

Monday,  
22nd November, 1954

# LOK SABHA DEBATES

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LOK SABHA SECRETARIAT  
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**LOK SABHA DEBATES**  
(Part I—Questions and Answers)

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**LOK SABHA**

Monday, 22nd November, 1954

The Lok Sabha met at Eleven of the  
Clock

[MR SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

**Mr. Speaker:** Question No. 231, Shri V. P. Nayar.

**Shri Hem Raj:** Sir, question No. 117 is also on the same subject. It was postponed from the 17th.

**Mr. Speaker:** It is not on the list for the day.

**Shri Hem Raj:** It is in the supplementary list.

**Mr. Speaker:** I see it in the supplementary list. We will take up the questions in the order in which they are on the supplementary list. Question No. 93.

ADVANCED COURSES IN ELECTRONICS  
AND RADIO PHYSICS

\*93. **Shri Amjad Ali:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any research institute for advanced courses in electronics and radio physics is proposed to be established in the near future;

(b) if so, at what place;

(c) when the first course is likely to commence; and

(d) whether the institution will be run by Government?

490 LSD.

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**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) No, Sir. The Council of Scientific and Industrial Research have however established a Central Electronics Engineering Research Institute for research and development of all aspects of electronics engineering.

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

**Shri Amjad Ali:** Are they considering the question?

**Shri K. D. Malaviya:** It has already been established. The question put was whether it is contemplated. The answer is that it has already been established at Pilani.

**Mr. Speaker:** Question No. 117.

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** If you like, Sir, Questions 117 and 231 may be asked together. The subject-matter is the same.

**Shri V. P. Nayar:** They do not relate to identical subjects. One is about geological survey and the other is about prospecting for oil.

**Mr. Speaker:** They may be answered separately.

GEOLOGICAL SURVEY (KANGRA DISTRICT)

\*117. **Shri Hem Raj:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the Geological survey of Jawala-Mukhi (Kangra) regarding

deposits of petrol has been completed; and

(b) if not, the stage at which it stands at present?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) and (b). Geological survey of Jawala-mukhi petroleum deposits is in progress.

**Shri Hem Raj:** May I know when this survey will be completed?

**Shri K. D. Malaviya:** Geological investigations are going on; and, as a result of the recent Srinagar Conference, some more programme has been included. It will take some time. It is not possible for me just now to say exactly when we can finish it.

**Shri P. C. Bose:** By what method is this survey being carried on; by simple boring or by geo-physical methods?

**Shri K. D. Malaviya:** Borings have not yet been undertaken. We have just started the geological mapping of the earth structures where possibilities of oil may exist. After these structural mappings have been completed, magnetic and gravimetric survey may also be undertaken.

**Pandit D. N. Tiwary:** May I know whether the survey is being carried on by government agencies or it has been entrusted to some foreign firms?

**Shri K. D. Malaviya:** By government agencies.

**Shri S. C. Samanta:** May I know whether geologists have drawn a line from Assam to Persia and on that line investigation and researches will be made?

**Shri K. D. Malaviya:** No line has been drawn by the geologists. But from the natural earth structures and the history of earth it is considered that

from Persia to Assam, oil structures should be found beneath the alluvium and sedimentary rocks.

#### OIL SURVEY IN THE PUNJAB

**\*231. Shri V. P. Nayar:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the offer of a foreign firm for conducting an oil survey in the Punjab has been referred to the Government of India for their advice;

(b) if so, what decision has been taken in the the matter; and

(c) what is the name of the firm and their terms of offer?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) No, Sir. A foreign firm has asked for permission to carry out a geological reconnaissance survey in a small area in the Punjab.

(b) and (c). No decision has been taken in the matter.

**Shri V. P. Nayar:** May I know whether the attention of Government has been drawn to a news report from Chandigarh in the *Times of India* that "it is officially learnt that the Punjab Government is requesting the Government of India for permission to associate a foreign firm in undertaking a survey of oil prospecting"?

**Shri K. D. Malaviya:** The State Government of the Punjab has not yet approached our Government with any recommendation. The Government of India themselves, as I have already said, have received a representation from a foreign firm.

**Shri V. P. Nayar:** May I know whether in seeking the help of foreign firms it is a condition that in case oil is found they will be allowed to take advantage of the oil there?

**Shri K. D. Malaviya:** The Petroleum Concession Rules already include such

a possibility that if test explorations are undertaken by foreign companies, then the development of that oil would be given over to that company which has carried on the exploration.

**Shri V. P. Nayar:** In part (c), I had asked for the name of the company and the terms of the offer. May I know the name and the terms?

**Shri K. D. Malaviya:** The name of the company is the Standard Vacuum Oil Company and the terms are according to the Petroleum Concession Rules that are already there. But, no decision has so far been taken.

#### SAHITYA AKADEMI

\*232. **Shri Krishnacharya Joshi:** Will the Minister of Education be pleased to state:

(a) the main activities of the Sahitya Akademy during 1954 so far; and

(b) whether any important publications have been undertaken by the Akademy?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) and (b). A statement giving the main activities of the Sahitya Akadami and the publications undertaken by the Akadami is laid on the Table of the House. [See Appendix II annexure No. 8.]

**Shri Krishnacharya Joshi:** I find from the statement that Indian literature will also include books in English published in India or written by Indian authors. May I know whether the Akadami propose to give the English language a place equal to the other languages of India?

**Dr. M. M. Das:** Sir, it is not a question of placing the English language on a par with any Indian language. Many eminent Indian writers have written their works in English, such as Dr. Radhakrishnan and the Prime Minister. Any country in the world would be proud of these works. It

will be a great national loss to disown these works.

**Shri Krishnacharya Joshi:** May I know the total amount sanctioned by Government for the Akadami and the money spent by the Akadami so far?

**Dr. M. M. Das:** So far, the Government of India have paid the following grants to the Akadami. During 1953-54 Rs. 25,000 and during 1954-55, Rs. 31,000; total Rs. 1,60,000. Upto October, 31, 1954, the Akadami has spent Rs. 20,340.

**Shri K. K. Basu:** May I know whether this Sahitya Akadami has spent any money on translation from one regional language to another or from foreign languages to Indian languages?

**Dr. M. M. Das:** The Akadami has not yet begun its work of translation but arrangements are being made. So far as translations are concerned, I may submit to the hon. Member the following. I am reading the scheme of the Akadami. Writers and scholars in each language—I mean Indian language—have been invited to recommend the best works in their languages, both classics and modern books, which they deem suitable for translation into other Indian languages. A list of such books has been compiled but the translations have not yet been undertaken.

**Sardar A. S. Saigal:** May I know whether a scheme has been formulated by the Akadami for translation of Tamil, Hindi and Bengali books into other regional languages?

**Dr. M. M. Das:** I have told the House that the translation work has not yet been actually undertaken, but we have asked the scholars of each language to give us a list of books as I said before.

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** As President of the

Akadami, if the House wishes. I shall have a full note placed before the Members of the House as to the nature of the work proposed, the decisions taken and the work so far done.

#### SCHEDULED CASTES AND SCHEDULED TRIBES

\*233. **Shri Amjad Ali:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that sufficient number of Scheduled Caste and Scheduled Tribe candidates with the requisite educational qualifications are not responding to the advertisements for higher posts in the Defence Installations; and

(b) if so, whether there is any proposal to relax certain other conditions besides age with a view to fill up the reserved vacancies in higher grades as far as possible only by Scheduled Castes and Scheduled Tribes personnel?

**The Minister of Defence Organisation (Shri Tyagi):** (a) Yes, the response from Scheduled Caste/Scheduled Tribe candidates to advertisements relating to higher posts reserved for such candidates is not satisfactory; may be it is due to paucity of candidates possessing requisite educational qualifications and/or experience prescribed for appointment to the higher posts.

(b) Relaxation of age-limits is generally given to members of Scheduled Castes and Scheduled Tribes. They are also allowed another concession, according to which fees payable by them for admission to competitive examinations, selections, etc., are reduced to one-fourth of the prescribed fee. With your permission, I may add that the Home Ministry have recently under consideration very elaborate measures whereby it is hoped that Scheduled Castes and Scheduled Tribes will get substantial benefits as regards the reserved share of the Services.

**Shri Amjad Ali:** Do Government think that the State has already taken

sufficient measures to attract a sufficient number of candidates to these posts from Scheduled Castes and Scheduled Tribes?

**Shri Tyagi:** Attempts are always made to encourage the enrolment of Scheduled Castes and as I have just now submitted, the Home Ministry have under their active consideration at present a very elaborate scheme which will enable the Commission as well as the appointing authorities to take into account the lapsed share of the quota of the past years in the coming year, and perhaps examine the Scheduled Castes independently so that those who stand in the higher category in that examination will be taken first.

**Shri Amjad Ali:** Is it not the information of the Government that lowering of the educational qualifications in the case of Tribal candidates is necessary for recruitment into the Army?

**Shri Tyagi:** Yes, Sir.

**Shri Veeraswamy:** May I know whether it is not a fact that even well-qualified Scheduled Caste and Scheduled Tribe Candidates have not been selected in the Defence Services?

**Shri Tyagi:** That is not a fact. As I have already said, the Home Ministry are considering a scheme whereby Scheduled Caste and Scheduled Tribe candidates will be examined separately and the candidates who have better merits among them will be given a chance, and they will not be compared with the rest of the candidates for these posts.

#### HINDI Vidyalayas

\*236. **Shri Gidwani:** Will the Minister of Education be pleased to state:

(a) whether Government have decided to start Hindi Vidyalayas in the non-Hindi speaking areas:

(b) if so, when such *Vidyalyayas* will be started; and

(c) what will be the nature of training to be imparted therein?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) No such proposal is under consideration at present.

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

I may add that the Government of Assam propose to set up a Hindi *Vidyalyaya* for which grants have been given by the Central Government at the scheduled rate, that is, 66 per cent. of the total expenditure of 1954-55, and 50 per cent. will be given of the total expenditure incurred in 1955-56.

**Shri Gidwani:** May I know whether any special efforts are being made in non-Hindi speaking areas to propagate Hindi and start institutions for that purpose?

**Dr. M. M. Das:** We have given the responsibility of propagating Hindi in non-Hindi speaking areas to the Akhil Bharatiya Hindi Prachar Samiti and Dakshin Bharat Hindi Prachar Sabha. The Akhil Bharatiya Hindi Prachar Samiti has taken charge of propagating Hindi in the eastern States such as Bengal, Assam, etc., whereas the Dakshin Bharat Hindi Prachar Sabha has taken charge of propagating in the South. We have given grants to these organisations. Moreover, in the last Education Ministers' Conference held in Delhi in August 1954, it was decided that for the propagation of Hindi in the non-Hindi speaking areas, financial assistance by the Central Government will be given to the State Governments concerned and it would be for the States to undertake the work of spreading Hindi in their States and they will be free to do the work in any manner and through any agency they consider best.

**Shri Amjad Ali:** May I know whether any sum out of the sanctioned amount has been ear-marked for

the purpose of giving scholarships for training people outside the eastern States to work as teachers?

**Dr. M. M. Das:** As I have already told the House, grants have been made to the different State Governments for their schemes. It may be in their schemes to give training to the teachers.

**Shri Jaipal Singh:** Is Government taking any steps to prevent the elimination of Hindi from certain Jharkhand areas where Hindi used to be taught before the States were merged in Orissa—now Oriya has been put instead? I want to know, since Hindi is the *rashtra bhasha*, what steps Government are taking to eliminate this kind of distinctive work there.

**Dr. M. M. Das:** I think it is more or less a State Government question.

**Seth Govind Das:** The hon. Minister has just said that certain grants are to be given to the Dakshin Bharat Hindi Prachar Sabha and to another institution. May I know whether the Government are aware that for propagating Hindi, except in South India, in Bengal, Assam and Orissa, the *Rashtra Bhasha Prachar Samiti*, Wardha, should also be given grants, for a number of students are appearing in their examinations? May I know what Government are going to do so far as the *Rashtra Bhasha Prachar Samiti* is concerned?

**Dr. M. M. Das:** Speaking from memory, I think we have given grants to the *Rashtra Bhasha Prachar Samiti* also.

**Seth Govind Das:** No.

#### SCHOLARSHIPS TO SCHEDULED CASTES, SCHEDULED TRIBES AND BACKWARD CLASSES

\*239. **Shri Bibhuti Mishra:** Will the Minister of Education be pleased to state:

(a) the main considerations for awarding scholarships to the students belonging to the Scheduled Castes.

Scheduled Tribes and Backward classes:

(b) whether these scholarships are awarded on the basis of merit only; and

(c) whether any consideration is shown to those students who are most backward even among the Scheduled Castes, Scheduled Tribes and Backward classes but who have secured pass marks?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) to (c). Attention is invited to the statement laid on the Table of the House. [See Appendix II annexure No. 9.]

श्री बिभूति मिश्र : स्टूडेंट्स को देखने से पता चलता है कि बैकवर्ड कमीशन जो जांच कर रहा है, उस कमीशन को भी पता नहीं है कि बैकवर्ड लोगों में भी बैकवर्ड लोग कौन से हैं। तो जब तक उस की रिपोर्ट निकले तब तक हम लोगों से जो पार्लियामेंट के मंत्री इतनी स्टूटों से आये हैं, स्कालरशिप देने के समय पढ़ना चाहिये कि बैकवर्ड में भी बैकवर्ड जाति के लोग कौन हैं और किन को छात्रवृत्ति दी जाय।

**Dr. M. M. Das:** It has been a problem to the Education Ministry to find out the backward among the backwards. We have approached the Scheduled Castes Commissioner for this. He referred the matter to the Backward Classes Commission that has been set up under our Constitution. Now the Commission says that we should wait until the report of the Commission is out.

श्री बिभूति मिश्र : जब तक कमीशन की रिपोर्ट आये उस इन्टरिम समय के लिये सरकार उन लोगों के लिये क्या सोच रही है जो कि बैकवर्ड में भी बैकवर्ड हैं ?

**Dr. M. M. Das:** I am afraid nothing can be done until the report comes out.

**Shri Achuthan:** I want to know the number of persons who were awarded scholarships this year from among the backward classes.

**Dr. M. M. Das:** The total number of applications received this year from the backward classes of all the States of India is 22,020. Out of these, 7,369 backward class students have been awarded scholarships.

#### CENTRAL FOOD TECHNOLOGICAL RESEARCH INSTITUTE

\*241. **Shri Jhulan Sinha:** Will the Minister of Natural Resources and Scientific Research be pleased to state whether the Central Food Technological Research Institute, Mysore, has developed a simple method of preparing edible starch and starch for industrial use from Banana stems?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** Yes, Sir.

**Shri Jhulan Sinha:** May I know if the production of starch from banana stem has been started on a commercial scale?

**Shri K. D. Malaviya.** The method has been developed for the production of edible starch from banana stems. It is still in the pilot stage of production. So, we cannot conclusively say that the economy of production has been finally established.

**Shri Jhulan Sinha:** May I know whether the result has been communicated to the Ministry of Commerce and Industry?

**Shri K. D. Malaviya:** So far as I know, the Ministry of Commerce and Industry know about this and also the organizations which need information on this have also been notified.

#### ORDNANCE FACTORIES

\*242. **Shri K. C. Sodhia:** Will the Minister of Defence be pleased to state the agency through which goods

manufactured by the Ordnance Factories for civilian use are sold?

**The Deputy Minister of Defence (Shri Satish Chandra):** The major part of civilian goods manufactured in Ordnance Factories for trade and Government Departments is undertaken against direct orders. Sporting guns for civilian use are sold through regional agents selected by Government.

Government have under consideration the appointment of agents for the sale of optical and scientific instruments such as microscopes, binoculars, drawing instrument sets, etc. manufactured in Ordnance Factories.

**Shri K. C. Sodhia:** How are these regional agents selected?

**Shri Satish Chandra:** They have been selected for sale of sporting guns only. We obtained the figures from the Controller of Imports, as all the sporting guns were being imported so far. The firms with the highest imports in each region had been appointed as selling agents.

**Shri K. C. Sodhia:** What is the allowance or profit that is allowed?

**Shri Satish Chandra:** 12-bore guns are sold ex-factory for Rs. 300 each. The retail price has been fixed at Rs. 400. That is the maximum retail price. This margin of Rs. 100 includes insurance, transport, wholesaler's profit, retailer's profit and other expenditure.

**Shri K. C. Sodhia:** What is the method for determining the cost account of the articles produced?

**Shri Satish Chandra:** The cost of the material plus the cost of labour plus the usual overhead charges of the factory.

**सेठ अचल सिंह :** क्या माननीय मंत्री जी बताने की कृपा करेंगे कि क्या इस सामान की कोई प्रदर्शनी लगायी जाती है ?

**श्री सतीश चन्द्र :** जब कोई एंसी प्रदर्शनी होती है तो किसी पॉलीटिकल पार्टी से सम्बन्धित न हो तो कभी कभी आर्डिनन्स फॅक्टोरियों का सामान भेजा जाता है ।

#### DISPLACED PERSONS

**\*244. Shri Radha Raman:** Will the Minister of Education be pleased to state :

(a) whether it is a fact that Pakistan Government have issued instructions to heads of schools not to issue copies of certificates to the employees of the Government of India and many displaced persons employed in India had to lose their jobs for lack of these certificates;

(b) the total number of such cases on record with Government; and

(c) whether any steps have been taken in the matter?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) to (c). The Government of India are not aware of any such instructions, nor has any such case been brought to their notice.

#### TECHNICAL AID BY U.S.S.R.

**\*245. Shri Nambar:** Will the Minister of Finance be pleased to refer to the reply to starred question No. 966 asked on 15th September, 1954 and state :

(a) whether Government have sent any team for assessing the availability of facilities for training in the U.S.S.R.;

(b) if so, in what fields they assess the facilities available; and

(c) what further action has been taken in the matter?

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat):** (a) Not yet.

(b) Does not arise.

(c) The matter is being pursued with the United Nations Technical Assistance Administration. The reply is awaited.



## WELFARE EXTENSION PROJECT (MYSORE)

\*249. **Shri Keshavalingar:** Will the Minister of Education be pleased to state:

(a) the number of Welfare Extension Projects which have been actually started in the Mysore State;

(b) the names of the places where they have been started; and

(c) the progress of work in these projects?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) to (c). No projects have so far been started in the State of Mysore.

I may add that preliminary work is at present in hand for starting one project at Avanahalli, Mysore. The project will start as soon as this preliminary work is completed.

**Shri Keshavalingar:** May I know whether, when the project Implementation Committee was appointed to act in the absence of the State Welfare Board, and when the new project that you are now referring to is to be started at Avanahalli, now that the State Welfare Board has come into being, differences have arisen between the two bodies and consequently the functioning of this project has come to a standstill.

**Dr. M. M. Das:** We have no information to that effect.

## SUN TEMPLE AT KONARAKA

\*250. **Shri C. R. Narasimhan:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Sun Temple at Konaraka is fast deteriorating and there is a danger of valuable sculptural work being lost; and

(b) what remedial measures have been taken in the matter?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) Yes, Sir; but all possible remedial measures are being taken to arrest further deterioration.

(b) A committee of experts, which met in February, 1953, suggested certain remedial measures, which include:—

(i) structural repairs such as grouting, pointing etc. to render the fabric of the temple watertight, and

(ii) Drainage and repairs to the compound wall and some sand clearance. The work of sand clearance and the construction of a compound wall is in progress. The work of filling up the deep and wide joints and other depressions will be taken up shortly.

**Shri C. R. Narasimhan:** May I know whether the temporary remedial measures adopted, such as filling the hole with sea-sand, have actually accelerated the process of disintegration instead of arresting it?

**Dr. M. M. Das:** So far as we are concerned, we are clearing the sand. We are not filling up with sand.

**Shri C. R. Narasimhan:** May I know whether that had happened at any time before?

**Dr. M. M. Das:** I think that was done many years back.

**Shri S. C. Samanta:** May I know whether any shelter has been constructed there to arrest further deterioration of the statues which are falling here and there?

**Dr. M. M. Das:** We are trying our best to maintain the statues as they are. Some of the statues have fallen and come out. They have been put in a museum situated locally.

**Shri C. R. Narasimhan:** Have Government any proposal to copy the methods of reconstruction which the

French and Dutch Archaeological Departments carried out in Indo-China and Java?

**Dr. M. M. Das:** The reconstruction means new building with new materials. So far as the Archaeological Department is concerned, it is against the policy of the Department to rebuild them with new materials. We are only to maintain them as they are.

#### P. A. C's NINTH REPORT

\*251. **Shri Morarka:** Will the Minister of Defence be pleased to state whether Government have taken any steps for the carrying out of periodical stock verification of security stores as recommended by the Public Accounts Committee in their Ninth Report?

**The Minister of Defence Organisation (Shri Tyagi):** Yes. The Ministry of Defence has drawn the attention of the Service Headquarters, the Director-General of Armed Forces Medical Services and the Director-General of Ordnance Factories to the observations of the Public Accounts Committee in this regard and has impressed upon them the necessity for ensuring that formations subordinate to them carry out stock-verification of stores in strict compliance with the rules and regulations in force on the subject.

**Shri Morarka:** May I know whether it is a fact that in the Navy, this check could not take place for two or three years owing to the paucity of staff?

**Shri Tyagi:** I am sorry I have no information ready at hand on this question.

**Shri Morarka:** What steps have Government taken or are proposing to take to ensure that in future such checking takes place every year regularly and scrupulously, because, it is reported that sometimes verification certificates are issued without actually verifying the stock?

**Shri Tyagi:** In this connection, I may inform the House that the rules are quite detailed. There are detailed rules about periodic verifications. The only action that Government have recently taken is to emphasise this rule, and the rules are quite sufficient to guarantee correctness.

**Shri Morarka:** May I know the interval during which this verification is made—every year, biennial, or every six months?

**Shri Tyagi:** It differs according to the stores and the various establishments. In some cases, it is monthly, and in some cases it is half-yearly.

#### MISSIONARIES

\*253. **Shri Sarangadhar Das:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that certain Lutheran and Catholic Missionaries are carrying on propaganda in their parishes in Sundargarh District, Orissa, for the amalgamation of this district with Bihar with the ultimate objective of establishing the Jharkhand State; and

(b) if so, the steps taken or proposed to be taken by Government to stop such political activities on the part of these Missionaries?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) Government have no information.

(b) Does not arise.

#### HOISTING OF PAKISTANI FLAG

\*255. **Shri Krishnacharya Joshi:** Will the Minister of States be pleased to state:

(a) whether Government had asked the Government of Hyderabad to submit a report regarding the hoisting of Pakistani National Flag in various places of Hyderabad; and

(b) if so, whether a report has since been submitted by the Government of Hyderabad?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) and (b). It has not been found necessary to ask for a report as the Hyderabad Government have been throughout keeping the Government of India informed of the occurrences in the State from time to time.

**Shri Krishnacharya Joshi:** May I know how many persons have been arrested in the Hyderabad State in this connection and whether the arrested persons were Indian nationals or Pakistani nationals?

**The Minister of Home Affairs and States (Dr. Katju):** A large number had been arrested, but as to details like precise number, I would ask for notice.

**Shri Krishnacharya Joshi:** May I know what action the Government of Hyderabad have taken against the arrested persons?

**Dr. Katju:** They detained them, and are going to prosecute them and take other necessary action.

**Shri Krishnacharya Joshi:** May I know whether it is a fact that Pakistani flags were found in possession of the arrested persons?

**Dr. Katju:** That is the matter under investigation.

**Shri Mohiuddin:** May I know whether any communal organisation has been found to be connected with these incidents?

**Dr. Katju:** It will not be in the public interest to answer these detailed questions.

शिक्षा और जीविका सम्बन्धी पथ-प्रदर्शन  
के लिये संगठन

\*२५८. श्री इब्राहीम : क्या शिक्षा मन्त्र  
वह लताने की कृपा करेंगे कि :

(क) क्या सरकार ने शिक्षा और जीविका सम्बन्धी पथ-प्रदर्शन के लिये कोई केन्द्रीय संगठन या समाचार-गृह (ब्यूरो) खोलने की योजना तैयार की है ;

(ख) यदि हां, तो योजना की मुख्य बातें क्या हैं ;

(ग) क्या इस योजना में राज्य की सरकारों का भी कुछ भाग होगा ; यदि हां, तो उनके भाग की क्या सीमा और रूप होगा ; और

(घ) इस योजना के लिये आवर्तक और अनावर्तक खर्च का क्या अनुमान है ?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) Yes.

(b) to (d). A statement is laid on the Table of the Sabha. [See Appendix II, annexure No. 10.]

#### LOAN TO AGRICULTURISTS

\*259. **Shri Bibhuti Mishra:** Will the Minister of Finance be pleased to state:

(a) the amount given to agriculturists by Reserve Bank in 1954 so far; through various State Governments as medium-term loans; and

(b) whether any scheme has been formulated by the Reserve Bank to supply money to the agriculturists without intermediaries?

**The Deputy Minister of Finance (Shri A. C. Guha):** (a) Only by a recent amendment of the Reserve Bank of India Act, the Reserve Bank has been authorised to make medium-term loans and advances for agricultural purposes. These loans and advances are, however, to be made to state Co-operative Banks on the guarantee of State Governments, but not to State Governments themselves. One application for such loan has been received so far and is being considered.

(b) It is not considered practicable for the Reserve Bank to deal direct with the agriculturists. The existing co-operative machinery, viz., apex bank, central banks at district level and primary societies, through which short-term loans are channelled, will be used for distributing medium-term loans also.

श्री बिभूति मिश्र : क्या यह सही नहीं है कि केंद्रीय सरकार जो कर्जा देती है वह पहले प्रान्तीय सरकार के पास जाता है फिर डिस्ट्रिक्ट बैंक में जाता है और डिस्ट्रिक्ट से विलेज बैंक में जाता है और वहां से एग्रीकल्चरिस्ट्स को लोन मिलता है और इस प्रोसेस में बहुत सा खर्च बढ़ जाता है और क्या सरकार इस खर्च को दूर करने के लिये कोई ऐसा इन्तजाम करेगी ताकि सरकार और एग्रीकल्चरिस्ट्स के बीच कर्जा लेने और देने के सम्बन्ध में सीधा सम्बन्ध रहे ?

Shri A. C. Guha: I have already stated that it is not possible for the Reserve Bank to deal individually with millions of agriculturists; they have to find out some local machinery. Yet the Reserve Bank has given directions that the interest to be charged from the primary agriculturists should not exceed 6½ per cent.

श्री बिभूति मिश्र : क्या सरकार ऐसा इन्तजाम कर सकती है कि जहां जहां इम्पीरियल बैंक की शाखाएँ हैं वहां पर इम्पीरियल बैंक की मार्फत कर्जा दिया जाय और मेरी समझ में प्रायः सभी जिलों में इम्पीरियल बैंक की शाखाएँ हैं ?

Shri A. C. Guha: I do not think the Imperial Bank which is a commercial bank, can do all this work.

Paandit D. N. Tiwary: At what rate of interest does the Reserve Bank advance loans to the State Co-operative banks and at what rate do the Village Co-operative Societies give it to the agriculturists?

Shri A. C. Guha: The Reserve Bank charges only 1½ per cent. as is charged in the case of short-term loans and the Reserve Bank has asked the Co-operative Banks to see that the primary loanee gets it at not more than 6½ per cent.

Shri L. N. Mishra: May I know whether to provide cheap credit to agriculturists any steps have been taken to set up an Agricultural Finance Corporation, and if so, what is the position?

Shri A. C. Guha: I think the hon. Member should wait till the report of the Rural Credit Survey is published and I think in it he may find some food for thought and Government some basis to come to a decision.

Shri K. K. Basu: What is the amount asked for by the applicant co-operative society and how long has the application been pending before the Reserve Bank?

Shri A. C. Guha: It has not been pending for a long time—I think only for about two or three months.

Shri Dabhi: May I know the rates of interest actually charged to the agriculturists and are Government sure that nobody charges more than 6½ per cent?

Shri A. C. Guha: The question relates to the medium-term loan. No medium-term loan has yet been given. But, for the short-term loans, high rates are being charged. The Reserve Bank is taking every step to bring down the rates of interest and I think during the last one year or so, rates of interest have come down. The Reserve Bank is pursuing its efforts to bring down the rates further.

The Minister of Finance (Shri C. D. Deshmukh): May I make a correction? It is 6½ per cent. and not 6¼ per cent.

Mr. Speaker: The point as it appears to me is that while the Reserve Bank is charging only 1½ per cent., the

agent bank is charging as high as  $6\frac{1}{2}$  per cent.

**Shri C. D. Deshmukh:** The explanation is simple. All these banks have to maintain their establishments. So they add one or one and a half per cent. It goes from the apex bank to the central bank—each one adds  $1\frac{1}{2}$  per cent. That is why the Reserve Bank has reduced the rate to two per cent. below the bank rate.

#### WELFARE OF SCHEDULED TRIBES

\*260. **Shri Gidwani:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Government of Bombay have submitted several schemes for the welfare of Scheduled Tribes in the State;

(b) if so, whether those schemes have been approved by the Government of India;

(c) the nature of those schemes which have been sanctioned; and

(d) how much amount will be spent during the current year for the implementation of those schemes?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) Yes.

(b) to (d). A statement showing the schemes approved and the amount sanctioned for the year 1954-55 is laid on the Table of the House. [See Appendix II, annexure No. 11.] It is expected that the entire amount of the grant (*viz.* Rs. 19.96 lakhs) and an equivalent sum from the State Revenues will be spent during the current year. The amount actually spent will, however, be known only at the end of the year.

**Shri Gidwani:** Were there any schemes which were not accepted by Government?

**Shri Datar:** So far as Bombay is concerned, subject to correction, we have accepted all their schemes.

**Shri Thimmaiah:** Is it not a fact that many of the States have allowed the amount to lapse without fully implementing the schemes sanctioned by the Central Government?

**Shri Datar:** It is correct only to a certain extent. There were certain difficulties in the way of their implementing the schemes during that particular year. That will not happen during this year.

#### ERADICATION OF ILLITERACY

\*261. **Shri Jhulan Sinha:** Will the Minister of Education be pleased to state how far the target recommended by the Saxena Committee Report (1948) for the eradication of illiteracy has so far been achieved?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** This question primarily concerns the State Governments.

I may however add, for the information of the House that a comparison of the figures of enrolment and the number of schools during the years 1947-48 and 1952-53 shows that the results are very encouraging.

The number of schools for social education in the year 1947-48 was 9,439; whereas in 1952-53 the number of schools has come up to 53,664. The strength of enrolment in the year 1947-48 was 2,80,671; whereas in the year 1952-53 the strength of enrolment is 13,12,213.

**Shri Jhulan Sinha:** In view of the prevalence of illiteracy on a wide scale, are Government taking any steps to accelerate the pace of literacy?

**Dr. M. M. Das:** As I have said, the responsibility lies primarily upon the State Governments and the Saxena Committee, mentioned by the hon. Member in his question, makes most of its recommendations not to the Central Government, but to the State Governments.

सेठ गौरीचन्द दास : क्या माननीय मंत्री को यह मालूम है कि जहां तक समाज शिक्षा का सम्बन्ध है भिन्न भिन्न राज्यों की शिक्षा प्रणाली भिन्न भिन्न प्रकार की हैं, कहीं तो इस शिक्षा प्रणाली से लोगों को लाभ हो रहा है और कहीं थोड़े दिनों में पढ़ने के बाद लोग फिर भूल जाते हैं, क्या इस बात का कोई प्रयत्न किया जा रहा है कि सब राज्यों की शिक्षा प्रणाली एक सी कर दी जाय ?

**Dr. M. M. Das:** Yes, Sir, one of the functions of the Central Government, so far as social education is concerned, is to maintain co-ordination between the different States.

**CENTRAL SECRETARIAT RE-ORGANISATION AND RE-INFORCEMENT SCHEME**

\*262. **Shri V. P. Nayar:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Central Secretariat Re-organisation and Re-inforcement Scheme has been completely implemented;

(b) whether it is a fact that under this Scheme grade-promotion of officers was given without any examination; and

(c) the number of the officers who were given grade promotions under this Scheme up to the 15th October, 1954?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) The Central Secretariat Service (Re-organisation and Re-inforcement) Scheme provides for the Constitution of the Service and its future maintenance. The Service has now been constituted and appointments are now being made in the maintenance vacancies as and when they become available. The manner in which vacancies arising thereafter should be filled has been considered further and necessary instructions issued. They are being followed.

(b) and (c). The reference is presumably to appointments made in

vacancies which occurred after the Service was constituted. The manner in which such vacancies are to be filled and the number of appointments made or proposed to be made by promotion to each of the grades is indicated in the Statement laid on the Table. [See Appendix II, annexure No. 12).

**Shri V. P. Nayar:** From the statement I find that in Grade I 89 permanent appointments and 172 temporary long-term and regular temporary appointments have been made on the basis of selection by merit as recommended by the Central Establishment Board. May I know whether in the consideration of merit the Central Establishment Board has had any consideration about the continuous acting service and seniority of those incumbents?

**Shri Datar:** The main consideration that is taken into account is the quality of the service that the man performs. Subject to quality, other considerations like seniority are taken into account.

**Shri V. P. Nayar:** May I know whether Government have any machinery by which appeals on the decisions based on merit could be decided; and, if so, what are the powers of such organisation in deciding questions of appeal arising out of recommendations made supposedly on the basis of merit but actually on the basis of something else?

**Shri Datar:** So far as Government are concerned, they either accept the advice of the Central Establishment Board in certain cases or of the Union Public Service Commission in others. Ultimately it is for the Government to consider the matter finally, and appeals as well as representations are given due consideration.

**Shri V. P. Nayar:** Fifty per cent. of Class III officers are seen to be appointed on the basis of a limited examination to be held by the Union Public Service Commission. May I know what are the limitations of that

examination and whether the vacancies already filled have been filled before the examination?

**Shri Datar:** The limited examination is held only for the purpose of finding out suitable candidates, and the examination is held by the Union Public Service Commission.

**Shri Nambiar:** May I know whether it is a fact that the lower division clerks of the Central Secretariat have threatened some sort of action if their reasonable demands are not conceded; if so, what action is Government taking?

**Mr. Speaker:** Order, order. It does not arise out of this.

**Shri Nambiar:** It comes under re-organisation.

**Shri V. P. Nayar:** One more question.

**Mr. Speaker:** I am going to the next question.

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** Sir, may I answer Questions 265 and 266 together? They relate to the same subject.

**Mr. Speaker:** In respect of Question 266 the hon. Member is not present.

#### LOW GRADE MANGANESE ORE

\*265. **Shri M. S. Gurupadaswamy:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the scheme to test low grade manganese ore on a pilot plant scale has been finalised;

(b) if so, when the experiment will be conducted;

(c) when a report is expected; and

(d) whether the help of some foreign experts is also sought in the above matter?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) Beneficiation of low grade manganese ores from (a) Tirodi, and (b) Shivrajpur by Physical methods has been completed at the National Metallurgical Laboratory, Jamshedpur. Other methods are under investigation.

(b) Some experiments have been completed.

(c) A report has been prepared and will be submitted shortly.

(d) No. Sir

**Shri M. S. Gurupadaswamy:** May I know whether at present the low grade manganese ore is being used, and if so, how much?

**Shri K. D. Malaviya:** Low grade manganese ore which has accumulated enormously at the pit mouth because of selective mining is being used for upgrading purposes, that is, beneficiation. About a lakh tons of this low grade manganese ore has been exploited for upgrading in Madhya Pradesh by the factory recently established by C.P.M.O.

**Shri M. S. Gurupadaswamy:** May I know whether the hon. Minister is aware that there is a considerable demand for the low grade manganese ore, and if the scheme that has been worked out now succeeds what will be the quantity of manganese ore which is expected to be upgraded?

**Shri K. D. Malaviya:** The hon. Member need not worry about it. There is an enormous amount of low grade manganese ore, and if there is any export demand for low grade the trade will not be affected. As a matter of fact the low grade manganese ore should be upgraded in order to get a good market, because of lack of market for the low grade ore

**Shri M. S. Gurupadaswamy:** What is the target of upgrading,—the quantity that would be upgraded?

**Shri K. D. Malaviya:** According to our estimates, about four to five

million tons are lying in dumps at the pit mouths. If the big industrialists organise these upgrading factories, then this amount can be treated for upgrading purposes. If they want to treat more, more is available.

MUDALIAR COMMISSION ON SECONDARY EDUCATION

\*268. **Shri Krishnacharya Joshi:** Will the Minister of Education be pleased to state:

(a) what steps have been taken by various States to implement the recommendations of Mudaliar Commission on Secondary Education; and

(b) what are the main recommendations that have been implemented so far by the various States?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) and (b). The matter concerns the State Governments.

**Shri Krishnacharya Joshi:** Knowing that education is a State subject, may I enquire what initiative the Government of India have taken in this matter?

**Dr. M. M. Das:** So far as the recommendations of the Mudaliar Commission are concerned, they come under two heads: one to be implemented by the State Governments, and the second category to be implemented by the State Governments and the Centre together. So far as the second category of recommendations is concerned, the Central Government have prepared a scheme and have invited the different State Governments to participate in this scheme. So far, we have received replies from thirteen States who have accepted this scheme, and interim replies have been sent by another number of States.

**Shri Krishnacharya Joshi:** May I know what recommendations have been implemented by the Hyderabad State?

**Dr. M. M. Das:** The Hyderabad State has agreed to participate in this scheme, but at present it is too premature to say what will be done.

**Shri K. K. Basu:** As the Mudaliar Commission was appointed by the Central Government for the improvement of secondary education, has the Central Government ascertained the difficulties of State Governments in not implementing the recommendations of the Mudaliar Commission so far as they relate to them?

**Dr. M. M. Das:** Yes, Sir, we consult the State Governments and we are apprised of their difficulties.

**Shri N. B. Chowdhury:** May I know whether Government is going to revise some of the recommendations of the Mudaliar Commission after the receipt of the report of the expert team touring the different parts of the country?

**Dr. M. M. Das:** I do not think a revision of the recommendations of the Commission will be made. Such revision is not one of the terms of reference of that Committee.

ZINC DEPOSITS AT ZAWAR

\*269. **Shri M. S. Gurupadaswamy:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether Government have received any report about the survey of lead and zinc deposits at Zawar (Rajasthan);

(b) if so, what are the main points in the report; and

(c) if not when the survey will be completed?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) to (c). A statement giving the information required is laid on the Table of the House. [See Appendix II, annexure No. 13.]

**Shri M. S. Gurupadaswamy:** May I know whether the Government has



undertaken similar survey in other parts of India to find out whether these ores are available?

**Shri K. D. Malaviya:** So far as our information goes, the Zawar mines are reported to have sufficient reserves, mostly zinc and lead. We have not received such reports from other parts of the country.

**Shri U. M. Trivedi:** What is the amount of zinc ore now being produced at Zawar?

**Shri K. D. Malaviya:** I require notice for that question.

**Shri U. M. Trivedi:** Has the Government done anything to have these ores melted locally?

**Shri K. D. Malaviya:** So far as the zinc ores are concerned, our experts advise that the processing of zinc from zinc ore cannot be undertaken locally because of economic reasons.

**Shri U. M. Trivedi:** May I know what is the percentage of silver in this zinc ore?

**Shri K. D. Malaviya:** The report is that sometimes trace of silver may be found at certain level.

**Mr. Speaker:** Shri S. N. Das; absent; Dr. Ram Subhag Singh; absent. That exhausts the Question list.

#### Short Notice Question and Answer

##### PRIME MINISTER'S VISIT TO CHINA

**S.N.Q. No. 1. Dr. Lanka Sundaram:** Will the Prime Minister be pleased to make a statement on the political consequences of his visit to China?

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** It is a little difficult to make an appraisal of the political consequences of my visit to China or to measure its effect on India's relations with China. Normally the political test is some pact or treaty or agreement or some guarantee asked for and given. Apart from

these, the consequences, however great they might be, are imponderable. They can be seen and felt though it may be difficult to state them precisely.

I did not go to China as a casual tourist or visitor, nor did I go there to discuss the terms of any agreement, or ask for or given any guarantee. During the long talks I had with the leaders of the Chinese Government, at no stage was any reference made by either party to any pact or agreement. Those talks dealt with a large variety of subjects in which either of us or both were interested. Both of us knew well the differences in political or economic structure of our respective Governments and countries and we did not argue about these matters. Proceeding on that basis, we found a large measure of agreement in our approach to different questions and many problems, both internal and external, which were common to us. We discussed these frankly and without inhibitions or reservations. We found that such differences as existed in our political or economic structures need not come in the way of our co-operation in many fields and, more especially, in our working for peace in Asia and the world. Indeed, the basis of our talks was the preservation of peace, because we were both firmly of opinion that peace was essential in order to enable us to build up our respective countries, apart from its beneficial aspects in the world at large.

We envisaged peace as not a negative avoidance of war, but as something positive and healing, bringing in its train freedom from fear and suspicion and a measure of confidence enabling progressive cooperation.

I did not go to China as a stranger to its past or present. For many years past, I had made some study of its history and great culture and paid particular attention to recent developments. And yet, the reading of books and the study of statistics do not always bring in their train an

understanding and awareness of the larger meaning of events. I had hoped that some such closer understanding will come to me by a personal visit and by meeting those who were responsible for the New China. I think I can say that my visit was successful in this respect, as I hope and believe that Premier Chou En-lai's visit to India some months ago, brief as it was, gave him some clearer picture of our country and its hopes and urges.

The visit of Premier Chou En-lai to India and my visit in return opened up for both of us and, I think, our respective countries vast vistas of history as well as the present period of revolutionary change in Asia in its various forms. Although this past was our background and gave us the proper perspective, it was the present that absorbed our attention and the future that we were seeking to build.

I saw in China, as I hope Premier Chou En-lai sensed somewhat in India the process of history in the making. I found China not only a country big in size but great in spirit, full of confidence in itself and determined to march ahead. The great changes that had come there during recent years had undoubtedly made a tremendous difference to the vast population of that country. Perhaps the greatest change of all was in the social sphere and yet I also found that the people had their deep roots in the past and were not cut off from their great cultural inheritance which had been their pride. I found also a deep and widespread feeling of friendship for India and her people which itself was not an outcome of the present only, though the present had much to do with it, but had far-reaching roots.

All these matters are to me imponderables about which people may have differing opinions. But sometimes, the imponderables of history and current events are more important than factual data. I had a sense in China, as I often have in India, of the vast changes that were coming over this Asian continent of ours,

which had upset the old balances and were searching for a new equilibrium. Unless this overwhelming fact is recognised, and unless it is fully appreciated that there can be no reversal of these historic processes there will be no understanding of what is taking place in various parts of Asia. Perhaps some of the difficulties of the present day world are due to a lack of understanding of this great development in human history.

The mere fact of a closer understanding between India and China is a factor of vital importance not only to these two countries but to others also. Therefore, the visit of the Premier Chou En-lai to India and my visit to China assumed a significance of some historic importance.

Apart from conflicts which exist in many parts of the world, the major difficulty appears to be the prevalence of fear and the reactions to that all-pervading fear. The two great groups of nations which have been ranged against each other for several years suspect each other of aggressive designs. Each charges the other with evil intentions and with preparations for external aggression or internal subversion. Every act of one country or one group which is aimed at the other leads to a counter act. Thus tension grows and a vicious circle continues.

We discussed this matter in Peking, as we had done previously in New Delhi, and we agreed that everything should be done to remove this fear and apprehension from men's minds so as to produce an atmosphere which is more helpful in the consideration and solution of problems. The leaders of China assured me that they were anxious to do this and I have no doubt that they meant what they said, because the circumstances that exist today demand such a course of action even from the point of view of national interest. The 'Five Principles' or the *Pancha Shila* as I would like to call them, to which we agreed some months ago, appear to me to offer a firm basis for friendly intercourse between nations.

It has seemed to me that the people of every country desire peace and would like to be friendly with other countries but circumstances come in the way of normal contacts and understanding and have led to deep distrust of each other. I feel that the removal of all these barriers to contact and understanding should go some way to remove this distrust. This understanding of each other has happened to some extent between India and China, and therefore it has to be welcomed in the larger context also. It has been a step towards peace in Asia and even in the world. My visit to China might by itself have had no great importance. But, in the context of things today, it fitted in with a gradual change in the world situation and therefore it was helpful. Hon. Members will remember the crises through which we have passed even during this year—in March and September—when war on a big scale appeared to be near. Fortunately, those crises were passed without disaster and, in this matter, I should like to pay a tribute to the part played by the President of the United States of America in the avoidance of war. The Geneva Conference marked a turning point in post-war history. Unfortunately, the Manila Treaty came somewhat in the way of that new atmosphere which Geneva had started. Nevertheless, there have been many indications in recent months of this improved world atmosphere for which credit must go to all the Great Powers.

Briefly put, I would say that the political consequences of my visit to China were a deeper understanding between India and China and what they stand for and what they work for, and a knowledge that there is much in common in the tasks that confront them, and it is desirable for them to co-operate in as large a measure as possible. India, as she is situated geographically and politically, can be of some service in interpreting some countries to others and thus helping to remove misunder-

standings. Probably my visit also helped a little in easing the existing tensions in Indo-China and in South-East Asia. As such, it helped in the larger and vital problem of world peace.

**Dr. Lanka Sundaram** rose—

**Mr. Speaker:** We usually permit no questions on such statements.

**Shri S. S. More:** Will that statement be circulated?

**Mr. Speaker:** Yes, it will be circulated.

#### WRITTEN ANSWERS TO QUESTIONS

##### RAIN RESEARCH UNIT

\*129. **Shri Rishang Keishang:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any place to locate a Rain Research Unit has been selected;

(b) whether it is a fact that some foreign experts have been invited for consultation in this regard; and

(c) if so, the names of those experts?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) The Council of Scientific and Industrial Research propose to set up a Rain and Cloud Physics Research Unit in Delhi.

(b) No, Sir.

(c) Does not arise.

##### U.S.A. FARM PRODUCTS

\*226. **Sardar Hukam Singh:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the United States of America is negotiating with India for the sale of her surplus farm products under the new Trade Development Act passed at the last Session of the Congress; and

(b) whether any part of these surplus farm products would be received as grants?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) Yes, Sir.

(b) Grants are not precluded under this legislation. The use to which the local currency proceeds of sale of any imported farm products is to be put will be the subject of negotiation in respect of each individual transaction.

#### COLOMBO PLAN

\*228. **Shri S. N. Das:**  
**Shri H. N. Mukerjee:**

Will the Minister of Finance be pleased to state:

(a) whether the countries associated with the Colombo Plan have been asked by the Government of U.S.A. to suggest ways in which they would like help being rendered to them under that Government's new Economic Aid Programme for South and South East Asia;

(b) if so, whether Government have sent in their suggestions;

(c) whether the request for suggestions has been made with any conditions attached; and

(d) if so, what are those conditions?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) No, Sir. The Plans themselves give an indication of needs.

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

#### UPLIFT OF BACKWARD CLASSES

\*229. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Home Affairs be pleased to state:

(a) the amount allotted for the amelioration of the conditions of Scheduled Castes, Scheduled Tribes and Backward Classes in the Five Year Plan:

(b) the amount actually spent so far in this connection; and

(c) the amount, actually, granted for the purpose stated above?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) and (c). Attention is invited to Sections X to XIV of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year ending 31st December, 1953, copies of which have already been laid on the Table of the House.

(b) Attention is invited to Appendix XVIII of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes referred to and to the reply given to Unstarred Question No. 126 by Dr. Satyawadi, Shri D. C. Sharma and Shri N. Rachiah on the 30th August, 1954.

#### COAL DEPOSITS AT BIJNOR (U.P.)

\*230. **Shri T. B. Vittal Rao:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any deposits of coal have been discovered at Bijnor (Uttar Pradesh); and

(b) if so, whether Government have taken steps for surveying the extent and area of deposits?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) and (b). No, Sir.

#### NATIONAL AWARDS

\*234. **Shri Madhao Reddi:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that State Governments were asked to submit their recommendations for National Awards;

(b) if so, whether any reply has been received so far; and

(c) whether any State Governments have recommended the stoppage of these Awards?

**The Deputy Minister of Home Affairs (Shri Datar):** I take it that the hon. Member is referring to the recommendations for the civilian awards which have recently been instituted and are to be made on the next Republic Day (26th January), 1955. If so, the replies are:

(a) Yes.

(b) Yes; some replies have been received.

(c) No.

#### NATIONAL CADET CORPS

**\*235. Shri D. C. Sharma:** Will the Minister of Defence be pleased to state:

(a) the present strength of N. C. C. in India; and

(b) the names of the States where it is most popular?

**The Deputy Minister of Defence (Shri Satish Chandra):** (a) 2,687 Officers and 95,306 Cadets.

(b) If the popularity of the Corps is to be judged by its numerical strength, the following four States top the list each having a strength of more than 10,000:—

1. Punjab.
2. Madhya Pradesh.
3. Bihar.
4. West Bengal.

#### ASSISTANCE FROM UNESCO

**\*237. Dr. Ram Subhag Singh:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Technical Assistance Department of U.N.E.S.C.O. have offered to render assistance to the Government of India to execute several important projects during the year 1954-55; and

(b) if so, the names and nature of the projects which are likely to be assisted by the U.N.E.S.C.O.?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) and (b). A statement is placed on the Table of the House. [See Appendix II, annexure No. 14.]

#### OTTAWA CONFERENCE

**\*238. Shri Sadhan Gupta:** Will the Minister of Finance be pleased to state whether it is a fact that the Ottawa Conference has reported that falling export revenue and threat of inflation have jeopardised the schemes under the Colombo Plan?

**The Minister of Finance (Shri C. D. Deshmukh):** I invite the attention of the hon. Member to the reply given to Starred Question No. 114 on the 17th November, 1954. Although the report has not yet been published, the discussions at the recent meeting in Ottawa showed that the region as a whole is moving forward, though there have been set-backs in individual countries. The report also makes a reference to the main problems which face the Colombo Plan countries such as the raising of resources for development, foreign exchange difficulties and fluctuations in the prices of export commodities. There was only a passing reference to the threat of inflation when discussing the scope for deficit financing.

#### SURVEY OF HIMALAYAN REGION

**\*240. Shri Bishwa Nath Roy:** Will the Minister of Natural Resources and Scientific Research be pleased to state whether any step has been taken for the survey of the Himalayan region including its terai from Assam to Himachal Pradesh with a view to develop its natural resources?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** A list of investigations undertaken by the Geological Survey of India in the Sub-Himalayan and Tarai regions of India

for the period 1951-52 to 1953-54 together with a statement of investigations to be undertaken in the same area during the field season 1954-55 is laid on the Table of the House. [See Appendix II, annexure No. 15.]

#### EDUCATION DEPARTMENTS ABROAD

\*243. **Shri N. M. Lingam:** Will the Minister of Education be pleased to state:

(a) the number and names of Indian Embassies and Missions to which Education Departments are attached;

(b) the expenditure incurred on these Departments during the last three years; and

(c) the purposes for which the funds provided for these departments are utilised?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) Four, namely, High Commission in London, Embassies at Washington and Bonn and Commission at Nairobi.

(b) A statement is placed on the Table of the House. [See Appendix II, annexure No. 16.]

(c) For pay and allowances of staff, miscellaneous expenditure and contingencies.

#### ENGINEERING COLLEGES AND TECHNICAL INSTITUTES

\*247. **Shri Bishang Kelshing:** Will the Minister of Education be pleased to state:

(a) the amount allotted for the purpose of grant to different engineering colleges and technical institutes in the country during the current financial year;

(b) whether the recommendations from the State Governments about their requirements have been received;

(c) whether any decision about the allotment of grants to different institutes has been taken; and

(d) if so, whether Government will lay a statement on the Table of the House in this connection?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) to (d). A statement giving the required information is laid on the Table of the House. [See Appendix II, annexure No. 17.]

#### SCHOOL OF TOWN AND REGIONAL PLANNING

\*248. **Shri Bahadur Singh:** Will the Minister of Education be pleased to refer to the reply given to unstarred question No. 119 on the 30th August, 1954 and state:

(a) whether the school of Town and Regional Planning has since been established;

(b) if so, what are the courses for training that have been prescribed for the trainees; and

(c) what is the number of trainees that have come forward for training in these courses?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) to (c). A Governing Body consisting of representatives of Government, Institute of Town Planners, Institution of Engineers and All India Council for Technical Education has been set up for the administration and management of the School. Steps are being taken to appoint a Director and the School will start functioning as soon as arrangements for accommodation and staff have been completed.

Details in respect of the courses of training and number of persons to be trained are being worked out by the Governing Body.

#### CAREER INFORMATION CENTRES

\*252. **Shri V. Missir:** Will the Minister of Education be pleased to state:

(a) whether any steps have been taken to organise 'Career Information Centres' for the Educational Institutions;

(b) if so, the progress made so far in the various States;

(c) how many such centres are functioning at present;

(d) what amount has been spent on these centres so far; and

(e) whether any reports in regard to the working of these centres have been received?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) No. But one of the functions of the Educational and Vocational Guidance Bureaux to be set up under the Five Year Plan is to explore the possibility of establishing such centres in their respective areas. Attention of the hon. Member is invited to Starred Question No. 258, dated 22nd November, 1954, by Shri S. N. Das and Shri Ibrahim regarding the functions of the Educational and Vocational Guidance organisation.

(b) to (e). As no information centres have been set up so far, the questions do not arise.

#### COUNSELLORS IN PART B STATES

**\*254. Sardar Hukam Singh:** Will the Minister of States be pleased to state:

(a) whether Counsellors are still functioning in any of the Part 'B' States; and

(b) if so, the names of the States where they are functioning?

**The Minister of Home Affairs and States (Dr. Katju):** (a) Yes, Sir.

(b) The Patiala and East Punjab States Union.

#### NATIONAL CADET CORPS

**\*256. Shri D. C. Sharma:** Will the Minister of Defence be pleased to state:

(a) whether it is proposed to expand the National Cadet Corps; and

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

**The Deputy Minister of Defence (Shri Satish Chandra):** (a) Yes.

(b) A statement is laid on the Table of the House. [See Appendix II, annexure No. 18.]

#### PENSIONS

**\*257. { Dr. Ram Subhag Singh:  
Shri T. B. Vittal Rao:**

Will the Minister of Defence be pleased to state:

(a) whether it is a fact that Government have effected certain changes in the rates of special pension or gratuity for the Junior Commissioned Officers;

(b) if so, what are the new rates of special pension or gratuity; and

(c) when the new rates will come into force?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Yes, Sir.

(b) A statement is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 19.]

(c) The revised rates came into force from the 21st June, 1954.

#### SCHOOL TEXT BOOKS

**\*264. Shri Rishang Keishing:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that books written for schools in local tribal dialects are not allowed to be taught in Government Schools of the hill areas of the Manipur State;

(b) if so, the reasons therefor; and

(c) how the Government of Manipur propose to encourage the teaching of the tribal dialects in the Government Schools of the hill areas of that State?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) to (c). The requisite information has been called for and will be placed on the Table of the House.

**BENEFICIATION OF LOW GRADE MANGANESE ORES**

\*266. **Sardar Hukam Singh:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the number of Heavy Media Separation Plants working in the country for the beneficiation of low grade manganese ore; and

(b) the quantity of manganese ore that was produced from dumps during 1954?

The Minister of Education and Natural Resources and Scientific Research (**Maulana Azad**): (a) At present there is only one Heavy Media Separation plant working in the country at Dongri Buzurg manganese mine in Madhya Pradesh.

(b) During the first half of 1954, the manganese ore production from the dumps was about 1½ lakh tons.

**PLURAL MARRIAGES**

\*267. **Shri D. C. Sharma:** Will the Minister of **Home Affairs** be pleased to state;

(a) the number of cases of plural marriages by Government servants that have come to the notice of Government so far during 1954; and

(b) what action has been taken on them?

The Deputy Minister of Home Affairs (**Shri Datar**): (a) and (b). Instructions forbidding plural marriages by Central Government servants without first obtaining the permission of Government were issued on the 16th October, 1954. Since then no case of contravention of these instructions has come to the notice of Government.

**EASTERN COMMAND**

\*270. **Shri S. N. Das:** Will the Minister of **Defence** be pleased to state:

(a) whether the proposal to move Fifth Division to Ranchi when the

Headquarters of the Eastern Command is shifted to Lucknow, has been finalised and a decision taken thereon; and

(b) if not, how long it will take to come to a decision in the matter?

The Minister of Defence Organisation (**Shri Tyagi**): (a) and (b). I submit that it is not desirable to discuss here location of major field formations or their moves.

**हिन्दी शब्दकोष**

२७१. डा० राम सुभग सिंह : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है की काशी नागरी प्रचारिणी सभा द्वारा संपादित किये जाने वाले हिन्दी शब्दकोष का सारा व्यय सरकार देगी ; और

(ख) यदि हां, तो इस बारे में अनुमानित खर्च क्या है ?

The Minister of Education and Natural Resources and Scientific Research (**Maulana Azad**): (a) No, Sir.

(b) The Government of India have sanctioned a grant-in-aid of Rs. 1 lakh spread over five years for bringing out a revised edition of the Hindi dictionary (*Shabd Sagar*) by the Kashi Nagari Pracharini Sabha against the estimated cost of Rs. 5 lakhs of the project.

**कोलम्बो योजना**

२२७. श्री एम० एल० द्विवेदी : क्या वित्त मंत्री अतिरिक्त प्रश्न संख्या २८६ के २३ फरवरी, १९५४ को दिये गये उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) यूजीलैंड सरकार ने बाल इंडिया मेडिकल इन्स्टीट्यूट की स्थापना के लिये १० लाख डालर की सहायता देने का जो बचन दिया था (और जिस में से २५,०००



डालर १९५०-५३ में मिल गये थे), क्या उसके सम्बन्ध में अब और कोई रकम प्राप्त हो गयी है ;

(ख) यदि प्राप्त हो गयी है, तो कितनी ;

(ग) यूनाइटेड किंगडम से पाँड पावने में से जो रकम निकाली जाने वाली थी, क्या वह निकाली गई है और यदि निकाली गई है, तो कितनी ;

(घ) आस्ट्रेलिया सरकार ने अन्तिम रूप से कितनी रकम की सहायता देने का वचन दिया था ; और उसमें से कितनी रकम वास्तव में मिल गई है ;

(ङ) कोलम्बो योजना के अन्तर्गत अगस्त, १९५४ तक किन किन देशों से कितनी कितनी धन-राशि प्राप्त हो चुकी है ; और

(च) इन प्राप्त धनराशियों से जो काम हुआ है, क्या उसका एक विवरण सदन-पटल पर रखा जायेगा ?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). The Government of New Zealand has promised £ 1 million and not Rs. 10 lakhs for the establishment of the All India Medical Institute. So far we have drawn only £ 250,000. As the work progresses, more amounts will be drawn.

(c) No, Sir.

(d) The final authorisation of aid by Australia during 1953-54 is approximately £(A) 1.5 million. No amount has, however, been actually received.

(e) and (f). The value of the stores and equipment received upto August, 1954, from the Colombo Plan countries for various purposes are:—

Country	Amount (In Lakhs of Rupees)	Purpose
1	2	3
Australia	430	Wheat and flour and equipment for Tungabhadra and Ramagundam Projects in Hyderabad.

1	2	3
Canada	932	Wheat, bus chassis and engines for Bombay State Road Transport Corporation, Boilers for Railways and part of the equipment for Mayurakshi Project West Bengal.
New Zealand	33	Received in cash for the establishment of the All India Medical Institute.

#### DIAMOND FIELDS

**228. Sardar Iqbal Singh:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any survey has been conducted about the diamond fields existing in India and the quality of diamonds obtained from them; and

(b) the steps taken to step up the production of diamonds?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) Yes, Sir. A statement giving the information available is attached. [See Appendix II, annexure No. 20.]

(b) Exploitation of minerals is the responsibility of State Governments.

#### SCIENTISTS TOUR OF THE HIMALAYAS

**229. Sardar Iqbal Singh:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether an expedition of scientists recently toured the Himalayas;

(b) the names of the members of the party and the purpose of the expedition;

(c) who organized this expedition;

(d) which part of the Himalayan region did they cover; and

(e) the help rendered by Government in this connection?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) to (e). A statement giving the available informa-

tion is attached. [See Appendix II, annexure No. 21.]

उत्तर प्रदेश सरकार को बिया गया  
अनुदान

२३०. श्री एम० एल० द्विवेदी : क्या  
बिस्मिल मंत्री यह बताने की कृपा करेंगे :

(क) उत्तर प्रदेश सरकार को योजना  
की कालावधि में अब तक निम्नलिखित  
कार्यों के लिये केन्द्र से ऋण तथा अनुदान  
के रूप में कितनी सहायता दी गयी है :—

- (१) छोटे पैमाने के उद्योग
- (२) हथकरघा उद्योग ;
- (३) नीलगाय ;
- (४) छोटे छोटे बांध ;
- (५) सड़कें ;
- (६) पुल ;
- (७) विशिष्ट प्रशिक्षण ; और

(ख) उपर्युक्त कामों में अब तक कितनी  
प्रगति हुई है ?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). The information required is being collected and will be laid on the Table of the House.

#### FLOODS

231. Sardar Hukam Singh: Will the Minister of Defence be pleased to state:

(a) whether the Civil authorities have had occasions to request the Indian Air Force to render assistance in welfare work during heavy rains and floods in the country during September and October, 1954; and

(b) if so, whether the Indian Air Force rendered the assistance asked for?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). Yes, Sir.

#### DISCIPLINE-CUM-SPIRITUAL SYSTEM FOR EDUCATION

232. Sardar Hukam Singh: Will the Minister of Education be pleased to state:

(a) whether any grant has been given to the Delhi State authorities for implementing General Bhonsle's discipline-cum-spiritual system of education scheme;

(b) if so, the amount given; and

(c) the main features of this scheme?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) No, Sir.

(b) Does not arise.

(c) The main features of the proposal are:

(i) The setting up of a Physical Instruction Directorate in the Delhi State.

(ii) Appointment of 200 Physical Training Instructors specially from the I.N.A. personnel.

(iii) Arrangement of a short training course for the instructors, who will not only impart physical training but will also inculcate a sense of service and discipline among the students.

#### SMALL SAVINGS SCHEME

233. Shri D. C. Sharma: Will the Minister of Finance be pleased to state:

(a) the total amount collected in Punjab during 1953-54 under the Small Savings Scheme;

(b) the target fixed for 1953-54; and

(c) the decision with regard to the extra collection made there?

The Deputy Minister of Finance (Shri A. C. Guha): (a) Rupees 3.63 lakhs (net).

(b) Rupees 4.00 lakhs.

(c) As the collections are below the target, this question does not arise.

#### HOISTING OF PAKISTAN NATIONAL FLAG

**234. Shri Gidwani:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that green flags resembling Pakistan National Flag were recently found hoisted on several buildings including a temple and Janapada Sabha office in Seoni Malwa in Hoshangabad District and at Jarve village in Raipur District in Madhya Pradesh; and

(b) if so, whether any enquiry has been made into the matter and if so, the results thereof?

**The Minister of Home Affairs and States (Dr. Katju):** (a) and (b). Yes. Enquiries made by the Government of Madhya Pradesh have revealed that those flags differed materially from the Pakistan National flag and were perhaps hoisted by local persons in order to implicate other local residents due to party factions.

#### EX-EMPLOYEES OF CIVIL SUPPLIES DEPARTMENTS

**235. Shri T. B. Vittal Rao:** Will the Minister of Home Affairs be pleased to refer to the reply to starred question No. 1129 asked on the 20th September, 1954, and state:

(a) the number of discharged ex-employees of Civil Supplies Departments who have been absorbed by Government so far; and

(b) how many of the ex-employees of Civil Supplies Department have been absorbed in the Railways and the Posts and Telegraphs Departments?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) and (b). The information is being collected and will be placed on the Table of the House as soon as it becomes available.

#### INDIAN AIR FORCE ON MERCY MISSIONS

**236. Shri Krishnacharya Joshi:** Will the Minister of Defence be pleased to state:

(a) how many mercy missions were carried out by I.A.F. for dropping supplies to people marooned in inaccessible areas during 1953-54; and

(b) how many para-medical flights were undertaken to rush aid to inaccessible areas in times of emergency during the above period?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Three.

(b) Nil.

#### क्रासवर्ड पहेली कम्पनियां

२३७. सेंट गोविन्द दास : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) कितनी क्रासवर्ड पहेली कम्पनियों पर १९५३-५४ में श्राय-वर लगाया गया; और

(ख) इस काल में उनसे कुल कितना आय-कर मिला ?

**The Deputy Minister of Finance (Shri M. C. Shah):** The information is not available from any compiled statistics, and the labour involved in obtaining it would not be commensurate with the results likely to be achieved.

#### केन्द्रीय इंस्टीट्यूट आफ एजुकेशन

२३८. सेंट गोविन्द दास : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) इस वर्ष केन्द्रीय इंस्टीट्यूट आफ एजुकेशन में प्रवेश के लिये कितने विद्यार्थियों ने आवेदन दिये थे ; और

(ख) राज्यवार कितने विद्यार्थी लिये गये ?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) and (b). A statement is laid on the Table of

the Sabha. [See Appendix II, annexure No. 22.]

#### TRAINING CENTRE FOR THE ADULT BLIND

239. **Shri K. C. Sodhia:** Will the Minister of Education be pleased to state:

(a) the total number of applications received for admission to the training centre for adult blind at Dehradun during 1953 and the total number of persons admitted;

(b) whether there are any other similar Centres maintained by the Central or the State Governments at any other place;

(c) if so, the number and location of such institutions; and

(d) whether Government propose to open at least a few such Centres on regional basis?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) 117 and 119, respectively.

(b) No.

(c) Does not arise.

(d) No.

#### BRITISH WAR LOAN

240. **Shri K. C. Sodhia:** Will the Minister of Finance be pleased to state:

(a) the total liability for British War Loan taken over by India;

(b) whether any portion of this debt has been discharged and if so, how much and when; and

(c) when the balance is repayable and what rate of interest is paid thereon?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) to (c), The total liability of this loan assumed by the then Government of India after World War I was £ 22,716,000. Repayments

were made periodically upto 1928-29, aggregating to £ 5,994,997, reducing the liability to £ 16,721,003. This liability, which has since remained suspended indefinitely, was further reduced by £ 1,254,075 on the separation of Burma. With the suspension of the liability, interest payment also ceased.

#### ENCYCLOPAEDIA

241. **Shri Ibrahim:** Will the Minister of Education be pleased to state:

(a) whether the Central Government has undertaken the preparation of People's Encyclopaedia in Hindi;

(b) if so, by what time it is expected to be completed and made available to the public; and

(c) what is the price fixed for this publication?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) and (b). The attention of the hon. Member is invited to Unstarred Question No. 210 answered in Lok Sabha on the 2nd September, 1954.

(c) The price can be fixed only after the book has been published.

#### SUICIDES

242. **Shri Ibrahim:** Will the Minister of Home Affairs be pleased to state the number of cases of suicides due to unemployment in different States during the year 1953-54?

**The Minister of Home Affairs and States (Dr. Katju):** The information is being collected and will be laid on the Table of the Sabha, when received.

#### CENTRAL FILM LIBRARY

243. **Shri N. M. Lingam:** Will the Minister of Education be pleased to state:

(a) the number of films and filmstrips in the Central Film Library;

(b) the number of members of the library, State-wise; and

(c) the names of States having film libraries of their own?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) to (c). A statement is laid on the Table of the House. [See Appendix II, annexure No. 23.]

#### INTERNATIONAL CONFERENCES

**244. Shri N. M. Lingam:** Will the Minister of Education be pleased to state:

(a) the amount of expenditure incurred during the year 1953-54 on the various delegations to International Congresses and Conferences sponsored by the Education Ministry;

(b) the amount of expenditure on cultural delegations to and from foreign countries;

(c) the names of International Congresses and Conferences attended by Indian delegations; and

(d) the number of cultural delegations sent from India and the number and names of foreign delegations that visited India?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) to (d). A statement is laid on the Table of the House. [See Appendix II, annexure No. 24.]

#### CONFIRMATION OF ASSISTANTS

**245. Shri Radha Raman:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a provision for reservation of "not less than one fourth" of the permanent vacancies in the Assistants' Grade has been made for permanent clerks when the vacancies are filled from the Regular Temporary Establishment of Assistants;

(b) if so, how many vacancies in the Assistants' Grade have been filled so far;

(c) whether the expression 'permanent clerks' includes Second Division and Third Division Clerks both; and

(d) if so, the ratio in which the vacancies are to be distributed amongst them?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) Yes.

(b) 522 permanent vacancies have been filled; of these 451 were filled by persons who were already permanent or within the zone of confirmation in the Upper Division of the Clerical Grade.

(c) The expression refers to permanent Grade I Clerks of the Clerical Service.

(d) Does not arise.

#### ANCIENT RELICS AND MONUMENTS IN MANIPUR STATE

**246. Shri Bishang Keishing:** Will the Minister of Education be pleased to state:

(a) the names of the relics or monuments preserved by Government in the State of Manipur and the expenses incurred thereon;

(b) whether Government are aware that there are some old palaces of the ancient Manipuri Rajahs, temples etc. in Imphal (Manipur) which are of historical importance;

(c) whether it is also a fact that these remnants of the ancient Manipuri Rajahs are not being properly used; and

(d) the steps that are proposed to be taken by Government to preserve them?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) Only Vishnu Temple at Bishenpur, has been declared in January, 1954, to be a protected monument under the Ancient

Monuments Preservation Act, 1904. So far, no expenditure has been incurred on its conservation as the owners have not yet executed an agreement with Government and some surrounding land has yet to be acquired.

(b) Yes, but none of them has been brought under protection as they are not considered to be of archaeological interest or of national importance.

(c) Government have no such information.

(d) Does not arise in view of the reply given to (b) above.

#### ENGINEERING COLLEGES

247. **Shri Mahodaya:** Will the Minister of Education be pleased to refer to the answer given to unstarred question No. 128 asked on 6th March, 1954 and state:

(a) the names of the States where Engineering Colleges offering degree and diploma courses are located; and

(b) what is the criteria for granting aid to them by the Central Government?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) and (b). A statement giving the required information is laid on the Table of the House. [See Appendix II, annexure No. 25.]

#### UNTOUCHABILITY

248. **Shri Mahodaya:** Will the Minister of Home Affairs be pleased to state:

(a) the total amount spent on the removal of Untouchability in the last three years respectively;

(b) what are the figures of expenditure in these years for each of the following items:—

(i) wells, (ii) Housing and (iii) Cottage Industries for untouchables; and

(c) what steps Government have taken to ensure that the products of industries mentioned in part (b) above are up to the mark and that they are able to find ready market for themselves?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) and (b). It was only last year (1953-54) that a Central grant for the removal of Untouchability was given. The amount of the grant allotted to the various States and certain non-official agencies was Rs. 50 lakhs. This amount has been raised to Rs. 60 lakhs during the current financial year (1954-55). Information as to the amount actually spent and the manner in which it was spent by the State Government etc. is not yet available.

(c) The responsibility for the proper implementation of the scheme is that of the State Governments and there is no reason to believe that they are not exercising proper check to ensure that the products of the industries are not upto the prescribed standard.

#### INDUSTRIAL FINANCE CORPORATION

249. **Sardar Iqbal Singh:** Will the Minister of Finance be pleased to state:

(a) whether it is proposed to take a loan from the World Bank to supplement the resources of the Industrial Finance Corporation; and

(b) if so, the details thereof?

**The Deputy Minister of Finance (Shri A. C. Guha):** (a) At present there is no such proposal. There were some negotiations with the World Bank in 1952 for a loan to the Corporation. These negotiations were subsequently dropped as the Corporation no longer felt any need for a loan from the World Bank.

(b) Does not arise.

## INTER-UNIVERSITY YOUTH FESTIVAL

250. **Shri Radha Raman:** Will the Minister of Education be pleased to state:

(a) the nature of the youth welfare schemes that are being introduced;

(b) whether the first Inter-University Youth Festival held during the first week of November, 1954 in Delhi was one of them;

(c) the total amount allotted for these schemes and the amount allotted for the Youth Festival separately;

(d) the number of Universities which participated in the festival and the names of those which did not participate;

(e) the reasons for non-participation;

(f) whether Government are satisfied with the results of the experiment of Youth Festival and whether they propose to hold it annually; and

(g) if so, on what scale and where?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) to (g). The statement showing the requisite

information is placed on the Table of the House. [See Appendix II, annexure No. 26.]

## SOLAR ENERGY

251. **Shri R. S. Diwan:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether running of a steam engine by Solar energy was displayed at the time of the UNESCO symposium recently held in New Delhi; and

(b) if so, the expenditure incurred on the above experiment?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) and (b). Yes, Sir. Work on the utilization of solar energy for raising steam forms part of the regular research programme of the National Physical Laboratory and the demonstration at the time of the Symposium on Wind Power and Solar Energy was not especially set up for that purpose. No separate accounts are maintained for individual research projects of the laboratory.

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LOK SABHA

Monday, 22nd November, 1954

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

MOTION FOR ADJOURNMENT

SITUATION IN MANIPUR

Mr. Speaker: I have received notice of an adjournment motion on the subject as under:

"The situation arising out of mass Satyagraha movement in Manipur demanding the restoration of the State Assembly and the dissolution of the nominated Advisory Council; and the subsequent terror, repression and assault on peaceful satyagrahis on the 18th November, 1954, and further action involving the arrest of Mr. Rishang Keishing, M.P. and Mr. Somorendra Singh, former Minister for Jails and thus causing a grave infringement on fundamental rights and liberties of the people."

I should like to know how the situation stands in regard to facts.

The Minister of Home Affairs and States (Dr. Katju): I have, without knowing of this adjournment motion, asked for a very full report from Manipur. I had some telephonic con-

versation yesterday, but what I was told shows that most of the language used in this adjournment motion is picturesque. There have been no terrors, no repressions, no assaults. I was told that there was some sort of satyagraha going on, and you know, Sir, what satyagraha means and the consequences it leads to.

But, may I suggest that a Short Notice Question may be put, and I shall lay on the Table of the House the fullest information that I get, and then you may take such action as you like.

Mr. Speaker: I think the hon. Member who has tabled this motion is likely to feel that a Short Notice Question might bar the further consideration of the adjournment motion.

Dr. Katju: I say you may hold it over and after the Short Notice Question is answered . . . . .

Mr. Speaker: He may ascertain the facts and state the facts first with a view to enable me to judge about the admissibility of the motion. Then . . . . .

Dr. Katju: That is what I suggested.

Mr. Speaker: Then he may first make a statement. He may take his time—tomorrow, the day after or two days after.

Dr. Katju: You may be pleased to give two days because communications with Manipur are not always easy.

Shri M. S. Gurupadaswamy. (Mysore): I have received telegrams stating certain facts. I want the hon. Minister to ascertain those facts also, and then make a statement.

The fact is that Mr. Rishang Keishing was beaten and dragged and thrown into a ditch with head bleed-

[Shri M. S. Gurupadaswamy]

ing and he was arrested later on. Of course, we came to know that he was released subsequently. We want to know whether it is a fact.

**Mr. Speaker:** He can make a statement.

**Dr. Katju:** I must wait for information, Sir.

**Mr. Speaker:** That means I keep it over.

**Shri Sarangadhar Das (Dhenkanal—West Cuttack):** When Members of this House receive telegrams and news about some terrorism or oppression by the police or the magistracy and they bring it to the House, is it proper for the Minister concerned to say that it is picturesque?

**Mr. Speaker:** He referred to the use of the word "terror".

**Shri Sarangadhar Das:** Yes.

**Mr. Speaker:** He did not refer to the treatment alleged to have been given to the hon. Member of this House. We need not concern ourselves with that.

So, I keep over the further consideration of this motion to, say, the 25th.

**Dr. Katju:** Yes.

**Shri M. S. Gurupadaswamy:** I will not be here because I have to go to Nagpur. That is my personal difficulty. It will be better if it is taken up on the 24th.

**Mr. Speaker:** The difficulty is that he wants time for collecting information, and in view of the distance, the difficulty of communications with Manipur, it would be reasonable to give him some more time. The hon. Member will adjust himself to the date that is given here, if he is really keen on his motion.

**Shri M. S. Gurupadaswamy:** But this is my personal difficulty. I am going on the 24th to attend my Party

convention. After all, it is not relevant here. I just request the hon. Home Minister to make his statement the day after tomorrow so that we may .....

**Dr. Katju** indicated dissent.

**Mr. Speaker:** He shakes his head. He says it is impossible. There is another alternative also.

**Shri Amjad Ali (Goalpara—Garop Hills):** He wanted only two days. Today is the 22nd.

**Mr. Speaker:** Two days means exclusive of today.

**Shri M. S. Gurupadaswamy:** At least, can I entrust it to somebody else?

**Mr. Speaker:** In case the hon. Member is not likely to be here on the 25th, we will take up the matter two days after, when he returns. That is the better course.

**Shri Nambiar (Mayuram):** That is too late.

**Mr. Speaker:** So, on the 25th, and if for any reason the hon. Member is absent on the 25th, it may be some other day.

**Dr. Katju:** Yes.

## BUSINESS OF THE HOUSE

### ALLOCATION OF TIME

**Mr. Speaker:** I have to inform the House that the Business Advisory Committee met on the 19th November, 1954, and agreed to the allocation of time in regard to Government legislative and other business as mentioned below:

#### Time allotted

1. Resolution by the Minister of Commerce and Industry for the approval of notification of the 1st October, 1954 enhancing the export duty on tea—1 hour.
2. The Coffee Market Expansion (Amendment) Bill as reported by the Select Committee.—5 hours.



3. The Rubber (Production and Marketing) Amendment Bill as reported by the Select Committee—3 hours.

I shall now ask the Minister of Parliamentary Affairs to move a formal motion with regard to the approval of this report by the House.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** I beg to move:

"That this House agrees with the allocation of time proposed by the Business Advisory Committee in regard to the Government legislative and other business which has been announced by the Speaker today.

**Mr. Speaker:** The question is:

"That this House agrees with the allocation of time proposed by the Business Advisory Committee in regard to the Government legislative and other business which has been announced by the Speaker today."

*The motion was adopted.*

**Mr. Speaker:** So, this becomes the Allocation of Time Order of the House.

**CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) BILL—Contd.**

**Mr. Speaker:** The House will now proceed with further consideration of the motion moved by Dr. Katju on the 16th November, 1954, namely:—

"That the Bill further to amend the Code of Criminal Procedure, 1898, as reported by the Joint Committee, be taken into consideration."

The amendments for circulation of the Bill for eliciting opinion thereon, for recommitting the Bill to the Joint Committee and for the adjournment of the consideration of the Bill already moved are also before the House.

The House is already aware that 15 hours have been allotted to the motion for consideration of the Bill, out of which 12 hours and 20 minutes have already been availed of, thus leaving a balance of 2 hours and 40 minutes. This will mean that the general discussion on the Bill will continue upto about 2-50 p.m., when the amendments and the motion will be put to vote.

How much time will the hon. Minister take to reply?

**The Minister of Home Affairs and States (Dr. Katju):** Forty minutes.

**Mr. Speaker:** He will take about 40 minutes. That means, I will call upon him to reply at about 2 O'Clock.

Thereafter, the House will take up the Government Resolution by the Minister of Commerce and Industry.

**Dr. Lanka Sundaram (Visakha-patnam):** Sir, I would like briefly to intervene in this debate, though, as a Member of the Select Committee on this Bill, I had occasion to make my contribution to the extent possible. The object of my intervening today is to right the record of the statements made in particular by my hon. friend the Home Minister and also my esteemed and hon. friend Pandit Thakur Das Bhargava, with reference to the attitude of newspapermen to Clause 25 of the Bill.

In order that there may not be any misunderstandings about the attitude of the newspaper world, particularly the Federation of Working Journalists in India, to this Bill, I would, with your permission make two or three brief quotations from the statements made in the debate so far by the hon. Home Minister, and also by my hon. friend Pandit Thakur Das Bhargava.

[**MR. DEPUTY-SPEAKER** in the Chair.]

Moving the motion for consideration of this Bill, the Home Minister said as follows. I am quoting from page 404 of the uncorrected record of the 16th instant.

[Dr. Lanka Sundaram.]

"Leaving that aside, the Joint Select Committee have gone the whole way to satisfy the Press."

I wish that the Press were satisfied as a result of the deliberations of the Joint Select Committee. Later on, on the same day, the Home Minister said the following. I am quoting from page 406 of the Uncorrected Debates of the 16th instant. This is what he said:

"No one, not a single individual has ever said anything against a Sessions Judge. The Sessions Judge represents the highest form of judicial integrity, of judicial independence in our judicial system, below the High Court."

On the following day, my hon. friend Pandit Thakur Das Bhargava, for whose experiences as a parliamentarian I have the greatest regard, unfortunately entered into a controversy on this question on the attitude of the newspaper world to clause 25, in particular, of this Bill. On the 17th instant, this is what happened—I am quoting from page 737 of the Uncorrected Debates:

"Pandit Thakur Das Bhargava: The Press people. This is what fell from the mouth of the hon. Home Minister.

Dr. Katju: Yes, yes. That is all right. When they gave evidence before the Select Committee, they said that they would rather prefer to have the case either in the High Court or in the Sessions Court.

Shri S. S. More: No, Sir.

Dr. Katju: Very well, I withdraw that . . . . .

Pandit Thakur Das Bhargava: What I was submitting was that the Press people are not the last word on the subject."

Then, later in the speech of my hon. friend Pandit Thakur Das Bhargava Dr. Katju intervened and said the following. I am quoting now from page 741 of the Uncorrected Debates:

"I share with the Press people the desirability in the public interest that this matter should be investigated in the very first instance by the Sessions Judge, because all Magistrates, according to my learned friends there, are under the thumb of the police and the executive machinery, and by God's grace, only the Sessions Judge enjoys the completest impartiality, integrity, independence and fairness; and I therefore say, let the trial be by him."

I have wearied the House with these quotations, because I find I am called upon as perhaps the only newspaper Member of the Select Committee, present in the House during the course of this debate, to set at rest one important point. The House would remember that immediately after my hon. friend the Home Minister made these interventions and statements, the Secretary of the Federation of Working Journalists, Mr. Chaturvedi, issued a public statement completely denying that the Press, as alleged or as stated by my hon. friend Dr. Katju, were satisfied with the clauses as emerged out of the Select Committee.

Dr. Katju: May I say this? I said that leaving aside what the Press called their fundamental objection to the change of the procedure at all, they said that they did not want this thing to be made from a private complaint into a complaint by Government. Leaving that aside, they were agreeable to the procedure. They have said that if their whole position is not accepted on the main point, then the procedure is much better than the procedure suggested in the Bill. That is what I have been saying all along.

Dr. Lanka Sundaram: I am glad my hon. friend has seen the point I have sought to make. I want to continue a little longer, so that I would have the record completely clear on this point.

I am in a sort of delicate position. As a Member of the Select Committee,

I have got access to the proceedings of the Committee. But I do not know to what extent I can make a reference to them. But with your permission, I would only make one small quotation, because the summary of the proceedings of the Select Committee, as printed in the proceedings of the Joint Select Committee, circulated to the House, are unfortunately not completely clear on this point. This is what is written on page 118 in the Summary of the evidence printed in the Report of the Select Committee, as circulated to the House. Para. 2(4) on page 118 reads:

"It is preferable to have the procedure laid down under section 194 of the Cr. P.C....."

I would like to emphasise the word 'preferable'.

Here, I have got the proceedings of the Select Committee. I would not quote from it, but I require the indulgence of the House to say exactly what happened in the Select Committee, when Mr. Rama Rao, spokesman of the Federation of Working Journalists, gave evidence. It so happened that I was the man who put him the leading question. My question was:

"Possibly, your case is that the existing law is sufficient, and the present law of bringing in the state should not be there."

The answer was—I am quoting again what Mr. Rama Rao said—"Exactly so". In other words, the whole case of the pressmen is, and continue to be, section 194, but not clause 25 of the Bill as is before the House this afternoon.

I hope that the hon. Home Minister would not forget this important point. If he is passing any legislation under duress, naturally he and Government have got to bear the consequences of such legislation under duress. I do not want to introduce any controversial or heated arguments in this matter, but I feel, in the light, particularly, of what the secretary of the Federation of Working Journalists,

Mr. Chaturvedi, said, the Press is not completely convinced that this particular clause 25 in this Bill is all what they want.

Most of the speeches which were made so far during the course of this debate unfortunately overlooked one very important point concerning the Fourth Estate, and that is what is called "pleading privilege". No newspaperman worth his salt would ever reveal the source of information in a court of law, and you know that he cannot be sued for contempt of court. That is an inalienable privilege which has been there with the newspapermen all over the world. And I hope, under the new procedure sought to be created through this Bill, particularly, clause 25 and the related clauses 92 and 114, will not tamper with this important privilege of the newspaper world because once that is destroyed, the very foundations of journalism, honest, competent and truthful journalism, would have been destroyed.

Having said this, I would like to draw the attention of the Home Minister to one other important point, since I have quoted his references to the District Judges of India. I am not here to impugn the integrity of the Judges, especially the Judges of Sessions Courts in this country. I had occasion to know some of them personally, and I say, they are really men of integrity, and they do their duty by the people and the State. But let not my hon. friend forget what no less a person than the Chief Justice of India, Justice Mahajan, said recently in the Punjab, about the manner in which the District and Sessions Judges have complained to him about the interference of Ministers and other official sources in their day to day work. (Interruption) Still my hon. friend does not remember it. That is why I had to quote that particular paragraph of his speech while my hon. friend intervened in the debate when Pandit Thakur Das Bhargava was on his feet, on the 17th of this month.

Having said this, I would like to draw the attention of this House to

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one of the most important passages of the Report of the Press Commission. I am quoting from section 7, and I assure the House that I am not quoting out of context, because it is a point of importance, which I want my hon. friend the Home Minister not to forget:

"It is also very desirable in public interest that there should be, in suitable cases, a magisterial inquiry, and a police investigation, in respect of serious allegations against a public servant, even if the public servant himself is unwilling to initiate proceedings and clear himself of the charges."

The House will notice that the Press Commission put it in a very mild form. It made a reference to suitable cases only. The sum and substance of the case of the newspaper world, as laid out in evidence, in cross-examination, by the spokesmen of the Federation of Working Journalists, in the Select Committee, and also in their memorandum, was that some sort of a guarantee like this must be there, instead of automatic presentation on the procedure sought to be initiated by a public prosecutor before a Court of Sessions. I wish the hon. Home Minister would not forget this point also.

**Mr. Deputy-Speaker:** Who is to decide which case is suitable?

**Dr. Lanka Sundaram:** That is the point. In fact, my hon. friend does not tell the House who exactly is the person to decide.

**Mr. Deputy-Speaker:** Therefore, the secretary has been clothed with that power.

**Dr. Lanka Sundaram:** I will come to that point later.

**Shri S. S. More (Sholapur):** It is the Cabinet decision.

**Dr. Lanka Sundaram:** Here the procedure under clause 25 and the relevant section is that the Public Prosecutor of the district will lay the

case before the Court of Session. Now, the newspaper world says and the Press Commission has said that there must be a preliminary official investigation which must precede this.

**Dr. Katju:** Section 194 on which reliance was placed, refers to the Advocate-General laying the information before the High Court. The Advocate-General cannot do that without the previous permission of the Government. Similarly, the Public Prosecutor is not to lay the information on his own. He must get the prior permission of the Government to do so.

**Dr. Lanka Sundaram:** But, still the point that I have raised is not answered. Somebody must move at a certain stage. Which is the initial stage where somebody moves in the matter?

**Dr. Katju:** Government.

**Dr. Lanka Sundaram:** Government, that amorphous body which has far too many limbs which do not move sometimes and which unfortunately move in hurry at some other times.

**Mr. Deputy-Speaker:** If Government is amorphous, then what is the substitute?

**Dr. Lanka Sundaram:** The substance of the case of the pressmen is indicated in their memorandum to the Select Committee. With your permission, I will make a brief quotation. I am quoting from paragraph 9 of the memorandum of the Federation of Working Journalists: It is this:

"In a Welfare State which is assuming responsibility for the daily needs of the citizen and where vast amounts are expended on developmental works, it is difficult for any journalist to avoid or evade the duty to criticise or comment upon the conduct of public officials."

I do not want to read the whole text. The important point is this. The Press, by doing this, is exposing

itself to both civil and criminal action. This is what the memorandum says:

"In the criminal court, if the writings are defamatory, the paper has a good defence only if it comes within the exceptions mentioned in Section 499 of the I.P.C., namely, that it was publication in good faith and without malicious intent for public good, of comments on public servants in the discharge of the public functions, and that the comments were made honestly and the person making the comments honestly believed the facts to be as stated therein. In the case of civil libel, the responsibility is much heavier. But these risks are taken, because the editor and the Press are convinced of the righteousness of the cause and are reasonably certain of the accuracy of the facts."

Now, what happens under the Criminal Procedure Code as it is sought to be promulgated under the present Bill as emerging from the Select Committee? I can say that the so-called scurrilous Press and papers indulging in character assassination will go underground, and will disappear from the field temporarily. But what happens to the honest and upright working journalists? They cannot take the risk of publishing anything about matters which involve public interest, with the result that the whole Press will automatically become sulky and will not be in a position to discharge its duties, not only to the public but even to the Government by pointing out cases where exactly wrongs are being committed by public servants. I regret, as a working journalist who has been for thirty years in the field—and I happen to be still a working journalist today—I regret such a situation has arisen. I am most anxious that my hon. friend the Home Minister should protect himself against being called the principal instigator in this country for a police State. And, even at this late stage, I am sure he will relax a little, possibly relent a little more and do exactly what he has done in the

Select Committee. I have said so in my minute of dissent that I was amazed at the resilience shown by the Home Minister in the Select Committee. A number of points have been softened, and I am perfectly willing to acknowledge it as I have done in my minute of dissent. But, in regard to this particular matter, it is not still too late in the day, because the second stage of discussion is coming on and we have got any number of opportunities to put our heads together. I assure him that the honest, upright Press of the country is behind the Government. The elections are coming very soon and the immediate result of the promulgation of this particular Bill will be, I am sure—I am speaking from this side of the House, Mr. Deputy-Speaker—will not be to the advantage of Government. In their own self-interest, they should not do anything to tamper with the hoary, customary traditions of the Fourth Estate. I have already given it in my minute of dissent and I repeat it here that nothing should be done to destroy the pleading of truth.

Having said that, I have one or two observations to make and I do not wish to detain the House any longer on this point. I made a reference to that in the Select Committee and I am also making this here, Mr. Deputy-Speaker, that verbal slander has not been brought within the scope of this particular Bill. It has also been mentioned in the memorandum of the Working Journalists. To my mind, verbal slander and written defamation ought to be placed in the same category. This is a lacuna which has got to be filled up. I asked my hon. friend the Home Minister in the Select Committee, and I repeat that request here, that he will set a time limit for what he calls bringing in a legislative measure to bring in slander within the mischief of the law of the land. Without that, I am afraid, this particular Bill will be incomplete and will not meet the requirements of the situation.

**Mr. Deputy-Speaker:** Slander is an offence under the Penal Code.

**Dr. Lanka Sundaram:** But it has got to be adjusted.

**Mr. Deputy-Speaker:** How? It need not be a cognizable offence.

**Dr. Lanka Sundaram:** Just as the law of defamation has been altered now under this Bill, this has got to be readjusted.

**Mr. Deputy-Speaker:** The law of defamation is not sought to be modified here.

**Shri S. S. More:** My friend is making a mistake. In the English law slander and libel are of two categories. But, as far as our law is concerned, they come under the defamation clause.

**Mr. Deputy-Speaker:** The Code of Criminal Procedure amendment does not modify any substantial law. It is only procedure. Till now it has been a non-cognizable offence. Under this it is sought to be made cognizable, if it is against a public servant.

**The Deputy Minister of Home Affairs (Shri Datar):** No; only the Public Prosecutor will file the complaint.

**Mr. Deputy-Speaker:** That is even much short of making it a cognizable offence. The Public Prosecutor has to file the complaint in proper cases, if the libel is against a public servant. That is the only distinction.

**Dr. Lanka Sundaram:** What I was suggesting is this. This matter has been gone into by the Select Committee on the last day. The minutes are clear on this issue. I do not say that slander is not covered by the existing law. As the law of procedure is sought to be altered it must also be brought on all fours with libel.

The other point is, that some of us in the Select Committee felt and which I have mentioned in my minute of dissent, that where the newspaperman is acquitted honourably, he should be given costs. In fact, I went to the extent of saying in the Select Committee that if you give the benefit of doubt to the newspaper, then it need not be given costs. But, where there

is a complete discharge, there must be costs provided for (*Interruption*).

**Dr. Katju:** I only said that you should raise this on the floor of the House.

**Dr. Lanka Sundaram:** I hope the hon. House will not forget this particular point because, as you know, many journalists are not rich people, and the entire weight of the State is behind the prosecution and, when they are acquitted, they must be provided with costs. As long as the case is pending before a court of law they stand to lose their jobs.

**Shri S. S. More:** That should not apply to the Press only: it should apply to other political workers also. We are also not rich persons.

**Pandit Thakur Das Bhargava:** Why not ordinary men?

**Dr. Lanka Sundaram:** I have the greatest admiration for my friend Mr. More's intelligence but we are discussing here the pressman's position. We are not discussing about a civil wrong or a private wrong. We are dealing with offences against the State and the entire resources of the State are placed behind the prosecution.

No one in this country, no newspaper worth the name is willing to protect the scurrilous Press. But by acting against the scurrilous Press, do not destroy the honest Press that has been a source of strength to the community during the freedom fight and which is bound to be the strength of the government today or tomorrow. My hon. friend may not be there for ever; nobody knows what will happen the day after tomorrow. Nobody can tell us. Let us not try to destroy the honest and upright Press. What I am anxious is that in the Bill, as it finally shapes out of this hon. House, nothing should be done that will undermine the foundations of honest and upright journalism conducted by men of integrity and character.

**Shri Ahekar (North Satara):** I have been watching the progress of the Bill for the last four days and I find that there is only one-way traffic lead-

ing to the rescue home for the accused only. It is represented that the accused is harassed, his civil liberties are curtailed and that his rights are being violated. Appeals have been made for sympathy towards the accused so that the House may run to the succour of this innocent and poor angel. Big guns in this House are all arrayed on the side of the accused. Great legal luminaries who adorn these benches and practise in the High Courts and the Supreme Court are also on the side of the accused. I am practising for more than thirty years at the Bar. I have also defended the accused. But, I find that there is also another party in a criminal trial, not only the accused. He comes very often with a broken leg, a maimed hand, injuries in his head or in some other parts of the body. Sometimes he complains that his father is done to death, his son murdered, or his other relatives sent to heaven. Very many times he says that his house is set on fire, his property looted and his valuables stolen. But the miseries of this poor creature do not invoke any sympathy or have evoked any sympathy so far. It appears as though his pitiful cries go unheard and that he sits here dumb as if he is the real accused waiting for a sentence either of death or banishment to be pronounced on him.

What I would like to press in this House is this. The rights of the accused for a fair trial should never be denied and there should be absolutely no hindrance in his way for proving his innocence. I yield to none in that respect. But what I urge is that the interest of the complainant also should be equally taken into consideration. I know that a defence counsel or a pleader is at his best when he is defending an accused, and all his resourcefulness and intellect shine at their best in full refulgence when he is cross-examining the complainant or the witnesses on his side. He is so devoted and truthful and his fidelity towards his client is such that he is wholly engrossed in securing his release. But there is also another aspect to the case, and it is a social aspect. While it is the duty of the

advocate or the counsel for the defence to defend, at the same time we as legislators here have also to look to the social aspect, that is, the effects on society which this particular procedure or way of trial has and the consequences that emerge from it. A pleader, when he gets a ready bail from the magistrate or the judge, thinks highly of him. When he sees that the judge or the magistrate has got an acquitting tendency, he extols him, but what are the reactions of the masses outside? If we go to them we shall find that when they see that the accused, who are charged with heinous crimes, are released on bail, they look upon it with a sense of fear and dismay. When they see that persons whom they know to be guilty are acquitted in the criminal courts, there is a sense of horror in them and they think that these persons are let loose on society to harass and tyrannise the common man; that is how they look upon it.

I have discussed the provisions of this Bill with certain Bar Associations and also with the common man. The common man says and asks pertinently: Are these provisions going to convict the real culprits and that they will not be allowed to go scot-free? That is how they look at it. They ask whether a large number of accused, whom they know to be guilty and are let loose on society, practising tyranny and bringing *goonda raj* in villages, will be affected by this Bill. That is how their mind works, and that is their prime concern.

I at once agree that the agency of investigation has to be improved. It must be properly trained and they must do it vigilantly, without corruption, and with honesty. There is no doubt about it. I have also spoken to the people that they must be equally bold and come as witnesses against an accused who has really committed the offence.

But when all this is done, there is also another position which we have to take into consideration. There are

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certain peculiar positions which are given to the accused which make the side of the complainant really weak and vulnerable. I should like to point out that in the times to come—though as a matter of fact at this stage we will not be able to introduce this reform fully—we shall have to consider whether the accused should also be viewed with equality along with the complainant. He is immune from cross-examination; he cannot be called upon to get the oath administered to him. I at once agree that the general public in this country is illiterate and it is ignorant, and an accused can be easily outwitted by a clever prosecutor, no doubt. But is the category of the accused as such entirely different from that of the complainant? Does he belong to quite a different stock than the one from which the complainant and his witnesses come. They also are equally ignorant; they also are equally illiterate; and they also can be easily outwitted in a criminal court. We have always witnessed that. When we see that the accused has committed an offence when a certain case is made against him, the prosecution has laid the evidence and the witnesses are cross-examined and it appears to all intents and purposes that the accused has committed an offence—is it not desirable and is it not just that he also should be called upon—on oath I would say? This time may not be suitable for that, but should we not make an innovation—of course, we have made to some extent this time—that he should be called upon to explain the circumstances and nature of it, and state his case and submit himself for cross-examination on oath? Otherwise, what will happen is that there will be certain circumstances which are unexplained and which he alone can explain, and for want of an explanation he will get the benefit of doubt. If he is brought in a criminal court, he enjoys all the facilities of his being questioned in any way and he may not answer any questions, but if for the same purpose he is sued in a civil court, the situation is

entirely otherwise. Take for instance the case of a criminal breach of trust. If he is sued in a civil court for money regarding which breach of trust is created, of course, he will have to put in his written statement and he will submit himself for cross-examination; his accounts would be challenged and he will have to explain the various entries and if there are some interpolations or changes in the accounts books, they will all be brought to light in the cross-examination, but if the matter is taken in a criminal court, no one can cross-examine him; simply the accounts will be seen; there may be room for doubt and he will get the benefit of doubt. I would like to say that this situation which obtains now is rather anomalous in a society which is advanced, in a society which is civilised and well educated.

I would like to say that the difference between these positions must be minimised and they should be brought on a par at the earliest possible opportunity. Of course, education will have to be spread, the economic conditions will have to be improved and the status of the general public enhanced to a great extent; no doubt, that will have to be done, but unless this particular aspect is taken into consideration, I would say that in many cases, this question of doubt will leave many accused, who are really guilty, free from being punished. Therefore, I would like to say that the innovation that is being made, that is, offering of the accused voluntarily for the sake of cross-examination is a step in the right direction. With all that it has got its handicaps. If he does not offer himself for a cross-examination, no adverse comments can be made. That will not in any way be taken into consideration by the judge. Under these circumstances, of course, the usefulness of this particular provision is really doubtful, but with all that, what I congratulate the Home Minister upon is that an innovation is being made. When fifty years ago it was introduced in England, there was also opposition to it to a great extent. But now that it has been introduced,



I would say that we would like to watch and know and get the experience as to how it works—whether it places the accused under a greater handicap, whether it helps him, and so on. All these things will have to be seen and ultimately we shall have to move in the proper direction as time, opportunity and also the circumstances in the country will justify.

I would like to say that the change that is being made is for the good, though of course it does not go far enough. We shall always have to bear in mind the objective conditions. They may develop in the course of some years. But we shall have to bear in mind that we have not, as yet, reached that particular status for effecting a radical change.

I would then go to the important fact, a great innovation, rather, I would say, that is being made in this amending Bill. That is in connection with sections 161 to 173. Up to this time, the accused was in a position to have the statement of the complainant and his witnesses when they were being examined and had stated anything which was different from what they have stated before the police. According to the provision that is now being made, under section 173, all these statements, all the documents that are there for the purpose of reliance by the prosecution will be placed not only on the table but in the hands of the accused long before the actual trial begins. The accused will know fully and quite well where he stands, what he has to answer and who are the witnesses and what they are going to speak against him. All the material necessary for being prepared for cross-examination at the trial will be in the hands of the accused. As the Chief Presidency Magistrate of Bombay has said, this is rather over-generosity. Another one has said that this is rather a dangerous innovation. I would say that in view of the desire for having an expeditious trial, the innovation that is being made is worth the experiment, because this will give all the material readily in the hands of

the accused before the trial begins and the complainant and the accused go before the court. All the materials will be there. The charge will be framed and after the framing of the charge, the next date will be appointed on which the evidence will be led and the accused begins to cross-examine the complainant and the witnesses. There will be sufficient opportunity for studying the case. I would rather say that this would not, in any way, act as a handicap to the accused, because all the material is there, all information is there and he knows precisely the charge against him.

Then again, when the accused appears before the court—of course, at that time, there will be nothing by which he will be taken by surprise—there is absolutely no difficulty for him to cross-examine the witnesses for the prosecution. It is claimed that there should be two opportunities for cross-examination. I would like to bring to the notice of the House that in a sessions trial, there is only one opportunity for cross-examination. At the time of the committal, hardly, in 95 cases out of a hundred, any cross-examination is made. As a matter of fact, all the material is there when the cross-examination takes place only once in the Sessions Court. When it is contended that the witnesses are not being watched, while they are deposing before the court, I would also like to submit that the pleader or the counsel who is engaged in the Sessions Court hardly appears in the Magistrate's Court. He sees the witnesses and the complainant for the first time in the Sessions Court. Therefore, I submit that there is really no handicap in the way of the accused. On the contrary, I would like to say that before any witness is examined on oath, before any witness appears there in the court, all the material, all that the witnesses have stated, is in the hands of the accused. There will be now a very effective opportunity for the accused to approach the witnesses for the prosecution which is already done in many cases. They will now know exactly who is going to say what. They will

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know all this. Here, everything will be completely in their hands and it will be very easy for the accused or his partisan to approach the other side. It is a risk that is being taken. I say that in view of the particular risk that is being taken, the change that is being sought in section 162 is also desirable. First, it was intended that section 162 should be abrogated altogether. But now, the Joint Committee has in a modified form, restored it and has provided, that the complainant also should be in a position to contradict his witness if he becomes hostile and speaks differently and goes back upon his statement before the police. Now, there is a difference in the position as it obtained formerly and as it is now. The whole evidence that is given by the complainants and the witnesses before the police is in the hands of the accused. If the witnesses are won over or intimidated and they turn hostile, it is but just and consistent with the principles of natural justice that just as the accused has a right to contradict the prosecution witnesses if they have said a certain thing before the police and a different before the magistrate, the complainant also, when he has placed all the cards in the hands of the accused, should equally have the right to contradict his witnesses if they turn hostile.

Then it was contended that the police take down anything that witness may not say and such things are found written in the statement of the police. It might have been so in times that have gone by. But now, when the statements of the witnesses are to be handed over to the accused—they are to be given in the hands of the counsel for the defence, the police will have to take into consideration this particular provision and they cannot now take down a thing which the witnesses may not stand by. It is not possible. If, under such circumstances, the witness gets back and turns hostile and does not say what he has stated to the police, I think in the fitness of things—and it is consonant with natural justice—that the complainant

also should have the right to contradict that witness.

About the section regarding committal proceedings, it was stated that when the depositions of material witnesses before the Magistrate are taken, the accused is gagged, that he is not given the right to cross-examine at the time, and is required to stand dumb, and hence the provision is absolutely of no use. I do not see eye to eye with those who criticise this provision. It is a fact, well known, that when a party is absent, when his pleader is not there, when the depositions are taken even before Magistrates or a Civil Court, the pleader on the other side asks many leading questions. When the accused is present, and his pleader also is present, it will not be possible for the prosecution to ask leading questions. That will be a check. The presence of the accused and his pleader will be a check upon asking leading questions before the Magistrate. Then again, it is intended for the purpose of speedy trial. As a matter of fact, in 95 per cent of the cases no cross-examination in committal cases is taken before the Magistrate. Here also the procedure will not be in a different form. It will be virtually of the same type. When I discussed the question with some Bar Associations, they have said that instead of mere police depositions, there should be the statement of the accused before the Magistrate in the presence of the accused and his pleader without any right of cross-examination. That was said by two or three Bar Associations.

**Shri S. S. More:** Were they criminal lawyers or civil lawyers?

**Shri Altekar:** They were all leading practitioners at the Bar on the criminal side.

**Shri S. S. More:** No one who is worth his salt will say that.

**Shri Altekar:** My hon. friend is entitled to hold his opinion. There is no question here of being true to salt but to social justice. Those who are practising at the Bar, practising for

several years, have stated that instead of having merely police statements for expeditious trial in this way, it will be better if there are depositions before the Magistrate in the presence of the accused.

My hon. friend Shri Frank Anthony asked: What is the use of having a few depositions of material witnesses at the time of the sessions trial? He said that this will not be sufficient in order to have a proper understanding of the case for the complainant. But he fails to understand, or he has not taken into consideration, or has overlooked, the provisions of sub-clause (3) of clause 29. There it is stated that all the statements of all the witnesses before the police which they want to lead in the Sessions Court, all the documents that are sought to be relied upon, and in addition to it, the depositions of material witnesses before the Magistrate will be supplied to the accused before the sessions trial begins and that will be sufficient material for purposes of the Sessions trial.

I was told by some Bar Associations that this new provision which is being made for purposes of Sessions cases should be for crimes punishable otherwise than by death or transportation for life. But in so far as heavy crimes are concerned, where there is capital punishment or transportation for life, the committal proceedings should be retained; and after having the experience or seeing the results as to what happens in other Sessions cases the new procedure should be extended to these very serious offences. When the judiciary and the executive are separated—as I find is the case in Bombay—and Magistrates are relieved of many of their executive functions, they will find sufficient time, and the trial with respect to these committal proceedings in serious cases can be expedited and they can be finished say in four weeks or so. This new procedure that is laid down for the purpose of Sessions cases should be for offences other than those for which there is capital punishment or transportation for life.

The fundamental principle that it is better to allow ten guilty men to escape rather than to allow one innocent person to be punished is quite right. But that is an extreme case that has been taken into consideration. What is intended by that is that the innocent person should not be punished in any way, and that care and attention should be paid to see that no innocent person suffers. But that does not mean that the portals should be flung wide open for the ten guilty to go scot-free. Let the guilty be brought to book and the innocent allowed to go out in an honourable way. The important question that is troubling the minds of several people is how real offenders who have committed crimes would not escape from the criminal courts and be free to make a *goonda raj*. We have to look at this problem in a calm and considerate way without in any way infringing upon the liberties of peaceful citizens.

My hon. friend Shri Gopalan said that 50,000 accused acquitted by the courts, were quite innocent. I would like to bring to the notice of the House that in cases where the accused are allowed to go scot-free by giving the benefit of doubt, they are not necessarily innocent. We find in several cases that the judge or the magistrate remarks that though morally convinced, according to the law he is not in a position to convict the accused. Therefore we have to pay great attention in laying the foundations of a procedure which will not in any way handicap the defence and at the same time will not allow the guilty to escape. That is the important factor we have to take into consideration and in the light of that analyse the changes that are sought to be made by this amending Bill.

Whenever any changes are made in the criminal law, a cry is raised by the Opposition that it is intended against them.

Shri S. S. More: Why Opposition? Even some respected Congressmen said that.

**Shri Altekhar:** I would like to say that it is not intended against them or their party. I would say that it is not the proper way of approaching the question. It is not intended specifically against any party; it is intended against only one class, the class of criminals. This class is above any party, above any caste, above any creed. It is only intended against that and none else.

Then, a charge was made against the Select Committee that it has not taken into consideration section 109 and 144 of the Criminal Procedure Code. I would like to point out that the Joint Committee was wise in not touching these sections, because these are important sections and whenever much important sections are dealt with, that matter must be specifically before the public.

When this amending Bill was published in the Gazette these sections were not there. Therefore, the Joint Select Committee rightly thought that unless public opinion is elicited on these sections, unless they know what people think about them, it was not desirable to make any modifications in these sections. I would like, incidentally, to bring to the notice of the House that certain remarks were made in connection with a situation that arose in my constituency, that is North Satara District. There is a sugar factory there to the management of which the peasants had rented their lands about thirty years ago. The lands were improved by better cultivation and irrigation, which naturally gave high profits to the factory. The peasants thought that they ought to get a higher rent for their land. A compromise talk was initiated and ultimately they actually arrived at a compromise, and in the light of that rent notes were executed in many cases.

**Shri S. S. More:** It is not correct.

**Shri Altekhar:** At that time some persons who did not belong to that particular region, came there and—I

would not like to use harsh words—inspired the peasants to start an agitation. It was stated to be a satyagraha, but I know the facts. Many villagers, many peasants in the village, were intimidated. They were asked not to come to terms and not to execute the agreements. The peasants said to us: "We, as a matter of fact, are willing to get these executed; they are in our interest; but we are being intimidated, we are being frightened."

**Shri S. S. More:** That is not a correct statement.

**Shri Altekhar:** That is my constituency and I have first-hand information of the situation.

**Shri S. S. More:** I have got super first-class knowledge, because I too have visited that place.

**Mr. Deputy-Speaker:** Both the statements may be correct, as they come from hon. Members.

**Shri Altekhar:** So, when a certain situation is created, when a certain agitation is started under the name of satyagraha, which disturbs the peace in that area, certain provisions of law have to be made use of. Before any attempt is made to modify those provisions, public opinion will have to be consulted. Unless it is elicited it will not be desirable to touch these sections, and therefore the Select Committee has rightly not affected these sections.

1 P.M.

**Shri S. S. More:** Does it mean that the House commanded the Select Committee to take all those provisions into consideration? If that is accepted, the House was wrong?

**Shri Altekhar:** The whole criminal procedure was there before the Committee. But the Committee thought that as regards important sections which provide for establishing peace and tranquillity in the country, and the amendments in respect of which were not published in the Gazette and specifically placed before the public and their opinion elicited on them, it would not be desirable or justifiable to touch these sections unless such

publication was made. That was the view of the Select Committee, and I think it is right in every way.

**Mr. Deputy-Speaker:** The hon. Member has taken sufficient time.

**Shri Aitekar:** I will finish in four or five minutes. My hon. friend Shri R. D. Misra stated that there were ten big volumes of opinions that were given for consideration, that there were opinions of various High Courts, Bar Associations, Judges and so on, and he asked how could the Select Committee go through all these in sixty-five hours which were at their disposal. My hon. friend is a pleader practising at the Bar. He must know that in order to argue a case for one hour before the court a pleader has to work for several days. When these volumes were supplied they were gone through by the Select Committee Members and they were properly considered. Of course with all that labour preceding, they have considered all questions in these sixty-five hours.

There are several other points, but I would not like to take the time of the House. I would say what I have to say when the clause by clause discussion comes in. I wanted only to make these general observations that I have made, and I submit that the Report of the Joint Select Committee should be accepted with certain changes that I have suggested and would like to suggest.

**Mr. Deputy-Speaker:** I find still a number of hon. Members wanting to speak. But there is no time. I have to call upon the hon. Minister to reply at 2-10. Even assuming it at 2-15, he can conclude before 3 o'clock. By 3 o'clock the question will be put and the other work will commence. Therefore we have only an hour or an hour and a few minutes for the other Members to speak. I will allow fifteen minutes for each Member. I will call upon two from this side and two from the other side and thus do equal justice to both sides. I will now call upon Shri Sarangadhar Das. In calling upon Members I have also to bear in mind the number of times that an hon. Member has got up.

**Shri S. S. More:** Young men will have an advantage!

**Shri Sarangadhar Das:** (Dhenkana—West Cuttack): I am the youngest of all!

**Shri U. M. Trivedi** (Chittor): Those who were on the Joint Committee need not take up our time now. The others, I submit, may be given more opportunities to speak.

**Mr. Deputy-Speaker:** They did so at the earlier stage; they never participated in the debate when the Bill was referred to Select Committee. But the other hon. Members who speak have developed the habit of speaking again and again and they complain against those hon. Members.

**Shri Sarangadhar Das:** I endorse the view already expressed by many Members, both on the Treasury Benches and on this side, that it is not desirable to pass any piece-meal legislation like this but to go over the whole of the Indian Penal Code and the Criminal Procedure Code and bring them up-to-date in conformity with our Constitution.

After doing that, the principal thing that strikes me is this clause 25, that is the insertion of a new section about defamation. You know very well Sir, that in the Constitution a privileged class has been created. The Constitution has given special privileges to the ex-Rulers. That is to say, although everyone is equal before the law, although everyone has one single vote, man or woman, the special privileges that the ex-Rulers used to enjoy during the British regime have been continued: which means that a certain class of people have been discriminated in favour, or rather the whole public has been discriminated against. So it seems to me it is an age of discrimination through which we are going. Although we do say that we want to establish an equalitarian society and all that, in practice we take recourse to discriminatory action.

I am amazed that many of the Members on the Treasury Benches have said

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that this amendment should not be looked at from the party point of view. Because almost everyone on this side has opposed certain provisions in the amending Bill, it is taken for granted that everyone on this side criticises the amendment from a party point of view. That view is absolutely wrong. We are all representatives of the people; we represent the public. We feel that the public is being repressed or oppressed in a certain way, while the Members on the Treasury Benches may not feel so. So when we say that a certain measure is objectionable, it is not that it is objectionable because it hits the Praja Socialist Party or some other party, but because it hits the public. I will now point out how it hits the public.

Under this clause 25 dealing with defamation, power is being given to a policeman, a constable, or a *patwari* or a *chowkidar* to take the permission of the Public Prosecutor and sue a member of the public or even a Member of this House.

**Shri Lokenath Mishra (Puri):** Well, you are wrong. No permission of the Public Prosecutor is there. His permission is not necessary.

**Shri Sarangadhar Das:** He will go to the Public Prosecutor—the *Chowkidar* will—and he will easily get the permission.

**Dr. Katju:** I imagine, if I may say so with respect, that my friend has not closely studied the provisions in the Report of the Joint Committee. The Public Prosecutor is to get the permission, before he files a complaint, of the superior officer or whatever it is. The Public Prosecutor has no right of his own to file a complaint.

**Shri Sarangadhar Das:** I have not said that. I have studied the Report thoroughly.

**Dr. Katju:** I withdraw it then.

**Shri Sarangadhar Das:** It is easy for any Government servant to get the Public Prosecutor to recommend to

the higher officer or the higher authority and get the permission, .....

**Dr. Katju:** What is the harm?

**Shri Sarangadhar Das:** While we cannot get it.

**Dr. Katju:** Who are you?

**Shri Sarangadhar Das:** A member of the public. I am a member of the public.

**Mr. Deputy-Speaker:** Nobody prevents.

**Shri Sarangadhar Das:** I have said so many times that at the present time in all the Governments there is corruption, there is nepotism, there is incompetency. These things have been proved by the Public Accounts Committees, by the Estimates Committees, and by all Committees, and Auditors. You cannot say that we are exaggerating things as you were saying three or four years ago. This has all been proved. But, no action is taken. If a member of the public criticises some one—a Minister or Secretary—immediately, they come down upon him and say that he is to be prosecuted and punished while a member of the public has no right to do anything or to prosecute a constable who defames him unless he gets the permission of the Government to prosecute the constable or *patwari* or anybody. In this matter, there is discrimination. Government servants from top to bottom are protected against any attack from any quarter while the public are being gagged that they can't say anything. The moment they say, they come within the mischief of this section.

I wish to know from the Home Minister what the Governments of West Bengal, Madras and Bombay have said about this section.

**Dr. Katju:** About the defamation matter?

**Shri Sarangadhar Das:** About section 25. There are certain things that are not printed in the book. Certain

things have been kept back. (An Hon. Member: Secret.) I challenge the Home Minister to place these opinions on the Table of the House.

**Pandit Thakur Das Bhargava** (Gurgaon): If they are printed, who cares? In regard to commitment, almost all the Governments have opined against it. Yet we have got the commitment proceedings.

**Dr. Katju:** I think those documents have been circulated.

**Pandit Thakur Das Bhargava:** Your report says that almost all the Governments have concurred in this opinion.

**Dr. Katju:** The opinions of the Governments that you want will be in Book D or Book C.

**Shri S. S. More:** These opinions are conveniently summarised. That is what he means to say.

**Dr. Katju:** He wants the whole, *In extenso*?

**Some Hon. Members:** Yes.

**Shri Sarangadhar Das:** The opinions of the three Governments, particularly, West Bengal, Madras and Bombay, should be laid on the Table of the House.

**Dr. Katju:** On defamation? I shall give them to you.

**Shri S. S. More:** The original.

**Dr. Katju:** I cannot multiply the original. Original is one. I can give a copy of it tomorrow.

**Shri K. K. Basu:** True copy.

**Dr. Katju:** Is it in order, Sir, for any hon. Member to say that he wants a true copy, signifying .....

**Mr. Deputy-Speaker:** Any copy becomes 'true' if the words 'true copy' are added at the end.

**Shri Sarangadhar Das:** Therefore, I feel that this clause should be deleted. The provisions that we have now, as far as criticising government servants are concerned, and whatever punishment is to be meted out to them

according to the present law is sufficient. There is no use making this provision so that there may be no criticism. In recommending this, I say to those of my friends who had asked not to look at it from a party point of view, that, no matter which party is in power, there would be people outside who can see things, who can listen to grievances from the public and express them. Today a certain party is in power. There may be some other party later on. Some day my party may come to power. (Some Hon. Members: No chance.) Please do not get away with the feeling that when I state like that that I am anxious to come over there. That is not the point. (Interruptions) That is not the point.

**Mr. Deputy-Speaker:** Order, order. The hon. Member may address the Chair. He can come here at any time.

**An Hon. Member:** That is not a crime.

**Shri Sarangadhar Das:** They are taking my time.

**Mr. Deputy-Speaker:** The hon. Member may go on.

**Shri Sarangadhar Das:** No matter what party is in power, there will be people in a democracy who will criticise that party and so, when this recommendation is made by me that this provision should be deleted from this amendment, I say this for the good of every party. I do not wish to take any more time. My time has been taken away by these people.

**Mr. Deputy-Speaker:** Ten minutes for each hon. Member. Thirty-five hours have been allotted for the clause by clause discussion.

**Dr. Krishnaswami (Kancheepuram):** I shall attempt to finish in ten minutes or even earlier.

My hon. friend the Deputy Minister of Home Affairs, intervening in the debate the other day, said that the amendments were calculated to improve the tone of the administration of our criminal law. He spoke of the yellow Press, not a wise thing

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to do, especially as we are likely to dub most papers with which we disagree as yellow. He talked of 36 crores of our people who are interested in the administration of criminal law.

There is a great misunderstanding of the attitude of the Press, on the provisions of this Bill. If I refer to the views of journalists, it is with a view to correcting an error into which the Home Minister and his deputy have fallen. The Home Minister maintained that the Press was anxious to have a section similar to section 194 of the Criminal Procedure Code. The statement issued by Pressmen two days ago is that they are not in favour of section 194 at all. What they were told by the Select Committee was that there was a provision in the United Kingdom authorising the Attorney-General to prosecute after obtaining permission from the Home Secretary. The Pressmen pointed out that there was a similar section in the Code of our country. But—and this is the important point—they were not in favour of an amendment being introduced when there was already a provision to that effect in the shape of section 194 in our Criminal Procedure Code. They suggested further that it would be better if there was no discrimination made between public servants and private citizens. In so affirming, they were on solid ground and the minority of the Press Commission appears to have given doubtful support to this standpoint and has done better justice to the cause of freedom than the majority of their colleagues on the Press Commission. The minority has said:

“There seems to be no support for the view that the criminal law as it stands does not give sufficient protection to public servants. The difficulty that might be felt by public servants serving outside the country cannot be a ground for conferring the privilege of exemption from normal processes to all public servants. The Criminal Procedure Code

prescribes special procedure under section 197 in the case of prosecution of some public servants, magistrates and judges acting in the discharge of their official duties, but they should not be allowed the benefit of the extraordinary procedure of being exempted altogether from examination prior to taking cognisance of the offence in cases in which they are the complainants.”

It is not just that public servants should be placed in a special category, that the State should incur expenses on their behalf, and that the resources of the State should be utilised for this purpose.

**Mr. Deputy-Speaker:** I suppose that it is when the public servant is accused while acting in his public capacity that this privilege is given. Is he not normally entitled to get reimbursement?

**Dr. Krishnaswami:** Yes, he is normally entitled to get reimbursement if it is proved in a Court of law that the allegations levelled against him are unfounded. But here, the expense is incurred by the State once it initiates proceedings. There is no provision made for the public servant paying damages to the State or compensation if the case against him is proved. It is a significant difference. When we are contemplating reforms in the realm of criminal jurisprudence, we must take account of the time spirit, the constitutional provisions under which we are working and more particularly the fundamental rights and the new administrative and political set-up in which we are living.

My hon. friend the Home Minister knows better than any other hon. Member in this House that Government have been taking steps to separate the judiciary from the executive. True we have our quarrels with the Government on the pace at which such separation is taking place, but nobody disagrees with the objective. Any reform of our Criminal Procedure should necessarily take account of the



new administrative set-up and should not run counter to the new set-up visualised.

The Criminal Procedure Code has been in vogue since 1898. All amendments that have been made until now have not touched the framework of the Code. The new amendments introduced by my hon. friend and approved by the Select Committee are of a fundamental nature and in many respects go against all established canons of civilised jurisprudence. I shall deal with only four aspects of the new reform, committal proceedings, disputes relating to immovable property, and the new provision—modification of sections 161 and 162 and the modification of the new provisions relating to punishment for perjury.

I have not been able to understand the purpose served by amending the procedure relating to committal proceedings. The basic foundation of a committal procedure is essentially the gravity of the offence alleged to have been committed by the accused. The more grave an offence, the more strict scrutiny is required, and therefore double scrutiny has been envisaged, in all established systems of criminal jurisprudence. Now, it is irrelevant who the complainant is. What is relevant is the nature of the offence. Can there be any rational justification for distinguishing between a private complainant and a policeman? We have to ask ourselves why this distinction has been made. It is an innovation. It has been justified on two different grounds by my hon. friend. Firstly, he relies on statistics and suggests that 90 per cent. of the cases are committed automatically to the Sessions Court; secondly, he points out that police reports are likely to be more disinterested than complaints made by private persons. I am afraid that the first ground would have little validity in the new set-up. In the past when the magistrates were under the control of the executive, there was reason for expecting that they would perhaps unconsciously act under the

influence of the executive and therefore automatically commit all accused to stand trial in a Sessions Court. But in future they would be under the judiciary. But the second point has some substance. May I ask my hon. friend a question? If police reports are so disinterested in character as to entitle their being classified into a separate category, why have a committal procedure at all, or rather why have a shadow of a committal procedure? A novel procedure has been recommended by the Select Committee. My grievance against the Select Committee is that they have not had the courage to go the whole hog with my hon. friend the Home Minister and drop the committal procedure altogether. If you are to provide for a committal procedure, you cannot take away the valuable rights which have been given to the accused in the interests of fair hearing under our Criminal Law. The advantage in the previous committal proceedings was that the accused could cross-examine and obtain discharge. The Select Committee have amended the Bill to permit the accused obtaining discharge, but how is he to be discharged if he is to be merely a silent spectator of events, if he cannot cross-examine witnesses, and if the documents that are placed in his hands do not give a complete picture of the case against him? The accused is made under the new provisions to state his whole case and is put in a very disadvantageous position.

There is another aspect of the matter which I hope the House will consider. We must realise the difficulties of magistrates. The nature of the charge depends, after all, on the type of the evidence before the committing magistrate. But if untested evidence is placed before the court the magistrate might commit the accused on a more serious charge for trial in the Sessions Court. I should like this aspect of the matter to be gone into more thoroughly, and when the time comes for clause by clause discussion, I hope to have to say something about it. I trust that the Deputy Minister of Home Affairs and my friend the

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Home Minister will keep an open mind on this issue and will attempt to meet the wishes of the vast majority of us in this House.

This is not a party question. This is something which transcends party barriers. This is a question which deals with the fundamental principle of a fair hearing for the accused. It is idle prattle to suggest that 36 crores of our people are interested in seeing that the guilty are punished and that in the process if an innocent man is punished it is not a matter of serious consequence. What, after all, is the basic consideration which has motivated my hon. friend in simplifying this procedure, or at any rate attempting a simplification of procedure? The motive of Government seems to be speed. By all means let us have speed, but let us not have speed at the expense of justice. Because, fundamentally we have to realise that unless people are confident that they are going to have justice in our courts of law, there will not be any respect for law.

I should like now to deal with the amendment dealing with offences relating to immovable property. The amendment in the shape it has emerged from the Select Committee is the most confusing and muddled piece of reform that I have ever come across. The old section of the Criminal Procedure Code laid down that the magistrate had the power to enquire, after taking evidence, as to which of the parties was in actual possession. Who was entitled to be in possession and the title to property were questions to be determined by the Civil Court. The Criminal Court, according to the old Act, exercised what in the lawyer's parlance is termed preventive jurisdiction. My hon. friend the Home Minister was logical when he suggested that the magistrate was not to decide possession, but to attach the property and then leave it to the parties to go to the Civil Court. This proposal had attractive features about it, but there was one considera-

tion against it which I believe was taken into account by the Select Committee. They thought, as many in this House do, that this procedure would in all cases lead to litigation in Civil Courts, which might be avoided if the magistrate puts somebody in possession. The other party might vanish into thin air as has happened in many cases of which we are aware. However the framers of the new amendment err in assuming that they have found a short-cut to litigation. I have never come across in all my knowledge of Criminal Procedure or Civil Procedure of a magistrate being asked to decide a case within two months, and if he does not decide it within that period, of being completed to refer it to the High Court. How is the Select Committee or Parliament in a position to determine the time-limit for these cases? We can simplify the procedure, but the High Court, after all, which exercises the supervisory control over the subordinate magistracy, is in the right position to determine whether a particular case has been dealt with in leisurely fashion, whether a particular case has been disposed of summarily or whether a particular case has not been heard properly. Besides, what is the logic of the Select Committee suggesting that the dispute should be referred to the Civil Court, and to determine what? Is a Civil Court to determine who has been in actual possession? Possession is a matter of fact. It is not a question of law. We are, according to the Select Committee, to have a reference to the Civil Court and worse, that Court is to have a time-limit fixed for deciding this fact of possession in three months. Then later legal possession has to be determined, and I suppose afterwards the legal title has to be adjudicated upon; we are to have naturally a multiplicity of suits. This is indeed speedy reform with a vengeance. I make this recommendation to the House that it should accept the new section 145 as amended by the Select Committee, omitting of course the two months' period, and retain the old section 146 of the

Criminal Procedure Code which has advantages no envisaged by my hon. friend.

I now pass on to a consideration of the most controversial reforms proposed by my hon. friend. My task has been rendered easier by the labours of my hon. friend Pandit Thakur Das Bhargava whose researches into sections 161 and 162 extorted the admiration of the House. I shall confine myself to one or two points which have not hitherto been raised in this debate. The old procedure furnished the accused with an opportunity of using statements made to police officers, only for the purpose of contradicting prosecution witnesses who went into the box. This is a most valuable right. The prosecution could not use the statements as primary evidence; it could not use them even for the purpose of discrediting witnesses. I remember that in the original Bill there was a proposal to use such statements for corroborative purposes. I am glad that the Select Committee turned down this proposal. But what is the amendment that is suggested by the Select Committee? The amendment makes the position of the accused, in some respects, much worse than what it would have been even under Dr. Katju's original Bill.

Why should these statements be used for the purpose of discrediting witnesses? After all, statements made to the police are the basis on which a prosecution is initiated. If the accused is able to cast doubts on the veracity of these statements on which the prosecution is initiated, why should he not go scot-free? The Select Committee has given the right to the police to use these statements for the purpose of discrediting prosecution witnesses. Imagine what the effects would be. The statements made to the police may be under duress. As you are well aware, constituted as our investigation department is, constituted as the police is, statements can be extorted from witnesses. If the witnesses are confronted by the

accused, this fact would be brought to light, and this in itself would tend to act as a salutary check on the police "fabricating cases". But if the police declare certain witnesses to be hostile, as can be done under the new law, then what is likely to happen is that the fact of police duress is likely to be ignored, and may not count at all in future, in our courts of law.

Further, hostile witnesses may run the risk of facing prosecution on the ground of their having been perjured witnesses. These are facts which have to be appreciated by the House, so that it may realise that this radical amendment, which has been made by the Home Minister and the Select Committee, tends to deprive the accused of a valuable right and puts a premium on evidence given under duress.

I believe it was my hon. friend Pandit Thakur Das Bhargava who referred to police reports and police statements and said that many of these statements were summaries of what were alleged to have been made to policemen. What ground is there for your giving additional rights to the police to use such statements to discredit hostile witnesses? If the basis on which a case is built collapses, then the accused must be released. There is no sense in attempting to weight the scales against the accused. I do feel that here we are against one of the fundamental premises which governs my hon. friend's thought process.

The Home Minister has in many speeches, pointed out that he is one of those who feel that the accused are having a gay time in our courts of law, that many of them are acquitted, and most of the accused deserve to be convicted. Holding such views as these, I am not surprised that he should have pleaded for more powers being given to the police. I am all in favour of investigation of crimes, but I do feel that these powers which are given to the police will work to the detriment of the accused; that a fair hearing that we wish to assure the accused, and which is enjoined on us by the Constitution, will not be

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possible. "Procedure prescribed by law" will be reduced to a farce, if we accept these suggestions of the Select Committee. I yet hope the hon. Home Minister will keep an open mind, and at least partially revise his approach to these questions pertaining to criminal procedure, so that Parliament may not be led into error and the people may not curse us for having abandoned a welfare State in favour of Police Raj.

श्री तेलकरीकर (नान्देड़): जनाब डिप्टी स्पीकर साहब, मैं आपका बहुत शुक्रनुजार हूँ कि आपने मुझे इस विषय पर बोलने का अवसर दिया। वक्त बहुत कम है इसीलिये मैं जाब्ता फौजदारी एक्ट की मुस्तलिफ दफाओं पर हाउस की तबज्जह मबजूल नहीं कलाना चाहता हूँ क्योंकि एक तो वक्त नहीं है और दूसरं यह बहुत ही बसी है, लीकन मैं इस के कुछ बुनियादी उस्लॉं की तरफ जरूर इस वक्त तबज्जह दिलाना चाहूंगा।

असल बात यह है कि हमने पिछले पचास, साठ सालों से अंग्रेजी क्रिमिनल प्रोसिज्योर कोड ही के माहोल में जिदंगी गुजारी है एक दायरा उसका हमारा अतराफ कायम किया हुआ है और हम उस दायरं से बाहर नहीं आ सकते। जिनको कि हम कार्डिनल प्रिंसिपल्स आफ जुरिसप्रुडेंस कहते हैं बुनियादी उस्ल जाब्ता फौजदारी के या यह कहिये कि जां दंड विधान के मौलिक सिद्धान्त कहे जाते हैं उनके दायरं के बाहर हम नहीं जा सकते और हकीकत यह है कि जब तक हम उसके बाहर न निकलें मैं नहीं समझता कि कोई हकीमी सुरत हमारा सामने आ सकेगी। यह ठीक उसी तहर है कि एक पेंटर ने कहा कि मैं एक खूबसूरत तसवीर बनाना चाहता हूँ और इस बास्ते मुझे अपने सामने किसी बंदर की तसवीर को नहीं रखना चाहिये लीकन धीके उसके दिमाग में बंदर की तसवीर बसी हूयी थी और उसके बार् में सोचता था

इसलिये वह अपनी कौशिश में कामयाब नहीं हो सका। बिलकुल ठीक यही बात हमारा इस जाब्ता फौजदारी कानून में तबदीली करने की है। जब तक हम उस बुनियादी उस्लॉं के कहे जाने वाले दायरं के बाहर नहीं निकलते हम कामयाब नहीं हो सकते और जब क्रिमिनल प्रोसीज्योर कोड हम बुदागना बनाते हैं तो हमारा खयाल पहले उर्नी कार्डिनल प्रिंसिपल्स की तरफ दौड़ता है और उन बुनियादी उस्लॉं की तरफ यहां पर हाउस के बड़े बड़े कानूनदां लांगों ने तबज्जह मबजूल करायी है। हमारा जिनिस्टर साहब ने इस तरमीमी बिल को रखते हुए बतलाया कि जाब्ता फौजदारी कानून में तरमीम करने से हमारा मकसद यह है कि न्याय जल्दी लांगों को मिल सके, काम की रफ्तार बढ़ायें, लांगों को इंसाफ जल्दी दिलायें और सस्ता दिलायें लीकन मेरी राय में हमारा यह आखिरी मकसद नहीं हो सकता, यह मीन्स हो सकते हैं उसकी तरफ जाने का गस्ता हो सकता है लीकन आखिरी मकसद तो मुल्क में से यह जां क्रिमिनल मेंटैलिटी, अपराध की प्रवृत्ति है इसको कम करना है और हमें दंडना चाहिये कि मौजूदा दायरं में रहते हुए हम इसको करने में कामयाब हो सकते हैं या नहीं। यह चीज महज इसी से नहीं आ सकती कि आप जस्टिस को स्पीडी कर दें। मैं मानता हूँ कि आप रफ्तार में तरक्की करते हैं लीकन सिर्फ यही हमारा मकसद और नस्बुलें नहीं हैं। असल मकसद तो यह है कि जां एक गुनाह की प्रवृत्ति है वह कम की जाय और वह हम उस वक्त ही कर सकते हैं जब हम अपने मौजूदा बुनियादी कहलाने वाले उस्लॉं में तबदीली नहीं लाते। मसलनू मौजूदा कार्डिनल प्रिंसिपल्स आफ जुरिसप्रुडेंस जिन पर हम अमलपौरा हैं उन में यह कहा जाता है कि वह बंधतर है कि पचास गुनाहगार छूट जायें लीकन एक मी बंगुनाह शल्स खस्रा न पायें। यह उस्ल हमारा सामने

रखा हुआ है और मेरी समझ में यह उद्देश्य ही बुनियादी तौर पर गलत है और क्यों गलत है इसकी वजह भी आप समझ लीजिये। आखिर हमारा मकसद क्या है ? हम यह चाहते हैं कि हमारा मुल्क में अपराध करने की प्रवृत्ति कम हो, लोग भ्रूट न बोलें, हमारा मुल्क में चोरी न हो, हमारा मुल्क में डाकें न पड़ें और कल्लेआम बन्द हो जाय और जाहिर है कि इसके लिये कुछ तकलीफ भी बढ़ाई करनी होगी। यह गुनाहगारी की मैट्रीलीटी तभी खत्म होगी जब हम गुनाह करने वालों को माकूल और सख्त सजा दें ताकि आयन्दा उनको फिर अपराध करने का साहस न हो और दूसरे लोग उनसे सबक लें। जैसे हमारे डाक्टर काटजू साहब ने भी कहा था कि आज सूरत यह हो रही है कि लोगों में गुनाह करने की प्रवृत्ति बढ़ रही है, एक अपराधी सजा फाटने के बाद जब निकल कर आता है तो फिर पचासाँ गुनाह कर लेता है और नतीजा यह हो रहा है कि गुनाहों की तादाद बढ़ती जा रही है और उनकी ख्वाहिश और फिज़ है कि किसी तरह से हमारे देश में गुनाहों की संख्या बढ़ने न पाये और उनमें कमी हो लेकिन दूसरी तरफ दूसरे देशों से यह जो हमने सिविल एन्ड इंडिविजुअल लिबर्टी का नोशन लिया हुआ है यह उस मकसद को हासिल करने में रोड़ा अटकाता है और मेरी राय में तो यह बेहतर है कि "एक बेगुनाह शस्त्र को भले ही सजा हो जाय लेकिन पचास गुनाहगार शस्त्र न छूट पायें," हमारा नज़रिया यह होना चाहिये क्योंकि अगर एक गुनाहगार छूट जाता है तो वह बाहर यह ख्याल ले कर जाता है कि गुनाह करके मैं छूट सकता हूँ और वह कल्ल का अपराधी छूटने के बाद दूसरा कल्ल या और इसी तरह के अन्य अपराध करता है और इस तरह अपराधों की संख्या बढ़ती है। यह नज़रिया इंडिविजुअल लिबर्टी और सिविल लिबर्टी का जो दूसरे मुल्क से आया है वह गलत है। मैं तो

कहूँगा कि यह बेहतर है कि एक बेगुनाह के हक की पामाली हो जाय क्योंकि एक की पामाली की वजह से हम हजारों लोगों को परेशानी से बचाते हैं। हमें एक व्यक्ति के अधिकार की अपेक्षा सारे मुल्क और नेशन का इंटरैस्ट ऊपर रखना चाहिये। हमारा उद्देश्य तो greatest good of the greatest number होना चाहिये, हमें देखना चाहिये कि लोगों में अपराध करने की प्रवृत्ति कम हो और वह इसी तरह सम्भव है कि कोई अपराधी छूटने न पाये और उसको कठोर दंड मिले।

आप को मालूम होगा, मैं मिसालन रसता हूँ, कहा जाता है कि फलां मुल्क को पहिले जमाने में मालूम नहीं था कि गुनाह क्या होता है। उन को मालूम नहीं था कि असत्य क्या होता है। लेकिन यह कैसे होता था ? उन के दिह में सत्य और अच्छापन की बड़ी अजमत थी। मैं उदाहरण के तौर पर कह सकता हूँ। धर्मसत्र ने थोड़ा सा भ्रूट कहा था कि :

"नरो वा कंजरो वा"

लेकिन इतना भी बढ़ाई नहीं किया जा सका और स्वर्ग जाते हुए उन को बड़ी मुरिकल आ गई। पुराने जमाने में सत्य की यह अजमत थी और यह अहताराम था। इसी तरह से मैं समझता हूँ कि क्रिमिनल प्रोसीजर कोड के सेक्शनस को भी बदलना चाहिये जिस से कि सत्य की अजमत बढ़े और सत्य बोलने वाले को कुछ सिला मिले। साथ ही गलत बोलने वाले को कुछ ज्यादा सजा मिले। मान लीजिये एक आदमी ने कल्ल किया फिर उस से बचने के लिये पचासाँ गलत बातें कहीं। मैं समझता हूँ कि ऐसे आदमी को दूनी सजा मिलनी चाहिये। एक तो कल्ल की सजा और दूसरी गलत बयानी की। इस तरह से यह होगा कि जो बकील उस आदमी का मुकदमा करेगा वह उस से कहेगा कि तुम मेरे भाविकल हो, मैं तुम को

[श्री तेलकीकर]

गलत बयानी से बचा सकता हूँ, लेकिन इस में खतरा है छूटने की उमीद के साथ सजा के बढ़ जाने का भी। वकील लोग इस तरह से कर रहे तभी काम चल सकता है नहीं तो आज कल की ही हालत चलती रहेगी। हम देखते हैं कि आज कल अदालतों में यह नहीं देखा जाता कि किस ने सत्य कहा और किस ने असत्य कहा, आज यह देखा जाता है कि दोनों में से किस ने कम गलत कहा है। दोनों तरफ से गलतियों के दृश्य रक्खे जाते हैं और न्यायाधीश का काम यह होता है कि सत्य को चुनने के बजाय कम गलत बोलने वाले को ही सच्चा समझें। इसीलिये बुनियादी उखल को दिला से हटा दें और दूसरे उखल को रखें।

यहां पर जितनी चीजें रफूतार बढ़ाने के लिये बताई गई हैं उन के अलावा और चीजें भी रफूतार बढ़ाने के लिये शामिल की जा सकती हैं, जैसे कॉमेटल प्रोसीडिंग्स हैं, वारंट कैसेज हैं, समन्स कैसेज हैं, समरी प्रोसीडिंग्स हैं, इन को तब्दील करने का मसला रखा गया, उसी तरह से आगे चल कर जिन कैसेज में ५० रुपये तक जुर्माने की सजा दी जा सकती है उन को पंचायत अदालत के हवाले कर देना चाहिये। वहां पर आज कल के न्यायालयों का उखल नहीं होता है। वहां पर सत्य और असत्य देखने की टर्न्टन्सी ज्यादा होती है। छोटे मोटे मुकदमों वहां चले जाये कर तो अदालतों का भी काम हल्का हो जायेगा और सत्य की भी प्रवृत्ति बढ़ जायेगी। मैं अपने वहां की एक मिसाल बताता हूँ। वहां हाल में पंचायत काम हूई हैं। उन में अदना अदना आदमी शामिल हैं, लेकिन हम देख रहे हैं कि वहां प्रवृत्ति सत्य की ओर बढ़ती जा रही है। वह लोग समझते हैं कि इस तरह से जनता के साथ बर्ताव करने से लोग हम को सच्चा समझेंगे और हमारी इज्जत बढ़ेगी। तो आप अदालतों के बजाय जो छोटे छोटे गुनाह के मुकदमात हैं उन को पंचायतों को दें

दीजिये। इस तरह से जो क्रिमिनल प्रोसीडिंग्स का एलंबॉर्ट प्रासेस है उस में जनता की सहूलियत की नजर से भी कभी करने की जरूरत है। इस से असत्य भी घट जायेगा और सत्य की प्रवृत्ति बढ़ेगी।

चन्द दंगत की तरफ भी मैं आप की इजाजत से इशारा करना चाहता हूँ। बाबू दफात के मुताल्लिक यह कहा गया है कि फलां चीज से नाइन्साफी होती है, फलां चीज से नाइन्साफी होती है। दफा १६२ के बार् में कहते हैं कि एक्ज्यूट को मजबूर क्या किया जाय कि वह बयान दें? मुझे ताज्जुब होता है कि यह कहा जाता है कि वह अपना बयान देगा तो उस के हालात सामने आ जायेंगे, उस की गुनहगारी साबित हो जायेगी। आप लोग डर रहे हैं कि कहीं उस का गुनाह सामने न आ जाय। मैं तो कहता हूँ कि उस के बयान से उस की गुनहगारी मालूम हो जाय तो और अच्छा है शायद वह कुछ अपने मुंह से ऐसी बात कह जाय जिस से कि उस का गुनाह मालूम हो जाय। आप इस से घबराते क्या हैं? मैं देखता हूँ कि इस देश में हमेशा गुनहगार को ज्यादा ही महफूज रखा गया है। मुझे यह कहने में कोई दरंग नहीं है, मैं वकील हूँ, मैं न वकालत की है और जिन उखलों को आप रखते हैं उन्हीं के जरिये मैं ने मुलाजिमों को डिफेन्ड किया है, हालांकि मुझे मालूम था कि वह गुनहगार हैं लेकिन मैं ने उन को बैंगुनाह साबित करने की कोशिश की है। मैं जानता हूँ कि हमारी अदालतों में क्या होता है और उन को बदलना ठीक ही है। मैं समझता हूँ कि हमारे होम मिनिस्टर ने बड़ी हिम्मत की है बहुत सी चीजों में तब्दीली कर के, और मैं उम्मीद करता हूँ कि वह तब्दीलियां गुनहगार को पकड़ने में काफी मददगार होंगी।

इस तरह से मैं इस बिल की तार्इद करता हूँ लेकिन जैसा मैं ने अमेन्डेमेंट दिया था कि इस बिल को पब्लिक की

राय जानने के लिये भेज दिया जाता, उस के बाद अबसर नों बिल को ठीक से लाया जाता और उस में नये उस्तों पर अमल किया जाता तो ज्यादा अच्छा होता ।

**Shri Sadhan Gupta** (Calcutta—South-East): In the short time that is available now, it would be impossible to go into the details of the clauses or even perhaps to refer to all the clauses of the Bill that are mischievous. Therefore I shall confine myself to the salient features in the Code and refer to clauses as little as possible.

It has been mentioned by more than one hon. Member that this Code is a British law. I can say at once that I am not a *stutipathak* of British law like Mr. Deshpande. Of course, I once was. I could not help that because the propaganda let loose by the British and even supported by some of our national leaders had convinced me that the law that the British gave us was at least just, whatever tyranny they might have imposed upon us. But, through my practice in courts and particularly through my political experience, I have learnt to detest British law, at least as far as the punishment of crimes and procedure in the matter of crimes is concerned. The British came not on a mission of philanthropy but with a definite and sinister object, the object of looting as much as possible from our impoverished land. For this, machinery was necessary and the Criminal Procedure Code was part of such machinery. The first Code, as far as procedure in the mofussil courts is concerned, was enacted in 1861. With the memory of the Sepoy Mutiny which had just shaken British power to its roots, with a spirit of nationalism smouldering and sometimes even bursting forth in minor explosions, with growing indignation and hatred against the British indigo planters and tea planters and other ruthless representatives of British imperialist and capitalist enterprise, the Code was what it was expected to be, a law full of a spirit of contempt for the civil liberties of the

people and their right to be protected from the arbitrary interference by the executive and, particularly, the oppressive and corrupt police. As expected, it made the police the supreme arbiter of the destinies and allowed them a free hand in harassing, oppressing and terrorising the people of those days in the name of investigation and security for good behaviour and so forth. It gave the magistrates the unrestricted right of restricting the civil liberty and the public and even the private activities of the citizens. True, there were certain good provisions. The provisions regarding trials, with certain exceptions, were, on the whole, satisfactory and even commendable. But, this was only to be expected because, however oppressive a tyrant may be, conciliation must necessarily form a part of his tactics of oppression and exploitation. The better provisions—whatever provisions there are—for protection against the executive, and particularly, against the police, came much later and as a result of the discontent of the people against oppression. Mr. Deshpande will perhaps correct his lofty impressions about this British law when I tell him that such provisions as those prohibiting use of police statements for corroborating prosecution witnesses and only limiting them to contradiction were not given to them out of grace, but were forced in order to conciliate a seething people. Even the right of *habeas corpus*, which is the elementary right in every civilized jurisprudence, was conferred only the other day on High Courts, apart from High Courts in the Presidency towns and even in their case the jurisdiction was confined only to the limits of the presidency area of the town. I said that the provisions regarding trials were on the whole satisfactory, but even there, serious inroads were made. All sorts of special courts were created where difficulty was apprehended. There were courts of special magistrates; jury trial was not made universal, and of course, when need arose, the Code was freely superseded by laws providing for special courts and special tribunals, of which we cherish such

[Shri Sadhan Gupta]

horrid memories. This Code has an ugly history and an anti-national background and it is being sought to be amended. There can be hardly any doubt whatever that such a detestable Code does need amendment; it needs amendment to provide a procedure which will secure justice with speed and little expense, and as a necessary corollary to the need for securing justice, there should be adequate and full opportunities to the accused for defending himself. In a land which is supposed to be independent and democratic, it must also de-bureaucratise the administration of justice and provide for the association of the common people with its administration as much as possible. Above all, it must guarantee that the innocent citizens do not have their civil liberties interfered with or be harassed by the police or even those guilty citizens have not their civil liberties unduly interfered with or unduly harassed. It must also establish equality between all citizens, from the highest to the lowest, in the economic, political or administrative hierarchy. The tests by which this Bill must be judged are precisely these very tests. The Home Minister has given a list of the good things that the Joint Committee has done, but what we are concerned with is not whether the Joint Committee has made a very reactionary Bill a little less reactionary, but whether the Joint Committee has given us a Bill which secures speedy and inexpensive justice and offers adequate opportunities of defence to the accused. Does the Bill rid judicial administration of bureaucracy and associate the common people with it? Does it secure equality among the citizens in any aspect of the administration of justice? Does it protect citizens from interference with their civil liberties and from harassment at the hands of the executive and particularly the police? In all these respects, this Bill has not only miserably failed, but has in fact rendered the British Code more reactionary than it has hitherto been. I shall not deal with the details of this matter. It has been discussed at length by various speakers. In the

name of justice, speedy justice, really nothing has been done except to inflict injustice on the accused; how in the case of defence of the accused, the rights of defence have been curtailed and so on and so forth. In the matter of judicial democracy, in the matter of associating the common people with the administration of justice, what has been done is not to extend the jury system, but to abolish the assessor system. No one is in love with the assessor system, but I must say that where the jury system is not introduced, the assessor system is at least a better system than a trial by the judge alone, because whatever the limitations within which an assessor works, he has an opportunity of giving an opinion and he gives an opinion which is supposed to help the judge in arriving at a conclusion. That is not a good thing, but that is a better thing than having none of the common people associated in the matter of justice.

In the matter of using statements made before the police, it has come up for considerable criticism. I shall not deal at length with that aspect of the matter, because I have no time, but there has been a recent judgment by a judge in this very city in which he said this about the manner in which the police carries on investigation. It was in a Press report and it appeared in *The Statesman* of Friday. About the manner in which the investigating officer succeeds in getting witnesses, the judge said that it does not require much imagination to infer that facts procured in this fashion not only could hardly be called fair or independent, but it amounted to almost extorting from witnesses that the accused was a murderer. That is how a Sessions Judge of this city feels. It is provided that even in the case of statements like this—extorted statements—on the strength of that, prosecution witnesses can be declared hostile. What is the justice in it? A prosecution witness may be telling the perfect truth. Yet on the basis of a statement which he perhaps never made or which has been extorted from him, he will be declared hostile



and everyone knows—you know as a lawyer—that once a witness is declared hostile, his evidence is of no use. Why should the defence be deprived of a favourable evidence because the police chose either to extort a contrary statement or to write down in the name of the witness a statement which he had never made? On this ground I strongly object to this provision.

I have no time to go into the other provisions, but I will just refer to the provision about defamation, and in particular Dr. Katju sought to support his section 198B and so forth on the ground that the Press Commission wanted it. May I point out at once that the Press Commission or rather the working journalists in the Press Commission disagreed with it, and it is really the working journalists who are concerned with the measure and not others, and the working journalists' opinions are entitled to the highest respect. Dr. Katju also said that the Federation of Indian Working Journalists wanted the procedure under section 194. That is not correct. The position that the Federation took is amply illustrated in the proceedings of the Select Committee and it is also reiterated in their statement. They have clearly indicated that they are unreservedly opposed to any kind of distinction between citizen and citizen, whether President, Vice-President or Rajpramukh. I entirely endorse the view because there is no sense in putting the President, Vice-President, Governor or Rajpramukh above everyone. If the President, Vice-President or Governor is entitled to respect, he must win the respect by his own character, by his own personality and not by virtue of office. Can Dr. Katju point out a single country in which the President, Vice-President or Governor enjoys these unusual rights,—rights in respect of defamation, rights even in respect of their position as witnesses?

**P.M.**

Every witness is entitled to have his evidence evaluated and every party is entitled to have the witness's evidence

evaluated without any consideration as to his political standing which is divorced from his personal standing. What is provided is that the President or a Governor or a Rajpramukh must be treated on a footing entirely apart—as if they were descended from Heaven, in the matter of treatment of witnesses. They could not be examined in open Court. They will not be made to come and get into the witness box. They will be examined on commission. It is clear what kind of impression it will have on a Court. It would put a premium on their evidence. For all you know, the President may be a characterless person in our society where the President is elected by the Legislatures and where the Legislature is under party control. It would be possible for him to bribe his way to Presidentship. It does not follow that a President will always be like the President we have or that a Vice-President will always be like the Vice-President we have. Therefore, why should such persons merely by virtue of their office have a privilege, a privilege which they do not merit as personalities?

In conclusion, I want to say that here is a Bill which in the name of speed, strips the accused of his elementary rights of defence, in the name of justice, makes the executive supreme, in the name of giving an opportunity to expose corruption, seeks to stifle and strangle the voice of criticism. All this may be good for Congress Governments. I know all this would be excellent for Congress Governments. They have at least some Ministers in their ranks who, though they get only Rs. 500 before the war, could yet display such financial wizardry that they could put up palatial buildings. All this may provide a shade, a much-needed shade, for many a shady deal. But I warn the Government that people do not think it is good for them. The timorous ripples of doubt that arise from the Congress ranks as a whole and the protests that arise from our ranks only reflect, very inadequately reflect, the indignation of the people.

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The Government may find that ultimately they have created more trouble than they reckoned for. I would, therefore, request them once again not to play with the rights and liberties of the people and I would request that good sense may dawn on them and they may yet withdraw the Bill and present a proper Bill which will secure civil liberties, which will secure speedy and inexpensive justice, which will secure the accused the rights of defence and which will secure democracy in judicial administration or at least do away with the rank bureaucracy that prevails in the judicial administration.

**Mr. Deputy-Speaker:** I am sorry there is no time to call upon other hon. Members.

**Shri L. N. Mishra (Darbhanga cum Bhagalpur):** I have been waiting for a long time. You promised me.

**Mr. Deputy-Speaker:** Of course. How long will the hon. Member take? It would not be right for me to give only, say, five minutes. Yes, the hon. Minister.

**Dr. Katju:** If I have the slightest consciousness that the Bill was calculated to produce results which were painted in such lurid colours by my hon. friend who has preceded me, I tell you I would tear up the Bill.

**Dr. Lanka Sundaram:** You said that last time.

**Dr. Katju:** So much eloquence has been heard on this, I thought very unsentimental matter, that sometimes I am amazed. The Bill contains no less than 43, what I might call, major amendments, and 20 minor amendments. Hon. Members have spoken about piecemeal legislation. I heard it, and wondered, because every single section of the Code of Criminal Procedure has been read over, considered, pondered over, opinions invited and, rightly or wrongly, we took a particular view. To think of this thing as a piecemeal legislation, as a tinkering with the infinite problem, is, if I may say so, without meaning any offence,

really a misuse of language and not the proper way of dealing with this Bill.

Something was said about the Law Commission. Hon. Members have been supplied with four bulky volumes, at least three of them are fairly bulky, very closely printed. I had the figures collected and I found that 27 State Governments have sent considered opinions on every single provision in the Bill. 13 Chief Ministers, in their personal capacity or as official heads of their cabinets, five Governors, our Attorney-General, 11 advocates from the States—I know personally that they have written after consulting the senior and junior members of the Bar—and the Judges of the Supreme Court have done the Government of India the honour of having gone through the Bill and sending the Government their individual opinion.

**Shri S. S. More:** The opinions of the Supreme Court Judges on the provisions of the Bill are not printed. Only the replies given by them to the memorandum that has been circulated have been printed in Book C.

**Dr. Katju:** Mr. More will be welcome to the Home Ministry. He shall have the whole file placed before him. All the Members will be welcome.

**Dr. Lanka Sundaram:** It is all over.

**Mr. Deputy-Speaker:** They say those opinions have not been circulated.

**Dr. Katju:** They are there. The Members have been supplied with these four fat books. If you do not have them, I shall let you have them this evening.

**Mr. Deputy-Speaker:** Has any hon. Member on this side not been satisfied with the opinions given, and has he written to the Minister for those opinions?

**Shri S. S. More:** The hon. Minister made a statement that the Judges of the Supreme Court replied to the provisions of the Bill. My submission is that before that, a very exhaustive memorandum was circulated by the

Home Ministry under the signature of Dr. Katju, and the opinions were elicited to that memorandum and not to the particular provisions in the Bill.

**Shri N. C. Chatterjee** (Hooghly): Their Lordships of the Supreme Court have never tendered their opinion on the provisions of the Criminal Procedure Code (Amendment) Bill. What we have been supplied is, Book C, printed from page 309 onwards, which is in reply to the memorandum which Dr. Katju had circulated prior to the introduction of this Bill.

**Mr. Deputy-Speaker:** Are there any independent opinions given by the Judges of the Supreme Court regarding this Bill?

**Dr. Katju:** The Bill follows the memorandum. Book B contains the opinions received on the Bill. Book C contains the opinions received from the Bar.

**Mr. Deputy-Speaker:** Whatever is there, is there in the Bill. There is no other opinion apart from what has been printed. Very well.

**Shri N. C. Chatterjee:** The hon. Minister has said that the Judges have been kind enough to record their opinion on the provisions of the Bill. What I am pointing out is that it is only on the memorandum. It is only fair if you could be good enough to supply us copies of their opinions on the Bill. They are very important and are entitled to the highest respect.

**Dr. Krishnaswami:** We should like to have the opinions of all the Advocates-General.

**Dr. Katju:** Very good.

**Mr. Deputy-Speaker:** The hon. Minister may make it clear. If opinions have been received from the Judges of the Supreme Court only on the memorandum, it is better to say so. If on the other hand opinions have been received on the provisions of the Bill, apart from the memorandum, and if they are being referred to here, it is but natural for the other side to

say that those opinions ought to have been circulated.

**Dr. Katju:** Every opinion that has been received has been summarised either in Book C, or Book D and there is no other opinion. The Bill closely follows the memorandum, with some minor changes. I was suggesting that all the Judges of High Courts have considered this measure. One hundred fifty Judges, five Judicial Commissioners and 67 District and Sessions Judges have sent their opinions on the Bill.

**Dr. Krishnaswami:** Have they approved of the Bill?

**Mr. Deputy-Speaker:** All the opinions are there in the papers circulated. What is the good of asking for a synopsis?

**Dr. Krishnaswami:** He was referring to the opinion of the Advocate-General.

**Mr. Deputy-Speaker:** He said there is no other opinion except the ones circulated.

**Dr. Katju:** Everything you find in these books.

**Mr. Deputy-Speaker:** The hon. Minister should be a little more precise.

**Dr. Katju:** Do you depend upon these gentlemen to do me any favour. I was suggesting that nearly 500 opinions have been noted and summarised in these Books C and D. Apart from that there are opinions which were collected in the previous years. Now what would a Law Commission do?

**Shri S. S. More:** They would cross-examine the witnesses.

**Mr. Deputy-Speaker:** I am not prepared to allow this kind of interruption. Does the hon. Member want the Minister to proceed or not? I am not prepared to allow the hon. Member to go on interrupting. He will kindly resume his seat.

**Shri S. S. More:** It is my right. I have every right as a Member.

**Mr. Deputy-Speaker:** The hon. Member has no right to go on interrupting and make the work of this House impossible.

I am shortly going to put the motion to the House. I shall then allow the hon. Member to raise not one hand but both the hands.

**Shri S. S. More:** Under what rule?

**Dr. Katju:** Any suggestion now at this stage after about eighteen months of travail and closest examination by all the Judges, Advocates, associations throughout the country, a number of letters printed in the newspapers, editorial articles, that the matter should be referred to the Law Commission would do no particular good to this Bill, or this particular piece of legislation. I do not want to use provocative language, but this appears to me to be only a dilatory motion.

This Parliament is not going to surrender its authority, to abdicate its functions, law-making functions, to anybody. Supposing a Law Commission is appointed today. Very well, it takes, two years, three years, four years, or only six months. It makes certain proposals. It will be open to Government to say: We agree with the recommendations of the Law Commission or we do not agree with them. The whole report will be subjected to examination.

Let me give the House an instance. Before this Bill was introduced in the memorandum which was circulated it was suggested that defamation may be made a cognizable offence, the idea being that in addition to the public servant defamed who may go as a private complainant, Government must also have an opportunity of having the matter investigated by a Judge. Now that was mentioned in the memorandum in the month of September 1953. The matter went on. There were discussions about it and opinions were received on the memorandum. This very question was considered by the Press Commission. Now the Press Commission was an independent body. The Press Commission has submitted

a one thousand page report. Most of its recommendations have been welcomed. At any rate, no one would dare suggest that it was not an independent body. It was presided over by a distinguished Judge of the Bombay High Court. All its members were eminent public men. I will single out one name, that of Shri C. P. Ramaswami Ayyar, a most distinguished lawyer in his own time, a great advocate, a civil administrator, a great figure in our public life. By a majority of seven to four the Press Commission has reported, not on the procedure,—I shall come to the procedure later—but on the main point, that it is desirable that there should be another mode of investigation into this matter, it is said in so many words that in addition to the public servant defamed, Government should also have a right to institute criminal proceedings and to have the matter judicially investigated.

Having said so on principle, the procedure they have suggested is not a reference to the Advocate-General or a reference to the Public Prosecutor, or the launching of proceedings before a Sessions Judge or before the High Court. They say that Government should authorise the superior authority,—if I am an inspector, then my Superintendent, if I am a Superintendent of Police,—then the Inspector-General,—to go and launch a complaint for investigation into that matter.

This particular provision about defamation which has been approved by the Joint Select Committee, was referred to as foolish, as retrograde, as reactionary, as destructive of the liberty of the Press and so on and so forth. No one then said that this is a matter which apart from Government has also been considered by an independent Commission and therefore the verdict of the Commission is entitled to some weight. It is the verdict of an independent, impartial semi-judicial body, which has brought an objective mind to bear upon this matter.

This brings me, Mr. Deputy-Speaker, to another point. As I said, the Bill goes deep into procedure in a variety of its aspects. I do concede that every single Member is entitled to rise and say: "I condemn this particular provision." Very good. But no one has said, excepting one or two that in this particular matter the Government is fortunate enough to have the majority view in support of it. So, it is not purely the view of Government; it is also the view of a Commission.

Hon. Members have been saying: "The Law Commission should go into this matter so that there may be an investigation by an independent body and a variety of opinions may be collected. The Press Commission has been sitting for twenty-two months and its recommendations will come before Parliament in one form or another. This particular matter has come before you because it deals with a subject of general interest, relating to criminal procedure.

My submission, therefore, is that in regard to this Bill, the matter has been under investigation, has been under consideration for the last three years—from the beginning of 1951. I say with all seriousness and with the fullest sense of responsibility that no one here is anxious in the slightest degree to let any innocent man suffer. No one is in the slightest degree anxious to interfere with the main proposition that the accused is entitled to the benefit of doubt; he is entitled to be presumed innocent till he is proved guilty. But the state of affairs in the country everywhere is not sound so far as the administration of criminal justice is concerned, because there is so much delay. I am not saying you should in any way hamper the accused in putting forward of his case. But suppose you find that two or three years elapse. I had a case yesterday or day before yesterday where commitment proceedings lasted thirteen months. It was a very abnormal case. The usual delay is five, six or seven months; and the trial

before the Sessions Court commences four, six or seven months later. There are very few cases in which a murder case is disposed of within twelve months by the Sessions Judge.

I am not dealing here with the quality of justice. But it is desirable, as one hon. Member from here and one from there said, that the matter should be disposed of without delay. If you keep an innocent man in jail for twelve months, can you imagine of a more shocking piece of cruelty, with the trial and a sentence of death hanging over that man's head from day-to-day?

That is the object of the whole Bill, and I do submit that in this matter the Law Commission will not be able to render you any assistance whatsoever, because the matter has been so fully examined from every conceivable, every possible aspect by Judges, by Public Prosecutors, by the highest officers, by the Attorney-General, by Bar Associations.

My friend Mr. Gopalan said—his amendment is of a limited description—he says: circulate it or rather refer it back to the Joint Select Committee for consideration of the matters mentioned by me. And there specific reference has been made to four, what we call, preventive sections of the Criminal Procedure Code. In a way you may be right in saying it is really substantive, or it is substantive *cum* procedural. The Joint Select Committee took the view that it was an important matter, it was necessary that public opinion should be collected upon it, and it also said this—I do not know whether it says so or not in the Report—but at the meetings it was suggested, let this stand out, let it be referred for public opinion, to the public at large, to the State Governments, to the professional opinion and the Government should bring forward another Bill. And then it was said in one Bill all things have been said about this matter or that matter, if anyone suggests that something is imperfect somewhere or requires rectification it might be done.

[Dr. Katju]

But what I was suggesting was that those four matters, what you call the preventive sections, that is sections 107 to 110 plus section 144, they stand upon a pedestal of their own. They are unconnected with the main things. What is the meaning of the Criminal Procedure? How should a case start, how it should be continued, what method of trial should there be—that is all that is Criminal Procedure in substance.

Please remember that this is not in any way connected with the Penal Code. The Penal Code is quite different. You may appoint a Law Commission, or you may take any method of investigation into the Penal Code, and the Penal Code may say that notions of criminality have changed, a black-marketeer for instance should not merely be given a punishment of a fine of fifty rupees or one month's imprisonment, having regard to the seriousness of his crime he should be sentenced to seven years, or that times have changed, new crimes may have developed, some crimes may be minimised (some crimes against property), some crimes may be intensified or may be magnified and so on. But that is all regarding the Penal Code. It has nothing to do with the Criminal Procedure Code.

Similarly you take evidence. I am saying this because some observations were made that all these three things were connected with one another. I respectfully submit it is not so. What is the Evidence Act. When I went to the law college I was told that Evidence Act means this: suppose a witness says 'I have heard it', produce him to tell what he has heard; if he has seen it, produce him to tell you what he has seen. This is the gist of the Evidence Act. It has nothing to do with the Criminal Procedure Code. The two things are different.

**An Hon. Member:** Law simplified!

**Dr. Katju:** My respectful submission is that you cannot hold up the Criminal Procedure Code because the Evidence Act has now become eighty

years old and may require consideration in the light of public opinion or professional opinion.

I will not deal with this matter any further because my hon. friend the Deputy Minister has already dealt with it, and that is quite sufficient for my purpose.

What happened at the time of considering the motion for reference of the Bill to the Select Committee has again happened. There also these points were raised, and I submit—I do not say it binds anyone—but consideration of a motion for reference of a Bill to a Select Committee means whether the House agrees with the broad principles of the Bill or not. At that time also there was a specific motion for circulating the Bill for eliciting public opinion. The House turned that motion down. And then my hon. friend Mr. Chatterjee wanted its reference to a Law Commission. That was also turned down, and the House said 'we will go into it'. And the Joint Select Committee consisting of forty-nine Members, mostly eminent lawyers, coming from all parts of the country, acquainted with the conditions prevailing in different parts of India, they considered the matter in a most painstaking manner, every single thing. The House knows, and the Members of the Select Committee will bear me out, everyone brought a perfectly open mind to the discussion; there was no question of guidance of any sort or description there; and a report has been produced before you.

The virtue of that report is this—I had made a sort of summary here—that out of all the points raised, the difference of opinion is so slight. As I said, there are forty-three major amendments and twenty minor, altogether sixty-three. Out of these the one which excites the greatest comment is defamation, and there are six Notes of Dissent on it. On two, one about honorary magistrates and another about summons procedure, there is one Dissenting Minute. Otherwise this is a vast majority. Similarly on two, that is section 107 and warrant

procedure, there are just two Dissenting Minutes. The biggest one, as I said, was on defamation. That of course has excited the greatest interest; I do not know why. Because it is really not a matter for lawyers; it has got some politics into it.

Anyway, the Bill now comes before you not on the authority of the poor Government or of the Home Minister, but it is backed by a large section of Members of this House and the other House who have bestowed pains over it, who have bestowed time over it, and taken a completely detached view of the matter. Let us assure you—and I think my friend Mr. More will bear me out, and everyone will—that every single Member of the Joint Select Committee was, day in and day out, throughout the sittings, most emphatic that nothing should be done to jeopardise the interests of the accused person. Every single amendment that has been made—though it may be condemned now, I do not blame that—was effected in order to protect the accused.

I will give you just one illustration and that brings me to the main point. My hon. friend for whom I have got great regard, dealt at length with the commitment procedure, and he said that he has been long in favour of doing away with the commitment procedure altogether, that the accused should go from the police direct to the Sessions Court. He said that the original suggestion that was made in the Bill as drafted was a sound one and should have been accepted. He says that something has now been done, hotch-potch, neither fish, nor fowl nor good red herring. He said, I am ashamed of that procedure; that is what he said. I rubbed my eyes. As a poor advocate, I always thought that the stronger the case, the more moderate the language and the weaker the case, the greater you shout and the Judge pays you for it. I submit I considered this because this is one of the big points raised in the debate by everybody. He said Dr. Katju's original Bill was quite all right, and this Bill is quite all wrong. Why?

Because, it is something extraordinary; it does not allow the right to cross-examination. I am a simple man. He might have thought that this point was clear. Shri Frank Anthony caught it, Shri N. C. Chatterjee caught it, Pandit Thakur Das Bhargava caught it; everybody caught it. Were these 49 people of the Joint Select Committee blind, including Shri S. S. More that they did not catch this point?

**Shri S. S. More:** He is inviting an interruption from me.

**Dr. Katju:** Why did they do so?

**Pandit Thakur Das Bhargava:** All the State Governments supported it; the Home Minister himself supported it.

**Dr. Katju:** I won't yield. They may put the question to themselves as to why the Joint Select Committee had agreed to it.

Let us take the picture. Let me assure you that I am not wedded to it. When we have the clause by clause discussion, you may make any change you like. But, please consider this from the point of view of the Joint Select Committee. The original Bill was constructed upon two or three principles. First, the diary statements, which, we all know, are the very foundation of every criminal trial. Say what you like, if any prosecution witness departs in anyway from the diary statement, the case is finished. You may say that it is something cooked up by the Police Inspector. If the defence counsel is able to bring about a contradiction or divergence between the diary statement or the substance of the diary statement and the statement made by the witness at the trial itself, the case is finished. That is the reason why they said that a copy of the diary statement should be given to the accused at the earliest possible opportunity. The scheme of the Bill as presented to the House was that in order to stop suborning or winning over of witnesses, the statement

[Dr. Katju]

should be recorded as early as possible under section 164 before a Magistrate on oath. You know, Sir, that by merely recording, you do not make that statement admissible against the accused. What you do is, you bind the witness down to a particular statement. If he contradicts himself, he may be confronted by the section 164 statement and he may be punished for perjury; but it is no evidence against the accused. The evidence against the accused is that statement which is given at the Sessions trial or before the Magistrate. The original Bill proposed that in order to make a witness not sell his soul or depart from his statement, he should be examined before a Magistrate. The House knows what happens. At the original debate, many of my hon. friends here, perfectly rightly, said that a statement under section 164 should be considered to be tainted, that the accused is not there, that the witness is under the influence of the police and he may be made to say anything or do anything and so on. We thought over this. We said that there is a great deal of force in it. What has to be done? The witness should be examined in a freer atmosphere: he has to be examined before a Magistrate. Under the original Bill, suppose there were four eye witnesses, the eye witnesses may have been taken to four Magistrates on four different occasions. We said that we will cut that out and we will bring all the four witnesses before the Magistrate when he takes up the case. Under the original Bill, please remember, the case had to go before one Magistrate in order to enable him to say as to whether the case should go to a Magistrate or the Sessions Judge. We said, let the statement under section 164 be taken before the so-called committing Magistrate in the presence of the accused, in the presence of his lawyer and in a free atmosphere, where no objection can be taken that the witness was entirely under the thumb of the police and that the Police Inspector was, so to say, riding over the Magistrate himself and

inducing the Magistrate to take down anything that the Inspector suggested. The question at once came up, what about cross-examination. The Joint Select Committee considered it; I was not very lukewarm about it. The Joint Select Committee was basically inclined to protect the interests of the accused. They said that it is true that at least in 90 per cent. of the cases, there is no cross examination before the committing Magistrate. The more serious the case, the graver the offence, the defence counsel is most reluctant to cross-examine. In 10 per cent. of the cases, there may be nominal cross-examination. In one or two per cent. of the cases, a few questions may be put. But under section 288,—I think Pandit Thakur Das Bhargava referred to it—the accused having got the right to cross-examine, that statement made before the committing Magistrate becomes admissible as positive, definite evidence against the accused and can be transferred to the Sessions file. The Members of the Joint Select Committee said, we would rather not have it. Only that statement should be evidence against the accused which is made by the witness before the Sessions Judge. Otherwise, what happens? A witness makes a statement before the committing Magistrate today. There is no cross-examination. He goes to the Sessions Court and he departs from his statement before the committing Magistrate. If the prosecution can make out or if the Sessions Judge has reason to believe that the witness has been won over, the Sessions Judge says, you can cross-examine him. He is confronted with his statement before the committing Magistrate on oath, on which there has been no cross-examination. The Sessions Judge takes up that statement and writes in his judgment that the statement of this witness before me is false, the statement which he has made before the committing Magistrate is right and I convict the accused on that statement. This is what the Sessions Judge does. Ask Shri N. C.



Chatterjee; he will tell you. The Members of the Joint Select Committee were not prepared for this. They said, what is the good of this cross examination; the cross examination never takes place in 90 or 95 per cent. of the cases; yet the accused runs the risk of the statement being made evidence against him in the Sessions trial. It was from that point of view that the Members of the Joint Select Committee said that there should be no cross-examination. When you consider the Bill clause by clause, if any opinion is expressed that this should be struck out, I shall be prepared to strike it out. Let it be open. Wait. In 95 per cent. of the cases, by choice, there will be no cross-examination. And there will be this risk, viz., the statement being taken over to the Sessions file, if the witness makes the slightest departure from the committal statement. Now, I am only saying this because the Members of the Joint Select Committee did not have much opportunity to speak here and a good many harsh things were being said against them, and I thought somebody should put the case on their behalf. That is the gist of the matter.

That brings me to Mr. Anthony's point. Mr. Anthony said: "Look at this poor accused person. He runs the risk of being examined twice—once by that dreadful man, the Magistrate, and another time by the Sessions Judge." He was saying this in his melodramatic manner, in his wonderful manner. I tell you I sometimes hear his speeches in my dreams. He was saying all that, and I scratched my head. I say that in a majority of cases the accused says before the Magistrate: "Sir, I reserve my defence. I shall answer before the Sessions Judge."

**Shri Frank Anthony** (Nominated—Anglo-Indians): And an adverse inference is raised.

**Dr. Katju:** He keeps silence, mum. I am not saying what he can do or what he cannot do, but his risk is nominal, non-apparent. What does the Magistrate say? The Magistrate asks him: "Have you committed this theft?" He says: "No, Sir." "Have

you committed this murder?" "No, Sir". Then he asks: "Have you heard these witnesses come before you? Have you got to say anything in this case?" He says: "I reserve my defence, and I shall say it before the Sessions Judge".

**Pandit Thakur Das Bhargava:** Most unusual.

**Dr. Katju:** I am perfectly willing to meet him half way or the whole way. What does he want? What do you want? Bring it. If you say the Magistrate should look at him and not put any questions, then very well.

Then, there is another point. My hon. friend Pandit Thakur Das Bhargava who, as the newspaper says is a legal luminary, said: "Have you ever heard of a man being discharged on incomplete evidence?" I tell you, I again rubbed my eyes in wonder. What is discharged? Here is a retired Judge, Mr. Chatterjee. Ask him. I have got here many opinions given by Supreme Court Judges. Correct me if I am wrong.

**Pandit Thakur Das Bhargava:** It is perfectly wrong. Since you ask me to correct you, let me correct you now. This is perfectly wrong that I stated that any person can be discharged on incomplete evidence. Any person can be charged on incomplete evidence. I can understand that if there is a *prima facie* case. But any person cannot be discharged on incomplete evidence unless evidence is finished.

**Dr. Katju:** Very well.

**Pandit Thakur Das Bhargava:** Don't put absurd things in my mouth.

**Mr. Deputy-Speaker:** There is a world of difference between charging and discharging.

**Dr. Katju:** I only say that the law today as it stands is, on the strength of the judgments of all the High Courts in India and the Supreme Court, that it is not the function of a Magistrate—a Committing Magistrate—to go into the rights or wrongs,

[Dr. Katju]

the truth or otherwise of the prosecution case. If three witnesses come in a murder trial and say that they saw with their own eyes the accused cutting the throat of the deceased, and on the side of the accused three witnesses come who say that on that day at that hour they saw the man in Calcutta while he is supposed to have committed the murder at Delhi, then the rulings are perfectly clear that it is not the function of the Magistrate to say which set of witnesses is telling the truth. He must commit the case to Sessions, because there is a *prima facie* evidence, and it is only the Sessions Judge who can go into it. Now, that is the law. Now, I suggest to you that here the Magistrate will have before him the diary statements, the statements under section 164—then any statements which he may himself record. The poor Joint Select Committee I tell you has done wonders. You do not recognise it. While cross-examination is forbidden in the interests of the accused, permission is given to the accused,....

**Shri Pataskar (Jalgaon):** In the interests of the accused?

**Dr. Katju:** ...to his lawyer to suggest any person that he may ask through the Magistrate....

**Pandit Thakur Das Bhargava:** Where is the permission? It is not given in the clause.

**Dr. Katju:** The Magistrate can examine the witness. The Magistrate can put questions to the witness. Very well. Now, the original proposal in the Bill was that the Magistrate should send the accused to the Sessions. Now, Member after Member, I think including Mr. More, got up and said: "Supposing there is not a bit of a case, not a scintilla of evidence against one man, won't you allow him to point out this to the Magistrate?" The Magistrate reads the diary, reads the statements, reads all other evidence, and says to the Public Prosecutor or the Prosecuting Inspector: "You have got 20 accused here. What about Sham Narain? There is no evidence

against him. Will you point out to me if there is any evidence against him?" And he says: "There is none." Then, why drag poor Sham Narain to the Sessions Court? Please remember the Joint Select Committee people fought for that one unfortunate person. If you want that nobody should be discharged, I am very happy. Send everybody to the Sessions Court.

Now, this is the whole burden of the song—for three days it has been sung in this Parliament, in this Lok Sabha—that the committal proceedings suggested by the Select Committee is wonderful, unheard of, a monstrosity, but I tell you that this monstrosity has been constructed solely in the interests of the accused.

**Shri Pataskar:** No, no.

**Dr. Katju:** Otherwise, I am perfectly willing, if the Members of the Select Committee will agree with me, to go back and say that every case should be committed to the Sessions—no question of cross-examination, no question of examination, straight.

Now, I am finishing my time. There is just one other point, and that is about section 162. Here again, the tendency is to make the most of a slight molehill and then create an impression throughout the country that the whole Parliament is absolutely against this Bill. Why? Because everybody is questioning section 162. I think three or four gentlemen referred to it and said: "The diary statement is something put into the mouth of a witness. It is nothing but the cleverness of the investigating inspector". Very well, I accept it. If that is so, then why try to damage my reputation by contradicting me by this? What I am saying is this. I am the witness. I go before the investigation. I am interrogated and without reading it to me, the interrogating Inspector sets down something. According to you, goodness knows what he sets down—just what he thinks fit. Then I come before the Magistrate and I say something before him which

hurts you, the accused. But then why do you confront me with that diary. You, on behalf of the accused, seek to destroy me through that diary. Either you say that I am responsible for the diary statement or not. Please remember, the argument is this, that for the purpose of the accused and cross-examination by his counsel, every word of the diary is mine and for every change that I make before the Magistrate I ought to be condemned by being shown that diary statement. Sometimes a man says at the time of the commission of the crime he saw present there six people.

**Mr. Deputy-Speaker:** Is it not one of the cardinal principles of the Evidence Act that a statement can be used against the man though he may not be able to use it in his own favour?

**Dr. Katju:** The argument here is that the statement is not that of the man, but is that of the wretched Inspector. I tell you what happens is this. Whenever a man is confronted with a diary statement, at least 50 per cent. the witness denies and then the Police Inspector, and he is made to swear and to read the diary. He is asked: "Did not Sham Narain tell you so and so?" "Of course", he says, "it is certain he said so." Then he is confronted. The point I was making was, for the purpose of cross-examination by the defence, for the purpose of contradiction, the statement is attributed to the witness in the police diary, but for the purpose of cross-examination by the prosecution counsel, with the sanction of the Magistrate, that is not permitted.

**Shri Sadhan Gupta:** Because he is your own witness.

**Dr. Katju:** There is no such thing as "own" witness. There is no one as own witness. Do you mean to say it is a civil case? In a criminal case, there is no one as own witness. So, this is—sometimes I fail for want of proper words—twisted memory or twisted mentality, which goes into these critical matters.

The one thing which you and I are interested in, as also Members of Parliament, is that justice should be done. Justice should be done; it is not as if the accused should escape, or the prosecution should suffer.

**Shri M. S. Gurupadaswamy (Mysore):** But you are denying it.

**Dr. Katju:** You are all here. Here is a trial, and the judge does not say. I want to convict the accused, or I want to release him—that is dishonesty. Here in Parliament when we are considering this Bill, I respectfully submit, our attitude should be that there should be a fair proper trial, the guilty man being punished and the innocent man escaping.

One word more, and I have done.

**Dr. Krishnaswami:** You can go on. (Interruptions)

**Dr. Katju:** Lots of things have been said about section 145. It was said that it was quite curious. I think my hon. friend there said it. Probably, they do not know that these inquiries into possession have taken eight months, twelve months or thirteen months. But the procedure which has now been devised by the Select Committee is easy. You get all the affidavits and everything; the Magistrate gives them. If he can make up his mind one way or the other, he says so. If he cannot make up his mind, then in that case we have followed the other enactment—there are some Acts in Bombay, and there are some in Uttar Pradesh, where if a question arises, the Civil Court, which is a bit more familiar with the matter prepares an issue as to who was in possession on, say, 10th January; and if anyone has anything to say, he says it, then the witnesses are examined and they say what they have to say; and the case is all finished.

Before I sit down, I will refer to one other point raised by Shri Sarangadhar Das from Orissa. He challenged me to produce the letters sent by the Madras Government, the Bombay Government and the West Bengal Government. May I just be permitted to read a few extracts from them?

[Dr. Katju]

In respect of defamation cases, the West Bengal Government have stated:

"In respect of public servants, the provisions are much too wide."

When the Bill went, the proposal was that it should be made cognizable. Please remember this.

"Any criticism of a public servant will be immediately cognizable by the police, even in cases where the criticism is ill-founded. Such a provision may defeat the ends of justice and may encourage employees whose conduct is blameworthy."

This, you would find in Book D.

"It is suggested that the provisions relating to the President, the Governor, the Rajpramukh and a Minister may stand...."

A Minister—poor fellow—has been the butt of all criticism here.

"...but that in respect of public servants, the provisions may apply only when the prosecution is authorised by the State Government."

In the original Bill, the provision was that it should be cognizable, namely that the police can prosecute anybody. The West Bengal Government suggested that this provision should be there, with the sanction of the State Government. My hon. friend Shri N. C. Chatterjee will find it on page 122.

The Madras Government—I think it was my hon. friend Shri N. C. Chatterjee who said he had heard it said that Rajaji was against this—say:

"This Government supports the principle...."

They support the proposal to make it cognizable.

"...to make the offence of defamation against public servants cognizable. There is, however, no need to make the offence, which is punishable with simple imprisonment for two years, triable only by a Sessions Court."

Please note this. The Madras Government say, they support the proposal, but they do not support trial by a Sessions Judge; they say that it should be an ordinary Magistrate.

As for the Bombay Government, they say:

"This Government agrees with the amendment."

"These are the three things that I wanted to place before the House, and I have done so."

In conclusion, I respectfully ask the House to do some justice to the Joint Committee, to recognize their labours, and to get along with this Bill. I need not assure you that every single amendment which has been tabled, or which may be tabled, will be considered only on the merits. I am not bringing—Government are not bringing—in any militant mood against any amendment. Let us get along with this Bill.

**Mr. Deputy-Speaker:** Before I put the motion for consideration, I shall put the amendments to the vote of the House.

So far as Shri Vallatharas's amendment, namely, that the Bill, as reported by the Joint Committee, be circulated for the purpose of eliciting opinion thereon, is concerned, I rule it out of order, as being dilatory.

Then, there is amendment No. 31 which reads:

"That the Bill, as reported by the Joint Committee, be circulated for the purpose of eliciting opinion thereon along with the amendments which the Joint Committee failed to consider, for the reason that these amendments raised important issues and opportunities for eliciting opinion thereon had not yet been given."

These matters were raised by means of an amendment to the original motion for reference to the Joint Committee. The Joint Committee said that these are of such vital importance, that opinion has to be taken on them independently. The hon. Mem-

ber wants that this Bill should now be circulated for eliciting opinion on those points, that after it comes back, it should be recommitted to the Joint Committee, then it must come back, and so on.

Though I am not inclined to rule this out of order as being dilatory, because these matters could have been considered but for their importance, I want the hon. Member to tell me and the House whether I need put his amendment to vote.

**Pandit Thakur Das Bhargava:** It is not a dilatory motion at all.

**Mr. Deputy-Speaker:** I am not ruling it out of order.

**Pandit Thakur Das Bhargava:** It is a substantive motion, and I want it to be put.

**Mr. Deputy-Speaker:** Yes, I shall put it immediately. The question is:

"That the Bill, as reported by the Joint Committee, be circulated for the purpose of eliciting opinion thereon along with the amendments which the Joint Committee failed to consider, for the reason that 'these amendments raised important issues and opportunities for eliciting opinion thereon had not yet been given.'"

**The Lok Sabha divided: Ayes 38; Noes 141.**

## AYES

### Division No. 2.]

Amiad Ali, Shri  
Anthony, Shri Frank  
Bahadur Singh, Shri  
Basu, Shri K. K.  
Bhargava, Pandit Thakur Das  
Biren Dutt, Shri  
Chatterjee, Shri Tushar  
Chatterjee, Shri N. C.  
Chowdhury, Shri N. B.  
Das, Shri B. C.  
Das, Shri Sarengadhar  
Deogun, Shri  
Gidwan, Shri

Girdhari Bhoi, Shri  
Gupta, Shri Sadhan  
Gurupadaswamy, Shri M. S.  
Krishnaswami, Dr.  
Majhi, Shri Chaitan  
Mascarene, Kumari Annie  
Menon, Shri Damodara  
Misair, Shri V.  
More, Shri S. S.  
Murthy, Shri B. S.  
Nambiar, Shri  
Narasimham, Shri S. V. L.

### [3 P.M.]

Nayar, Shri V. P.  
Pandey, Dr. Natsabar  
Patnaik, Shri U. C.  
Raghavachari, Shri  
Randaman Singh, Shri  
Rao, Shri P. Subba  
Reddi, Shri Ramachandra  
Singh, Shri R. N.  
Sinha, Shri Nageshwar Prasad  
Subrahmanyam, Shri K.  
Sundaram, Dr. Lanka  
Verma, Shri Ramji

## NOES

Abdus Sattar, Shri  
Achint Ram, Lala  
Agrawal, Shri M. L.  
Alagesan, Shri  
Altekar, Shri  
Ansari, Dr.  
Azad, Maulana  
Barnan, Shri  
Barupal, Shri P. L.  
Basappa, Shri  
Bhagat, Shri B. R.  
Bhakt Darshan, Shri  
Bhatt, Shri C.  
Bose, Shri P. C.  
Brajeshwar Prasad, Shri  
Chaliha, Shri Bimlprasad  
Chandrasekhar, Shrimati  
Chaturvedi, Shri  
Chaudhary, Shri G. L.  
Chettiar, Shri Nagappa  
Tahbi, Shri

Das, Shri B. K.  
Das, Shri N. T.  
Datta, Shri  
Deb, Shri S. C.  
Deshmukh, Shri C. D.  
Dholakia, Shri  
Dhruvia, Shri  
Dube, Shri Mulchand  
Dube, Shri U. S.  
Dutey, Shri R. G.  
Dwivedi, Shri D. P.  
Dwivedi, Shri M. L.  
Gandhi, Shri Feroze  
Gandhi, Shri M. M.  
Gandhi, Shri V. B.  
Ganpati Ram, Shri  
Geotam, Shri C. D.  
Ghosh, Shri A.  
Ghulam Qader, Shri  
Gounder, Shri K. S.  
Govind Das, Seth

Hem Raj, Shri  
Ibrahim, Shri  
Jayashri, Shrimati  
Jena, Shri K. C.  
Jena, Shri Niranjan  
Joshi, Shri M. D.  
Joshi, Shrimati Subhadra  
Kale, Shrimati A.  
Karmarkar, Shri  
Katju, Dr.  
Keshavajengar, Shri  
Khongmen, Shrimati  
Krishna, Shri M. K.  
Krishnaswami, Shri T. T.  
Kureel, Shri B. N.  
Lal, Shri R. S.  
Lallerji, Shri  
Laskar, Shri  
Lalwani, Shri N. M.  
Lotan Ram, Shri  
Mahajaya

Majhi, Shri R. C.  
Majithia, Sardar  
Malliah, Shri U. S.  
Malviya, Shri B. N.  
Malviya, Pandit C. N.  
Mandal, Dr. P.  
Masuodi, Maulana  
Masuriya Din, Shri  
Mehta, Shri B. G.  
Mishra, Shri Lokenath  
Misra, Shri B. N.  
Misra, Shri R. D.  
Morarka, Shri  
Nair, Shri C. K.  
Narasimhan, Shri C. R.  
Natuwadar, Shri  
Nehru, Shri Jawaharlal  
Nehru, Shrimati Uma  
Palchoudhury, Shrimati Ila  
Patel, Shri D. D.  
Perikh, Shri S. G.  
Patel, Shri B. K.  
Patrikar, Dr.  
Pawar, Shri V. P.  
Rachiah Shri N.  
Radha Raman, Shri

Raj Bahadur, Shri  
Ram Dass, Shri  
Ramanand Shastri, Swami  
Ramaseshaiah, Shri  
Rambir Singh, Ch.  
Rane, Shri  
Rao, Diwan Ragavendra  
Sahu, Shri Rameshwar  
Saigal, Sardar A. S.  
Saksena, Shri Mohanlal  
Samanta, Shri S. C.  
Sanganna, Shri  
Sankarapandian, Shri  
Satish Chandra, Shri  
Sen, Shri P. G.  
Sen, Shrimati Sushama  
Sewal, Shri A. R.  
Sharma, Pandit K. C.  
Sharma, Shri K. R.  
Sharma, Shri R. C.  
Shastri Shri Algu Rai  
Singh, Shri D. N.  
Singh, Shri Babunath  
Singh, Shri M. N.  
Singh, Shri T. N.  
Singhal, Shri S. C.

Sinha, Dr. S. N.  
Sinha, Shri Anirudha  
Sinha, Shri Jhulan  
Sinha, Shri Satya Narayan  
Sinha, Shrimati Tarakeshwari  
Sinhastan Singh, Shri  
Somana, Shri N.  
Subrahmanyam, Shri T.  
Sunder Lal, Shri  
Suresh Chandra, Dr.  
Telikar, Shri  
Thimmiah, Shri  
Thomas, Shri A. M.  
Thomas, Shri A. V.  
Tivary, Shri V. N.  
Tiwari, Pandit B. L.  
Tiwari, Shri R. S.  
Ulkey, Shri  
Upadhyay, Shri Shiva Dayal  
Upadhyay, Shri S. D.  
Vaishnav, Shri H. G.  
Vaishya, Shri M. B.  
Verma, Shri B. B.  
Verma, Shri B. R.  
Venkataraman, Shri  
Vishwanath Prasad, Shri

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That the Bill, as reported by the Joint Committee, be recommended to the Joint Committee with instructions to report by the last day of the first week of the next session."

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That the Bill, as reported by the Joint Committee, be recommended to the Joint Committee with instructions to report in respect of amendments which the Joint Committee failed to consider as 'some of these amendments' as mentioned in para. 55 of the report 'raised important issues and opportunities for eliciting public opinion thereon had not yet been given' in spite of instructions by the House to the Joint Committee to report about all such amendments."

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That the consideration of the Bill, as reported by the Joint Committee, be adjourned till such time as the matter of the appointment of the Law Commission is decided by the Government and if the decision is in the affirmative till such time as the final report of the Law Commission is presented to the House."

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, as reported by the Joint Committee, be taken into consideration."

*The motion was adopted.*

#### RESOLUTION RE ENHANCED EXPORT DUTY ON TEA

**The Minister of Commerce (Shri Karmarkar):** I beg to move.....

**Mr. Deputy-Speaker:** On behalf of Shri Krishnamachari?

**Shri Karmarkar:** Yes, Sir. I beg to move:

"In pursuance of sub-section (2) of section 4A of the Indian Tariff Act, 1934 (XXXII of 1934), the Lok Sabha hereby approves of the notification of the Government of India in the Ministry of Commerce and Industry, No. S.R.O. 3161, dated the 1st October, 1954, by which the export duty on tea was enhanced from four annas to seven annas per pound with effect from the date of the said notification."

This is a very simple motion. As hon. Members are doubtless aware, the tea industry has, for some time past, been passing through a period of high prices in the London auctions. The present price in London auctions is about 81d. per pound as against 49d. per pound in January 1954. This increase in price appears to be due essentially to a genuine increase in world demand. The consumption in the importing countries in 1953 was 989 million pounds as against 863 million pounds in 1950. The demand is increasing while the production has not kept pace with the demand. The general opinion in the tea circles is that the present high prices of tea in the London auctions are likely to last.

If the price level can be said to have gone up permanently, there is justification for mopping up a part of the increase by an increase of export duty. The Ceylon Government increased the export duty thrice during recent months, firstly from 45 cents to 60 cents per pound in May 1954, again to 75 cents per pound in September 1954, and lastly to 100 cents (Rs. 1) per pound on the 19th of this month.

The question of increasing the duty was examined even at the time of the last budget. But it was considered that a change at that time was not desirable since the industry had then barely a year to recover the losses sustained during the depression. It was also not quite clear then whether the rising trend was temporary or likely to be sustained.

If one were sure that the present high level of prices would be maintained for any length of time a sharp increase in duty would have been justified. The Government, however, took a long term view in order to safeguard the interests of our foreign trade. It was, therefore, decided to make only a moderate increase in duty from 4 annas to 7 annas per pound in order that this level of duty can be sustained for a fairly long period without damaging our export prospects.

I may also mention to hon. Members in this connection that the reactions of the tea trade since the increase in duty have not been unfavourable. The course of prices since then have also convinced the Government that the recent increase in duty could be borne easily by the tea industry, without at the same time any detriment to our export prospects. The present increase in duty is likely to bring in Rs. 5 crores to Government.

I have nothing more to add at the moment. This is a fairly simple measure based on sound reasons and, I commend the resolution to hon. Members for acceptance.

**Mr. Deputy-Speaker:** Resolution moved:

"In pursuance of sub-section (2) of section 4A of the Indian Tariff Act, 1934 (XXXII of 1934), the Lok Sabha hereby approves of the notification of the Government of India in the Ministry of Commerce and Industry, No. S.R.O. 3161, dated the 1st October, 1954, by which the export duty on tea was enhanced from four annas to seven annas per pound with effect from the date of the said notification."

There is an amendment standing in the name of Mr. Lingam—

"That in the original resolution, the following be added at the end, namely:

"but is of opinion that the revenue derived from the enhanced export duty shall be utilised

[Mr. Deputy-Speaker.]

exclusively for the development of the tea industry?"

I am afraid it is out of order for the reason that it tries to suggest a method of utilising this income. There may be various methods. Are we to go into the general discussion as to the purpose for which this income is to be utilised? It is beyond the scope of this resolution. A similar amendment was sought to be moved to a Government resolution by Shri S. V. Ramaswamy in the Fifth Session—it was for approval of the export duty levied by Government on coffee. That was on coffee and this is on tea. It was held by the Speaker that it was beyond the scope of the resolution before the House and he observed:

"In substance the amendment is an attempt to allocate the proceeds to a specific purpose. That is, I believe, obviously beyond the scope of the original resolution which requires the approval of this House to what Government have done in the matter of having this export duty. It has nothing to do with the application of the funds so received. That is the point."

Therefore, I am obliged to rule this amendment out of order.

On this resolution discussion will proceed and hon. Members will note that as this is a resolution, the limit of time for any hon. Member is fifteen minutes and the hon. Mover will have the right of reply.

**Shri M. S. Gurupadaswamy:** (Mysore): It was in the year 1947...

**Mr. Deputy-Speaker:** Is tea produced in the Mysore State?

**Shri M. S. Gurupadaswamy:** No, Sir. It was in the year 1947 that an export duty on tea was levied at four annas per pound. Since then, the rate has been maintained and there was no change in the levy. In the course of all these years—seven or eight

years—only at one time did this industry get a setback; in the year 1952, there was depression, and as a result of the depression, the industry had to suffer to a great extent. In 1953-54,

[PANDIT THAKUR DAS BHARGAVA in the Chair]

according to the figures, we find that the industry has prospered and it has been progressing. The Government of India, as the hon. Minister just now said, considered the question of having a higher levy on the export of tea in the last budget. But the proposal was dropped on the ground that the industry had little time to recover itself from the losses sustained during the time of the depression. Now, tea prices both for internal as well as external sales, have been maintained at a high level notwithstanding the fact that production has been considerably increased. The production, as I understand, for the first six months of 1954 is in the order of 364.4 million pounds, as compared with 348.1 million pounds previously. In spite of this increase, and especially in spite of the increase of 16 million pounds in the current season's North Indian tea crop, there has not been considerable scaling down in the price of tea either internally or in the export market. The main reason is due to a great demand for tea in U.K. There is a firm and strong demand for tea there and it has been maintained. Also, in America, the consumption of tea is progressively increasing, and we find from the figures that in this year, there has been an increase of 15 per cent in the consumption of tea in America. The present proposal is to enhance duty from four annas to seven annas. I do not know what will be the effect of this enhancement. I am not sure whether the advantages which are going to be gained by this enhancement will be offset by the corresponding disadvantages in other respects. For example, the people in many countries of the world which are importing our tea, especially those in



America, are very much price conscious. Even if there is a little rise in the price of tea, it may adversely affect our export to America. Now, we are building up a market in America. There is a good demand for Indian tea and if you want to maintain that demand, you must be able to keep up that market. But I am not sure whether this higher levy on tea export would mean for us any contraction of American market for Indian tea. As I said, Americans are extremely price conscious. They do not take much tea if the price quoted, increases. I want to be clarified on this point whether this increased levy would mean increases in the price of the exported tea.

We have already lost the market in Canada and we are not sure whether we can regain that market though attempts are being made by the Government of India to regain that market. And I am not sure that if the price of tea rises a little, it will not upset the possibility of having a market in Canada. But the Government of India is attempting to find market for tea in Ireland. I hope their efforts will bear fruit, but I have got my own doubts whether our propaganda machine is sufficiently fit and whether our measures are sufficiently adequate to promote Indian exports to those countries. I am not sure what will be the effects of this extra levy. Of course, for some time to come, this levy may not prove a very great burden on the tea industry but, in the long run, if the same levy is maintained—I must say there is a tendency that once there is a levy, that levy is maintained—it may work as a drag on export trade. So if there is no price stabilisation at a reasonable level, I am very doubtful whether we could maintain for long the advantageous position that we are enjoying in the world market today. So, I take this opportunity and submit that the Government should make an attempt, here and now, to form a well integrated price policy. That policy should be linked with export policy. So far, I find that there is woeful lack of such a policy.

The hon. Minister of Commerce and Industry is not here: he has been always eloquent to say that consumers' interest must be protected. We are all interested, and we are all consumers for that matter, and tea and coffee in this poor country are drinks of the common man. We are interested to give good and cheap tea for the consumers. But I want to know—except saying that he wants to protect the interests of the consumer—what he has done in that direction. Has he taken any steps to bring about a lower price for tea or to bring about an assured supply of good tea for the consumers? In this respect, the importers of Indian tea are in a much better position. They have taken much more interest in protecting the interests of the consumers. For example, in America, efforts are being made to invent a new tea-making equipment. It is very interesting for the House to know what America has done in this respect. The Tea Council and the National Restaurant Association of America have been taking keen interest in supplying proper, efficient tea-making equipment for the restaurants and cafeterias. The purpose of this is to bring down the price of tea for the people, to encourage tea, and to give good tea. After long discussion on this question, they have agreed finally that there have to be certain specifications for tea-making machine—I do not want to go into those details and bore the House—but I want to know from the hon. Minister.....

**Shri Karmarkar:** What is this tea-making machine? Is it kettle, pot and stove or something else?

**Shri Anjad Ali** (Goalpara-Garo Hills): Sun-cooker.

**Shri Karmarkar:** I am anxious to know what my hon. friend means. Is it apart from kettle, pot and stove—something more?

**Shri N. M. Lingam** (Coimbatore): Tea manufacturing machine.

**Shri Karmarkar:** Blending?

**Shri M. S. Gurupadaswamy:** Sir, I may give this information that after

[Shri M. S. Gurupadaswamy]

a lengthy discussion the Tea Council and the National Restaurants' Association of America have agreed that the present machine, or manufacturing apparatus should satisfy these conditions: it should make good tea, provide both hot tea and cold tea, be automatic and fool-proof, provide its own store of boiling water for at least 400 cups an hour, have enough capacity to serve at peak demand periods. The underlying philosophy is to increase the number of satisfied customers and to decrease the cost of tea. Other efforts are also being made in America. It may be interesting to the House to know that America is conducting experiments on these lines. They have already succeeded in producing tea concentrate, and according to that tea may be prepared on a large scale, kept in storage and if people want hot tea it may be mixed with hot water, and if they want cold tea, it may be mixed with cold water and served. Preparation of concentrates has been found to be much better in quality than ordinary tea. I want to know from the hon. Minister what efforts are being made here in these directions? What has he done to protect the interests of the consumers. Now, we go to restaurants and cafeterias: we order for a cup of tea and we always get a bad cup of tea. And at what price? Therefore, efforts should be made in the direction of improving the services and bringing down the price of tea.

Unfortunately, the amendment tabled by Shri Lingam has been ruled out. If it had not been ruled out we would have been in a better position to discuss how and in what manner the proceeds of this extra levy could be utilised.

Now, Sir, the Minister has been telling us all along that the plantation industry should be controlled and regulated—rubber, coffee, tea, everything. Yes, there should be regulation and proper control. I do not say that there should not be proper control and regulation. But what steps has he taken to control? Is he going to

bring about control by merely setting up a board? So, I say here is an ideal opportunity for you to make a start with co-operatives in the plantation industry. They are ideally suitable for cooperatives. Now, what do we find in these industries? We find chaos of individual proprietors. Then what is Government going to do with the proceeds of the levy? Are they going to introduce co-operatives in the tea plantations? Are they going to make use of the proceeds for the development and improvement of the tea industry? We do not know. The whole amount will perhaps go into the General revenues and the tea industry may remain as it was and as it is. So, I want to know from the hon. Minister whether the money that he is going to get by this extra levy will be utilised for the purpose of improving the conditions of labour, or improving the organisational set up of the industry. I want a categorical answer to this question.

Shri N. M. Lingam: The Resolution before the House may be simple as the hon. Minister for Commerce has described it, but I feel that this is the only occasion when the House could usefully discuss some of the problems connected with the industry. My amendment to the effect "that the revenue derived from the enhanced export duty shall be utilised exclusively for the development of the tea industry" has been ruled out of order on technical grounds. But I thought the House had a right to know the purpose for which this additional levy was being imposed by the Government.

The step taken by the Government is justified on the ground that world prices were far higher than the internal prices and so Government had a right to mop up the extra profit. No wonder that the hon. the Finance Minister is here at the prospect of getting another five or six crores which by the way, makes good for the fall in exports in other commodities.

But these questions apart, I want particularly to draw the attention of Government to three or four aspects of the industry which have not received adequate attention so far. It is common knowledge that the production of tea during the last three years has been progressively going down. In 1951 the production was 629·2 million lbs; in 1952 it was 620 million lbs; in 1953 it was 608 million lbs. So, while on the one hand the production is going down progressively, on the other the internal consumption as well as external demand is increasing. I want to know from Government what steps they have taken to bridge this widening gap.

About the future of the industry I wish to say a few words. The structure of the industry at present is well known to the House. It is an industry dominated by foreign interests. 80 per cent. of the industry is owned by foreigners. About ten agency houses control almost all aspects of the industry—marketing, brokerage, shipping and tea blending. I do not propose to go into the details of this question at present, because it is a major question and it cannot be solved by a discussion here. But it is very necessary that the House should know that the major part of the industry is owned by foreign interests. Now, there has been a tendency for these interests to avail of the fortunes of the industry when times are good for it and to transfer the industry to Indian hands whenever adversity overtakes it. For instance, during 1942 and subsequent years many European planters went to Nayasaland, Tanganyika and other areas in South Africa and opened areas there. When there is a talk of amending Section 31 of the Constitution they get nervous and begin to sell their estates. When a particular State levies agricultural income-tax there is a change of hands in the ownership of estates. So, I want to know what measures Government have in contemplation to run this industry properly when the foreign owners leave. Government knows very well that in the major aspects of the industry such as tea

blending, tea tasting, brokerage, there are very few Indians. Indians have been practically shut out from all these aspects of the industry. Assuming for the sake of argument that the industry is nationalised and the European owners leave the country, I want to know how the Government is going to manage the industry.

Government also knows that in the managerial posts of the estates 90 per cent—95·5 per cent. to be accurate—is occupied by Europeans. If these interests suddenly make up their minds to leave these estates, then a huge agricultural industry, which is the second largest foreign exchange earner for the country, gets paralysed.

So I want the Government to take a long range view of the problem, to visualize a date when the industry, whether it is nationalised or not, has to be managed by Indians. So I ask them to take steps to train Indians in the various aspects of the industry such as tea blending, tea marketing and tea tasting. I also ask them to see that the European estates increasingly employ Indians in the higher ranks of estate management. Unless this is done we may be overtaken by a crisis over which we will have no control, and such a crisis will have far-reaching repercussions on the economy of the country.

Then I want to draw the attention of the Government to another aspect of the question. We are in the regulation period. We are a signatory to the International Tea Agreement, and the present regulation period of 1950-1955 ends in March, 1955. During this regulation period a limited expansion of tea estates is allowed. But I am sorry to note that Government has not fully availed of this extension permitted under the International Tea Agreement. There are nearly 40,000 acres to be absorbed, and although there are several small estates un-economic units, requiring development, neither the Tea Licensing Committee nor the Tea Board has taken any definite steps to rehabilitate these estates.

[Shri N. M. Lingam]

Of about 6,800 estates in the country, the estates of less than fifty acres number 4,830. Of the other estates, estates of acreages between fifty to one hundred and fifty number 244; and estates of acreages between one hundred and fifty to three hundred number 274.

I want to know what steps Government have taken to see that these small estates become economic units and that they are able to face competitions from their bigger neighbours. It is a sad commentary on the functioning of the Tea Licensing Committee or the Tea Board, whichever was responsible for it, that this area for extension permitted under the International Tea Agreement has not been utilised in the country.

Then, it is not known whether the estates, even the bigger estates, are having a phased programme of development. It is possible that the foreign interests make hay while the sun shines, mark their time, and when adverse conditions supervene leave the country not caring for the well being of the estates. Has Government taken steps to see that there has been a phased replacement of plants in the estates, so that the yield is not affected and the estates remain in a sound condition?

In this connection it is germane to point out what other countries are doing in the matter of expansion of tea. Companies which formerly operated in India and Ceylon have started plantations in Nyasaland and Tanganyika. Encouragement to establish tea plantation is given by the Government through allocation of Crown lands, financial credit and other facilities. Plans to make Iran self-sufficient in tea during the next ten years, which would require a 250 per cent. increase in production, have been made available under the U.N. Technical Assistance programme. Work on production of tea is going on also in Brazil, Peru, U.S.S.R. and Japan.

When countries in the world are wide awake to the need of extending

their area under tea, it is regrettable to see the Government not taking any steps in this matter. We have not only our exports in view while suggesting this, but I have in mind the vast internal market in the country itself. If the internal market rises rapidly, there will be a crisis in the tea world; because even if extensions are allowed now, it takes seven to eight years for the tea to mature. So if our internal consumption goes up, either our exports fall or the internal market starves.

So I urge upon the Government to have an integral picture of the industry in the conditions prevailing today and having in view the large internal market and the world demand, the needs of the smaller estates to embark on a scheme of rehabilitation and expansion.

One point more and I have done. I would suggest in this connection that Government have a Plantation Development Corporation, so that long-term loans could be advanced to estates to rehabilitate themselves, in particular to modernise their machinery, so that this sector also, which unfortunately has not been receiving much attention as other sectors under the Five Year Plan, may prosper and absorb more men in employment and contribute to the prosperity of the country.

Shri K. K. Basu: (Diamond Harbour): We are called upon to give our approval to the Notification regarding the increment of the export duty on tea. The Mover of the Resolution, in justification of this, has tried to explain that because of high prices in the international market the Government feels that it is proper in the interests of the State that a large proportion of these high prices should be mopped up as government revenue. So far as this principle goes we do not object to it. We also feel that sometimes it is necessary when the industries benefit from an appreciative market outside that Government must have a share in it. But the whole proposition which we would like to em-

pharise, as my friend Mr. Gurupada-swamy said, is that it might recoil. As far as the reports in the international market go, which even an organisation like the F.A.O. supports, the expansion of market so far as the consumption of tea is concerned is not going to diminish in the near future.

Therefore, I do not think that there is any worry so far as the danger of an immediate crisis or slump in the external market on account of the high prices due to the enhanced export duty, is concerned. In the United States, where they take in 11 million pounds more of tea, so far as consumption is concerned, it is said that there is no fall noticed as compared to the last year and that it is still going up, in spite of the increment in duty. In Britain, also,—because the time is short, I am not able to quote the figures—it is said that the demand so far as Indian tea is concerned, has not yet been met. We are experiencing the same thing so far as the other European countries are concerned. I also feel that, in view of our new trade policy with the U.S.S.R. and the Eastern democracies, it may be possible to sell a good quantity of tea in that area. What is difficult to understand is this. In their notification,—this has been again stated by the hon. Minister in moving this Resolution—Government says that in the present high level of prices, a higher duty than seven annas would be justified. Taking a long-term view, they have made only a moderate increase which they feel could be sustained without any damage to the industry. If, in the interests of the industry, they have taken a moderate step, we have no quarrel with that. As the speaker who spoke before me pointed out, we must see to what extent these industries, which are essentially dominated by Europeans, should be allowed to make extra profits, which might, as the Government say, have been mopped up by a further enhancement of duty. We know, in Ceylon, they have raised the duty from 45 cents to 75 cents in two instalments. In our case, if you speak in terms of percentage,

it is from four annas to seven annas, in the total, so far as the abstract value is concerned, it does not work up to that extent. Perhaps the Government feels that in the economic interests of the country and from the trade point of view, it may not be possible to enhance further. These trades, which are essentially dominated by European interests—even Indian companies under foreigners and sterling companies operating in our country—are making enormous profits.

What we are concerned with is, to what extent are the Government coming forward to mop up that money, in the interests of the nation. As Indians, we feel very sore on this point. I come from a part of the country where the largest possible percentage of European domination in these interests can be seen. When there was a crisis in 1952, there was a clamour by the tea planters, and they said that even then, they could not give all the benefits to the workers and they were withdrawn. In view of the slump in the international market, Government said that there was justification in that. But, as soon as we got an appreciative market, we must consider the question. But, the Government have not come forward with a proposal that now that they were getting a higher profit than they used to get in 1952, the benefits that they used to give to the workers in 1952 should be restored. I am told that in 1952 there was an arrangement that the Plantation Labour Code Act should not come into force for two years. Only in this year, it has come into force in certain parts and that also has not been fully implemented. That is my information. Here is an industry in which even in 1952—if time permits, I will give figures—most of the tea plantations owned by foreigners and other sterling companies managed by big business houses and managing agency houses in Calcutta and South India have given a minimum of 10 per cent. dividend. Usually, we know, these tea plantations give nearly 50 per cent. or 70 per cent. dividends. But, in this

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particular industry, we find that the wage given for a labourer is given Rs. 1-11-0 in Assam and Rs. 1-3-0 in West Bengal. This is an industry in which the figures published by the industry itself show that they are making such huge profits. Why does not the Government come forward and see that this extra profit that the Government might have mopped up by the enhancement of the export duty is not piled up? Why does not the Government see that this money is properly used? Whatever meagre concessions had been given to the workers in 1952 and which were withdrawn as a result of the clamour of the plantation owners, because of the slump in the international market, should have been restored and the Plantation Labour Act should have been properly implemented, in view of the appreciative market now. Why does not Government see to this?

The speaker who spoke before me said about Indianisation. It is really a problem. The entire process of the tea industry, excepting the coolies and a few persons who write up the ledgers, the whole technical staff is dominated by foreigners and hardly any Indians are trained in that branch. A national Government, if they want to work in the interests of the nation, should pay attention to this question. The hon. Member who spoke before me referred to this question and I fully endorse whatever he said on this. They have earned enormous profits before 1947. We thought that after 1947, the situation in our country would change. We feel that if these symbols of foreign exploitation are not withdrawn from our country, our freedom has no meaning. We feel that our Government has a definite role to play so far as the Indianisation of the staff is concerned.

I do not want to go into details about the manner in which they work. I only like to say this. Recently, you know North Bengal was flooded. In a certain tea garden, where about 100 coolie families were staying, their huts were inundated. They tried to come

and take shelter in the godown of that particular tea garden. But, the European manager of the tea garden threw them out saying that these people were making it dirty. They were sent back to their huts which were already inundated. The next night when the flood came, the entire 100 people were completely swept away and there is no trace of them. This happened in the Tandu garden in the Alipur Doars. This is the way in which even today, seven years after freedom, these European plantation owners have behaved. They have the gumption to behave in such a way in free India. I feel that the Government should not be soft to these interests. If you feel that in the interests of the trade and in view of the international market position, you do not want to increase the export duty, it is one thing. But, you have a duty to see that the extra profits earned as a result of the appreciative foreign markets are properly utilised in the interests of the labourers. We know that even in the international market, the price of tea has gone up from 12 annas to 14 annas per pound. We know that the best quality tea is never allowed to be taken by Indians, but is sent out. Government also appointed a Committee to consider the possibility of having the auction market in Calcutta instead of in London. We hope that that Committee would be able to send up their recommendations soon and that the Government will act on them so that the Indians who produce tea may have an opportunity to taste the best quality tea. Even for the second and third rate tea that we get, the price has gone up. Why should the Government allow these concerns to make enormous profits? Why should they not reduce the price here in the interests of the workers, in the interests of the labourers and also in the interests of the consumers.

4 P.M.

So far as the Government have come forward for the approval of the enhancement in duty, I feel that it is justified and should be approved.

There is no reason to think that with the foreign markets, this increment of three annas may recoil against our trade. Because it is reported that still there is demand going up and production in Ceylon, Indonesia and Pakistan all together cannot cope up with the demand outside, we feel there is justification for a further increase, but as the Government thinks that it might recoil ultimately on the international market, they want to be rather modest. However, we feel that it is the duty of the Government to see that the extra revenue which the Exchequer makes because of higher duties—I am told they will have a windfall of Rs. 5 to Rs. 6 crores—is used in the interests of the workers who have to bear the burden when there is a crisis and who suffer under abominable conditions in these plantations.

With these words, I support the Resolution.

**Shri A. V. Thomas (Srivaikuntam):** The proposal to increase the duty on export of tea from four to seven annas, I feel is a very modest one, and I must congratulate the hon. Minister responsible for making the imposition light. At one time I myself felt that the levy was going to be rather heavy. I am glad they have considered the recent slump in the tea market and have allowed the tea market time to recover and the gardens to recoup some of the losses, and then when the prices are quite high they have resorted to this duty of three annas. I welcome the proposal.

While on this matter, I would like to bring one other matter to the serious note of the hon. Minister. There is at present a quota allowed for the export of tea to foreign countries, and recently quite a number of speculators unconnected with tea growing have come into the market and have raised the prices of these quotas to a considerable extent. In fact, the current market price for these quotas, which at one time used to be 1½ to 2 annas or somewhere in the vicinity, has risen to rupee one a lb. and most

494 LSD.

of these quotas have been cornered by speculators who have stepped into the quota market, the result being the producer is not able to get the full benefit of the current prices. That is, he has to pay a rupee for his quota and seven annas for export duty, in all Rs. 1-7-0 and taking the price of tea at Rs. 3, he gets only Rs. 1-7-0 for that quantity of tea for which he has no export quota. I understand the Tea Board, on the advice of the Minister, had been considering this question very seriously for some time, but I am afraid no solution has been found yet. It might be possible to think of some new method. That is, the estates which produce tea and have utilised their quota should be given special licences for their surplus tea. During the past few years many estates have improved their properties by various methods of cultivation and increased the crop, in some cases from 500 to 600 lbs. an acre to one thousand lbs. per acre. Their quota was based on figures obtained from these estates years ago. Although certain increases have been made here and there, that does not fully justify the grant of quotas to these estates who really have done good work in increasing their production. I wish special attention is given by the hon. Minister, and as I suggested a little while ago, by issuing special licences to estates who produce tea but who are short of quotas. If this is done, I am quite sure the speculators will go out of the market and the real benefit of this quota and the present price will accrue to the producer and in consequence to the labour and others connected with the estates.

The hon. Minister just now said that he expected the current prices to continue because there is a shortage of tea. There is, we know, an International Tea Market Agreement, which restricts the planting of tea in certain countries, and as was said a little while ago, although this Agreement had been in force, certain groups took advantage of this and started planting of tea in countries where the

[Shri A. V. Thomas]

restrictions do not apply. I think it is high time that this International Tea Agreement is scrapped. I fully trust the hon. Minister will give his serious attention to this matter also.

India has got plenty of land available which is suitable for the cultivation of tea. And also we have the labour that may be necessary—on the estates, especially now, taking into consideration that our people are not wanted in Ceylon, and quite a large number of labourers from Ceylon estates are expected to be sent back. Well, we have to provide for them. This is one of the ways by which work can be provided for them. I, therefore, impress on the hon. Minister and request him to consider the two questions of quota and the scrapping of the International Tea Agreement.

**Shri V. B. Gandhi** (Bombay City—North): Some of us here in this House are among those who do not very much approve of this habit of the Government of stepping in frequently whenever some larger profit is in sight—I mean this habit of the Government of coming out with a Notification every time a large profit arises, even when this profit is the result of some freak development in the market.

**Shri A. M. Thomas** (Ernakulam): Government ought to have come out with a proposal giving retrospective effect.

**Shri V. B. Gandhi**: Very well, Sir, I want to be brief.

I will say that in a general way it can be conceded that export duties do have a legitimate place in the fiscal system of a country, and especially in the fiscal system of a country like India which exports staple commodities, products of agriculture and commodities which have an international market. But, except in war times imposition of export duties can be justified under ordinary circumstances only where there is a

general trend which promises to be a continuous trend towards higher prices and a trend that arises out of basic factors—factors like supply, cost of production and demand. Here, in this present case I do not want to say offhand that this enhancement of export duty is not justified, but I do say that Government should make out a more convincing case for this enhancement of duty than they have done.

It seems to be the claim of the Government that the present high prices in London and also in this country for tea are prices that are going to stay for some time. That claim has to be examined, and is not entirely beyond question. Here, as against the claim of the Government, is the opinion of someone who should know something about tea, and that is of Mr. John Brooke, Chairman of Brooke Bond Company Limited. Mr. Brooke's analysis of the present development of this high-level market in tea is this. He traces the present development to three things. First, he says there was a short-fall of 1953 production leading to dangerously low stocks in the United Kingdom. That is number one. Number two he says: there were unprecedented rains in North India leading to disappointing crop returns, and also there was consequential dislocation of communications which caused delay in the crops reaching the market. And thirdly, he says, there is a certain amount of increased world consumption. He places this as the third one, and then he also says, even that is probably distorted by a heavy buying on an upward market.

Now, what are the facts? The facts are such as would support this analysis of Mr. Brooke. Actually, so far as the supply position is concerned, in the Calcutta market, North India supplies the commodity. For the nine months to the end of September 1954, the supplies went up to 364 million pounds, as compared to 348 million pounds in 1953 for the same period. The average for the previous three



years, for the same period, was 355 million pounds. So, here you have an average of 355 million pounds for the three years previously. 348 million pounds last year, and this year's supply is 364 million pounds. In the London market, the present position is that although last year the stocks were as much as 92.5 million pounds on 22nd October, this year they were as low as 68.6 million pounds. But then they have gone up to 73.4 million pounds in the following week.

Now, exports from other countries also are increasing, that is to say, competition for Indian tea is growing. For instance, Indonesia, in the eight months ending August this year, exported 55.80 million pounds, which is 13.10 million pounds more than it exported last year.

Taking all these factors together, what view can we come to, except that the present development is a development which does not promise to be continuous, and it may very well prove to be a freak development and therefore, Government would have to be very cautious. The purpose that I have in view in saying this today is that Government should make haste slowly.

There is another aspect, on which I shall very briefly touch, and that is our position in the American market. Shri B. C. Ghose, a member of the Tea Board has already expressed his concern over what may happen to our position in the American market as a result of these too frequent changes. In America, we have a fairly slender position, because we supply only about 37 to 40 per cent. of the 115 million pound annual market there. And it is Shri Ghose's view that unless we try to do something to bring stability, the American businessmen are bound to be price-conscious as a result of these too frequent changes.

This habit of rushing to impose export duties too frequently is something which we do not approve. To

our way of thinking, this basic concept of Government underlaying this action...

**Shri A. M. Thomas:** What is that royal 'we'?

**Shri V. B. Gandhi:** Some of us. As I said, some of us in this House feel that way. I do not want to arrogate to myself any opinion individually.

The basic concept of Government underlying this action is ethically doubtful. What is wrong if business and trade which have to take some risks take some rewards sometimes? So far as the larger objective for Indian tea is concerned, it is that we should expand our market abroad, and that expansion is only possible by paying attention to "quality". Quality can be ensured, if the trade is allowed to retain some of the profits, out of which it can provide itself with the expensive machinery that is required for the production of quality teas.

Finally, I shall repeat that Government should make haste slowly in these matters, and care should be taken to see that larger objectives are not sacrificed to some immediate prospect of a gain in revenue.

**Shri Karmarkar:** I should say at the outset that I was happy to see there was almost unanimity on the substance of the motion, namely the increase in the export duty to the extent indicated. My hon. friend opposite went further and said that we might have gone ahead a little further.

**Shri K. K. Basu:** You yourself said so in the Press Note.

**Shri Karmarkar:** I am rather surprised at what has just now fallen from my esteemed friend Shri V. B. Gandhi. When he rose to speak and had finished half his argument, I was reminded of an anecdote, which is popular and is well-known in the Bar also. It is this. A very learned advocate, not exactly knowing what he was doing—perhaps not in a position to do so also—went on arguing the opponent's case. Thereupon, a clerk of his came to his table, tugged him aside

[Shri Karmarkar]

and told him, that was his opponent's case. The advocate said, yes, Sir, that is precisely the point I am trying to make, I am trying to anticipate all my opponent's arguments, now having finished that, I come to my own arguments. Similarly, in the case of my hon. friend Shri V. B. Gandhi, I was waiting to find his own argument. Except that he has been very seriously wrong in reading through the facts, I could not find any other ground to explain his arguments.

If you want the plain facts that lie at the root of this action of Government, they are as follows. The prices have gone up, the tea exporters are making profits so we want to come in the picture and mop away part of their profits. It is a perfectly legitimate thing to do. In India, we have not, however, relied upon export duties as a source of income. As hon. Members already know, in a lot of cases, we have found it necessary and proper to decrease the export duties, as in the case of manganese ore, linseed oil, castor oil, cotton seed oil, pepper, jute goods, hessian, sacking etc. So, we have not relied upon export duties as a primary source of revenue, though if it comes, it is welcome.

In this case, the simple proposition is this, that when prices are soaring high, and the imposition of an increased export duty does not militate against the national interest, certainly we have a right to impose it, and it is the only right thing to do.

I will not go very deep into the argument developed by my hon. friend Shri V. B. Gandhi. His facts may be all right, as they are, but I am afraid he has gone to a wrong source, namely to the president of a tea manufacturing concern, for the argument that he has used. Naturally, one should expect the interests concerned to say that an increased export duty is not justified.

When I have said that, I have really done all that might have been expected of me by way of a reply to the

relevant points raised, because ultimately the substance of the motion is the increase in the export duty, and all the other hon. Members who participated in the debate have supported that. But courtesy does certainly require me to touch briefly on some of the points made.

My hon. friend Shri M. S. Gurupadaswamy, who, I thought, and I still think, is a better authority on coffee, if at all, rather on tea, mixed himself up...

**Shri M. S. Gurupadaswamy:** Both.

**Shri Karmarkar:** Then woe be to the coffee industry, if he is as good an authority on coffee as he appears to be on tea; judging by his speech today, I think coffee will badly suffer at his hands. But that apart, there was one very interesting point which he made, interesting not from the point of view of relevancy to the debate, but because of its inherent interest. He made a point that in America, they are trying all sorts of gadgets. I wish someone takes an interest in the matter and tries these gadgets which serve as automatic coffee or tea servers. They put in a coin in these machines, and as soon as they switch on a key, in oozes a cup of coffee brimful, then comes the milk, and sugar is already there, and automatically, you get a cup of well-prepared coffee. He was obviously referring to that without knowing exactly what it was. What he was proposing was to popularise tea by so selling it in restaurants to make it easy for the consumer to get it. If someone were to introduce that type of machine in India, that type of gadget and equipment, I am quite sure my esteemed colleague would be happy to have an immediate import licence granted. That does not relate to the development of tea. That cannot develop tea in America; the tea is blended here and sent out. We have to see what all things have to be done so that our trade may prosper and ...at should be our concern.

One other point was made by our esteemed friend Mr. Thomas. The question which we have under consideration is the general question of the development of the tea industry as also the rehabilitation of that sector of industry which has not been doing well as also the question of labour and quotas and all that. In the near future, we are thinking of introducing a measure which would, we hope, in some measure do justice to these points.

Then, as usual, whenever the question of tea is concerned, whenever soap is concerned or whenever something else is concerned, up is bound to come the question of foreign personnel. In respect of that, I am happy to tell the House that in regard to the Indianisation of the tea gardens, we have taken up the matter very strongly with the tea growers. We have been assured that a scheme for rapid Indianisation would be worked out shortly. That is, of course, part of a larger question which my esteemed colleague took up, as the House very well knows, immediately he came into office and I am happy to say that we have succeeded in some measure towards persuading the parties concerned to increase the pace of Indianisation of this industry. We would not like to make an exception in this matter and we would always be interested in seeing that this pace of Indianisation of foreign concerns increases as it goes by.

One other point I must refer before sitting down. That is to say, what are we going to do with money, this export duty. Normally, it goes to the Consolidated Fund of India and, as the House is aware, the Finance Ministry is not chary in granting us funds whenever there is any necessity for the development of any particular sector of the industry. Logically it has to come from the Consolidated Fund. If you require funds for amenities to labour and other things, we can secure those funds either from the general budgetary resources or by

taking recourse to some other method for increasing the resources for this particular purpose. That is all, I think, I need refer to in the course of this debate.

Again I must express my appreciation of the almost universal support and unanimity of Members excepting Mr. Gandhi—who said that he did not question the increase in export duty but had some general observations to make—and I think I had better deal with his arguments outside the House rather than in this House.

**Mr. Chairman:** The question is:

"In pursuance of sub-section (2) of Section 4A of the Indian Tariff Act, 1934 (XXXII of 1934), the Lok Sabha hereby approves of the notification of the Government of India in the Ministry of Commerce and Industry, No. S.R.O. 3161, dated the 1st October, 1954, by which the export duty on tea was enhanced from four annas to seven annas per pound with effect from the date of the said notification."

*The motion was adopted.*

#### COFFEE MARKET EXPANSION (AMENDMENT) BILL

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**  
I beg to move:

"That the Bill further to amend the Coffee Market Expansion Act, 1942, as reported by the Select Committee, be taken into consideration."

This Bill, as hon. Members of this House know, has been allotted five hours. I am sure hon. Members are going to do justice to the measure during that time. I do not want to stand very much in the way of the time that would be usefully employed at the hands of the hon. Members at this stage. But, I would like to mention that so far as the Select Committee is concerned, it went into the

[Shri T. T. Krishnamachari]

matter thoroughly. It heard a lot of evidence, which has now been placed before the House, and it has made certain changes in the Bill. The changes have been listed in the report of the Select Committee.

One important change is that the question of consultation has been provided for, which was not provided in the original Bill, though the words used are such as not to attract the attention of a court if for any reason Government had to make a quick decision and the Board could not be consulted for that purpose. The Select Committee has also enjoined on the Government to do certain other things, like providing representation on the Coffee Board for the small grower. This, it is proposed to be done by means of the rules. In fact, one of the matters on which hon. Members of the Select Committee, some of them, and also the representatives of the industry who came to give evidence showed concern was the question of the selection of the growers' representative. At the present moment, the Bill as it stands, provides a certain amount of representation for each area to be made, the representatives to be selected by the appropriate Governments. The intention, in order to meet the wishes of the hon. Members, is to put down in the rules that the appropriate governments should invite the representatives of the growers who are constituted into associations to send a panel to the Government from out of which the Government will have to choose. I do propose, before the Bill is finally disposed of, to read out an appropriate draft for this purpose which might give some confidence to the hon. Members about the working of the scheme.

In fact, this question of tying up representation statutorily with particular bodies makes it very difficult because these bodies sometimes exist, sometimes they lose their vitality and it is much better to do it by means of rules. As the House knows, as there

is a Committee of the House in regard to the scrutiny of the rules, nothing can be done without the House being aware of it and the rules being scrutinised by the Committee.

With regard to the minutes of dissent, I do not propose to dilate on them considerably because the minutes of dissent really border on two questions. One is that there should be an elected Chairman and not a Chairman nominated by the Government and the other thing is that each Association should send its representatives direct.

In regard to the latter point, as I have mentioned already, we are now proceeding to provide for the small growers, it may be that the small growers' associations will not be there, it may be that there is a plethora of associations and lastly with the limited number of members for each area it will not be possible to recommend all such associations. The question of reconciliation of such interests is rather difficult and the majority of the Select Committee therefore felt that the present method indicated in the Bill namely, that of a provision in the rules, would meet the situation adequately.

So far as the chairmanship is concerned, this is the pattern that we have followed in the Tea Act; and, at the present moment, we have got a highly paid officer in the Chief Coffee Marketing Controller. His position is rather nebulous. He has absolutely no powers so far as the Board is concerned, though he is also the Chairman of the Marketing Committee. I have said, at the time of the introduction of this Bill, the difficulties that I found, particularly in the year 1952, in the way of Government's wishes in order to protect the consumer being carried out. Here is a case where we have a statutory Board, where the representation is by means of the growers electing their men, with a little watering down of that representation by other people nominated by Government, where Government's

wishes and even Government's purposes cannot be made plain, while the responsibility for any mismanagement, for any high prices, for any fault, goes to Government. The position is extremely anomalous. I have explained it at length when I moved this Bill and I do not propose to say anything more about it now.

Lastly, I would like to add that I have seen certain tendentious reports in the papers about there being overstocking, about the Board's wishes in regard to exports having not been taken heed of by Government, about the deterioration of quality etc. I feel I have got to say something about it. So far as exports are concerned, the Board's wishes have been fully met with. The Government have sanctioned the export of 10,650 tons out of which the last 1,650 tons was suggested only recently and the auction has to be held sometime in December. In fact, I can give to the House a table if they want, to show that the requests of the Board have been met with almost immediately. The time allowed is only for the report to be made to Government and Government to consider it and their wishes have been accommodated by the Government in this particular matter. The position so far as exports are concerned is rather satisfactory and there can be no complaint.

So far as the internal sales are concerned, Mr. Gurupadaswamy is very much exercised because he felt that the figure that I gave the House about the sales in the first four months of the year was a flash in the pan and it is true that the sales thereafter lagged behind but during the last two months they have bucked up again. So, the sales this month have been record sales. I think the figures I have got in my hands show that very nearly 2,240 tons have been sold in November and the estimated sales on this basis for December are about 1,750 tons. What will be the stock lying with the Board at the end of the year may be on the border-line of 4,000 tons, which is needed for the purpose

of a carry-over stock. We expect next year the crop to be about 24,000 tons; it may be a little less. This year's figures of consumption would certainly touch 21,000 tons. We have got to have a carry-over which will tide us over in times of difficulty.

In regard to the deterioration of stocks, I am afraid whoever has been putting it out in the papers has not been doing the coffee industry any service. Coffee is collected at a particular period of the year and consumption has to be spread over the entire period of the year, over twelve months. Very naturally, initially when the coffee is collected, it has a particular flavour and as time goes on, the flavour goes. Maybe some people like the original flavour and some people like the other types of slightly stale flavour. We cannot keep it fresh all the twelve months. The Chief Marketing Officer has been careful enough to see that all stocks in Mangalore were exported so that in Mangalore, where the monsoon is the heaviest, no large stock is carried over. Such deterioration as does exist is a normal deterioration and not excessive deterioration, and that friend of the coffee industry who puts out in some papers may have the idea of using this fact for attacking the Government, but he is doing no service to the industry; very possibly the prices in auction will drop because of the scare that the quality is poor. But whatever he has done has not done much damage; the prices are rising and the auctions are going on reasonably well. I would like to tell hon. Members that the price fixed by the Board was Rs. 2-2-0 per pound and we have agreed with the Board that so far as the small grower is concerned, he has been paid Rs. 2-8-0 per pound, and so far as the large-scale grower is concerned, he has been paid so far Rs. 2-3-0 per pound and they are likely to be paid another four annas early next month. It is anticipated that the payments to the growers might be in the region of seven to eight annas more, that is, making in all a rate of Rs. 2-15-0 or

[Shri T. T. Krishnamachari]

Rs. 3 nearly. I think the blame attached to Government in this regard is meaningless, but I might tell the House that this position has been achieved with a large amount of strain and with a large amount of watchfulness on the part of Government. It is not as if we have somebody on the Board who can look after the interests of both the growers and the consumers and render accounts to the Government and therefore unless the Board has a Chairman who is responsible to Government and who will be a sort of liaison between Government and the Board, the Board cannot function properly.

As amendments are moved and as the discussion will go on for nearly 4 hours and 45 minutes, naturally I will have an opportunity of replying to all the points that have been raised by the speakers that may intervene in this debate. At the moment I have nothing more to say excepting to commend my motion to the House.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Coffee Market Expansion Act, 1942, as reported by the Select Committee, be taken into consideration."

**Shri M. S. Gurupadaswamy** (My-sore): I beg to move:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

The hon. Minister just now said that many of the criticisms that have been levelled against the Ministry, against himself and against his policy are meaningless. I was very much surprised at the very attitude of the Minister against the very legitimate criticisms that have been levelled by responsible quarters. It is this mentality that has been responsible for ruining this industry and the story of the attitude of Minister to this industry is sad and dismal. I do not want to repeat on the floor of the House the

treatment that he has been giving to the various interests concerned in the coffee industry. The Minister said that he is taking much interest in this question. But I am sorry to say that too much of his interest, too much of his direction and regulation is responsible for the ruination of the industry. If his interference, direction and control have improved this industry even by an inch or by an iota, I would have congratulated him. After all, I view the whole question from a dispassionate angle. If after assumption of his office as Minister of Industry and Commerce he has solved even 10 per cent. of the problems that beset the coffee industry, I would have really thanked him. Unfortunately, along with the assumption of his office, he brought new troubles to this industry. He created those troubles and he takes pleasure in creating troubles. I cannot understand the psychology behind it. I think there are certain people who take pleasure in creating troubles. This is the symptom of a sadistic mind. I do not want to say much about it but content myself by saying that the entire attitude and approach and the way in which the Minister is dealing with the problems of the coffee industry is something extraordinary. Nobody has got a good word about it. He has been saying that the coffee industry has been saved. Who saved it? Saved from whom? He has always been misleading in his figures and he is twisting the figures for his own ends. He has said even today that there has been a little stock in the country and that the deterioration is normal. Of course, if stock is kept for long, deterioration will be there, but what is the purpose of keeping these stocks? Who is responsible for it? Is it due to some natural reasons that the stocks accumulated? Is it because that they could not be cleared? Why were the stocks not cleared in time? Why were the stocks allowed to deteriorate? He has advanced a very amusing and amazing argument that some people like fresh coffee and some others like

stale coffee,—coffee prepared out of old stocks. It is very curious! I can understand this argument in the case of liquor. If you keep the liquor bottles for long, the quality, the taste and the price will increase. In the case of coffee the argument is somewhat amazing.

**Shri Nambiar (Mayuram):** He might not have tasted liquor.

**Shri M. S. Gurupadaswamy:** I have not tasted liquor myself. Again and again there were demands made by the coffee interests that there should be more exports and that the exports must be allowed in time when there is a good market for coffee in foreign countries. But he said "No".

**Sardar A. S. Saigal (Bilaspur):** What about consumers?

**Shri M. S. Gurupadaswamy:** Why this bogey of consumers? I am a consumer, Mr. Karmarkar was taunting me...

**The Minister of Commerce (Shri Karmarkar):** Not taunting but explaining.

**Shri M. S. Gurupadaswamy:** But what else is it? Mr. Karmarkar was saying that Gurupadaswamy does not know about tea.

**Shri Karmarkar:** No. I said you knew more about coffee than tea.

**Shri M. S. Gurupadaswamy:** I leave it at that. My point was that he is not protecting the interests of the consumer. I ask, what is it he has done for the consumer? Nothing. Today, you have lost nearly Rs. 2½ crores. If you had allowed only the export in time, you could have got Rs. 2½ crores. I would not have come in the way of the Minister if he had raised the export duty on coffee for mopping up certain profits made by the coffee exporters. But the country has lost that amount. There is a huge accumulation of coffee. Today the price of coffee has fallen. Today he says—and he has the temerity to say—that he has saved coffee industry. On the other hand, he has destroyed the coffee industry. He has completely destroyed it, and nervousness and panic are ruling very high

among the coffee planters. Nothing is done to take their co-operation.

Now he has brought this Bill. What is the purpose of this Bill? The Minister does not want an elected Chairman, because every time the Board gave proposals which the Minister did not like, and he could not control the elected Chairman. That is why he says today, "Oh, let us have a nominated Chairman". What are the arguments for this? He gave only one argument. "Oh, we have followed the same pattern in other things. We have got similar types of Boards. Let us have this uniformity. Let us have a similar Board". But is it the argument that has to be advanced by the Minister? Have we to believe it and does he expect us to believe it? Would that argument justify the present amending Bill? Have we to swallow what he has said? For the last three years we have been hearing him. He is singing the same old siren song without change. What has he done? The treatment that he has meted out to the Board is scandalous. He expects co-operation; co-operation on his own terms and not the genuine type of co-operation on the basis of reason, on the basis of consent. He wants the Chairman and the members of the Board to act as his satellites. That is impossible. What is he driving at? Does he want to create a few dummy Boards? Does he want the members of the Board to act like *jo hukums*, or his *chelas*? Is it for this that he wants the Board? You know some of the Boards are functioning already. The people who are on these Boards are nominated by Government. They are always passive. They are inert, they are just like gum-chewing supers, content only with murmuring. Does he want such Boards? When he introduced another Bill on rubber last time, I said that he was very much interested in creating rubber stamp Boards.

This is worse than rubber stamp Boards.

**An Hon. Member:** It is a T. T. K. Board.

**Shri M. S. Gurupadaswamy:** I have visualised a different scheme and a different pattern for these things.

**Shri Karmarkar:** Adult franchise?

**Shri M. S. Gurupadaswamy:** I expect the hon. Minister to be more serious and not frivolous. In a democratic country, we normally expect that the Boards which are created for various economic interests should have adequate powers and their composition should be completely democratic. The respective interests should be given choice of nomination from among them and the Chairman should be elected. One Board is not enough for any industry. I and the party to which I belong visualise a pattern by which we could have one Board at the top and a few at the bottom. Let each State in which coffee is grown get a Board for itself. That Board should have ample power for the development and marketing of coffee. All those Boards functioning should be subordinate to the overall control of the Central Board. These Boards should take the entire industry into their hands. They should not only supervise and control and regulate them but also be responsible for the policy for the industry. The Government must step in only to guide on certain things whenever it is necessary. The Government's control should be very nominal and should be only overall control, so as to fit in with the whole scheme of things in the set pattern. That is the pattern that we want. By setting up the Board at the Centre, can we solve the problems of the consumer? What are the powers given to this Board? They are very limited. They cannot discuss policies. They cannot even place their proposals strongly before the Government. All the Members who are on the Board, as I said, are mere satellites and "yes men", of the Congress Ministry. Why should we have such Boards? It is a waste. It is an economic waste. Why cannot we have departmental control? I think that is better. Instead of having these Boards and distributing favours among their henchmen, it

is better to have control of the whole thing under the hands of the department, or Ministry. Let there be departmental control and regulation.

**Shri Karmarkar:** I am not interrupting, but I am trying to understand him. How do people chosen from panels given by the respective interests become henchmen of Government?

**Shri M. S. Gurupadaswamy:** You are referring to panels?

**Shri Karmarkar:** To panels to be given by each sector of the industry and the Government are only to choose from among them.

**Shri M. S. Gurupadaswamy:** The hon. Minister wants to take the edge out of criticism. But I would submit that even after panels are submitted, it is left to the Government to pick and choose. The panel system does not work properly. Generally the Minister will ask a particular association or organisation to send up the names of some particular men. It will happen: It is happening. After all my hon. friend should not be blind to realities. I know he is a Minister and should be knowing what is going on in his Ministry. There will be a scramble for inclusion in the panels. But what is wrong if the associations which represent the various interests are given the entire choice in the matter. They must be able to send their own men, men of their own choice. You want these people to behave in the manner you wish them to behave: you do not want any dissentient voice, or any independent thinking on the part of the members. Otherwise, what is the purpose behind it? Why are you insisting on panels? You want co-ordination and co-operation. How can you expect co-operation? And co-operation for what? Is it to improve the industry? Can you expect good and reasonable proposals, free thinking and independent action by these nominated stooges who are to serve on these satellite boards?

So, I say that the entire philosophy behind this scheme is fundamentally wrong. I will be making the same



point in the next Bill which is coming up. Fortunately for us, the hon. Minister has brought all these three together, so that our speeches may be co-ordinated, and we may pursue our point more effectively. In the treatment that he is meeting out to this industry, in the methods employed by him for the constitution of these Boards, there is something fundamentally wrong and undemocratic. These Boards do not serve any useful purpose. They will be dummy boards, or black boards if I may be allowed to say so. They will never serve the end in view. It will serve only one purpose: it will serve the purpose of the Minister in distributing favours to his henchmen. That is the only ostensible purpose for which this Bill has been placed before the House.

**Shri Karmarkar:** Ostensible?

**Shri M. S. Gurupadaswamy:** It is very clear; it has no other purpose.

**Shri N. M. Lingam (Coimbatore):** On a point of information, is there any time-limit to speeches on this Bill.

**Mr. Chairman:** There is no time-limit on the speeches as such. Out of five hours some time is to be devoted to the consideration stage and the clause by clause consideration. I should think out of these five hours, if the House agrees we may devote two hours to the clause by clause and three hours to the consideration stage. In these three hours, many Members are anxious to speak. The hon. Member has already taken more than twenty minutes. I would request him to conclude.

**Shri M. S. Gurupadaswamy:** I do not wish to take more time of the House. The House is aware that an Enquiry Committee has been set up to go into the problems of the plantation industry in general. That Committee is already functioning and it may be possible for the Committee to submit its report very soon. Why should we not wait till the Report of the Committee is received? Why

should we not study the report and then take a decision in the matter. We will not lose much. The Board is already functioning and therefore it is fair for us to demand that the consideration of the Bill may be postponed to a future date. We are not likely to lose anything by doing so. So, I submit that this legislation has been brought rather hastily. If Government feels that we need not wait for the report of the Plantation Enquiry Committee, then let the Bill be circulated to the public; let the public be given more opportunity of expressing their opinion and send their views on this Bill.

I know the Select Committee invited a few of the leaders of this industry and took evidence. The evidence is before us. But many people had no opportunity then of appearing before the Select Committee. There is a universal feeling today that the Bill is being pressed inspite of universal opposition against some of its provisions. I, therefore, submit that the Bill may be circulated for public opinion, or if the Minister does not wish to do so, let him postpone consideration of this measure to a future date. In the meantime we would have received the Report of the Plantation Enquiry Committee. By doing so he will be respecting the feelings of most of us.

**Mr. Chairman:** Amendment moved:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

**Shri Keshayaengar (Bangalore North):** I beg to move:

"That the consideration of the Bill, as reported by the Select Committee, be adjourned till such time as the final report of the Plantations Enquiry Committee is presented to the House."

The hon. Minister was pleased to suggest at the fag end of his speech that it was under very great stress

[Shri Keshavalengar]

and strain that he was dealing with this matter, and also that he was taking very great personal interest in this matter. I am one of those who feel that the coffee industry has got to be helped in every way in our country. Taking all aspects of the industry into consideration there are about two and a half lakhs labourers employed in this industry. The industry fetches a revenue of several crores of rupees to the Government coffers and it is one of those big agricultural product industries wherein machinery cannot be employed. A large amount of labour has to be employed in the interests of the industry itself. It is also a pleasant factor for us to note that 96 per cent. of the estate-owners are small estate owners who own not more than 25 acres. I would like even to suggest that this may be called a nation-building industry and we must do everything in our power to see that this industry develops and nothing is done to the detriment of its progress.

I feel that the way in which we are tackling this problem, this crucial problem, of giving some help to this industry is not very satisfactory, particularly so far as the measure under discussion is concerned. My hon. friend on the other side was suggesting something about the panel of names. The hon. Minister was pleased to suggest that so far as the composition of the Coffee Board is concerned, there will be a panel of names and Government will pick up people from that panel.

5 P.M.

**Mr. Chairman:** I think the hon. Member will take some time.

**Shri Keshavalengar:** I will take a few minutes more.

**Mr. Chairman:** He may continue tomorrow.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 23rd November, 1954.*

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KARMARKAR, SHRI—

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KATJU, DR.—

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578, 597, 599, 621—42.

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574, 578, 597, 599, 621—42.

Motion for Adjournment—

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KESHAVAIENGAR, SHRI—

Coffee Market Expansion (Amend-  
ment) Bill—

Motion to consider as reported  
by Select Committee and  
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86.

Motion to adjourn consideration.  
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KRISHNAMACHARI, SHRI T. T.—

Coffee Market Expansion (Amend-  
ment) Bill—

Motion to consider, as reported by  
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KRISHNASWAMI, DR.—

Code of Criminal Procedure  
(Amendment) Bill—

Motion to consider as reported  
by Joint Committee and amend-  
ments to circulate, and to recom-  
mit to Joint Committee. 600—09,  
623, 624.

Motion to adjourn consideration.  
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LANKA SUNDARAM, DR.—

Code of Criminal Procedure  
(Amendment) Bill—

Motion to consider as reported  
by Joint Committee and amend-  
ments to circulate, and to recom-  
mit to Joint Committee. 572—82.

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Motion for Adjournment—  
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MISHRA, SHRI LOKENATH—

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(Amendment) Bill—  
Motion to consider as reported  
by Joint Committee and amend-  
ments to circulate, and to recom-  
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MORE, SHRI S. S.—

Code of Criminal Procedure  
(Amendment) Bill—  
Motion to consider as reported  
by Joint Committee and amend-  
ments to circulate, and to recom-  
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582, 594, 622-23.  
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THOMAS, SHRI A. V.—

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