. Could not Government, as an experiment, attempt to create standing committees in Kerala for the different Ministries?

It is not enough that in legislative matters the M.Ps. will be consulted. But I would like that they are consulted regularly and their advice becomes something not just for the sake of being recorded in minutes and to be pigeon-holed later on, but to be taken seriously and implemented. I would like to know whether that will not be a pattern for Kerala. This is a question which we should not shirk and avoid, but face boldly. Once again if the pattern of division of votes comes into play, what is going to be the role of the Congress Party and his Government? Once again shall we have those alliances and combinations or shall we try to create a new pattern of seeing that the maximum consensus of the people as reflected in the election is given a voice in carrying out the administration? I would like him to address himself in a bold and courageous manner to these vital questions.

Mr. Dhebar is blatantly going on violating the standards of democracy. The hon. Minister is smiling. Is it a matter for smile? I would like to quote—in today's paper there is a reference to the Chairman of the

[Shri Nath Pai]

Khadi Commission. I am not saying this in a disparaging way or to denigrate or embarrass Mr. Dhebar. I am far more concerned with all of us jointly trying to find a solution. May I conclude, Sir, by saying that this is for me not an exercise in parliamentary rhetoric and eloquence. This is something far more serious. I would plead with him that all of us should try and approach this question as a pointer to the future, as a challenge to all of us, forgetting our petty loyalty to the party and meet it with the necessary degree of vision, which goes beyond the interests of the party. I hope, Sir, Mr. Hathi at least will make an effort in this direction.

**Shri Maniyangadan (Kottayam):** Sir, for the last two days, this House has been discussing Kerala in all its various aspects. I must confess that it was with a certain amount of shame and agony that I had listened to certain proposals made in this House. Certain experiments are suggested. Various proposals, which violently deviate from the Constitution itself, have been proposed. I was not worried by the fall of the Ministry, but now I feel very much worried regarding the approach we make to the question. I only wish to say that this approach should be based on certain fundamental values. We must maintain certain standards and democratic values. Unless that is done, there is no possibility of finding a solution which will be stable.

Mr. Nath Pai referred to party matters and he wanted the Minister to reply as to what attitude the Congress will take in the next elections. I believe the Minister would not take upon himself the responsibility of stating what the Congress would be doing in the elections.

**Shri Nath Pai:** Why are you venting him?

**Shri Maniyangadan:** I am a Congressman and I have my own indi-

vidual opinion. I have certain political views. Mr. Nath Pai himself was saying in his individual capacity what his party is doing there. From today's paper he read about the Trichur representation. He did not read the statement of Mr. Viswambaram, his party leader.

**Shri Nath Pai:** Have I not made my position very clear? Is there any ambiguity?

**Shri Maniyangadan:** He deviates from the policy of his party and asks the Congress to state its attitude. Mr. Viswambaram, his party leader in Kerala, has stated that the leftist alliance is likely to be a success. Their own leaders are going about saying that in order to defeat the Congress, all the opposition parties must pool their forces. Even Mr. Chandrasekar, and their All-India Chairman, have made this statement. Mr. Nath Pai has his own views about the party and he has said that he is prepared to face the consequences. As regards the Congress, the Congress President and other responsible people belonging to the Congress have made statements that they have decided to contest the election on their own. Of course, it is a political affair. There may be certain further developments. I cannot say now what things are going to happen. The Congress President is there. One of the members of the Working Committee is there. Shri U. N. Dhebar is a member of the Congress Working Committee. He attends all the Working Committee meetings and all the AICC meetings.

**Shri Nath Pai:** Is he a part-time Chairman of the Commission?

**Shri Maniyangadan:** He happens to be the Chairman of the Khadi Commission . . .

**Shri Nath Pai:** How does it happen to be? Did it fall on him from the skies? He had chosen to be Chairman.

## Bill

**Shri Maniyangadan:** He is a member of the Working Committee of the Congress and that entitles him to go into the organisational affairs.

**Shri Nath Pai:** Mr. Speaker, it is a serious matter.

**Mr. Speaker:** How can I stop him?

**Shri Hari Vishnu Kamath:** We want a ruling on the point whether the legal position is correct.

**Mr. Speaker:** He is entitled to his own view.

**Shri Nath Pai:** Is he entitled to an erroneous view, such a perversion of law?

**Mr. Speaker:** According to him, it may be erroneous. According to others, it may be correct. He is expressing his own opinion.

**Shri Maniyangadan:** The Chairman of the Khadi Commission is a non-official. He has certain functions as the Chairman of that body. But as a non-official, as a citizen, he has certain other rights. He has the fullest right to take part in active politics. For the last several years, he was doing that.

**Shri Nath Pai:** He is completely misinformed. Only last year he became Chairman of the Commission.

**Shri Maniyangadan:** He has not gone there to do propaganda; he has gone there for certain organisational matters. Even if he has gone there for propaganda work, I am sure there could be no objection for that. That is my view. Mr. Nath Pai and the SSP may differ from that, but that is a different thing.

As regards the state of affairs in Kerala, yesterday also the Minister was asked to state whether an enquiry is going to be made against the various allegations. I am not going into the allegations. But I may bring it to the notice of Government that the situation there is surcharged with emotion, with prejudice . . .

**Shri Warior:** Would there be a mass upsurge also there?

**Shri Maniyangadan:** I do not know whether there will be a mass upsurge. But if my friend would create one, I would like to see that. He had seen the effect of mass upsurge. His party tried to create a mass upsurge.

My hon. friend Shri Kappen referred yesterday to the jeep march from Kasaragod to Trivandrum. Shri Gopalan was leading the march. He said there was going to be a big mass upsurge. They tried on several occasions to create a mass upsurge, but all the time they failed.

## 13.00 hrs.

The present atmosphere there, whether the charges are true or not, is very vicious. According to me the atmosphere has to be cleared. Personally speaking, I would request the Government that after studying the question thoroughly an enquiry should be conducted into the charges levelled against certain officers, for example, the I.G., the Chief Minister there, and if there is any other charge against any other ex-Minister that also must be enquired into. That is my personal feeling. Then only the atmosphere would be cleared. Otherwise this vicious atmosphere will continue and a democratic election itself would be impossible. That is the actual position. So I would request that an enquiry should be conducted. That is my personal view. I do not know whether my hon. friend Shri Warior is supporting it. I say it behoves the Government. When some of the allegations, especially the allegations that were levelled here now by Shri Warior, when those allegations were sought to be enquired into by the Prime Minister, certain people objected to that. But those very same people now demand that an enquiry should be conducted into those things. And some of those people are very much respected by me. So, in order to clear that atmosphere it is better

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that an enquiry is conducted. That is my position.

Now, as regards the alliance in 1959 and all that, and the mass upsurge referred to now by Shri Warier, that alliance between the different parties was based on certain principles, they had certain aims. The main, and perhaps the only aim was to see that democracy is preserved, that a democratic government is brought into being. It was not for sharing power. If the only object of anybody or any party or any individual was to get into power, that was a wrong approach; any alliance which was based merely on that was wrong. There is no doubt about it. After all, I admit, it is of course the politician in Kerala that is responsible for the present state of affairs. Well, Sir, after that to come here and say, "you approach the problem with sympathy or with love and affection", I think there is not much need for such an appeal. I am reminded of a story narrated here by the late Prime Minister on some occasion. That is, a boy out of anger murdered both his father and mother. And when he was hauled up for murder in the court, he pleaded for mercy saying that he was an orphan! That sort of approach, I think, is not going to be of any use to anybody.

**Shri Nath Pai:** The story was interesting, Sir, but we do not see the relevance.

**Dr. L. M. Singhvi (Jodhpur):** Sir, while the political matrix which gave birth to this proclamation deserves deep analysis and study, the constitutional aspects of the legislative powers, I think, should not be relegated to the background. It is of considerable importance for us, Sir, to interpret the provisions of article 356 of the Constitution and those of article 357 with clarity and with reference to the intentions of the founding fathers.

Bill

It appears that the Government has persuaded itself to press into service the provisions of article 357 which say that "whereby a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, it shall be competent for Parliament to confer on the President the power of the Legislature of the State to make laws, and to authorise the President to delegate, subject to such conditions as he may think fit to impose, the powers so conferred to any other authority to be specified by him in that behalf."

We must clearly understand that while the provisions of article 357 are enabling and should be brought into operation only in exceptional circumstances, the provisions of article 356 are the really governing provisions in such a situation such as we are confronted with today. What does article 356 enjoin upon us? Article 356 simply says that "if the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation"—in sub-clause (b) it says—"declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament."

My submission is that under the present situation it was not at all necessary to go any further than the invocation of article 356(1)(b), that is, to declare that the powers of the Legislature of the State would be exercised by Parliament, and it was not necessary therefore to invoke the powers under article 357 to enable the President to legislate and, as a matter of fact, to further sub-delegate his powers to any official or person that he may deem fit.

My objection is also based on a question of principle, and that is that the delegation is to be countenanced only when it becomes absolutely necessary and unavoidable. Sub-delegation is not to be countenanced at all if it is avoidable. In this case what we are faced with is this, that this Parliament would authorise the President to enact such laws as he may deem fit, and indeed the powers that we are proceeding to vest in the President of India may be further delegated to various other functionaries and officials. I do not think it is quite democratic, and I do not think that there are any special circumstances or exigencies which warrant the pressing into service of the provisions of article 357 of the Constitution, where the intention and the meaning of article 356 is clear and where the powers conferred by article 356 are quite adequate to meet the exigencies of the situation.

I would also like to raise the question of clause 3, sub-clause (4) of the Bill before us. This provision relates to the laying on the Table of this House and the other House the various modifications in the Act or any other legislative enactment to be made by the President. My submission is that this provision is not in accordance with the recommendations made by the Committee on Subordinate Legislation of this House, and that recommendation, I submit, should have been respected in its spirit and letter by the Government at the time of drafting this piece of legislation. My submission is that sub-clause (4) of clause 3 actually defeats the very mechanics of laying enactments on the Table of the House, because it says:

"Either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act, and, if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeed-

ing, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2)."

In the first place it is not right, it is not proper, to lay this limit of seven days on any modification to be moved or placed for the consideration of this House in the various enactments that may be made by the President under the powers vested in him. My submission is that even the Statement of Objects and Reasons is very unimpressive and unconvincing when it says that "such legislative measures as may be necessary for the State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all legislative measures for the State." The suggestion is that for lack of time the Parliament would not be willing to comply with its constitutional obligations under article 356(1)(b). This is not a convincing reason at all, and if a reason had to be found it had to be a special reason to persuade us to endorse the Bill as it is placed before us. It appears that shortage of time with Parliament is too much with the Minister and not so much with us. After all, the Parliament has certain obligations under the Constitution, under article 356. At no time has the Parliament indicated that it would not have time to deal with legislative business in a particular State which happens to be under a proclamation under article 356.

With these observations and submissions, Sir, I close, in the hope that the Minister will take note of the various submissions I have just now made.

**Shri Koya (Kozikode):** Sir, I want to say only a few words on this Bill. Different Members belonging to different parties have given *post mortem* reports of the late Kerala Ministry, and I do not think they will agree on the responsibility for the ending of the democratic rule there.

Let us now face the facts as they are. There is now no elected representative government in Kerala. In



[Shri Koya]

an enlightened and educated State like Kerala it would be very difficult to proceed without popular participation, without consulting the popular representatives there. Therefore, while supporting the Bill, I would request the Home Ministry to take immediate steps to see that the elected representatives of that State in Parliament are consulted on the day-to-day problems of Kerala, especially with regard to the food problem in Kerala. I am now told, during a telephonic conversation with friends at home, that the food situation there has taken a very serious turn. There is no rice available in any of the important cities in Kerala. It is a very serious problem that we are facing. An adviser's regime, a President's rule, without popular participation to give proper advice and consultation, would find it very difficult to face a situation like this. People are very much perturbed and panicky. Most of the godowns in the cities like Calicut are empty now. I would, therefore, request the Home Ministry to see that immediate steps are taken to have popular participation. They must take the advice and have consultation with the Members of Parliament from that State as early as possible.

**Shri Hathi:** Mr. Speaker, Sir, Shri Nath Pai had raised a point yesterday and he was also pleased to say that I could reply to it during the course of this debate when we take up the Bill. He has raised an important point, I quite appreciate it. His point is that Shri Dhebar is the Chairman of the Khadi Commission and he asked whether it was proper for him to take part in politics especially when he is the chairman of a statutory board. You, Sir, know that this Parliament has been always alert as to the standard, the conduct and the role which people could play and act if they are government servants in a State or in the Government of India. They cannot be members of a legislature also. Shri Dhebar was a

Member of Parliament. When he took up the office as Chairman of the Khadi Commission he was not disqualified from being a member. The Prevention of Disqualification of Members Act exempted this post. He could have been a Member of Parliament, and I know that he resigned not because he was disqualified to be a Member of Parliament but he thought that he could not do justice to the other work as well as to the Parliament. Supposing he had been a Member of Parliament and also the Chairman of the Khadi Commission, which he was permitted to be, could he have been blamed for or prevented from taking part in politics? As Shri Nath Pai or anyone of us can take part in politics, he could have also taken part in politics. Therefore, under the Act this post is exempted. He could as well be a Member of Parliament or a member of a legislature. Once he can be a Member of Parliament, he can take part in politics. This is the explanation. Unfortunately, Shri Nath Pai is not here otherwise, I think, I would have convinced him.

The second point he raised was as to why the Government did not issue directions under article 353. Article 353 is restricted to issuing directions. The wordings are quite different and the scope of these two provisions are equally different. In 353 the wording is:

"...the executive power of the Union shall extend to the giving of directions to any State..."

Here it is not a question of issuing executive directions. Article 356 says:

"If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution . . ."

The situation that arose in Kerala was that the Governor was satisfied

that the government of the State could not be carried on according to the provisions of the Constitution. It was not a case of issuing directions to the government on the execution of certain policies. This was a fundamental question. When the legislature passed a vote of no-confidence against the government of the State, the government could not be run in accordance with the provisions of the Constitution. Therefore, the question of issuing directions does not come in.

The third point that Shri Nath Pai raised was about some experiment. Yesterday, when Shri Khadihar and Shri Ranga suggested certain experiments he said, we are not going to make experiments. Here he wants Kerala to be a laboratory for experiments.

**Shri Nath Pai:** No, no.

**Shri Hathi:** I thought you were not here—I am glad you have come.

**Shri Nath Pai:** Therefore, you were about to make wrong statements.

**Shri Hathi:** When I made my first submission you were not here. One thing I may say, I may not be as intelligent as my hon. friend, but I would always be sincere and I would say what I believe and what I know.

**Shri Nath Pai:** I readily concede that.

**Shri Hathi:** When I was explaining your point about Shri Dhebar you were not here.

Sir, I was on his third point. He said, let us have some method of having committees for different ministries so that these Members could be consulted. I think it is a suggestion, but I do not know how far that could be practical. Even otherwise we have got some committees in one form or the other. Any way we are going to have a committee and that committee is only for the purpose of legislation. I quite

appreciate his point. When the Members of Parliament are here and if the problems of Kerala are to be discussed, it would be advisable, as Shri Nath Pai thinks, to discuss them with them. But I can assure him one thing, that I will be prepared to meet the Members of Kerala any time they want and discuss all the questions with them, because ultimately it will be the Home Ministry that will be responsible. Then I will take the question with the different ministries concerned. But I cannot at the present time give any assurance....

**Shri Nath Pai:** But you will examine it.

**Shri Hathi:** That is a different matter. Unless I am definite about it I will not give any assurance.

With that limitation I speak. But so far as I am concerned and so far as the Home Ministry is concerned, I will meet the hon. Members from Kerala as often as they want to on all subjects or on any subject. Really, what we want is this. After all, this is for some period only and we want to govern it as best as we can in the interests of the State. Therefore, if hon. Members experience any difficulty or if they have to make suggestions, I on my part will be ready and willing to receive all suggestions and to meet them. That is the most I can say here.

Then, the third thing he said was about the elections and the stand which the Congress will take *vis-a-vis* other parties. This is really a matter for the organisation, but he must have read the reports in the press only recently that the Congress President himself has said that we shall stand on our own legs. This is what he has said. Therefore, he does not want a reply from me, that is, when the President of the organisation has stated it and it must have come to his notice also. But when we are discussing this Bill and when we are discussing the provisions of

[Shri Hathi]

this Bill, naturally other subjects can come in, in a wider aspect as he said. But whether the Congress will come into power or whether the Communists will come into power, whether the PSP will come into power or whether the Muslim League will come into power or whether two or three parties will join to oust another party, all these things are matters which do not really come in so far as this Bill is concerned.

Then, Shri Warior's suggestion was that instead of this committee which has been mentioned in clause 3(2), the amendment suggested by some hon. Members may be accepted. When we come to that I shall express what I have to say on that.

As regards action under the Santham Committee's report, only yesterday we had about 20 minutes given to this question and I replied that about 21 recommendations had been accepted wholly or partly and implemented; about 38 were accepted and partly implemented, while others were under consideration. On this question of the recommendations which, if I remember aright, number 105 to 108, I said that so far as the question of the ministers is concerned, the Home Minister and the Prime Minister made a statement and the Home Minister also said what line of action the Government wants to follow. But we have not yet finally accepted that recommendation because there is again the question of appointing the panel; then comes the question of Speaker and Chairman also. We have not yet finally considered those recommendations. I do not think Shri Nath Pai expects Government to implement a recommendation or take action upon a recommendation of a committee report which has not yet been considered by the Government. It can only be if the Government had accepted that recommendation. If there was a question of implementation of those recommendations, I would have understood Shri Nath Pai's suggestion.

**Shri Nath Pai:** The report was submitted in February. It is eight months that you have had.

**Shri Hathi:** He may blame us for the delay; but we have not yet accepted that recommendation and, as I said, it is under consideration. Therefore, implementation of that recommendation does not come in. This is the only point that I would like to bring to his notice.

Now I come to Dr. Singhvi's point. He said that article 356 (1) (b), which says:—

"declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;"

would have been sufficient. He said that this would have been enough and it was not necessary to proceed under article 357, that is, for Parliament to confer on the President the power of legislation. Yesterday when I was discussing about the Proclamation, while moving it I also explained the reasons and the circumstances and said that all laws will have to be passed by Parliament. That would mean that it will have to function as the legislature of the State. The work of Parliament, as Dr. Singhvi knows, is already heavy. He said that it was heavy only for the Ministers and not for the Members.

**Dr. L. M. Singhvi:** It may be heavy; but this is a constitutional obligation cast upon us and we cannot shirk it mainly because of that.

**Shri Hathi:** When the question was discussed at the time of framing the Constitution itself, it was considered and therefore it was that this specific provision was made. In the past this has been so in all cases and it is not only necessary but also practical; otherwise, the whole House will have to devote its time on legislation of Kerala only and we may not have time...

**Shri Warrior:** How many pieces of legislation might come?

**Shri Hathi:** It may come. But this is the only practical way. I think, it is proper that the provision of article 357 of the Constitution is sought to be invoked.

Then he said about the seven days' period. He said that it was too short. If it is passed by Parliament after a great delay then perhaps it would not have the effect, if an Act is enacted today and after three months you either accept it or modify it, supposing that this House wanted to modify it. After all, this Bill was introduced the day before and today we are passing it. Therefore, I think, it is in the interest of the State that it should not be delayed too long.

As regards the other point, I have seen the other legislations also of 1960. It is the same provision which I find there.

**Dr. L. M. Singhvi:** The point I had raised was that there was a specific recommendation regarding the model clause in respect of legislation which was subordinate legislation made by a committee of this House and accepted by the Government of India. Why should then a departure be made from this? When there is a model clause governing subordinate legislation and in respect of laying on the Table all legislation which is subordinate, that should be followed uniformly in all enactments.

**Shri Hathi:** That is all I have to say.

**Mr. Speaker:** The question is:

"That the Bill to confer on the President the power of the legislature of the State of Kerala to make laws, be taken into consideration."

*The motion was adopted*

**Mr. Speaker:** The House shall now take up clause-by-clause consideration of the Bill. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Clause 6—**(Conferment on the President of the power of the State Legislature to make laws).

**Shri S. C. Samanta (Tamiuk):** Sir, I beg to move:—

Page 1,—

for lines 16 to 20, substitute:

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of—

- (a) thirty members of the House of the People nominated by the Speaker among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House; and
- (b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the state of Kerala in that House."

While moving this amendment I am reminded of the discussion which took place in this House on the 25th April, 1961 about the Orissa State Legislature (Delegation of Powers) Bill, 1961, in which one hon. friend, Dr. Samantsinhar, pressed that the number of Members that was allotted in the Bill should be increased. He suggested 20 from this House and 16 from the other House including all the Members of Parliament from Orissa in both Houses.

[Shri S. C. Samanta]

At that time also, the Government thought that 15 Members would do, ten from this House and 5 from the other House. But the House objected to it, and ultimately 14 Members from this House and 7 from the other House were taken.

**Mr. Speaker:** Would not a committee of 45 Members be unwieldy?

**Shri S. C. Samanta:** I am putting forward this proposal before Government. Now, Government have come forward with the proposal that all the Members of Parliament from Kerala State would be there.....

**Mr. Speaker:** How many Members are there from Kerala in this House and in the other House?

**Shri S. C. Samanta:** 18 in this House and 9 in the other House. So, in all, 27 would be already there.

But I would like to place before this House this fact that in addition to the Members belonging to the State concerned, who are taken on this committee, there should be some other Members also who will dispassionately help Government in doing the work. So, we have suggested that the number should be increased to 30 from this House and 15 from the other House.

**Mr. Speaker:** What is the attitude of Government?

**Shri Maniyangadan:** This was the provision in the old Act of 1959 also.

**Shri Hathi:** I am inclined to accept this.

**Mr. Speaker:** If it was done earlier in 1959, there should be no objection to it, and I suppose the Members are agreed on that.

The question is:

Page 1,—

for line 16 to 20, substitute:

“Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of—

(a) thirty members of the House of the People nominated by the Speaker among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House; and

(b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House”.

*The motion was adopted.*

**Mr. Speaker:** The question is:

“That clause 3, as amended, stand part of the Bill”.

*The motion was adopted.*

*Clause 3, as amended, was added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill*

**Shri Hathi:** I beg to move:

“That the Bill, as amended, be passed”.

**Mr. Speaker:** The question is:

“That the Bill, as amended, be passed”.

*The motion was adopted.*

13.33 hrs

HIGH COURT JUDGES (CONDI-  
 TIONS OF SERVICE) AMENDMENT  
 BILL

**Mr. Speaker:** Now, we shall take up the High Court Judges (Conditions of Service) Amendment Bill. Shri Hathi.

**Shri Hathi rose—**

धो हुकम चन्द कछवाय : (देवास)  
 अध्यक्ष महोदय, हाऊस में इस समय कोरम  
 नहीं है ।

**Mr. Speaker:** The bell is being rung . . .

[MR. DEPUTY-SPEAKER in the Chair]

**Mr. Deputy-Speaker:** Now, there is quorum. The hon. Minister may start his speech.

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** I beg to move.

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

**An Hon. Member:** How much time has been allotted for this Bill?

**Mr. Deputy-Speaker:** 2 hours.

**Shri Hathi:** This Bill will not take more than fifteen minutes. This is a very small and non-controversial measure. This amending Bill has been necessitated because of the Constitution (Fifteenth Amendment) Act, 1963 by which we raised the age of retirement of the High Court judges from 60 to 62.

Clause 2 of the present Bill seeks to amend section 14 of the present High Court Judges (Conditions of Service) Act. The House will see that this is really a consequential amendment. Section 14 provides that a judge will be normally entitled to pension when he completes the age of 60. Since we have raised the age of retirement from 60 to 62 under the

constitutional amendment, in this section also, the age should be raised from 60 to 62. That is the only change sought to be made in this section.

The second amendment seeks to provide that in the case of those judges who were serving on that particular date, namely the 5th October, 1963, when the age of retirement was increased from 60 to 62, if they want to retire at the age of 60, they will be permitted to do so, and they will be entitled to pension at the age of 60 because they had joined service earlier.

The third amendment relates to the High Court judges of Jammu and Kashmir. Now, the High Court judges of Jammu and Kashmir also are transferable to other parts of the country. There is a provision in the present Act that the services of the judges in the other States will also be taken into consideration for the purpose of pension, leave etc. That provision should be applied to the judges who would be transferred from Jammu and Kashmir to other parts of the country.

These are the three amendments which are proposed in this Bill. So, this is a very simple and non-controversial Bill, and I commend it for the acceptance of the House.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

**Shri H. N. Mukerjee (Calcutta Central):** Mr. Deputy-Speaker, Sir, I agree with my hon. friend the Minister that this amending Bill is a consequential measure, and in regard purely to the substance of it, there is not going to be any controversy in this House. But, I wish to intervene because, since it refers to the conditions of service of High Court judges

[Shri H. N. Mukerjee]

and the fixation of their ages at 62 as settled by the recent amendment of the Constitution, it is perhaps necessary to remind the Government of its responsibility in regard to the position of our judiciary. And I say this because the question of the fixation of the age of judges has recently caused a certain amount of excitement in the country; I say 'excitement' because in relation to High Court judges and people in that category, we are accustomed to ascribe to them sobriety of the highest order, but it has happened that some High Court judges have discovered rightly or wrongly, it is not for me to say at the moment, that in regard to the fixation of age, the executive has appeared to act in a manner which is derogatory to the dignity of the judiciary. I know that it is not an one-sided story either, and I feel so that sometimes our own judges have perhaps not been adequately conscious of their responsibility in this regard.

It gives us no pleasure to find High Court judges having to go to court in order to secure what they consider to be their rights in regard to the ascertainment of their age. It gives us no pleasure also to be told, for instance, as I have been told lately, that the Chief Justice of one of our leading High Courts, I shall not mention the name of the High Court, has been found by some people, again rightly or wrongly I do not know, to have given an age which was not quite correct, and a representation has been sent to the President signed by all sorts of people asking for an ascertainment of the age of that particular judge, even though he happens to hold a very important position in the judiciary.

It gives us no pleasure to have to refer to these things, and I mention it only in order to impress on our judges, if I may with all due respect, that from them also the country's expectation is that they should be able to command not only the confidence

of the public, but also the esteem of the executive.

Having said that, I would like to impress upon the executive, because it is with the executive that we have our contact in this House, their responsibility to maintain the highest possible regard to the position of the judges. I say this because there is at the moment pending in the Supreme Court the case of one ex-Judge of one of our High Courts in regard to the ascertainment of his age. In regard to this matter, many interlocutory proceedings have taken place, and certain observations have been made by High Court judges which have been reported in the papers, which throw a flood of light on the recent emergence of a practice on the part of the executive to interfere, rather unwarrantedly, in matters relating to the position of the judiciary.

This question of the fixation of the age of High Court judges, and Supreme Court Judges for that matter, is a very delicate question, and on behalf of the judges the proposition has been put forward that if an age has been accepted at the point of time of the judge's appointment, and also gazetted for the information of the public, then there cannot be a deviation from acceptance of that age subsequently unless the judge is found, on investigation, to have committed perjury at that point of time, and therefore he deserves removal from his position. The Judges have, therefore, tried to say that at the point of time of appointment, their ages should be ascertained in the normal way, and that should be the age considered to be the rightful age, which is not going to be contested in future. But what has happened is that in the particular case which is now pending before the Supreme Court for final adjudication, the judge's age was determined at a particular point of time by the executive, and the judge was asked to quit, against which the judge is trying to have his remedy in court.

My feeling is that for the executive to arrogate to itself the duty of ascertaining the age of a particular Judge, without reference to the judge himself, is something which detracts very seriously from the dignity of the judiciary and is going to prejudicially affect the work of the judiciary.

In regard to this also, a point has been raised that whenever the Union Government here ascertains the age of a judge at a particular point of time it sometimes asks the Chief Justice of India, or some such highly placed person. On this point, a judge of the Calcutta High Court has made an observation to this effect, namely that the judiciary should not be made the consultant of the executive unless the law requires it in express terms; that is to say, a decision of the Union Government in relation to a judge of a High Court somewhere in the country should not merely receive a special warrant because of a consultation having been held with the Chief Justice of India or some such person, that after all, the judiciary should not lend itself to the kind of consultation which is involved in the determination as made in this kind of case. Therefore, I feel that some stable principles should be involved in regard to how the age of judges is going to be determined, how they are going to be published, and how they are going to be questioned in the future. Unless this is done, the judges are in a very delicate position, and at any point of time, a hostile member of the executive might put him in jeopardy. And this is exactly what appears to have happened.

In the case of the Calcutta High Court judge, whose name I need not mention here, which has gone to court, there were some interlocutory proceedings in the Calcutta High Court, and Mr. Justice P. N. Mookerjee gave a judgment in the course of which he was constrained to say—I am quoting his words:

"It (the case which he was disposing of at that time) might evoke sad and unpleasant memo-

ries, as it had witnessed criticism of judges in Parliament by no less a responsible person than the Union Law Minister."

A High Court judge of Calcutta has been constrained to remark that Judges who are not represented here, who are not present here, who are not in a position to have their point of view conveyed to this House, have been the victims of attack by no less a person than the Law Minister of the Union Government.

And this Judge, Mr. P. N. Mookerjee, went on to add:

"Such criticism (by the Union Law Minister) only shows how unsafe is the position of Judges here in spite of the protection and immunity afforded by Article 121 of the Constitution. It will, indeed, be a matter of the deepest regret if an unwritten constitution in this behalf, as in England, turns out to be more powerful and much more effective than the written Constitution of our land. Unless persons in authority are conscious of their responsibilities and realize the importance of such consciousness, there are immense possibilities of the gravest consequences, and problems may arise which may baffle all solution. While judges are doubtless bound by their oath to uphold the Constitution and so to permit no infraction of Articles 106 and 194, they may justly and reasonably claim for the safe due discharge of their duties that others in authority ought similarly to be alert that constitutional protection and immunity of judges under Article 121 is not violated."

I am quoting from a monthly journal called *Public Administration*, which is here in our Library, from where I have borrowed this copy, and these extracts are from the judgment given in the Calcutta High Court by a special bench which was set up earlier this year.



[Shri H. N. Mukerjee]

My point, therefore, is that this particular case, which might be unfortunate in some of its implications, throws a great deal of light on the way in which certain things have been done, and continue to be done in our country. And there has appeared a recent tendency on the part of the judiciary also to behave as if they depend upon the good pleasure of the executive in order to be able to avoid unpleasant consequences, or in order to achieve some greater success in their own status in life, which is already high, but some of them who want to go higher still, want to be in the good books of the executive. A state of things where the highest judiciary comes to feel a sort of dependence on the executive is something which goes right against the grain of democracy, particularly where a written Constitution has to be interpreted by the judiciary, which really has the last say in this matter.

So, in regard to the fixation of the age of Judges, some very serious thought needs to be given by Government and by the country, and it is therefore I suggest that while we can have no objection to having some consequential changes, because the age of retirement of judges has been increased from 60 to 62,—there can be no objection to that—the process of the determination of the age of judges should be laid down in terms which would be in conformity with the dignity of the judiciary, that the executive should not be in a position to dole out favours to the judiciary, or frowns if it is so inclined, that any suggestion of the executive having the whip hand over the judiciary also should be eliminated.

I wish, therefore, that the Minister keeps this in mind and tries to evolve certain formulae by which the ascertainment of the age of the judges can be done in such a way as would not militate against their dignity and self-respect, would in no way weaken their responsibility of interpreting the Constitution, because in that regard

they are the repositories of the truth of the Constitution, they are going to interpret how the Constitution can warrantably be applied in the conditions of our country.

With these words, I have no objection to the Bill being accepted, but I press again on the Minister that he gives his mind to this aspect of the matter.

**Shri Vidya Charan Shukla** (Mahasamund): Sir, the question of judges and their transfer from State to State has been agitating the minds of the Home Ministry and the State Governments for a long time. I want to take this opportunity of requesting the hon. Minister to enlighten the House on this question of transfer of judges from one Bench to another, that is, from one State to another and tell us how many judges have been transferred from one State to another, and if this process is found difficult by the Government, what are the impediments that come in the way. I say this because this particular system has been found to be very laudable and a lot of things have been said about the merit of this system, but I think, and my personal opinion is, that because of political pressures or the reluctance of the judges themselves, such transfers have not been possible. But still it would be very interesting for the House to know the number of judges that have been transferred from one State to another, say, in the past 10 years.

Another point that I want to make is about the appropriate choice of the persons who have to sit in this high pedestal of justice. I have a little experience of high courts and the Supreme Court, and I can say that most of the judges that have been elevated to this high office do amply deserve it, but still there have been cases in which such appointments have been made on considerations other than judicial or merit. There is a case of

a particular high court judge who happens to be an ICS official, who has been taken from State to State; none of the States wanted that civil servant, that ICS officer. He is not even a law graduate. He was shunted from Bihar cadre to the Orissa cadre; the Orissa people shunted him away to the Central Government, and again, from the Central Government he was shunted out to one of the Part C States, and when he was not wanted anywhere, though he was not a lawyer, he was dumped into the M.P. Court. Since then, he has been making a nuisance of himself there. (Interruption). It is a fact. It is on the record that he is not a law graduate. Just because he is an ICS officer and is not wanted anywhere . . .

**Shri Bade** (Khargone): Can he say that he is making nuisance—that a judge is like that? I know where his shoe pinches.

**Shri Vidya Charan Shukla**: He cannot challenge my facts. They are clear and are on record.

**Shri Bade**: He is not a nuisance in Madhya Pradesh. He may be a nuisance to you.

**Shri N. C. Chatterjee** (Burdwan): He cannot say of a sitting judge like that.

**Mr. Deputy-Speaker**: Order, order.

**Shri Vidya Charan Shukla**: I have not mentioned the name of the judge.

**Shri Bade**: He should withdraw the words that "he is making a nuisance of himself." A judge cannot be a nuisance.

**Shri Vidya Charan Shukla**: The general procedure or principle has been that judges are appointed only from out of the practitioners who practise at the high courts. I am sorry to say that this practice is also not adhered to in certain States. These appointments are sometimes unfortunately made out of political considerations. It would be a very sorry

day, and it would be a very tragic thing for our judiciary, if political considerations ever enter into the appointment of High Court or Supreme Court judges. (Interruption).

There were some appointments, not in my home State but elsewhere also, which have been motivated not by considerations of merit but may be on political considerations. I cannot make a definite statement whether it was on political considerations. I know of a particular case in which a district court lawyer was elevated to the Bench and there was a lot of protest from the judges and from the Bar Association also, but it was not heeded. I do not know what the reasons were. I wish that while the hon. Minister replies to this debate, he makes some pointed reference to these things and tell us whether this is a frequent thing or it has been stopped or what his information about that is.

**श्री यु० सि० चौधरी** (महेन्द्रगढ़) :  
उपाध्यक्ष महोदय, जो संशोधन विधेयक आया है वह इतना छोटा है कि उसके ऊपर अधिक चर्चा नहीं हो सकती है। लेकिन इससे सम्बन्धित कुछ बातें हैं जिनका सम्बन्ध सीधे इस संशोधन विधेयक से है और उनकी मैं चर्चा करना चाहता हूँ।

पहली बात का तो सम्बन्ध पीछे जो संविधान में संशोधन करने वाला विधेयक आया था उससे है। उस वक्त यह प्रश्न उठा था कि 60 साल की जगह हमारे हाई कोर्ट्स के जजों की आयु रिटायर होने की 62 साल कर दी जाए। इस सारी की सारी बात का क्या आघार है, यह क्यों किया गया है, इस विषय में मैं विस्तार से तो नहीं जाना चाहता हूँ लेकिन एक बात जिस की मेरी राय में भ्राम शिकायत की है इस सारे मामले के अन्दर वह मैं निवेदन कर देना चाहता हूँ। इसी संदर्भ में वह बात आती है। भ्राम उससे बड़ी परेशानी उस जनता को हो रही है जो जनता किसी कारणवश मुकदमों के अन्दर फंसी हुई है। यह परेशानी हाई

[ श्री यु० सि० चौधरी ]

कोर्टस के बारे में खास तौर से है। सरकार भी इस बात को भली भांति जानती है कि मुकदमों के निपटारे में बहुत देर होती है, मुकदमों के फैसले होने में बहुत देर होता है। यह बहुत ही महत्वपूर्ण प्रश्न है कि मुकदमों के फैसले जल्द से जल्दी हुआ करें। कहीं यह देर 62 साल की उम्र जो रख दी गई है, उस वजह से तो नहीं होती है। हो सकता है कि इस वजह से कोई...

**Shri Hathi:** We can discuss anything we like—delay in the judiciary etc. But this is a specific point; Shri Mukerjee was pinning it to a particular point.

**श्री यु० सि० चौधरी :** मैं आपकी बात मन्ता हूँ। मैं यह कह रहा था कि देरी होने का कारण कहीं यह तो नहीं है कि एक खास उम्र में पहुंच जाने के पश्चात उनमें काम करने की जो क्षमता है, उसके अन्दर कुछ कमी आ जाती है। यह बात मैं जजों को सब सम्मान देते हुए कह रहा हूँ। संविधान का जब पंद्रहवां संशोधन विधेयक आया था उस वक्त मैं नहीं कह सका था। लेकिन मैं यह अनुभव करता हूँ कि जो बौद्धिक वर्ग है और जिस के अन्दर वकील, जज, पालियामेंट के मੈम्बर आदि आते हैं, आज के हमारे सामाजिक ढांचे के अन्दर, उसके स्वास्थ्य का हित वह नहीं रह पाता है जो रहना चाहिये जिस कारण से देरी हो जाया करती है। आज देखने में आता है कि 302 के मुकदमों के अन्दर मुनवाई में छः छः और सात सात महीने लग जाते हैं। यह तो फौजदारी मुकदमों की बात हुई। दीवानी मुकदमों में तो डेढ़ डेढ़ और दो दो साल लग जाना मामली बात है। 302 के मामलों के अन्दर जिन लोगों को छूटना होता है अपील में, उनके फैसले होने में जब इतनी देर लग जाती है तो यह जो

सजा होती है वह तो उनको भुगतनी ही पड़ जाती है और अगर जल्दी इनके मुकदमों का फैसला हो जाया करे तो इनको ये सजायें न भुगतनी पड़ें। मेरे कहने का तात्पर्य यह है कि यह इस सारे सिलसिले में कहीं यह बात तो नहीं है कि उम्र के बढ़ाने की वजह से उनके कार्य करने की जो क्षमता है.....

**Shri Hathi:** This is not a Bill to increase the age of judges.

**श्री यु० सि० चौधरी :** चूँकि आप उनकी सर्विस कंडिशन से सम्बन्धित यह कानून ला रहे हैं, इस वास्ते मैं यह बात कर रहा हूँ। संविधान का संशोधन करके उनके रिटायर होने की आयु 60 से 62 साल कर दी गई थी।

एक दूसरी बात जो श्री हीरेन मुर्जी ने भी कही है, मैं भी अर्ज करना चाहता हूँ। जो जनतांत्रिक देश है, उन में और उसी तरह से हमारे देश में भी यह होना चाहिये कि जो ज्यूडिशरी है, जो न्यायपालिका है, वह कार्यपालिका से जितना अधिक सम्भव हो सके, उतना अधिक अलग हों। किसी भी मामले के अन्दर किसी भी क्षेत्र के अन्दर जहां तक हो सके, कार्यपालिका का न्यायपालिका के ऊपर कोई प्रभाव नहीं होना चाहिये, कोई कंट्रोल नहीं होना चाहिये। इसे एक आधार-भूत बात मान करके लोकतंत्र को मानने वाले देश चला करते हैं। इसका हमें भी पालन करना चाहिए। हमारे हीरेन मुर्जी साहब ने कहा और हमारे शुक्ल जी ने भी कहा है, कि उम्र बढ़ाने के मामले के अन्दर या जजों की एप्वाइंटमेंट के मामलों के अन्दर कोई राजनीति नहीं आनी चाहिये। राजनीति इसके अन्दर आ सकती है, इसका भय भी देश के निवासियों के मनों के अन्दर नहीं आना चाहिये कि कार्यपालिका का उनकी एप्वाइंटमेंट्स पर काबू है, उनकी सर्विस के जो नियम हैं, उनको बदलने का अधिकार

है, उनकी अग्र घटाने बढ़ाने का अधिकार है इसका सन्देह नहीं रहना चाहिए। मैं मानता हूँ कि बहुत से मामलों में सुप्रीम कोर्ट है जिस को इस प्रकार के अधिकार प्राप्त हैं। लेकिन स्पष्ट दिखाई दे रहा है कि सुप्रीम कोर्ट या विधि मंत्रालय इस वक्त यहां नहीं है, यहां तो कार्यपालिका के ही मंत्री बैठे हुए हैं और वही इस संशोधन को पेश कर रहे हैं। इसके बारे में कोई संशय न हो, कोई सन्देह की गुंजाइश न हो आम लोगों के दिलों में कि कार्यपालिका जो है वह जजों के स्वतंत्रतापूर्वक कार्य करने का जो तरीका है, उसमें दखल देती है, इसकी आपको व्यवस्था करनी चाहिये। लोगों को बड़े सुचारू रूप से और प्रभावशाली ढंग से न्याय मिलता है, यह पक्का विश्वास लोगों के दिलों में होना चाहिये। इसके बारे में कोई संशय अथवा सन्देह की गुंजाइश नहीं होनी चाहिये। मैं यह बात बहुत ही जोरदार शब्दों में कहना चाहता हूँ कि यह सारी की सारी बात जो है इसको राष्ट्रपति जी के निर्देश के ऊपर, सुप्रीम कोर्ट के ऊपर छोड़ दिया जाना चाहिये। सुप्रीम कोर्ट इस का निर्णय करे। सुप्रीम कोर्ट सर्वोच्च न्यायालय है देश का। चूंकि न्यायालयों का देश में सब से ऊंचा स्थान है, इस लिये सुप्रीम कोर्ट ही हाई कोर्ट के जजों के बारे में सारी की सारी बातों का निर्णय करे चाहे वह उन के अप्वाइंटमेंट के बारे में हो या उम्र घटाने बढ़ाने के बारे में हो।

14.00 hrs.

दूसरी बात जो मैं कहना चाहता हूँ वह जजों के अप्वाइंटमेंट के बारे में है। अभी जैसा मैं ने बतलाया और जैसा श्री शुक्ल ने भी अभी कहा, मुझे इस बारे में जो आशंका या भय है—हो सकता है कि इस में मेरी गलती हो, अगर गलती हो तो उस को ठीक कर दिया जाये—लेकिन जो भय है वह यह है कि जजों के अप्वाइंटमेंट के बारे में स्टेट गवर्नमेंट्स का बहुत हाथ होता है। चाहे वह बाहर से लिये जायें चाहे किसी पब्लिक प्रोसिक््यूटर को लिया जाये

या चाहे किसी सेशन जज को ही हाई कोर्ट में लगाया जाये, उन को स्टेट गवर्नमेंट की रिक्मेन्डेशन पर ही रखा जाता है। उस रिक्मेन्डेशन की डिगरी क्या है इस बारे में मैं स्पष्ट नहीं हूँ, लेकिन राज्य सरकारों से पूछा जरूर जाता है इस मामले में। और अगर मैं गलती नहीं करता तो अगर राज्य सरकार किसी आदमी के बारे में कह दे कि यह आदमी ठीक नहीं है हाई कोर्ट में जाने के लिये तो उसे चान्स मिलना सम्भव नहीं होता, भले ही हाई कोर्ट के चीफ जस्टिस या सुप्रीम कोर्ट के चीफ जस्टिस उस आदमी के बारे में कोई भी राय रखते हों। यह कितनी न समझ में आने वाली बात है। इस पर सरकार गहराई से क्यों नहीं सोचती। जब हम एक तरफ कहते हैं कि सारे के सारे मामले में कहीं पर भी राजनीति नहीं आती और हम सब समझते हैं कि राजनीति आनी भी नहीं चाहिये, तो इस तरह का निर्णय करने में राजनीति नहीं आती तो क्या होता है। आखिर जो प्रादेशिक सरकारें हैं वे किसी न किसी राजनीतिक दल की हैं। जब उन से पूछ कर जजों को रखा जायगा तो राजनीति कैसे नहीं आयगी। मुझे एक घटना याद आती है। पंजाब में एक सेशन जज था। पंजाब के भूतपूर्व मुख्य मंत्री श्री प्रताप सिंह कैरों ने उस से कह दिया था अगर तुम मनुख आदमी के मुकदमे में उस के हक में फैसला कर दोगे तो मैं तुम को हाई कोर्ट का जज बनवा दूंगा, वरना तुम्हारे खिलाफ करप्शन का चार्ज लगा कर तुम को रिटायर करवा दूंगा। मुझे पता नहीं उस मामले में क्या हुआ, लेकिन मैं कहना चाहता हूँ कि सारी की सारी न्यायपालिका के न्यायाधीशों का अप्वाइंटमेंट आप स्टेट गवर्नमेंट की मर्जी पर क्यों छोड़ते हैं। अगर कांस्टिट्यूशन में कोई कमी हो इस सम्बन्ध में तो अमेंड किया जाये और राष्ट्रपति के निर्देश पर और केवल सुप्रीम कोर्ट का जो चीफ जस्टिस हो, सर्वोच्च न्यायाधिपति हो, उस के फैसले पर उस का अप्वाइंटमेंट हो। सिर्फ हाई कोर्ट के जज का ही नहीं बल्कि मैं तो कहूंगा कि जो डिस्ट्रिक्ट जज हैं उन के

[श्री यू० सि० चौधरी.]

अप्राइमेट से ले कर सुप्रीम कोर्ट के जज के अप्राइमेट तक सारे के सारे होने चाहिये राष्ट्रपति के निर्देश पर और सुप्रीम कोर्ट की राय पर। किसी भी रूप में गृह मंत्रालय का यहां बैठना इस मामले में, श्री हाथी का यहां बैठना, श्री नन्दा का यहां बैठना हमारे दिलों के अन्दर शक पदा करता है, और हम यह मानने के लिये तैयार नहीं हैं कि अगर आप जजों के वास्ते कोई अधिकांश अपने हाथ में लेते हैं तो हमें कचेहरियों में न्याय मिलेगा। हमें हाजिज न्याय नहीं मिलेगा। जिस दिन आप यहां नहीं बैठेंगे, उस दिन हम समझेंगे कि हिन्दुस्तान के अन्दर न्याय बिल्कुल ठीक मिल रहा है और कार्यपालिका का कोई प्रभाव हमारे ऊपर नहीं है। इस लिये मैं फिर प्रार्थना करता हूँ कि जितनी जल्दी हो सके श्री हाथी की जगह विधि मंत्री यहां पर आयें।

**Dr. L. M. Singhvi (Jodhpur):** Sir, while the Bill itself is a consequential enactment and as such it is unexceptionable, I think it is appropriate, contrary to the submission made by my hon. friend, the Minister of State for Home Affairs, that we consider the larger question of the conditions of service relating to our Judges. To preface my submissions, I would like to say that it is most deplorable and regrettable that this opportunity was not taken to bring a comprehensive piece of legislation before this House to alter, modify and improve the conditions of service of our High Court Judges.

It is customary for us in this House to extoll the independence and integrity of our judiciary. It is the judiciary which is the custodian of our Constitution, but we have done precious little to improve their conditions of service and to ensure that the most talented in the Bar and in the subordinate judicial services would be attracted to our higher judiciary, because this is the very crux of the successful working of our Constitution.

I am sorry to say that the ample evidence before the Joint Select Com-

mittee on the Fifteenth Constitution Amendment Bill, over which you presided, has been ignored or neglected. Need I remind my hon. friend, the Minister, that in this committee various ex-Chief Justices, particularly one ex-Chief Justice and several other persons who were highly knowledgeable about the conditions of service prevailing in our country had deposed and said that at present the conditions are not good enough to attract the best in our legal profession. You cannot expect independence or integrity or competence from those who are recruited from the second or third lines in the profession. We want the very best for our judiciary, because on the functioning of our judiciary depends the whole future of our democracy and the rule of law in this country. I hope the Minister would be able to give us an assurance of his earnestness in the matter and of his willingness to bring about a comprehensive piece of legislation to alter and improve the conditions of service relating to High Court Judges. This would indeed be in fulfilment of an assurance given by the Law Minister in the committee as well as on the floor of this House. I think these changes are over due and should be considered and brought before the House at the very earliest.

I should like to say also that the procedures for recruitment leave much to be desired, I have heard from a former illustrious Chief Justice of India that in certain cases, State Chief Ministers are known to set up competing candidates for elevation to the High Court. I am quite sure that the observation of the former Chief Justice, a great jurist of our country, was based on facts and based on his anguish regarding the procedures which are sometimes set into motion by the executive Governments in our various States. I should like the Minister to tell us frankly and fully what insidious and surreptitious role, which time and again it has been alleged the State Chief Minister happen to play in the selection of High Court Judges. If

there is even a grain of truth in these allegations, if there is any basis for the statement to which I made reference just now, I think it is a matter which is exceedingly serious and which demands the first attention.

I should also like in this connection to say that the judiciary in our country should be brought under the Ministry of Law, not because I expect a millennium to dawn upon us as soon as this transfer is effected, not because I think that the competent hands of Mr. Nanda or Mr. Hathi are inadequate for the exigencies of this particular branch of administration, but because I think it accords with propriety and principle. A demand to this effect was made by my friend, Mr. Chatterjee, himself a former Judge of a High Court and an illustrious jurist of our country and this demand received support from no less a person than the present Chief Justice of India, who said that it is only in the fitness of things that the judiciary should have to deal with the Ministry of Law rather than the Ministry of Home Affairs. I hope, Sir, that the Minister would be able to clarify the Government's position in this regard.

Before I conclude I should like to refer to our growing anxiety about the growing size of our judiciary, and with it the growing arrears; and in various High Courts where the judiciary has been enlarged mainly to deal with arrears you will find that Law's delays have become much greater and the arrears have become much more. On the other hand, I would like, as a lawyer particularly, to emphasise that sometimes law's hurry appears to have taken a heavy toll. I am told that in the work of our judiciary, particularly the subordinate judiciary, certain maxima are laid down for them, they have to dispose of that many cases quantitatively, as if the dispensation of justice or the administration of justice can be quantified in this manner. I do think that this ought to be revised and some other means should be found to tackle this problem.

Once again, Sir, before I conclude I would like the Home Minister to give us a definite assurance that the conditions of service of the higher judiciary in our country would be improved, and the parent Act in which this amendment is sought to be made would be altered in order to improve the conditions of service of our judiciary, so that it would attract the very best of talent in our country.

**Shri N. C. Chatterjee:** Mr. Deputy-Speaker, Sir, I reiterate the suggestion that I put forward in this Lok Sabha when I first came here in 1952 that in the fitness of things we should give up the old British bureaucratic method of placing the High Courts or the judiciary in this country under the Home Minister. That was done because the Home Minister was always an ICS man who would look to the British interests and the Law Minister from Lord Sinha right down to the last day always came from the legal profession. Therefore they did not venture to trust a Law Minister with the important function of looking after the judiciary. That is unheard of in England and in other democratic countries. Then the Home Minister, Dr. Katju, said "I cannot understand what Mr. Chatterjee is saying because we are a government with collective responsibility." It is not a question of collective responsibility. There are many things: we do not know who the Home Minister will be, he may not have any legal training or legal background at all. Dr. Katju was an exception; he was a very illustrious member of the legal profession. But in the fitness of things I do reiterate the suggestion that I made that we should discard the old British method and place the judiciary under the Law Minister. I am very happy that after the speech that I made the other day in this House, the Chief Justice of India Mr. Justice Gajendragadkar has again voiced the same feeling. That should be respected.

Sir, I remember, in one Select Committee I pleaded very hard that the judge's age should be raised from

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sixty to sixty-two. The late Shri Pant was the Home Minister at that time and he was in the Chair. He said, "Mr. Chatterjee, you as ex-judge are not permitted to plead for your tribe?" It is not a question of pleading for anybody, it is a question of principle. Just go to the Supreme Court. Most of the Judges are over sixty. When Chief Justice Warren came here I had a long discussion with him. You know, Sir, he is the Chief Justice of the Supreme Court of America. He avowed this: "Mr. Chatterjee, in your country Supreme Court Judges are recruited from the legal profession, not from the public life of India. Look at me. I have been a successful Chief Justice according to you, and I tell you I am successful because I was for twelve years functioning in very important capacities, either as Governor or as Senator or in other very important and responsible positions. That has given me a wider outlook which has impelled me to take a proper view of things."

**Shri Ranga** (Chittoor): And bring politics into the Supreme Court?

**Shri N. C. Chatterjee:** And you know, Sir, in the racial crisis cases the Supreme Court of America has delivered judgments which have attracted the attention of the entire civilised world and it has received encomiums from all liberty-loving people.

I do maintain that the age sixty-two is the proper thing to fix. I cannot understand what is the objection to that. When we appoint Judges from the High Court and take them to the Supreme Court they are fit enough to continue till sixty-five; but when they get into the High Court they become derelict and absolutely inefficient after they cross the age of sixty? That is not fair. And I can tell you from my experience. I have been at the Supreme Court Bar from 25th January, 1950. I tell you that our Judges were mostly above sixty and they have rendered distinguished service to the administration of justice. And our

Supreme Court can compare favourably with any other supreme court in the world.

I am also gravely disappointed that with regard to the case of one High Court Judge, Mr. Justice Mitter, our Calcutta High Court has gone down and the entire judiciary has been dragged down because of this unfortunate incident of a judge's age being questioned later on. You know, Sir Trevor Harris sent for him and went into the matter. Thereafter his age was accepted both by the Government and the Chief Justice. And that should be made final. A salutary principle should be laid down, let the executive through whatever process it likes determine the age of a judge at the time of appointment, but there should be no further reopening of that matter at a later stage. Otherwise there may be a danger of the executive interfering with a judge's age because he has acted in a manner which is not palatable to them.

For years together from the platform of the Indian National Congress every session we used to pass a resolution that there must be complete separation of the judiciary and the executive. That has not been done in independent India in a number of States. Punjab is one example, and you know what disaster took place there, a good deal of corruption. I had been associated with the Grewal case and a number of important cases in the Punjab, and I know how the stream of justice was sought to be deflected because of executive interference and interference from higher quarters. Fortunately the Supreme Court ordered that this should not be tried by Punjab judges and ultimately they got justice, both in Kapur's case and in Grewal's case. Therefore, it is absolutely imperative that there should be no executive interference at any stage or in any form with the judges.

Particularly with regard to the age of a judge I think the suggestion

should be accepted that only the Supreme Court Chief Justice should be in a position to deal with the matter if there is any question, and I fully endorse the suggestion made by Shri Mukerjee that that point should be clarified.

I am sorry that there is a good deal of law's delays. The day I resigned my High Court Judgeship I went to bid good-bye to the Chief Justice—you know Sir Trevor Harris, a very distinguished Chief Justice—and he told me, "Mr. Chatterjee, you are going, look at the commercial courts, on the original side there are 11,000 suits pending." And when I went to the Allahabad High Court some years later to appear in an important case I met Chief Justice Mullick of the Allahabad High Court and later I met Justice S. R. Das of the Supreme Court and I asked him "what is the position with regard to law's delays?" He said "The Calcutta High Court has been beaten hollow by the Allahabad High Court; there the arrears amount to 51,000 cases." It is a horrible thing. I hope things have improved. But there is a lot to be done in that direction. It is not a question of an individual ICS officer. Some remarks have been made against him. It is not fair. He cannot defend himself here. But all that I am saying seriously is that some attempt should be made to improve and upgrade our judiciary. And that can be made provided you make it possible by offering better and more attractive terms and conditions of service and tenure to the High Court Judges. And that should be done. It will be a false economy if you do not do it. And law's delays will to a large extent be negated or curtailed if you have the right type of judges and upgrade the judiciary.

Lastly, I am making one more suggestion, and that is this that no scope should be given for a writ petition to be filed or allowed to be filed to question the age of a Judge. I had been to your State. Mr. Deputy-Speaker, I was invited by the Bangalore Bar Associa-

tion to deliver a course of lectures on comparative constitutional law in the month of July. When I was there I was snocked to hear that a writ petition had been filed in the Madras High Court challenging the legality of the continuance of the Chief Justice in office, because his age was questioned. When I went to Mysore I asked the Chief Minister and other friends and I came to know that it was true, that this writ petition was pending there. This sort of disreputable state of things must end and it can only end provided you decide once for all that only the Chief Justice of India should have the final say in the matter, that he should look into it and completely determine it. You should not allow the executive to have any say in the matter in any shape or form.

Finally, I want to make one suggestion. With regard to the appointment of a High Court Judge, let not the Chief Minister at all interfere. Why allow the Chief Minister to interfere in the appointment of a High Court Judge? The Chief Justice of the State and the Chief Justice of India should decide the matter, the moment you allow the Chief Minister to come in and have a say, as Dr. Singhvi just now said, politics comes in, political influence comes in, then there is the question of negotiation, there is the question of scratching each other's back, the Chief Justice may have a nominee of his, the Chief Minister may have a nominee of his, then they will pair them together and other unfortunate things follow. Unfortunately, this sort of things have happened. The Chief Justice of India should deal with these things. One Chief Justice of India has expressed that this is a very melancholy state of affairs and it should be done away with. It can be done away with, as I said, if we do not allow the Chief Minister to have any say in the matter. Let the highest man in the judiciary of the State directly deal with the highest judicial officer or authority in India. Let them decide as to who is the man who is competent to be appointed to the high post of a



[Shri N. C. Chatterjee]

High Court Judge. That should be the desirable objective. That should eliminate all chances of any further degradation of the judiciary. I want that this disreputable state of affairs of over-litigation, of *mandamus* petition or *quo warranto* petition filed in court after court questioning the judges' ages should come to an end. That can only be stopped if the executive definitely declares that the Chief Justice of India shall be vested with that authority and his determination shall be accepted as final. I am quite sure the judiciary in India will accept that verdict and I am sure it will be a very desirable objective.

**Shri Ranga:** Mr. Deputy-Speaker, Sir, I agree with all the observations made by my hon. friend, Dr. Singhvi. I am also very keen that the Chief Justice of the Supreme Court alone should be made responsible to settle questions of doubt that arise in regard to the date of birth of these High Court judges. The present practice of leaving it to the executive is not healthy and in the recent instances it has led to a lot of speculation and rumours, the details of which I need not give now.

Sir, to place all these High Court judges—there are quite a large number of them—and also the Supreme Court judges at the mercy of the executive is really not dignified. Secondly, it is not conducive to the independence of the judges and it would not be in keeping with the status that we have endowed them with in our Constitution.

I am particularly anxious, Sir, that the transfers that are being made of High Court Judges should not be made merely by the Home Ministry or the Law Ministry as is now being suggested by Shri Chatterjee. It should be made by the Chief Justice of the Supreme Court; otherwise, again, political influence and mischief are likely to come into play.

And, in regard to this question of transfers, it is not only the High Court judges but the Chief Justices also must be capable of being transferred as and when found necessary by the Chief Justice of the Supreme Court. I am very glad the healthy practice of appointing some judges to any one particular High Court from outside the jurisdiction of that particular court or from some other State has come to stay and is being utilised. I would like this practice to be extended so that a decent enough proportion of High Court judges in any High Court would be those who have come from outside that particular State.

Then there is the question of conditions of service. I learn that in very many places the High Court judges are hard put today to have a decent enough accommodation. While the Government have been going out of their way to providing housing accommodation for many officers of much lower grade, much lower status and on a large scale too in almost all the States, I do not see any reason why the Government should not hasten to make funds available and help the High Courts to construct decent enough quarters for the High Court judges and place them free of rent at their disposal in many of the States. I say "free of rent" for this reason that the salaries that are being paid to our High Court judges, I learn, are not attractive enough to induce the most eminent lawyers who are available to offer themselves for appointment as High Court judges. I know also of instances where several leading practitioners did not wish to accept these appointments just because—they had two objections—firstly, they were earning so much more and they did not want to sacrifice and, secondly, they felt that political influences which were raging in their States were likely to come in their way of getting their appointments in a decent way. They did not

wish to be insulted by being dropped at the instance of local political bosses.

That brings me to the question of the manner in which these High Court judges are being appointed. I am in agreement with my hon. friend, Shri Shukla, from the Congress benches, in his observation that political influences are being brought to bear in the selection of people as High Court judges. This is not a new evil. Even when the British were here they used to favour some of their political favourites, and that was one of the instruments which they used against our Nationalist Movement. Unfortunately, our Swaraj Government also has fallen into that bad practice and our Chief Ministers at the State level have only been too glad to take advantage of this. I would like to know whether even one-tenth of the total number of appointments that have come to be made ever since we have achieved freedom in regard to High Court judges have come to be made entirely on of non-political and purely judicial basis.

**An Hon. Member:** Not even one per cent.

**Shri Ranga:** It is very difficult for anybody to say that political influences have not been brought to bear upon this. And, political influences have not always been used in a healthy manner or a wholesome manner. Often they have been used also to punish or insult some people who are entirely deserving and who command the respect of their local bars. Therefore, I want this practice to be put an end to. I do not know how soon it will be put an end to. One of the ways by which, I think, we can avoid this evil is by transferring the jurisdiction of administration of High Courts and Supreme Court from the control of the Home Ministry to the Law Ministry.

Then, Sir, there is the question of the age problem. I agree with my

hon. friend Shri Chatterjee, that it is good that it has been raised so far as the State High Court judges are concerned. But I do not agree with my friend when he said that there are many cases pending just because so many of these judges are over-aged. That is not so. The real reason for that, I think, is that there are not sufficient number of judges appointed and I would like my hon. friend, the Home Minister, to look into this matter and see that they are helped.

But I do not agree with one suggestion made by Shri N. C. Chatterjee, namely, that direct recruitment should be made even to the Supreme Court. In the light of the harsh and the bad experience that we have had in the appointment of High Court Judges till now, I would like the present practice to be continued, that is, the recruitment of Supreme Court Judges from functioning High Court Judges.

**Shri N. C. Chatterjee:** I can tell my hon. friend that we have departed from that practice and the Government of India has approved of it. The learned gentleman who was the Advocate General of Punjab has been recruited directly from the Bar and that has proved to be a great success.

**Shri Ranga:** An exception cannot prove the rule. I do not know anything about this particular gentleman; therefore, I do not wish to say anything about it. I am prepared to accept what Shri Chatterjee has said that it is an excellent, happy example of appointment through direct recruitment; but in the light of what has happened now in regard to High Court Judges, I would rather that we would be cautious enough and see that we restrict the appointment of Supreme Court Judges to High Court Judges and not give so much freedom and latitude to the Home Ministry or the Law Ministry at the Centre.

Lastly, I am particularly anxious that there should be a change in the

[Shri Ranga]

attitude of the Chief Ministers as well as the ministries here of the Government of India towards our High Courts and the Supreme Court. Whenever there is any doubt I would like them not to use their own judgment but to refer it to the Chief Justice of the Supreme Court and accept his judgment in regard to the recruitment, appointment, sanction of leave, transfer and all these things, leaving it to the Chief Justice and in that way maintain the prestige as well as the impartiality and non-political character of the Supreme Court and High Court Judges.

**Shrimati Yashoda Reddy** (Kurnool): Mr. Deputy-Speaker, Sir, of late the Parliament and the people in general have become more and more critical about the judiciary. It is one of our departments of which I have been very proud. Our judges were above suspicion but, I must confess, of late for a variety of reasons which, I think, do exist, our confidence not in the judges themselves but in the judiciary is lessening and it is a very sad thing.

My hon. friend, Shri Ranga, said that the Chief Ministers are interfering too much. I do not agree with him; but certainly this much I am prepared to concede that there is a feeling that there is a bit of political intervention in the appointment of High Court Judges. It will do well for the Government, whether it is State or Central, that this impression, however right or wrong it may be, should be curbed in the interest of our own people and in the interest of our administration of justice.

I would like to agree with Shri N. C. Chatterjee about the age of High Court Judges. It is not the question of the President or the Executive or X, Y or Z deciding whether it is right or not. Why should that question at all arise? Why could it not at the time of appointment, once and for all, be made clear? What

prevents it? What is the difficulty? When you appoint a gentleman as a judge of the High Court, let it be made clear and final what the age of the judge is and let not there be a question of decision at any time. We should not unnecessarily bring in the President or his name. It must be assured by the Ministry that hereafter, whatever might have happened in the past, never again will this question of age arise as far as the Indian judiciary is concerned.

About the separation of the judiciary, in the days of the British we went on shouting that we wanted separation of the judiciary and we promised our own people that there will be separation of the judiciary. No doubt, we have been acting on those lines but in many States they have not done that. Moreover, we feel that the separation of the judiciary from the executive ends only with removing the magistrates from the control of the District Magistrate. That may be one aspect of the thing; but there are so many other things. Under our statutes and laws more and more administrative departments are being made final in their decisions. The High Courts and the Supreme Court are also remote from the decisions of the administration and the executive. People are being stopped from going to the courts of law because they are not able to get relief and whatever the executive authority says is final. Whatever may be the efficiency of the administration, we must concede that the administration cannot be the sole judge of its own discrepancies even if it is working in favour of the person who is complaining. I do not know what to suggest, but there must be an independent tribunal, apart from the administration or executive officers, who can deal with all administrative disputes.

About the recruitment to the judiciary, Shri Gajendragadkar said that apart from other reasons for the law

delays, one important thing was that the judges who were being appointed, specially at the lower judiciary level, were not well-equipped or trained. This he says, is due to the fact that most of our young people who come out of the universities go in for administrative jobs because they are more lucrative and that they take to the Bar or to the judiciary only as a last resort. So, my appeal to the Government is that the status of the lower judiciary should be raised. At least, they should make it an all-India service. I know, replying to the Budget debate, I think, Shri Sen, said that the State Governments will oppose it. Maybe, the State Governments will oppose it—and a number of things they do oppose—but in the interest of justice, at least they must make it an all-India service and recruit to the subordinate judiciary from universities, give them better pay and also give a sort of legal training for a year or two so that they may have enough legal equipment and training when they go to the courts to decide cases.

About litigation, it has become very costly. In one or two seminars Shri Chatterjee had appealed that litigation as such is very costly and the poor people in India, not because of any intention of the Government but because of the circumstances prevailing, are certainly shut out from getting justice. Shri Sen himself appealed to the House and said, "I am one with the Members for giving some legal aid to the poor and bringing down at least the cost of litigation"; but, I think, he did say that the Finance Ministry had come in his way—It may not be the same Finance Minister—and that they cannot spare money as far as affording some sort of aid to poor people who are in dire need of justice is concerned. I would request the Government, the public and even the eminent lawyers at the Bar to evolve a method as to how we could be able to solve this problem of giving some

aid to the poor people who are being denied justice just because they are not rich enough.

The most important thing that Shri Gajendragadkar said is that law's delays were not just because there were not enough judges. He did not agree with Shri Ranga's view. He said that even under the present circumstances if the judges worked a little harder and the members of the Bar co-operated, the law's delays and accumulation of work must be very little. In this connection I would like to quote what the late Prime Minister said in 1956 presiding over a seminar. Inaugurating the First State Law Ministers' Conference he characterised the working of the Indian judiciary as belonging to a more leisurely bygone age and not at all in keeping with the needs of the fast changing social order. I do understand the feelings of eminent members like Shri N. C. Chatterjee. I do not say that it is entirely the fault of the judges, but with due respect to them I only appeal to the judges and the members of the Bar that they should co-operate because, being a poor country, as we are, maybe we are not able to give as many judges as we would like to have.

Lastly, I would like to say a word about the transfer of judges. In spite of the assurances of the Central Government I feel that judges are not being transferred in good numbers from the States from which they are recruited. From my own personal experience, I would like to say that when a member from the Bar is recruited to the High Court Bench, somehow there is a feeling in the mind of the litigants that they might not get justice from such a judge because he having been an advocate in the same High Court, it is just possible that some of the litigants may be his own ex-clients. Whatever may be the reasons, it should be a healthy convention, and I am glad we have started it, that transfer of judges should be made from one State to another.

[Shrimati Yashoda Reddy]

Further, I would say that I agree with my hon. friend Shri Ranga—though I very rarely agree with him; not because I am as intellectual as he is, but with my limited intelligence I sometimes differ—when he says that even the Chief Justices, wherever possible, should be recruited from the other States.

I hope also that the Home Ministry would like note of the criticism that there is a feeling in the country that there is political interference in regard to the judiciary; though it is not as much as the Opposition seems to make out, yet we must remember that justice should not only be done but it should seem to be done. We should try to eliminate even any suspicion in this regard, and we should all co-operate and not create unnecessary confusion in the minds of the people that politicians are playing havoc with the judiciary.

**Shri Gauri Shankar Kakkar** (Fatehpur): I agree with the hon. Minister that the Bill which is before us is a very simple Bill and it has come only as a consequential amendment with regard to the raising of the age of retirement of High Court judges. After hearing hon. Members who have spoken from both sides of the House, I feel that it seems most proper that a comprehensive Bill should have been brought forward in this House clearing the position in regard to the appointment and other conditions of service of the High Court judges.

Since we have pledged ourselves to a democratic form of government and that can be possible and that can be guaranteed only when there is a judiciary above all suspicion, with a view to placing the judiciary above all suspicion, there should have been rules framed to ensure that there would be the least chances of political interference at the time of appointment of judges. I would welcome if the Home Minister brings forward a comprehensive legislation where all such things would be

cleared so that there may not be any chance for any sort of suspicion in the fairplay of the judiciary.

I know that it has been admitted that there has been political interference by the Chief Ministers of various States at the time of appointment of judges. There have been cases where judges have been appointed from among very ordinary lawyers who were politicians or Members of the Legislature, for political reasons, and those persons now find a place on the Benches of the High Courts. When such instances are there, you will agree that it is almost an agreed proposition today that political interference has taken place in the appointment of judges.

Now, I would like to say a word about the separation of the judiciary from the executive. There have been resolutions passed on this matter, and it has been the policy of our national government to see that there is complete separation of the judiciary from the executive. But there are certain States which have not effected this separation yet. Even in those States where the separation has been implemented I would submit that that is there only in name, and it has been done in the most imperfect manner. The judicial officer in UP is still at the mercy of the ADM who is only an executive officer of the cadre of sub-divisional officer. So, even where there has been an implementation of the scheme of separation of the judiciary from the executive there has not been a complete separation and the executive is still dominating over the judiciary.

In regard to the age of judges, I would submit that it is really unfortunate that whenever the question of age of a High Court Judge comes up, it becomes the subject-matter of court litigation. Such things should be avoided. I understand that henceforth the rules would be there and there would be no such cases, and the age would be made clear and deter-

mined finally at the time of appointment. But what about those cases where with the enforcement of the Constitution (Fifteenth Amendment) Act, the difficulty has arisen? I think that it would be a safe thing that where such difficulties have arisen or where the matter has actually become the subject-matter of litigation, the Chief Justice of the Supreme Court should be given the power and authority to decide the matter, and if any amendment is required to settle the controversy, it should be done straightway, because it is a sad tragedy that the judges of High Courts should be going to the High Court or the Supreme Court for the determination of their actual ages, in order that they may get the benefit of the Constitution (Fifteenth Amendment) Act and this present Bill.

In conclusion, I would request the Home Minister to come forward very soon before this House with a comprehensive Bill which will make the position clear once and for all about the appointment of judges, their tenure of service etc. and which will eliminate all chances of political interference by the executive and which will also ensure that the age of judges would be determined once and for all and it may not be questioned later on in any court. If we do this, I am sure that we can succeed in assuring our people of the fairplay of the judiciary in running the democratic set-up for which we are all striving.

**श्री यशपाल सिंह (कैराना) :** उपाध्यक्ष महोदय, जहां तक कांस्टीट्यूशन का ताल्लुक है, हम उसके सामने सिर झुकाते हैं। लेकिन भारत की बढ़ती हुई जरूरतों को देखते हुए यह अच्छा नहीं लगता है कि न्यू हैडज, फ्रेश हैंड्स, जो फ्रेश ग्रुजुएट्स यूनिवर्सिटीज से निकल कर आ रहे हैं, जो ऊंची से उंची काबलियत वाले लोग आ रहे हैं आई० ए० एस० में और ज्युडिशरी में ऊंचे से ऊंचे ब्रेन वाले आ रहे हैं उनको पीछे धकेल दिया जाए। हम देखते

हैं कि एक एक केस हाई कोर्ट में सोलह साल से अटका रहता है। इसका साफ मतलब यह है कि जस्टिस डिलड, इज जस्टिस डिनाइड वे केसिस सोलह सोलह साल से इसलिए अटके हुए हैं कि ऐसे लोगों को भी लगा रखा गया है जो काम नहीं कर सकते हैं। एक तरफ हम कहते हैं साउंड माइंड इन ए साउंड बाडो एक तरफ हम कहते हैं कि जिस का दिल और दिमाग काम करते हैं, जिसकी आंखें दुबल हैं, वही काम करेंगे और दूसरी तरफ हम देखते हैं, कि हमारे यहां इस तरह के आदमा भी रख छोड़े गये हैं, जो अच्छी तरह से काम नहीं कर सकते हैं। हमारे नंदा जो ने जोसदा चार कमेटी बनाई है उसका बाहर वाले सदाचार कमेटी कहते हैं; लेकिन मैं नहीं कहता हूँ, उस में भी इस तरह के लोग रख छोड़े गये हैं चेयरमैन इत्यादि पदों पर जिनको न तो दिखाई देता है, और न ही सुनाई देता है। अगर इस तरह से चला जाएगा तो कैसे देश आगे बढ़ सकता है..

**श्री श्यामलाल सर्राफ (जम्मू तथा काश्मीर) :** मेरे दोस्त यहां तो इस बात को कह सकते हैं लेकिन इसको वह बाहर न कहें।

**Mr. Deputy-Speaker:** There should be some relevance also.

**श्री यशपाल सिंह :** लोग सदाचार कहते हैं, मैं तो सदाचार कमेटी ही कहता हूँ।

**श्री म० ला० द्विवेदी (हमीरपुर) :** सदाचार समिति का इस बिल से क्या सम्बन्ध है।

**श्री यशपाल सिंह :** सारा उसका इस बिल से ताल्लुक है।

**Mr. Deputy-Speaker:** The hon. Member should not talk so lightly like that.

**श्री म० ला० द्विवेदी :** जो विषय विचाराधीन है, उससे सम्बन्धित बात कहनी चाहिये।

**श्री यशपाल सिंह :** अगर आप कहें तो मैं बैठ जाता हूँ और आपको बोलने का टाइम दे देता हूँ।

श्री म० ला० द्विवेदी : नहीं आप बोलें, लेकिन इसके सम्बन्ध में बोलें ।

श्री यशपाल सिंह : हाई कोर्ट से जिस बात का ताल्लुक है, वही कह रहा हूँ । यही मैं कह रहा हूँ कि वहाँ पर सोलह सोलह साल से केस अटके हुए हैं । हम जनरली यह मानते हैं कि नयों को मौका दिया जाए । पुराने लोग अपने जवानों और नवयुवकों के लिये, फ्रेश हैंड्स के लिये कुछ जगह खाली करें । जब तक ऐसा नहीं होगा देश आगे नहीं बढ़ेगा ।

इस के साथ ही साथ मैं यह भी मानता हूँ कि जजेज के जो अप्वाइंटमेंट्स होते हैं वे विधि मंत्री के अधीन होने चाहियें । जो हमारी ला मिनिस्ट्री है यह उस के मातहत होने चाहियें । होम मिनिस्ट्री से इस का क्या ताल्लुक है । होम मिनिस्ट्री तो यह देखेगी कि कौन वहाँ किस तरह से आतक कायम कर सकता है । लेकिन इस का ताल्लुक आतक के साथ नहीं है । हम कहते हैं कि जूडिशियरी जो है वह गार्जियन है हमारे कांस्टिट्यूशन की । जब वह हमारे कांस्टिट्यूशन की गार्जियन है तो उसे होम मिनिस्ट्री के नीचे नहीं आना चाहिये । इस महकमे से उस का क्या ताल्लुक है । होम मिनिस्ट्री देखती है एग्ज्यूटिव प्वाइंट आफ व्यू से लेकिन हम देखते हैं जूडिशल प्वाइंट आफ व्यू से । हमारी जूडिशियरी को जूडिशल प्वाइंट आफ व्यू से इतना मजबूत होना चाहिये कि उस में चीफ मिनिस्टर्स दखल न दे सकें । आज तक हम देखते थे कि हाई कोर्ट के जजेज किस तरह रहते थे । वह उसी तरह रहते थे जैसे कि हिन्दू विधवायें रहती हैं । उन का पब्लिक से कोई ताल्लुक नहीं होता । लेकिन अब हम देखते हैं कि वह मिनिस्टर्स की दावतों में शामिल होते हैं, मधवों में शामिल होते हैं । इस लिये जहाँ तक इस चीज का ताल्लुक है, मैं मंत्री जी से यह अर्ज करना चाहता हूँ कि आज जो हालत है उस को इम्प्रूव करने के लिये और लोगों को इन्साफ मिले यह हालत पैदा हो, इस को विधि

मंत्रालय के अधीन होना चाहिये । आज हम देखते हैं कि चार चार साल तक केस चलते रहते हैं । मैं ने ऐसे केस देखे हैं कि अगला एलेक्शन आ गया है लेकिन पिछले एलेक्शन की पिटीशनों के फंसले नहीं होते हैं । ऐसी हालत में सब से ज्यादा जरूरी है कि चीफ मिनिस्टर्स की रिफोर्मेडेशन को हटाया जाये । इस से भी ज्यादा जरूरी यह है कि इस महकमे को होम मिनिस्ट्री जो है उस से ले कर विधि मंत्रालय के अधीन किया जाये और सब से ज्यादा जरूरी यह है कि जो हमारा सुप्रीम कोर्ट बैठा हुआ है, जिस के सामने मैं सिर झुकाता हूँ, जिस के फंसले के सामने, जिस के इन्साफ के सामने, मैं नतमस्तक होता हूँ, उस को अधिकार दिया जाये, सुप्रीम कोर्ट के चीफ जस्टिस को अधिकार दिया जाये कि उस के मशवरे से जजेज के अप्वाइंटमेंट्स हों और होम मिनिस्ट्री की दखल इस में से निकाला जाये । मेरा सर शर्म से झुक जाता है, मैं नाम नहीं लेना चाहता क्योंकि मुझे किसी से व्यक्तिगत ट्रेन नहीं है, लेकिन मेरा सर शर्म से झुक जाता है जब मैं देखता हूँ कि मद्रास के जज साहब की पीजीशन के एक शब्द ने, जब वह छठवें या सातवें क्लास में पढ़ता था, उस वक्त के सर्टिफिकेट में उम्र के मामले में गड़बड़ की । एक हाई कोर्ट के जज से हम यह उम्मीद नहीं रखते हैं कि जब वह छठवें में पढ़ता था उस वक्त के सर्टिफिकेट में उम्र के मामले में गड़बड़ करे और उसे घटाये या बढ़ाये । इस तरह की चीज को देख कर मेरा सर शर्म से झुक जाता है । इस लिये मेरी आप से रिक्वेस्ट है कि आप इस को पोलिटिकल प्वाइंट आफ व्यू से न देखें । अगर आप इस को पोलिटिकल प्वाइंट आफ व्यू से देखेंगे तो हमारी जूडिशियरी कायम नहीं रह सकेगी जिस को हम अपने कांस्टिट्यूशन की गार्जियन कहते हैं । हम देखते हैं कि पड़ोसी मुल्क पाकिस्तान तक अपने सुप्रीम कोर्ट के फंसले के सामने पर सर झुकाता है । फिर हम तो जनतंत्र की भित्ति पर खड़े हुए हैं, हम लोग बिमोक्रेसी के लिये खड़े हैं । इसके

लिये हम लोग दिन रात कोशिश कर रहे हैं। ऐसी हालत में किसी भी तरफ से अगर कोई प्रेशर होगा हाई कोर्ट के मामले में तो इन्साफ नहीं हो पायेगा। अगर हाई कोर्ट के जज को इत्मीनान हो जाता है कि चीफ मिनिस्टर उस से खुश है तो उस को दुबारा नौकरी दिलवा सकता है, तो इन्साफ कभी कायम नहीं रह सकता है। हमारे कांस्टिट्यूशन में लिख दिया गया है कि आफ्टर रिटायरमेंट उन को इस तरह का कोई प्रलोभन नहीं दिया जायेगा और हम लोग अपने कांस्टिट्यूशन के सामने सिर झुकाते हैं।

इस के साथ साथ देश की प्रगति का रास्ता यह है कि जहां तक हो सके हम उम्र बढ़ाये नहीं बल्कि घटाये। जो न्यू हैंड्स आ रहे हैं, जिन के पास फेश नालेज है, जिन्होंने बहुत कुछ देखा है, जो गुलामी में पैदा नहीं हुए हैं बल्कि गांधी जी की दी हुई आजादी में पैदा हुए हैं, नेताजी सुभाषचन्द्र बोस की दी हुई आजादी में पैदा हुए हैं, जिन के अन्दर इन्साफ का मादा है, निम्निकता का मादा है, उन को लाया जाये और जो गुलामी के दिनों में पैदा हुए हैं जितनी जल्दी हो सके उन से पिंड फुड़ाया जाये। नये नये लोगों को, जिन के दिल व दिमाग पर कोई गवर्नमेंट का प्रेशर न हो, होम मिनिस्ट्री का प्रेशर न हो, जिन के ऊपर किसी तरह का चीफ मिनिस्टर का कोई गलत इम्प्रेसन न हो, वह लोग लगाये जायें। तभी हमारी जुडीशियरी सही तरीके से रन कर सकेगी।

इन शब्दों के साथ मैं आप को इस चीज के लिये और ज्यादा प्रेरित करूंगा कि इस मामले को होम मिनिस्ट्री के हाथों से लेकर विधि मंत्रालय के सुपुर्द किया जाये।

**Shri Hathi:** I did not think that I would get this unanimous support for this measure. Everybody who has spoken has supported it.

**Shri Y. S. Chandhary:** Including Shri Yash Pal Singh.

**Shri Hathi:** So far as the measure is concerned, in respect of the increase of age from 60 to 62 for eligibility to pension and taking into consideration service in Kashmir in respect of Kashmir Judges transferred to other parts, nobody has opposed, but they have dealt with a number of other points, and I am happy at the anxiety and the sentiments they have expressed about our judiciary.

This country can be proud of its judiciary. We have an independent judiciary, and we have respect for the judiciary. Shri N. C. Chatterjee and Dr. L. M. Singhvi are not here, but as members of the bar, they have contributed a great deal. Shri Mukerjee also, during the debate, has made pointed reference to the question of the determination of the age of Judges. Other Members also have pointed out the various other factors which engage their attention. These points attract not only their attention, but it is equally a matter which Government is looking into.

So far as the judiciary is concerned, and the respect and the position of the Judges are concerned, I for one would be the first to see that our Judges are respected, that the Judges maintain their standard, and that the judiciary maintains these traditions which the country wants for an independent judiciary. I cannot claim to be an eminent lawyer like Shri Chatterjee, but for a number of years I have been in the profession, and therefore there is that personal inclination or affiliation to the Judges and to the bar also.

Coming to the point raised by Shri Mukerjee, perhaps he recollects that in the Fifteenth Amendment of the Constitution which this House passed only some months back, we have said that if any question arises as to the age of the Judge of a High Court, the question shall be decided by the President after consultation with the Chief Justice of India, and the decision of the President shall be final.



[Shri Hathi]

This was a recent amendment, but after this controversy started. Therefore, I may say that everybody would deplore this situation that there should be writ petitions and all sorts of litigations and that somebody should decide about a Judge's age, or that the Judge should try to change the age. This is not really in good taste and we would not like it. It is therefore that this very House passed the amendment that it will be done in consultation with the Chief Justice of India.

Then, the other point that Dr. Singhvi and others raised was about the arrears in the High Courts. This matter also was considered at the conference of the Law Ministers, at the Chief Ministers' conference and the Chief Justices' Conference, and their recommendation about appointment of additional Judges etc., whatever they have recommended, have been implemented.

Then there is the question about the transfer of judges from outside.

**Dr. M. S. Aney (Nagpur):** Was there any representative of the Home Ministry in those committees?

15.00 hrs.

**Shri Hathi:** There was. There were conference of the Law Ministers, then Chief Ministers and then the conference of Chief Justices; those were the conferences and representatives of the Home Ministry, and in some cases, the Home Minister, was there except in the conference of Chief Justices. Their recommendations have been implemented.

Then, Shri Vidya Charan Shukla wanted to know about the appointment of judges from one high court to another, or, their transfer. Appointments of judges from outside the States are being made. 18 such appointments have been made after we have tried this. But there, the difficulty envisaged was that they really

wanted some compensatory allowance; the judges were not very willing to go from one State to another, and they wanted some compensatory allowance, travel facilities and concessions. We have agreed to that also so that the transfer of judges from one State to another may be easy and the judges would not feel embarrassed or unhappy at being transferred from one State to another. In fact, that would be a good thing and we encourage it.

Then the other question which was touched upon by several Members was the question of delays. I have already mentioned that this very point was considered at these conferences and steps have been taken for the appointment of additional judges, etc.

Then comes the question of appointment of high court judges. Here, much has been said about political pressure. I may, however, say that the appointments of judges to the high courts are made after consulting the Chief Justice of India, and I do not remember any case, except one, where the appointments have been made without the consultation of the Chief Justice. But I may assure the House that this sort of impression is also not good for us. We should try to remove this impression and should see that the appointment of high court judges is made on merits, in consultation with the Chief Justice of the high court concerned and the Chief Justice of India. Because, if you allow this sort of atmosphere to grow, then the very confidence which we have today in the judiciary will be destroyed, and therefore it is that I for one and the Government is eager to see that these considerations do not come in the way.

I referred to the important points raised. Other points have been raised and hon. Members have discussed many things which are not quite relevant to the present Bill. But I have tried to deal with other points

also although not relevant and which were raised by hon. Members and which are important really. I can only assure this House that whether it may be the Law Ministry or it may be the Home Ministry, it is not a question of the person who is in charge. It is the question of the outlook, and the outlook of the Government as such. Is it the intention of the Government to see that the judiciary is independent? Is it the desire of the Government to see that the people have confidence in the judiciary? Is it the desire of the Government to be in preparedness to see that impartial justice is being meted out to the people? Is it the desire of the Government to see that there are no delays in the dispensation of justice? If this is the outlook, if this is the approach, that is good. It may be Mr. Hathi or Mr. Nanda; that does not much matter; may be a lawyer or may not be a lawyer. But the question is one of outlook of the Government as a whole, and so far as that is the outlook, I do not think that the question of internal distribution should come in the way.

With these words, I commend this Bill to the acceptance of the House.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** We shall now take up clause-by-clause consideration of the Bill. There are no amendments to clauses 2 and 3.

श्री बागड़ी (हिसार) उपाध्यक्ष महोदय, यह बिल बिना कोरम के पास हो रहा है

**Mr. Deputy-Speaker:** The bell is being rung— Now there is quorum. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3, was added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

**Shri Hathi:** I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill be passed."

**Shri H. N. Mukerjee** (Calcutta Central): Sir, I would not normally have intervened at this stage because obviously perhaps I am tiring the patience of some very distinguished Members, but while I appreciate very greatly the capacity for sweet reasonableness which my hon. friend the Minister of State possesses in plenty, I am afraid he has not quite given us the satisfaction which I was asking for, may be a little unreasonably.

I am quite aware that in the Constitution amendment there has been inserted a provision regarding the President having the duty, in cases when they are relevant, to determine the age of the judge and that is going to be final. But what has disturbed me is certain proceedings to which I tried to draw the attention of the House. In the case of J. P. Mitter, a former judge of the Calcutta High Court, in the Special Bench matter to which I made a reference a little while ago, it came out and it is stated in the judgment not only Mr. Justice P. N. Mookerjee but also of the others who gave judgment in a different way, that the Advocate-General of West Bengal had made a definite statement that the Union Home Ministry had given a direction to the Chief Justice of the Calcutta High Court that so and so having passed the age of 60 should no longer be permitted to act as judge, and that judge, claiming that he had not passed that age, was trying to establish his right. I am not going into the rights or the wrongs of the matter, but it is rather dangerous: the Union Home Ministry gave direction to the

[Shri H. N. Mukerjee]

Chief Justice and all the judges who comprised the Special Bench—five very distinguished judges—commented on this; they said that it is a very dangerous state of things when the Union Home Ministry, as Union Home Ministry, gives this direction to the Chief Justice of a high court. I do not quite know what was the actual text, but from the judgment it would appear to be so.

If there was a specific statement that in conformity with the provisions of the latest amendment of the Constitution, the President, according to proper processes has gone through the different mechanisms for ascertaining the age of the judge and if the facts of the ascertainment by the President himself of the age of that particular judge had been communicated to proper quarters, I can understand the feasibility of the proceedings.

But from what I have found in reports—and I have quoted from a journal called *Public Administration*, where all the relevant extracts from the judgment of the Special Bench are put together—it appears that the Union Home Ministry gave a direction on the Calcutta High Court's Chief Justice. If my friend would please look into the proceedings before the Calcutta High Court, it came out that the Chief Justice himself was put in a quandary and all kinds of allegations have been made against the conduct of the Chief Justice himself in covering up a matter which was rather difficult to cover up. This ex-Judge, J. P. Mitter, has been fighting a lone battle, a valiant battle. It may be something on the merits of which we cannot pronounce—it is not our business—but alone he has been fighting this battle and he has drawn the attention of the juristic world all over our country. In the course of the proceedings, it came out that the Union Home Ministry gave this direction which I do not like. I wish some kind of clarification is given about this.

Another point which came up in the course of the discussion to which

also he has not given a satisfactory answer is this. The Chief Minister of a State seems to have a great deal of say in the selection of Judges. It is not only the Chief Justice of the High Court and the Chief Justice of the Supreme Court who decide this matter, but the Chief Minister has a lot of say in this matter. We do not like this at all. Chief Ministers are generally very estimable people, but occasionally all kinds of things are noised about in regard to their activities. I heard once from a very eminent person—I would not name the State to which he belongs—he told me once about a function held in one of our States where a new High Court was being set up and the Chief Minister went and spoke there, being a very important dignitary. The Chief Minister congratulated the Judges on dispensing with justice. We speak a language which is not our own and we are all liable to make mistakes. But perhaps Judges dispense justice while Chief Ministers in many cases dispense with justice and they had advised Judges to do dispensation with justice rather than dispensation of justice, which is their duty.

In regard to Chief Ministers, so many people have so many grouses of so many descriptions that for the Chief Minister to have a hand in the pie of selection of High Court Judges is a very dangerous proposition. From the Government I want an assurance that in regard to the appointment of High Court Judges, functionaries like the Chief Minister or comparable people, who may be very estimable and very important in our economy, should have nothing to do, and that is a matter on which the Government should make up its mind and tell the House.

**Dr. M. S. Aney:** The hon. Minister has made a very reasonable speech and tried to convince House that the Government is of the same point of view as the hon. Members. One of the things that hon. Members wanted was that the Minister should bring a comprehensive Bill incorpo-

rating all the reforms suggested by them. In his reply, he has omitted that point altogether. I would like to know whether it is in the contemplation of the Government to consider this and if so whether it is likely that before the end of this Parliament, he will introduce a Bill like that.

**Shri P. Venkatasubbalah:** (Adoni): There has been some misapprehension in the minds of the people that there has been inordinate delay in appointing Judges once the proposals are sent by the Chief Justice of a State. In my own State, a proposal has been sent for the appointment of two judges. This matter has been pending for a long time, more than a year. An apprehension has been created that there is some hitch between the Chief Justice of the State and the Chief Justice of India and the Union Ministry. I would like the Minister to remove this misapprehension.

**Shri Hathi:** I am sorry Mr. Mukerjee was not satisfied with the reply I gave. So far as issuing some-direction was concerned, that was altogether a new point which he has not mentioned in his earlier speech. I shall certainly look into that.

So far as the appointment of Judges is concerned, as the provisions stand at present, article 217 says:

"Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State and in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court." etc.

It has been said that there is some political pressure that should not be there. The Home Minister is going to discuss it with the Chief Justice of India as to whether anything further is necessary in this regard.

Mr Deputy-Speaker: The question is:

"That the Bill be passed."

*The motion was adopted.*

15.15 hrs.

DIRECT TAXES (AMENDMENT) BILL

**The Minister of Finance (Shri T. T. Krishnamachari):** I beg to move\*:

"That the Bill further to amend certain laws relating to direct taxes be taken into consideration."

This is a short Bill which seeks to amend the Income-tax Act, 1961, the Estate Duty Act, 1953 and the Expenditure-tax Act, 1957, within a limited compass, for making certain provisions for removing hardship and providing relief to assesses in certain situations, and also removing certain difficulties arising in the operation of some of the provisions in these Acts. Some of the provisions in the Bill are designed to strengthen and improve the machinery of the Income-tax Act for tackling evasion and avoidance of tax.

First I shall refer to the main provisions of the Bill relating to income-tax. One of these provisions for giving relief to assesses relates to the taxation of the distribution made to the shareholders of a company by liquidator during the course of winding up of the company. Under the present law, the amount of such distribution, to the extent it is attributable to the accumulated profits of a company prior to its liquidation, is taxed as dividend in the hands of the shareholders. This provision is meant to prevent the avoidance of tax by the shareholders of a company through the device of accumulating its profits for several years and then taking the company into liquidation so that these

\*Moved with the recommendation of the President.

[Shri T. T. Krishnamachari]

profits could be received through the liquidator as return of capital. However, this provision results in an unintended hardship to members of the public holding shares in companies which go into liquidation, not voluntarily or due to bad management, but consequent on the compulsory acquisition of the undertaking of the company by the Government. Hon'ble members may recall that during the debate in this House on the Finance Bill 1964 the hardship caused by this provision to shareholders of electricity companies which went into liquidation on the acquisition of the undertaking by the Government was mentioned. A provision has been made in the Bill to relieve hardship in such cases. It applies to all companies which go into liquidation in consequence of compulsory acquisition of their undertaking by the Government or by a corporation owned or controlled by the Government. It has been provided that in such cases, the distribution attributable to the accumulated profits of the company prior to the period of three successive accounting years before the acquisition of its undertaking, will not be taxed as dividends in the hands of the shareholders. Such distribution will be taken into account only for computing any capital gains arising to the shareholders. An exception has been made in respect of the accumulated profits of the last three accounting years so that this provision may not be abused by the deliberate accumulation of the profits of a company on receipt of advance information about the acquisition of its undertaking. It is sought to give retrospective effect to this provision from 1.4.1962, that being the date on which the Income-tax Act, 1961 came into force I may mention here that this partially restores the position that was obtaining upto 1954-55.

From time to time, suggestions have been received by us from various quarters for providing some relief to the salaried class of assesseees in respect of tax on house-rent allowance

received by them from their employers. The taxation of the whole of the allowance actually spent in the payment of house-rent, as is the position under the present law, on doubt causes hardship to employees paying rent for ordinary residential accommodation in excesses of a reasonable proportion of their salary. This happens particularly in large towns and cities, where the level of house-rent has risen quite high in recent years. To remedy this hardship, a provision has been made in the Bill for the exemption of house-rent allowance from tax to the extent as may be laid down in the Income-tax Rules, subject to an upper ceiling of Rs. 300/- per month. The specific limits have not been laid down in the provision, as these may have to be revised from time to time having regard to the level of house-rent in various classes of cities, any change in the policy of the Government in regard to the grant of house rent allowance to its employees, and other relevant considerations. I would mention that at present, it is contemplated to make a provision in the rules, limiting the exemption in respect of house-rent allowance to the sum by which the house rent payable by the employee exceeds 10 per cent of the salary if he is stationed at any limit of 20 per cent of his salary if he is stationed at Delhi, Bombay, Calcutta and Madras and 10 per cent of the salary if he is stationed at any other place. There will also be an over-riding limit of Rs. 300/- per month.

Another provision in this Bill relates to grant of rebate of tax to assesseees in respect of donations made by them to the Jawaharlal Nehru Memorial Fund. As hon. Members are aware, this Fund has been set up to promote the objectives and ideals for which our late Prime Minister worked untiringly throughout his career, and of which he has left an indelible imprint on our national institutions and domestic and foreign policy. The objects of this Fund being objects of

national welfare, it is but appropriate that donations to this Fund should not be subject to the limits laid down in the Income-tax Act on the amount of charitable donations qualifying for rebate of tax.

The next provision to which I refer now relates to the levy under the Finance Act, 1964, of an extra amount of super-tax on the equity dividends declared by the companies which are not under a compulsion under the Income-tax Act to distribute dividends up to the statutory percentage of their profits. Hon. Members may recall that during the debate on this provision in this House, in April last, a point was made that the levy of this tax in the case of companies in which the public are not substantially interested, and whose shares to the extent of 75 per cent or more of their equity capital were held by charitable institutions, would cause hardship, because it would result in a reduction in the dividend income of such institutions. I had then promised to have this matter examined. I think that it would be justifiable to grant to such charitable institutions a credit for a proportionate part of this tax on dividends in relation to the amount of equity dividends received by them from such companies. The Bill seeks to make a provision in this behalf in the Income-tax Act.

I shall now refer to two of the provisions in this Bill which are designed to strengthen the provision in the Income-tax Act for preventing tax evasion. One of these provisions seeks to prohibit the registering authorities from registering any document transferring any non-agricultural immovable property exceeding Rs. 50,000 in value or any rights in such property, unless the person concerned has produced before the registering authorities a tax clearance certificate from the Income-tax Department in respect of his existing liabilities to income-tax, wealth tax, expenditure-tax and gift-tax as also any liability to excess profits tax and business pro-

fits tax. The object of this provision is the detection of concealed investments in immovable property and also the prevention of any attempt on the part of an assessee to forestall the attachment of his property for the purpose of recovery of his arrear tax dues. There is already a provision on similar lines in section 34 of the wealth-tax Act but it applies only to immovable property exceeding Rs. 1 lakh in value. However, this limit of Rs. 1 lakh leaves a wide scope for transfer of immovable property without information to the assessing officer. It is, therefore, desirable to bring down this limit to Rs. 50,000. Apart from this a tax clearance certificate has to be granted under this provision in the Wealth-tax Act if the assessee has no outstanding dues of Wealth-tax even though large amounts of income-tax and other direct taxes are outstanding against him. It is, therefore, necessary to extend this requirement of a tax clearance certificate to other direct taxes. With a view to obviate any misgivings in the minds of hon. Members about the practical working of this provision, I may state here that in the Rules to be made for implementing this section, a time limit will be specified for the grant of the certificate or its refusal as the case may be and it will be ensured that no avoidable delay is caused in the registration of such documents. A consolidated provision in this behalf is, therefore, sought to be made in the Income-tax Act. This will obviate the necessity of a tax clearance certificate under each of the Acts for the transfer of the same property. As a result of this provision, the existing provision in section 34 of the Wealth-tax Act will have to be omitted from that Act.

Under the next provision, it is proposed to make it incumbent on persons obtaining contracts of the value of Rs. 50,000, relating to house-building, to furnish relevant particulars regarding such contracts to the Income-tax Department within one month of making the contract. It is

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well-know that one of the major outlets of unaccounted money available with the assessee is the construction of house property. For avoiding detection of such investments, the cost of the construction of the house is often understated or the ownership of the property is passed off to *benamidars* of the real owner. Contractors engaged in building houses also find it advantageous to conceal or understate the payments received by them. The proposed provision is one of the measures for tackling this situation. It has been provided that a person who contravenes this provision will be liable to the imposition of a fine by the Commissioner of Income-tax not exceeding Rs. 50/- for each day of default subject to a limit of 25 per cent of the value of the contract. The order of the imposition of fine will be appealable to the Appellate Tribunal.

I shall now mention a few other provisions in the Bill which arise out of certain new provisions introduced in the Income-tax Act by the Finance Act, 1964. One of these provisions seeks to enable the Income-tax officer to revise the original demand of advance tax and advance annuity deposit with reference to the total income of the latest year for which tax has been paid by the assessee on self-assessment, if such total income is higher than the income on the basis of which the original demand for advance tax or advance annuity deposit was based. Some of the provisions relating to annuity deposits are also proposed to be amended. Under one of these amendments, the amount of the annuity deposits will be rounded off to the nearest multiple of Rs. 10/- instead of Rs. 5/- as under the existing provision. Another provision seeks to lay down that the concession allowed to artists, authors, playwrights, musicians and actors for making an additional annuity deposit of 25 per cent of their income will be allowed only in respect of the income derived by

them from their profession, and not in respect of their income from other sources.

The Bill also seeks to make a few other miscellaneous amendments to the provisions of the Income-tax Act which have been found necessary in the light of experience. I need not go into the details of these provisions, as they mostly relate to procedural matters.

I now turn to the proposed amendments to the Estate Duty Act. These are only two in number.

It would be recalled that during the debate in this House on the Finance Bill, 1964 in regard to the stepping up of the rates of Estate Duty, a fear was expressed by some of the hon. Members that the rate of duty at 85 per cent which becomes applicable on the value of an estate in excess of Rs. 20 lakhs, taken together with the tax on the capital gains which the accountable person will be liable to pay when he sells the property for the payment of the estate duty may, in the case of comparatively larger estates, exceed the total value of the property. I have given some thought to this matter. I now propose to introduce a provision in the Estate Duty Act to secure that where the accountable person transfers the assets comprised in an estate and utilises the proceeds for the payment of estate duty, the tax which is paid by him on the capital gains arising on such transfer would be allowed as a deduction from the duty. If the entire sale proceeds of the property or properties are not paid towards Estate Duty, the capital gains tax proportionate to the amount paid towards Estate Duty will be allowed as a deduction. This will secure that the cumulative incidence of estate duty and the tax on capital gains will in no case exceed 85 per cent of the value of the estate duty. In order to expedite the collection of estate duty, it has been provided that this concession will be

available in cases where the property forming part of the estate is transferred within two years of the death of the deceased. An appropriate extension of time may be granted in cases of genuine difficulty.

It is also proposed to make another provision in the Estate Duty Act for enabling an accountable person, if he so desires, to offer to the Government any asset comprised in an estate, whether it movable or immovable property, in payment of estate duty. The object of this provision is to avoid distress sales of property and also to expedite the collection of estate duty. The assets offered by the accountable person in payment of the estate duty will be accepted at the price mutually agreed upon between him and the Government. Any excess of the amount of the price of such assets over the estate duty payable will be adjusted towards income-tax or any other Central direct taxes due from the deceased person or from his estate. Any balance left over will be paid back to the accountable persons. The machinery for taking possession of and administering the property so accepted and the procedure to be adopted the matter will be worked out and prescribed in the Estate Duty Rules.

These amendments to the Estate Duty Act are applicable to duty on agricultural lands also. Estate Duty in respect of agricultural lands is a State subject, but in view of Article 250 of the Constitution, the Parliament has power, at present, to legislate in this sphere also. State legislatures will, however, have to consider whether these provisions should continue to apply in respect of estate duty on agricultural lands after the period mentioned in clause (2) of Article 250 is over and pass necessary resolutions on the subject.

Lastly, I propose an amendment to the Expenditure-tax Act. It relates to the new provision made in that Act by the Finance Act, 1964, under which expenditure incurred on making gifts will not be exempt from ex-

penditure-tax except if the assessee is chargeable to gift-tax thereon or pays to the Government an amount of 4 per cent of the value of such gifts. Under the provision as it stands now, this levy of 4 per cent as additional expenditure-tax will also apply to gifts which are specifically exempt from gift tax, such as gifts to private charities in small amounts or gifts to a spouse up to the cumulative limit of Rs. 50,000. However, as this will result in an unintended hardship, the relevant provision in the expenditure-tax Act is proposed to be amended so that gifts which are exempt from gift tax under sub-section (1) of section 5 of the Gift-tax Act are completely exempted from tax under the Expenditure-tax Act also.

I hope, Sir, the Bill with these provisions will meet with the approval of this House.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend certain laws relating to direct taxes, be taken into consideration."

**Shri S. M. Banerjee (Kanpur):** Mr. Deputy-Speaker, Sir, I have heard the hon. Finance Minister and I would like to make certain observations on the various clauses of the Bill.

**Mr. Deputy-Speaker:** He can continue on the next day. We shall take up the next item now.

15.31 hrs.

DISCUSSION RE: SUPPLY OF CONTAMINATED AND POLLUTED WATER TO RESIDENTS OF DELHI

**Mr. Deputy-Speaker:** We shall now proceed with the discussion under rule 193. Maharajkumar Vijaya Ananda is to raise a discussion on the situation arising out of continued supply of contaminated and polluted



[Mr. Deputy-Speaker]

water to the residents of Delhi and the possibilities of very grave consequences as a result thereof.

**Shri Hari Vishnu Kamath** (Hoshangabad): Sir, I want to raise a point of procedure. While I am quite happy that my hon. friend, Maharajkumar Vijaya Ananda is initiating this discussion, I want to bring to your notice the fact that Shri Banerjee and myself had, the day before yesterday, given adjournment motions on this subject and the Speaker read out our motion to the House also. Normally, I thought, adjournment motions take priority so far as discussion is concerned and that notices by way of adjournment motions are considered as of greater importance or higher priority, compared to ordinary calling-attention notices. But here a calling-attention notice has got priority. While I am quite happy that he is initiating the discussion, for future the procedure should be determined once for all whether adjournment motions should get priority of calling attention notices should get priority.

**Shri P. Venkatasubbaiah** (Adoni): This is not in response to a calling-attention notice.

**Shrimati Yashoda Reddy** (Kurnool): This is a discussion under rule 193.

**Shri Bade** (Khargone): Sir, the Speaker on that day assured us that those who have adjournment motions and calling-attention notices will all be given a chance.

**Mr. Deputy-Speaker:** They have all been clubbed together. All the names are here.

**Shri P. Venkatasubbaiah:** Sir, I raised the objection that day and pointed out to the Speaker that because we had given notice of this motion and it had been admitted, the chance to initiate this discussion should be given to the mover of the motion and he agreed to it. He said that

he would consider the point. Now that his name has been put here, it means he has given his ruling.

**Shrimati Renu Chakravarty** (Barrackpore): May I seek one clarification from you? It has now been admitted as a discussion under rule 193. I would like to know whether it would be a 2½-hour discussion and whether this will be thrown open for discussion to the whole House or it will be confined only to the signatories.

**Mr. Deputy-Speaker:** Naturally, the time available is limited. It depends upon how long the House is prepared to sit. The time also, according to rules, I have to fix for the speeches.

**Shrimati Renu Chakravarty:** I want to know whether only the signatories will be allowed to participate in this discussion.

**Mr. Deputy-Speaker:** No, no, it will be open to others also. Let us proceed now with the discussion.

**Maharajkumar Vijaya Ananda** (Vishakhapatnam): Sir, I know that the entire House is one in this matter. I am raising a discussion which the entire nation would approve of. I am doing this also for one good reason, and that is to strengthen the hands of our Health Minister who, by focusing the attention of Parliament, would be able to deal with the most incorrigible Delhi Municipal Corporation. So far as the Health Minister is concerned, she is the very milk of human kindness. I know that had it been left to her entirely, the present situation would not have arisen and she would have handled it very ably. Unfortunately, she is tied down by certain difficulties by which she has limited powers of exercising her will.

Let me first take what the medical practitioners of Delhi had to say—I

will just read a very small paragraph. They said:

"The Capital is faced with a serious threat of an epidemic of intestinal diseases as a result of the supply of contaminated water."

A leading pathologist, Dr. S. K. Lal, said that Delhi's water supply had been contaminated long before the warning was issued by the Municipal Corporation."

There is an editorial by the Editor-in-chief of the *Indian Express*. I will just read out that portion which is important:

"When the disease becomes an epidemic—as has been predicted—the misery that will descend on the Capital of India, with its notoriously inadequate hospital facilities, can be imagined. But even the present state of mind in which 2.5 million citizens are forced to live amounts to an agony. The period of incubation for the virus which may cause hepatitis is said to be about four weeks. By the first week of October, therefore, the full extent of the disease will begin to unfold itself."

This is by Frank Moraes, Editor-in-chief of the *Indian Express*. It was the Municipal Commissioner, Shri Bhagwaan Singh, who said:

"The possibility of an epidemic could not be ruled out. That was why they had taken all possible precautionary measures."

Now, the question was about this infernal drain called No. 8. That drain was supposed to be the one that has caused all this infection. But I was wondering why the military were not called in immediately the waters were going over the refuse. If the military could do greater things than this, I do not know why they were not summoned. With the resources that we have in Delhi it would have been very easy to have them straightaway

brought there and, I dare say, a lot of the infection that has gone into the Jumna could have been diverted.

Under article 47 of the Constitution of this country it is said:

"The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties. . . ."

While this is also one of the important things in the Constitution, I think Parliament would be perfectly in order to assert itself and supersede the Municipal Corporation. The sooner that is done the better because they are incorrigible.

This so-called virus infection has been there more or less every year. In 1955 there was an epidemic—I shall come to that later—and that was mainly due to the negligence of the Corporation. When partition took place of this country the planners knew very well that this capital was going to be a much larger one than what it was at that time. All these precautions should have been taken and necessary apparatus to see that the refuse was taken and by a chemical process turned into manure should have been there.

I understand that Chittaranjan and places like Bombay and others actually take the refuse and turn it by chemical processes into manure and make use of it, whereas here in Delhi we find that all the refuse is laid on the banks of the Jamuna close-by and high up in the river. Thus, whenever there is an overflow, naturally, that would get into the river and will be pumped back; so much so that just this afternoon my hon. friend, Shri Patel, sitting on my right, heard an interesting thing and brought a scorpion in a bottle from old Delhi

[Maharajkumar Vijaya Ananda]

from tap water. I will read out the letter that he received. It reads:—

“Dear Shri Patel,

Am sending a phial containing a dead scorpion. The insect came with my tap water on Sunday last in the morning at 8 a.m. The tap was already running for the last half-an-hour or so when the water was taken by a child in a glass for drinking purposes. Another neighbour of mine had reported to me about a two inches long insect from the tap a few days ago.”

I think, it would be well if I present this to the House.

**Shrimati Yashoda Reddy:** Present it to the Health Minister.

**Dr. L. M. Singhvi (Jodhpur):** Give it to the Minister.

श्री हुसम खन्द कछवाय (देवास) :  
मंत्र महोदय को दे दीजिये, यह उनके काम का है ।

**Maharajkumar Vijaya Ananda:** The hon. Minister is extremely kind to us. As I said, she has her limitations. If only she had been allowed an absolute free hand in dealing with this matter, I do not think we would have faced the crisis that we are facing now. So, as I said, she has her limitations.

Besides that, permanent measures have to be taken. For that the only way is this. If we could have President's rule in Kerala, surely, the Central Government can take over and supersede this Municipal Corporation. It is a very small thing. It is only just the case of an order by the Home Minister probably and the Municipal Corporation will be superseded and at least this evil that we are having every year could be combated.

Some years ago when I was in England there were two cases of

typhoid and those two cases of typhoid created such a tremendous stir all over England that there were questions in Parliament. All sorts of things were done just because there were two cases of typhoid; whereas in this city I understand that at the present moment we have not got even typhoid vaccine and cholera vaccine. That is not available and if it is available, it is in a very short quantity.

These are the things that have to be gone into. It just reminds me that there must have been floods in the Moghul days also. Surely, nature could not have changed. There must have been big floods those days also. The answer to that, I would say, is the Najafgarh Lake. The Najafgarh Lake at one time must have been a very deep lake where it could take all the flood waters. I know that now one can walk through the Najafgarh Lake from one side to the other because it is silted. What is more, in the Najafgarh Lake we find a lot of paddy and wheat fields and all round it. Most of the lake is now under cultivation. Then what would happen? That was the one place where all this flood water could have gone in and remained there. In the Moghul days if it was possible to avoid such floods, surely with our modern appliances we could do a much better job; for example, dredging could be done.

I know, Sir, there are many speakers who would like to speak on this subject. All I would say is that we have 2½ million people here at your mercy. Since you have all these embassies, what would they be thinking of us, the way we are running our show? It is a very sad commentary. Furthermore, for instance, there is a big nursing home here and there is a nullah running under it from which you can get infection of the worst type. It may be said that people are not down with hepatitis and jaundice and at the moment there may be a few cases, but the fact is

that the infection is now on its way and I only hope and pray that people will be saved from being victims of this. Nevertheless, even doctors and able practitioners have said that the infection may not although seem to be very dangerous on the surface, in the course of another two or three weeks there may be a very great epidemic. I am quite sure that the Health Minister who, as I said, is the very milk of human kindness will take note of this. This motion is for the purpose of strengthening her hands and is not a censure motion by any means. At the same time, I would again appeal to her that she must dismiss the Municipal Corporation. The members of this Municipal Corporation are more keen on naming the roads or something after their relations or *rishtedars*. Look at the roads in Delhi. What a deplorable sight they are!

**Mr. Deputy-Speaker:** Let us not go into the roads at this moment.

**Maharajkumar Vijaya Ananda:** I hope, Government will take notice of all these things and save 2½ million people from being victims of this virus.

**Mr. Deputy-Speaker:** We will sit up to 5.30.

**Shri Hari Vishnu Kamath:** It should be a 2½ hours' discussion. If the House is not agreeable to sit till 6 o'clock, we can sit till 5 o'clock today and continue it on Monday. I may quote a precedent. In 1956 when a similar discussion was held, the then Speaker fixed.....

**Dr. L. M. Singhvi:** Let us not be too rigid about it.

**Mr. Deputy-Speaker:** I am taking the opinion of the House now. Is the House prepared to sit up to 6 o'clock?

**Shri Hari Vishnu Kamath:** We can have it today and on Monday.

**Mr. Deputy-Speaker:** Not on Monday.

**Shri Hari Vishnu Kamath:** You should not hustle it. It is an important matter.

**Mr. Deputy-Speaker:** Not exceeding 2½ hours.....

**Shri Hari Vishnu Kamath:** That is what I say. The minimum becomes maximum.

**Mr. Deputy-Speaker:** If the House agrees, we can give 2½ hours. Then, each hon. Member will take only ten minutes. How long does the hon. Minister want for a reply

**The Minister of Health (Dr. Sushila Nayar):** I will not take more than half an hour. If there are not too many fresh points which, I think, will not be there, I may take even less. But at the most I will take half an hour. Another thing that I may suggest is that instead of deciding about the time, whether we have 2 hours or 2½ hours, let us see how the debate proceeds. If there are people who want to make fresh points, perhaps we may decide.....

**Shri Hari Vishnu Kamath:** There are more Members wishing to speak than you imagine.

**Mr. Deputy-Speaker:** Shrimati Renu Chakravartty.

**Shrimati Renu Chakravartty:** I am glad that the House has got an opportunity of debating this very important question of the continued pollution of water in the capital of India. It is not a new thing. We have had it almost continuously every rainy season. I remember, we had it in 1955 and some of the Members of this House also became very seriously ill. Later on, almost every year we have had this fantastic pollution. It is a disgrace not only for India but it is something which disgraces our name all over the world. If this happens in Delhi, what shall we say about other smaller places? This year there has been an unprecedented rain. There is no doubt about it. But the question is that there have been many reasons which have been brought forward as being the cause of this pollution, by sullage, of this water. Unfortunately, we are not convinced

[Shrimati Renu Chakravartty]

that the reasons which are being brought forward as the causes of this pollution were impossible of solution.

15.50 hrs.

[DR. SAROJINI MAHISHI in the Chair]

In 1959, the Central Water and Power Commission Project Report known as the Reddy Report was accepted, and its main recommendation was regarding, resectioning widening steepening and lining the Najafgarh Nullah for at least 18 miles from Kakraula bridge to the outfall below the Wazirabad barrage. This was the main recommendation made in 1959, that is, about five years ago. Today we are told that hardly anything has been done with regard to this. Almost, every year, there has been a recurrence of this disgraceful phenomenon of seeing excreta mixed up with drinking water. What is the use of telling us that we should boil our water and then drink it, when every day we wash our dishes in this water and we wash our faces in this water and we are doing everything with this water? It is really a disgraceful affair.

**Shri J. B. Kripalani** (Amroha): I have not taken bath for 20 days.

**Shrimati Renu Chakravartty**: My hon. friend Shri J. B. Kripalani has been put into a further complication; he has not had his bath for the last twenty days.

**An Hon. Member**: That is what he says.

**Shrimati Renu Chakravartty**: You can understand the sufferings of the people who cannot bear not to have a bath for 20 days!

Recently, when the situation became critical, how is it that in seven days, navy divers could be sent down to remove the obsolete Rohtak bridges, a thing that could not be done during all these years? Where there is a

will there is a way. But we see a lack of sense of urgency for this most important project upon which depends the life and health of the 2½ millions of people living in the city and its surroundings.

Certain make-shift arrangements were made. Two years ago, the Delhi Administration constructed the Dhansa Bund about which Dr. K. L. Rao has made certain critical remarks; and I am glad that he was frank enough to make those critical remarks. This Dhansa Bund was on the link channel to regulate the flow from the Jahazgarh Jheel to the Najafgarh Lake. But the House will be surprised to know that no regulators have been put in up-to-date. May we know why the regulators could not be put in?

**Shri Frank Anthony** (Nominated—Anglo Indians): Why should we be surprised? We have to take it as a matter of course.

**Shrimati Renu Chakravartty**: We would naturally think that at least the capital of India would get a better deal than the rest of India.

**An Hon. Member**: Why?

**Shrimati Renu Chakravartty**: This is what has happened, and this is what we have seen everytime everywhere. So, while Delhi was saved, Punjab had to suffer.

This year when we had this unprecedented rain, we saw the phenomenon of the Sahibi river which used to run into the sands and lose itself this year dividing into two tributaries from which five more sub-tributaries came out, and they all came and joined Drain No. 8, and the Dhansa Bund was breached. On August 30th, they had to breach the Dhansa Bund. Otherwise, the whole thing would have collapsed, leading to much greater tribulation.

Although the Najafgarh Nullah was designed to carry 3000 cusecs of

water, it can only carry 1,500 cusecs because the construction was not completed, and naturally, when the rushing waters came, there was a flow of about 4,000 to 5,000 cusecs, which flooded a hundred villages, and marooned about 52 villages and threatened the whole of urban Delhi of which a few of the low-lying colonies got inundated.

To make matters worse, there was the bursting of the Harsora Dam in Alwar in Rajasthan, and this swelled the Sahibi river, and the people then rushed and breached Drain No. 8. Naturally, this was another complicating factor.

The diversion of Drain No. 8 has again come in very rightly for criticism. There has been diversion of Drain No. 8 during this year because Rohtak was being inundated. They have built this from Gohana to the Jumna. Apart from the negligence in the construction of the bunds along the channels, this diversion Drain No. 8 had no embankment for two miles on the right bank. Who is responsible for this? May we know this? The flood waters flowed through a cut in diversion Drain No. 8 and entered the Bhowana escape, breached the right bank and entered the Najafgarh Nullah through a creek known as the Burari Creek, sweeping the refuse from the dumping-grounds at Baodi *en route* and bringing it into the Wazirabad barrage above-stream from which actually we draw our drinking water. This had entered the upstream of the Jumna at the Wazirabad barrage and pumping station.

Now, the corporation engineers somehow have been able to stem the flow by constructing a low temporary bund of sand-bags and the higher villages. But it is really sad to see the Health Ministry very tardily telling us that the people of Delhi are now going to drink the water which has been polluted with this dumping-ground refuse which has got mixed up with the water.

The Reddy Committee in 1959 had the representatives of all the committees under the sun. They had the representatives of the Ministries of Works, Housing and Supply, the Ministry of Health, the CWPC, the Delhi Corporation, the Delhi Administration etc.; and the representatives of the States of Punjab and UP and the railways had also joined in the deliberations from time to time. The responsibility for the implementation, however, is always usually left to many concerns, to a large number of concerns, in fact, and what happens to such projects is well known. The same history has been repeating itself in the case of the sillage of water in Delhi.

There has been piece-meal execution of projects with callous disregard of the time-factor. We charge this Government for this. Although we have been told that the flood control board has been formed, we would like to be assured in this House that not only shall there be drawn up a sound engineering scheme co-ordinating the interests of Delhi, Punjab, Rajasthan and UP, but it will really be implemented properly. It is this implementation which is needed.

Above all, we want to tell you...

**Dr. Sushila Nayar:** My hon. friend is concentrating on the flood debate rather on the subject of the day. I would appreciate her suggestions on the subject under discussion today.

**Shrimati Renu Chakravartty:** I am afraid the hon. Minister has not understood the problem namely that until she is able to control the waters which get polluted, she will not be able to do anything. I cannot divide the line between the polluted water and the flood waters, because it is at the time of the floods that this pollution comes about. It is not during the dry season that this takes place.

**Shri Frank Anthony:** It is there during the dry season also. It is there in season and out of season.

**Shrimati Renu Chakravartty:** The situation during the dry season is also another problem. But we are talking

[Shrimati Renu Chakravartty]

about pollution now, and the pollution takes place during the flood season because the pollution takes place up stream from where we draw water. I hope the sense of urgency will remain during the dry season, because it is only during the dry season that we have to do most of the heavy earth-work, and unless that is done in time during the dry season, it is of no use; there is no point in drawing upon hundreds of jawans to work round the clock and to try and to make piecemeal arrangements during the flood season.

I am sorry that the hon. Minister has not understood the problem at all. From the commonsense point of view we have understood it to be a matter which has to be seen in co-ordination with the question of drainage, with the question of irrigation and with the question of flood control. All these things have to be seen as a total whole if the Health Ministry has to keep the health of the capital. I am glad that my hon. friend Dr. K. L. Rao is here. Possibly he can help her, but I hope that both of them will at least help us.

**Shri Hari Vishnu Kamath:** God help us!

**Shri S. M. Banerjee:** Both are responsible for pollution.

**Mr. Chairman:** My request to the hon. Members would be that if they restrict themselves to the relevant points then it would be easy for the hon. Minister to consider over this problem.

**Shrimati Renu Chakravartty:** Please tell me where I was irrelevant.

**Mr. Chairman:** I am only making a request to the hon. Members. If they restrict themselves to the relevant points, then it would be easy for the hon. Minister to take certain remedial steps in the matter.

**Shri Hari Vishnu Kamath:** If a Member's speech is irrelevant, you can always call him to order.

**Shrimati Yashoda Reddy:** Is there a case where the cause is not relevant to the effect? After all, she was talking about the cause.

**Mr. Chairman:** I would like to know how long the House would like to sit. Upto 6 O'Clock?

**Shri Hari Vishnu Kamath:** We can carry on till Monday also.

**Mr. Chairman:** If the House sits till 6 O'Clock, I can call the Minister to reply at 5.30 or so.

16.00 hrs.

**Shri J. B. Kripalani:** There are certain things that are so tragic that they tend to be comic. We are sitting here as the chosen leaders of the people—big leaders, small leaders, medium size leaders like myself. And those who are chosen by the people are also chosen by the gods, because God resides among the people. I am afraid we cannot render any help to the 2-1/2 millions of population of Delhi. This is beyond our competence. Let us see if we can help ourselves.

It is not every day that leaders of people are born. They are as rare as military commanders. We do not want our military commanders to pack off in a body. We do not want our leaders to be decimated in this city. Therefore, if we cannot save this capital of ours with 2-1/2 millions of population, I think we can save ourselves.

We have certain rights, and, as the American Constitution says, we have the right to liberty, to life and to pursuit of happiness, but unless there is life, we cannot exercise the two other rights, of liberty and of pursuit of happiness. Therefore, as I do not want to take much of the time of the House, I propose that the Speaker, as the guardian of our rights, should prorogue the House for ten days, and call

it on the next occasion ten days earlier. This will at least save the leaders of the people from being decimated. What will people do without their guides?

**Shri Hari Vishnu Kamath:** Madam Chairman, in the eighteenth year after independence, Delhi, the capital city of India, presents a ghastly spectacle. There is no food, food is short, and the little food that is available is adulterated. You had the distinction of presiding over the Joint Committee on the Prevention of Food Adulteration Bill and you very well recall how valiantly you tried, and your colleagues in the Committee, to deal with the matter, and it is coming up before the House perhaps next week.

A tragedy of the same, if not greater, magnitude overtook this unfortunate, this God-forsaken Capital of India about eight years ago, a little more than eight years ago,.....

**Shri J. B. Kripalani:** Every year it comes.

**Shri Hari Vishnu Kamath:**...of this magnitude, and has been recurring with almost unailing regularity ever since.

In 1955, I well remember, I do not know where you were then, Madam Chairman, but I well remember that two distinguished visitors had come to India from a far away country, the Soviet Union,—Mr. Khrushchev and Mr. Bulganin—and it was said, we read in the papers, that soon after they returned home to Moscow, Mr. Bulganin, *tovarish* Bulganin, was hospitalised, and rumours, reports went round here. that perhaps he too had been infected by jaundice which he might have caught when he was in the country during those unfortunate days. The Health Minister who is now on the Treasury Benches, was at that time a Minister of Part "C" Delhi State, and she shared joint responsibility with her predecessor, not the immediate predecessor but the one before that.

**Dr. Sushila Nayar:** I am sorry the hon. Member is wrong. I was the Speaker at that time.

**Shri Hari Vishnu Kamath:** You were Minister once. At that time you were Speaker perhaps, you were promoted to be Speaker. I accept your amendment.

Anyway, she was in Delhi State City, ensconced in the exalted office of Speaker of Delhi State Legislature, and she was well conversant with what happened at that time.

The matter was raised in Parliament, Lok Sabha, and there was a debate for two days. That is why I requested you and the Deputy-Speaker that the debate is of such vital importance, as my hon. colleague just said, that it cannot be disposed of, dealt with, in this manner in a bare 2-1½ hours. If the Minister of Parliamentary Affairs, who has just come into the House is agreeable, I am sure the Government will be justifying themselves to us and and to the people outside if they have a debate for 2-1½ hours today and another two hours on Monday.

**Shri Maniyangadan (Kottayam):** After ten days, if the House is prorogued.

**Shri Hari Vishnu Kamath:** We will think about that later on.

At that time, in 1955, the Minister, Rajkumari Amrit Kaur, made a very brave promise that all these matters were being attended to, and assuring the House that everything would be well in a very short while. And when questions were asked as to who was responsible and what action was being taken against those who were negligent, she went on to indulge in the now familiar technique of passing the buck. At that time, the Chief Commissioner or the Chief Minister of Delhi State was responsible for the Joint Water and Sewage Board. I pay a tribute to the Government for one thing, that even after the abolition of Part "C"



[Shri Hari Vishnu Kamath]

Sewage Board, over which I do not know who is the presiding deity today, whether it is the Health Minister or somebody else, whoever it may be, is still, after eight years of that epidemic, or endemic, I do not know what to call it, the doctors may find the correct term, that even today the Water and Sewage Board is living up to its name by supplying water and sewage to the citizens of Delhi.

Here is a specimen of the water and sewage which has been perhaps kept on the Table by my hon. friend. If you just open the cork and apply your nostrils from a distance, not very close, you will get the stench and the stink, and you will be overcome by nausea, and I hope there will not be any further development after that. (Laughter).

This is not a matter for laughter. One child has died. I heard from another friend just now that many other children are ill in hospital, and the doctors—private doctors as well as doctors in some Government hospitals—are finding it difficult to cope with the rush of patients who are suffering from jaundice or infective hepatitis. It may be a precursor to jaundice, like gastro-enteritis. It is hoodwinking on the part of the Government to say that people do not die of starvation, but gastro-enteritis. After all, starvation gives rise to some ailment: there may be no death by starvation but it may produce gastro-enteritis or perhaps hepatitis and perhaps typhoid or cholera or something like that. When there is no food or drink, I am tempted to say that this will be a capital joke if not, from the very facts, it is a capital disgrace. If the Government have any sense of shame or honour in them, the Minister responsible must quit, as Shri Lal Bahadur Shastri did when the Ariyalur railway accident took place. (Interruption).

**Shri Harish Chandra Mathur**  
(Jalore): He became Prime Minister.

**Shri Hari Vishnu Kamath:** This would be a gesture, brought up as she is in the noble ideals of Mahatma Gandhi whom she served so well for so many years. I am sure that the people will appreciate that gesture. She may come back after some time, after atonement, just as Shri Lal Bahadur Shastri came back, but he resigned after the Ariyalur railway disaster in which about 100 people died, and that gesture was appreciated all over the country. I am sure that if she does that, it will be doing a service to the people.

I remember in 1956—on the 12th March, 1956—the demand was made for Rajkumari Amrit Kaur's resignation and when I made it, I am entitled to say that friends on the other side at that time had the courage, the guts, to support the demand that Rajkumari Amrit Kaur should resign at that time when there was the prevalence of jaundice or infective hepatitis. But unfortunately, she had not the guts to resign. But ultimately, what was the action taken? One of the engineers, by name Shri R. S. Mehta—he is related to somebody high-up, and I would not mention the relationship—when hundreds of people died unattended to by jaundice, was warned. We do not even know whether he was warned just verbally, orally or on paper. But I remember very well that afterwards he continued in the job. I do not know whether he has retired. This will be the state of affairs today!

The Minister then produced a yellow book or document, a report on the yellow peril, jaundice. I do not know why it was yellow; perhaps because it dealt with jaundice. But this time, she has not given any report to the House; I wish she had produced a report and laid it on the Table of the House, something for the House to go into and then deliberate on this matter. Nothing has been done. This is the way the Government is doing things. They are thinking of atomic

energy; they are thinking of Bakra-Nangal, but here, they cannot supply even clean, drinking water and not even bathing water,—to the people of Delhi.

I learnt today outside the house that there are a number of my friends who have developed some kind of rash in the skin caused by bathing water. (*Laughter*). It is not a matter for laughter. The hon. Member may get it tomorrow. (*Interruption*). It is high time that the Government looked up and did something.

**Shri Harish Chandra Mathur:** You may castigate the Government but do not curse us!

**Shri Hari Vishnu Kamath:** Before, I close. I would only like to remind this House that the Minister answered a question the other day. When I put it, the Law Minister objected to that question at that time and—I do not know—he raised a point of order. There was no point of order. The Speaker said it was rather unfair to the Minister. When I put it, the Minister was good enough to say that this year—I reminded her of what had happened in 1955 when she was Speaker of the Delhi State Legislative Assembly—the conditions are different; that it is a different situation. I asked, “better or worse.” One of my hon. friends on that side, among the Congress party colleagues, said, “worse”. I think it was Shri Jain.

**Shri A. P. Jain (Tumkur):** No, no.

**Mr. Chairman:** The hon. Member does not remember.

**Shri Hari Vishnu Kamath:** I do not remember who it was. But it sounded like Shri Jain's voice. I would not find him guilty if he denies it.

**An Hon. Member:** He might have said it.

**Shri A. P. Jain:** Will you ask Shri Kamath to withdraw the remark which he has attributed to me and which I never made?

**Shri Hari Vishnu Kamath:** I withdraw, but some other Congress party friends must have said it. If he pleads not guilty, I do not want to convict him. (*Interruption*). The Minister said that this is a different situation. I again asked for clarification whether it is better or worse. The Speaker said that she says that it is better now, better than what it was in 1955. Now, let her explain to us in what way it is better, how this matter has been handled and how this epidemic has broken out in spite of all that has happened in the last five to eight years, how many crores have been spent on all the projects. Of all these scandals that have taken place, this is one of the biggest scandals since Independence, that clean water is not available for drinking, or bathing, and if this is the record of the Government, she should hang her head in shame if there is any sense of shame left.

Before I close, I do want to say this. I do demand with all the emphasis at my command, that this is not a matter for an enquiry committee. This needs a fully-powered, high-power, Parliamentary Commission, representing all parties, including my friends in the Congress party also and also the Opposition party may be represented in the Commission. It is not a party matter. It is a national issue, a vital issue, which concerns every man, woman and child in this city and the country as a whole. If this is the state of affairs in the capital, I shudder to think what is happening in the remote villages: perhaps the patwari and the head constable are ruling the roost there, and are doing whatever they like: whether they are getting water or muck or dust or dirt, filth and stinking excreta to drink—I do not know what they are getting there. I therefore demand that the House gives approval to the proposal of mine, of the appointment of a Parliamentary Commission to go into this matter and of convicting anyone who is responsible and bringing him to book, and not repeat what was done

[Shri Hari Vishnu Kamath]

in 1956, when an engineer was merely verbally warned and let off, while hundreds died of the yellow peril; it was yellow murder. On the other hand, if the Parliament does not take stern action on this matter, there will be a repetition of that tragedy of yellow murder on a larger scale in the capital, and maybe elsewhere in India also. Lest worse befall, I demand prompt action to be taken and the guilty offenders brought to book without delay and awarded capital punishment if necessary.

**Shri P. R. Patel (Patan):** Mr. Chairman, Sir, it is rather a very painful thing not only for the people of Delhi but for all those people residing on the banks of the Jumna. I am thinking of the villagers, because in the city, so many intelligent persons are there to cry out, and so many newspapers are there to speak out. What about the remote villages where this polluted water flows from Delhi? What is done for those people? Today, in the morning, I was sitting in my flat, and a doctor serving in the South Avenue Homoeopathic dispensary came to me with a sample bottle containing scorpion. It contains a scorpion, and he told me that he got this specimen from a tap in Old Delhi. (*Interruption*). It is there. The people living in New Delhi are cared for better, but the people living in Old Delhi are the least cared for. See the streets: it looks as if one is aristocratic Delhi and the other is socialist Delhi. (*Interruption*). It is socialist because, when there is socialism, there will be poverty. So, the doctor gave me that bottle. I told him that perhaps I may not get a chance to speak and so I sent this bottle to my hon. friend because he was to open the debate. I thought perhaps I may not get a chance to speak. I ask one question. Generally poor people on the streets take water straightway from the tap. If scorpions or some germs and insects come in the water tap, what would be the condition of those people? In the railway stations, so

many passengers come and go. What arrangement is made for boiled water there? The municipal corporation is playing with the health of not only the people of Delhi, but also of people visiting Delhi and I think it is a great sin. I do not understand how this thing is tolerated. I would request the Minister to be stern in the matter. I know so many excuses will be there, but what about the people who die of the carelessness or the excuse of the municipality? Like my friend Mr. Kamath, I would not call on the Minister to resign, because resignation does not mean anything. What is required is proper remedy. So, I would request her to take stern action and do the needful.

**Shri Bhagwat Jha Azad (Bhagalpur):** Sir, I join the holy war for procuring clean water for the capital of India.

**Shrimati Yashoda Reddy:** Holy war against unholy water.

**Shri Bhagwat Jha Azad:** I correct myself on the advice of the hon. Lady Member: I want to join the holy war against the unholy water. It is a shameful thing that in 17 years we could not arrange for clean water for the capital of India. Since 1953 at least for over a decade, every year there has been this cry for clean water. It has taken the toll of many lives in this capital. Where is all that planning? Where are those experts of Government? For everything, we rush to America and Russia for experts. Why not rush for experts for this also and solve this problem? They also cannot solve this problem, because Government does not take it seriously. Go to any part of the country. During my three months foreign tour, I have made the acquaintance of many foreign friends and the other day I was sitting with some of them. They were saying in disgust that you cannot find any capital of any nation in the world where such sort of problems arise that they

cannot arrange for clean water and there is no wheat to eat and no power. Only one thing is left and that is free air. Even there Government themselves say that inhaling the smoke emitted by the buses is equal to inhaling 10 or 20 cigarettes.

The other day the Members of the North Avenue assembled in the M.Ps.' club and passed a resolution on the inefficiency of the Delhi Municipality. Why? Previously we were asked to pay Rs. 8 or Rs. 10 according to the flat as water charges. Now they have been very good to us, and have put on water meters. You will be surprised to know that a Member of this House, who is the only person in the house and whose flat is mostly locked, had to pay Rs. 50 for 68,000 gallons of water that he was supposed to have consumed. When he complained, the officers said that it was perfectly all right and he has been properly charged. We have got half-a-dozen Members of Parliament—they are staying alone or with one servant or possibly one more person—and they have to pay Rs. 35 or Rs. 45 or Rs. 20 or Rs. 21 sometimes for one month's water.

**Shrimati Yashoda Reddy:** For not supplying water.

**Shri Bhagwat Jha Azad:** The water was not there, but the meter is so good that it shows one person having consumed 68,000 gallons of water in a month and when he complained, the officers said, it was perfectly all right.

In the last 10 years, in spite of this matter being debated in Parliament every year and strong language being used, it does not cut ice with this bureaucracy. This is the thing which has failed our plans and our expectations, because our Government—I mean the Ministers in charge—are very soft to the administrators. The guilty, the offender, never gets punishment. He escapes. Committees were set up, enquiries were made and some results were there. But who sits in the committees? Those very gentlemen who are the culprits for

supplying unclean dirty water and bringing epidemics to the capital of India sit in those committees. It is a shame to us. They sit in judgement and say, nobody is responsible. We want to know who is responsible. Therefore, I support Mr. Kamath's suggestion. Let there be a parliamentary commission to find out who could not supply clean water to the capital of India. The Government has failed in the last ten years to supply clean water. Why not the Minister come forward and accept it? My voice is very soft and they do not seem to hear it. The only other thing left is that there should be a commission consisting of Members of Parliament to go into this question. We have discussed it in this House many times, but it does not cut any ice. I do not know whether even a parliamentary commission will yield any result, because the same experts would be round us, advising us—I mean the water experts and other experts. They are really the villain of the piece. A common man can understand where it leaks and how it can be set right. But appointing a committee of experts is the most convenient thing to gloss over, to cover the culprits and to cover the defects of mal-administration.

If not before 1953, at least in one full decade, we could not plan for supplying clean water to the capital; I feel ashamed at it. Unclean water is being drunk by the people still in many villages in India. We are trying in the fourth Plan to have at least one well in each village for supplying good drinking water. In my own district of Santhal Parganas, people are bringing water from free-flowing fountains whose water is sometimes clean and sometimes not clean. Leaving that apart, even the capital of this great country could not get clean water for the last 10 years. Therefore, I support the demand that there should be a parliamentary commission to look into this question.

Why is it not possible for the Government to bring the offenders to book

[Shri Bhagwat Jha Azad]

Is not money being given to the Government? Is there not enough budget? What is wrong? Therefore, I feel that it is a bad day for us that every time we are called upon to discuss this matter. We discuss it, but it does not cut any ice anywhere. It is high time that the Minister should accept that she and her administration have failed to do it. Now somebody else should do the job. Let there be a parliamentary commission to enquire into the matter.

**Shri Frank Anthony:** Madam, on this particular aspect of civic maladministration I at least find it difficult to know where to start or what exactly to say. Some of the previous hon. Members have referred to this water pollution as if it is a matter which occurs every now and then. I have had the misfortune to live in Delhi for more than twenty years. This question of pollution of drinking water is not only a hardy annual, it is a hardy perennial. In the summer—it happened last summer and the summer before that—the taps go dry. And because of that many parts of Delhi become breeding grounds of disease and death. Water, the little water that we get in the summer, is polluted. In the monsoons there is adequacy of water, but the pollution is all the greater, it is more deadly.

And may I tell the Health Minister, she probably belongs to the political elite, they do not know what is happening in Delhi. But even in the monsoon, with flood water around us, I cannot get water. I have not been able to get it for ten years on the first floor—and I happen to have very distinguished neighbours, the *Hindustan Times*—for my office; not only for washing, I cannot get it on the first floor for flush purposes. And that is the condition whether it is summer or whether it is in the monsoon.

And when I phoned the Corporation authorities they say, "We have

no electric power". I said, "Why don't you supplement it with the surplus of power which the Corporation has, the power to talk endlessly and aimlessly; why don't you supplement it with that?"

What I feel is this. To say that I am angry would be an under-statement of the year. In this recurrent or continuing water pollution, it is not only a disgrace, it is an indescribable disgrace in the capital city, for any country, and especially for a country which purports to be civilised and to have a civilised administration and an ordered society; it is an indescribable disgrace. I do not know how many foreign missions we have in this country, Madam. Somebody tells me, ninety. But I know that whatever other impressions they may have about us, *vis-a-vis* this matter our administration, the Government of India, is a laughing stock, because it cannot supply drinking water to the people of the capital.

But, Madam, for me it is not a laughing matter; for people like myself who unfortunately are permanently doomed to live in this benighted capital city it is anything but a laughing matter. Fortunately, Mr. Morarji Desai has not had his complete way and I am able instead of water to drink other worth-while and non-poisonous elixir! (*Interruption*). At least I believe the water they use in the whisky is not polluted, Madam. (*An Hon. Member:* Don't take too much of it, better stop).

I do not understand, I do not know what the Health Minister is going to do or attempt to say. I can only give her this friendly advice, whatever she does, not to emulate the example of a woman predecessor of hers. She did not lose her liver to hepatitis but she lost, what was worse for her, her political head.

Madam, Delhi today is vast death trap, the capital city of India, with

adulterated food, spurious and sub-standard drugs, dead fish sold in the market. And the fish die because of this polluted water, and then this so-called 'drinking water' which carries death, disease and disablement. As somebody has said—I think Mr. Bhagwat Jha Azad said—I do not believe there is any other capital city anywhere in the world, not even in the most backward country, where the people are exposed to so much danger and ill-health.

And the tragedy of it, the crime of it, is this: the ill-health, the danger, is entirely man-made. That is the tragedy of living in Delhi.

**Shri Kapur Singh** (Ludhiana):  
Woman-made.

**Shri Frank Anthony:** Woman-made. We see this—I have seen it ever since I have been in Delhi—the same sorry, sordid story, especially on the part of the civic administration. I hope the Health Minister is not going to follow in the footsteps of the civic administration—promises, excuses, statistical jugglery, absolute, callous, complacency, increasing criminal negligence and, as I said the other day, endemic, incurable, corruption. These are all the attributes of civic administration in Delhi today.

I think it was Mrs. Renu Chakravarty who said that in 1959 some plan was formulated to meet this water pollution. I read of it and I seem to remember that Rs. 2 crores were earmarked in order to get on top of this water pollution. But I do not know if the two crores were used. But of one thing I am certain: whether we put in two crores or we put in one hundred and two crores into the civic administration, this capital city will continue to be bedevilled not only with polluted water but with all the other evils with which we are afflicted in Delhi today. As I said the other day about the Delhi Corporation—I am not used to being at a loss for words—but in order to describe the Delhi civic administration I am completely at a loss

for words. Madam, as I said the other day, the Delhi Corporation is an uncleanable cess-pool of inefficiency and corruption. You can pour in two crores, you can pour in one hundred and two crores, but it is such a sink of maladministration that it will literally go down the drain. No corresponding benefit will accrue to the citizens and the population of Delhi.

And the tragedy is this. It is not only a tragedy, it is a crime, the attitude of the officials. And I am sorry to say that some of that attitude seems to be rubbing off on the Health Minister. Yes, people who underline this pollution, who underline the widespread character of the disease are being characterised by the Health Minister as scare-mongers. Some crooked officials will trot out mutilated, fabricated, figures in order to show that last year the incidence of gastro-enteritis was higher than this year. I do not know where they get their figures from. I won't send my dog to a municipal dispensary or hospital; do you think that the people of Delhi go to the municipal hospitals and dispensaries to report? They would rather die unattended to in their own homes, and that is what is happening.

But from the Health Minister downwards they seem to think that these recurrent man-made epidemics must be taken by us for granted, that we must accept them happily. Even the Health Minister was talking about papers scare-mongering in this matter. It is an utter shameful, defenceless disgrace. And that is what I am afraid it is. The Minister comes brazenly, shamelessly to the defence of a sub-human, uncivilized administration. That is what I cannot understand. If the Minister can do this, I do not understand. Surely the Minister must come here and express concern, some regret, instead of this brazen, shameless, shameful defence of an uncivilized administration. No Minister is worthy to sit in that seat if he or she can do that.

[Shri Frank Anthony]

I am speaking with some heat. I am sorry that the Home Minister is not here. The Home Minister the other day is reported to have said that adulterators should be shot. I am hoping he was not indulging in political rhetoric. What does he think of these adulterators of water? What has been done? I want the Health Minister not to come here and apologize about these people. I do not know whether the Home Minister would have shot them, but surely the first thing that he should have done was to have suspended the people who were responsible for this pollution of water. Have you suspended anybody? You could have suspended them and charge-sheeted them for dismissal. Nothing of that sort.

I was going to say—I do not know, somebody has suggested this—I feel that if the Government has any regard for the unfortunate citizens in this country, the least you can do is to get up and say, "yes, we will recommend to the Home Ministry that we will supersede this cess-pool which passes for a Corporation."

**The Minister of Irrigation and Power (Dr. K. L. Rao):** Mr. Deputy-Speaker, Sir, I just wanted to say a few words on this subject, because I had been to inspect these works on the 10th of this month when I heard that the Chairman of the Sewage Disposal Board and the Delhi Corporation wanted me to go round and see the works. I will set forth these facts for your consideration. They will show that the situation is not so alarming as what is being made out.

The position is like this. The Jumna river normally carries chloride to the extent of 8 to 12 parts per million parts, and in times of flood it carries two to three times that figure. But this lasts only for a day or two. This year it so happened, as I submitted on another occasion, that the rainfall was the heaviest in these areas of Punjab and Delhi with the result that

these waters have been more consistent, flowing for more time, in the same way than before. The river used to come in and go back. This year the river has been going on flowing with a fairly good amount of water for a larger number of days with the result the chloride content was not resuming back to the normal condition and it was on the high side.

Added to that, there was another unfortunate thing. On 4th September the Number 8 drain was cut by the villagers of Punjab. That water began to rush down and that got mixed up with it, the water coming from dumping grounds. That pushed the Najafgarh drain water—a little portion of it and not all of it—into the upstream intake where we pump out water into the water supply system. I should mention at this stage that after 1955 when the barrage was constructed there has been no more trouble with the Najafgarh drain. The Najafgarh drain meets Jumna river downstream and there is absolutely no chance for this water to come up. That is why Delhi was entirely safe from its water being contaminated from the Najafgarh drain all these years. 1955 was the year in which the epidemic of jaundice broke out and in 1958 the barrage was constructed and after that there was absolutely no chance for contamination. Therefore, Jumna is entirely free from this.

This year what happened was, due to the breach in No. 8 drain—it is constructed about 4 or 5 miles up—that water pushed the Najafgarh drain water—practically a little of it—down the Jumna river. That was very unfortunate. As soon as this was noticed on the 10th, immediate steps were taken and labour was employed to cut off the water from coming in.

**Shrimati Renu Chakravarty:** Could you tell us what was the quantity in cusecs of water that the Najafgarh drain could actually draw? What was its capacity?

**Dr. K. L. Rao:** It was done in connection with the disposal of flood waters of the Najafgarh areas. That was why it was intended to be constructed to allow a flow of 3,000 cusecs. At the moment it is flowing with about 2,000 cusecs. Out of this, actual sewage is about 300 cusecs. That is the most dangerous part. That is all polluted water.

What I submit is this, that water from No. 8 drain came in and pushed the Najafgarh drain water upstream the Jumna river and therefore there has been some threat of contamination from that very small amount of water after the 10th of this month. As soon as this was seen, all precautions were taken. Labour was employed day and night and the whole of water from Najafgarh drain was cut off from joining Jumna upstream. Meanwhile No. 8 drain was also blocked up on the 18th of this month and after that there has been very little chance of any contamination to occur.

All the fright has come because the chloride content on 6th September was 31 parts. It went up from a normal of 12 to 31 parts. Chlorides are generally an indication of contamination by sewage. That is why the Delhi authorities took all necessary precautions. They said that the water should be boiled before use. It is quite correct.

My point is, chloride content by itself is not a frightening factor because chlorides of No. 8 drain are of the order of 66 as waters come from Punjab saline lands. In fact, in London, about which the hon. Mover was mentioning, the chloride content of water that is supplied there is of the order of 30 to 40. River Thames contains those salts and it is polluted, as we all know, by sewerage effluent—of course the sewerage effluent there is well treated and it becomes harmless. Thames which supplies nearly two-third of the water supply of London is polluted with sewerage effluent and industrial waste. But still the water  
1210 (Ai) LSD—8.

is not dangerous because the sewerage effluent is treated well. That is one important fact that we should remember. But my point is that there the chloride content is high and, therefore, merely because the chloride content is high we need not necessarily rush to any conclusion.

Added to that, there is another favourable factor here. Generally, contamination is associated with an extra demand of oxygen, an extra count of coli and a very large amount of nitrites. All these things are absent in this case. Those supplementary tests, which go a long way, show complete absence of undesirable elements. That is a very good and favourable feature. I am not saying these things just to support my hon. colleague, but what I am trying to put before you is that there is really not so much to be frightened about. I do not mean that we should be in any way less alert about this or that we should not take further steps. Delhi being the capital city of a very great and proud country, we have to ensure that our water supply must be as good as the water supply in London city.

As my hon. friend, the mover has said, in London—I happened to be there for some years—if it is likely that one in every five is hurt by going on the road but not one in five million will be struck by typhoid. That is the aim which we should have for our country. After all, Delhi is not a small city. It is the capital. It has got a population equal to half the population of London. If London has got six million, we have nearly three million in Delhi. Therefore, it is very important that our water supply should also be perfectly pure. Delhi's water supply is quite good, but on account of this year's occurrence there has been excessive rainfall and a number of breaches due to which this particular contamination has occurred, this problem has arisen. It is a very unfortunate thing. I am sure with the co-operation of the hon. Minister of Health we will take steps to see that these intake wells from



[Dr. K. L. Rao].

which water is pumped will be suitably altered. When the barrage, as I said, was completed, we thought that contamination from the Najafgarh drain was coming from downstream. But now we know that contamination came from the upper region also. Therefore, steps will be taken to see that even this source of contamination will be removed, by taking precautionary measures, by complete treatment of the sewerage effluent that join Jumna and establishing a good testing laboratory, I think we can attain the same purity of water as the water supplied in any other western city.

I again want to stress that really there is not much to be very much afraid of. As soon as the breach in No. 8 drain was plugged, the chloride content came down. Today, I think, it is about 15 parts in a million parts.

**Shri Hari Vishnu Kamath:** It is a grim warning to you.

**Dr. K. L. Rao:** In fact, it is a warning. It is a good lesson for us. Even on the engineering side we have to rectify certain features. I only want to submit to the hon. House that there is no necessity for us to get excited about it and go about with the feeling that something very grievous happened. It is just an accident that has occurred, an accident of a much harmless nature. It was not like 1955 when the whole Najafgarh drain was completely sucked in. It is not like that at all. But the little contamination was taken notice of in proper time and remedial measures have been taken.

**श्री स० मो० बनर्जी (कानपुर) :** उपाध्यक्ष महोदय, जितने सदस्यों ने अभी ध्याषण दिया है उन सभी की जवान से एक ही बात निकली है कि यह सरकार का निकम्मापन है जिसकी वजह से ऐसी परिस्थिति उत्पन्न हुई। आज हम इस बात को अच्छी

तरह से सोचें कि यह सवाल आज का नहीं है। दिल्ली के पानी का सवाल आजादी के बाद से मुतवातिर सरकार के ध्यान में आ रहा है, लेकिन कभी हम लोगों ने यह नहीं सोचा कि आखिर इसका हल क्या होगा। अब सवाल लोगों के सामने क्या है? या तो पानी पियो मत और अगर पानी पीना ही चाहते हो तो फिर सड़े से सड़ा पानी पीने को तैयार रहो। पाखाना हो या कुछ भी हो जो भी उसमें गन्दगी अथवा मिलावट होगी उसे भी साथ में पीना पड़ेगा।

आज नहीं बल्कि 22 अगस्त, 1964 को अखबार में निकला था :—

Muddy water makes South Delhi nervous.

जब यह परिस्थिति उत्पन्न हुई और लोगों को सही स्थिति बतलाई गई और हालांकि लोगों को कहा नहीं गया कि आप पीने के पानी को उबाल कर पीजिये, लेकिन खुद अबलमन्दी से उन्होंने उबालना शुरू किया। एक आदमी ने कहा था :—

“We filter it and then boil it; but God knows what infection is contained”, a worried resident of New Delhi South Extension said.”

लोगों को आफिशिएल वानिंग कब दी गई? वह तो 13 सितम्बर को या 17 सितम्बर को लिखा गया कि क्या तुम्हारे डूब होंगे और क्या तुम्हारे डोंट्स होंगे। आज ऐसी परिस्थिति के बाद मैं समझता हूँ कि अगर कोई शर्म बाकी रहती है हमारी मंत्री महोदया या महोदय में तो वे खुद इस पोल्यूटेड जमुना वाटर में डूब कर मर जायें . . . . . (इंटरप्रांस)

**श्री शिव नारायण (बांसी) :** माननीय सदस्य को ऐसी बात नहीं कहनी चाहिए।

**श्री स० मो० बनर्जी :** मैं फिर कहता हूँ कि ऐसी परिस्थिति में उन्हें जमुना के पोल्यूटेड

वाटर में डूब कर मर जाना चाहिए . . . . .  
(इंटरप्रांस)

**उपाध्यक्ष महोदय :** आर्डर, आर्डर ।

**Shrimati Savitri Nigam:** On a point of order, Sir. Is that the way? I would like to know whether it is parliamentary.

**Shri S. M. Banerjee:** There is nothing unparliamentary. There is nothing wrong.

**Shri Kapur Singh (Ludhiana):** It may not be unparliamentary; but it is too drastic a solution.

**Shri S. M. Banerjee:** Sir, you do not know Hindi.

**Mr. Deputy-Speaker:** It is better to avoid such expressions.

**Shri S. M. Banerjee:** Instead of Jamuna water I can say

“चुल्लू भर पानी में डूब कर मर जाना चाहिए ।”

**Mr. Deputy-Speaker:** I cannot allow such words. Saying that the hon. Minister should get drowned in water does not do any credit or pay any compliment either to you or to the House. The hon. Member should avoid such expressions.

**एक माननीय सदस्य :** अगर मंत्री महोदय तैरना जानती होंगी तो तैर कर निकल जायेंगी ।

**श्री स० मो० बनर्जी :** मुझ अफसोस है कि मैं ने उन्हें जमुना के पानी में डूबने के लिए कहा है लेकिन मैं फिर कहूंगा कि अगर यह गलत हो तो उनको इस बहस से पहले इस्तीफा देकर आना चाहिए था ।

आज पानी का इन्तज़ाम वैसे तो देश में भी समुचित नहीं है लेकिन इस देश की राजधानी में तो पानी के बारे में कमाल ही हो गया है । दिल्ली के शहर में पानी लोगों

को बगैर किसी पूर्व सूचना के मिलना बन्द हो जाया करता है । पानी मिलेगा भी तो गन्दा मिलेगा या फिर सुबह अचानक मालूम होगा कि पानी नहीं है । अब पानी क्यों नहीं है ? चूक जमुना ने अपना रुख बदल दिया है वह दूसरी तरफ चली जा रही है । कितनी अच्छी बात होती है ? कोई भी बीमारी हुई है चाहे वह पीलिया हो या और कोई बीमारी हो यहां के एक्सपर्ट ने कहा है :

“No epidemic in Delhi”, says civic chief.

उन्होंने कहा है कि जो लड़का मरा है वह भी किसी एपेडिमिक की वजह से नहीं मरा है और ऐसा इसलिए कहते हैं क्योंकि एक ही मरा है । जब तक दर्जनों न मरे तब तक एपेडिमिक की बात नहीं है । उसके बाद डिसटरी, डाइरिया और गैस्ट्रोएन्टाइटिस की बात तो अलग ही है । इसके बारे में मैंने प्रश्न किया था ।

“Lok Sabha concerned at polluted water supply. S. M. Banerjee wanted to know whether contaminated water had led to increase in gastro-enteritis cases and reported in the press.”

उसका जवाब क्या आया ? मेरी मुअज्जिब बहन सुशीला जी ने कहा . . . . .

**डा० सुशीला नायर :** मुअज्जिब कौन है? वह तो बेशर्म है और उस बेशर्म को तो जमुना में डूब मरना चाहिए ।

**श्री स० मो० बनर्जी :** मैं चाहता हूँ कि आप इस्तीफा दे दें ।

**डा० सुशीला नायर :** इस्तीफा देने से क्या होगा ?

**श्री स० मो० बनर्जी :** मरना तो शर्मदार के लिए होता है ।

**डा० सुशीला नायर :** जितनी गाली देनी हो जी भर कर दे लीजिये । अगर गालियां

[डा० सुशोला नायर]

देने के लिए शब्द न मिल रहे हों तो मैं डिक्शनरी ढाकर माननीय सदस्य को दे दूँ जिससे कि वे जी भर कर गाली दे सकें ।

**Shrimati Savitri Nigam (Banda):** He is abusing.

**Shri S. M. Banerjee:** I do not know whether she does not follow Hindi. May I assure the hon. Minister that had it been any other country, after this pollution of water year after year the Minister would not have shown her face in Parliament. This is the only country where I am really surprised to see the patience of the people and their power to tolerate such nuisance. Should not the Government be ashamed of it? If I say that they should be ashamed of it, they are so angry with me.

**Mr. Deputy-Speaker:** The hon. Member should conclude now. A large number of hon. Members are still waiting to speak.

**श्री स० मो० बनर्जी :** श्री कामत का जो प्रस्ताव है जो उन्होंने कहा है कि एक पालियामेंटरी कमिशन हो तो वह जरूर होना चाहिए । लेकिन उसके साथ-साथ मैं दुबारा यह निवेदन करूंगा कि जितने अफसरान इस मामले में वाटर सप्लाय डिपार्टमेंट के हों, जिन पर रस्ती भर भी शक हो वे मेहरबानी करके सस्पेंड कर दिये जायें और तब इनक्वायरी हो ।

उपाध्यक्ष महोदय, पालियामेंट के सेशन में इसी तरीके से हमेशा आश्वासन दिये जाते रहे हैं । सन् 1963 से लेकर प्राज तक जितने आश्वासन सदन में दिये गये हैं वे सब मेरे पास मौजूद हैं लेकिन उनका क्या हुआ ? या तो पानी नहीं है और इस सरकार ने दिल्ली शहर को कबला का मैदान बना दिया जहाँ कि एक बूंद भी पानी की नहीं मिलेगी या

धर पानी मिलेगा भी तो गन्दा पानी पीने को मिलेगा और कहा जायेगा कि इसको उबाव कर पीजिये । इसलिए मैं कहूँ कि मंत्री महोदय द्वारा इस्तीफा देने का जो मुझाव है मैं उसका समर्थन करता हूँ । वह बहुत अच्छी बात होगी । इसके साथ ही उन तमाम जिम्मेदार अफसरों को सस्पेंड कीजिये । दूसरी चीज यह कीजिये कि एक कमिशन एपायेंट कीजिये । उस कमिशन के सामने वे तमाम गवाही दें और गवाह देने के बाद यह फैसला किया जाय कि दिल्ली जो कि कंट्री का कैपिटल है अगर यह नौबत आती है तो किस तरीके से उसका सामना किया जाय और इंतजाम किया जाये, लॉग टर्म और शॉर्ट टर्म प्रोजेक्ट्स उसके लिए एडाप्ट किया जाय और मैं समझता हूँ कि उसको सरकार जरूर मानेगी ।

**श्री नवल प्रभाकर (दिल्ली-करोलबाग) :** उपाध्यक्ष महोदय, अत्यंत दुख का विषय है कि सन् 1955 के बाद यह चीज अब दुबारा हुई है । उस समय तो जमुना नदी दूर चली गई थी और नजफगढ़ नाले का गंदा पानी पम्पिंग स्टेशन के पास आता रहा और वह गन्दा पानी खींच कर दिल्ली वालों को पिला दिया गया था । लेकिन इस साल इस से थोड़ा भिन्न हुआ है कि पानी ज्यादा आया और नजफगढ़ नाला उस रास्ते तो नहीं आया जिस रास्ते से पहली बार 1955 में आया था लेकिन जगतपुर गांव के पास से ऊपर से उस नजफगढ़ नाले का पानी होता हुआ फिर पम्पिंग स्टेशन के पास आ गया और इस तरह वह गन्दा पानी खींच कर दिल्ली वालों को पिलाया गया ।

मंत्रिणी महोदया जब कि वह दिल्ली विधान सभा के अन्दर स्वास्थ्य मंत्रिणी थीं तो उनके सामने बादली गांव के लोग आये और आकर उनसे प्रार्थना की और कहा कि यहाँ बादली में गड़े का डम्पिंग पाउंड बना हुआ

है जहां कि सारे शहर का भर का मीला कूड़ा आदि डलता है और यह हम लोगों के स्वास्थ्य को खराब कर रहा है और जहां तक मुझे याद है एक, आध कार्यकर्ताओं ने धनशन भी किया था और यह कहा कि इस खत्ते को यहां से हटा दिया जाये लेकिन उस खत्ते को उस समय से लेकर आज तक नहीं हटाया गया है और तमाम शहर की गन्दगी वहां बादली में ले जाकर डम्प कर दी जाती है ।

इस बार सामान यह हुआ कि बारिश ज्यादा हुई और ड्रेन नम्बर 8 जिसमें पंजाब वालों का हाथ है, पंजाब वालों ने सारे पंजाब का पानी ड्रेन नम्बर 8 में लाकर डाल दिया । यही नहीं बल्कि उन्होंने ड्रेन नम्बर 8 को दिल्ली की साइड में काट दिया और पंजाब का जो सारा पानी था वह बादली का जो डम्पिंग ग्राउंड था जिसमें सारा मल मूत्र, आदि दिल्ली शहरका जाता है और जाकर डम्प होता है, वह सारी गन्दगी उस पानी में बूल गई और वह पानी जिसमें तमाम मल, मूत्र धुला हुआ था वह आकर जमुना में मिल गया और उसको दिल्लीवासियों को पिलाया गया ।

दूसरी बात मैं यह कहना चाहता हूँ कि हमारे यहां दो सीवर टैंक हैं । एक कारोनेशन के पास है और दूसरा केशवपुर के पास है । केशवपुर का जो टैंक है वह मुझे अच्छा तरह से मालूम है कि वह ठीक तरीके से काम नहीं करता है । जिस तरह कि झोखला में करता है । झोखला में पानी खेतों में दे दिया जाता है और खाद बना कर बेच दी जाती है । केशवपुर टैंक की यह हालत है कि वहां पर मशीनरी लगी हुई है, लेकिन पिछले तीन चार साल से कारपोरेशन उसकी ओर ध्यान नहीं दे रही है । वहां पर स्थिति यह है कि सीवररेज सिस्टम के द्वारा वहां जो मल-मूत्र जाता है, वह वापस नजफ-गढ़ नाले में डाल दिया जाता है । मैं आज से एक हफ्ता पहले वहां हर गया था । मैंने

यह देखा कि आगे से जो पानी आता है, उसमें बदबू नहीं होती है, लेकिन ज्यों ज्यों वह पानी जमुना के नजदीक आता है, वह बदबू देने लगता है । जमुना के पास विजयनगर पुल के नजदीक यह अवस्था हो रही है कि वह पानी बहुत बदबू दे रहा है । फिर वही बदबूदार पानी जमुना में चला जाता है ।

17 hrs.

इस सम्बन्ध में मैं कुछ सुझाव देना चाहता हूँ और मैं चाहता हूँ कि मंत्री महोदय उनकी तरफ ध्यान दे कर उनको कार्यान्वित करने की कोशिश करे ।

सब से पहले मैं डा० के० एल० राव को धन्यवाद देना चाहता हूँ कि जब से यह बाढ़ का पानी आया है, तब से वह रात दिन परिश्रम कर रहे हैं । अगर इसी तरह का परिश्रम 1955 से लेकर अब तक किया गया होता तो मैं निश्चयपूर्वक कह सकता हूँ कि आज हमको संसद में इस प्रकार की बातें सुनने को न मिली होती ।

अगर नजफगढ़ नाले को साफ कर दिया गया होता, तो यह समस्या पैदा न होती । लेकिन वह साफ न किया गया । वहां पर बहुत से प्रयोग किये गये । लेकिन जितने भी प्रयोग किये गये, वे सब बेकार साबित हुए हैं । पहले दिल्ली प्रशासन ने उस को खोदने की कोशिश की, फिर उसने कहा कि हम नहीं खोद सकते । उसके बाद भारत सेवक समाज को यह काम दिया गया । भारत सेवक समाज ने भी थोड़े दिन काम करने के बाद अपनी मजबूरी जाहिर कर दी । उसके बाद सी० पी० जन्व्यु० डी० ने, जो कि भारत सरकार का महकमा है, यह काम शुरू किया । उस ने भी अपनी राय जाहिर की कि हमसे यह काम नहीं हो सकता है, इसके लिए मशीनें आयेंगी । मशीनें आईं, लेकिन वे भी काम न कर सकीं मेरा निवेदन है कि जब तक नजफगढ़ नाला साफ न होगा और उसका गन्दा पानी जमुना में जाता रहेगा, तब तक दिल्ली

[श्री नवल प्रभाकर]

के लोग सुरक्षित नहीं होंगे। इसलिए सब से पहली बात यह है कि नज़फगढ़ नाले को जल्दी से जल्दी साफ किया जाये।

मैंने सीवेज टैंक्स का जिक्र किया है। वे जल्दी से जल्दी काम करें और वहाँ पर पानी और खाद के डिस्पोज़ल का इन्तजाम जल्दी से जल्दी होना चाहिए।

बादली का खत्ता भी एक विशाल रूप धारण किये हुए है। वह म्युनिसिपल कांफ़ोरिशन के बस की बात नज़र नहीं आती है। मैं निवेदन करना चाहता हूँ कि दूसरे देशों में ऐसे संयंत्र होते हैं, जिनसे कूड़े को, मल-मूत्र को जला दिया जाता है। मैंने सुना है कि वह संयंत्र, वह प्लांट, सत्तर लाख रुपये का आता है। जब तक वह संयंत्र नहीं लगाया जायेगा, तब तक यह दुर्भाग्यपूर्ण स्थिति दिल्ली में बराबर बनी रहेगी।

मैं आशा करता हूँ कि जो मुझसे मैंने दिये हैं, उन को कार्यान्वित किया जायेगा। अगर ऐसा न किया गया, तो मैं निश्चयपूर्वक कहता हूँ कि यह बात हर साल होती रहेगी।

**श्री बागड़ी (हिसार) :** उपाध्यक्ष महोदय, संजय नाम के साढ़े चार साल के एक बच्चे, जिसका बाप वकील और दादा डाक्टर है, की मौत की वजह से आज हम को यहाँ पर इस चर्चा का मौका मिला है। मैं उम्र में पहली दफ़ा आज डा० सुशीला नायर को इस बात के लिए धन्यवाद देता हूँ कि उन्होंने साढ़े तीन बजे तक जाग कर एक मरीज़ की जान बचाई। वह मरीज़ चन्द्र शेखर नाम का एक व्यक्ति है, जिसके लिए डा० राम मनोहर मोहिया ने सुशीला नायर को टेलीफ़ोन किया। डा० लाल, डा० दीवान, लेडी डाक्टर और नर्स वगैरह साढ़े तीन बजे तक वहाँ रहे। मैं उन सब को हृदय से धन्यवाद देता हूँ।

लेकिन प्रश्न यह है कि आज इस देश में कितने ऐसे लोग हैं, जिनके बारे में इस प्रकार

सिफ़ारिश होती है और जिन के बारे में यहाँ पर चर्चा होती है। मुझे खुशी है कि डा० सुशीला नायर ने एक आदमी की जान बचाई। लेकिन उन लोगों का क्या होगा, जिनके बारे में कोई कहने सुनने वाला नहीं है, जिन की आमदनी साढ़े तीन आने रोज़ और जिनकी ख़ुराक एक पाव अनाज रोज़ है? इस देश में उन लोगों का भविष्य क्या होगा?

इस लड़के के बारे में मैं एक ही बात कहना चाहता हूँ। उसके बारे में यह कहा गया कि उसको पीलिया है, लेकिन असल में उसका रोग कुछ और ही था। उस का दादा डाक्टर है। उसको उस वक्त तक नहीं मिलने दिया गया, जब तक कि वह लड़का मरने वाला नहीं हुआ। उस हास्पिटल की सबसे बड़ी डाक्टर को बुलाया गया, लेकिन वह पांच बजे नहीं आई, सात बजे नहीं आई, नौ बजे नहीं आई। वह रात को साढ़े तीन बजे आई।

मैं यह बात इस लिए कहना चाहता हूँ कि इस देश में विदेशों से भिन्न बात है। अगर विदेशों में डाक्टर ने किसी एक आदमी की जिन्दगी बचा ली, तो वह महमूस करता है कि उसने बहुत बड़ा काम किया है। लेकिन हिन्दुस्तान में ऐसी बात नहीं है। इसका कारण यह है कि यहाँ पर दुख और रोग ज्यादा हैं, इसलिए लोगों के मन कठोर बन गए हैं।

अब मैं पानी की तरफ़ आता हूँ। आप देखें कि हर साल यह पानी का संकट आता है। क्यों? इसका सबसे बड़ा कारण यह है कि हिन्दुस्तान में जिन्दगी की कद्र नहीं है। यहाँ इन्सानी जिन्दगी चली जाती है, लेकिन उस की चर्चा नहीं होती है। अगर चर्चा होती भी है, तो वाद-विवाद होकर बात खत्म हो जाती है। कोई उत्तरदायी नहीं बनता है। एक दूसरे पर आरोप किये जाते हैं यह कहता है कि वह दोषी है और वह कहता है कि यह दोषी है। और इस देश में आख़िरकार दोषी विधात होना — परीब के लिए तो विघाता

ही दोषी होता है, बड़े आदमियों के लए कौन दोषी होता है, यह पता नहीं।

यह एक दिन की बात नहीं है, बल्कि रोज़ की बात है। इस का कारण यह है कि गन्दे नाले और पीने के पानी के नाले चूते हैं। इसलिए उनका पानी आपस में मिल जाता है, जिसकी वजह से पीने के पानी में गन्दगी जाती है।

इसके अलावा जो बांध बनाए गए हैं, वे गलत हैं। तीमरा रोग बाढ़ का रोग है। बाढ़ तो कभी कभी आती है, लेकिन यह संकट चलता रहता है। चौथी बीमारी यह है कि शहरों के कल-कारखानों का गन्दा पानी और गन्दगी नदियों में डाली जाती है। इसका भी कोई न कोई प्रबन्ध होना चाहिए।

जब तक यह व्यवस्था नहीं की जाती है कि ऐसा कोई संगठन हो, जो कि जिम्मेदार व्यक्ति को मुजरिम ठहराए, तब तक यह समस्या हल नहीं हो सकती है। आज डा० सुशीला नायर का दोष है, तो वह कहेंगे कि मेरा दोष नहीं है, कार्पोरेशन का दोष है और कार्पोरेशन वाले कहेंगे कि इंजीनियर का दोष है। इससे कोई बात बन नहीं पाती है। आखिर एक लड़के की मौत या इन्सानी मौत कोई कीड़े-मकोड़े की मौत नहीं है, बल्कि यह एक किस्म का कत्ल है। सरकार की तरफ से एक कत्ल किया गया है और सरकार का तिल है उस इन्सानी जिन्दगी की, क्योंकि उसकी ग़फ़लत, लापरवाही या कम-अक्ली की बिना पर यह मौत हुई है। अगर हम इस तरीके से सोचें—सजा देने की बात बाद में आयेगी, लेकिन अगर हम यह मन भी बना लें—, तो इससे आधा संकट मिट सकता है।

एक महत्वपूर्ण बात यह है कि छोटे और बड़े मरीजों में तमीज़ नहीं होनी चाहिए, बल्कि बीमारी की बिना पर इलाज होना चाहिए। हिन्दुस्तान में सबसे बड़ी बीमारी यह है कि मरीज़ का इलाज होता है उसकी

पोज़ीशन और जगह के मुताबिक उसको बीमारी के मुताबिक नहीं। अगर कभी हिन्दुस्तान के डाक्टर, नर्स और दूसरे सब लोग यह सोच सकें और ऐसा कर सकें कि अगर वे एक भी मरीज़ की जिन्दगी को बचा सकें, तो उनको सबसे बड़ा सुख मिल सकेगा, तो इससे देश का कुछ कल्याण होगा। लेकिन वह तब होगा, जबकि चार छटाक और साढ़े तीन आने रोज़ वालें का भी विचार भी इसमें आयेगा। आप जो बात सोच रहे हैं वह बड़े लोगों की बात है। दिल्ली में बाढ़ आई, यह दुस्त है। दिल्ली का पानी खराब हुआ यह भी दुस्त बात है। आपने पानी को ठीक करने की कोशिश की, यह भी दुस्त बात है। लेकिन मैं कहना चाहता हूँ कि अगर यह लोक-सभा के मੈम्बरों की और—दिल्ली में जो सफ़ीर है उनकी बात न होती और किसी दूसरी छोटी जगह का बात होती तो शायद इस विषय पर यहां चर्चा न होती। मैं चाहता हूँ कि मंत्री महोदय, हमारी गवर्नमेंट जो खाना बंदोश लोग हैं, जो दब हुए लोग हैं जो हरिजन हैं जो गरीब जनता है, उसका भी ध्यान रखे। मैं डा० सुशीला नायर से खास तौर पर कहना चाहता हूँ कि वह गांधी जा की चैंस हैं। उनको पता है कि गांधी जी भंगी कालोनी में रहा करते हैं। हमारी मन्त्रो महोदया को भी भंगियों का खास खयाल रखना चाहिए। खाना बंदोश लोगों का, हरिजन लोगों का, दबे हुए लोगों का खास खयाल रखना चाहिये। मैं तो यही कहूंगा कि आज उनकी तरफ कोई तवज्जह नहीं दी जा रही है, आज उनका बिल्कुल भी ध्यान नहीं रखा जा रहा है।

**Shri P. Venkatasubbajah:** Sir, in Delhi 2½ millions of people are under the shadow of death. When we heard the tragic story of 30 school-going children having died of foodpoisoning the entire House expressed deep concern and we conveyed our sympathy. Here under the very nose of the Central Government, the entire water that is supplied to the Delhi population is

[Shri P. Venkatasubbaiah]

contaminated. Really it is most regrettable and we have to hang our heads in shame for not being able to supply clean water to the people of the capital of India.

I was listening carefully to the speeches of Mr. Kamath and other friends. My mind goes back to 1959 when the present Health Minister was speaking in the debate regarding the de-polluting of the Najafgarh Nallah which is considered to be the source of evil for all this polluted water. She spoke with vehemence and said that unless the Najafgarh nallah is desilted, contamination will continue to be there. The news that water is contaminated is being told to the citizens of Delhi only after a week and by that time every individual in the city has swallowed the poison that has entered into the water. After four days the announcement comes and the people are asked to boil the water. This shows the callousness and negligence of the Delhi Corporation officers. Small children going to school are asked to carry a bottle of boiled water. When I see my children going to school with boiled water, till they return from the school, I remain in the mortal fear that they might have drunk cold water in the school and get this disease. We are living in the grip of psychology of fear of death. Unless we take steps to supply clean water to the city, we would not be worthy of being the administrators of this country.

We are told that the dump of garbage was kept for years together and the flood water has flown over the garbage and entered the Wazirabad pumping station. That is also a contributing factor for contaminating the water. I want the Minister to tell us categorically whether the Corporation has helped them to remove this garbage or whether in spite of the instructions and warnings given by the Ministry, it is being allowed to be there. The Najafgarh nallah which is downstream the Wazirabad pumping station has become a huge lake and

this flood water that has flown over the garbage has joined it and entered it.

I very well appreciate our Irrigation and Power Minister who has ably explained the real reasons. He also told us that there is not so much of contamination, as we fear. But every day we see in the papers that the Corporation authorities ask the people to boil the water before drinking. I would like to know how poor people can afford to boil the water and drink. Are they to be allowed to remain in that mortal fear for all time to come and the Government does not raise its finger and see that things are rectified? I only wish to impress upon the Health Minister to see that it is done very expeditiously and on an emergency basis and to see that the population of Delhi does not suffer for want of pure water and that it does not bring shame to India.

श्री हुकम चन्द कछवाय : ज़पाध्यक्ष महोदय, दिल्ली में गन्दे पानी के बारे में काफी सदस्यों ने अपने विचार प्रकट किये हैं और कुछ माननीय सदस्यों ने माननीय मन्त्री महोदया को काफी कोसा है। उन्होंने मन्त्री महोदया के प्रति कुछ कड़वे शब्द भी कहे हैं। मन्त्री महोदया को उनकी ये बातें बुरी ज़रूर लगी होंगी, लेकिन मैं कहना चाहता हूँ कि अगर हम गाली बकने की आदत छोड़ दें तो यह शासन ठीक प्रकार से नहीं चल सकेगा...

श्री इन्द्रजीत लाल मल्होत्रा (जम्मू तथा काश्मीर) : यह गलत बात है, आप छोड़ दें तो सब काम ठीक हो जाएगा।

श्री हुकम चन्द कछवाय : हम जब गाली बकते हैं तो हमारा मूल उद्देश्य यह होता है कि शासन व्यवस्था ठीक प्रकार से चलती रहे।

आज दिल्ली के अन्दर जो गन्दा पानी जमा हुआ है, इसका मूल कारण एक तो

दिल्ली के गन्दे नाले हैं और दूसरे गन्दे नालों की गटरगंगा है, गंगा और यमुना का जो संगम हुआ है, उसके कारण भी हुआ है। इस गन्दे पानी के कारण जो बीमारी फैली है, उससे दिल्ली के कितने ही लोग परेशान हैं। विशेषकर वे लोग परेशान हैं जो बिल्कुल गरीब हैं। दिल्ली की 28 लाख की आबादी में से 25 लाख गरीब लोग हैं। गरीब लोग ही पानी को जब वह खराब होता है, पीने से बीमार पड़ते हैं। ये लोग ठीक प्रकार से अपना तथा अपने बच्चों का इलाज नहीं करवा सकते हैं। दिल्ली राजधानी होने के नाते एक बहुत महत्वपूर्ण स्थान है और यहाँ पर लगभग सारे देश से और विदेशों से भी रोजाना पचास हजार लोगों का आवागमन होता है। इन लोगों को किस प्रकार का पीने का पानी मिलता है, यह भी आप देखें। होटल वाले पानी उबाल कर लोगों को नहीं देते हैं। चूंकि दिल्ली राजधानी है इस वास्ते विदेशी लोगों की तथा सभी भारतीय प्रान्तों की भी निगाहे इस की ओर लगी रहती हैं। आज पानी में दिल्ली की ओर रूख किया है। नेताजी सुभाषचन्द्र बोस ने एक नारा दिया था "दिल्ली चलो।" आज राजस्थान के पानी ने और पंजाब के पानी ने भी नारा दिया है "दिल्ली चलो"। साहिबी नदी जो अलवर में है, उसका पानी राजस्थान से आया है और पंजाब से भी पानी आया है दिल्ली में और इस पानी ने बड़ी गड़बड़ी पैदा की है। आप देखें कि दिल्ली में दस हजार लोग ऐसे हैं जो फुटपाथ पर सोते हैं। और वे किसी भी तरह से पानी उबाल कर नहीं पी सकते हैं। तीन चार हजार आदमी ऐसे हैं जो रैनबसेरो में रहते हैं और उनके यहाँ भी पानी उबाल कर पीने की व्यवस्था नहीं है और न ही वे ऐसा कर सकते हैं। जहाँ तक विद्यार्थियों का सम्बन्ध है, जब यह घोषणा हुई है कि पानी उबाल कर लिया जाए, वे अपने साथ बाटल में पानी उबाल कर ले जाते हैं और जिन बाटल में वे पानी ले जाते हैं, उनकी कीमतें भी आज कितनी बढ़ गई हैं,

इसको भी आप देखें। जा बाटल पहले प्राठ आने की मिलती थी वह आज एक रुपये में मिलती है। जो महंगाई हो गई है, इसकी चर्चा मैं नहीं करना चाहता हूँ। लेकिन कितनी कठिन परिस्थिति उत्पन्न हो गई है, इसको आप देखें। छोटे बच्चे जिस बाटल में पानी ले जाते हैं अगर कभी वह गिर कर टूट जाती है तो उन बच्चों की दिन भर प्यासा स्कूल में रहना पड़ता है।

मैं समझता हूँ कि दिल्ली में इस प्रकार की परिस्थिति का उत्पन्न होना जिस प्रकार की आज उत्पन्न हुई है न केवल दुर्भाग्य की बात है, बल्कि अत्यन्त लज्जा की भी बात है। शासन को तत्काल इस ओर ध्यान देना चाहिये। जहाँ तक होटल का सम्बन्ध है, उनकी तरफ भी शासन की निगाह रहनी चाहिये। होटल में जो गन्दगी फैली रहती है, कंटीन में जो गन्दगी फैली रहती है, एक तो वह दूर होनी चाहिये और दूसरे वहाँ पर जो गन्दा पानी पीने को मिलता है, वह नहीं मिलना चाहिये। साफ पानी वहाँ पर सप्लाई हो, इसकी आपकी व्यवस्था करनी चाहिये, वहाँ पर जो गन्दा पानी पीने को मिलता है, उसके कारण भी काफी ग्रैटक लोगों को होते हैं हमको ठीक प्रकार से योजना बना करके उसको कार्यान्वित करना चाहिये ताकि दिल्ली वालों को स्वच्छ पानी पीने को मिल सके। अगर योजना बनी हुई है तो उसमें जो सुधार आवश्यक हैं, वे सुधार आप को करने चाहिये।

हम शासन की बार बार इस प्रकार से आलोचना इस लिए करते हैं ताकि यह अपनी गलतियों को सुधार ले। यह हमारा कर्तव्य है। अगर हम अपने इस कर्तव्य को छोड़ दें तो इस का अर्थ होगा कि आप भी अपने कर्तव्य को छोड़ दें। शासन चलाने में कई बार एसा हुआ करता है। बहुत सी कमियाँ हो जा सकती हैं और वह किसी की भी गलती



[श्री: हुकमचन्द कछवाय]

से हो सकती है, कर्मचारियों की गलती से हो सकती है, बड़े पदाधिकारियों की गलती से हो सकती है। किन्तु इस प्रकार की चर्चा इस लिये की जाती है कि बार बार जो ऐसी गलतियां होती हैं उनको सोचें, उन को सामने रखें, सरकार उन पर विचार करे और विचार करने के बाद उसके लिये जो उपाय हों, उनको अमल में लाये।

**श्रीमती सावित्री निगम :** उपाध्यक्ष महोदय, वैसे तो मैं रिपोर्टिंग और एमर, मनोरंजक इन्टरप्लान्स पसन्द करती हूँ लेकिन जब इस सदन में ऐसे गम्भीर विषय पर विचार करने के लिये हम लोग उपस्थित हैं उस समय इस डिबेट ने जिस प्रकार का रुख अख्यार किया, जिस प्रकार माननीय सदस्यों ने एक अजीब मनोवृत्ति दिखाई, उस के लिये मुझे खेद है। जिस गम्भीर समस्या पर हम आज यहां पर विचार करने के लिये खड़े हुए हैं उस को उसी गम्भीरता से लिया जाना चाहिये था। उस पर उसी गम्भीरता से विचार किया जा सकता था और विचार करने के बाद इस समस्या के मुलझाव का ढंग सोचा जा सकता था। यह समस्या जितनी गम्भीर है उस को देखते हुए अच्छा होता यदि माननीय सदस्यों ने इस बात पर अधिक जोर दिया होता कि किस प्रकार हम दिल्ली की 25 लाख जनता को, उस के जीवन के लिये अत्यन्त अनिवार्य पीने के शुद्ध पानी को दिलवाने की व्यवस्था करें। वैसे तो विरोधी दल के सदस्यों का यह जन्मसिद्ध अधिकार है कि वह ट्रेजरी बेंच की आलोचना करें, लेकिन हाउस की कुछ डिगिटी भी हुआ करती है, कुछ डिगोरम भी हुआ करता है, कुछ डीसेंसी भी हुआ करती है और हम एक्स्पेक्ट करते हैं कि सभी सदस्य, चाहे वे विरोधी दल के सदस्य हों या कांग्रेस दल के सदस्य हों, उस को बनाये रखेंगे। मुझे खेद है कि जिस प्रकार की भाषा का प्रयोग किया गया वह भाषा न तो माननीय

सदस्यों की शालीनता के उपयुक्त थी और न इस सदन की शालीनता के उपयुक्त थी। अच्छा होता कि हम लोग इस बात के लिये जोर देते कि उन अपराधियों को दंड दिया जाये जो इस के लिये जिम्मेदार हैं और जिन लोगों ने गलती की है। अच्छा होता कि हम लोग इस बात की कोशिश करते कि कैसे उस बेचारी बेजमान जनता को बचायें, हम वह सुझाव रखते कि कैसे हम मेडिकल एक्स्पर्ट्स की मदद से उन लोगों को जो पानी उबाल कर नहीं पी सकते, इस समय कोई न कोई संरक्षण दिलायें। इस में कोई सन्देह नहीं है कि पानी उबाल कर पीने वाली जनता सामान्य जनता की संख्या की 20 प्रतिशत से अधिक नहीं है। मैं स्वास्थ्य मंत्री जी से अनुरोध करूंगी कि वे उस 80 प्रतिशत असम्पन्न जनता के, गरीब जनता के बारे में विचार करें। माननीय स्वास्थ्य मंत्री स्वयम् मेडिकल एक्स्पर्ट हैं। वह कोई ऐसी औषधि, जैसे पोटेशियम परमैंगेट है, अपने मेडिकल एक्स्पर्ट्स की मदद से निकालें और उस समय तक जब तक कि पानी बिल्कुल शुद्ध न आने लगे, उस 80 प्रतिशत जनता के लिए तमाम डिस्पेन्सरीज से वितरित करवायें।

माननीय डा० के० एल० राव की बात मैं ने बड़े ध्यान से सुनी। उन्होंने कहा कि एक एक्सडेंट हो गया। मैं मानती हूँ कि एक्सडेंट हो गया, लेकिन जिस वक्त उन के एक्स्पर्ट्स ने, प्लैनिंग कमिशन के एक्स्पर्ट्स ने, पब्लिक हेल्थ के एक्स्पर्ट्स ने, हेल्थ मिनिस्ट्री के एक्स्पर्ट्स ने देखा नालों का बहाव उल्ट होने के कारण पानी के कंटैमिनेशन की सम्भावना है तब इस वैज्ञानिक चमत्कार के युग में क्यों ऐसा नहीं सोच पाये कि उस बहाव की डिसिल्टिंग करा कर बार फुटिंग पर ला कर, मिलिटरी को लगा कर, पानी को कंटैमिनेशन से बचाया जा सकता है या नहीं। यह मैं उन से जानना चाहूंगी।

म। सावित्रीः निगम]

इस के अतिरिक्त मैं चार पांच मुझाब देना चाहती हूँ। एक बात तो मैं यह कहना चाहता हूँ कि नजफगढ़ झील के डिजिटिंग के प्रश्न को हल किया जाना चाहिये। वह न भारत सेवक समाज कर सकता है और न पी० डब्ल्यू० डी० जैसा कोई आर्गनाइजेशन कर सकता है क्योंकि इस में बड़ी हेवी मशीनरी की जरूरत है। मैं यह एश्योरेंस चाहती हूँ स्वास्थ्य मंत्री जी से और माननीय डा० के० एल० राव से कि वे इस वर्ष के अन्दर, इस बजट इअर के अन्दर किसी न किसी तरीके से, चाहे विदेशों में मशीनरी लायें, चाहे हिन्दुस्तान की सारी मशीनरी को इकट्ठा कर के वह कोशिश करें कि नजफगढ़ झील की प्रॉब्लेम को हमेशा के लिये डिजिटिंग कर के साल्व कर दिया जाये।

दूसरा मुझाब मैं यह देना चाहती हूँ, वैसे कि मैंने अभी कहा, कि जब तक पानी का कंट्रिब्यूशन है उस वक्त तक जितने भी पब्लिक टैंक्स हैं, जितनी भी स्लम एरियाज़ हैं, मैं समझती हूँ कि 219 स्लम एरियाज़ हैं, वहाँ पर आप म्युनिसिपल कर्मचारियों की या कारपोरेशन के कर्मचारियों की झूठी नगवा दें कि जो भी आदमी, जो भी गरीब लोग वहाँ से बाट्टी भर भर कर पानी ले जायें, उन के पानी में व कोई न कोई औषधि डालें, जैसे कि पोर्टेगिजम परमैगनेट है, और हर एक आदमी को अनिवार्यतः उसे डालना पड़े। तभी हम एपिडमिक से दिल्ली वालों को बचा सकेंगे।

मैं बिल्कुल उन लोगों से इत्फाक नहीं करती जिन्होंने कहा कि माननीय स्वास्थ्य मंत्री रिजाइन करें। यह भी कोई तरीका है। मैं उन लोगों से भी इत्फाक नहीं करती जिन्होंने कहा कि म्युनिसिपल कारपोरेशन सस्पेन्ड कर दिया जाये। मैं विनम्रतापूर्वक कहना चाहती हूँ कि माननीय स्वास्थ्य मंत्री इस समस्या पर गम्भीरतापूर्वक विचार करें और उस के बाद अगर जरूरी समझें तो जो पालियामेंट्री कमीशन की बात आई, उसे स्वीकार करें।

मले ही कोई अच्छी बात अपोजीशन की तरफ से आये, अगर वे गम्भीरतापूर्वक इस समस्या को अध्ययन करना चाहती हैं तो वे इस मांग को मान लें। और अगर वे इस की जरूरत नहीं समझती तो भी मैं उन से अनुरोध करूंगी कि वे जल्दी से जल्दी इस समस्या को सुलझायें। चाहे हमें इस के लिये विदेशों से मदद लेनी पड़े, लेकिन इस बजट इअर के अन्दर इस समस्या को वे सुलझायें।

**Shrimati Yashoda Reddy:** Mr. Deputy-Speaker, Sir, I rise here with a heavy heart to express my deep feeling of sorrow at the way the Government of India has handled this affair year after year. I entirely agree with Shrimati Savitri Nigam that this is not the place just to accuse the Government. This is not a matter for politics or for the Congress alone; this is a matter of which every individual citizen of Delhi and of whole of India should be ashamed. The capital city is being neglected so badly. I say this with full sense of responsibility because for the last nine years, whether there was water or no water, there has been pollution. If it was summer, because of less water in the river there was pollution; if there was too much of water, because of some contamination we were having an epidemic. Not to be able to give water to the citizens of Delhi which is the capital city, which is the seat of the whole Government and the nation, and where hundreds of people of different embassies stay, when your own people are dying—I am not saying "dying" in the literal sense of the word—but when you have an epidemic, I feel that this is bad.

Then, I would like to say a word about Shri K. L. Rao. It was chivalry on his part to come to the rescue of the Health Minister, but chivalry apart, he did confess that there was no contamination after 1959. I humbly submit that there was contamination, pollution and water-borne

[Shrimati Yashoda Reddy]

diseases in some form or another which they cannot deny. Last year or year before last there was contamination and there were water-borne diseases. There is evidence of it too.

Then, for him to say that contamination this year come from the top and not from below, I think, for an intelligent man like Dr. K. L. Rao to give that sort of an explanation, I am extremely sorry.

Then, the Delhi Corporation said, "Boil the water". But what about the schools? When the school authorities ask for fuel and some vessels to boil water for innocent children what is their response? What about the hospitals for which our Minister is directly responsible? For 100 patients one bucket of boiled water is given from the canteens.

**श्री बागड़ी :** सरकार जिम्मेदार है इस के लिये ।

**Shrimati Yashoda Reddy:** I wish the Opposition people would appreciate that we are honest people. At least, we want to ask our Government about these things and do not just shout. We know our responsibility better and do not just shout at random all the time.

**An Hon. Member:** They are only encouraging you.

**Shrimati Yashoda Reddy:** I do not depend on their encouragement. I am speaking on my own merit and not on their encouragement. For 100 patients only one bucket of water was given. In many schools water was not supplied by the authorities. The Delhi Corporation people would not give them either money or supply coal etc. What about the restaurants? The Delhi Development Commissioner visited the restaurants and saw flies, dirt, insanitary conditions and God knows what not. Hundreds of times they have investigated; still, this sort of thing goes on in the capital city.

**Shri Inder J. Malhotra:** That too in Connaught Place restaurants!

**Shrimati Yashoda Reddy:** And of international repute. I would only like to say this. Are we just coming to the stage when we shall have to import water under PL 480 or from Russia? I just sometimes feel that. There is no rice; there is no water also. As Shri Frank Anthony said, some of the embassy people drink whisky. Of course, we cannot do that. Sometimes I feel whether we are going to solve the population problem by such things, by having epidemics and by wiping out the population. I have all the sympathy for the Minister personally but as a Minister I am not going to excuse her and the Government. This is a matter which the Government must solve once and for all. Never again are we going to excuse them if this kind of thing happens again. Once and for all they must solve it, and solve it in any manner they choose.

**डा० लुझीला नायर :** श्रीमन्, मैंने बहुत ध्यान से माननीय सदस्यों के भाषण सुने । मैं सब से पहले यह कहना चाहती हूँ कि मुझे और मेरे साथियों को भी इस बात का दुःख है । अगर दिल्ली में रहने वाले किसी भी छोट या बड़े व्यक्ति को तकलीफ होती है तो हम को दुःख होता है और हम चाहते हैं कि किसी को तकलीफ न हो ।

पानी के कारण और अन्य कारणों से जो दूसरी बीमारियाँ इस मुल्क में सदियों से यहाँ की जनता की जान लेती रही हैं, उन बीमारियों की रोकथाम के लिए जितनी मेहनत हो सकती है उतनी दिन और रात हम कर रहे हैं और उस में बहुत कुछ सफलता भी प्राप्त हुई है । कहीं पर उस में असफलता भी हुई है । उस असफलता के लिए हम को दुःख है । लेकिन उस असफलता को ले के जब ऐसी ऐसी बातें कही जाती हैं जैसे किसी ने कुछ किया ही न हो तो थोड़ा सा असफलता होता है । लेकिन अधिकांश है माननीय

सदस्यों को, जो चाहें सो कहें, गालियां भी बे सकते हैं और जो डांट डपट मूनासिब समझें वह भी कर सकते हैं, चाहे परिस्थिति ईश्वर की तरफ से बनी हो या किसी की तरफ से ।

यह सच है कि यह पानी का कष्ट हमारे नागरिकों को हुआ है, कई सालों से हुआ है, कभी पानी की कमी के कारण हुआ है, कभी पानी में कोई दोष आ जाने के कारण हुआ है । मैं इतना ही कहना चाहती हूँ कि इस वक्त जहाँ पानी में दोष आया, अगर 1955 का एक हादसा न हो गया होता, तो हम शायद किसी को पानी उबालने के लिए भी न कहते । श्रीमती सावित्री निगम ने ज कहा कि पानी के एक एक गैलन में पोटेशियम परमैंगनेट मिला दें । मैं निवेदन करना चाहता हूँ कि पोटेशियम परमैंगनेट से बहुत ज्यादा असर की चीज हम हर एक के पाना में मिला रहे हैं । जो डब्ल्यू० एच० ओ० का एकमपर्ट कनेटों हों उस का कहना है कि अगर वन पाट पर मिलियन रेजीड्युअल क्लोरीन पानी में डाल दी जाय और आधे घंटे अगर वः पानी में रहे तो वह पानी सुरक्षित हो जाता है, हिपटाइटिज से भी सुरक्षित हो जाता है । हम पहलू दिन में वन पाट पर मिलियन में ज्यादा क्लोरीन डाल कर पाना जनता को दे रहे हैं । इस में कोई कारण नहीं है यह मानने के लिए कि इस पाना के पाने से चारों तरफ भय का वातावरण हो जाना चाहिये जैसे कि कहा जा रहा है । आप कह सकते हैं कि अगर ऐसा ही था तो आप ने पानी उबालने के लिए क्यों कहा । हम ने पहले ही दिन से जो पानी उबालने के लिए कहा था वह डबल सेप्टी के खयाल से कहा था । पानी ऐसा नहीं है कि जिससे घबराने की कोई बात हो । लेकिन यहाँ कोई कहता कि हम नहा नहीं सकते, कोई कहता है कि हम कुल्ला नहीं कर सकते ।

एक माननीय सदस्य डाक्टरों के कड़ा ।

डा० सुशीला नायर : कोई कोई डाक्टर भी माननीय सदस्यों की तरह से थोड़ा भड़क सकते हैं । भड़कने का अधिकार माननीय सदस्यों को है, डाक्टरों का नहीं है, यह बात नहीं है । यह स्वतंत्र देश है । उन्होंने भी कुछ भड़क कर कह दिया होगा । लेकिन साइंटिफिक फैक्ट्स क्या हैं वह मैं निवेदन करने की कोशिश कर रही हूँ । मेरे माननीय भाई के० एल० राव ने भी कुछ कहा ।

श्री ज्वा० प्र० ज्योतिषी (सागर) : यह जो कंटमिनेशन हुआ क्या इस से तुलनात्मक दृष्टि से बीमारियां बढ़ी हैं ?

डा० सुशीला नायर : मैं निवेदन कर हूँ कि बीमारों की संख्या नहीं बढ़ी है यही एक खुशी की बात है और संतोषजनक बात है । चाहे हमारे भाई श्री फ्रेंक एन्थनी जी इस को जगलरी कहें यह उन की मर्जी है लेकिन ये फिगर किसी के बनाये हुए नहीं हैं । वह कहते हैं कि उन के कुत्ते भी हमारे अस्पतालों में नहीं जाते । मैं बड़े अदब से कहना चाहती हूँ कि उन के कुत्तों के इलाज के लिए तो हमारे अस्पतालों में ग्राम तौर पर कुछ प्रबन्ध नहीं किया गया है, उन के लिए तो वेटेरीनरी अस्पताल होते हैं । लेकिन जो हमारे अस्पताल हैं उनमें हर रोज हजारों, लाखों लोग जा रहे हैं और मेरे पास उन के महीने महीने और साल ब साल के फिगर मौजूद हैं और गैस्ट्रो एंटाइटिज और पिप्टाइडिज के भी फिगर मेरे पास हैं । इनके तुलनात्मक आकड़े अगस्त और सितम्बर के महीनों के, जबकि ये बीमारियां खास तौर पर होती हैं, मैं आप के सामने निवेदन कर हूँ । अगस्त 1961 में 145 लोगों को गैस्ट्रो एंटाइटिज हुई और पांच की मृत्यु हुई, अगस्त, 1962 में 140 केसेज हुए और मृत्यु नहीं हुई, सन् 1963 में बड़ी मेहनत की हम लोगों ने । इस काम को कारपोरेशन वाले ही करते हैं, सीधे भारत सरकार इस काम को नहीं करती, यह समझने की बात है । जैसे दूसरी जगहों

[डा० मुर्ण लः नायर]

पर स्टेट गवर्नमेंट ये काम करती है वैसे ही दिल्ली में कारपोरेशन यह काम करता है। कारपोरेशन ही यहां पानी की ग्रौर ड्रनेज आदि की देखभाल करता है। सन् 1955 में ज्वाइंट वाटर ग्रौर सीवेज बोर्ड था, भारत सरकार के साथ उसका कुछ सम्बन्ध होता था। लेकिन उसके बाद उस को बदल दिया गया और जब कारपोरेशन बना तो सारी जिम्मेवारी कारपोरेशन को दे दी गयी जिस से कि एक जगह सारी जिम्मेदारी रहे। और कारपोरेशन को जब आवश्यकता होती है हम लोगों से सलाह मशविरा या मदद मांगने की तो हम उन की मदद करते हैं। पिछले साल उन्होंने बड़ी मेहनत की और पानी का इतना अच्छा क्लोरिनेशन किया कि कुछ 67 केसेज हुए और उन में दो की मृत्यु हुई। इस साल में अग्रस्त में, कंटैमिनेशन से बहु पहले, 104 केसेज हुए और तीन मृत्युएं हुई।

अब मैं सितम्बर के महीने के फिगर आपके सामने रखती हूं। 1961 के सितम्बर में 61 केसेज हुए, 1962 के सितम्बर में 44, 1963 के सितम्बर में 37 और 1964 के सितम्बर में 40 केसेज हुए। तो उन में कोई विशेष बढ़ोतरी हुई ही ऐसी बात नहीं है।

श्री हरि विष्णु कामत : ये अस्पतालों के आंकड़े हैं। जो लोग सड़कों पर या अपने घरों में मरे हैं उन के आंकड़े इन में नहीं हैं।

डा० सुशीला नायर : उन केसेज में सड़कों पर कोई नहीं मरता। यह नोटोफायेबिल डिजीज है और अगर कोई डाक्टर भी किसी को देखता है तो उस को उस की खबर देनी होती है। और अगर यह भी मान लिया जाय कि कुछ ग्रंडर रिपोर्टिंग है तो ऐसी बात नहीं है कि इसी साल में यह ग्रंडर रिपोर्टिंग हुआ हो। मैं ने आप के सामने 1961, 1962, 1963 और 1964 के फिगर रख दिये हैं

और इन में कोई बड़ा फर्क नहीं है, जैसा कि मैंने अभी निवेदन किया है।

इसी प्रकार से मैं अर्ज कर हूँ कि इन-फैक्टिव डिपेंटाइटिज कोई ऐसी बीमारी नहीं है जोकि इस साल हुई हो और सन् 1955 में ही हुई हो। कोई न कोई इस के केसेज समय समय पर होते रहते हैं। मैं बड़े अदब से कहना चाहती हूँ कि यह इनफैक्टिव डिपेंटाइटिज केवल पानी की वजह से ही हुई हो यह बात नहीं है। हम लोगों की आदत भी बहुत ज्यादा माफ सुथरी नहीं है इस मुल्क में। आप जानते हैं कि यहां किस तरह से खुली खाने की चीजें बिकती है। जिस पर मक्खियां बैठती हैं, जिन में धूल पड़ती है, इन से भी इनफैक्शन चीजों में हो जाता है।

एक माननीय सदस्य : उसे रोका क्यों नहीं जाता, उसे रोकिए।

डा० सुशीला नायर : कारपोरेशन की तरफ से बार बार कोशिश की गयी इस चीज की कि स्कूलों के बाहर खुली चीज न बिकने पाये और खांचे वालों को हटा दिया जाय। लेकिन काफी कोशिश के बावजूद वे लोग इस काम में पूरे सफल नहीं हो सके हैं, और उस का कारण है कि हम लोगों पर अक्सर भावना कब्जा कर लेता है बुद्धि के बनिस्बत। इस इमोशन में आकर फिर हमारे ही जैसे लोग कहने लगते हैं कि साहब इन गरीबों के खोमचे आप उठाते हैं तो यह बेचारे रोटी कहां से खायेंगे ? नई दिल्ली में रेहड़ियां न चले इस की काफ़ी कोशिश होती है लेकिन यहां भी दबाव चारों तरफ से आता है कि अगर आप ने इन को बंद कर दिया तो यह गरीब रोटी कहां से खायेंगे ? इसलिए श्रीमन्, दो चीजें साथ साथ नहीं चल सकती हैं। या तो हम एक साइंटिफिक तरीके से, हाइजैनिक तरीके से जो खाना मिल सकता है उस पर जोर दें या फिर इन खोमचे वालों और रेहड़ी वालों की जरूरत को देखें। स्वास्थ्य की

ज्ञातिर मैं यह जरूर चाहती हूँ कि इन रेहड़ी वालों और खोमचे वालों पर अंकुश लगाया जाय क्योंकि उसके बगैर हाइजैनिक तरीके से खाना मिल नहीं सकता है लेकिन इस से यह न समझा जाय कि मेरी उन खोमचे वालों से हमदर्दी नहीं है। मेरी भी हमदर्दी उस हर एक शख्स के साथ है जिस को कि रोजगार न मिले तो पेट भरने के लिए रोटी नहीं मिल सकती। लेकिन श्रीमन्, हर एक चीज की हर एक काम की अलग अलग लोगों की जिम्मेदारी होती है। अब अगर मुझ पर आप स्वास्थ्य की रक्षा की जिम्मेदारी डालते हैं तो मैं आप का उसमें सहयोग मांगती हूँ कि जो चीज स्वास्थ्य की रक्षा के लिए करनी आवश्यक है उस में आप मेरा हाथ मजबूत करें और उस में आप पीछे से मेरी चुटिया को न खींचने लें। अब अगर मैं आगे बढ़ूँ तो पीछे से मुझे खींच लें और अगर मैं आगे नहीं बढ़ती हूँ तो फिर मुझे चाबुक लगावें। यह एक बड़ी आफत की बात है। अब देखिये न मेरी हालत कि श्री बनर्जी तो कहते हैं कि जमुना में जा कर डूब मरूँ लेकिन अगर मैं डूबने लगूँगी तो यह मुझे डूबने भी नहीं देंगे और पीछे से खींच लेंगे।

**श्री स० मो० बनर्जी :** अगर आप डूबेंगी तो भी तो मैं खुद बचा लूँगा।

**डा० सुशीला नायर :** मैंने जो अभी अज्ञ किया था उस को इन्होंने कनफर्म कर दिया है।

**श्री स० मो० बनर्जी :** आप डूब जायेंगी तो सारा देश डूब जायेगा।

**डा० सुशीला नायर :** श्रीमन्, मैं बही चीज कह रही हूँ कि अगर आप रचनात्मक टीका टिप्पणी करें, कंसट्रिक्टिव क्रिटिसिज्म करें और सुझाव दें तो मैं उसका स्वागत करती हूँ। लेकिन खाली इमोशन से तो काम चलने वाला नहीं है . . . . .

**श्री बागड़ी :** इमोशन की बात यह है . . . . .

उपाध्यक्ष महोदय : आर्डर, आर्डर।

**श्री बागड़ी :** सिर्फ यह बतला दें कि यह जिम्मेदारी किस की है ?

**उपाध्यक्ष महोदय :** आर्डर, आर्डर माननीय सदस्य शांत हो कर सुनें।

**डा० सुशीला नायर :** देखिये मैंने किसी को, जब वे बोल रहे थे तो इंटरप्ट नहीं किया था। एक बार अवश्य किया था। चूंकि मैं ने समय ज्यादा ही रक्खा है और निर्धारित समय में मैं सब बातों का जवाब दे सकूँ इसलिए मेरा निवेदन है कि मुझे बोलने दिया जाय, टोका न जाये और अगर मुझे इस की सुविधा मिलेगी तो मैं बहुत अनुगृहीत हूँगी।

श्रीमन्, मेरे कहने का मतलब यह है कि अगर हम कदम उठाते हैं तो हम पर चाबुक लगाते हैं और अगर हम कदम नहीं उठाते हैं तो भी हम पर ये लोग चाबुक लगाते हैं। तब बड़ी मुश्किल की बात हो जाती है।

**श्री हरि विष्णु कामत :** आप कदम उठाती नहीं हैं।

**डा० सुशीला नायर :** उठाते हैं। अब नजफगढ़ नाले में जो गंदगी आने की बात है, तो इंफेक्शन इन सारे नालों में आता है क्योंकि जगह जगह पर ढेर के ढेर लोग बस जाते हैं। झुग्गियों और झोंपड़ियों डाल कर बस जाते हैं। कोई सैनेटरी अरेंजमेंट नहीं होता है, लैबटरीज, शौचालय आदि होते नहीं हैं और परिणाम यह होता है कि सारे का सारा गंदगी मिला हुआ पानी नालों में बह कर आता है और जो नाले स्टार्म वाटर के लिए हैं उन में स्टार्म वाटर की जगह पर यह गंदगी बहने लगती है तो जाहिर है कि वह इंफेक्शन का सोर्स बनते हैं। अब जब हम बड़े भाई खन्ना जी इन स्लम डुएलर्स को, झुग्गी झोंपड़ियों में रहने वालों को उठाने की कोशिश करते हैं तो आप जानते हैं, श्रीमन्,

[डा० सुशीला नायर]

इस सदन में और दूसरे सदन में क्या कुछ होता है (इंटरप्शंस) ।]

श्रीमन्, मैं कोई कंट्रोवर्सी नहीं उठाना चाहती हूँ। मेरा तो इतना ही कहना है कि इस वक्त जो कंटैमिनेशन हुआ उस में किसी मनुष्य का हाथ था यह नहीं कहा जा सकता। यह बात मैं साफ़ कर देना चाहती हूँ कि खाली सदन को खुश करने के लिए मैं कहूँ कि कारपोरेशन को सुपरसीड कर दो या कुछ दूसरे भाइयों की टीकाओं से भयभीत होकर कह दूँ कि किन्हीं अफसरान को मुअ्तिल कर दो, या सस्पेंड कर दो तो वह चीज़ मैं नहीं करने वाली हूँ क्योंकि वह अन्याय की बात होगी न्याय की बात नहीं होगी।

मैं पूरी जिम्मेदारी के साथ कहना चाहती हूँ कि जिस होशियारी के साथ, जिस मेहनत के साथ कारपोरेशन के लोगों ने, हमारे अफसरान ने, इरीगेशन एंड पावर के अफसरान ने और हमारे पब्लिक हेल्थ और इंजीनियरिंग के मुहकमे के लोगों ने और कारपोरेशन के सदस्य जोकि वाटर एंड सीवज कमेटी को देखते हैं और जिसका कि यह चार्ज है, उन सब ने जिस मेहनत से रात व दिन काम किया है मैं उन की तारीफ़ करती हूँ और मैं उनको धन्यवाद देती हूँ . . . . .

श्री हरि विष्णु कामत : परिणाम उस का पीलिया है । (Interruptions).

This is not the way to conduct the proceedings of Parliament. She is praising the guilty officers.

Mr. Deputy-Speaker: She is replying to the debate.

Shri Hari Vishnu Kamath: She can reply and we can also reply Officers guilty of murder are not being brought to book. It is shameful and disgraceful.

डा० सुशीला नायर : श्रीमन्, इमोशन में आकर कोई चीज़ हल नहीं होती है। हकीकत यह है कि ब्लोग मर भी नहीं रहे हैं अलबत्ता जैसी पहले थी वैसी ही है। जिस लड़के का माननीय सदस्य ने जिक्र किया कि वह इनफैक्टिव हैपाटाइटिस से मरा, उस के लिए उनके पिता की ओर से यह बतलाया गया है कि वह लड़का इनफैक्टिव हैपाटाइटिस से नहीं मरा बल्कि वह एन-सैफैलाइटिस से मरा है। अब यह एनसैफैलाइटिस उन बीमारियों में से है जिसके लिए बहुत कुछ नहीं किया जा सकता है। अभी तक जितना विज्ञान हमारे पास मौजूद है उस के आधार पर बहुत ज्यादा नहीं किया जा सकता है। श्रीमन्, मैं जानती हूँ कि कुछ परमानेंट खामियां हैं जिनकी कि वजह से यह पानी की समस्या पैदा हुई और वह परमानेंट खामियां यह हैं कि जो ड्रेनेज पंजाब, दिल्ली, यू० पी० और राजस्थान के कुछ हिस्सों को एक साथ मिला कर के कम्पोजिट तरीके से होना चाहिए, वह नहीं हुआ, पीसमील तरीके से हुआ।

एक माननीय सदस्य : कम्पोजिट तरीके से क्यों नहीं हो पाया ? (इंटरप्शंस)

Dr. Sushila Nayar: Why are they getting excited? They do not want to hear anything? (Interruptions). I have listened to their abuses.

Shri Hari Vishnu Kamath: We will listen to you because you have the last word and we cannot reply to that.

Mr. Deputy-Speaker: Shall I ask her to stop?

Shri Hari Vishnu Kamath: She cannot get away with this. Officers guilty of murder are being praised and you are supporting her. (Interruptions).

Dr. Sushila Nayar: My hon. friend, Mr. Kamath, somehow or other....

इतिर मैं यह जरूर चाहती हूँ कि इन रेहड़ी वालों और खोमचे वालों पर अंकुश लगाया जाय क्योंकि उसके बगैर हाइजैनिक शरीरों से खाना मिल नहीं सकता है लेकिन इस से यह न समझा जाय कि मेरी उन खोमचे वालों से हमदर्दी नहीं है। मेरी भी हमदर्दी उस हर एक शख्स के साथ है जिस को कि रोजगार न मिले तो पेट भरने के लिए रोटी नहीं मिल सकती। लेकिन श्रीमन्, हर एक चीज की हर एक काम की अलग अलग लोगों की जिम्मेदारी होती है। अब अगर मुझ पर आप स्वास्थ्य की रक्षा की जिम्मेदारी डालते हैं तो मैं आप का उसमें सहयोग मांगती हूँ कि जो चीज स्वास्थ्य की रक्षा के लिए करनी आवश्यक है उस में आप मेरा हाथ मजबूत करें और उस में आप पीछे से मेरी चूटिया को न खींचने लगे। अब अगर मैं आगे बढ़ूँ तो पीछे से मुझे खींच लें और अगर मैं आगे नहीं बढ़ती हूँ तो फिर मुझे चाबुक लगावें। यह एक बड़ी आफत की बात है। अब देखिये न मेरी हालत कि श्री बनर्जी तो कहते हैं कि जमुना में जा कर डूब मरूँ लेकिन अगर मैं डूबने लगूंगी तो यह मुझे डूबने भी नहीं देंगे और पीछे से खींच लेंगे।

श्री स० मो० बनर्जी : अगर आप डूबेंगी तो भी तो मैं खुद बचा लूंगा।

डा० सुशीला नायर : मैंने जो अभी अज्ञ किया था उस को इन्होंने कनफर्म कर दिया है।

श्री स० मो० बनर्जी : आप डूब जायेंगी तो सारा देश डूब जायेगा।

डा० सुशीला नायर : श्रीमन्, मैं बही चीज कह रही हूँ कि अगर आप रचनात्मक टीका टिप्पणी करें, कंसट्रिब्यूटिव क्रिटिसिज्म करें और सुझाव दें तो मैं उसका स्वागत करती हूँ। लेकिन खाली इमोशन से तो काम चलने वाला नहीं है . . . . .

उपाध्यक्ष महोदय : ब्रांडर, ब्रांडर।

श्री बागड़ी : सिर्फ यह बतला दें कि यह जिम्मेदारी किस की है ?

उपाध्यक्ष महोदय : ब्रांडर, ब्रांडर माननीय सदस्य शांत हो कर सुनें।

डा० सुशीला नायर : देखिये मैंने किसी को, जब वे बोल रहे थे तो इंटरप्ट नहीं किया था। एक बार अवश्य किया था। चूंकि मैंने समय ज्यादा ही रक्खा है और निर्धारित समय में मैं सब बातों का जवाब दे सकूँ इसलिए मेरा निवेदन है कि मुझे बोलने दिया जाय, टोका न जाये और अगर मुझे इस की सुविधा मिलेगी तो मैं बहुत अनुग्रहीत हूंगी।

श्रीमन्, मेरे कहने का मतलब यह है कि अगर हम कदम उठाते हैं तो हम पर चाबुक लगाते हैं और अगर हम कदम नहीं उठाते हैं तो भी हम पर ये लांग चाबुक लगाते हैं। तब बड़ी मुश्किल की बात हो जाती है।

श्री हरि विष्णु कामत : आप कदम उठाती नहीं हैं।

डा० सुशीला नायर : उठाते हैं। अब नजफगढ़ नाले में जो गंदगी आने की बात है, तो इंफेक्शन इन सारे नालों में आता है क्योंकि जगह जगह पर ढेर के ढेर लोग बस जाते हैं। झुग्गियों और झोंपड़ियों डाल कर बस जाते हैं। कोई सैनेटरी अरेंजमेंट नहीं होता है, लैवटरीज, शौचालय आदि होते नहीं हैं और परिणाम यह होता है कि सारे का सारा गंदगी मिला हुआ पानी नालों में बह कर आता है और जो नाले स्टॉम वाटर के लिए हैं उन में स्टॉम वाटर की जगह पर यह गंदगी बहने लगती है तो जाहिर है कि बड़े इंफेक्शन का सोर्स बनते हैं। अब जब हम बड़े भाई खन्ना जी इन स्लम ड्रैनेजिंग को, नालों में गंदगी से रक्षित करने वालों को लगाने की



[डा० सुशीला नायर]

इस सदन में और दूसरे सदन में क्या कुछ होता है (इंटरप्शंस)।

श्रीमन्, मैं कोई कंट्रोवर्सी नहीं उठाना चाहती हूँ। मेरा तो इतना ही कहना है कि इस वक्त जो कंट्रिब्यूशन हुआ उस में किसी मनुष्य का हाथ था यह नहीं कहा जा सकता। यह बात मैं साफ़ कर देना चाहती हूँ कि खाली सदन को खुश करने के लिए मैं कह दू कि कारपोरेशन को सुपरसीड कर दो या कुछ दूसरे भाइयों को टीकाओं से भयभीत होकर कह दू कि किन्हीं अफसरान को मुअत्तिल कर दो, या सस्पेंड कर दो तो वह चीज मैं नहीं करने वाली हूँ क्योंकि वह अन्याय की बात होगी न्याय की बात नहीं होगी।

मैं पूरी जिम्मेदारी के साथ कहना चाहती हूँ कि जिस हाशियारी के साथ, जिस मेहनत के साथ कारपोरेशन के लोगों ने, हमारे अफसरान ने, इंजीनियरिंग एंड पावर के अफसरान ने और हमारे पब्लिक हेल्थ और इंजीनियरिंग के मुहकमे के लोगों ने और कारपोरेशन के सदस्य जोकि वाटर एंड सीवज कमिटी को देखते हैं और जिसका कि यह चार्ज है, उन सब ने जिस मेहनत से रात व दिन काम किया है मैं उन की तारीफ़ करती हूँ और मैं उनको धन्यवाद देती हूँ।

श्री हरि विष्णु कामत : परिणाम उस का पोलिया है। (Interruptions).

This is not the way to conduct the proceedings of Parliament. She is praising the guilty officers.

Mr. Deputy-Speaker: She is replying to the debate.

Shri Hari Vishnu Kamath: She can reply and we can also reply. Officers guilty of murder are not being brought to book. It is shameful and disgrace-

डा० सुशीला नायर : श्रीमन्, इमोशन में भाकर कोई चीज हल नहीं होती है। हकीकत यह है कि लोग मर भी नहीं रहे हैं अलबत्ता जैसी पहले थी वैसी ही है। जिस लड़के का माननीय सदस्य ने जिक्र किया कि वह इनफैंक्टिव हैपाटाइटिस से मरा, उस के लिए उनके पिता की ओर से यह बतलाया गया है कि वह लड़का इनफैंक्टिव हैपाटाइटिस से नहीं मरा बल्कि वह एन-सैफ़लाइटिस से मरा है। अब यह एनसैफ़लाइटिस उन बीमारियों में से है जिसके लिए बहुत कुछ नहीं किया जा सकता है। अभी तक जितना विज्ञान हमारे पास मौजूद है उस के आधार पर बहुत ज्यादा नहीं किया जा सकता है। श्रीमन्, मैं जानती हूँ कि कुछ परमानेंट खामियां हैं जिनकी कि वजह से यह पानी की समस्या पैदा हुई और वह परमानेंट खामियां यह हैं कि जो डूनेज पंजाब, दिल्ली, यू० पी० और राजस्थान के कुछ हिस्सों को एक साथ मिला कर के कम्पोजिट तरीके से होना चाहिए, वह नहीं हुआ, पीसमील तरीके से हुआ।

एक माननीय सदस्य : कम्पोजिट तरीके से क्यों नहीं हो पाया ? (इंटरप्शंस)

Dr. Sushila Nayar: Why are they getting excited? They do not want to hear anything? (Interruptions). I have listened to their abuses.

Shri Hari Vishnu Kamath: We will listen to you because you have the last word and we cannot reply to that.

Mr. Deputy-Speaker: Shall I ask her to stop?

Shri Hari Vishnu Kamath: She cannot get away with this. Officers guilty of murder are being praised and you are supporting her. (Interruptions).

Dr. Sushila Nayar: Mr. ...

**Shri Hari Vishnu Kamath:** Not somehow or other; I have facts and figures with me.

**Dr. Sushila Nayar:** He has such a great love for capital punishment....

**Shri Hari Vishnu Kamath:** Yes; otherwise people will die here.

**Dr. Sushila Nayar:** I do not know what is the psychology of the hon. Member. He is always blood-thirsty. (interruptions).

**Shri Hari Vishnu Kamath:** She cannot go scotfree with this. I am blood-thirsty. Her officers are guilty of murder and she is abetting murder.

**Dr. Sushila Nayar:** May I say that I do not very much approve of the other type of water that Mr. Anthony referred to. But I would very much prefer thirst for that type of water to the type of thirst which Mr. Kamath displays always.

**Shri Hari Vishnu Kamath:** What is this? You go and drink that water. This is not the way. You cannot get away with that. Blood-thirsty—who is blood thirsty? I am not blood thirsty. People who are guilty of murder are not brought to book. She is abetting murder and she has no understanding to grasp it.

**Dr. Sushila Nayar:** I must confess and I concede that my friend Mr. Kamath is far more learned and far more intelligent than I can ever claim to be. But that does not mean that whatever little I have to say he should not give me an opportunity to present for his wisdom to consider. He may reject it after hearing me. But he must hear me. That is all that I wish to say.

**Shri Hari Vishnu Kamath:** You do not know what blood thirsty means. Don't use words the meaning of which you do not know very well.

**श्री बागड़ी :** उपाध्यक्ष महोदय, मेरा एक व्यवस्था का प्रश्न है। यह चर्चा इसलिए

चली थी कि हम स्वास्थ्य मंत्री से यह सुनना चाहते थे कि किस तरह से ऐसी घटना भ्रागे नहीं होगी और जिन के गुनाह थे, उन को किस तरीके से सजा दी जायेगी और कौन इस बारे में जिम्मेदार हैं। हम यहाँ स्वास्थ्य मंत्री से उन की तारीफ़ सुनने के लिए नहीं आये हैं। आज सारी दिल्ली इस बात पर दुखी है। अच्छा होता कि मंत्री महोदया भी उस दुख में शामिल हो कर कोई बात कहतीं। लेकिन यह तो एक किस्म का खिलवाड़ है।

**उपाध्यक्ष महोदय :** यह कोई व्यवस्था का प्रश्न नहीं है। माननीय सदस्य मंत्री महोदया के भाषण को सुनें।

**डा० सुशीला नायर :** मैं प्रार्थना कर रही हूँ कि मुझे मौका दिया जाये बिना इन्टरप्ट किये हुए, तो मैं निवेदन करूँ कि क्या किया जा रहा है और भ्रागे हम क्या कर रहे हैं।

मैं ने निवेदन किया कि अगर यह ड्रेनेज स्कीम चारों स्टेट्स के साथ मिल कर बनाई जाये, तो किधर से पानी आयेगा, किधर पानी निकलना चाहिए, यह सब फ़ैसला हो सकता है और वह फ़ैसला करने के लिए मैं ने भी प्राइम मिनिस्टर साहब को पत्र लिखा है और मेरा ख्याल है कि डा० के० एल० राव साहब ने भी इस के बारे में कुछ कहा है। हम आशा रखते हैं कि कोई ऐसी लांग-टर्म योजना बनेगी, जिस से चारों तरफ़ की परिस्थिति को देख कर ड्रेनेज का सवाल हल किया जा सके।

एक यह भी सुझाव है कि नजफ़गढ़ लेक का पानी बजाये शहर की आबादी के बीच में से जाने के—जैसा कि वह आज जाता है—उस को दूसरी दिशा से जमुना में मिला दिया जाये। चूँकि जमीन से ऊपर पहाड़ी है, बड़े पत्थर-वत्थर हैं, इसलिए शायद जमीन में से भी पांच मील नाला ले जाने की बात हो रही है। ऐसी योजना बन रही है, जिस से यह ड्रेनेज का सवाल हल हो।

[डा० सुशीला नायर]

कामत साहब ने पूछा कि पहले वक्त और इस वक्त में क्या फर्क है डा० के० एल० राव ने भी बताया है कि पहले नज़फगढ़ नाले का पानी नीचे की तरफ से पावरफुल पम्पों ने वाटर वर्क्स में खींच लिया था, क्योंकि जमुना में कम पानी आ रहा था और नज़फगढ़ नाले में ज्यादा आ रहा था। तब पक्का वैराज बना दिया गया और उससे भी कुछ कच्चे पक्के रेत के वैराज बनने शुरू हुए उसको रोकने के लिए। 1955 के बाद यह वह हादसा दोबारा नहीं हुआ। पक्का वैराज बनने के बाद ऐसा होने की कोई बात नहीं है। अब चूंकि वर्षा इस साल हतने जोरों से हुई तो लोगों ने अपने हां के नाले के बांध तोड़ दिये, ताकि उनके यहां से पानी निकले वह पानी वाटर वर्क्स के ऊपर से आ गया और जमुना में मिल गया। उससे सैलिनिटी बढ़ी जैसा कि डा० के० एल० राव ने कहा है, कुछ सैलिनिटी कन्ट्रिब्यूशन के कारण मे होगी, लेकिन चूंकि वह पानी सैलाइन, कल्लर वाली जमीन के ऊपर से आया, इसलिए बहुत कुछ सैलिनिटी उस की भी थी।

**Shrimati Renu Chakravarty:** May I interrupt and ask my sister one question, whether it is not possible to increase the water-carrying capacity of the nullah?

**Dr. Sushila Nayar:** It is not possible to do it in the present site. It will endanger the buildings on either side. That is what the experts tell us. It will have to be diverted. And that is why the other project of taking it to the Jumna at a different point is being thought about.

श्रीमन्, मैं निवेदन कर रही थी कि क्लोराइड एक चीज होती है वह बढ़ी। क्लोराइड के अलावा नाइट्राइट्स होते हैं, जो कन्ट्रिब्यूशन को बताते हैं। नाइट्राइट्स नहीं बढ़ें। बैक्टीरिया होता है, जिससे हम यह देखते हैं कि कुछ सीवेज या इस किस्म की

चीज पानी में मिली, तो बैक्टीरिया भी नहीं बढ़े खाली जो सैलिनिटी बढ़ी, वह सब की सब कन्ट्रिब्यूशन के कारण से नहीं है। उसका दूसरा सबूत यह है कि न गैस्ट्रो-एन्ट्राइटिस के केसिज बढ़े हैं और, न हैपाटाइटिस के केसिज बढ़े हैं। हम ईश्वर से प्रार्थना करते हैं और जिसको कहते हैं कोप यूअर किंगडम फ़ास्ट, क्योंकि अभी सारा डेंजर का अर्सा खत्म नहीं हुआ। अगर अगले दस दिनों में भी ऐसी ही परिस्थिति रही हैपाटाइटिस के सम्बन्ध में, तो कोई चिन्ता की बात नहीं है।

जैसा कि मैंने कहा है, हैपाटाइटिस की वायरस को खत्म करने के लिए हमने पानी का हाइपर-क्लोरीनेशन किया। उस से वह कुछ खत्म हो गई होगी इसके अलावा हमने लखनऊ की ड्रग रिसर्च लैबोरेटरी से गामा ग्लोबुलिन बनाने के लिए भी बात की है। उन्होंने कुछ ब्लड मांगा है, जो हम उनको पढ़वाने की कोशिश कर रहे हैं। कुछ गामा ग्लोबुलिन वहां बन जायेगा और कुछ हम बाहर से भी मंगवा रहे हैं। अगर पता चल कि किसी को हैपाटाइटिस जैसे चिह्न हैं, तो उसी वक्त गामा ग्लोबुलिन देने से बीमारी आगे बढ़ने से रुक जायेगी। इसका भी हम इन्तजाम कर रहे हैं।

**Shri Hari Vishnu Kamath:** All platitudes, familiar platitudes.

**श्री बागड़ी :** एक मरीज पर कितन खर्च होगा।

**डा० सुशीला नायर :** आखिर सोचने की बात यह है कि दिल्ली की आबादी जितनी तेजी से बढ़ रही है, वह सब जानते हैं। इस तेजी से बढ़ती हुई आबादी का पानी पूरा करने के लिए और सब इन्तजाम ठीक करने के लिये हमने मास्टर प्लान बनाया। 1981 तक की आबादी के लिए कितने पानी की आवश्यकता होगी, मास्टर प्लान के अनुसार

हमने उसका इन्तजाम किया और वाटर वर्क्स वगैरह सब बढ़ाये जा रहे हैं। एक बार 1955 में नीचे से कन्टैमिनेशन आया था। उसको रोक दिया गया। अगले ही बार ऊपर से आया है। दोबारा ऊपर से न आए, इसके लिए इंजीनियर लोग अपनी बुद्ध लड़ा रहे हैं।

**श्री स० मो० बनर्जी :** (कानपुर) उसके बाद कहीं साइड से न आ जाये ?

**डा० सुशीला नायर :** इसके अलावा यह कहा गया कि स्वास्थ्य मंत्री रिजाइन कर दें स्वास्थ्य मंत्री के रिजाइन करने से अगर पानी अच्छा होता हो, तो स्वास्थ्य मंत्री एक दफा नहीं, दस दफा रिजाइन करने के लिए तैयार हैं।

**श्री हरि विष्णु कामत :** दस दफा नहीं एक दफा काफी है।

**डा० सुशीला नायर :** लेकिन स्वास्थ्य मंत्री समझती है कि वह किस तरह से ज्यादा सेवा कर सकती हैं और वह कर रही हैं और वह आपको आबलाइज नहीं करेगी।

**श्री हरि विष्णु कामत :** जनता को आबलाइज करना चाहिए।

**डा० सुशीला नायर :** जनता भी यह बात जानती है।

**एक माननीय सदस्य :** आबलाइज तो हमें भी करना चाहिए।

**डा० सुशीला नायर :** जितने ठीक और सही रास्ते हो सकते हैं, उनसे आपको आबलाइज किया जायेगा, गलत रास्ते से नहीं किया जायेगा।

श्रीमती सावित्री निगम ने एक दो सुझाव दिये थे।

**श्री बाणड़ी :** नदी में जो गन्दे नाले पड़ते हैं, कारखानों की गन्दगी पड़ती है, उनके बारे में भी मंत्री महोदया कुछ कहें।

**डा० सुशीला नायर :** वह भी हो रहा है। मैं इतना कहना चाहती हूँ कि पालूशन करीब करीब इस समय तो समाप्त हो रहा है। आज की रिपोर्ट यह है कि क्लोराइड चौदः पाईस पर मिलियन हो गया है।

**श्री स० मो० बनर्जी :** क्योंकि आज डिस्कशन है।

**डा० सुशीला नायर :** माननीय सदस्य कहते हैं कि डिस्कशन से पानी अच्छा हो गया है। अगर ऐसा है, तब तो बड़ी अच्छी बात है। अगर डिस्कशन से पानी अच्छा हो जाता हो, तो मुझे गाली खाने का कोई अफसोस नहीं है, क्योंकि पानी तो अच्छा हो गया। लेकिन मेरा निवेदन है कि पानी इस डिस्कशन से अच्छा नहीं हुआ, बल्कि पहले दिन से जो मेहनत हो रही है, उसके कारण से पानी अच्छा हुआ है, किसी दूसरे कारण से नहीं।

एक माननीय सदस्य की तरफ से यह कहा गया कि हम को बहुत दिन बाद पता लगा पानी के कन्टैमिनेशन का। यह गलत बात है। जैसे ही चार तारीख को बांध तोड़ दिया गया है इसकी खबर आई, तो हमारे लोगों ने यह कैलकुलेट किया कि यह पानी 6 तारीख तक देहली पहुंचेगा और 6 तारीख से पानी उबालने के लिए कह दिया गया। हो सकता है कि सब लोग पानी न उबाल सकें, लेकिन जो लोग उबाल सकते हैं, वे तो उबाल लें।

लेकिन हमने पानी के उबालने पर ही सब चीज नहीं छोड़ दी। हमने प्रिक्ल रिनेशन किया यानी फिल्ट्रेशन से पहले पानी को क्लोरिनेट किया और फिल्ट्रेशन करने के बाद उस को दोबारा क्लोरिनेट किया, हाइपर क्लोरिनेशन किया। डब्ल्यू० एच० ग्रो० के एक्सपर्ट्स के कहने के मुताबिक हम ने जितना ट्रीटमेंट दिया है, उस से पानी को सुरक्षित होना चाहिए।

[डा० सुशीला नायर]

18 hrs.

इसके भलावा जो दूसरी चीजें हैं, उनकी तरफ भी ध्यान दिया जा रहा है। यह कहा गया है कि टायफायड बैक्टीरिया नहीं है, कालरा बैक्टीरिया नहीं है। यह गलत बात है। हजारों लोगों को टीके लगाये गये हैं, लगाये जा रहे हैं।

एक माननीय सदस्य ने कहा श्रीर मैं उन से सहमत हूँ कि दिल्ली के लोगों को तो हम ने काफी अच्छी सेवा कर ली है, काफी सम्भाल कर ली है, दिल्ली के देहातों की भी हम ने काफी अच्छी सम्भाल कर ली है, टोलियां जाती हैं और जा कर रोज काम करती हैं। मगर पंजाब के देहातों में मैं गई हूँ, वहाँ मैं घूमी हूँ, वहाँ पर बहुत से एरियाज वाटर लाइन्ड हैं, पानी से घिरे हुए देहात हैं, उनकी जो स्थिति है वह सचमुच शोचनीय है, दयनीय है। उसके लिए कुछ रैडक्रास की मार्फत, कुछ दूसरे लोगों की मार्फत पंजाब सरकार की जो भी मदद हो सकती है, वह हम कर रहे हैं।

अन्त में मैं

श्री हरि विष्णु कामत : पालियामेंटरी कमिशन के बारे में आपका क्या विचार है।

डा० सुशीला नायर : पालियामेंटरी कमिशन किस की जा कर गवाहियां लेगा। इंसान वर्षा का जिम्मेदार तो नहीं, भगवान को पेशी देनी पड़ेगी . . . .

श्री हरि विष्णु कामत : गलत धारणा है।

श्री बागड़ी : आज भगवान मंत्रिमंजल बना हुआ है।

श्री हरि विष्णु कामत : समझ नहीं पाती हैं।

डा० सुशीला नायर : डिबेट में अगर कोई एक भी कंस्ट्रिक्टिव सजेशन माननीय कामत साहब ने दी होती तो मैं मान लेती।

श्री हरि विष्णु कामत : आप इंस्ट्रिक्टिव बन गई हैं, क्या किया जाय ?

डा० सुशीला नायर : जो सजेशन उन्होंने दी है अफसरों को फांसी पर चढ़ाने की वह तो मुझे जंचती नहीं है।

श्री हरि विष्णु कामत : अपराधियों को।

डा० सुशीला नायर : पालियामेंटरी कमिशन से कोई लाभ होगा, एसा मैं नहीं मानती हूँ। यहाँ पर काम एक्सपर्ट्स का है और एक्सपर्ट्स को हम ने बिठा रखा है। व काम कर रहे हैं। ईश्वर की दया से अभी तक जैसे हम बचे हैं किसी विशेष दुष्परिणाम से

श्री स० मो० बनर्जी : ईश्वर को पालियेशन में नहीं लाना चाहिये।

डा० सुशीला नायर : उसी तरह से मैं आशा करती हूँ कि इस समय तो बचे रहेंगे, भविष्य में इस किस्म की जो परेशानी होती है, वह परेशानी हमें नहीं हो और उसके लिए जो पक्का इंतजाम हो सकता है उसकी हम पूरी कोशिश कर रहे हैं।

18.02 hrs.

जहाँ तक अस्पतालों का ताल्लुक है, डिसपेंसरीज का ताल्लुक है, वहाँ पर पानी उबाल कर दवाईयां देने का इंतजाम है। लेकिन माना अगर उबाला हुआ पानी दवाई में कहीं नहीं भी था तो कोई ऐसी घबराने की बात नहीं है क्योंकि उस पानी में जो दवाई डाली जाती है, उससे वह स्वयं ठीक हो जायेगा। कोई चिन्ता की बात नहीं है।

श्री डा० ना० तिवारी (गोपालगंज) : क्या मंत्री महोदया स्पष्ट बता सकती हैं कि अब हम लोगों को पानी उबाल कर पीने की जरूरत तो नहीं है ? अगर बिना उबाल पानी पिया जाये तो कोई हानि तो नहीं होगी ?

डा० सुशीला नायर : जो आज की क्लोराइड कंटेंट है, उसको देखते हुए पानी उबाल कर न पिया जाये तो कोई नुकसान नहीं होगा, इतना मैं कह सकती हूँ। लेकिन हम ने इसलिए यह एनाउंसमेंट नहीं किया पानी को बायल करना बन्द करने का, कि हमें देखना होगा दो चार दिन कि यही क्लोराइड कंटेंट रहता है या फिर बढ़ जाता है।

श्री हरि विष्णु कामत : खतरे से खाली नहीं है बिना उबाले पानी पीना।

डा० सुशीला नायर : पानी उबाल कर पीना सुरक्षित होगा। लेकिन इस वक्त आज जो हालत है वह हालत इस प्रकार की है कि उस में कोई विशेष चिन्ता की बात नहीं है।

श्री बागड़ी : संजय की मौत के बारे में आप को क्या कहना है? बड़ी डाक्टर को बुलाने के लिए गये थे पांच बजे, सात बजे और नौ बजे लेकिन बड़ी डाक्टर नहीं आई और वह तीन बजे सुबह मरने के बाद आई, क्या यह सही नहीं है।

डा० सुशीला नायर : संजय लड़का अस्पताल में सुबह सात बजे कर पचास मिनट पर आया और सुबह साढ़े आठ बजे उसके बड़ी डाक्टर ने देखा। उसके बाद तीन बार बड़ी डाक्टर ने, बड़ी पैडियाट्रीशन ने उसको देखा। चार बजे उन्होंने फिर देखा। उसके बाद रात को रिश्तेदारों ने कुछ डाक्टर से कहा तब टेलीफोन पर बात करके उसने उसके बारे में इंस्ट्रक्शंस दे दीं। रिश्तेदारों का स्वयं का कहना है कि लड़के को एनसैफलिटिस लैथारजिका था। यह एक विशेष दिमाग का रोग होता है एक विरस के कारण से। (इंटरप्शन) बच्चा मर गया। बेचारे मां बाप जिन का बच्चा मर गया, उनके लिए दुनिया सूनी हो गई है। मुझे उनके प्रति पूरी सहानुभूति है। लेकिन मैं बड़े अदब से यह कहना चाहती हूँ कि डाक्टर देखने नहीं आईं, यह बात दुरुस्त नहीं है।

18.05 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, September 25, 1964|Asvina 3, 1886 (Saka.)*