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Monday, April 24, 1961
Vaisakha 4, 1883 (Saka)

LOK SABHA DEBATES

(Thirteenth Session)

(Vol. LV contains Nos. 51 - 61)

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LOK SABHA

Monday, April 24, 1961/Vaisakha 4,
1883 (Saka).

The Lok Sabha met at Eleven of the
Clock.

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

International Commission of Supervi-
sion and Control in South
Viet-Nam

+

*1684. { Shri Shree Narayan Das:
Shri Radha Raman:

Will the Prime Minister be pleased
to state:

(a) whether Democratic Republic of
Viet-nam has alleged to the Interna-
tional Commission of Supervision and
Control in South Viet-nam that the
Government of South Viet-nam have
violated the 1954 Geneva Agreement
and have suggested steps to be taken
to prevent such breach of the agree-
ment;

(b) if so, what steps, if any, have
been taken by the Commission;

(c) whether it is a fact that units
of South Viet-nam have illegally tres-
passed into the demilitarised Zone;

(d) whether the Commission have
considered the same; and

(e) if so, with what result?

The Deputy Minister of External
Affairs (Shrimati Lakshmi Menon):
(a) to (e). Both the Democratic Re-
public of Viet-Nam and the Republic
347(ai) LS—1.

of Viet Nam have, from time to time,
made complaints to the International
Commission for Supervision and Con-
trol in Viet-Nam (which has jurisdic-
tion over the whole of Viet Nam),
regarding the alleged violation by the
other party of one or other of the
various provisions of the Geneva
Agreement. These complaints run in-
to hundreds from each side. The Com-
mission receives the complaints and
deals with them according to the pro-
cedure laid down. As an international
body, whose terms of reference and
competence have been defined by the
Geneva Agreement the Commission
examines and deals with all
cases falling within the scope of
the Agreement. Where necessary, re-
ferences are made by the Commission,
as such, to the Co-Chairmen to the
Geneva Conference. Apart from this,
Annual and Interim Reports are sub-
mitted by the Commission to the Co-
Chairmen regarding its activities over
the period covered.

The Government of India in its
capacity as Member and Chairman of
the International Commission receives
Reports of the activities of the Com-
mission as provided for in the nor-
mal way.

Shri Shree Narayan Das: May I
know whether it is a fact that the
Government of North Viet-Nam have
made specific complaints with regard
to the entry of foreign army in South
Viet-nam, saying that it is against the
terms of the 1954 agreement, and, if
so, whether any enquiries have been
made?

Shrimati Lakshmi Menon: I have
stated in the original answer that un-
der the terms of the agreement any-
thing from aggression to failure to
report the entry of military equip-

ments in any specific port can be called violation of the Geneva Agreement. Hence, these complaints run into thousands sometimes. Regarding the two points raised by the hon. Member, such complaints have been made that South Viet-nam has been receiving equipment. South Viet-nam has also made similar complaints about North Viet-nam.

Shri Shree Narayan Das: May I know whether it is a fact that the Government of North Viet-nam has criticised the attitude of India as Chairman of this Commission and, if so, whether there is any real basis for that criticism?

Shrimati Lakshmi Menon: How can anybody accuse India? Because, India has offered its good offices by giving a Chairman to the Commission. Otherwise, we are not directly responsible for anything.

Some Hon. Members rose—

Mr. Deputy-Speaker: As a comprehensive reply has been given, need we discuss the details, so far as this question is concerned?

Shrimati Renu Chakravartty: With regard to the powers that have been given to the International Supervisory Commission and its members, may I know whether it is a fact that on many occasions when complaints have been made by North Viet-nam, the Commission has pleaded helplessness, in view of the fact that the South Viet-nam Government have not co-operated in the enquiry to be undertaken?

Shrimati Lakshmi Menon: That is a matter of opinion.

Shrimati Renu Chakravartty: It is a question of facts. I want to know the facts.

Mr. Deputy-Speaker: The hon. Member wants to know whether, as a matter of fact, they have objected to it.

Shrimati Lakshmi Menon: Whenever a complaint is made, it is the duty of the Commission either to send observers on the spot or receive complaints and then, if there is any serious breach of the agreement, to report it to the Co-chairman.

Shrimati Renu Chakravartty: That is not my question.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): There are three members in the Commission. If there is any difference of opinion among the three members, that also naturally prevents its implementation or delays it.

Shri Damani: May I know whether Government have received any communication regarding the convening of the International Commission and, if so, the details thereof?

Shri Jawaharlal Nehru: Which commission? In South Viet-nam it is functioning. There is no question of convening it at all.

Shri Shree Narayan Das: May I know . . .

Mr. Deputy-Speaker: That should be enough. What is the use of going into minor details?

Shri Shree Narayan Das: The hon. Deputy Minister has stated that some of the cases are referred to the co-chairman of the Geneva Conference. I would like to know the number of questions referred to the co-chairmen.

Shrimati Lakshmi Menon: I have no information.

कैलाश तथा मानसरोवर जाने वाल भारतीय तीर्थयात्री

*१६८५. श्रीभक्त दर्शन : क्या प्रधान मंत्री ८ दिसम्बर, १९६० के ताराकित प्रश्न संख्या ७८१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) कैलाश और मानसरोवर के भारतीय तीर्थयात्रियों की कठिनाइयां दूर

कराने और उन्हें अधिक मुविधायें दिलाने के बारे में चीन सरकार से जो पत्र-व्यवहार किया जा रहा था, उसका क्या परिणाम निकला; और

(ख) इस वर्ष यात्रा का जो मौसम प्रारम्भ होने वाला है, उसमें भारतीय तीर्थ-यात्रियों की सहायता के लिये कौन-सी विशेष कार्यवाही की जा रही है ?

वैदेशिक-कार्य मंत्री के सभा-सचिव (श्री सादत अली ख़ां) : (क) १९५४ के भारत-चीन करार में भारतीय तीर्थ-यात्रियों को मुविधायें देने की जो व्यवस्था थी, उसके बारे में हमारे शिवायत-पत्रों का चीन सरकार ने कोई उत्तर नहीं दिया है।

(ख) तीर्थयात्रियों की प्रार्थना पर, गतौक-स्थित भारतीय व्यापार एजेंट जो भी सहायता संभव होगी, उसे देने की व्यवस्था करेंगे।

I shall read it in English also. z

(a) The Chinese Government have not replied to our representations about grant of facilities to Indian pilgrims as envisaged by the Sino-Indian Agreement of 1954.

(b) The Indian Trade Agent, Gar-tok will render all possible assistance on being approached by pilgrims.

श्री भक्त दर्शन : श्रीमन्, इस समाचार में कहाँ तक सत्यता है कि चीन की सरकार केवल एक ही दर्रे से भारतीय यात्रियों को जाने की इजाजत दे रही है और यह भी अपनी ज़िम्मेदारी पर और क्या यह १९५४ के करार के खिलाफ नहीं है ? यदि हाँ, तो इस बारे में क्या कदम उठाये जा रहे हैं ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : जी हाँ, यह सच है कि चीनी सरकार ने हम से कहा है कि यह बेहतर होगा कि अगर एक रास्ते से

लोग आयें। अब यह कहा जा सकता है कि उन्होंने पहले यह तय किया था कि कई रास्तों से आ सकते हैं और अब यह कहा और यह उस दर्जे से नहीं मिलता है। लेकिन जाहिर है कि इसके माने ये हो सकते हैं कि अगर और रास्तों से आयें, तो उनकी हिफाजत करने में उनको दिक्कत होती है और किसी अदरुनी दिक्कत का नतीजा होगा यह।

श्री भक्त दर्शन : श्रीमन्, जब यह सुरते-हालात है, तो मैं यह जानना चाहता हूँ कि जो भारत के तीर्थ यात्री वहाँ जाना चाहते हैं, उनको भारत सरकार क्या सलाह देना चाहती है और उनके लिये अपनी ओर से क्या इन्तजाम करना चाहती है ?

श्री जवाहरलाल नेहरू : भारत सरकार की सलाह यह है कि जहाँ तक मुमकिन हो, उमी तरफ से जायें, जो कि चीनी सरकार ने कहा है। अगर वे और किसी रास्ते से जाना चाहते हैं, तो अपनी ज़िम्मेदारी पर जा सकते हैं।

डा० मा० बी० अण्णे : सभा-सचिव महोदय ने अपने रेप्लाई में कहा है कि चीनी सरकार से अभी तक कोई जवाब नहीं आया है। मैं पूछना चाहता हूँ कि यहाँ स जो चिट्ठी गई है, वह कौन सी तारीख को गई है। उसको गये कितने दिन हो गये हैं ?

श्री जवाहरलाल नेहरू : कई बार लिखा गया है। इस वक्त तारीखें तो मेरे पास नहीं हैं।

Shri Achar: There were paper reports recently that there are disturbing circumstances there and, therefore, those who go there must make their own security arrangements. May I know whether Government will be able to do anything in the matter?

Shri Jawaharlal Nehru: They must make arrangements for security for themselves in those regions.

पंडित द्वा० ना० तिवारी : क्या सरकार को कोई ऐसी सूचना है कि चीन ने जो रास्ता निर्धारित किया है, उसके अलावा दूसरे रास्तों से जो भारतीय गये हैं, उन को खतरा आया है और अगर आया है, तो किस तरह का ? क्या दिक्कतें हुई हैं उनको ?

श्री जवाहरलाल नेहरू : इसके बारे में कोई खास सूचना तो नहीं है। आम अफवाहें हैं।

श्री भक्त वर्शन : श्रीमन्, समाचारपत्रों के अनुसार अब तक इस सम्बन्ध में जो सूचना मिली है, वह तिब्बत के स्थानीय अधिकारियों (लोकल अथॉरिटीज़) की तरफ से मिली है। चूँकि यह विषय बहुत महत्वपूर्ण है, इसलिए क्या चीन के हाईएस्ट अथॉरिटी—चीन के प्रधान मंत्री को लिख कर इस मामले को मुलजाने का प्रयत्न किया जायेगा ?

Mr. Deputy-Speaker : It is a suggestion.

राजा महेन्द्र प्रताप : यह सवाल रोज़ रोज़ आना है। इसमें यह मान्य होता है कि अभी तक चीन सरकार में हम ठीक से कोई इन्तज़ाम नहीं करा पाये हैं। मैं पेंकिंग जा रहा हूँ, ऐसी मेरी कोशिश है। क्या यह मुमकिन है कि हम बड़े पैमाने पर चीन के साथ ऐसा समझौता कर लें कि ये जगड़े रोज़ रोज़ के हमेशा के लिये खत्म हो जायें ?

उपाध्यक्ष महोदय : यह राय की बात है जो आपके लिए करना मुमकिन है, दूसरों के लिए न हो।

Shri Brajeshwar Prasad : Is the route indicated by the Chinese the shortest or the longest route to Manasarovar?

Shri Jawaharlal Nehru : That depends where you start measuring from.

Optical Glass

*1687. **Shri Ajit Singh Sarhadi :** Will the Minister of Commerce and Industry be pleased to state:

(a) how far the manufacture of optical glass has progressed in the country; and

(b) when are we expected to reach self-sufficiency in this respect?

The Minister of Industry (Shri Manubhai Shah) : (a) A plant of more than 5 tons per annum capacity has been set up at the Central Glass & Ceramic Research Institute, Calcutta for the production of optical glass. The plant has since gone into production. Of the various types of optical glass required in the country at present, more than half have already been produced in the form of slabs and the remaining types are expected to be made by the end of the current year.

(b) Self-sufficiency in most of the varieties of optical glass is expected to be achieved in 1962.

Shri Ajit Singh Sarhadi : Is any portion of the production in the private sector also?

श्री मनूभाई शाह : यह सारी नेशनल लैबोरटरी जो कलकत्ता में हमारी है, उनकी रिसर्च और इन्वेंशन थी और वह वहाँ बनायेगी।

Shrimati Renu Chakravarty : The hon. Minister said that self-sufficiency would be attained in almost all types of glasses needed. What are the types that would not be produced and what is the foreign exchange required for their import?

Shri Manubhai Shah : That will be very nominal—perhaps one or two varieties out of 17 or 18 types—because no factory can make all the varieties of all glasses. It will make most of it and imports will be for a nominal foreign exchange.

Shri Indrajit Gupta : May I know whether it is a fact that the Soviet Union had offered us technical know-how for setting up a plant for the manufacture of about 250 types of optical glasses? I would like to know why that proposal was turned down,

when the Central Glass and Ceramic Research Institute is able to make only a very few types.

Shri Manubhai Shah: First we should be proud of this. The House has always in the past supported the idea that national research must be given preference over all technical know-how from foreign countries. This Institute has produced some of the best varieties of optical glasses and I hope the blessing of the House will be with them. As far as the Soviet Union is concerned, they did offer us this collaboration. But we preferred to make it according to our own researches.

Shri Ajit Singh Sarhadi: Will the entire demand of the Defence Forces for optical glasses be met by the present manufacturers?

Shri Manubhai Shah: That is what I said. Actually, if foreign collaboration were invoked, production would have started after four years. Here production has started immediately. Now more than half of the production is covered by this.

Shri Indrajit Gupta: I want a specific answer to this question. Is it a fact that the Central Glass and Ceramic Research Institute is able to manufacture only two types of glasses, whereas several thousands of types are required nowadays. The foreign countries consider the manufacture of these optical glasses to be a strategic process. Only Soviet Union had offered to give us the know-how for about 250 types.

Shri Manubhai Shah: Firstly, the Soviet Union never offered us the know-how for 250 types. What we really need is four varieties of bulk glasses; the rest are only marginal. It was not only one country which offered us help. Our basic industrial policy is, even if our research is inferior, we shall produce things according to our indigenous research. It is no good comparing the two.

Shri Basappa: When the Central Glass and Ceramic Research Institute at Calcutta has advanced so much, may I know why we should have gone in for foreign collaboration?

Shri Manubhai Shah: We thought of going in for foreign collaboration when the process in the Central Glass and Ceramic Institute at Calcutta was still under research. While we were discussing collaboration with several countries, including the Soviet Union, this Laboratory had come out with great success. Their glasses were recognised even in the Moscow Laboratories and Praha Laboratories. Therefore, we preferred to be ahead with their process rather than foreign collaboration.

Amendments to Employees' State Insurance Act

*1689. **Shri Indrajit Gupta:** Will the Minister of Labour and Employment be pleased to state:

(a) whether a meeting of the Employees' State Insurance Corporation was held recently to consider amendments to the Employees' State Insurance Act and Scheme;

(b) whether the Corporation has made any recommendations in this matter and if so, what are they; and

(c) whether Government have decided to introduce an amending Bill in the light of the Corporation's recommendations?

The Deputy Minister of Labour and Planning (Shri L. N. Mishra): (a) Yes.

(b) The Corporation has appointed a Sub-Committee to consider the proposed amendments and their financial implications.

(c) The Corporation's recommendations have not yet been received.

Shri Indrajit Gupta: May I know whether at this meeting of the Corporation specific consideration was given to the recommendations of the

Mudaliar Committee, particularly regarding the setting up of the polyclinic and priority for separate hospitals for the insured and what is the Corporation's view?

Shri L. N. Mishra: The Mudaliar Committee's Report has been considered by the Corporation and also by the State Governments. But so far as these amendments are concerned, it is not only on the basis of the Mudaliar Committee's recommendations. It is besides that also.

Shri Indrajit Gupta: May I know whether in view of the shortage of funds for setting up of hospitals at the speed at which they are required, Government are considering the raising of the contribution by the employers to the statutory limit of 4½ per cent of the wage bill?

Shri L. N. Mishra: It is not correct to say that there is shortage of funds, and only because of shortage of funds, we are not arranging for more hospitals. We have got funds. As a matter of fact, we have surplus of funds.

Implementation of Recommendations of Sugar Wage Board

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*1691. { **Shri K. N. Pande:**
Shri P. C. Borooah:
Shri S. M. Banerjee:

Will the Minister of Labour and Employment be pleased to state:

(a) the progress made so far with regard to implementation of the recommendations of the Sugar Wage Board in different States;

(b) whether it is a fact that the sugar factories under control of the Central Food Ministry have also not implemented the report so far; and

(c) the steps taken by his Ministry to expedite implementation as early as possible?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (c). The

State Governments have been requested to secure speedy implementation.

(b) Instructions have already been issued to the concerned factories for implementing the recommendations.

Shri K. N. Pande: Is it a fact that the U.P. Government have sent a communication to the Central Government stating that the employers are not prepared to implement the recommendations of the Sugar Wage Board, unless the whole matter is referred to the Tariff Commission and they are compensated with regard to the extra financial burden that would fall on the industry if the recommendations are accepted. If so, what is the reaction of the Ministry in this matter?

Shri Abid Ali: We have received such a communication from the State Government of Uttar Pradesh. Since then an announcement was made here that Government will bear part of the burden with regard to the export of sugar. In view of this it is hoped that this industry will be inclined to implement the recommendations of the Sugar Wage Board. They are being persuaded and I hope they will respond.

Shri Goray: May I know what is the reaction of the Maharashtra Government in this regard?

Shri Abid Ali: With regard to what?

Shri Goray: That the factories should be asked to implement the Wage Board recommendations?

Shri Abid Ali: I do not think any particular communication has been received from them with regard to this particular item. But they have also been requested to persuade the sugar mills to implement the recommendations.

Shri P. C. Borooah: May I know whether it is not a fact that the hon. the Food Minister in reply to the debate on the Demands for Grants of his Ministry stated that Government was

prepared to bear the loss sustained in implementation of the Wage Board's award?

Shri Abid Ali: I do not think such an announcement was made. That was pertaining to the export of sugar, not with regard to the recommendations of the Wage Board.

Shri P. C. Borgoin: The report in the press is this that Government would try to make good the loss if the Wage Board Award had to be implemented.

Shri Abid Ali: As I said earlier, there was no such proposal.

Shri K. N. Pande: In view of the fact that the Food Minister announced in this House that in case the employers are reluctant to implement the Sugar Wage Board's recommendations they would bear the loss on exports, has the Ministry found out the reaction of the employers in this connection?

Shri Abid Ali: The Food and Agriculture Ministry is in contact with the Association of the representatives of the Sugar Mills and as I have said earlier, we hope that they will be successful in persuading them to implement these recommendations.

Shri Yadav Narain Jadhav: May I know whether any target date has been fixed for the implementation of the Wage Board Award? If not, why not?

Shri Abid Ali: There is no question of a target date. The implementation has already become overdue. It should have been implemented earlier and we want it should be immediately implemented.

Shri Goray: Wage Boards are appointed when a particular question becomes acute. If the factory-owners or the State Government do not implement these recommendations, they become futile. What is the remedy that Government is going to suggest in this regard?

Shri Abid Ali: The experience gained so far is very favourable. The directions of the Wage Boards are being implemented substantially with regard to the other Wage Boards as well. And in this too, as I have said already, it will be implemented. Even so far as the other awards are concerned, some of their directions are not being implemented partially, and by some units fully. That difficulty exists everywhere.

Shri K. N. Pande: In view of the fact that the recommendations of the Wage Board are being implemented by some of the factories under the control of the Food Ministry and certain issues are arising, are Government prepared to create a machinery to clarify the issues?

Shri Abid Ali: Yes, Sir, whenever an occasion arises, of course, appropriate machinery will be created, most probably at the State level and, if necessary, we will also help.

Machine Tool Factory at Ludhiana

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*1692. { **Shri Ajit Singh Sarhadi:**
Shri Bahadur Singh:
Shri Inder J. Malhotra:
Shri D. C. Sharma:

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

(a) whether it has been decided to have a Machine Tool Factory at Ludhiana in Punjab; and

(b) if so, the total production potential of this factory and its employment potential?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The question of location of the H.M.T. factory in the Punjab will be decided in consultation with the Government of Punjab. No firm decisions about the exact location in Punjab have yet been taken. The factory will be designed to produce 1,000 machine tools at full capacity. It is premature to assess the employment potential but

about 2,000 workers in all are expected to be employed.

Shri Ajit Singh Sarhadi: It is mentioned in the reply that "the factory will be designed to produce, 1,000 machine tools at full capacity". But the period is not mentioned. Is it monthly?

Shri Manubhai Shah: It is hoped that within three years we shall reach the full capacity.

Shri Ajit Singh Sarhadi: I wanted to know whether the production of 1,000 machine tools is yearly or monthly?

Shri Manubhai Shah: 1,000 machine tools per year.

Shri Basappa: May I know in what way this is different from HMT?

Shri Manubhai Shah: We need so many H.M.Ts, as I have said in the House. The HMT programme in the Third Plan is to establish three more machine tool factories. The second one will be in Punjab, and it is with the East German Democratic Republic's collaboration.

Export of Bengal Deshi Cotton

*1695. **Shri P. C. Borooah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have received a communication from the President of the East India Cotton Association requesting for release of the undisposed Bengal Deshi Cotton for export;

(b) if so, how much of such cotton is lying undisposed; and

(c) what is Government's decision thereon?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir

(b) A little over 60,000 bales at the time of receiving the communication from E.I.C.A.

(c) After taking all factors into consideration Government decided to release a further quantity of 60,000 bales for export and the decision has been duly announced to the trade.

Shri P. C. Borooah: May I know whether there was any delay involved in the release of the export quota and, if so, to what extent this accumulation has caused a reduction in prices?

Shri Manubhai Shah: There was no delay at all.

Shri Damani: May I know whether Government has surveyed the demand of such quality by our foreign friends annually and how much of it we can meet?

Shri Manubhai Shah: I cannot forecast how much we can release, but it is after proper assessment of the demand and all other factors that the quota is released.

Shri Damani: May I know whether the inferior qualities like *kala gin* and *wagad* will also be allowed for export?

Shri Manubhai Shah: I would not like to make any guess on that. The hon. Member knows very well the import of such a guess.

Eighth Congress of International Silk Association

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*1696. { **Shri Shree Narayan Das:**
Shri Raghunath Singh:
Shri Radha Raman:

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

(a) whether India is participating in the Eighth Congress of International Silk Association at London to be held in June, 1961; and

(b) if so the nature of participation?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The

Indian High Commission in London is being requested to depute a Senior Officer of the High Commission to attend the Congress as an observer on behalf of the Central Silk Board, which body is a member of the Association.

Shri Shree Narayan Das: May I know whether any private individuals or organised bodies in India are going to participate in it?

Shri Manubhai Shah: No, Sir.

Shri Thirumala Rao: Has this officer to be deputed by the Indian High Commission in London got any knowledge or interest in silk?

Shri Manubhai Shah: As a matter of fact, we were not very keen to participate in this Congress of the International Silk Association because it is outside the Silk Commission of which we are a permanent member. So we did not want to spend much on foreign exchange. We have asked an officer to be there as an observer. He is in charge of economic matters. He will be able to report the findings of the Congress to us.

Shri Basappa: Mysore silk is very well known all over the world. May I know whether in this Congress any representation will be given to Mysore?

Shri Manubhai Shah: I have already said that we are not sending anybody from this country at all.

Shri Shree Narayan Das: What are the important subjects that are going to be discussed at the Congress, especially which relate to India?

Shri Manubhai Shah: Their agenda covers about fifteen items covering everything about the development of silk and the silk industry.

**Hindustan Machine Tools Limited,
Bangalore**

*1697, **Shri Achar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Hindustan Machine Tools Ltd., Bangalore has recently entered into an agreement with the French firm 'Renault' for the purpose of manufacturing special purpose machine; and

(b) if so, the main terms thereof and the time by which production of the said machines would commence?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) A copy of the agreement between HMTL and M/s. Renaults of France was laid on the Table of the House on 14th April, 1961.

Shri Achar: May I know whether it involves further capital and, if so, how much?

Shri Manubhai Shah: This Renaults one will mean another investment of one crore of rupees and production of machines worth rupees one crore or so per year in the Hindustan Machine Tools Factory, Bangalore.

Shri Basappa: May I know what exactly are the types of these machines and whether they are not being produced at present?

Shri Manubhai Shah: They are different machines. If the hon. Member is interested to know the technical names, I can give them. These types are not being produced now, and that is why the collaboration in the present programme.

Shri M. R. Krishna: May I know whether this special type of machine tools will be produced in HMT itself or in the other factories which are likely to be started?

Shri Manubhai Shah: This is for HMT, Bangalore; the collaboration is for expansion there itself, in Bangalore.

दिल्ली में कपड़े का मूल्य

*१६९८. श्री प्र० चं० बरुआ :
श्री सुश्रवण राय :

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

(क) क्या यह सच है कि दिल्ली और नई दिल्ली की दुकानों पर कपड़ा उस पर छपे मूल्यों पर नहीं बिकता ;

(ख) क्या यह भी सच है कि ग्राहकों को कपड़े पर छपे मूल्य से २५ से ४० प्रतिशत तक अधिक मूल्य देना पड़ता है ; और

(ग) उसके क्या कारण हैं और भविष्य में इसे रोकने के लिये क्या कार्यवाही की जा रही है ?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). No, Sir. By and large, cloth is being made available to consumers at stamped prices.

Shri P. C. Borooah: We often come across newspapers under broad headlines "Do not pay enhanced prices for cloth" Does it mean that the Government feel that the customer is subjected to pay high prices?

Shri Manubhai Shah: What the hon. Member is referring to was before some months. In recent months there has been increasing production and comparatively less of offtake. The situation is much under control.

Farakka Barrage

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{ Shri Goray.
 { Shrimati Ilse Palchoudhuri:
 { Shri D. C. Sharma:
 *1700 { Shri N. C. Muniswamy:
 { Shri P. C. Borooah:
 { Shri Amjad Ali:

Will the Prime Minister be pleased to state—

(a) whether it is true that the President Ayub Khan of Pakistan has recently sent a letter to the Prime Minister in which he has raised objections regarding Government's decision to go ahead with construction of the Farrakka Barrage on the river Ganga in West Bengal;

(b) if so, the details of the letter; and

(c) the Government's reaction thereto?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) A letter has recently been received by Prime Minister from President Mohd. Ayub Khan relating to the use of waters of the rivers in the Eastern Region. The President has suggested ministerial level discussions on the subject including the Farakka Barrage.

(b) and (c). President Ayub's letter is still under consideration by Government and it is not, therefore, desirable that its contents be made public at this stage.

Shri Goray: When the discussion was taking place in the House on the Demands of the Irrigation and Power Ministry, I think I am right when I say that the hon. Minister said that the decision regarding Farakka barrage was a firm one and that there was no question of arguing about it or discussing it. Now, from the answer given just now, it seems that it is still in the discussion stage. What is the real position?

Mr. Speaker: I thought the hon. Minister said that notwithstanding this the work will go on.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Of course, there is no question of going back on that decision. The hon. member suggested to President Ayub Khan when I met him in London was that, because we had certain schemes in connection with the Farakka Barrage and on the Teesta river and the Pakistan Government had proposals of their own for Eastern Pakistan and they might affect each other or overlap, it was therefore desirable to discuss them at a high level. I said that I am perfectly prepared to discuss these matters.

Shri Goray: In view of the fact that the interests of the Calcutta port require that the decision should be taken as early as possible and the work started, so that the silting up of the Calcutta port is avoided, may I know how long this discussion will take place and how long we have to suspend our decision regarding this?

Mr. Speaker: He wants to know if these negotiations will stand in the way of our starting the work.

Shri Jawaharlal Nehru: I do not think so, Sir.

Shri Mahanty: May we know if the Government have agreed to the proposal for a ministerial level conference and, if so, when the conference is likely to take place?

Shri Jawaharlal Nehru: Well, I agreed to this when it was proposed by President Ayub Khan in London; I said "We are always prepared to discuss any matter". But no date has been fixed about that yet.

Shri Amjad Ali: In view of the discussion whether Pakistan's point of view also is likely to be accommodated?

Shri Jawaharlal Nehru: We always try to accommodate other points of view, provided they do not come in the way of our main line of view.

Shri Mohan Chakravarty: Are we to take that as far as the Farakka barrage is concerned, we are proceeding without waiting for when and where this meeting will take place?

Shri Jawaharlal Nehru: Yes, I believe we are proceeding and our engineers are meeting and discussing and carrying on their work. I do not think that it is likely to be delayed because of this.

Shri N. R. Muniswamy: Have the Government of India taken into consideration all the implications of the international conventions and

principles as regards the rights of the lower and the upper riparian countries, and if so, what fresh steps have been taken by the President of Pakistan to question the construction of our barrage?

Shri Jawaharlal Nehru: I do not quite understand this. When the Government of India consider this matter, they will, no doubt, take every matter into consideration. But, so far as we are concerned, it is a simple thing; we have got certain proposals; they have got certain in their own territory, but they slightly overlap, I mean, the waters, and it is desirable to avoid any wastage or overlapping. If by a little action of ours we can help them, we shall help them, if it does not affect our scheme, and so we presume they would. That is our approach to it. As regards upper riparian and lower riparian rights, these are matters which could be considered when they come up. They do not come up, so far as we are concerned, at the present moment, but they will all have to be kept in view.

Shri Indrajit Gupta: May I know whether during the course of these negotiations, one of the difficulties or objections raised by Pakistan has been...

Mr. Speaker: Negotiations have not started.

Shri Indrajit Gupta: No; there have been some talks, informally and all that. May I know whether the point has been suggested that in international law, this river Ganga is an international waterway, and, therefore, unless, we get their assent, we cannot proceed with this work, and if so, what the view of the Government of India is as regards the position in international law on that point.

Mr. Speaker: I do not think the Question Hour should be utilised for this.

Shri Jawaharlal Nehru: I cannot categorically answer that question. We feel that we have every right to go ahead with our scheme. That is enough for us. There had been no negotiations of any kind. I said, when President Ayub Khan mentioned this to me—it was in the simplest terms—that we might consider these matters so that the schemes evolved may fit in with each other and not come in the way of each other. I said, I am always prepared to discuss that. But it is true that in the letter that has been written, there are various other points raised. I have not got the letter before me, and even if I had it, it would not be proper for me to deal with those points here.

Shri S. C. Samanta: Is it not a fact that long before we took a decision to go ahead with the Farakka barrage, the Pakistan Government sanctioned the Kapodaka scheme which would draw much water from the Ganges, and then this question of sharing the Ganges water was not taken up?

Shri Jawaharlal Nehru: I am sorry that I cannot answer that question. I do not remember.

Unrest in N.E.F.A.

*1702. **Shri D. Ering:** Will the Prime Minister be pleased to state:

(a) whether Government are aware that for some time past there has been unrest and internal quarrels amongst the Mishmis in the Lohit Frontier Division of NEFA; and

(b) if so, whether there have been any casualties and what is the present situation?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) and (b). The Government have received some reports of internal quarrels among the Mishmis inhabiting the remote Dibang Valley of the Lohit Frontier Division of NEFA. Two persons were murdered recently in inter-clan disputes in that area. There is, however,

no special significance attached to these crimes. The conditions in the area are generally peaceful. The local authorities have taken appropriate steps for the arrest of the culprits.

Shri D. Ering: May I know what steps Government have taken to stop such incidents in the future?

Shri J. N. Hazarika: One of the steps that we have taken is that the headquarters of the Additional Political Officer which is now in the lower reaches of the Dibang river at Roing will be shifted to a place called Anini in the upper Dibang valley, so that he can effectively deal with the crimes there.

Shri D. Ering: Is it also a fact that some houses have been burnt in this connection, and if so, what are the reasons for it?

Shri J. N. Hazarika: Recently, two murders took place in that area. Thereafter, the Administration took steps to control those crimes, and sent one Assam Rifle Party. The Assam Rifle Party went to the village and arrested two persons and recovered some three or four guns. Thereafter, the people of the village were asked to surrender the culprits whom they harboured. But these people did not surrender the culprits. Instead, they sent one armed man with a loaded gun to Roing, a place far lower down in the valley, to commit another murder. But he was apprehended. Thereafter, the Assam Rifle Party was sent again to that recalcitrant village, and the party found that the village was completely deserted by the people there. Therefore, the party destroyed some thatched huts of the culprits, to prevent them from taking shelter there.

Shri Amjad Ali: Could we have an idea of the immediate cause of the trouble?

Shri J. N. Hazarika: Among the Mishmis who inhabit the Dibang

Valley of the Lohit Frontier Division, blood feuds are inherited and passed on until avenged. So, when one crime is committed, it goes on for some time until it is prevented by the authorities.

Movement of Chinese Troops in Tibet

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*1703. { Shri P. C. Borooah:
 Shri D. C. Sharma:

Will the **Prime Minister** be pleased to state:

(a) whether his attention has been drawn to the press report in the Hindustan Times dated the 5th April, 1961 that the Chinese are moving troops towards Ladakh on a large scale; and

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

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Government have seen the press report. It can give no information on the subject. It appears to refer to some internal movement of Chinese troops within Tibet.

Shri P. C. Borooah: May I know whether seven Indian nationals are being held under detention in the concentration camps of the Chinese authorities in Tibet, and if so, whether any action has been taken thereon?

Shri Sadath Ali Khan: I have said just now that we have no specific information about these things. He is talking about concentration camps.

Shri P. C. Borooah: I am talking about the detention of seven Indian nationals.

Mr. Speaker: Has the hon. Minister got any information, apart from the movement of Chinese troops, whether seven persons of Indian region are detained there?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Detained at Lhasa etc. Where?

Mr. Speaker: Somewhere in Tibet. He does not know where.

Shri Jawaharlal Nehru: Well, there are a few cases, maybe, five, six or seven,—I do not quite remember—about which some argument has been going on, the Chinese saying that they are not Indian nationals, and we claiming them to be Indian nationals. In the past, this argument has gone on about many people, and most of those have been released by the Chinese, and they have come to India, Ladakhi Muslims and Ladakhi Lamas, chiefly those persons, and one or two persons who are connected with Sikkim, whose nationality they considered doubtful; there might be four or five or six persons like that at Lhasa now.

Evacuee Land Given to Punjab Government

*1704. **Shri Ajit Singh Sarhadi:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the terms and conditions on which the evacuee surplus land comprising one lakh acre has been given to Punjab Government;

(b) the reasons for not giving it to displaced agriculturists; and

(c) whether the price thereof has been credited to evacuee pool?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) (i) About 46,883 acres of evacuee Banjar Qadim land has been sold to the Punjab Government @ Rs. 5 per acre and 36,132 acres of ghair mumkin land at a token price of Rs. 100.

(ii) About 28,296 acres situated near the border has also been sold @ Rs. 5 per acre and 4,122 acres of ghair mumkin land at a token price of Rs. 100.

(b) It was not acceptable to the displaced persons on account of its being of very inferior quality or being situated near the border.

(c) In respect of (a) (i) above, the price has already been credited to the Pool, and action for crediting the price for remaining land is also in hand by the Punjab Government.

Shri Ajit Singh Sarhadi: May I know whether any condition has been laid down or any direction given to the Punjab Government that in case there is any unsatisfied claimant or a claimant who wants to exchange land with this agricultural area, it shall be done by the Punjab Government?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): No condition has been laid down. This land was offered to the displaced persons, but they would not have it. That is the reason why we have given it to the Punjab Government.

Shri Ajit Singh Sarhadi: The hon. Minister has stated that it was offered to the displaced persons. May I know whether it was done through the Punjab Government or directly, and whether there is any list of the persons to whom this was offered?

Shri Mehr Chand Khanna: In the earlier stages, an organisation was set up, as the hon. Member knows, to deal with this land allotment scheme, for, God knows, how many lakhs of acres, to at least five lakhs families. This land forms part of the evacuee pool, and as such, it was offered to the displaced persons, but, for two reasons, namely inferior quality and closeness to the border, it was not accepted by them.

Shri Ajit Singh Sarhadi: My question is whether still the Punjab Government would give this land in exchange, in case any displaced persons want it? Has any direction been issued to that effect?

Shri Mehr Chand Khanna: I have already answered that in the negative saying that we have sold the land to the Punjab Government.

Mr. Speaker: There is no condition attached.

Shri Mehr Chand Khanna: No.

Export of Hemp

*1705. **Shri Aurobindo Ghosal:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the world demand for Indian hemp has fallen; and

(b) if so, the reasons therefor and what steps have been taken to revive its foreign market?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). Yes, Sir. The main reason for decline in world demand for Indian hemp is stiffer competition from cheaper substitutes.

Steps are being taken to increase production, improve quality and provide facilities like priority in rail-movement.

Shri Aurobindo Ghosal: What steps have been taken to improve the quality of hemp?

Shri Satish Chandra: The State Departments of Agriculture have been addressed to distribute better seed and to take other steps by which better quality can be produced.

Shri Aurobindo Ghosal: What is the percentage of the fall in exports?

Shri Satish Chandra: Exports have come down from about 1 lakh tons in 1958 to about 86,000 tons in 1960.

Fertilizers for Tea Industry

*1707. **Shri P. C. Borooah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government exercise any control on the procurement and distribution of fertilisers for the Tea Industry in order to help the Industry regain its lost position in World Market; and

(b) if so, what agency is responsible to see that proper types of fertilizers are made available to the plantations at proper time and in proper quantities?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) and (b). The distribution of nitrogenous fertilisers is arranged through licensed distributors approved by Government in terms of the Fertiliser (Control) Order, 1957. On the basis of the demands for nitrogenous fertilisers for the tea industry and taking into account the supplies available, allotments are made by the Ministry of Food and Agriculture in favour of approved firms for distribution to tea gardens. The Tea Board exercises control on the sale of fertilisers by these firms to the tea gardens.

Shri P. C. Borooah: May I know whether the demand from the industry is for sulphate of ammonia, but in place of that sulphate of nitrate is being supplied and that is the reason why the industry is unwilling to accept the stuff, and consequently production has gone down?

Mr. Speaker. He is giving information instead of seeking it.

Shri P. C. Borooah: I want to know whether it is a fact that in place of sulphate of ammonia, a wrong fertiliser has been supplied to the tea industry in the form of sulphate of nitrate?

Shri Satish Chandra: The major quantity has been supplied in the form of ammonium sulphate. There is some prejudice in north-east India against any other type of fertiliser. South India is using other fertilisers also and I think they are not as bad as imagined. If the tea gardens begin

using sulphate nitrate and urea to some extent, they will realise their value.

Shri P. C. Borooah: From north-east India the requirement of sulphate of ammonia was 1,04,428 tons. Against that, the allotment made was 82,721 tons. As against 16,000 tons of ammonium sulphate nitrate required, 24,000 tons were supplied. That is to say, more sulphate nitrate than asked for was given. I want to know whether it is a fact that the tea industry has not been able to get its full quota of sulphate of ammonia and hence tea production has gone down.

Shri Satish Chandra: It is true that out of 73,728 tons of sulphate of ammonia demanded by the tea industry in north-east India, we could allocate only about 54,000 tons. But we allocated 2,000 tons of urea. Ammonium sulphate nitrate, which has got an ammonium sulphate content, was supplied to the extent of 17,000 tons against 2,000 tons to make up for the shortage of ammonium sulphate. In fact, the total demand in terms of nitrogen has been supplied to the tea industry in north-east India during the last year.

Shri Jinachandran: May I know whether it is a fact that fertiliser is being sold to big firms who mix it and sell it at exorbitant prices to the planters?

Shri Satish Chandra: There are separate firms, 19 in north-east India and 13 or 14 in south India, which are appointed by the Ministry of Food and Agriculture for distribution of fertiliser to the tea industry according to its needs and requirements.

Mr. Speaker: Is it not supplied as a mixture?

Shri Jinachandran: Will Government see to it that the tea planters get the fertiliser straight instead of getting a mixture from these firms which charge exorbitant prices?

Shri Satish Chandra: As regards these details, the hon. Member may

table a separate question to the Ministry of Food and Agriculture. My information is that the tea gardens get the fertilisers in the form they desire from the firms approved by Government.

Mr. Speaker: If there is any such complaint, he may refer to the Food and Agriculture Ministry. The question is getting mixed up.

Shri Chintamani Panigrahi: May I know whether the Food Ministry has received any complaint from any tea estate owners in Assam with regard to short supply of fertilisers?

Shri Satish Chandra: The fertilisers have been allocated in full last year, as I said just now. The difficulty is that the entire quantity has not been supplied in the form of ammonium sulphate which is sometimes desired. We have supplied it partly in the form of ammonium sulphate and partly in the form of ammonium sulphate nitrate which is slightly different in composition from ammonium sulphate.

Shri Amjad Ali: Is it a fact that some of the tea gardens wanted urea for the purpose of making mixed fertiliser mixtures and the Government have replied that it is in short supply?

Shri Satish Chandra: No, Sir. Any amount of urea can be supplied. We want to encourage the use of urea, but the tea gardens do not want to use it.

Shri P. C. Borooah: Do I understand from the reply of the hon. Deputy Minister that they have not received any report from any tea estate that there is short supply?

Shri Satish Chandra: As I said just now, we supplied the total quantity last year. But the ammonium sulphate nitrate is not being accepted, and that creates the shortage.

Shri G. K. Jedhe: What measures are taken to give more of sulphate nitrate to the farmers instead of ammonium sulphate?

Shri Satish Chandra: All these allocations are made after careful consideration. The ammonium sulphate available from the only factory at Sindri has got to be properly distributed all over the country to meet the demands of other planters and other crops. It cannot all be allocated to one industry in one area.

Sealing of Bhutan Tibet Border

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*1708. { **Shri P. C. Borooah:**
Shri Raghunath Singh:
Shri Braj Raj Singh:
Shri Radha Mohan Singh:
Shri Ram Krishan Gupta:
Shrimati Maimoona Sultan

Will the Prime Minister be pleased to state whether it is a fact that Bhutan is sealing her border with Tibet?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): The reference is presumably to the entry of Tibetan refugees. The Government of Bhutan may desire to prevent further influx of refugees into Bhutan, as they are finding it difficult to settle those refugees who are already in Bhutan. So far as the Government of India are concerned, there has been no change in our attitude towards the grant of asylum to Tibetan refugees.

Shri P. C. Borooah: May I know whether Government have decided to screen Tibetan refugees crossing the border to determine whether they are genuine refugees coming to India? If so, what is the screening method envisaged?

Shri Sadath Ali Khan: Strict screening is being done of fresh arrivals.

Dr. Ram Subhag Singh: May I know the number of refugees who came via Bhutan—I mean the Tibetan refugees who have been received by the Government of India and who came via Bhutan?

Shri Jawaharlal Nehru: I do not think I would be able to give the number of those who came from Bhutan. But, broadly speaking, the total number of who have come to India is about 30,000.

Shri Tyagi: Are the Government sure that among these Tibetan refugees there are no fifth columnists—of Chinese communists? Is there any method by which they could judge whether a refugee is a genuine refugee or not?

Shri Jawaharlal Nehru: Attempts are made to screen them fairly thoroughly. But, if, in spite of this, there is failure to discover such persons—it may so happen—it cannot be absolutely guaranteed. But, one tries one's best to do it.

श्री राघामोहन सिंह : मैं जानना चाहता हूँ कि क्या भूटान गवर्नमेंट ने गवर्नमेंट ऑफ इंडिया की मदद से टार्डर को सीन किया है ?

श्री जवाहरलाल नेहरू : मुझे यत्न नहीं कि भूटान गवर्नमेंट ने आपको सीन किया है। वह खाली कुछ अन्नफली है उन्हें लेने में, क्योंकि वे ज्यादा बढ़ जाते हैं।

Shri Harish Chandra Mathur: What is the present inflow of refugees during these months? Has it decreased or increased; how does it stand?

Shri Jawaharlal Nehru: I do not think there has been any marked change. The inflow continues to be on a relatively small scale.

Shri Yadav Narayan Jadhav: May I know whether it is a fact that the Bhutan Government had expressed that they have not got any proper machinery to screen these refugees? What steps are being taken by our Government to screen them?

Shri Jawaharlal Nehru: We screen them when they come to India.

Shri Yadav Narayan Jadhav: What about Bhutan saying that they have not got the proper machinery?

Shri Jawaharlal Nehru: I do not know whether they do or do not. But, we screen them when they come to India, but not although as they enter Bhutan, as far as I know.

Dr. Ram Subhag Singh: Now that the Tibet-Bhutan border has been finally sealed, may I know whether suitable steps have been taken by the Government of Bhutan, in consultation with the Government of India, to dispose of the produce which they wish to sell in Tibet and also to make the supply, they wish to get from the Tibetan side?

Shri Jawaharlal Nehru: I did not hear the last part of the hon. Member's question. Suitable steps for what?

Dr. Ram Subhag Singh: The agricultural and other produce which they wish to dispose of in the Tibetan markets and also to get the supply which they wish to get from the Tibetan side.

Mr. Speaker: What steps have Government taken?

Shri Jawaharlal Nehru: I do not think there is very much trade between Bhutan and there, at the present moment. It is rather standstill. I do not think they have taken any particular steps. That is the position. That is, naturally, rather injurious to the interests of the traders in the border. That is true. But, on the whole, the Bhutan Government has preferred not to encourage this trade.

Shri Yadav Narayan Jadhav: May I know whether the Bhutan Government has promised these agriculturists of the border land that the Bhutan Government will purchase the surplus of corn? What sort of help is our Government extending in this respect?

Shri Jawaharlal Nehru: I do not know what the Bhutan Government has informed their agriculturists. We have not been called upon to give them any help in this respect. We are helping them in many other ways.

Rehabilitation Industries Corporation

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*1710. { **Shri Ajit Singh Sarhadi:**
Shri Inderjit Gupta:

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

(a) the total number of industries set up by the Rehabilitation Industries Corporation in West Bengal so far and the number of displaced persons employed therein;

(b) the total investment in the industries; and

(c) what steps have been taken to ensure that the displaced persons who have received training are absorbed in these industries?

The Minister of Industry (Shri Manubhai Shah) (a) and (b). The Rehabilitation Industries Corporation has not as yet set up any industry on its own. It has however sanctioned loans of Rs. 12192 lakhs to 21 industries in West Bengal, out of which Rs. 11.69 lakhs have been disbursed so far. These industries have so far provide employment to 310 displaced persons, and when the loans are disbursed the employment potential will rise to 4367 displaced persons. In addition it has set up two industrial estates for the displaced persons.

(c) The Corporation collects details of displaced persons who receive training under various Government schemes and these details are communicated to the assisted industries as and when suitable vacancies occur therein.

Shri Ajit Singh Sarhadi: May I know whether before giving these loans to industries, the Corporation gets fixed up the percentage which the loanee must employ before having

the loan, as was done in the case of Faridabad?

Shri Manubhai Shah: The project is three-fold. One is that the Corporation intends to set up industries itself. For that they are taking steps. The other one is to set up industrial estates to enable small-scale industries who will employ the displaced persons. And the third is to grant these loans. The loans vary according to the nature of the scheme, almost up to 75 per cent. of the capital required in many cases.

Shri Ajit Singh Sarhadi: My question was whether before giving the loans a condition is put on the loanee as in the case of Faridabad that a certain percentage of displaced persons should be employed? What per cent would it be?

Shri Manubhai Shah: That is exactly the purpose. The purpose is to employ as many displaced persons as possible. But there are technicians. The displaced persons cannot all be skilled workers. Naturally, the technicians will have to be drawn from the general pool of technical persons available in this area and the country. The others are displaced persons.

Shrimati Renu Chakravartty: I want to know whether this R.I.C. proposes to set up direct industries itself within the scope of the functions....

Shri Manubhai Shah: Yes.

Shrimati Renu Chakravartty: I want to know whether anything has been done. It is more than one year old.

Shri Manubhai Shah: It has started giving loans. There are two industrial estates already under construction with 117 small scale industries. They are putting up another at Durgapur. And the fourth one is the expansion of Bone Hooghly Estate to employ 3,600 more displaced persons. They are also considering the establishment of industries of their own.

Shri Indrajit Gupta: Recently, the constitutional position of this Corpora-

tion has been changed. It appears from reports that whereas in the earlier corporation the great majority of members were non-officials, in the new corporation the vast majority are officials. May I know what considerations have influenced the Government in reconstituting the corporation in this way?

Shri Manubhai Shah: This is the first time I have been asked to look at this problem from this angle. We do not want the majority or the minority. The composition has been altered in order to have a proper co-ordination between the Dandakaranya Development Authority and this. The Chairman, Shri Sukumar Sen has been requested to be the Chairman of this Corporation so that he can use the experience gained by him in this place for the Dandakaranya project and the experience gained in the Dandakaranya project for the R.I.C.

Shri Chintamani Panigrahi: May I know whether the Government propose to take up industrial estates in the Dandakaranya area also for the benefit of the refugees there?

Shri Manubhai Shah: For the present the R.I.C. are confining themselves to the West Bengal area; but it is not barred out. The moment we find that they have done sufficiently good work in this area and rehabilitated a large number of displaced persons, certainly, we can consider that further.

Shri Aurobindo Ghosal: May I know whether the industries which have taken loans are not absorbing refugees according to their promise?

Shri Manubhai Shah: So far, that complaint has not come and we have been careful to be on the watch. As the hon. Member, Shri Sarhadi said in Faridabad we had sometimes the disappointing experience. Here we are watchful and we hope that as far as possible displaced persons would be employed.

Shri Bangshi Thakur: May I know whether the Corporation is going to set up industries in Tripura also for the refugees in Tripura?

Shri Manubhai Shah: For the present, it is all confined to the West Bengal area.

Shri Yadav Narayan Jadhav: Figures were given by the hon. Minister regarding the loans which have already been sanctioned and the number of refugees actually given employment. The number is very very low. How does the Government account for this? In proportion to the loans the number of displaced persons who have actually secured employment seems to be very low indeed.

Shri Manubhai Shah: Eleven lakhs, 310 persons and 121 lakhs 4677 persons is more or less the same proportion.

Shri Basappa: Is there any machinery to check up that loans to the refugees are used for the purpose for which they are given?

Shri Manubhai Shah: That is what I said.

Shri Harish Chandra Mathur: May I know the total number of persons employed in the Corporation itself and the total expenditure on the administrative set-up?

Shri Manubhai Shah: That would not arise out of this question. But if the hon. Member is interested in it, I have laid the annual report and the balance-sheet of the Corporation only recently on the Table of the House and if any further information is required, I will be prepared to furnish the same.

Shri Goray: I request that Q. No. 1709 may be taken up.

Mr. Speaker: It may be answered.
Small Scale Plastic Goods Industries
in West Bengal

*1709. Shrimati Ila Palchoudhuri
Will the Minister of Commerce and
Industry be pleased to state:

(a) whether Government of India's

attention has been drawn to the fact that about 500 small scale and cottage industries making plastic goods in West Bengal are about to be closed down due to non-availability of raw material;

(b) whether it is also a fact that a representation in this connection was recently submitted to the Government of India;

(c) if so, the details thereof; and

(d) the steps taken to ease the situation?

The Minister of Industry (Shri Manubhai Shah): (a) An imminent shortage of supplies of polystyrene for use of small scale plastic moulders in West Bengal was brought to the notice of Government in March, 1961.

(b) and (c). Yes, Sir. A representation was received from the West Bengal Plastic Small Scale & Cottage Industries Association, Calcutta. The Association urged immediate resumption of supplies of polystyrene powder, which had been disrupted for about two weeks due to imposition of excise duty.

(d) (i) It has been ascertained that supplies of polystyrene which were disrupted for about two weeks have since been resumed, and that the supplies are fairly regular since then.

(ii) A quantity of 50,000 lbs. of polystyrene which has been imported by the State Trading Corporation for distribution to small scale units has been received in Calcutta and is being distributed to small scale units.

(iii) It has also been decided to import 900 tons of polystyrene from Poland during the year 1961. The State Trading Corporation has already signed a contract for 300 tons of polystyrene and further contract for 600 tons is under negotiation. 100 tons of this material has already arrived in India and further consignment at the rate of 100 tons per month are expected regularly.

(iv) Besides, this, in the last two periods, Government has permitted small scale units import as actual users polystyrene to the extent of their two months consumption.

Mr. Speaker: Any hon. Members who were not present at the time when their names were called?

Shri Aurobindo Ghosal: Sir, I request 1690 may be taken up.

Mr. Speaker: 1690.

Increase in Production in Factories

*1690. **Shri Aurobindo Ghosal:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Mr. M. J. Solomon, a T.C.M. Expert, has opined that a 50 per cent. increase in production is possible in many factories in India provided 50 per cent. of the manning staff is increased; and

(b) if so, whether Government's attention has been drawn to it?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Government have seen the preliminary report submitted by Mr. Solomon to the Indian Statistical Institute, Calcutta.

Shri Aurobindo Ghosal: What steps are being taken to see that the machines are fully utilised in the public sector?

Shri Manubhai Shah: The suggestion of the very learned economist is out of context, in a broad way, viewed from the Indian conditions. Here the problem is to employ more people rather than less people and it will not be possible to overwork the Indian worker who is already overburdened due to the difficult working conditions by applying the American and other theories and practices wholly to this country.

Shri Aurobindo Ghosal: May I know whether Mr. Solomon had sug-

gested over-staffing would be of advantage in India with a low cost structure even if the per man productivity might be lower than in countries like the United States?

Shri Manubhai Shah: That is exactly what I submitted to the House. We have studied his report and to the extent we can take benefit from it, we will certainly try to profit from it. But broadly speaking his conclusions are not applicable to us.

Shri Heda: May I know if there is any category of industries to which this expert has particularly referred or are his observations in general?

Shri Manubhai Shah: He has analysed a few industries and found that the workers were loitering or going into the bath rooms frequently or resorting to the various measures rendering the machines idle for that period. If more workers were kept and the machines were not allowed to remain idle even for a short time, there may be so much more production. These are the usual studies of time and motion and work study experts and this is one of that type.

WRITTEN ANSWERS TO QUESTIONS

Enquiry Report of Calcutta Tramways Strike

*1686. **Shri Ram Krishan Gupta:** Will the Minister of Labour and Employment be pleased to refer to the reply given to Unstarred Question No. 1279 on the 5th December, 1960 and state:

(a) whether Government have since taken final decisions on the findings of the Tripartite Inquiry into the strike of the Calcutta Tramways; and

(b) if so, the nature of decision taken?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The report was adopted by the Central Implementation and Evaluation Committee at its 5th meeting held on March 1, 1961; the question of publication was left for further consideration.

Foreign Films

*1688. **Shri H. N. Mukerjee:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government have taken any steps regarding relaxation of censor restriction in the cause of important foreign films brought into the country for private showing by film societies and on the occasion of special film festivals; and

(b) if so, what are these steps?

The Minister of Information and Broadcasting (Dr. B. V. Keskar): (a) It is not possible to relax the provision of censorship regarding such cases as it is likely to lead to requests for similar relaxation in many other cases.

(b) The Federation of Film Societies had made a representation regarding this question. The question of expeditious and easy censorship of films imported for such purpose and granting exemption from payment of censorship fees is under consideration.

Explosion at Bolangir

*1693. { **Shri Tangamani:**
Shri Dharmalingam:

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

(a) whether report on the enquiry of the explosion at Bolangir in Orissa by Shri S. N. Gupta has been received;

(b) if so, the details thereof; and

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

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) to (c). An explosion took place in Sonpur Raj town on the 7th March, 1961 in a room on the first floor of a residential house belonging to a fireworks manufacturer. He held a licence from the District Magistrate, Bolangir for the manufacture of fireworks in premises outside the town, but he was carrying out surreptitiously the manufacture of fireworks in the residential house where the explosion occurred. As a result of the explosion four persons died and some property was lost.

A Magisterial enquiry into the explosion was conducted in the presence of the Inspector of Explosives, Shri S. N. Gupta. The explosion was caused by one sensitive mixture of prohibited explosives catching fire due to friction and igniting other fireworks mixture during preparation of unauthorised/prohibited fireworks.

As the manufacturer died in the accident, no legal action could be taken against him. All the remnants of fireworks and ingredients found on the spot have been destroyed. The District Magistrate has been requested to issue instructions to all fireworks dealers to refrain from manufacture and use of prohibited explosives.

Copies of the report of Shri S. N. Gupta which contains full details of the explosion, are available in the Library of the Parliament.

Nepa Newsprint Factory

***1694. Shri Birendra Bahadur Singhji:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it has come to the notice of Government that employees of the Nepa Newsprint Factory in Madhya Pradesh are experiencing hardship due to acute shortage of residential accommodation at Nepanagar; and

(b) if so, what measures are being taken to remove their hardship?

The Minister of Industry (Shri Manubhai Shah): No, Sir.

(b) Does not arise.

Displaced Persons' Properties

***1699. Shri Braj Raj Singh:** Will the Minister of Rehabilitation and Minority Affairs be pleased to refer to the reply given to Starred Question No. 784 on the 13th March, 1961 and state:

(a) whether all the properties of displaced persons which remained to be regularised on that date have since been regularised;

(b) if not, the reasons therefor; and

(c) how many cases now remain to be regularised colony-wise and how many have been regularised since the question under reference was answered?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Out of 150 cases, sixty cases have since been regularised.

(b) (i) Pending in High Court under writ petitions	69
(ii) Under action	21
Jheel Koranjia	12
Tehar II	4
Outram Lines	2
Hathi Khana	1
Andha Mughal	1
Teliwara	1
	21

Defective Rail Anchor

***1701. Shri S. M. Banerjee:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether 90 lbs. Rail Anchor manufactured by M/s. Singh Engineering Works, Kanpur, was found defective by the Alipore Test House;

(b) if so, whether the defect was not detected by the Deputy Director Inspector at Kanpur;

(c) if so, the nature of the defect;

(d) whether order was placed by the D.G.S. & D. or Railways; and

(e) the steps taken by Government to inquire into this?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) to (e). Against a supply order for 29,000 Nos. of Rail Anchors placed on M/s. Singh Engineering Works by the Directorate General of Supplies and Disposals, the entire quantity was supplied to the two consignees by the firm, after getting it duly inspected and accepted by the Deputy Director of Inspection, Kanpur. One of the two consignees had tried 24 nos. out of 15,000 nos. supplied to him and found the following defects.

- (1) three nos. were broken at the round end while driving;
- (2) the Anchors did not fit snugly against the sleepers but had only point contact due to uneven surface of the Anchors;
- (3) They did not grip the rail firmly;
- (4) 9 Anchors did not have any contact with the rail near the grooved end indicating their ineffectiveness;
- (5) the Anchors could be driven with two blows with a 2:5 lbs. hammer instead of 6 blows with a 6 lb. hammer.

On receipt of this complaint, 18 samples were drawn from the lot and sent to the Government Test House, Alipore for detailed tests. The nature of the defects shown in the Government Test House report reveal, that the defects are due to lack of proper heat treatment. Regarding the defects shown in the consignee's report, the defects at nos. (1), (2) and (4) may be due to wrong way of fitting the stores. However, the defects at nos.

(3) and (5) are due to improper heat treatment. No complaint of this nature has however, been received so far, from the other consignee, but he has been asked to inform the Directorate General of Supplies and Disposals if he has also received any defective stores. The consignee who reported receipt of defective supply has also been asked to test the full quantity, and report to the Directorate General of Supplies and Disposals, the number of defective Anchors received by him, to enable the Directorate General of Supplies and Disposals to investigate the matter further.

As regards the inspection by the Deputy Director of Inspection, Kanpur, records shows that he released the stores after inspection, in terms of the governing specification. The specification provides testing of one number in every 1000 nos. The inspector, however, actually inspected about 10% of the total quantity. Some lots were rejected by him. As 100% inspection could not be done, due to the nature of the store, the question whether there was slackness on the part of the inspector or whether a certain quantity of store, which had been rejected by the Inspector after test, got mixed up with the bulk supply is under investigation. The firm has agreed to replace free of cost all the defective anchors. They have also stated that probably a certain quantity of stores, which had been rejected by the inspector got mixed up with the bulk supply.

Steps are also being taken to make the inspection more rigid.

Auction of Plots in Mohindergarh Dist. (Punjab)

***1706. Shri Ram Krishan Gupta:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number and details of plots which were auctioned at Charkhi-Dadri and other places in District Mohindergarh in Punjab during 1958-59;

(b) the dates on which these plots were sold;

(c) the number and details of plots the sale for which has been cancelled and the reasons therefor;

(d) whether it is also a fact that full prices of some of these plots were paid and possession has been given but no sale certificates have been issued so far;

(e) if so, the number and details of such plots;

(f) if the reply to part (d) above be in the affirmative, the reasons for the same and action to be taken in the matter; and

(g) the number and details of plots for which sale has not been confirmed so far and the reasons for the same?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a), (b), (c) and (g): A statement is laid on the Table of the Sabha. [Placed in Library, See No. LT-2379|61.]

(d) No.

(e) Does not arise.

(f) Does not arise.

Tea

3726. Shri Pangarkar: Will the Minister of Commerce and Industry be pleased to state the total expenditure incurred and measures taken for promoting the sale and increasing the consumption of tea in the country and overseas during the years 1959-60 and 1960-61 so far?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

The total expenditure incurred on tea promotion inside and outside India during the years 1959-60 and 1960-61 (April 1960—February 1961) was as under:

	1959-60	1960-61
	(April '60-Feb. '61)	
Inside India:	Rs. 24,01,707	Rs. 14,22,339
Outside India:	Rs. 45,72,771	Rs. 15,63,031

The following steps were taken by the Tea Board for increasing the consumption of tea:

(a) Internal Market:

- (i) A Pilot Test Scheme to convert people to the tea habit.
- (ii) Opening Tea Centres at Bombay and Madras.
- (iii) Propaganda through mobile Vans.
- (iv) Organisation of Canteens in large industrial establishments for tea promotion among the workers.
- (v) Participation in Fairs and Exhibitions.

(b) Foreign Markets:

- (i) Participation in Tea Councils set up for promotion of tea habits in collaboration with the local tea trade and other tea producing countries in important tea markets viz., the U.S.A., Canada, West Germany and Ireland.
- (ii) Participation in International Exhibitions and Fairs and distribution of Free Gifts of tea.
- (iii) Setting up Tea Promotion Units in Australia, Egypt, New York and London.
- (iv) Sponsoring Tea Delegations

to visit foreign Countries and inviting delegations from foreign countries.

vious year because certain estates ceased production due to uprooting, abandonment of old bushes and other causes.

Tea Plantation in Dehra Dun

Bharat Sewak Samaj in Maharashtra

3727. Shri Pangarkar: Will the Minister of Commerce and Industry be pleased to state:

3728. Shri Pangarkar: Will the Minister of Planning be pleased to state:

(a) the acreage of tea plantation in Dehra Dun (U.P.) in 1959-60;

(b) whether it has increased from the previous year; and

(c) if not, the reasons therefor?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) 4691.86.

(b) No, Sir.

(c) In fact there has been a decrease by 229.55 acres over the pre-

(a) the amount given to the Bharat Sewak Samaj for Maharashtra as grants during 1960-61 so far;

(b) the details of the work done during the same period; and

(c) the number of branches of the Bharat Sewak Samaj in Maharashtra?

The Deputy Minister of Planning, Labour and Employment (Shri L. N. Mishra): (a) and (b). The information required is given in the statement as under:

STATEMENT

Name of the scheme	Grant paid in 1960-61 (Rs.)	Details of work done
2 Lok Karya Kshetras	3,200	For promotion of public cooperation and participation in various development activities in the area covered by the Kshetras.
Pilot project in Bombay city for socio-economic improvements in slum areas	17,100	For promotion of public cooperation and participation in various development activities including slum improvement and clearance programmes in the slum areas of Bombay City .

(c) The Planning Commission have no precise information.

Bharat Sewak Samaj in Madhya Pradesh

3729. { Shri Pangarkar:
Shri Kunhan:

Will the Minister of Planning be pleased to state:

(a) the financial aid given to the Bharat Sewak Samaj functioning in Madhya Pradesh during the Second Five Year Plan period so far (year-wise); and

(b) the names of the branches of the Samaj functioning in various districts in the State?

The Deputy Minister of Planning, Labour and Employment (Shri L. N. Mishra): (a) The Planning Commission have given, through the Central Office of the Bharat Sewak Samaj, grants as indicated below, for Lok Karya Kshetras sanctioned for Madhya Pradesh.

(i) 1956-57	Nil
(ii) 1957-58	Nil
(iii) 1958-59	Rs. 1,100/-
(iv) 1959-60	Rs. 1,500/-
(v) 1960-61 (upto 31st March 1961)	Rs. 7,700/-

(b) The Planning Commission do not have any precise information.

Training in Business Management in Madhya Pradesh

3730. **Shri Pangarkar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of persons who were given training in Business Management in Small Industries Services Institutions in Madhya Pradesh during 1959-60; and

(b) the expenditure incurred on them?

The Minister of Industry (Shri Manubhai Shah): (a) 15.

(b) The staff of the Institute, besides giving training in Business Management, is also engaged in other work, viz., tendering advice to individual units on different aspects of Business Management etc. The articles of furniture provided for the classes are also similarly utilised for other purposes. As such, no expenditure can be calculated exclusively for Business Management Training. In addition to the staff, guest speakers are also invited for training in Business Management and honoraria are paid to them. A sum of Rs. 90/- (Rupees Ninety only) was paid under this head to the guest speakers for giving lectures during 1959-60.

Small Units for Displaced Persons in West Bengal

3731. **Shri Pangarkar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of small industrial units established during 1959-60 for the displaced persons in West Bengal; and

(b) the details thereof?

The Minister of Industry (Shri Manubhai Shah): (a) Twenty, Sir.

(b) A statement containing the details is laid on the Table. [See Appendix VI, annexure No. 1].

Agricultural Tractors

3732. { Shri Pangarkar:
Shri D. C. Sharma:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 799 on the 25th November, 1960 and state the upto-date progress since made in connection with the manufacture of agricultural tractors?

The Minister of Industry (Shri Manubhai Shah): Of the four firms

licensed under the Industries (Development and Regulation) Act, 1951 for the manufacture of agricultural tractors, one firm has produced 123 tractors till the middle of February, 1961. Another firm, which has been granted import licence for components, is likely to go into production shortly. The issue of import licences for machinery and components in respect of the third firm is at present under consideration and this firm is also expected to go into production shortly. The fourth firm has had some difficulty with its foreign collaborator and it is now negotiating with other foreign companies for technical collaboration.

Besides these, one more application under the Industries (Development and Regulation) Act, 1951 for the manufacture of agricultural tractors has since been received and is at present under consideration.

Import of Tractors

3733. Shri Radha Mohan Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have sanctioned a scheme to import some ten thousand tractors from foreign countries in the coming years;

(b) if so, from which countries and at what prices;

(c) whether there has been any report from test or otherwise about their performance and suitability to Indian conditions; and

(d) what is the position of the availability of spare parts and arrangements made for the same?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). A sufficient number of tractors to meet the essential requirements of the country are proposed to be imported from U.S.A., U.S.S.R., Czechoslovakia, Poland and Rumania at normal market prices.

(c) The makes proposed to be imported have already been imported in the past and found suitable to Indian conditions.

(d) Apart from the existing provision of 50 per cent. quota for Established Importers, arrangements have been made for the import of spare parts along with tractors upto a certain percentage of the value of licences

Aid to Bhutan

3734. Shri D. C. Sharma: Will the Prime Minister be pleased to state:

(a) the total amount of aid given to Bhutan so far; and

(b) the purpose for which it has been given?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Rs. 97,59,203 during the period 1956—1961.

(b) Rs. 22,59,203 was for developmental projects and Rs. 75 lakhs towards the cost of construction of the Phuntsoling-Paro Road.

Soap-making Industry

3735. Shri R. Narayanasamy: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the All India Khadi and Village Industries Board will give loans and grants for the improvement of soap making industry; and

(b) if so, what are the terms for the manufacturers to get loans and grants?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir. The Khadi and Village Industries Commission extends financial assistance to recognised registered institutions for the development of non-edible oil soap industry.

(b) A statement containing the required information is laid on the Table. [See Appendix VI, annexure No. 2].

Export of Eggs

3736. Shri V. P. Nayar: Will the Minister of Commerce and Industry be pleased to state what is the latest position regarding the export of eggs from India in regard to (i) duck's eggs (ii) hen's eggs and which are the important importers of Indian eggs?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): Statistics of foreign trade do not make any distinction between duck's eggs and hen's eggs, both being classified under the heading "Eggs in Shell". Our exports are mainly to Ceylon and in 1960 we exported eggs in shell worth Rs. 41.84 lacs.

Jasmine Cultivation and Perfume Industry

3737. Shri K. Narayanasamy: Will the Minister of Commerce and Industry be pleased to state:

(a) the extent of jasmine cultivation in India? (State-wise);

(b) the steps taken to extract oil from jasmine flowers;

(c) whether Government have any plan to expand this cultivation and perfume industry; and

(d) the result thereof?

The Minister of Industry (Shri Manubhai Shah): (a) Nearly 300 acres are under jasmine cultivation in U.P. Statistics with regard to other places are not readily available.

(b) Jasmine flowers are processed for the manufacture of jasmine con-

crete; no oil is usually recovered from these flowers.

(c) There are no specific proposals for the present.

(d) Does not arise.

Industrial Development of Delhi

3738. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state the total amount allotted to Delhi State for its industrial development during the year 1960-61?

The Minister of Industry (Shri Manubhai Shah): Rs. 31.41 lakhs.

बेरोजगारी

३७३६. श्री खुशबक्त राय : क्या अम और रोजगार मंत्री यह बताने की कृपा करेंगे कि :

(क) प्रथम पंचवर्षीय योजना के प्रारम्भ व अन्त में शिक्षित व अशिक्षित बेकारों की संख्या क्या थी ;

(ख) इन लोगों की संख्या द्वितीय पंचवर्षीय योजना के प्रारम्भ व अन्त में क्या हो गई थी ; और

(ग) तृतीय पंचवर्षीय योजना में इन की संख्या बढ़ेगी या बढ़ेगी ?

अम उपमंत्री (श्री आबिद अली) :

(क) और (ख) रोजगार दफ्तरों के चालू रजिस्ट्रों में दर्ज नामों की संख्या नीचे लिखे अनुसार है। इस के अलावा और कोई जानकारी प्राप्त नहीं है।

चालू रजिस्ट्रों में दर्ज नाम

तारीख	चालू रजिस्ट्रों में दर्ज नाम		
	पढ़े लिखे (मेट्रिक और ज्यादा)	अन्य	कुल
१	२	३	४
३१.३.५१	*	*	३,३७,०६२
३१.३.५६	२,२१,५००	४,८३,१३८	७,०४,६३८
†३१.१२.६०	५,०७,२२०	१०,८८,७६७	१५,९६,०१७

* इस संख्या का खुलासा प्राप्त नहीं है।

† पढ़े लिखे बेरोजगार लोगों की संख्या

३१ मार्च, १९६१ को कितनी थी, यह अभी

मालूम नहीं हो सकी है।

(ग) इस का अभी अन्दाजा नहीं लगाया गया है।

Kidnapping of Indian Nationals by Pakistanis

3740. Shri D. C. Sharma: Will the Prime Minister be pleased to state:

(a) the number of Indian nationals kidnapped by Pakistanis from the Indian side of the West Bengal—East Pakistan border during the year 1960-61;

(b) the number of Indians out of them released so far; and

(c) the action taken for getting the release of the rest of them?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) During the period 1st April 1960—31st March, 1961, 68 Indian nationals were kidnaped by Pakistanis on the West—East Pakistan border.

(b) 61.

(c) The matter is being pursued with the East Pakistan Government for the release of the remaining persons.

Technical Personnel Registered with Employment Exchanges

3741. Shri D. C. Sharma: Will the Minister of Labour and Employment be pleased to state:

(a) the number of technical personnel on the list of various Employment Exchanges as on the 1st of April, 1961; and

(b) the number of technical personnel who got jobs through Employment Exchanges during 1960-61?

The Deputy Minister of Labour (Shri Abid Ali): (a) 1,35,596 as on 31st December, 1960. Information as on the 1st of April, 1961 is not yet available.

(b) 30,789 during April, to December, 1960.

Small Scale Industries in Punjab

3742. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) what is the value of machinery supplied by the National Small Industries corporation to the following institutions in Punjab during 1960-61;

(i) Industrial Estates;

(ii) Community Development Blocks;

(b) the value of articles manufactured by these institutions and the purchases by State and Central Governments; and

(c) the value of machinery so far assigned to them?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). The information is not readily available and the collection of it will involve a disproportionately large amount of labour and time.

Spice Export Promotion Council

3743. Shri R. Narayanasamy: Will the Minister of Commerce and Industry be pleased to state:

(a) whether an economic and statistical survey has been made by the Spice Export Promotion Council; and

(b) if so, whether the report will be laid on the Table?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) The Spices Export Promotion Council which was inaugurated at Ernakulam towards the end of October, 1960 is mainly concerned with the export aspect of spices and is not expected to undertake a comprehensive economic and statistical survey. The council may, however, as a part

of its normal activities decide to conduct market surveys in foreign countries in the years to come.

(b) Does not arise at this stage.

प्रधान मंत्री का राष्ट्रीय सहायता कोष

३७४४. श्री भक्त दर्शन : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) १ नवम्बर १९६० से ३१ मार्च, १९६१ तक प्रधान मंत्री के राष्ट्रीय सहायता कोष में कितना धन एकत्र हुआ ; और

(ख) उपरोक्त अवधि में कितना-कितना सहायता कार्यों के लिये कितना-कितना धन दिया गया ।

प्रधान मंत्री तथा वदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) प्रधान मंत्री के राष्ट्रीय सहायता कोष में १ नवम्बर १९६० से ३१ मार्च १९६१ तक के अरसे में कुल ३,५३,८७१.९१ रुपये प्राप्त हुए ।

(ख) उल्लिखित अरसे में प्रधान मंत्री के राष्ट्रीय सहायता कोष में से राहत के तौर पर दी गई रकमों की फहरिस्त सदन के पटल पर रख दी गई है । [देखिये परिशिष्ट ६, अनुबन्ध संख्या ३]।

Trade Centre in New York

3745. { Shri Ram Krishan Gupta:
Shri Pangarkar:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1049 on the 30th November, 1960 and state at what stage is the proposal to open a Trade Centre in New York?

The Minister of Industry (Shri Manubhai Shah): The proposal is still under consideration.

Exploitation of Sambhar Lake Resources

3746. Shri Ram Krishan Gupta: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1051 on the 30th November, 1960 and state:

(a) whether the arbitrator has given award regarding the dispute on the amount of compensation to be paid by the Central Government to the Government of Rajasthan for exploitation of the Sambhar Lake resources; and

(b) if so, the nature of the award given?

The Minister of Industry (Shri Manubhai Shah): (a) Not yet. Sir.

(b) Does not arise.

Movable and Immovable Properties in East Pakistan

3747. { Shri Ram Krishan Gupta:
Shri D. C. Sharma:
Sardar Iqbal Singh:

Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 782 on the 8th December, 1960 and state further progress made in finalisation of negotiations with Pakistan regarding the movable and immovable properties in East Pakistan?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): After the meeting between the Honorary Secretary of the "Association of Indian Property Owners in East Pakistan" and the Member Board of Revenue, East Pakistan, in September 1960, a delegation of the Association made efforts to discuss the subjects again with Member Board of Revenue, East Pakistan, but without success. On being approached by our Deputy High Commission, the Board of Revenue have stated that they are not in a position to receive any more delegation in this connection. On the

other hand it has been suggested that individual cases of hardships could be brought to the notice of the Board of Revenue, East Pakistan.

Paper Mills in Jammu and Kashmir State

3748 { Shri Ram Krishan Gupta:
Shri Pangarkar:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1274 on the 5th December, 1960 and state:

(a) whether the report of the Food and Agriculture Organisation expert regarding the paper mills in Jammu and Kashmir State has since been received by Government;

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

(c) the decision taken thereon?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). Final report of the expert has been received recently and the recommendations made therein are under examination.

Survey of Carpet Industry

3749. { Shri Ram Krishan Gupta:
Shri Pangarkar:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1306 on the 5th December, 1960, and state:

(a) whether the survey of the Carpet Industry in the country has been completed; and

(b) if so, the details of the survey report?

The Minister of Industry (Shri Manubhai Shah): (a) The survey has not yet been completed.

(b) Does not arise.

Rebate to Handloom Weavers' Co-operative Societies in Maharashtra

3750. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that huge amount as arrears of rebate to handloom weavers' co-operative societies in Maharashtra is outstanding for payment;

(b) if so, the amount outstanding as arrears on the 1st January, 1961;

(c) the reasons for delay in payment; and

(d) the steps taken by Government to pay regularly?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). A sum of Rs. 4,82,488 was outstanding as arrears of rebate to the Handloom Weavers Co-operative Societies in Maharashtra on 1st January, 1961.

In April, 1960, Accountant General, Maharashtra issued instructions to Departmental Officers that rebate claims should not be sanctioned in the absence of audited statements of accounts of the Co-operative Societies. Since the audit of the Societies was being carried out periodically, rebate claims could not be sanctioned till the audit was completed for the period for which the accounts were submitted by the Societies. The State Government therefore requested the Accountant General to relax this condition in order to pay accumulated arrears. The Accountant General agreed to this in November, 1960 and the claims are now being paid regularly.

Prices of Cloth

3751. Shri Rameshwar Tantia: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government are aware of the reports that some dealers first sell away that portion of a piece of cloth which is marked with the price,

with the result that other consumers buying subsequently have no means of knowing the price originally marked; and

(b) if so, the steps taken to check it?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A few reports were received earlier regarding the cutting off of the stamped portion of the cloth by dealers. To prevent such malpractices the Textile Commissioner issued a press note on the 9th January, 1961 inviting the attention of the trade as well as of the public to the existing notification under the Cotton Textile (Control) Order which prescribes that the portion stamped with prices should be sold last.

Purchase of Khadi

3752. Shri Bibhuti Mishra: Will the Minister of Commerce and Industry be pleased to state:

(a) the amount spent in the purchase of hand spun and hand woven khadi for Government purposes during the years 1958, 1959 and 1960; and

(b) the steps taken by Government to give encouragement to khadi through purchases and otherwise?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement containing the required information is laid on the Table. [See Appendix VI, annexure No. 4].

Documentary Film on 'Filariasis'

3753. Shri Ram Shankar Lal: Will the Minister of Information and Broadcasting be pleased to state when the documentary film on 'Filariasis' in regional languages will be completed and distributed to States for public show?

The Minister of Information and Broadcasting (Dr. Keskar): The documentary film on 'Filariasis', entitled "ELEPHANT LEGS", has been com-

pleted and is scheduled for release in all regional languages in cinemas in coastal and other States, in which this disease is prevalent, on May 26, 1961. A longer version of the films will also be shown through mobile vans of the Central and State Governments.

Road Making Machinery

3754. Shri Ajit Singh Sarhadi: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the country is self-sufficient in Road Rollers, their spare parts and other road-making machinery like crushers, mixers, vibrators, etc.; and

(b) if not, what steps are being taken to attain self-sufficiency?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The indigenous production of Road-Rollers, their spares and other road making machinery viz., crushers, mixers and vibrators is adequate to meet the present requirements of the country. Schemes for installing additional capacity are being considered on merits to meet additional requirements in the future.

Rope Industry

3756 { **Shri Shree Narayan Das:**
Shri Radha Raman:

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

(a) the extent to which the rope industry in India has to depend upon import for its raw materials;

(b) whether any assessment has been made as to the present and Third Five Year Plan requirements of such materials and the capacity of the industry to consume; and

(c) the present position of the supply of raw materials both by imports and indigenous production?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). The rope industry depends entirely on imports for its requirements of Sisal and Manila Hemp. While there has been no complaint of shortage of supplies of indigenous fibres for the rope industry, imports of sisal and manila hemp have had to be governed by availability of foreign exchange. An assessment is being made at present of the capacity of the rope industry and its requirements of raw materials, both imported and indigenous.

C.P.W.D. Divisions

3757. Shri Braj Raj Singh: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that a number of sub-divisions of the Central P.W.D. are functioning without the sub-Divisional Officers;

(b) if so, what is the number of such sub-divisions; and

(c) since how long no promotions for the post of Assistant Engineers (Sub-Divisional Officers) have been made through the departmental promotions committee?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) No, Sir.

(b) Does not arise.

(c) A meeting of the Departmental Promotion Committee was convened in October, 1958 to draw up a panel of officers suitable for appointment to the grade of Assistant Engineer (Civil) and another meeting of the Departmental Promotion Committee was held in July 1959, for appointment to the grade of Assistant Engineer (Electrical). Vacancies arising after these dates have been filled up by provisional selection of eligible officers. Regular panel will be drawn up very shortly.

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Price of Cardamom

3758. Shri R. Narayanasamy: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware that price of cardamom is going down;

(b) the reasons why the export of cardamom to foreign countries is going down; and

(c) the steps taken by Government to improve the conditions?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) to (c). While the Exports of Cardamoms during 1960 were higher both in quantity and value as compared to 1959 and 1958, the average price realised was some what less than in previous years, mainly due to bumper crop and competition from other sources of supply. Government have recently set up an Export Promotion Council for Spices with a separate panel for Cardamoms which would study its specific problems.

Rubber Board Employees

3759. Shri Maniyangadan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the recommendations of the Second Pay Commission (Revision of Scales of Pay) as accepted by the Government of India have been implemented in the case of the employees of the Rubber Board;

(b) whether the Rubber Board has made any representation in this matter; and

(c) if so, the action taken in this regard?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) to (c). It has been decided to implement the recommendations of the Second Pay Commission (Revision of Scales of Pay) as accepted by the Government in the case of employees of the Rubber Board. In respect of some members of the staff, proposals

have been received from the Board and are under consideration. In respect of the rest of the staff, proposals are yet to be received from the Rubber Board.

Retirement Benefits for Rubber Board Employees

3760. Shri Maniyangadan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the employees of the Rubber Board have made any representation that retirement benefits now available for Government servants should be made applicable to them also instead of the existing contributory Provident Fund benefits;

(b) whether the Rubber Board has made any recommendation in this matter; and

(c) if so, whether any decision has been taken?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) to (c). The Rubber Board Staff Association have made a representation to the Chairman, Rubber Board, that the staff should be granted pension and gratuity in place of existing Contributory Provident Fund benefits. The Board is studying the implications of the scheme.

Prices of Gunny Bags

3761. Shri Jinachandran: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware that the cost of gunny bags has gone up very high in recent months; and

(b) what are the causes for this increase and what steps are being taken to bring down the prices to normal?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Attention is invited to the Statement made in the House on the 4th March, 1961, in reply to a Calling Attention Notice.

मोतीबाग, नई दिल्ली में दुकान

३७६२. श्री वज्रराज सिंह : क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने दिल्ली के मोती बाग क्षेत्र में वहाँ की जनता की दैनिक आवश्यकताओं की पूर्ति के लिये २५० दुकानें बनाई हैं ;

(ख) क्या ये दुकानें दुकानदारों को दे दी गई हैं ;

(ग) यदि नहीं, तो वे कब तक दे दी जायेंगी ;

(घ) क्या उस क्षेत्र में रहिले से दुकान करने वाले व्यक्तियों को प्राथमिकता दी जायेगी ;

(ङ) क्या उस क्षेत्र में कु ऐसे अशरणाधीन व्यक्ति पिछले चार या पांच वर्ष से दुकानदारी कर रहे हैं जिन्हें नई दिल्ली नगरपालिका समिति ने वहाँ दुकानें दी थीं ; और

(च) यदि हाँ, तो क्या उन दुकानदारों को भी वहाँ दुकान दी जा रही है ?

निर्माण आवास तथा संभरण उपमंत्री (श्री अनिल कु० चन्दा) : (क) सरकार ने मोतीबाग १ और मोतीबाग २, नई दिल्ली में २०८ दुकानें बनवाई हैं ।

(ख) और (ग). मोतीबाग १ में नई दिल्ली नगरपालिका समिति ने ३२ दुकान पहले ही पात्र विस्थापित व्यक्तियों को दे दी हैं । इस बाजार में बाकी बची हुई दुकान भी शीघ्र ही दे दी जाने वाली हैं । जहाँ तक मोतीबाग २ का सम्बन्ध है, इस बाजार को दुकान देने के लिये दिल्ली नगर निगम को

हस्तान्तरित करने का प्रबन्ध किया जा रहा है ।

Naga Rebels

3764. Shri D. C. Sharma: Will the Prime Minister be pleased to state:

(a) the number of incidents of encounters between Naga rebels and Assam Rifles during the month of March, 1961;

(b) the number of casualties on both sides;

(c) the make of arms seized from Nagas;

(d) whether it is a fact that a Japanese rifle was seized in an encounter on the 24th March, 1961; and

(e) the sources of arms supply, if discovered?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a). There were 11 encounters between the Assam Rifles and the hostiles during March, 1961.

(b) Two members of the security forces were killed and two wounded. Thirteen hostiles are believed to have been killed. Seven of them were apprehended.

(c) Following arms were seized from the hostiles;

303 Rifle	1
Japanese Rifles	2
Muzzle-loading Guns	2
Pistol	1

(d) A Japanese rifle was seized on the 24th March and another on the 26th March.

(e) One source of supply has been the discarded War dumps located in the Jungles in this area; the Japanese rifles are believed to be from those dumps. The hostiles also possess some weapons captured in encounters with our security forces. The Village Guards deserting to join the hostile

(घ) ये दुकानें मुख्यतया उन विस्थापित व्यक्तियों को देने के लिये हैं, जो या तो (१) स्थानीय निकायों के स्टालों के मूल नियतन (अलाटमेंट) पाये हुए लाइसेंस पाय हुए दुकानदार हैं, और इन स्टालों में दिल्ली/नई दिल्ली में १५ अगस्त १९५० से पहले से लगातार बंधा कर रहे हैं, या (२) वे अन्य लोग, जिन के कब्जे में स्थानीय निकायों के स्टाल हैं । परन्तु, विस्थापित व्यक्तियों की आवश्यकतायें पूरी हो जाने के बाद बची हुई दुकानों को अ-विस्थापित व्यक्तियों को देने में कोई ऐतरज नहीं है ।

(ङ) सन् १९५६ में नई दिल्ली नगर-पालिक समिति ने मोतीबाग १ में दो अ-विस्थापित व्यक्तियों को अस्थायी दुकानें दी थीं ।

(च) स्थिति ऊपर (घ) में स्पष्ट कर दी गई है ।

Mulberry Wood for Sports Industry in Punjab

3763. Shri Ajit Singh Sarhadi: Will the Minister of Commerce and Industry be pleased to state:

(a) whether sports industry in Punjab is starving for want of mulberry wood; and

(b) if so, what steps are being taken for increased plantation of mulberry trees in the Third Five Year Plan?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). There is a shortage of mulberry wood being felt. Different State Governments are making some efforts to grow the type of mulberry trees whose wood is considered suitable for sports industry, but in view of the past experience, due to climatic and other conditions, the expectation of getting any substantial indigenous production is not much.

ranks have taken away a small number of weapons. In addition, the Naga artisans can manufacture country-made Muzzle-loading guns.

Trade Agreement with Jordan

3765. Shrimati Maimoona Sultan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether a trade agreement has been recently signed between Jordan and India; and

(b) if so, what are the main terms of the agreement?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) Letters establishing a Trade Arrangement between the two countries have been exchanged on the 19th April, 1961.

(b) The final text of the letters has not yet been received from our Ambassador and will be placed on the Table of the House in due course.

Unsold Cotton Stocks in Hansi (Punjab)

3766. Shri Ram Krishan Gupta: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that huge stock of H. 14 cotton mostly sown in Hansi (Punjab) area is lying with the traders at Hansi;

(b) whether it is also a fact that mill owners are not purchasing this cotton even much below Government fixed rates; and

(c) if so, the action taken or proposed to be taken for disposal of this cotton?

The Minister of Industry (Shri Manubhai Shah): (a) No, Sir.

(b) No, Sir. It is reported that mills have been purchasing their requirements of this cotton at market prices which are considered quite reasonable.

(c) As the stocks of this cotton lying at present with the traders are not

unusually large, Government do not consider it necessary to take any special steps in order to arrange for their disposal.

Quasi-Permanent Employees

3767. Shri Ajit Singh Sarhadi: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) what is the policy in regard to the quasi-permanent employees pertaining to his Ministry;

(b) the total number of employees who are temporary or quasi-permanent despite more than five years service; and

(c) the reasons for their not being made permanent?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) and (c). Quasi-permanent certificates are granted according to the provisions made in the Central Civil Services (Temporary Service) Rules, 1949.

(b) Information is being collected and will be laid on the Table of the Sabha.

Congo

3768. Shrimati Maimoona Sultan: Will the Prime Minister be pleased to state:

(a) whether India and Ceylon are jointly sponsoring a resolution in the United Nations seeking a deadline for the exit of Belgians and other Military and para military personnel from the Congo;

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

(c) what is the attitude of the U.N. towards the same?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). The operative clauses of the Resolution sponsored by India, Ceylon and 12 other Afro-Asian countries read:

"(i) Calls upon the Government of Belgium to accept its responsibility as a Member of the U.N. and to comply fully and promptly with the will of the Security Council and of the General Assembly;

(ii) Decides that all Belgian and other foreign military and para military personnel and political advisers not under U.N. command and mercenaries, shall be completely with-drawn and evacuated within a period not exceeding 21 days, failing which necessary action should be taken in accordance with the Charter of the U.N.;

(iii) Calls upon all States to exert their influence and extend their co-operation to effect the implementation of this Resolution."

(c) The General Assembly voted on the Resolution on 15th April, 1961, clause by clause. The particular phrase relating to a time limit of 21 days did not receive the requisite majority but the Resolution as a whole was adopted by 61 votes in favour, 5 against with 33 abstentions.

Export of Shoes

3769. Shri P. C. Borooah: Will the Minister of Commerce and Industry be pleased to state:

(a) the figures showing export of shoes during each of the years since 1958 onwards;

(b) whether these figures show a decline in the export of shoes; and

(c) if so, what are the reasons for the decline?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Exports of footwear since 1958 were as follows:—

Year	Qty (000 of Pairs)	Value (Lakhs of Rs)
1958	3858	214
1959	4759	294
1960	5034	307

(b) There has been no decline in exports.

(c) Does not arise.

Explosion in Fire Works Factory in West Bengal

3770. { Shri Dharmalingam:
Shri Tangamani:

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

(a) whether the enquiry regarding the explosion which occurred on the 6th March, 1961 in the manufacturing shed of the fire works factory of M/s Orient Fire Works Company at Barasat, District 24—Parganas, West Bengal, has been completed;

(b) if so, whether the report will be laid on the Table; and

(c) whether explosives which will react to pressure were detected in the premises?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Yes.

(b) Copies of the report are available in the Library of the Parliament.

* (c) The mixture used in the manufacture of the fire-works in question did not contain any unauthorised composition. Even an authorised mixture can react under a heavy blow or percussion.

Techno-Economic Survey of Gujarat State

3771. Shri M. B. Thakore: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government propose to make techno-economic survey of Gujarat State through the National Council of Applied Economic Research; and

(b) if so, when and what is the nature of the survey?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). It is understood that, at the instance of the composite Bombay State Government, the National Council of Applied Economic Research had conducted a techno-economic survey of the State and have submitted separate survey reports to the Governments of Gujarat and Maharashtra.

National Newsprint and Paper Mills (Nepa)

3772. Shri Birendra Bahadur Singhji:

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

(a) whether the shares of the National Newsprint and Paper Mills (Nepa) are readily marketable;

(b) if not, the reason therefor; and

(c) whether there are any other Government establishments and undertakings shares of which are not readily marketable for securing advances etc.?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Transfers of Shares of the National Newsprint & Papers Mills Ltd., held by the public shareholders, are effected by negotiations between the parties. The shares of the National Newsprint & Paper Mills Ltd., are not listed on Stock Exchange.

(c) All the shares of other Government Undertakings are held by the President or his nominees. Any invitation to the public to subscribe for any shares in, or debentures of these companies is prohibited under their Articles of Association. The shares of these companies are not available for sale or purchase and therefore the question of their marketability does not arise.

Fertilizer Plant in Madhya Pradesh

3773. Shri Birendra Bahadur Singhji

Will the Minister of Commerce and Industry be pleased to refer to the

reply given to Starred Question No. 29 on the 15th February, 1961 and state:

(a) whether the private party concerned has since communicated its choice for the location of the proposed fertiliser plant at Itarsi or Katni in Madhya Pradesh; and

(b) whether the Government of India have approved the choice?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) and (b). The choice of the location of the fertilizer plant to be set up in Madhya Pradesh has been left, subject to the approval of the Government of India, to M/s. Khandelwal Brothers Private Ltd., to whom a licence under the Industries (Development and Regulation) Act has since been issued. The party has not so far communicated its choice of location.

Second Five Year Plan

**3775. { Shri Sugandhi:
Shri Agadi:**

Will the Minister of Planning be pleased to state:

(a) the total amounts allotted under various heads during the Second Five Year Plan for Mysore and Andhra Pradesh; and

(b) the amount utilised, lapsed and carried over for the said States?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) statement is laid on the Table of the House. [See Appendix VI, annexure No. 5].

(b) Figures of actual expenditure for the Second Plan period are not yet available.

Khampa Refugees in Ladakh

3776. Shri P. C. Borooah: Will the Prime Minister be pleased to state:

(a) whether some more Khampa refugees have recently crossed into Ladakh;

(b) if so, how many have entered since the beginning of this year; and

(c) whether they have been properly sheltered??

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). 67 Khampa refugees entered Ladakh direct from Tibet during this year till 4th April, 1961.

(c) The J&K Government have been requested to formulate a scheme for the rehabilitation of these refugees including those who arrived earlier in Ladakh.

Calcutta Dock Labour Board

3777. { Shri Jagdish Awasthi:
Shri Muhammed Elias:
Shri S. M. Banerjee:

Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that Government have received a written complaint with photostat copies of illegal gratification against a member of the Calcutta Dock Labour Board; and

(b) if the answer to part (a) above be in the affirmative, the steps that Government have taken in the matter?

The Deputy Minister of Labour (Shri Abid Ali): (a) The complaint pertains to a donation received by a union. No official of the Dock Labour Board is concerned.

(b) Does not arise.

Industries in Faridabad

3778. **Shri Aji Singh Sarhadi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any assesment has been made in respect of the Loaneer Industries in Faridabad to see if the

employment is given to displaced personnel in accordance with the conditions of the loan; and

(b) if so, when that assessment was done?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir. About 63 per cent of the workers are displaced persons.

(b) In September, 1959.

Bonus Commission

3779. **Shri P. C. Borooah:** Will the Minister of Labour and Employment be pleased to state:

(a) whether the constitution of the Bonus Commission has recently been finalised;

(b) if so, the details thereof; and

(c) what precisely are the terms of reference of the Commission?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). The composition and terms of reference of the Bonus Commission have not yet been finalised.

जन सहयोग केन्द्र

३७८०. श्री खुशबकत राय : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में कितने जन सहयोग केन्द्र हैं और वे कहां-कहां हैं ;

(ख) इस प्रयोजन के लिये प्रतिवर्ष भारत सेवक समाज को कितना अनुदान दिया जाता है और अब तक कुल कितना धन दिया जा चुका है ; और

(ग) उन जन सहयोग केन्द्रों में क्या कार्य हो रहा है ?

सूचना और प्रसारण मंत्री (डा० केश-कर) : (क) सभा की मेज़ पर एक विवरण रखा जाता है (नेसिये परिशिष्ट ६ अक्टूबर संख्या ६)

(ख) भारत सेवक समाज को जो सहायता(मूलक अनुदान (Grant-in-Aid) स्वीकृत किया जाता है वह साल के साल बदलता रहता है। १९५३-५४ से १९५९-६० तक भारत सेवक समाज को सूचना और प्रसारण द्वारा लगभग ३.०० लाख रुपये का कुल अनुदान दिया जा चुका है। १९६०-६१ का हिनाब अभी तक तैयार नहीं हुआ है।

(ग) केन्द्रों के कार्यकर्ता अपने अपने क्षेत्रों में बैठकें, प्रदर्शनियों, मेलों अध्ययन-गोष्ठियों, समाज सेवा शिवरों इत्यादि का आयोजन कर जनता के पास योजना का संदेश पहुंचाते हैं और योजना को सफल बनाने में उन को यथासंभव योग देने के लिये उत्साहित करते हैं।

Amlabad Colliery

3781. Shri T. B. Vittal Rao: Will the Minister of Labour and Employment be pleased to state:

(a) at what stage is the prosecution launched against the Director and Manager of Amlabad Colliery for violation of provisions of Mines Act, 1952 and Mines Regulations, 1926 in connection with the accident in the mines in February 1955 as the appeals filed by them have since been disposed of by the Supreme Court; and

(b) what are the findings of Court of Inquiry appointed under Mines Regulation to inquire into the conduct of the Manager who has been held responsible for the accident?

The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra): (a) After the vacation of the stay order by the Supreme Court, the records of the case have been got transferred from Purulia Court to the court at Baghmara which now exercises jurisdiction over the mine consequent on States Reorganisation. That court will be proceeding with the trial during May, 1961.

(b) The Court of Enquiry has not yet submitted its report.

Low Income Group Housing Scheme

3782. Shri Ram Garib: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the Central Government employees are asked to produce a certificate from a Government counsel or a Revenue Officer regarding the clear title of the property before they are granted advance for building a new house under the Low Income Group Housing Scheme at their own cost;

(b) whether the registered deeds of the properties are not considered sufficient to prove the title of the properties;

(c) if not, what are the reasons therefor;

(d) whether Government servants have to face great difficulties in getting such certificates; and

(e) the number of persons who have been given loan in the year 1960 under the above scheme by the Ministry of Works, Housing and Supply?

The Deputy Minister of Works, Housing and Supply (Shri Anil K Chanda): (a) Evidently the information is sought under the "Rules to regulate the grant of advances to Central Government servants for building etc. of houses" which contemplate grant of advances exclusively, to Central Government servants. Under these Rules, the Heads of Departments have the discretion to require a Central Government servant to produce, at his own cost, a certificate from a Government counsel or a Revenue Officer regarding his clear title to the property before sanctioning an advance for construction of a house.

(b) and (c). Registered sale deeds merely establish the fact of transfer of the ownership. Whether the property so transferred is unencumbered can only be verified by investigation of the records of the Revenue/Registration authorities.

12.04 hrs.

MOTIONS FOR ADJOURNMENT

ACCIDENT AT EAST KAJORA COLLIERY

Mr. Speaker: I have received notice of two adjournment motions and one calling attention notice relating to the serious accident at East Kajora Colliery on 22nd April 1961 due to collapse of the roof, resulting in death of five workers. The newspaper cutting has also been enclosed. What is the position?

The Deputy Minister of Labour and Employment and Planning (Shri L. N. Mishra): Sir, the accident has taken place on Saturday, the 22nd April and we have also seen the Press Reports. The Deputy Inspector of Mines has proceeded to the scene of accident and we have not so far had a full report about the accident. In two or three days, we shall be getting a report and we shall place it before the House . . . (*Interruptions.*)

An Hon. Member: Five persons have been killed.

Shrimati Renu Chakravartty (Basirhat): Sir, my adjournment motion had also pointed out that in this very area there had been a large number of major accidents taking place in the same manner. For instance, Sir, in February on the 27th in Simla Bahal four persons were killed and many injured due to depillaring roof fall. On the 5th of March at Badruchuk, five were killed due to the same reason. Again at Loyabad at the end of January, two persons were killed due to roof collapse. At East Nimcha about four months back two were killed. All these accidents have been happening in the same area. But the department and the inspectorate have not even placed before us what their findings were. It has been going on for such a long time that it has assumed serious proportions. The mine owners do not put up the timber which is so important and when these accidents take place they do not take any notice of them.

Shri L. N. Mishra: It is not fair to say that we are not taking any notice. It is unfortunate that some accidents have taken place in this area perhaps because of roof falls. So far as site inspection is concerned, we have tried to examine the position and fix the responsibility of the management in most of the cases. I have also placed before the House full reports of the previous accidents and about this accident also, we will place a report before the House.

Shrimati Renu Chakravartty: When the Badruchuk accident took place, Shri Abid Ali said that it was due to deliberate and illegal acts of the management. What has been done since then?

The Minister of Labour and Employment and Planning (Shri Nanda): He had said that wherever there was any deliberate act or omission and we opposed to the law, prosecution would take place. Action is taken and on that score I do not think there need be any feeling that we are not doing all that is possible. There are two aspects to it. The first is whether the number of accidents on the whole have been such that a situation has arisen where there is need for an enquiry on that score. In the course of the discussion on the Budget Demands, I have explained the number and the rate and other things in relation to these accidents. In individual cases we have to look into it as to who was the responsible and what was the cause and so on. The two cases referred to by the hon. Member . . .

Shrimati Renu Chakravartty: Five cases.

Shri Nanda: . . . were due, I think, to negligence and we are taking all the action that could be taken. We have given all the details here and we shall give information about the others.

Shri T. B. Vittal Rao (Khammam): Mining operations are being carried on at much deeper levels than the original levels with the result that more safety measures are to be taken by

[Shri T. B. Vittal Rao]

the mine-owners. I can even now say something about this but I do not want to say it because you will not allow me to say that and so I will request that, till the report is received, you may hold over the adjournment motion and not dispose of it.

Mr. Speaker: I will disallow the adjournment motions and keep the calling attention notice.

Shri T. B. Vittal Rao: Sir, there is no purpose in doing so. It was not done in the past. When some clarification is necessary there should be an adjournment motion and not a calling attention notice. The matter is so serious that the House must have an opportunity to discuss it.

Mr. Speaker: I will certainly do so. But the hon. Minister has just now said that while speaking on the Demands for Grants relating to his Ministry, the same matter was raised he answered that in serious cases they would take action and the necessary steps. Nothing new has arisen now. The hon. Member, Shrimati Renu Chakravartty, referred to so many matters which had been answered.

Shrimati Renu Chakravartty: No, Sir, that is exactly what I am challenging. In the Simla Bahal accident, four were killed in February; in March at Badruahuk five were killed; a little earlier, at the end of January at Loyabad, two were killed and four months ago at East Nimcha two were killed. Now, in April this has happened. There are so many other cases of this type. Accidents like that were happening during the last four or five months and the hon. Minister says that there were one or two cases.

Shri Nanda: Sir, may I explain again that I do take a serious view of any individual accident that has occurred. There are legal provisions and we recently amended the law, and provided for more stringent penalties. That was one thing that we

could do. Then when a case comes up and it is found that the employer is at fault, action is taken in accordance with the terms of the law. That is what we are doing.

Shrimati Renu Chakravartty: They do not even let us know these things. I went myself to one place and told them: please let us know what is your finding. They said: Yes; we will do so. But they never did so.

Shri Nanda: If there is anything or any information which the hon. Member wants, I shall certainly give it. Some reports have already been laid on the Table of the House. In this particular case, we have yet to know what occurred. If due to the report three or four cases which have occurred, there can be some idea of of some kind of a situation which calls for a general enquiry. I shall look into that also . . . (Interruptions.)

राजा महेंद्र प्रताप (मयूर): मैं प्रधान मंत्री जी से एक अज्ञ करना चाहता हूँ। क्या आपका कानून है और क्या यह बात है कि कांग्रेस वालों की तरफ से कभी कोई ऐसा एडजॉर्नमेंट मोगन नहीं आता है। एकसीडेंट, होते हैं, लोग जखमी हो जाते हैं, मर जाते हैं लेकिन कोई प्रश्न नहीं आता। मैं यह चाहता हूँ कि कांग्रेस वाले यह दिखलायें कि हम को बहुत ज्यादा तकलीफ होती है, रंज होता है और ऐसी कोई वारदात हो जाती है। पार्टीबाखी नहीं होगी चाहिए।

Mr. Speaker: Order, order. The hon. Minister says that he will look into this matter. The serious cases that have been referred to by Shrimati Renu Chakravartty all occurred before the hon. Ministry's reply to the debate relating to his Ministry. They are not new ones. He has also said that he is taking steps to make the law more stringent. If he finds that a general enquiry is necessary, he will have one. I will make one suggestion. Whenever there are cases of

accidents leading to deaths of any miners, those reports may be placed on the Table of the House.

Shri Nanda: We are doing it.

Mr. Speaker: Regarding the other matters which are not very serious, if any hon. Member wants any information and applies to the Ministry, the Ministry will kindly supply the information. With regard to those reports that are placed on the Table of the House, if they are serious, the House may have an opportunity from time to time to discuss, if any general principles are involved.

So far as the adjournment motions are concerned, I am not allowing them. The calling attention notice will stand over for three or four days.

Shri Nanda: In four days, we will be ready with the information.

Mr. Speaker: I will fix a date.

12.11 hrs.

ALLEGED ARREST OF ADIVASI WORKERS IN ROURKELA

Mr. Speaker: There is another adjournment motion by Shri Chintamani Panigrahi. It says:

"The need to discuss the serious situation arising out of recent large scale arrests of Adivasi workers employed in Rourkela Steel Factory."

Is there any discrimination made against these Adivasi workers as against other workers?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): There is no discrimination at all. So far as the particular thing raised by the hon. Member is concerned, I have been trying to get in touch with Rourkela. I have learnt of this adjournment motion only today and I have not been able to get in touch. I will ascertain the information and supply it if the House so desires, as soon as information is available.

Shri Chintamani Panigrahi (Puri): More than 3,000 adivasi workers had **been now retrenched in Rourkela**. The promise was given to them that once their land has been taken, they would be given unskilled jobs in the steel factory. This was discussed on the floor of this House and the hon. Minister was pleased to tell us that if the displaced Adivasi workers are not provided with lands so far, they will be provided with unskilled jobs at least in the Rourkela steel factory. Now, many of those who were provided with unskilled jobs have been retrenched now. Neither they have been provided with land nor they have been provided with jobs. When they went and squatted for ventilating their grievances to the General Manager, more than 200 adivasi workers are arrested. You know how the Adivasi react if they are arrested.

I will request the hon. Minister to go to the spot, enquire into this matter and see that the Adivasi workers are provided with jobs in the near future and they are not arrested like this. That is my submission.

Sardar Swaran Singh: I share the sympathy for the Adivasis who are working there or elsewhere and I would like to do the maximum that is possible for the adivasis. But what happened in the beginning was that many of these displaced persons and others preferred to undertake work with the contractors, because the contractors were offering higher wages, particularly contractors who were doing the construction work. In the initial stages, when there were possibilities of employing the people by the plant authorities, they were reluctant to come forward and were attracted by higher wages offered by the contractors. Now the construction work is coming to an end. In the meantime there are not enough jobs with the steel works to absorb all the people.

Therefore, whatever retrenchment benefits are due to retrenched workers who are adivasis or non-adivasis, it is the responsibility of the

[Sardar Swaran Singh]

contractors and the State Government is ensuring that the contractors discharge their responsibility. This is a general long range question.

About this particular thing regarding the arrests of adivasis, as I have already stated, I have not got any information. I will certainly find out what has actually happened and if the House so desires, I will place that information before the House.

Shri Chintamoni Panigrahi: What about the land not being provided to them? They were displaced from the land when the steel factory was constructed. The State Government has not yet supplied land to the adivasis. Will the hon. Minister request the State Government to expedite that work also?

Sardar Swaran Singh: All people whose land has been acquired are paid full price for the land and also 15 per cent extra by way of solatium. Besides that, the State Government have spent fairly large sums of money to rehabilitate these persons. Over and above the price of the land and the solatium, the State Government have spent considerable sums of money in reclaiming some lands in trying to rehabilitate these workers. Whereas we should have sympathy with these people whose lands and properties are acquired, we should also keep this in mind that after paying the full amount for the property that has been acquired, and after paying solatium as provided by law, certain rehabilitation steps are also taken by the State Governments. I think all that should be done or could be done is being done. In this case, there is a limit up to which we can go.

Mr. Speaker: In view of the statement made by the hon. Minister, it is not necessary to give consent to this adjournment motion. But the Minister will kindly make enquiries about the arrest and inform the House as early as possible.

12.15 hrs.

CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE

WAGONS FOR MOVEMENT OF RICE IN
BILASPUR

Shrimati Maimoona Sultan (Bhopal): Under Rule 197, I beg to call the attention of the Minister of Railways to the following matter of urgent public importance and I request that he may make a statement thereon:—

“The situation arising out of the the outstanding indents for 40,000 wagons for the movement of rice in the Bilaspur region in Madhya Pradesh.”

The Deputy Minister of Railways (Shri S. V. Ramaswamy): I may apprise the House that the indents outstanding for movement of rice and paddy at stations in Bilaspur Distt. in Madhya Pradesh are about 33,000 wagons and not 40,000 wagons. This, however, does not reflect the correct position about the demand and supply of wagons.

The loading of rice and paddy from Bilaspur Distt. during the period from November 1960 to March 1961 was as follows:—

November 1960—850 wagons.
December 1960—1309 wagons.
January 1961—2782 wagons.
February 1961—1829 wagons.
March 1961—2168 wagons.

The harvest this year has been similar to the harvest last year. The total movement of rice and paddy out of Bilaspur region during the season 1959-60 was of the order of about 4 lakh tons. During the season 1960-61 about 2 lakh tons have already been moved on Central Government and trade account. A balance of 2 lakh tons is still to be lifted from Bilaspur

13361 *Calling Attention to Matter of Urgent Public Importance* VAISAKHA 4, 1883 (SAKA)

Statement Re: 13362
Shortage of Power in Calcutta Area

region during the remaining 4 months of the current season. 33,000 wagons represent a total movement of about 7 lakh tons. It is, therefore, obvious that the indents are grossly inflated.

The rice zone comprising of Madhya Pradesh, Maharashtra and Gujarat was formed in early December 1960. With the formation of this zone, there was a sudden spurt in indents as indicated below:—

On 30.11.61—166 wagons.

On 31.12.60—5176 wagons.

In order to cope with this unusually heavy indents the loading was considerably stepped up from December 1960 onwards.

Last year 70 per cent of the total movement was on Government account in the down direction towards Calcutta area.

Mr. Speaker: Is it a long statement?

Shri S. V. Ramaswamy: There is only one more para, Sir, I am prepared to place it on the Table.

Mr. Speaker: Yes; he may place it on the Table.

[The rest of the statement is reproduced below—Ed.]

This fitted in with the pattern of wagon movement as the empties go to the Chakradharpur region mineral loading area and the Bengal and Bihar coalfields but during the current year, practically the entire movement is to Maharashtra and Gujarat.

It may also be pointed out that South Eastern Railway is called upon to move traffic under higher priorities such as movement to steel plants. This railway has also to move imported foodgrains from Vizagapatam Port. Apart from the movement of rice from the Bilaspur district, movement of the essential commodities such as coal, steel, manganese ore, dolomite, bamboos, etc. is done from this area.

In spite of such heavy demands in higher priorities, efforts are being made to load the traffic in rice as quickly as possible with the available resources.

12.18 hrs.

PAPERS LAID ON THE TABLE

REPORT OF COMMISSIONER FOR LINGUISTIC MINORITIES

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table a copy of the Report of the Commissioner for Linguistic Minorities for the period 1st August, 1959 to 31st October, 1960, under article 350B of the Constitution. [Placed in Library. See No. LT-2875/61.]

CINEMA CARBONS (CONTROL) ORDER

The Minister of Industry (Shri Manubhai Shah): I beg to lay on the Table a copy of the Cinema Carbons (Control) Order, 1961 published in Notification No. S.O. 738 dated the 3rd April, 1961 under sub-section (6) of Section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-2876/61.]

REPORT OF COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

The Deputy Minister of Home Affairs (Shrimati Violet Alva): I beg to lay on the Table a copy of the Report (Parts I and II) of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1959-60, under article 338(2) of the Constitution. [Placed in Library. See No. LT-2877/61.]

12.20 hrs.

STATEMENT RE: SHORTAGE OF POWER IN CALCUTTA AREA

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): Sir, may I know, because it is a two-and-a-half pages statement, if you will permit me to lay it on the Table of the House?

Mr. Speaker: It relates to power shortage in Calcutta area.

Shrimati Renu Chakravartty: It is very important. Can it not be read out?

Hafiz Mohammad Ibrahim: Any hon. Member can make use of it, and ask anything afterwards about it.

Shrimati Renu Chakravartty: Sir, the situation has become so acute during the last 24 hours, that even DVC has also stopped giving power.

Mr. Speaker: All that is all right. The hon. Minister is not refusing to answer or give a statement. It is here [See Appendix VI, annexure No. 7]. I will pass on the Statement to the hon. Member. She may look into it. It is only being laid on the Table of the House instead of being read out in the House.

12.21 hrs.

INCOME-TAX BILL*, 1961

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): Sir, on behalf of Shri Morarji Desai, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to income-tax and super-tax.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to consolidate and amend the law relating to income-tax and super-tax."

The motion was adopted.

Shrimati Tarkeshwari Sinha: Sir, I introduce the** Bill.

12.22 hrs.

TELEGRAPH LAWS (AMENDMENT) BILL

RAJYA SABHA AMENDMENTS

The Minister of Transport and Communications (Dr. P. Subbarayan): Sir, the Telegraph Laws (Amendment) Bill was passed by this House

at the end of the last Session in December 1960, and it was sent up to Rajya Sabha. The Rajya Sabha was able to pass it only this year. Therefore, it has been brought back to this House for the substitution of the year "1961" and also the republican year. I beg to move:

"That the following amendments made by Rajya Sabha in the Bill further to amend the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933, be taken into consideration:—

Enacting Formula

- (i) That at page 1, line 1, for the words 'Eleventh Year' the words 'Twelfth Year' be substituted."

Clause 1

- (ii) That at page 1, line 4, for the figure '1960' the figure '1961' be substituted."

Mr. Speaker: It is a very formal one. The question is:

"That the following amendments made by Rajya Sabha in the Bill further to amend the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933, be taken into consideration:—

Enacting Formula

- (i) That at page 1, line 1, for the words 'Eleventh Year' the words 'Twelfth Year' be substituted.

Clause 1

- (ii) That at page 1, line 4, for the figure '1960' the figure '1961' be substituted.

The motion was adopted.

Dr. P. Subbarayan: Sir, I beg to move:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

*Published in the Gazette of India Extraordinary Part II-Section 2, dated 24-4-1961.

**Introduced with the recommendation of the President.

Mr. Speaker: The question is:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

12.24 hrs.

**INDUSTRIAL EMPLOYMENT
(STANDING ORDERS) AMENDMENT BILL**

RAJYA SABHA AMENDMENTS

The Deputy Minister of Labour (Shri Abid Ali): Sir, I beg to move:

"That the following amendments made by Rajya Sabha in the Bill further to amend the Industrial Employment (Standing Orders) Act, 1946, be taken into consideration:—

Enacting Formula

- (i) That at page 1, for the words "Eleventh Year" the words "Twelfth Year" be substituted.

Clause 1

- (ii) That at page 1, line 4, for the figure '1960' the figure '1961' be substituted."

Mr. Speaker: It is a similar one. I shall put the motion to the vote of the House (*Interruption*). Order, order. I would appeal to all hon. Members including hon. Ministers, that whenever I am standing or any person who occupies the Chair is standing all other hon. Members will try to resume their seats or, if they are somewhere away from their seats, in the nearest seats available. The question is:

"That the following amendments made by Rajya Sabha in the Bill further to amend the Industrial Employment (Standing Orders) Act, 1946, be taken into consideration:—

Enacting Formula

- (i) That at page 1, for the words "Eleventh Year" the

words "Twelfth Year" be substituted.

Clause 1

- (ii) That at page 1, line 4, for the figure '1960' the figure '1961' be substituted."

The motion was adopted.

Shri Abid Ali: Sir, I beg to move:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

Mr. Speaker: The question is:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

12.25 hrs.

**CRIMINAL LAW AMENDMENT
BILL**

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, on behalf of Shri Lal Bahadur Shastri, I beg to move:

"That the Bill to supplement the criminal law be taken into consideration."

Sir, the hon. House is aware of the context under which this Bill has to be brought forward. May I point out here very briefly the object of this Bill? This Bill has made certain new offences for the purpose of keeping quite safe the borders of India and preventing all propaganda in that respect. Therefore, the operative portions of this Bill are clause 2 which reads:

"Whoever by words either spoken or written, or by signs, or by visible representation or otherwise, questions the territorial integrity or frontiers of India in a manner which is, or is likely to be prejudicial to the interests of the safety or security of India, shall be punishable with impi-

[Shri Datar]

sonment for a term which may extend to three years, or with fine, or with both."

May I point out, Sir, that during the last year or more there have been numerous occasions where a reference had to be made to certain conditions on the frontiers and the borders of India which have caused considerable anxiety, and in this respect Government had to take action to see that such steps were prevented completely. So far as this clause 2 is concerned, the House is aware how there have been attempts at affecting adversely the territorial integrity of India.

So far as this question is concerned, it has a two-fold aspect. One is, that there might be certain maps or certain writings in this behalf which might be imported into India with a view to creating disaffection, to creating false propaganda in this respect. So far as that is concerned, to some extent we have taken action already under what is known as the Sea Customs Act. According to this Act, whenever any material which is of a mischievous nature is brought into India either by sea or by air or by earth, that can be stopped and proper action taken for seizing all such material.

So far as the creation of such material in India itself, so far as the actual carrying out of propaganda in this respect in India itself is concerned, the law was found to be to some extent defective. There were certain provisions in the Indian Penal Code, but they dealt more or less with certain matters of a limited nature—for example, they dealt with what was formerly known as sedition or a desire to create disaffection between members of different communities in India. But the question with which we had to deal was a larger one. It is highly treacherous to carry on activities which are anti-national. Therefore, to influence the minds especially of the illiterate people and create a situation where the people might come to have some doubts re-

garding the territorial integrity of India is a very important question. It has been dealt with on a number of occasions by the Prime Minister during his statements as also during the debates on the External Affairs Ministry's Demands. But some further action was necessary, and that is the reason why it was considered necessary that some action should be taken, some penal action will have to be taken by first defining a certain act as constituting an offence and, thereafter, prescribing the punishment therefor. Therefore, you will find, what has been done is that a new offence has been created in clause 2. Clause 2 reads:

"Whoever by words either spoken or written, or by signs, or by visible representation or otherwise, questions the territorial integrity or frontiers of India".

It is not merely an academic questioning; the words which follow are very important.

"in a manner which is, or is likely to be, prejudicial to the interests of the safety or security of India....."

Now two questions arise in this case. One is that, in the first instance, an attempt is made to question the territorial integrity of India and, secondly, you will find, the manner of doing so is such that thereby the safety or security of India will be called in question. That is the reason why both these important elements have been clubbed together for the purpose of constituting an offence under the new proposed Criminal Law Amendment Bill.

So far as the territorial integrity is concerned, you would agree that it is a matter which has to be held sacred. For years together, rather for centuries together, India's borders have been settled. I would not go into the other aspects of the question except only to refer to this fact that it would be highly suicidal if any

propaganda is carried on by any person in India for the purpose of questioning the territorial integrity of India. That is one of the most important and vital links, so far as the consolidation of India is concerned, and if any attempt is made to question that, that attempt has to be not merely discouraged but has to be treated as an offence, has to be treated as penal and certain punishment provided therefor. Therefore, the first part of the proposed Criminal Law Amendment Bill is to make all such action by a person who questions the territorial integrity or the frontiers of India an offence under this law, punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

The second object of this Bill is to see that in certain areas, especially on the borders of India, they should not be allowed to spread any false rumours, nor to carry on any false activities, or to make any statements which will result in some disastrous effect to the country. For that purpose, we have incorporated the next clause, which reads as follows:

"If the Central Government considers that in the interests of the safety or security of India, or in the public interest, it is necessary or expedient so to do, it may, by notification in the Official Gazette, declare any area adjoining the frontiers of India to be a notified area....."

Now, this is only preliminary to what action has to be taken, and that has been mentioned in clause 4. Therefore, clause 4, like clause 2, is the operative clause. It reads:

"Whoever makes, publishes or circulates in any notified area any statements"

the House will kindly note the words

"rumour or report which is, or is likely to be, prejudicial to the maintenance of public order or essential supplies or services in the said area, or to the interests

of the safety or security of India, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

So far as certain areas are concerned, whenever it is found that any such action is likely to be taken, either by spreading false statements, or by spreading bad and false rumours, or giving currency to a report which is likely to affect the safety of India, or public order, or even essential supplies, then that constitutes an offence by itself and, in the interests of the safety or security of India, that offence also shall be equally punishable in the sense that the maximum punishment that has been prescribed would be three years, or fine, or both.

Then, some further powers have to be taken. Our border areas are fairly large and, Sir, you would also agree that certain persons from the rest of India go there, though they are not residents there, and carry on such mischievous or highly disloyal activities there. Therefore, power has been taken to prevent their entering such areas and, in proper cases, even to remove them from there. That has been provided for in sub-clause (3), where it has been stated:

"On and after such date as may be specified in, and subject to any exemptions for which provision may be made by a notification issued under sub-section (1), no person who was not immediately before the said day a resident in the area, declared to be a notified area by the notification, shall enter or attempt to enter that area or be therein except in accordance with the terms of a permit."

Now, he has to ask for a permit and after taking that permit it would be open to him to go there. But, even in spite of such a permit, if he does certain action which is highly prejudicial to the interests of India then

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that action is penal by itself, coupled with the violation of this Permit. Therefore, it has to be made necessary to have a permit, especially for those who are resident in that particular area, and that is the reason why a restriction has to be placed upon the non-residents of that area. Then, in proper cases, a search can be made whenever a person tries to enter and he can be removed there from also, as has been made clear in sub-clause (5).

Then I will pass on to the next important provision that has been made thereunder. Before I deal with this provision, may I point out that some time before we had an Act in India, known as the Press Objectionable Matter Act, 1951? It was in operation for some years. Then, ultimately, this House and the other House expressed rather strongly their desire that this Act should not be further continued. That was the reason why about three years ago an extension of this Act was not asked for and, as a result of it, this Act is no longer in force. It has created certain difficulties, both from the administration point of view as also from the point of view of public security and, therefore, certain provisions were essential in that respect. So, to some extent, certain reasonable provisions have been introduced in clause 4, which reads:

"Where any newspaper or book as defined in the Press and Registration of Books Act, 1867, or any other documents"

Here I may say that the word "document" has been further defined.

"wherever printed, appears to the State Government to contain any matter the publication of which is punishable under section 2 or sub-section (2) of section 3, the State Government may, by notification in the Official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such

matter and every copy of such book or other document to be forfeited to the Government...."

After making such a declaration, they can call upon a police officer not below the rank of a sub-inspector to enter upon and search for the same and then take necessary action in this respect.

Now the word "document" has been defined by what we call an inclusive definition, because that word has been defined in other Acts. Here it has been stated that it includes also painting, drawing, photograph or other visible representations.

Having dealt with these operative portions, I would like to say that an appeal has been provided for in clause 4. Whenever it is found that any action is taken against any person having an interest in a newspaper or other document, he can apply in revision to the High Court to set aside such an order on the ground that the issue of the newspaper, book or other document in respect of which the order was made, did not contain any matter of such a nature as is referred to in sub-clause (1) of clause 4. These are the main provisions of the Bill.

After dealing with these provisions in some detail, I might point out that very insidious propaganda is being carried on by spreading false rumours especially in an area where illiteracy is perhaps the highest and this subtle propaganda that is carried on either by publishing and spreading such literature or from public platforms, or otherwise, is generally of the nature that India's action in trying to resist whatever is being done by our neighbours was entirely wrong. The general nature of such propaganda might be briefly categorised as under.

China has not committed any aggression. The border is undemarcated. This is one of the ways in which propaganda is being carried on that it

is not China that is aggressive; inasmuch as the border has not been properly demarcated, it cannot be said that China has committed any act of aggression. This you will find is one way whereby very directly the frontiers of India are being challenged unfortunately by our own persons.

It is being said that China will never invade India, as no socialist country will commit aggression. They say China is a socialist country. I would not like to enter into the definition of what is meant by "socialism", because often times the same words mean different things to different people. Whatever it is, here they say China will never invade India at all.

The third is China wants the dispute to be settled amicably, but the Government, meaning the Government of India, do not desire this. They bring in the Congress Party also. They say the Congress Party wishes to divert people's attention from its own misgovernment. There is no misgovernment as such. There might be honest differences of opinion between parties and parties. But you cannot say that there is any such misgovernment as to enable the Congress Party, or the Congress Government to have the attention of the public diverted from these acts of mal-government or misgovernment, with a view to winning the General Elections of 1962. That is, as you will find, a highly mischievous, untruthful propaganda. The Congress does not stand in need of carrying on any such propaganda. The Congress will stand on its own merits, on its own strength which has been fully proved during the last ten or twelve years.

Then it is said that Tibet is part of China and that the Dalai Lama is under the influence of imperialism. These are very catchy words—imperialism and dictatorial actions. All these words are used sometimes by persons who are themselves guilty of those offences. They say Government ought not to keep him in India.

It is also said that the area in India under the control of the Chinese has progressed much more than the frontier areas of India. In fact, Sir, an attempt is being made to exploit what they call the neglect by India or our own areas. May I point out, Sir, that that area was never neglected? In fact every attempt is being made to give full justice, especially to these hilly areas. As you are aware last year we had taken certain steps with a view to seeing that these areas are fully developed. There are certain natural difficulties. Those who have visited the Himalayan areas will find that the question of transport, the question of bringing them in line with the rest of India is bristling with difficulties. All the same, they are entitled to the same benefits of a free and enlightened Government as ours. And that is the reason why the Government of India and the various State Governments are spending large sums of money, in terms of lakhs, for the purpose of improving the lot of these poor people. It is entirely wrong to say that the conditions of our people within our borders is not only not so good, but is far worse than the condition in Tibet. It is not proper to make any such comparisons. But may I tell the House that on the whole, subject to the difficulties that I have pointed out the conditions even in these mountainous areas are far better and may I also add, that the light of civilisation, the light of enlightenment has reached these people as well? I have travelled through the different parts of the Himalayan territories and I have found that people there are aware of the benefits of modern democratic government and therefore it is entirely wrong to say that the area has been neglected, much more wrong to say that the area has been purposely neglected.

Then, Sir, there are various other pieces of false propaganda, which is being carried on by parties, by certain persons. The object is to exploit whatever difficulties there are. There are certain persons and parties, as you are aware, who always want to fish

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in troubled waters. Now, they do so after creating trouble there. Wherever there are no grounds for complaints, or even where there are no grounds at all, they will try to create trouble with a view to seeing that people in those areas are fed on absolutely false and mischievous propaganda.

I do not want to go in great detail, except to point out one or two highly untruthful statements that are being published there. At a public meeting organised by a party, speakers gave out that the Sino-Indian border dispute has been unnecessarily magnified by our Prime Minister. You can see how entirely false this propaganda is. At a private session, it was further stated that the Prime Minister was deliberately prolonging a settlement of the border dispute with a view to winning the General Elections of 1962. Now you will find that there is absolutely no connection between the one and the other. As we are aware the Prime Minister, with all his peace-loving qualities is out for settling all disputes, wherever there are, according to non-violent truthful means. All the same, even the statements of our Prime Minister, who has international reputation, are being purposely perverted with a view to creating a wrong impression and with a view to seeing that the various lies that are spread are easily swallowed by these poor, undiscerning and simple folk.

They say that the claim of China for certain parts of India was correct. You can see, Sir, the extent to which complete lack of scruples can go. It is said that certain parts of India ought to be parts of China. I would not like to go into present history. But they make the propaganda that China has not occupied any Indian territory at all, and Government have created the border districts with a view to handing them over to Communist China, in case of an emergency. This is utterly false, thoroughly dishonest. Such propaganda is a highly vicious thing. Such propaganda is

bad in any part of India, but it is worse and is fraught with the greatest danger if simple people are fed on all these lies, because they are likely to believe that whatever is stated is perhaps true.

Then they go further and say that the Government were wasting large sums of public money on defence. That, again, is an entirely false thing.

I would not go into further details. I would only like to say that we propose to have certain new offences made. These offences will, naturally, be both cognizable and non-bailable. Then there will be a regular judicial trial. In that trial the other party, that is the accused, will certainly have full opportunity of placing their views, whatever they are, before the judicial courts. It is only then, after the courts find that these offences have been proved in the case of the persons who have been brought to the court, that we shall proceed with the further action, not otherwise.

Therefore, there are a number of safeguards. The provisions of the Constitution also have been fully taken into account. But, especially in public policy, when the interests of India and the welfare of India require that certain restrictions have to be placed upon certain persons who are acting not only wrongly but dishonestly and maliciously with certain ulterior motives which affect the frontiers of India or which would affect the welfare of India, then strong action, punitive action is rendered absolutely inevitable.

Two years ago, Sir, as you are aware, the then Home Minister on a number of occasions pointed out that Government were aware of the dangers involved so far as this particular question was concerned and therefore the matter was under consideration. Government have considered the matter from all points of view. We are anxious to see that whatever is done, especially so far as the penal side is concerned is done after full thought, after consideration of all the circumstances of the case, and after

carefully making a note of what has been allowed to our citizens under the Constitution. It is under these circumstances that Government has been compelled to bring forward the Criminal Law (Amendment) Bill, and I am confident that it will be accepted by all the hon. Members of this House.

Mr. Speaker: Motion moved:

"That the Bill to supplement the criminal law be taken into consideration."

Shri Goray (Poona): I thought that this Bill was important enough to be dealt with by the Home Minister himself. I would have certainly liked to hear from him as to why it is....

The Minister of Home Affairs (Shri Lal Bahadur Shastri): We have divided the work among ourselves; I shall reply to the debate.

Mr. Speaker: A senior Minister of the standing of Shri Datar has placed all the facts before the House.

Shri Goray: Sir, all that I wanted to say was, without reflecting on the important position that Shri Datar holds....

Shri T. B. Vittal Rao (Khammam): And his capabilities.

Shri Goray: .. and his abilities, of course, that this Bill seeks to give more powers to the Government, and these powers they want to exercise for the security of the State. That being the importance of this Bill, I thought that the Home Minister himself would move it, take the House into confidence and tell us why it was that it was necessary to introduce this Bill when Government have got the Penal Code, the Preventive Detention Act and similar other pieces of legislation to deal with persons who are tampering with the sovereignty of our country.

Still I am glad that at this late hour the Government has thought it fit to come forward with this Bill and

at last it seems wisdom has dawned on them that the security of this country is in danger and that certain persons, certain individuals and certain parties are trying to tamper with it.

You must have noticed, Sir, that while the hon. Minister of State was speaking, he constantly referred to the nefarious propaganda carried on by certain persons. I was expecting, and perhaps the House also expected, that he would name the parties to which these persons belonged. Only to say that certain people certain individuals, certain parties were carrying on propaganda was not doing justice to the House where all the parties almost are represented.

From the various extracts that he read out here to me it was very obvious that all this propaganda was being carried on only by one party in India, and that party is the Communist Party of India to which my friends here belong. It is up to them to say whether these extracts are authentic or whether they are spurious. So far as I can recollect, all these extracts are authentic.

There is one other feature that will have to be noticed, and that is that some of the sentiments which have been expressed by the Communists Party and its advocates have a close resemblance to the sentiments expressed by the Chinese communists themselves. I thought that the hon. Minister of State would draw the obvious conclusion and would tell us whether this resemblance has been noticed by the Government or not. Because, sometimes we are led to believe that the Government themselves were working under a sort of illusion that the communist will not attack India, that the communist will not commit aggression. This sort of illusion was there in the Government's mind itself.

I do not want to go into the details, but you will remember, Sir, that so far as the security of our frontier is

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concerned Government was not discharging its duties properly. That is the basis on which the Chinese team had recently argued against all the arguments put forward by our own team. There is a passage in that report which says openly that from 1954 the Chinese communists were trying to penetrate and were trying to use large areas in Ladakh and Aksai Chin area and there was no resistance at all. The natural conclusion that they drew was that this territory did not belong to India, that the Indian Government had no interests in it and they therefore thought that it was perfectly right on their part to say that this territory was theirs and to carry on their activities there, whatever they were.

That being the case, the entire border from Ladakh to NEFA is in danger. And I am rather surprised that in this Bill the old *mantram* has been chanted here "excepting the State of Jammu and Kashmir". I hope that as soon as this Bill becomes an Act the Government will persuade the Jammu and Kashmir Government to extend this particular law to their territory also, because that is one of the most vital and endangered sectors of our frontier. On one side, there is Pakistan, and on the other side there is China, and both these countries I am afraid, do not mean well by us. That being the case, I would say that as soon as this law comes into being, it should apply not only to this country, to the various States here but also to Jammu and Kashmir, and I hope that it would not be long before this this law is made operative even in that area.

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Now, what is the picture? I thought that instead of reading only extracts from the communist documents, the hon. Minister would tell us what exactly the position was in this area. For, it is not only the Army or the Air Force that can defend this area. After

all, it is the people who count, and what their mood is, in Ladakh or in U.P. or in Bihar or in NEFA. That is very important. I would even say that the Naga territory also is very important. From the questions and answers on the floor of the House only a few days ago you must have noticed that the Prime Minister said that the Nagas operated not only in India but also in Burma. It seems that they have a sort of free access. Whenever they choose, they can come to India and carry on the operations, and if they are pursued, they can flee into the neighbouring country, and again come back. That means that the whole of the territory, extending right from the Naga territory to Ladakh is a dangerous frontier. It is an active frontier which shall have to be watched.

Only one instance will be enough, and that is regarding the recent interview which the correspondent of the *London Observer* had with the four Air Force men who had been arrested by the Nagas and kept in detention. Here, in the House, so many times we have asked about their whereabouts, and we have been told that their whereabouts cannot be traced because they are being moved from place to place. But what do we find in the *London Observer*? A correspondent of the *London Observer* comes here, interviews all those four airmen, and produces their photographs in the *London Observer*; he not only produces their photographs, but he produces the photograph of the aeroplane which crash landed, and gives all details about their names, their ages, how they are feeling, how they are kept and all that sort of thing. But, here, it seems that Government are not able to control the activities of such people who can come go to their hide-outs, and interview people who have been arrested and give a full story with photographs and everything. That is the loose sort of security measures that we have got all along our frontier.

The Minister mentioned the northern frontier, I would like to point out that we are not dealing there with the Nagas. After all, the Nagas are a handful of people. They are carrying on their operations on the basis of some smuggled arms or arms that are illicitly purchased. But, here, when we are dealing with the communists, we are not dealing with a band of irregulars like the Nagas, but we are dealing with a powerful government, with a standing Army well equipped and well manned. That is the sort of situation on the northern frontier, so far as the communist government is concerned.

What is happening to the people there? I can say this with some authority, because I have been to all those places, to the U.P. area, to the NEFA area and also to the Darjeeling area near the Nath La. I would like to suggest here that it is not enough to pass enactments of this sort. These are in a way negative. Of course, there is a positive law in the sense that people who are carrying on this sort of propaganda will be arrested and punished. But when you look at the whole picture, you will find and you will agree with me that this is a negative attitude. It is not enough to create new offences, as the hon. Minister has said just now. We shall have to create a situation where such offences will become impossible.

What sort of offences are being committed there? Only recently, the Home Minister of the U.P. Government said that here the communist party people were carrying on propaganda that the Badrinath temple once belonged to the Tibetans and that the Chinese might claim it one day. This is the sort of whispering propaganda which is going on, creating doubts in the minds of the people and saying that the Government and the people of India are really wanting some sort of settlement with the Chinese people, but some parties are interested in keeping the war carry on. This is the sort of propaganda which is being car-

ried on from village to village. When I had been to Darjeeling, one of the Nepali leaders told me that in all the tea estates where the communist people are working, the propaganda is 'Whatever your grievances may be, you will get rid of them very shortly, because the Chinese are coming'.

When the hon. Minister says that nobody from the Communist Party, is talking about aggression, I would only like to ask him whether this was true only of the border areas. Recently, the Communist Party had a meet in Vijayawada which lasted for nearly ten days, and the press report is there, saying that there were about five lakhs words uttered, but this word 'aggression' was never uttered at all. Such is their conviction. It is no use arguing with them. It is their conviction that firstly China is not capable of aggression, and secondly, even if it is aggression, they will not call it aggression. You must be remembering that Shankaracharya once said that 'After all, if somebody were to tell me that fire does not burn, or if it is said even in the Vedas that fire does not burn, I shall say that that person or the Vedas are telling something which is false, because it is burning; I have the proof of it, a positive proof of it'. The Communists are one step beyond Shankaracharya. Even if the Communist were to commit aggression, and the proof is there, and the Prime Minister says it, and the Defence Minister says it, and he asks for Rs. 30 crores or Rs. 40 crores more to defend the borders, they will say 'There is no aggression, because the Communists can never commit aggression.' That is the type of people that we have to deal with. Therefore, I am saying that it is not enough if we enact only this law. The question is what sort of direct contact we have established with the people in those areas. That is the point.

About a month back, during this current Session of Parliament, you will recall that about a thousand people from the Tehri-Garhwal area

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came here and demonstrated, saying that 'These are our economic problems'. That is the positive side. We shall have to deal with the economic problems of those people in those areas, thereby eliminating all possibility of any anti-national feelings or any anti-national disturbances being created there. They are simple people. They are tribal people, and like all tribal people or hill people. They do not know much of politics here, and all that they are interested in, if their life is disturbed, by whatever you are doing there, is that they must get their bread somehow; that is all that they know.

What is happening in those areas? You will find that after this tremendous pressure was built up by China, all trade has stopped. Here, in this House, many a time it has been said that those people who had their trade there are now returning to India, because there is no trade, and no trade is possible. That was the main business that they were carrying on. Only a little while ago, the Prime Minister said that all these things which were being done were not according to the 1954 agreement. I would like to know from Government what part of that agreement survives now, to say that this particular thing or that particular thing is not being carried out according to the 1954 agreement. It means as if this is the only thing that is not being carried out according to that agreement. I make bold to say that this agreement does not exist at all. There is no friendship now remaining between China and India. At least the Chinese feel that there is no possibility of friendship, and no possibility of trade and no possibility of negotiations. Therefore, this particular pressure which is being built up there constantly and which is increasing has affected tremendously the population living in that belt. In what way are they building that pressure? The trade routes are stopped. Those people who were carrying on trade were not deal-

ing only with commodities, but they were people who used to have hundreds of mules, and hundreds of goat and sheep, and constantly, there was a movement from the mountainous area down to the plains and *vice versa*. All those people who have lost their trade have also to give up their mules and so on. Their trade has stopped their commerce has gone and now those people are thrown out of employment. You are building up roads there; that is well and good. But what is the immediate effect of building of roads? The immediate effect is that your motor vehicles are now carrying all the trade.

Therefore, these muleteers are thrown out of employment. All these people, primary school teachers, muleteers, merchants and small peasants who would cultivate their land only for four or five months in a year, are finding that their trade is gone, and the backbone on which their economy rested is broken. We must substitute that backbone again by creating industrial potentialities, by giving them improved seed and by giving them proper types of officers.

When I had been to Gochar and other places, I found that the officer-cadre which we have created there was not of the correct type. When I was in Gochar, there was a big mela. About 15,000—20,000 hill people had come together. We on the plains may not think that 15,000—20,000 in a mela is a very big thing, but in the hills it is a very big thing. It means nearly 2 lakhs people gathering here because those people come from great distances. What were the officers, who had their chance of life to meet these people, talk to them and create confidence in them, doing? Till late in the night, till 3 or 4 O'clock they were playing bridge. All the hill people were watching this. They found that these sahebs had come with their families. I am not blaming them for bringing their families. But they had come there on a sort of picnic. Ins-

stead of contacting the people and telling them what the danger from the north was and what Government were doing to meet it, instead of telling them how Government want to help them and so on, these people, who had no heart in the work, were enjoying as if they were on a picnic.

What I would say very humbly to the Home Minister is that we will have to create a cadre from the local people themselves. It is no use sending people from the plains because they go there only for the additional allowances. After three or four months because it is a very dreary life in the hills and on the frontier, they come back to Lucknow, Patna or Bombay, wherever the usual society life is available. So an altogether new type of officer cadre will have to be created, people who understand what the problems are, who have a missionary spirit to see that this particular border is to be defended not only militarily but also from the civilian point of view.

It is a question of creating a new India, a sense of belonging to India. I was really sorry that after the aggression by China there was an opportunity, a God-given opportunity, to create this sense of united India, which was missed. I am referring to that national personality which we created when we were fighting the British, but somehow it seems that that chance has been wasted. No effort has been made to revive that national personality, that loyalty to the nation, which automatically flows out of one's mind. We have to convince people that something has happened and therefore we must take up a nationalist attitude. Why is it that the Communist Party is finding it possible to take this particular attitude? Because it found that that sense of nationalism is not there at all. In spite of the fact that China has committed aggression, in spite of the fact that the Prime Minister of our country says that aggression is there, in spite of the fact that we had been friends and we tried to accommodate China, to see that China

was given a seat in the UNO, in spite of all these upright positions that we have taken not only once but half a dozen times, when China commits aggression against a friend, there is no effort on the part of the Indian leaders to carry the message to the people. The whole thing is put in a sort of mist, in a confusion, with the result that people think—'May be China is right; may be India is right. Anyway, on both sides there are arguments. Therefore, there should be arbitration' and that sort of thing. This is because the Government themselves have taken up such an attitude.

An Hon. Member What about Shri Jaya Prakash Narayan?

Shri Goray: I blame Shri Jaya Prakash Narayan. I do not consider him as one of those infallible. I do not consider as pontifical whatever comes from Shri Jaya Prakash Narayan. I say it is wrong on his part to say that both sides have adduced evidence. What is the evidence adduced? Either Government believe in the report which their team has made or they do not. It is incongruous, if not ridiculous, to say that our team has worked wonderfully, they have produced a report after having gone through a mass and heap of papers and our case is incontestable, and then again to say that there are arguments on both sides. Either Government believe in the work of their own team or they do not believe it. That is the only position a self-respecting nation can take. My sorrow is that our Government are not taking up the only attitude which any Government are expected to take up. There is always a sort of prevarication. It looks as if we speak with two faces, with two mouths. This should stop. Unless this is stopped, this sort of enactment will not be of much use. It will remain a dead letter. We will have to see to it that this whole area is developed as quickly as possible. The people will have to be given employment. They will have to be approached. They will have to be given the correct idea of the situation as it

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obtains today. They must be told that they belong to us and we belong to them. Unless such an atmosphere is created, I do not know how far this will go to help us in securing our borders because corruption is prevalent there, in the unhappy conditions of that area.

Therefore, I do not grudge the powers that the Home Minister is asking for. Let him have the powers in ample measure. But we would like to know whether those powers are going to be exercised at all and if they are going to be exercised, whether they will be exercised in right earnest. The sort of performance that we had from the Minister of State in which he told all the facts but omitted to mention the parties and the names creates a doubt in my mind whether Government are really sincere about these things. I would not like to give more power to a Government which do not want to exercise those powers. If the Government do not want to behave as a Government what is the use of giving them powers and clothing them with authority?

Therefore, so far as my Party is concerned, we do not grudge these powers to the Government. But we would certainly say—Do not talk in a vague general manner, saying that some parties and some people are carryin on propaganda. Government know the parties which are carrying on propaganda. If these are the powers Government are asking for, we give them those powers on the understanding that they will be effectively used.

Shri Indrajit Gupta (Calcutta—South West): I rise to oppose this Bill on behalf of my Party. This Bill, in our opinion, is unnecessary and uncalled for and is liable to the most dangerous misuse. Therefore, we oppose it.

I agree with my hon. friend, Shri Goray, that Shri Datar should have been more frank and more honest, if I may say so, when introducing this Bill, to speak out openly and say what

he had in mind. He accused a certain party, that is to say, without naming it, and he did indulge in what he himself has called insidious propaganda against that party. He regaled us with a lot of so-called extracts from speeches or writings or slogans, as he called them. But for some peculiar reason, he did not have the courage and the frankness to say openly what was in his mind. Therefore, I am thankful to my hon. friend, Shri Goray, for filling up that gap; the vacuum left by Shri Datar, has been very ably filled up. That was what we had expected; we were not expecting anything more or less than that, because Shri Goray has made it quite clear—he said so in his speech, if I am not mistaken—that there is no use of arguing with these people,....

Shri Yadav Narayan Jadhav (Malegaon): We have got the conviction.

Shri Indrajit Gupta ... this sort of thing will not do any good and it is not adequate. Listening to him, I felt that like the Minister of State he also left a little bit unsaid, which he may say on some future occasion. But, he should also have been a little frank because the method of his argument was that the Minister should have made the demand quite clearly and that instead of a limited Bill like this being brought forward (the Communist Party should be banned, because you cannot argue with these people.

Mr. Speaker: Is that the only alternative?

Shri Indrajit Gupta: I do not know. That is what he meant. He was giving out his difficulty and the legitimate grouse he has against Government is that Government, while bringing in this Bill, while carrying on this propaganda against the Communist Party when they introduced the Bill, did not have the courage to say that these are the people against whom they mean to use it. I want a clear assurance on this; a commitment on

the floor of this House that the Statement of Objects and Reasons given here is really meant, as far as the Government is concerned, to take action against the Communist Party. (*Interruptions*). The questioning of the territorial integrity or frontiers of India has been cited here as the main reason for bringing forward this Bill. Those who may question the territorial integrity or frontiers of India in a manner prejudicial to the safety and security of the country are the people against whom it is primarily meant to be used.

I want to make it quite clear at the beginning, irrespective of what anybody on any side of this House may say, that nobody is questioning the territorial integrity or frontiers of our country. Nobody questions it irrespective of what slanders and distortion may be said by various people regarding our party.

Shri Goray, of course, went off at a bit of a tangent, in my opinion. His point was that some people, communists they say, are flouting the territorial integrity of the country. I want to make it clear that as far as my party is concerned, we are bound and all our members are bound by the resolution which our party has adopted on this question only last February. That was the reason why we did not repeat this whole thing all over again in Vijayawada, which seems to be a secret mystery to Shri Goray. Only towards the end of February, our National Council met in Delhi and adopted the resolution on Indo-China border dispute which resolution has been published and is before all India. Surely, Government is aware of it.

What does this resolution say? This resolution says:

"The Communist Party of India has already declared in its Meerut Resolution that it upholds the traditional borders in the Western sector and the MacMohan Line as the de facto boundary in the Eastern sector."

Now, I do not know, how, by any stretch of imagination, this stand can be interpreted to mean a questioning of the territorial integrity or frontiers of India. If the question is raised regarding the traditional borders of the western sector, well, we are not alone. We are in good company, I think, in that matter because if the matter had been settled, once and for all and for good, we would have been very nappy. The fact remains that it was not being settled and that is precisely why the Government itself has gone to the trouble of entering into this protracted and prolonged negotiation with the official team of the Chinese Government. Where has this thing of 600 pages come from? Why was it necessary for our Government, if it was convinced in its own mind that there was nothing to discuss and no scope for any different interpretation and no scope for any conflicting data, to send a team to enter into negotiations? Why was it necessary to record all this huge mass of evidence and issue the thing?

The point is this. The only difference that I can comprehend is: once this data has come before us, what is the course to be followed now? My party has repeatedly said and has said again in its latest resolution that we stand for a negotiated peaceful settlement at all costs, because the alternative is something which we are not prepared to advocate or countenance. Shri Goray feels that having said that the mass of evidence produced by our officials has made out a very good case and a strong case, it is enough. After that, what does he want us to say? Having proved our case should we have no recourse to further talks? Should we refuse to have further talks? I do not know. But my party says that after these have taken place and after this huge compendium of facts and evidence has come to light, the only way of settlement is through further negotiation, if necessary at higher political and top level. If, for that we are called traitors or treacherous, or that we are questioning the integ-

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urity of the country, then those who want to indulge in that kind of accusation will continue to do that, whatever we may do. We are not bothered about that.

I want to say this. This kind of amending Bill, as the Deputy Minister said...

Some Hon. Members: He is not the Deputy Minister. He is the Minister of State.

Shri Indrajit Gupta: I am sorry; he is the Minister of State. I am a new member and I may make some mistake now and again. I may be excused for that.

The Minister of State referred rather obliquely to certain activities, statements, utterances and writings, slogans and so forth, which, of course is the reason why Shri Goray quarrels with him and says that the attack should be frank and direct that the Communist Party is meant.

As far as I can recall it was pointed out from the middle of last year that suddenly we found a fairly well-planned a regular propaganda launched in this country centering on this point that various communists or various papers belonging to the communist party, various communist workers reported to be roaming about in various frontier areas and border areas of this country were alleged to be indulging in this type of anti-Indian propaganda and activities. These charges were made, not only outside but inside the House, inside Parliament also; and I regret to say on more than one occasion by the Prime Minister himself, without citing any specific instance. Repeatedly, both in this House and in the other House he was requested to give one instance. He was requested the other day by our spokesman to produce the evidence, to cite records, to cite the names of the people giving dates, which were the articles which were being referred to, which were the

meetings and who were the people and what were they reported to have said. And, we took the responsibility in that case of fully investigating those cases and seeing to it that nothing of that type is taking place. But, it is regrettable that this kind of thing went on for a considerable time, even to the extent that our General Secretary, Shri Ajoy Ghosh, wrote a letter to the Prime Minister inviting him, requesting him, imploring him to give us the evidence and not to rely on vague charges only without any facts, without any substance, without any names, without any specific date.

13.28 hrs.

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

He got a reply to that letter, ultimately, after a long time from the Prime Minister. It was not from the Prime Minister but was on behalf of the Prime Minister I should say. It was from his Private Secretary. In a letter dated the 18th September, 1960, he says this. He says it referred to many issues of the *New Age* which is the weekly organ of our party. He said:

"He has asked me to tell you that it is not merely an item here and there in the '*New Age*', which he had in mind, but repeated articles and big headlines, all intended to give an impression that China was right and that India was wrong in regard to the frontier disputes. A reference to many issues of the '*New Age*' in the course of the last two or three months will indicate this. The Prime Minister has no time to read all these issues, and he is going out of Delhi tomorrow.

As for the activities of some Communists in the border areas, the Prime Minister mentioned the particular districts concerned. His information was based on reports of speeches made in these border areas."

The Prime Minister mentioned some particular districts and his information was based on reports of speeches made in those border areas.

Two things emerge from this letter. One is that the Prime Minister had had no time actually to go through them. Naturally, he has no time. We do not expect him to have time to actually read these papers. Nevertheless, it was said that this paper was carrying on propaganda systematically against the interests of the Country.

The second big thing that emerges here is that in regard to particular workers in particular districts, the Prime Minister says that his information is based on the reports of speeches made in these borders area. What were these reports? Who supply these reports? Normally, what happens is that these reports are coming from the police. The police reports made allegations about certain speeches made and some activities being alleged to have been carried on. After that, I think it was in the other House, we followed the matter further and we insisted that the name should be given. On one single occasion, the hon. Prime Minister I think it was in the other House, gave three names and mentioned the name of Shri Kameshwar Pandit, who is the Secretary of the Himachal Pradesh Committee of our party. The accusation against him was that he was reported to have addressed a meeting on a particular date and in that meeting he was reported to have said various things. When this news appeared, Shri Kameshwar Pandit promptly wrote a letter to the hon. Prime Minister and also issued a statement in which he claimed that on that particular date not only was no meeting held in Simla—no meeting of any description but he was ill at that time and lying sick in his sick bed in the house. Unfortunately, the police gave some sort of a report relying on which regrettably the Prime Minister had mentioned this thing. He mentioned the name,

again, of Satyen Mojumdar, and many hon. Members will remember that he was a Member of the Rajya Sabha in 1952 and is now a member of the State legislature in West Bengal. Against him too it was stated that in some meeting—not a public meeting but a meeting of the party executive committee—held in Darjeeling, he was reported to have made a certain statement. Shri Satyen Mojumdar promptly denied it and he also wrote to the Prime Minister that he had stated nothing of the kind in that particular meeting and that no such subject was discussed. In any case it was a meeting of the Party—its own committee and therefore who is going to rely on what report the police gives on what goes on there?

Another statement was made about one Shri Bhat. Actually our Party offered to put all our registers of membership at the disposal of the Government to show that no such member as Shri Bhat exists in Garhwal; there was no gentleman of that name in our party.

श्री भक्त दर्शन (गढ़वाल) : कभी भी
मैम्बर नहीं थे ?

श्री इन्द्रजीत गुप्त : कभी भी नहीं
का मवाल नहीं है । मवाल तो यह
है कि जिस तारीख के बारे में कहा
गया है कि उस दिन मीटिंग हुई थी,

long before that Shri Bhat had been kicked out of the party. He may now be with some other party making speeches from other platforms, I do not know. So, this is the type of thing which comes in.

I must mention one more case because it shows clearly why these powers are sought to be taken. There is a member of our party by the name of Shri Krishna Bhakat Pawrel alias Sharma of Kalimpong. It is in the police report here. On the application of the officer of Gorubathan police station, Kalimpong the sub-divisional magistrate, Shri D. C. Mookerjee issued an order to

[Shri Indrajit Gupta]

him restricting his movements under section 144 and I will just read out, with your permission, a very brief extract from this, the grounds for promulgating an order restricting him. This is a police report. There are forest labourers and there are Government reserved forests in which a large number of these labourers are employed and there is a trade union of these labourers. They have got their demands for higher wages and all these things. That is a registered trade union and this gentleman is one of the organisers of that union. Here in the report, it is said:

"His main campaign rests on his pretended propaganda that although the Forest Department officers are receiving more money towards defraying expenses on account of labour, they are making less payments and misappropriating the balance."

This charge may or may not be true; I do not know. It goes on.

"The malicious propaganda produces provoking influence on the labourers who under his influence have organised demonstrations and large-scale intimidation...."

It goes on further to say that the subject, that is Shri Krishna Bhakat Pawrel alias Sharma,

"(the subject) is reported to have (been) organising subversive activities in these areas, which borders Bhutan and thereby has a greater international implications. Although he is reported to have concentrated on forest labour only, this may be a camouflaged move which may take any shape any moment as the policy of the party to which the subject belongs is not at all clear."

There is the report of a very over zealous police officer. But these are the types of reports. The man is

carrying on legitimate trade union activities there among the forest labourers. You may take action against them; you may say that he should not organise the forest labourers. But this is the type of insidious propaganda that is carried on. I want to refer this to the hon. Minister. If this is not insidious propaganda, what is this? What business is it of the policeman to say these things: The man of course carries on trade union activities but it 'may' be a camouflage because the Party's stand is not clear and therefore he should be removed from the district; his movement should be restricted. This is the type of thing which goes on.

I feel that this Bill is totally uncalled for. This is a type of an emergency legislation which I think, very few countries in the world would undertake even in times of war. Are we at war? I do not know.

Then, the hon. Minister mentioned some slogans and said that these slogans were uttered in these areas. One of the slogans he mentioned was that somebody was going about and saying that Tibet was part of China. Is that a treacherous slogan? I do not know? What is the policy of the Government of India. Has it recognised Tibet as part of China or not? We should be very careful when we are compiling this so-called evidence on the basis of the police reports; we should recall exactly where the Government stands in this matter. Otherwise, there may be a boomerang effect. What is wrong in saying that Tibet is part of China? I say it ten times on the floor of this House; it is something which the Prime Minister has said too, repeatedly. But this is trotted out here as one of the arguments for these powers. All these years we have had troubles with Pakistan. I think many border incidents have taken place; there have been exchange of fires and shooting of people and people have moved and have been killed across Pakistan

border. We have had more of these things with Pakistan than with China. We have seen some reports about Pakistani spies and espionage. But never in all these years did we hear that because of these things it was necessary to have this kind of Draconian power. You have got a whole armoury of laws. You have got the Preventive Detention Act and the Criminal Procedure Code and Sea Customs Act and this and that and all kinds of things. What is the necessity for this? Have we not got enough powers which we can use if it is necessary?

It seems to us that the Minister sought to make a great joke out of this and said that some people felt that it had got political motives, with the 1962 elections in view. I submit that this is not a joke at all. The only purpose of this Bill is a political purpose; it has got a political purpose to create some sort of a hysteria and panic. After all the old spectre of communism which Karl Marx wrote about in the opening of the Communist Manifesto has not been laid to rest. He wrote, "A spectre is haunting Europe, the spectre of Communism." But since then many years have gone by and history knows many instances of that spectre of communism still continuing to haunt the minds of many men here.....

Shri Khadilkar (Ahmednagar): Can you compare Indian conditions with the conditions which Marx has referred to?.... (Interruptions).

Shri Indrajit Gupta: I am not going to digress into historical research now. I want to say to the Government please put on one side all the police reports which you have received. After all the Home Ministry is bound to depend, to some extent, on those reports. Put them all on one side. I shall put on the other side just two or three reports which I am going to give, if I am permitted, from papers which are run by Congressmen in relation to these areas. The responsibility is on the Government

to choose between what is mentioned in influential newspapers and weeklies run by some of the most respected veteran Congress workers of those border areas on the one side and the reports of police watchers and spies on the other side. I leave it to you; you choose. I do not mind if Government stand up and say, "We do not rely on Congress papers; we prefer to rely on the police reports."

Here is an extract from the Hindi weekly *Sarhadi*, edited by the Congress MLA from the Kedarnath Constituency, Shri Narendra Singh Bhandari. In the issue of that paper dated 25th July, 1960, it is written:

"When some newspapers and responsible political circles began that the activities and propaganda of the communists in the hilly districts of Uttar Pradesh are increasing, at that time with full responsibility we stated that it was incorrect. There are no communists in the region and the couple or so of communists that are there are doing no such propaganda that harms the country. The Chief Minister of the State, Dr. Sampurnanand had also stated that it was not true that in the hill districts such literature is being distributed which incite the local populace.

Despite this some weekly papers that are published from the hills and some local officials go on repeating the baseless and unwarranted story about such propaganda. We consider this unfortunate for we know that there is a lot in Nazi Propaganda Minister Dr. Goebbels' statement that if a lie is repeated over and over again, it can be passed off as truth."

It is not a communist paper writing; it is your own Congress paper. Shri Narendra Singh Bhandari, I hope, will not get into trouble because of this. Anyway, he is an honest man and speaks of his convictions boldly and is not afraid.

[Shri Indrajit Gupta]

Karambhoomi, our friends opposite must know, is the oldest and perhaps the most respected nationalist weekly of Garhwal. Its editor, Shri Dhulia, is an old Congressman known to many of the top leaders of the Congress. He writes in an editorial article in the issue of October 22 protesting strongly against the false propaganda of the Hindustan Times and called upon the Government to hold investigations and find out if such news was correct and then prosecute the communists. But if it transpired to be false, the editorial pressed the Government to prosecute such papers as were responsible for spreading panic-mongering rumours. The editorial further expressed its surprise that such reports were not sent from Garhwal and Almora, but were manufactured in Mussoorie, Lucknow and Delhi, which itself casts reasonable doubt over their authenticity.

There is yet another paper called *Satyapath*, which is edited by Shri Lalit Prasad Nithana, ex-General Secretary of the Garhwal District Congress Committee. This paper on 22nd June, 1960 says:

"...there is no concrete evidence of any anti-national propaganda by the communists."

I can give you many more such quotations. What is the truth? Is it that we have to rely solely on the police?

Therefore, in conclusion, I submit that the Bill is totally uncalled for. My own feeling is—I regret it very much—that the Government has allowed itself to be pressurised by some of my friends sitting here and also outside in this country. They have been encouraged to whip up a certain campaign of hysteria. These are not enough to satisfy Shri Goray yet; he wants something more; he wants to go further. I think by bringing this Bill, the Government has taken a substantial step towards falling into the trap of those people who

want to create some sort of a war psychosis and do not want a settlement with China on this issue. Therefore, the Communist Party of India is being made the scapegoat for this.

I wish to ask the Government, why, in view of the powers which they already have, they are taking these powers here, especially under clause 3(2). Let me read it:

"(2) Whoever makes, publishes or circulates in any notified area any statement, rumour or report which is or is likely to be, prejudicial to the maintenance of public order or essential supplies or services in the said area or to the interests of the safety or security of India shall be punishable . . ." etc.

This is a very omnibus clause. This may have nothing to do with the border or with territorial integrity or safety of the border. It is a very familiar phrase; we have seen it in many other pieces of legislation. When the Preventive Detention Act was first brought in, then also we were given assurances. But these phrases were there—"essential to the maintenance of public order or essential supplies". Consistently after that we have found that these powers are misused and used only in order to suppress political opposition, particularly parties which are working amongst workers and peasants and so on.

Therefore, I feel that behind a certain political smokescreen which has been created, there is an attempt to cloud the issues. But after all, the normal man in the country will read only what is written in the newspapers tomorrow. He has not got the opportunity to sift all the evidence and go into these things. Behind a certain political smokescreen which has been created, Government is conveniently taking upon itself certain Draconian powers, which will be

exercised in practice by the police, the local officials and the magistracy, and which I am sure in future may be used not only against the communist sinners—of course, it may be used a little more against us—but also against some other friends here. They should not be so joyful about it.

An Hon. Member: They are not frightened.

Shri Indrajit Gupta: Don't be frightened; be brave.

Shri Goray: We are not likely to be anti-national at any time.

Shri Indrajit Gupta: Shri Narayan Dut, Tewari, Deputy Minister of....

An Hon. Member: Deputy Minister?

Shri Indrajit Gupta: I hope sometime in future he may become Deputy Minister, Shri Tewari, Deputy Leader of the PSP in the U.P. Vidhan Sabha, after a tour of Pithoragarh, Chamoli and Uttarkashi said that:

"internal factors which caused discontent in the area largely flowed from the disappointment of the people whose expectations had not been fulfilled after the creation of the border districts. Official propaganda which accompanied the formation of these districts had raised hopes of a considerable improvement in their living conditions. Though officers had been posted in the new districts, their offices had not started functioning."

The point is, in those areas, the people living there who are poverty-stricken, illiterate, etc., have got certain legitimate grievances and certainly it is the duty and constitutional right of anybody or any party to go and to help to secure redress of their grievances. But I am sure in that case, legitimate trade union activities or anything of that type will be sought to be suppressed by conveniently dubbing that as something which is against the security and safety of the country under the powers taken under this Bill.

347(A) L.S.D.—5.

What is the guarantee against misuse of these powers? There is no guarantee, because police reports are still considered in this country to be the last word on the question. I have been in preventive detention four times and you should know that each time it was found later on that the grounds on which I was detained were invalid or *mala fide*. They were based entirely on police reports: "On such and such a date you said such and such thing in such and such meeting". There was no meeting and I was not present nor did I address that meeting. But such things go on happening. The same thing will be repeated again. What is the guarantee that it will not be?

In conclusion, I would say that as far as the insinuations and various types of charges made against my party in this House are concerned, I most emphatically refute them. We consider them to be contemptible accusations made against us without any kind of proof or evidence. We do not consider ourselves any less patriotic or nationalist than anybody else. That is how I came here. I have come from Calcutta city, where the people are certainly not illiterate and not incapable of understanding anything and not lacking in national consciousness. My election took place at a time when the anti-China and anti-communist campaign was at its height. That was the sole issue in the campaign made against me. Even Shri Goray visited Calcutta and contributed to that.

Shri Goray: I was sorry for the voters.

Shri Indrajit Gupta: But unfortunately I am here. You may be sorry for the voters, but they will survive your sorrow.

On behalf of my party, I oppose this Bill as being un-called for, unwarranted, unnecessary and liable to gross misuse by the party in power.

Shri Khadilkar: Mr. Deputy-Speaker, Sir, I welcome the measure and

[Shri Khadilkar]

I would also lend my full support to the statement made by the Minister of State while moving the Bill for consideration.

Some objection has been taken that Government is not logical in giving the full facts, on one side, as well as not making very clear against what section of political opinion or party this measure is directed, on the other. I feel that the hon. Communist Member, Shri Gupta, who spoke just before me, also realises that his Party on the border issue is not of one mind. He has quoted some of his party organs. But he has failed to quote one. In their monthly, *New Age*, Mr. Ranudive, published an article mostly based on the evidence on the other side—that is, the China side—to which perhaps he must have got access to, in which he has justified almost every claim of China and come to the conclusion, perhaps we are totally wrong in advancing the claims that we are making today. But unfortunately for the party, there was some other nationalist section, and ultimately the position taken by the spokesman of the Communist Party, the editor of the *New Age*—I am specifically referring to that monthly—was not endorsed by the party itself. This goes to prove that it is not so easy to say that all the attack or the aim of the Bill is entirely directed against the Communists. But suspecting that it would be used against them, they claim to be equally good nationalists. It is not a question whether Communists or so-called notionalists are taking an anti-nationalist stand on a particular issue.

The question today, when this measure has come forward, is very simple. Are there not some element in this country, whether they belong to the Communist Party or they do not belong to any party, who are more or less not convinced about our position on the Chinese border? And, to the great embarrassment of the PSP also a great leader of the Sarvodaya who

presided at the last meeting of their organisation or their "Sammelan", whatever you may call it, has come out with an unequivocal statement. That is also very puzzling. They know that for the first time a man of his stature in public life has said that this dispute with China could be referred to an arbitration, arbitration of an international jurist because China is not a member of the United Nations Organisation. When a man of the stature of Jaya Prakash Narayan makes such a suggestion, it presupposes that he also is not sure about our border. Therefore, so far as the Chinese border issue is concerned, when Shri Goray or Shri Gupta made a statement, they themselves were not sure of their own party. Later on, after this article was published, the Communist Party has come out with some sort of a specific policy excluding some areas about which Shri Gupta just referred as "traditional borders". But I would like to ask him one question. It is a very pertinent question. I do not feel anyone here is interested to have a pound of flesh of the Communist Party or just use this as a weapon against the Communist Party. As such, if it were so, as Shri Goray pleaded, then the State Minister would have said openly that the measure is directed against a particular party, particularly the Communist Party. But so far as this issue is concerned, today, even the Government when it makes a statement, I must submit in all honesty, is not prepared to make a categorical statement at a certain level and, therefore, so far as the Chinese border dispute is concerned, this measure that has come before the House has got some justification for it, but it is not at all aimed at any particular party. That must be clearly understood.

Now, so far as the measure is concerned, I would like to get some clarification. In the Bill you have said that after notification if in that particular notified area such a propa-

ganda is to be carried action will be taken. But, India is too big a country. What happens if propoganda is carried, say, from somewhere else? In the modern times, does it not reach or does it not affect the people of the border? I feel, so far as this measure is concerned, this is a big lacuna, because after notification if a pamphlet is published or certain propoganda is carried on questioning the territorial integrity or the national sovereignty of this country then the Government will take action. But what is to happen if I publish something outside the notified area? So many things are happening in the heart of the country. It is not as if we are faced only with this dispute with China. We have also several disputes with Pakistan and Pakistan still is not reconciled to the position in which she finds herself.

There is another lacuna. In sub-section (i) on page 3 of the Bill you have referred to drawings, photographs and other things. If you go to the library, Sir, as you know very well, you will find that even recent publications from the western countries never show Kashmir as part of India, whatever part we have got and whatever they have got. Is it not really aggression committed in the same manner as the Chinese committed aggression on the border by depicting certain territories of our country included in the Chinese territory in their maps. This has happened. Recently, we know in some places like Aurangabad and others on the Republic Day instead of the National Flag the Pakistan flag was raised, slogans were shouted, processions were taken. Such propoganda is carried not on the border but in the very heart of our country. I would like to know how this measure is going to meet a situation like that. I would certainly welcome it and that sort of a measure is absolutely essential, but the situation is so difficult that Government will have to proceed very cautiously. And, because they are afraid that if we take a certain very fanatical attitude

as suggested by some people here and also outside the House it is likely to affected the democratic processes which we are following, and that is the inhibiting factor so far as this measure is concerned, but still, after going through this Bill, I do feel that there are many lacunae, and unless they are removed it will hardly serve the purpose which it is intended to serve. This is one aspect of the thing.

Another thing is,—it was mentioned by my hon. friends here—let us realise that the border people are nomadic—most of them—and their habits are nomadic. These nomadic people have no deep roots in the Indian soil and they have yet to feel that sense of pride of belonging to this country. I know from the several documents and books that have been published on these Himalayan borders that seasonally people used to cross from this side to the other side. That is a usual habit among them. Even now it takes **place, from the hills side they go to the plains.** When they come to the plains and see the so-called civilized society, the settled society, they feel it is the most exploiting society. Therefore, along with this measure, what is really wanted is that some positive effort should be made on the border areas to better their conditions of life so that those people on the border feel that they have roots in the soil, feel proud and have a sense of belonging to this country. That is absolutely essential along with this measure; otherwise, it will have very little effect.

14 hrs.

Thirdly, we must take serious notice of the attitude of the Communist Party. Unfortunately, in India since the dispute started, the Communists have the problem to face whether the civilisation under which we are living is worthwhile, whether the territory they are living is worth preserving, or the so-called socialist society has an inherent right to commit aggression, and actually it is not

[Shri Khadilkar]

aggression because they are demolishing a civilisation or society which is at a low level of advance. Because of this motion, there was a great struggle within the party itself, a great ideological struggle, where a proposition was advanced by one section, saying that the territorial integrity question should not be stretched too far from our side. But there was another section, equally powerful, saying, whether our country is advancing on socialist lines or not, this is our country and, therefore, we must fight for it. Therefore, this sort of confusion in thought is prevalent in the Communist Party itself.

Some of us on our side also felt: should we stretch this dispute too far? What should we say about it? Is it aggression? Let us admit very frankly that we were hesitating in categorically saying it. So far as Tibet is concerned, the Minister of State stated that people doubted whether it belong to China. They say it belongs to China. But when we conceded the suzerainty of China over Tibet, we accepted that position. Therefore, it could not be questioned now. It is too late in the day to do that. When somebody says that Tibet belongs to China we cannot say anything. We have conceded that position.

Shri Goray: Never.

Shri Khadilkar: I have argued this point. When you concede the suzerainty—I am making that distinction between suzerainty and sovereignty—of China, it means, ultimately, that the overall sovereignty belongs to China. I have gone through that document very well and I have argued it. Therefore, once you concede that position, it is very difficult to accuse them and say "Oh, so far as Tibet is concerned, it is our concern and not the concern of China". That difficulty has to be faced.

So far as the measure is concerned, though today we are very much exercised about the aggression committed

by China in the Ladakh area, we cannot ignore the other aspects. Some people in this country are having loyalty to Pakistan, though they are Indian nationals. There are some trouble spots like Nagaland, as Shri Goray has mentioned, where even now we find some people questioning our sovereignty. This aspect is very serious. Therefore, I fail to understand why the Communist Party spokesman should consider that this measure is directed against the Communist Party.

Shri Nath Pai: Guilty conscience.

Shri Khadilkar: Shri Goray was fighting shy to mention names. The Minister of State was also fighting shy of mentioning the Communists. I cannot understand why.

An Hon. Member: Because he has read the pamphlets.

Shri Khadilkar: If you want to take a logical position, then you must say that in this area the Communist Party would be banned. That was the sum and substance of the argument. If Government has come to that conclusion, it would have stated it that way. But the Government's position, as expounded by the Minister of State is that it wants to act in case something prejudicial is done by the individual, not by an organisation, not by a party. This must be clearly understood. Therefore, from this limited angle it wants to apply this measure, though it will become part of the penal law of the land. It wants to enforce it in such a cautious manner against individuals, so far as their undesirable activities on the border are concerned. Therefore, in that limited sense, I lend full support to the measure. It is not its drawback; I say it is its strength. The very basis of it is that Government wants to face a particular situation which does not call for a draconian measure, which would paralyse political activity in the border. That must be clearly understood.

One word more and I am done. So far as the border problem is concerned, I would have liked some provision in this Bill. After all, we are making an amendment in a criminal law, taking more powers. So, why not consider the other aspects? In this country, whether it is on the border or in the very centre or heart of India, some people are carrying on secret activities—sometimes they do it even openly—against India or for some other country. I think this measure ought to have covered that aspect. That is the most disquieting aspect in our country at the present juncture, because it is penetrating to the very heart of our political life. It is creating a new communal fever in our body politic and, therefore, some such firm stand is called for. I would appeal to the Home Minister that he should give more thought to this.

While applying the powers they are taking under the Act, they must act with the greatest caution, so far as the press is concerned. You have taken certain new powers regarding the press. In a democracy if the executive is empowered with these kind of powers, except in emergencies, it is not a good thing. Now you are not thinking in terms of emergencies. You only want to deal with undesirable propaganda carried on by some undesirable elements. You do not want to apply this law beyond that. If that is so, I am afraid this is too wide a power, taken under clause 4 if I mistake not, and therefore I would appeal to the Government.

An Hon. Member: He must vote against it.

Shri Khadilkar:..... to be very cautious. You must be more restrained in taking action, even if the clause remains as it is. With these words, I support the measure.

Shri Manabendra Shah (Tehri Garhwal): The aim of this Bill is, I feel, laudable and, therefore, I would not like to go into its merits and demerits. But I would like to bring to the notice of the hon. Minister certain points as food for thought, or which

may require clarification, on the floor of this House.

Firstly, I would like to draw the attention of the house to clause 3, sub-clause (1), in which it is stated that the Government could declare any area adjoining the frontiers of India as a notified area. By this, it means that only a restricted portion would be declared as a notified area. By clause 3(3) people are prohibited from going into the notified area without prior sanction. What is doubtful in my mind is whether it is a thing which would be harassing the people or not. They have their trade and religious and pilgrim centres, and these two items give importance to my doubts. There are not only pilgrim centres for people coming from outside but also pilgrim centre for local people. They will not form part of the notified area, but they do form part of the area which has respect for these centres. Under these circumstances how is the Government going to safeguard against undue harassment to those people who may not be the inhabitants of these notified areas, but are still part and parcel in all respects of the notified areas?

The other point which I would like to bring to the notice of the hon. Minister is that people, like in Uttarakashi District, in the notified areas are those who are mostly migratory. They stay there during summers and come down during winters. So, it would be a notified area only for a short period. If the intention of the Bill is that they should not be swayed one way or the other by actions which may tantamount to disloyalty to the country, how does this Bill safeguard their being influenced outside the notified area?

In this connection, I would like to draw the attention of the House to sub-clause (2) of clause (3) which says—

“Whoever makes, publishes or circulates in any notified area any statement, rumour or report which is, or is likely to be pre-

[Shri Manabendra Shah]

judicial to the maintenance of public order, or essential supplies or services in the said area or to the interests of the safety or security of India, shall be punishable, etc., etc."

This is only applicable to the notified area. But when this population is migratory, this clause is not applicable to them for that period when they are outside the notified area. It may be argued that if they are not in the notified area, clause 2 would be applicable. But clause 2 refers only to "matters prejudicial to the interests of the safety or security of India", but in sub-clause (2) of clause 3 two more items have been entered, namely "maintenance of public order or essential supplies or services." Therefore clause 2 would not *in toto* cover the provisions in clause 3, sub-clause (2). I would, therefore, like the hon. Minister to let me know how this eventuality is going to be safeguarded?

Now in sub-clause (2) of clause 3 "maintenance of essential supplies and services" are provided. In these hilly areas, it is not necessary that essential supplies and services would be confined to the notified area. Essential services and supplies not only in these areas, but anywhere else extend beyond the frontiers of the notified area. It may not only extend up to the border district, but it may extend to the rest of the hilly area which is not in the border district. Therefore to say that public order and essential supplies and services should be safeguarded only in the notified area may not serve the purpose *in toto*.

This Bill is probably due to what the Government think is the fertile ground which has to be prevented from being exploited by subversive politics. The fertile ground, which I have been shooting for many years now, is not necessarily the area absolutely adjoining the border district. Fertile grounds would ordinarily be those areas which are not going to be offered the same facilities, same privileges and same development which these areas are offered. Therefore, it obvious that the

fertile areas for which this Bill is necessarily being made, are whole of the area adjoining the borders of India. Under these circumstances, again the question comes up for the Government to review, whether this Bill would in reality be able to solve those problems which the Government wants to. In fact, the proper solution would have been that the whole area in toto up to the border districts should have been brought into the border districts and then it may have been possible for Government to do something concrete.

The third item that I would like to dilate are the words "maintenance of public order" occurring in sub-clause (2) of clause 3. This is a phrase which covers many things. It is a phrase which can over legitimate demands and aspirations of the people also. I am give concrete cases where government officers at the district level can very well construe that a particular action, if taken, would be detrimental to public order. For example, I take the cases in Uttar Kashi district. There has been a lot of agitation about the township of Uttar Kashi. The government officers of the district are adamant that they would take up the land of the villagers of Uttar Kashi to make the township. The villagers are adamant that they are not interested in giving this land. Similarly, the district authorities decided that they should have the block headquarters at Dunda; the villagers of that area are also adamant that they will not give the land for the block headquarters. The same was the position regarding the S. D. M's headquarters. The villagers wanted it to be at Barkot; Government wanted it to be at Naugaon. There was again a quarrel about it. A situation would have arisen when the villagers were prepared to offer *satyagarha*. Would it come under "public order" or not? Would situations like this which are legitimate aspirations of the people, come under "public order" or not? Luckily in these cases the matter when referred to Lucknow, and the Chief Secretary having been

sent, the legitimate demands of the people were conceded and the sites were changed. But situations can arise when such a solution may not be found, or it may be found later after the district authorities had taken action under this Bill. Under these circumstances how does Government propose to safeguard against this sort of harassment taking place?

These are only certain doubts which have come into my mind. Therefore, I thought it necessary to bring it to the notice of Government and I hope Government will be able to throw some light on them.

श्री आसुर (रत्नागिरि) : उपाध्यक्ष महोदय यह बिल जो आज सदन के सामने आया है वह हमको स्वतन्त्रता मिलने के १३ वर्ष बाद आया है। इस बिल का अभी हमारे कम्यूनिस्ट मित्र इन्द्रजीत गुप्त ने कड़ा विरोध किया है। अब उन्होंने विरोध तो जरूर किया है लेकिन इस बात का फैसला नहीं किया है कि देश में सब कानून होते हुए भी आज यह बिल लाने की आवश्यकता क्यों पैदा हुई? हमारे उन मित्र को जरा अपने दिल पर हाथ रख कर अपने से यह सवाल करना चाहिए था कि आखिर इस तरह का बिल लाने की जरूरत गवर्नमेंट को क्यों महसूस हुई? आज हम देखते हैं कि हमारे देश के चारों ओर की सीमाएं असुरक्षित हो गयी हैं। अब हमारे देश की सीमा पर एक ओर तो पाकिस्तान के हमले हो रहे हैं और पाकिस्तानी एजेंट व जासूस हमारे बोर्डर पर घूमते रहते हैं। दूसरा खतरा हमारी सीमाओं को चीन की ओर से महसूस हो रहा है। चीन की भी स्थिति कमोवेश पाकिस्तान की सी है और उसने भी हमारे देश के १२,००० वर्ग मील भूभाग पर अर्ध कृत रूप से कब्जा कर रक्खा है और हमारी सीमाओं को चीन से खतरा बढ़ रहा है। यह दुर्भाग्य का विषय है कि चीन द्वारा हमारे प्रदेश पर हमला करने के बाद भी हमारे देश में ऐसे कई लोग हैं जो कि चीन का पक्ष लेकर कहते हैं कि चीन ने हमारे

ऊपर हमला नहीं किया है। अब यह बड़े ही अफसोस की बात है कि हमारे देश में ऐसे भी लोग रहते हैं जो कि अन्य लोगों और शक्तियों द्वारा हमारे ऊपर हमला करने के बाद भी उन विदेशी शक्तियों को डिफेंड करने का प्रयत्न करें और इस बात को कहें कि हमारे ऊपर हमला नहीं हुआ है।

इन्द्रजीत गुप्त ने यह भी सदन को बतलाया कि उनकी कम्यूनिस्ट पार्टी आफ इंडिया ने अपनी कौंसिल की मीटिंग में एक रेजोलूशन पास किया है और उसको उन्होंने थोड़ा सा पढ़ कर भी सुनाया। लेकिन प्रश्न यह है कि वह प्रस्ताव क्यों पास किया गया और उस से पहले भारत-चीन सीमा विवाद के विषय में कम्यूनिस्ट पार्टी की नीति और व्यवहार क्या थे। मैं निबंदन करना चाहता हूँ कि जब सारे देश में कम्यूनिस्ट पार्टी की नीति का विरोध हो लगा और चाँ और से यह कहा जाने लगा कि ये चीन के साथी हैं और अपने देश के प्रति इन लोगों की निष्ठा नहीं है, तो इस भय से कि देश में हमारी पार्टी की स्थिति खराब हो जायगी, उन्होंने फरवरी में यह प्रस्ताव पास किया। इस विषय पर विजयवाड़ा काँग्रेस में भी चर्चा होने वाली थी, लेकिन इस अवसर पर इस समस्या के बारे में कोई चर्चा नहीं हुई, स आशय का श्री खूँरचेव का एक खास सन्देश ले कर श्री मुसलाव आए और उन्होंने आदेश दिया कि चीन के बारे में कोई कुछ न कहें।

श्रीमती रेणु चक्रवर्ती (बसिरहाट) : माननीय सदस्य को श्री मुसलाव ने बताया होगा।

श्री आसुर : यह बात सब पेपज़ में आई है और सब को ज्ञात है कि उन्होंने स्पष्ट शब्दों में कहा कि चीन के बारे में हमें कुछ नहीं कहना चाहिए। विजयवाड़ा में इस विषय पर चर्चा न होने का कारण यह नहीं है, जैसा कि अभी माननीय सदस्य ने बताया है कि चूँकि पहले फरवरी में इस बारे में प्रस्ताव

[श्री आसर]

पास किया गया था, इस लिये इस सेशन में उस पर विचार करने और उस को पास करने की आवश्यकता नहीं समझी गई। हम प्रायः देखते हैं कि किसी विशेष समस्या पर यदि एक सेशन में प्रस्ताव पास किया गया है, तो दूसरे सेशन में भी उस के बारे में चर्चा होती है और विचार प्रकट किये जाते हैं। जैसा कि मैं ने अभी कहा है, विजयवाड़ा में इस विषय पर चर्चा न होने का स्पष्ट कारण यह था कि श्री मुसलाव के द्वारा एक खास मन्देश आया कि इस समस्या के बारे में मौन रखा जाये।

पिछले दिनों लिंक प में विजयवाड़ा कांग्रेस की स्टेज का चित्र देखने का अवसर मुझे मिला। मुझे देख कर आश्चर्य हुआ कि वहाँ पर स्टेज पर लगाने के लिये ईत लोगों को किसी भारतीय नेता का चित्र न मिला और उन्होंने लेनिन का फोटो लगाया था।

श्रीमती रेणु चक्रवर्ती : और मार्क्स का भी।

श्री आसर : हां, मार्क्स का फोटो भी लगा था। यह कितने खेद की बात है कि हमारे देश के लोगों ने अपने सब नेताओं को छोड़ कर अपनी निष्ठा लेनिन और मार्क्स में प्रकट की है। जो हमारे देश के नहीं हैं, जिन से हमारे देश का कोई सम्बन्ध नहीं है, उन लोगों के फोटो स्टेज पर लगाये जाये, उन की नीति को माना जाये और देश के बाहर के लोगों के आदेशों को माने लिया जाये, यह दुर्भाग्य की बात है। इस बिल की आवश्यकता इस लिये पड़ी है कि उन लोगों की कार्यवाहियों को रोका जाये, जो कि सीमा के प्रश्न पर अपने देश के हितों की उपेक्षा कर के विदेशी शक्तियों के पक्ष में भ्रमात्मक प्रचार कर रहे हैं।

उदाहरण के तौर पर मैं बताना चाहता हूँ कि बदरीनाथ और केदारनाथ के बारे में कम्युनिस्टों के द्वारा यह प्रचार हो रहा है कि वे पुराने बौद्ध टेम्पल हैं और चूँकि चीनी बौद्ध

हैं, इस लिये ये टेम्पल चीनी के हैं। उत्तर प्रदेश विधान सभा में इस बारे में चर्चा हुई थी और वहाँ सरकार की ओर से बताया गया था कि यह सही है कि ऐसा प्रचार हो रहा है और उसको रोकने का प्रयत्न किया जा रहा है। देश में इस प्रकार की परिस्थिति होने के कारण इस बिल को लाने की आवश्यकता पड़ी है।

स बिल का मैं स्वागत करता हूँ, लेकिन एक बात बताना आवश्यक समझता हूँ कि जैसे हम कम्युनिस्टों के द्वारा किये गये प्रचार और कार्यवाहियों के बारे में विचार करते हैं, वैसे ही हम को पाकिस्तान के समर्थन में किये गये प्रचार पर भी दुर्ष्टि रखनी चाहिये जैसे कि श्री खादिलकर ने बताया है, औरंगाबाद, बिदर और अन्य स्थानों में रिपब्लिक के दिन पब्लिक मीटिंग में खुले-आम पाकिस्तान के झेंडे लहराये गये। इस विषय में हमारे एक प्रश्न के उत्तर में यह कहा गया कि यह क्वेस्पियन स्टेट से सम्बन्ध रखता है। यह बात ठीक है, लेकिन हमको देखना चाहिए कि हमारे देशों के प्रति निष्ठा रखने वाले लोगों की गतिविधियों पर नजर रखी जाये और उन की कार्यवाहियों को रोकने का प्रयत्न किया जाये। देश के हर भाग में इस प्रकार का प्रचार हो रहा है। अगर इसको रोका नहीं जायगा, तो इस का परिणाम यह है कि देश में अराजकता फैलेगी। मुस्लिम लोग आदि संस्थाओं के द्वारा जो प्रचार हो रहा है, वह देश की सुरक्षा और शान्ति और व्यवस्था के लिये खतरनाक है। इसलिये उस पर रोक लगाने के लिये कड़ी से कड़ी कार्यवाही करनी चाहिए।

बम्बई के एक प्रसिद्ध सर्जन ने, जो कि प्रत्यक्ष कम्युनिस्ट तो नहीं लेकिन प्रोकम्युनिस्ट हैं, कम्युनिस्टों के साथ चलने वाले हैं, शोलापुर में डाक्टरों की एक मीटिंग में डाक्टरों से सम्बन्ध रखने वाले विषयों पर अपने विचार प्रकट करने के बाद बताया कि देश में जो बातावरण चल रहा है कि चीन ने आक्रमण

किया है, वह झूठा है। उस मीटिंग के मिनट्स भी लिखे गये थे, लेकिन संस्था के प्रेजिडेंट ने यह देख कर कि ऐसा कहना उचित नहीं था और इसका कोई बुरा परिणाम न हो, उस मीटिंग के मिनट्स में कुछ गड़बड़ करके मामले को दबा दिया। माननीय मंत्री जी को इस बारे में जांच करनी चाहिए कि डाक्टरों की मीटिंग में राजनैतिक विषयों पर चर्चा करते हुए चीन के बारे में वकालत करने की आवश्यकता उस मर्जन को क्यों पड़ी। वह डाक्टर हैं और अपने विषय के बारे में विचार कर सकते हैं, लेकिन कम्यूनिस्टों का साथी और कोवर्कर होने के कारण उन्होंने ऐसी बातें कही। ऐसी बातों को रोकना आवश्यक है।

उत्तर प्रदेश के कुछ स्थानों और नेफ्रा में जो इस प्रकार का प्रचार हो रहा है, उस पर रोक लगाने की आवश्यकता है। सरकार को मालूम है कि दार्जिलिंग और कालिम्पोंग भारत-विरोधी प्रचार के केन्द्र बने हुए हैं। वहाँ ऐसी स्थिति है कि चीनी लोग अपनी इच्छानुसार आते जाते हैं और हम उनको रोक नहीं सकते हैं। पिछले दिनों डमडम एयर पोर्ट पर एक चीनी आया, जिसके बारे में किसी को पता नहीं था कि वह कहां से आया, और किस काम से आया। बाद में पता लगा कि पहले उसको डीपोर्ट किया गया था, लेकिन वह लौट आया और फिर उसको पकड़ लिया गया। इसके पश्चात् वह बीमार होने के कारण हॉस्पिटल में पड़ा रहा। मैं माननीय मंत्री जी से पूछना चाहता हूँ कि जिन चीनियों को हमने देश से चले जाने का नोटिस दिया था, उनमें से कितने बाहर गये और जो नहीं गये, उनको नोटिस भेज कर उनके विरुद्ध कड़ी कार्यवाही क्यों नहीं की गई। हम देश की सुरक्षा की व्यवस्था करने के लिये अपने ही देश के नागरिकों के द्वारा, देशद्रोहियों के द्वारा, किये जाने वाले गलत प्रचार को रोकने का तो प्रयत्न कर रहे हैं, लेकिन ऐसे

लोगों को देश में प्रचार करने की खुली छूट मिली हुई है, जो कि इंडियन नेशनल नहीं हैं। इसलिये इस तरफ ध्यान दिया जाना चाहिए।

हम देखते हैं कि बैंक आफ चाइना के सब अधिकारी चीन का समर्थन कर रहे हैं और वह एक स्पाई सेंटर बना हुआ है, सरकार को उसको बंद कर देना चाहिए उसके साथ व्यवहार बन्द कर देना चाहिए और वहाँ जो एक स्पाई सेंटर बना हुआ है उसको समाप्त कर देना चाहिए। मैं इस प्रकार के और उदाहरण भी दे सकता हूँ, लेकिन समय कम होने के कारण ऐसा करने में असमर्थ हूँ। मैं यह अवश्य कहना चाहता हूँ कि केवल इस बिल को पास करने से ही हमारी जिम्मेदारी समाप्त हो गई, ऐसी भावना सरकार में नहीं होनी चाहिए। आवश्यकता इस बात की है कि इसके अनुसार कड़ी कार्यवाही की जाये—जो लोग देश के प्रति वफ़ादार नहीं जो हैं, दूसरे राष्ट्रों से प्रेरणा लेते हैं और उनके आदेशों के अनुसार अपनी नीति बनाते हैं, उनके विरुद्ध कड़ी कार्यवाही की जानी चाहिए। इन्द्रजीत गुप्त ने बताया

उपाध्यक्ष महोदय : अगर किसी माननीय सदस्य का नाम लिया जाय, तो उससे पहले "माननीय सदस्य" या "अन-रेबल मेम्बर" कहना चाहिए। सिर्फ नाम लेना मुनासिब नहीं है। माननीय सदस्य ने दो दफ़ा कहा है "इन्द्रजीत गुप्त"।

श्रीमती रेणु चक्रवर्ती : क्योंकि वह समझते हैं कि he is only patriot with monopoly of patriotism.

Shri Narayanankutty Menon (Mukandapuram): All the patriotism has bought away only by a few people and nothing is left!

Mr. Deputy-Speaker: That has nothing to do with patriotism.

श्री आसकर : मेरे नज़दीक वह पेट्रियट हैं।

[श्री आसर]

मैं कह रहा था कि माननीय सदस्य और मेरे माननीय मित्र, श्री इन्द्रजीत गुप्त, ने कम्युनिस्ट पार्टी के समर्थन में बहुत सी बातें कहीं। मैं समझता हूँ कि यह बिल केवल कम्युनिस्ट पार्टी के लिये नहीं आया है। इस बिल का अर्थ यह है कि जो लोग इस देश के खिलाफ प्रचार करते हैं, जिनकी अपने देश के प्रति निष्ठा नहीं है, जो देश में धोखा निर्माण करने वाला प्रचार करते हैं, उनके विरुद्ध कार्यवाही की जाये। मुझे ताज्जुब है कि उन्होंने स्वयं इसको अपने ऊपर ले लिया और समझ लिया कि इसके द्वारा हमारे विरुद्ध कार्यवाही की जायेगी। जब उनका इस प्रचार से कोई सम्बन्ध नहीं है, जब उनकी ओर से कोई प्रचार नहीं हो रहा है, जब वह कहते हैं कि इस देश के प्रति हमारी निष्ठा है, तो फिर वह इस बिल से क्यों डरते हैं? हम कहते हैं कि जो ऐसे कार्य करते हैं, वे पकड़े जायेंगे। वह क्यों डरते हैं? हम क्यों नहीं डरते?

श्रीमती रेणु चक्रवर्ती : कौन डरता है ?

श्री आसर : इसका अर्थ तो यह है कि उनके अन्तःकरण में यह भावना है कि वे जो काम कर रहे हैं वे उसको डकने का प्रयत्न कर रहे हैं। उनको खुले-आम कहना चाहिए कि हम देशभक्त हैं और देश के प्रति हमारी निष्ठा है। उस अवस्था में कोई उन पर रोक लगाने वाला नहीं है।

मैं इस बिल का समर्थन करता हूँ और चाहता हूँ कि इसका उपयोग अच्छी तरह से होना चाहिए, ताकि देश में कोई खराब परिस्थिति पैदा न हो।

माननीय मित्र, श्री मानवेन्द्र शाह ने आशंका प्रकट की कि कहीं इस बिल का दुरुपयोग पुलिस द्वारा न हो और जो बहुत से यात्री जाते हैं, उन को परेशानी न हो।

उनको जो परेशानी होती है, उसको दूर करने का प्रयत्न किया जायेगा और वहाँ जाने वाले यात्रियों को इस बिल से कोई परेशानी न होगी, ऐसा आश्वासन मंत्री जी को देना चाहिए।

श्री भक्त दर्शन (गढ़वाल) : उपाध्यक्ष महोदय, मैं इस विधेयक का हार्दिक स्वागत और समर्थन करता हूँ। अब तक हमारे इस सीमा विवाद के सम्बन्ध में जो थोड़ी बहुत भी किसी के दिमाग में शंका रही होगी या जो भारतीय सीमा के साथ थोड़ी बहुत खिलवाड़ करना चाहते होंगे, वे अब सतर्क हो जायेंगे। मेरा विचार है कि इस विधेयक को काफी पहले आ जाना चाहिये था। क्योंकि यह बहुत पहले नहीं आया इसलिए इस बीच तरह तरह की भ्रामक बातों के प्रचार के कारण काफी हानि हो चुकी है। फिर भी मुझे विश्वास है कि इस विधेयक को बहुत अच्छा प्रभाव पड़ेगा और जो लोग अभी तक गलत रास्ते पर चलते रहे हैं, उन्हें अब इस से कुछ सबक मिलेगा और चेतावनी मिलेगी।

अभी अभी मैं अपने आदरणीय मित्र श्री इन्द्रजीत गुप्त जी का भाषण सुन रहा था। उन के भाषण को सुन कर के मुझे "ओर की दाढ़ी में तिनका" वाली कहावत याद आ गई। मेरी समझ में नहीं आया कि आखिर उन के हृदय में इस तरह की परेशानी क्यों पैदा हुई है? हमारे राज्य मंत्री जी ने इस विधेयक को प्रस्तुत करते समय तथा इस की व्याख्या करते समय यही बात कही है और जिस का जिम्मा इस विधेयक के उद्देश्यों और कारणों में भी किया गया है कि किसी दल विशेष से इस विधेयक का सम्बन्ध नहीं है और न ही हमारे राज्य मंत्री जी ने अपने भाषण में किसी दल विशेष का नाम लिया है। इस में केवल यह व्यवस्था की गई है कि जो इस तरह का भ्रामक और देश-द्रोहपूर्ण प्रचार करते हैं, उन के खिलाफ कड़ी

कारवाई की जाएगी। मैं समझता हूँ कि श्री गुप्तजी ने इस विषयक का विरोध कर के, अपने प्रति तथा अपने दल के प्रति जो लोगों के मन में शंका है, उस को और पुष्ट कर दिया है।

उन्होंने जो तर्क पेश किये उनमें एक तर्क यह था कि निवारक नज़रबन्दी कानून यानी प्रिवेंटिव डिटेंशन एक्ट जो पहले से मौजूद है, उस का उपयोग जब सरकार कर सकती है तो इस कानून को बनाने की क्या आवश्यकता है। उपाध्यक्ष महोदय, आप को याद होगा कि जब निवारक नज़रबन्दी कानून के सम्बन्ध में इस मदन में वाद विवाद चल रहा था तो हमारे विरोधी दल के भाइयों ने ही उस समय यह एतराज किया था कि चूंकि उस के अन्तर्गत किसी को भी पूरा मौका मफाई पेश करने का नहीं दिया जाता है इस लिये यह कानून नहीं बनना चाहिये और इतना ही नहीं उन्होंने ने उस कानून का जो तोड़ विरोध भी किया था। परन्तु आज जबकि एक नया कानून बनने जा रहा है तब वे ही भाई उस निवारक नज़रबन्दी कानून की शरण ले रहे हैं और कहते हैं कि उस का उपयोग क्यों नहीं किया जाता। इस कानून के अनुसार तो यह व्यवस्था की जा रही है, जहां तक मैं इसके अर्थ को समझा हूँ—कि जहां पर इस का सन्देह होगा, पुलिस कार्रवाई करेगी लेकिन जो हमारे अदालती कानून हैं, उस की जो प्रक्रिया है, प्रोसीजर है, उस के मुताबिक ही उन पर मुकदमा चलेगा। इस का अर्थ हुआ कि हर किसी को अपने आप को निर्दोष सिद्ध करने का मौका दिया जायगा, वह बहस कर सकेगा, सबूत पेश कर सकेगा और अपील दायर कर सकेगा, हमारे देश के सर्वोच्च न्यायालय के दरवाजे उस के लिये खले रहेंगे और जब उस के खिलाफ अभियोग सिद्ध हो जायेगा तभी उस को दण्ड मिलेगा।

हमारे आदरणीय श्री इन्द्रजीत गुप्त जी ने अपने भाषण में गढ़वाल के तीन समाचार-

पत्रों का उल्लेख करने की भी कृपा की है और मुझे प्रसन्नता है कि उन्होंने ने उस पिछड़े हुए इलाके के समाचारपत्रों को पढ़ने का कष्ट उठाया है। उन्होंने "सरहदी" "कर्म भूमि" तथा "सत्य पथ" से उद्धरण दिये हैं। उन के सम्बन्ध में मैं केवल यह निवेदन करना चाहता हूँ कि उन समाचारपत्रों ने जो अपनी समितियां दी हैं, उनसे अधिक स्पष्ट सम्मति मैं इसी सदन में जबकि राष्ट्रपति के अभिभाषण पर धन्यवाद का प्रस्ताव मैं ने प्रस्तुत किया था, दी थी और मैंने उस समय स्वयं ये शब्द कहे थे—उन्हें शायद याद होगा अगर यह चीज रिकार्ड में भी मौजूद है—कि हमारे सीमा सम्बन्धी विवाद के बारे में जो भ्रामक बातें फैलाई जा रही हैं, उन से हमारे प्रधान मंत्री जी को चिन्तित तो जरूर होना चाहिये लेकिन उत्तेजित नहीं होना चाहिये। इन समाचारपत्रों को अगर आप बारीकी से पढ़ें, उन के अप्रलेखों या सम्पादकीय टिप्पणियों को बारीकी से पढ़ें तो एक ही निष्कर्ष निकलता है, एक ही तथ्य निकलता है कि उन्होंने ने कहीं भी इस बात से इन्कार नहीं किया है कि इस तरह का प्रचार नहीं किया जा रहा है। दो दृष्टिकोण उन्होंने ने सामने रखे हैं। एक तो यह कि हम लोगों को बढ़ा चढ़ा कर इस बारे में बातें नहीं करनी चाहिये, और दूसरा यह कि गवर्नमेंट को तथा हमारी जनता को भी इस से उत्तेजित नहीं होना चाहिये, आतंकित नहीं होना चाहिये तीसरी बात जिस को मैं ने भी यहां पर इस सदन में कहा था यह है और इन समाचार पत्रों का भी यह दृष्टिकोण है कि चाहे जितनी भ्रामक बातें वहां फैलाई जायें, वहां की जनता की नस-नस में अपने देश के लिये इतना प्यार भरा पड़ा है कि वह इस तरह के प्रचार से गलत रास्ते पर नहीं जा सकती है। यह दृष्टिकोण जो है, इस में और गुप्त जी के दृष्टिकोण में बड़ा भारी अन्तर है।

श्री इन्द्रजीत गुप्त : वह काफी है हमारे लिये। आई एम सैटिसफाइड विद इट

श्री नाथ पार्ई (राजापुर) : जमीन आसमान का अन्तर है ।

श्री भक्त दर्शत : इस से स्पष्ट है और इस को मैं सदन में भी कह चुका हूँ और आज फिर कहना चाहता हूँ कि जब इस तरह की बातें होती हैं, जो थोड़ी बहुत भ्रामक भी होती हैं, जिस में इन पत्रों ने इन्कार नहीं किया है, तो इन्हें हम को बढ़ा चढ़ा कर नहीं करना चाहिये और इन से हमको उत्तजित नहीं हो जाना चाहिये । लेकिन बिल्कुल भी ऐसी घटनायें नहीं होती हैं या बिल्कुल ऐसा प्रचार नहीं किया जा रहा है इस तरह की बातें न मैं कह सकता हूँ और न ही इन समाचारपत्रों ने कही हैं ।

एक बात मैं जरूर निवेदन कर देना चाहता हूँ । गुप्त जी ने गढ़वाल के एक कार्यकर्ता का नाम लिया, श्रीकृष्ण भट्ट । उन के बारे में उन्होंने ने कहा कि कई वर्ष पहले वह साम्यवादी दल से अपना सम्बन्ध विच्छेद कर चुके हैं । मुझे भी पिछले दिनों वह मिले थे और उन्होंने ने अपना तर्क दिया था । उन का कहना यह था कि उन के खिलाफ जो रिपोर्ट प्रान्तीय सरकार या केन्द्रीय सरकार के पास पहुंचाई गई है उस में एक ऐसे व्यक्ति का हाथ था जिस से उन का व्यक्तिगत वैमनस्य था, द्वेष था, आपस में झगड़ा था और वह चूँकि सेंट्रल इंटेलीजेंस ब्युरो में या केन्द्रीय गुप्तचर विभाग में काम करते हैं, इसलिये जानबूझ कर उन्होंने ने उन को नुकसान पहुंचाने के लिये वह रिपोर्ट भेजी है । मैं नहीं कह सकता कि साम्यवादी दल से अलग होने के पश्चात् उन के विचारों में परिवर्तन आया है या नहीं, साम्यवादी दल से वह स्वयं अलग हुए हैं, स्वयं त्यागपत्र दिया है या उनको हटाया गया है । सरकारी तौर पर साम्यवादी दल से वह सम्बन्धित हैं या नहीं और अब उनके क्या विचार हैं, इस सब के बारे में मैं निश्चयात्मक रूप से कुछ नहीं कह सकता

हूँ । यह एक अलग सवाल है । लेकिन मैं यह जरूर कहना चाहता हूँ कि इस तरह की घटनायें हो सकती हैं कि तिल का ताड़ बना दिया जाय, बात को बढ़ा चढ़ा कर के पेश किया जाय, पूरे तौर पर ठीक ढंग से न किया जाय कुछ व्याप्तगत वैमनस्य या आपस की प्रतिद्वंद्विता या ईर्ष्या, द्वेष जो होता है, इस को भी कुछ प्रथय लिया जा सकता है । इस लिये केन्द्रीय सरकार के तथा प्रान्तीय सरकार के अधिकारियों को बड़ी सतर्कता से ऐसी रिपोर्टों की छानबीन करनी चाहिये । और कोई भी मुकद्दमा चलाने से पहले या कोई भी कांवाही करने से पहले उन को स्वयं इस बात का इत्मीनान कर लेना चाहिये कि क्या वह रिपोर्ट सच्ची है या नहीं है ।

इस विषयक में यह चर्चा की जा रही है है कि कुछ क्षेत्रों को 'नोटिफाइड एरिया' घोषित कर दिया जायेगा । इस सम्बन्ध में मुझ से पहले बोलने वाले मित्रों ने भी कुछ प्रकाश डाला है । मैं भी दो तीन बातें माननीय मंत्री जी के सामने रखना चाहता हूँ और उन से प्रार्थना करता हूँ कि वह इन का स्पष्टीकरण कर दें । ये जो घोषित क्षेत्र करार दिये जायेगा इन के सम्बन्ध में एक प्रश्न तो यह उठता है हम वहां के बहुत से लोग जो सरकारी नौकरियों में हैं, या फौज में भरती हैं, और बाहर गये हुए हैं जब वे वापिस अपने घरों में छुट्टी पर या अवकाशग्रहण करने के बाद जायेंगे तो क्या उन को भी अनुमति पत्र लेने पड़ेंगे ? मैं चाहता हूँ कि इस तरह की कोई व्यवस्था जरूर कर दी जाये कि जो वहां के स्थायी निवासी हैं, उन के अपने घर वापिस जाने में कोई अड़चनें नहीं डाली जायेंगी ।

दूसरी बात जिस का मैं उल्लेख करना चाहता हूँ और जो हमारे माननीय सदस्य श्री मानबेन्द्र शाह ने भी कही है कि हमारे यहां

जो विशुद्ध भावना को ले कर तीर्थ यात्री आते हैं या पर्यटक आते हैं, उन के रास्ते में कोई अड़चन न डाली जायें। हमारे जो पर्वतीय इलाके हैं, उन की अर्थ व्यवस्था, उन की आर्थिक बहबूदी का सब से बड़ा आधार वहां का पर्यटन उद्योग है। अतः उन अड़चनों की वजह से पर्यटन उद्योग को अगर आघात पहुंचता है तो वहश की अर्थ व्यवस्था को भी धक्का पहुंचेगा। इस वास्ते मैं चाहता हूँ कि इस सम्बन्ध में भी गवर्नमेंट को कुछ विचार करना चाहिये।

यह भी कहा गया है कि जिस रियाज को नोटिफाइड एरियाज करार दिया जायेगा वहां पर कुछ प्रतिबन्ध लग जायेंगे और जो बाहर के लोग हैं वे वहां नहीं जा सकेंगे। माना कि बाहर के लोग नहीं जा सकते हैं लेकिन जो लोग पहले से वहां पहुंचे हुए हैं या जिनके दिमाग इस तरह के बने हुए हैं, उनका किस तरह से सुधार किया जाए, उनके दिमागों को कैसे बदला जाए, इसके सम्बन्ध में भी तो कोई व्यवस्था होनी चाहिये।

एक बात और मैं कहना चाहता हूँ। इस विषयक का हम पूरे तौर पर स्वागत करते हैं और समर्थन करते हैं। लेकिन इतना निवेदन मैं सरकार से अवश्य करना चाहता हूँ कि जहां हम कड़ाई और दमन का सहारा लें, वहां साथ ही साथ इन पिछड़े हुए पर्वतीय तथा सीमावर्ती इलाकों के अन्दर विकास कार्यों में भी बड़ी तेजी लायें। जैसा कि मैंने राष्ट्रपति जी के अभिभाषण पर बहस के समय भी निवेदन किया था कि हमारी रक्षा पंक्ति में अगर कोई दरार पड़ सकती है तो वह वहां की गरीबी की अभिशाप के कारण ही पड़ सकती है और अगर वहां के लोगों में थोड़ा बहुत भी असन्तोष बना रहा तो उसकी वजह से हमारी जो सीमा की रक्षा पंक्ति है, उसमें कमजोरी आ सकती है। केन्द्रीय सरकार तथा राज्य सरकार को मैं धन्यवाद देता हूँ

कि अनेक वर्षों के बाद उनका ध्यान इन क्षेत्रों की ओर गया है और वहां पर नए जिलों का निर्माण किया गया है और बड़ी तेजी से विकास कार्य उन जिलों में चल रहा है। इसके लिए हमारे यहां के बहुत से लोग तो चीन को भी धन्यवाद देने लगे हैं और कहने लगे हैं कि अगर वह आगे न बढ़ता तो हमारी सरकार का भी ध्यान उधर न जाता। मैं इतना तो नहीं कहूंगा; लेकिन इतना अवश्य कहूंगा कि जितनी अच्छी तरह से और जितना ज्यादा ध्यान दिया जाना चाहिये था उतना नहीं दिया गया था। पिछली बार हमारे प्रधान मन्त्री जी ने एक बड़ा विवरण यहां पर दिया था और बताया था कि आज से १०-१२ वर्ष पहले उत्तरी सीमान्त के बारे में क्या दृष्टिकोण अपनाया गया था। उस समय केन्द्रीय सरकार के जो अधिकारी थे या सलाहकार थे उन्होंने एक ब्लूप्रिंट तैयार किया था, एक नक्शा तैयार किया था और उन्होंने सबसे ज्यादा ध्यान उत्तर पूर्वी सीमान्त एजेंसी यानी नेफा के बारे में दिया था और लद्दाख के बारे में जैसा कि स्वयं प्रधान मन्त्री जी ने स्वीकार किया और मध्यवर्ती इलाकों के बारे में जैसा स्वयं उन्होंने कहा, पूरा ध्यान उस समय नहीं दिया गया क्योंकि उन्हें वहां से खतरे की कोई आशंका नहीं थी। मेरा अपना ख्याल यह है कि जिस तरह से आजकल बार्डर रोड डेवलपमेंट बोर्ड काम कर रहा है और सड़कें बड़ी तेजी से बनाई जा रही हैं, अगर यह कार्य आज से कोई दस या बारह वर्ष पूर्व शुरू हो गया होता तो शायद चीनी सैनिकों को हमारे प्रदेश में आने का मौका भी न मिलता। लेकिन अब जो कुछ हो गया वह हो गया अगर अब भी इस काम में तेजी लाने की जरूरत है।

मैं सरकार को धन्यवाद देने हुए यह निवेदन करना चाहता हूँ कि हमारे पर्वतीय इलाकों के सीमान्त क्षेत्र में जो जिले बनाये गये हैं उनसे अभी वहां की जनता को पूरा

[श्री भक्त दर्शन]

सन्तोष नहीं हुआ है। इसके भी कारण हैं। सरकारी कर्मचारियों की इतनी बड़ी संख्या वहां पर हो गई है जिसका ठिकाना नहीं है। चमोली और उत्तर काशी के क्षेत्र में इतने अधिकारी पहुंच गए हैं कि उनके रहने की समस्या बड़ी कठिन हो गई है। उन्हें शौच-डिब्बों और गोशालाओं में आनी गुजर करनी पड़ रही है। चमोली जिले में ही आप देख लीजिए, जहां पहले एक सब डिवीजनल मैजिस्ट्रेट रहता था, और जिसके पास पूरा केस वर्क नहीं रहता था, वहां अब एक डिस्ट्रिक्ट मैजिस्ट्रेट और चार चार सब डिवीजनल मैजिस्ट्रेट रहते हैं, पर उनके पास कोई काम नहीं है। मुश्किल से महीने में तीन या चार दिन का काम रहता है। इस तरह से उनके ऊपर जो रुग्ण खर्च हो रहा है, उसका पूरा उपयोग नहीं हो रहा है। इस पर शासन को विचार करना चाहिये।

दूसरी बात यह है कि मेरे एक प्रश्न के उत्तर में कुछ दिनों पहले माननीय मन्त्री महोदय ने फरमाया था कि उत्तरी क्षेत्र में जो जिले बनाये गये हैं उनके लिये सन् १९६०-६१ के बजट में कुछ धन रखा गया था, लेकिन वह पूरा खर्च नहीं हो सका। इतना बड़ा स्टाफ होने हुए भी यदि वह रुग्ण खर्च नहीं हो पाया, तो यह कोई प्रसन्न की बात नहीं है। इसलिए हमारी मैगीनरी को गिअर अर करने की उनमें कुछ तेजी लाने की जरूरत है। सरकार की तरफ से जितना रुपया दिया जाता है उसका पूरा सदुपयोग होना चाहिये और तेजी से उसे खर्च किया जाना चाहिये। तभी जाकर हम वहां की जनता में जो अत्म विश्वास पहले से मौजूद है, उसमें वृद्धि कर सकेंगे।

अन्त में मुझे केवल यही निवेदन करना है कि हमारे विरोधी पक्ष के कुछ भाइयों ने यह

आशंका प्रकट की है और जो आलोचनायें यहां हुई हैं उनसे पता चलता है कि शायद इस कानून का राजनीतिक शत्रुता के रूप में या किसी अन्य प्रकार से दुरुपयोग किया जायेगा। मेरा अपना विश्वास है कि जब तक इस मन्त्रालय का संचालन श्री लाल बहादुर शास्त्री जैसे सत्यवादी मन्त्री करते हैं और श्री दातार जी जैसे उनके परम योग्य सहायोगी हैं, तब तक किसी दिशा में भी इस कानून का, जिसका एकमात्र उद्देश्य देशद्रोहपूर्ण गतिविधियों पर अंकुश लगाना है, दुरुपयोग नहीं होगा।

इन शब्दों के साथ मैं इस विधेयक का हार्दिक समर्थन करता हूं।

Shri Shree Narayan Das (Darbhanga): I wholeheartedly support this measure. My hon. friend, Shri Indrajit Gupta, has characterised this Bill as one giving draconian powers to the Government, which has been brought forward by the pressure of some groups which want to create a war psychosis in the country. He also said that this measure would be used for the suppression of political parties in India. He was also of the view that the legitimate rights of trade unions would be suppressed by this measure. I can only say with regard to these arguments that the guilty mind is a ways suspicious.

So far as the provision contained in clause 2 is concerned, we are here going to create an offence against the State. This offence should have been brought within the purview of the Indian Penal Code in Chapter VI, where all offences against the State are dealt with. Better late than never. Therefore, I support the measure.

Some hon. Members have said that there is no necessity for this measure. The circumstances that have been created in our country by the Chinese aggression and the conduct and behaviour of some individuals belonging to some groups have necessitated this

measure. It is not only necessary but desirable. As I have already said, the provision contained in clause 2 is a general offence. But so far as the provisions contained in clauses 3 and 4 are concerned, they may be characterised as measures necessitated by circumstances created in our country.

It has been stated that there may be misuse of this measure. If every Act enacted by this Parliament is not duly administered and if it falls into the hands of some wrong men, it may be misused. For that the law courts are there. If anyone exercises the powers given beyond the limit contemplated, he can be brought to book. So it is not proper to say that the powers that are going to be taken under this measure by Government will always be utilised for suppression of political parties. The measure that is going to be enacted is not directed against any political party, although some Members have pointed out that the activities of the Communist Party in this regard are not beyond doubt. May be they have in their resolutions passed at various sessions indicated their intention. But this country being a democratic country, everyone has freedom of speech and freedom of expression. In the enjoyment of those rights, one may be led to misuse one's rights. It is to curb the misuse of these rights that this measure is being enacted.

The hon. Member, Shri Indrajit Gupta, told us that no members of his Party has made any statement which may be prejudicial to the security or safety of the State. The other day the hon. Prime Minister quoted from some reports received by him from various parts of the country which indicated that certain members of that Party have done so. Today also the hon. Minister in his opening speech quoted some sort of propaganda being carried on among the border people which may mislead them. Therefore, it is in the fitness of things that this measure is being brought forward.

I would like to refer to some of the provisions of the Bill which, it has

been stated, constitute a curb on political parties. There is no doubt that by the provisions contained in clauses 3 and 4, curbs are going to be put on certain rights contained in the chapter, there is a provision which says that in the interest of public order and the security and safety of the State, Government are entitled to enact certain measures to prevent those activities. It is in the light of that that this Bill has been brought before us.

With regard to the penal part of the provision contained in clause 2, in my opinion, it is not adequate. It says:

"Whoever..... questions the territorial integrity or frontiers of India in a manner which is, or is likely to be, prejudicial to the interests of the safety or security of India, shall be punishable for a term which may extend to three years, or with fine, or with both".

This is a light sentence; where the security and safety of the country is concerned, a sentence of three years is not sufficient. There should be a deterrent punishment for this offence.

As regards the penal provisions of the other clauses, they appear to be sufficient. With these words, I support the measure.

Shri Achar (Mangalore): I also welcome this measure. It is a very necessary amendment of the law on account of the circumstances that exist in our border, especially with China. The argument was put forward that we are having trouble with Pakistan for such a long time and there were even shootings there, but still we did not think it necessary to have any law of that kind; but we are thinking of having legislation so far as the other borders are concerned. Of course, the Bill does not restrict itself to any portion of the country. But, no doubt, such an enactment was not passed till now. It is only now that

[Shri Achar]

it has been considered necessary to have such a Bill.

The reasons are obvious. We know how exactly the communistic countries infiltrate and try to extend their territories. From history it appears true specially of South East Asia. Take for example Viet Nam. We know how communism spread there through the communist leader Ho-Chi-Minh. We know how the movement practically came from China; and it is North Viet Nam that is affected. It does not extend to South Viet Nam. It is not only in Viet Nam; it was the case in Korea also. Only North Korea is affected but not South Korea. It is how they infiltrate.

Shrimati Renu Chakravartty: Are they not parts of the same country?

Shri Achar: That is what I submitted, that the work is carried on by infiltration in this way; it is how communism spreads.

About India also, we know from the paper reports—especially in the *Hindustan Times* we had some time back a series of articles—that there is an effort almost to welcome the Chinese Government, arguing that Chinese Government is much better. And, on these border areas, let us take the situation as it is. That is the attitude. I do not mean that the entire party is of the view. It may not be all of them but there is a section amongst them. That is why probably, in Vijayawada and everywhere, there are two groups, one following the Moscow line and the other following the China line. What is the reason? Even when they want to pass a resolution whether it is aggression by China or not there is a division. This is not only of the communists. Unfortunately, Shri Indrajit Gupta seems to think that it is only against his. Probably, the cap fitted him. That is all I can say.

But, we have to see this aspect of the question. There is one section which says there is no Chinese aggression. What does it amount to? It is an accepted fact that so far as we are concerned the documents recently produced and the evidence adduced by our official reports show that there can be no doubt whatsoever that a good portion of our territory has been occupied by China. Why is it that there is no unanimous resolution of the Communist Party as such? There is a split. Why is there not a definite resolution saying that there is aggression by China? That indicates that there is a particular section among the Communists who are pro-Chinese. Probably, there are others also. We need not go into that question. So, when this is the situation, it is absolutely necessary that we should have legislation to the effect that persons who are behaving like that are committing an offence and are liable to punishment.

I agree with Shri Shree Narayan Das that the punishment is rather too lenient. (*Interruption*). That is my view, because it is not an ordinary offence. As my friend here suggests, it is treason. It is an offence against the country as a whole. In such cases, three years is not sufficient.

At this juncture I must also say that Shri Shree Narayan Das seems to have felt that the other punishments provided are sufficient. Under section 3(6) it is only one year.

“If any person enters or attempts to enter a notified area or is therein in contravention of any of the provisions of subsection (3), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.”

I would say one year is rather too lenient. It may be amended later. I only wanted to say that the punish-

My hon. friend, Shri Goray, seemed to think that the present law would be sufficient. He asked, 'Why should you think of enacting this Bill?'. He referred to the Penal Code. He did not refer to the section. I am afraid there is no provision, as it is now, to punish a crime of this kind. Of course, we have section 124A for sedition and other sections. So far as I can see, a separate enactment is absolutely necessary for this purpose.

Then, the other argument put forward, including my hon. friend, Shri Gupta, was that we have got Preventive Detention. Arguments had been advanced that preventive detention is not a judicial proceeding and it is an executive act and the accused person does not get the benefit of a proper trial and all that. From that point of view at least I expected them to welcome this. So far as preventive detention is concerned, the person will have no opportunity to go to a court. But this provision is much better. It comes under the ordinary Criminal Procedure Code and he will have the opportunities not only of the trial court but he can take it to the High Court also. From that point of view I should congratulate the Government for not utilising the Preventive Detention Act for this purpose but for bringing in a law under which regular trial can be had.

Another small point was raised, if I am not mistaken, by my hon. friend, Shri Goray, that Kashmir is omitted, and that the usual mantram of 'except Jammu and Kashmir' is mentioned here. Of course, it is a constitutional point. It is only, probably, on account of that point that the Government have omitted that area.

Apart from that, under article 3 of our Constitution, so far as change of borders or States are concerned, the consent of the State is not necessary. That is, if you want to change the borders between any two States in India, then, their consent is not necessary. They have only to consult and the Central Government can pass any law. But, so far as Kashmir is concerned, we have to note that there is a

separate provision. So far as any change in the border of Kashmir is concerned, the consent of that particular State is necessary. On that question there will be no difference of view between Kashmir and India. The question of Ladakh is there. But, all the same, as the Constitution stands, I do not think that that State can be brought into this Bill.

15 hrs.

I do agree with my hon. friend, Shri Goray that the mere passing of this Act would not enable us to have this question settled easily. Probably, the more important thing is, as many thinking Members have stated, we must try to go to these border areas I mean the leaders and other public men from all parts of India—and educate those people and see that this insidious propaganda is not carried on. There is no proper communication. The tribal people in that area are likely to be influenced easily by the vicious propaganda. The mere passing of this law may not enable us to see that this infiltration and subversion are not brought about. The more important thing is this. Many public men of our country, the M.Ps and MLAs, should go to this area and see that these people are not easily influenced like that. My hon. friend Shri Manaan who comes from Darjeeling has discussed this point in one of our meetings and he had stated incident after incident how this insidious propaganda is carried on there. In fact there is a propaganda to the effect that the Chinese Government is better than the Indian Government! That is the sort of propaganda going on. When it is so it is absolutely necessary that we should catch the imagination of the people. This enactment alone may not remedy the evil.

Shri J. B. S. Bist (Almora): Mr. Deputy-Speaker, before the trouble in Tibet started, I had spoken in this House and said that the border areas should be centrally administered or at least that the border intelligence should be exclusively controlled by one authority, either Centre or State. I

[Shri J. B. S. Bist]

had repeated this in the session that followed. Again, I had pointed out that when the security outpost withdrew from the areas where there was snow in winter, I had information that some Chinese had come and crossed over to our side at Barbyang and that it was no time for the Government to be complacent. I am, therefore, glad that the mind of the Government has gone this way and this Bill is before this House. I do not think that it is directed against any party except a person who challenges the integrity of our State, of our country. Therefore, I do not think that that kind of objection has much force or validity. But I do not know how far this Bill will completely meet the demands or the intention of the Government. I had said that in these border areas, the district should be taken as a whole. But somehow, for reasons known to the Government, all the areas in the district have not been declared border areas. Take for instance, Almora; it has been divided into two units. Pithorgarh is named as the border area. There may be a person in Pithorgarh who may be doing something against the provisions of this Bill. After having done it, he shifts over to Almora. What will Government do? Therefore, I am in entire agreement with the view that this Act should apply to the whole of India because such activities are not welcome anywhere. Anyway, this is a good beginning though I believe that there are some lacunae in this Bill which have to be remedied. This should not also end in harassment of people who inhabit these areas. I may submit that most of these persons are nomadic traders, shifting from place to place. Clause 3(3) of the Bill provides:

“On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, a notification issued under sub-section (1), no person who was not immediately before the said day a resident in the area declared to be a notified area by the notification shall enter

or attempt to enter that area or be therein except in accordance with the terms of a permit.....”

I would like this point to be considered very carefully because otherwise it would be defeating the very purpose for which this Bill is brought forward. I know that most of the people belonging to that place are also in the military and when they go back, possibly they will have no idea of all this. Therefore, when making up this exemption list, I should think that Government should apply its mind from now and not wait for the day when they think it necessary to apply these provisions because everything will end in confusion and discontent. I think such cases should be put under the exemption list. As I see it, unless I am on the exemption list as an M.P. though it is my own constituency, I will not be able to proceed there.

The other point is this. The police too are human beings. I know of a case where a certain report was made against a person, that he was Chinese-minded. He turned out to be a Congress worker who had no inclination in that direction at all. While giving these powers, the executive should be asked to exercise it with great caution and without personal bias. People should be informed that strong action will be taken if any of these reports are found to be incorrect.

The economic conditions of the people should be tackled. I am one of those who believe that good economic conditions in a place has the greatest security effect. Along with these enactments, the Government should also pay attention to the economic development which will certainly lay the foundation for obtaining the loyalty of the people who are already loyal. Any agitation or grievances put before the officers for the purpose of any advancement in their development or in regard to planning should never be misconstrued and should never be taken advantage of by any officer. I do hope that all these things would be

borne in mind. Though I am glad that the Government is arming itself with limited powers confined to a certain area which they will have to extend, I do expect that they will proceed about it in such a way that there will be all round prosperity and safety.

Dr. M. S. Aney (Nagpur): Mr. Deputy-Speaker, my object in intervening in this debate is mainly to record my approval of this step which the Government of India is taking at this time. It is no doubt a measure which adds to the powers of the executive and the police. But I am of the opinion that a special situation requires special legislation also. Certain powers have to be conferred on the executive in order that they should be able to meet a special situation that arises in a particular place. This Bill is intended to meet a peculiar situation that has arisen on account of the action of one of our neighbours against us.

The day Tibet went under the authority and suzerainty of China was a bad day for us in my opinion. I do not want to blame now anybody for that, but it was a bad day for us, because after that the borders of the Chinese empire have come close to us and they have become our neighbours. Those who were at a distance from us have come very close to us. Therefore, the friendship that we have formed with them when they were at a distance really lost the foundation on which it was really based. You are a good man in your own house and I am a good man in my own house. But when the two persons become neighbours, they deal with each other according to their own temperament. The temperament of the Chinese people and the Chinese nation became more manifest and more clear to the Government and people of India only when they became our close neighbours.

I do not want to go into details. We have actually found that in spite of the implicit loyalty they have declared to the principles which we call *Panch-sheel* and in spite of their adherence

to those principles declared by them in India during their tour, soon after they went back, we found that they had an evil eye on certain territories which are within the boundaries of India, which were adjacent to Tibet, which did not now exist as a State, but became part of China. We actually now find that a part of the territory which belonged to India without any question is now under their occupation. This has naturally started in the whole nation a wave of indignation. But in spite of this wave of indignation, certain sections of the people remained untouched and they were trying to find out some special reasons for preventing this nation even from asserting that there has been an illegal occupation of a part of India and aggression by China in this country. This kind of thought gradually spread from one place to another. A peculiar situation has been created and the Bill has become necessary on account of these things.

15.15 hrs.

[DR. SUSHILA NAYAR *in the Chair*]

No country which cares for its independence can afford to be ignorant of its own existence. The first thing a man has to know is what is his own body. A nation's territorial integrity is something like knowing the whole body of the nation. One person says that it is a part of the body of China and the other person finds that it is part of the body of India. What they say is a different matter. It is a matter of an international nature, a thing which will be settled in its own way. But when there are persons in this country itself who say that there are grounds for us not to assert our rights in a peremptory way, one feels there is something wanting in that section of the people. Therefore, their own nationalism is a matter of doubt. It is precisely a condition of this kind against which some remedy has to be provided and this Bill is intended to deal with those emergencies.

I find that the Bill before us has only three really important sections.

[Shri M. S. Aney.]

The first section deals with those persons who want to carry on propaganda and to spread in some way or other ideas which question the territorial integrity of the frontiers of India in a manner which is likely to be prejudicial to the interests of safety or security of India. Those who want to carry on this propaganda do not deserve existence in this country. The accident that they are living in this country ought not to give them the privilege of enjoying all sorts of liberties which only real nationals in this country are entitled to enjoy under the Constitution. If by this law we find certain extraordinary powers are given to the authorities to deal with persons of that kind and to prevent that sort of activity, nothing is being done which can be called really unconstitutional. In fact, absence of a clause of this kind really created difficulties in the way of Government fulfilling their primary duty to the country, which is to preserve the integrity of this country. If military forces are not to be used against persons carrying on this kind of activity, and if certain elements inside the country are to be dealt with, there is no other way except taking some more powers like these. Clause 2 confers those powers on the State for dealing with persons of that kind. It is a section that applies to all people in the country and there is nothing wrong in that.

Under clause 3, power is given to the State to create some notified areas. It says:

"If the Central Government considers that in the interests of the safety or security of India or in the public interest, it is necessary or expedient to do so, it may, by notification in the Official Gazette, declare any area adjoining the frontiers of India to be a notified area and thereupon, for so long as the notification is in force, such area shall be a notified area for the purposes of this section."

So, clause 3 gives the power to Government to create notified areas on the

existence of certain conditions there. After giving that power, sub-clause (2) lays down:

"(2) Whoever makes, publishes or circulates, in any notified area any statement, rumour or report which is, or is likely to be, prejudicial to the maintenance of public order or essential supplies or services in the said area or to the interests of the safety or security of India, shall be punishable with imprisonment for a term which may extend to three years...." etc.

This applies only to a limited area that is notified by Government on account of the existence of certain kinds of persons carrying on nefarious activities there. Whereas clause 2 applies to all the residents of India, clause 3 applies only to the activities of people inside a notified area. One of the instruments by means of which these activities can be carried on is the press, publication of bulletins, etc. Certain powers are taken by Government for dealing with the press, publication of bulletins, etc. and also the power to forfeit them and issue search warrants is given there. One could have objected to this if there had been no remedy provided for any abuse of power on the part of the State.

Shri Narayanankutty Menon (Mukandapuram): Sir, I rise to a point of order. We are supposed to discuss a very important Bill and I find that for the last one hour the discussion has been going on without a quorum in the House. Because of the importance of the matter, I want to raise the matter of having a quorum in the House.

Mr. Chairman: The bell is being rung.

There is quorum now. The hon. Member may proceed.

Dr. M. S. Aney: I was saying that there is also provision made here for enabling people to make applications

to High Courts to set aside the orders of the Government. Therefore, if the authorities are found to abuse the power or they exceed the powers which are given to them or they do not exercise the powers in a proper manner, provision is made under clause 5 for the people to approach the High Court and get the orders set aside.

15:21 hrs.

[MR. SPEAKER *in the Chair*]

Therefore, I feel that the Government is justified in—they have not brought it a day too soon—bringing before this House a measure of this kind, and it is just that a law of this kind should be passed because one of the important duties of the State is to take precautions as promptly as possible to preserve the integrity of the State. We find that insidious efforts are being made by persons to create trouble about the real integrity of India. Therefore, Government should make every effort to plug all these loopholes and take such measures as would empower them to deal with such persons effectively. If necessary they may come with stronger measures of this kind, so that persons who are on the other side of our frontiers may also know that it is not only the Government of India but the entire people of India are behind the Government to resist if any further attempt of aggression is being made or even if they persist in holding up the territories occupied by them.

For these reasons, Sir, I give my support to the measure.

Some Hon. Members rose—

Mr. Speaker: Shri N. R. Muniswamy.

Shri M. B. Thakore (Patan): Mr. Speaker, Sir, my name is there.

Mr. Speaker: I have called Shri Muniswamy. I will call him next.

Shri N. R. Muniswamy: Mr. Speaker, Sir, I welcome this Bill in the con-

text of the present trouble that has been created in the border areas. Certain activities have come to limelight. We have to curb those activities. It is with a view to plug the loopholes in the present criminal law that this Bill has been brought forward, so that we can be sure of the safety and integrity of India as well as the border areas.

This Bill deals only with one aspect. In clause 2 of the Bill it is said:

“Whoever by words either spoken or written, or by signs, or by visible representation or otherwise, questions the territorial integrity or frontiers of India in a manner which is or is likely to be, prejudicial to the interests of the safety or security of India, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.”

Sir, I am not very happy with the wording of this clause as it stands, in the sense that the net is thrown wide open and it comprehends things which a particular individual never intends to do. In all criminal acts, intention is very essential. A man may commit an offence without never intending to commit that offence. He might have some other reason for having committed it. Here, without the word “intention” or “motive”, if you simply say: “words either spoken or written, or by signs, or by visible representation or otherwise, question the territorial integrity or frontiers of India in a manner which is or is likely to be, prejudicial to the interests of the safety or security of India”, then even if the man had no intention to commit that offence he will be punished. I respectfully state that this has to be recast in order to satisfy the one important condition regarding the intention to commit the offence—leave aside the motive, we are not bothered about the motive, because motive has nothing to do with the act. But “intention” is very essential for a

[Shri N. R. Muniswamy]

criminal act. That must have been brought out in the wording of this clause. I would, therefore, suggest that the intention has to be brought out specifically, otherwise it will be brought under the category of 'nuisance', where a man who commits nuisance without intending to do it is punished. Therefore, the wording has to be changed and the word "intention" has to be incorporated. In the absence of the word "intention", this will cover any act and any person can be brought to book. Therefore, as I have said already, the intention has to be specifically and conspicuously brought out in this clause.

The other point which I wish to insist upon is with regard to the notified area. It is quite possible that a man might be away from the notified area and he might still create trouble questioning the safety and security of India, just as some people are now creating some doubtful claims about the area at present occupied by the Chinese by saying that nobody knows whether anybody exercised any sovereignty over that area or not. Some are said to be in favour of their occupying those areas and some others are questioning their claim on those border areas. There are certain section of people who support them directly or indirectly. Those things also would have to be covered here. Therefore, if people not only in the notified area but even outside the they should also be covered by the notified area create certain trouble provisions of this Bill by bringing in a suitable clause to that effect. If people create trouble in the border areas even by remaining away from the notified area by doing something which would be prejudicial to the safety and security of India, they should also be brought to book and punished.

Therefore, Sir, these two aspects have to be taken into consideration, if we really want to plug the loopholes in the present set up. In the context of the present frontier trouble that we are now having, it is quite possible

that people might create trouble and thereby question the security and safety of India even by remaining away from the notified area. Therefore, such people also must be brought under the purview of this Act. My other point is that the intention of the offence has to be specifically brought in, so that we can take into account the intention of the man to commit the offence as is the case in other criminal acts.

With these amendments, Sir, I commend this Bill.

Shri M. B. Thakore (Patan): Mr. Speaker, Sir, I thank you very much for giving me time. I am really lucky today to get time from you after four years.

Mr. Speaker: Am I against this hon. Member?

Shri M. B. Thakore: Not you, Sir. Sir, I rise to support this Bill. I do not only welcome this Bill but I congratulate the late Pandit G. B. Pant, the present Home Minister Shri Lal Bahadur Shastri and the Minister of State for bringing forward this legislation, though very late. I would say it is better late than never. I stay just about 60 miles away from the Indo-Pakistan border in north Gujarat and many times I go to the border areas. But I am not afraid, as my hon. friend Shri Indrajit Gupta is afraid of. I do not know why he is afraid of it. According to him....

An Hon. Member: Guilty conscience.

Shri M. B. Thakore: The evidence he has produced before this august House is much more sufficient to tell him and the House that they are as innocent as anybody else in India and outside. I do not know why then he should not support this Bill. There is no reason for him not to support this Bill. I suppose there is something fishy about it. Even though he asserts that the Communists of India are as good patriots as anybody else in India,

even then, he does not support this very good measure.

An Hon. Member: How can he do that?

Shri M. B. Thakore: He should support this Bill without and reservation. I may request him, if he is convinced to go to his partymen and pass a resolution to the effect....

An Hon. Member: Welcoming the Bill?

Shri M. B. Thakore:....to the effect that China has indeed invaded India and it has committed aggression. If he does not do that, and if his party men do not do that, I do not think any Indian would believe in their sayings.

Now I would refer to my State, which is in the border to Pakistan, as I come from that part of North Gujerat. It is the most backward and undeveloped area. There are no transport facilities, nor any national highways or even roads connecting big towns. If we develop that area, it will be very much helpful to us in future.

An Hon. Member: By implementing this Act?

Shri M. B. Thakore: He must understand first what I am talking about. I was saying that it is the most undeveloped and backward area. So, it will be very helpful if that area is developed. I was only referring to that. (*Interruptions*). You try to exploit the economic conditions of the people. I do not want to allow you people to be exploited.

Kutch should also be developed in the North Gujerat area. In Kutch some land reforms are being proposed and the agriculturists are against it. About 90 per cent. of the agriculturists are against such land reforms and, therefore, there is agitation. So, I would request the Home Minister that he should do something to satisfy these people who are living just in

the border to Pakistan, so that their economic condition may be improved.

Shri Narayanankutty Menon: By proceeding against them under the provisions of this Bill?

Shri M. B. Thakore: Not necessarily. Then I would come to the provisions of this Bill. There are some lacunae in this Bill. For instance, there is no mention whatsoever of the Indo-Pakistan border. Most of the provisions relate to our northern border with China.

Shri Goray: There is no northern border mentioned there; it is only border.

Shri M. B. Thakore: I am sorry that the hon. Minister of States for Home Affairs, Shri Datar, did not mention anything about Indo-Pakistan border. Smuggling is going on the Indo-Pakistan border and sometimes weapons are also smuggled. I know that in Tharad village in North Gujerat some Pakistanis have smuggled weapons and are creating trouble there.

Mr. Speaker: The scope of the Bill is different. There may be many good things which may be attempted and many bad things done, which must be prevented. But this refers only to the security of the border area, campaign being carried on in favour of the enemy, creating disturbance, etc. Therefore, the hon. Member may reserve all that he has to say to some other occasion.

Shri M. B. Thakore: Propaganda is being carried on in the heart of India.

Mr. Speaker: There is the general Criminal Law (Amendment) Act for that. Then there is the Preventive Detention Act. Supposing such activities are carried on in Hyderabad....

Shri M. B. Thakore: There is no mention of anything of that type here in the Bill.

Mr. Speaker: Unfortunately, Hyderabad is in the heart of India, not in the Himalayas.

Shri Narayanankutty Menon: For that the law is already there.

Mr. Speaker: So, I shall call upon the hon. Home Minister.

The Minister of Home Affairs (Shri Lal Bahadur Shastri): Mr. Speaker, Sir, it has appeared to me that this Bill has been generally welcomed by every section of this House. Shri Indrajit Gupta has, of course, opposed it. But I felt that his tone was also somewhat weak. Anyhow, I must complement him for making a very nice speech this morning, whether I fully agree with him or not.

Four or five important points have been raised in the course of the debate. I shall try to deal with them one by one. It was said by my hon. friend Shri Goray that my colleague, Shri Datar was not frank enough and did not mention the name of the party which was carrying on propaganda in the border areas. Firstly, I should like to make it quite clear that this Bill is not being framed with a view to taking action against any particular party. Generally, it cannot be so done. Whosoever indulges in activities which are not in the interests of the country, or which go against the proper maintenance of the security of the border areas or whichever may be the party, or whosoever may be the individual, action will have to be taken against that party or individual. In so far as this particular Bill is concerned, action has to be taken against individuals. Shri Gupta said that this was a very dangerous Bill. I do not know how he says that. Of course, the provisions are harsh, no doubt, and action will have to be taken. But it is not a case of preventive detention. There is no detention as such provided in this Bill. We have merely added to the number of offences under the Criminal Procedure Code, and action will have to be taken through the court against individuals or groups of individuals. And there is a right of appeal to the High Court. So it is a regular way of taking action against people who will be considered res-

ponsible for committing any illegal act or acting against the provisions of this Bill. Action will be taken not against any particular party or members of that party, as Shri Goray said, but he will remember that Shri Indrajit Gupta himself quoted the names of two or three papers and he said that they were being published or edited by those who were not communist and yet they were carrying on certain kind of propaganda which was not considered desirable. This was said by Shri Indrajit Gupta. And he named Satyapath, Karma Bhoomi and one more, Sarhadi.

Shri Indrajit Gupta: I quoted those Congress papers because they have written certain things to show that the communists are not carrying on that propaganda—not that they are carrying on the propaganda but refuting the charge that communists are carrying on the propaganda.

Shri Lal Bahadur Shastri: That is all right. I shall go into the details, whether they are Congress papers or not; I shall refer to it a little later.

But in reply to Shri Goray I want to say this. Suppose there are some papers, Shri Indrajit Gupta says that they are Congress papers. I say that they are not Congress papers. They are papers being brought out by independents or others. In that case also, if it is found that they act against the law, action will be taken against them. So when Shri Datar did not specifically mention any party, I do not think he had anything else in his mind. He wanted to put it in a general way.

But, again, I am sorry Shri Indrajit Gupta challenged the Government and said, "Will Government come out frankly?" He wants us to tell them that this law is being made for taking action against the members of the Communist Party.

Shri Indrajit Gupta: Shri Goray wants that too.

Shri Lal Bahadur Shastri: The hon. Member said that Government should be frank enough to say so, that this Bill is being placed or has been placed before Parliament for taking action against the members of the Communist Party.

Anyhow, I cannot deny the fact, the whole country knows it, that in so far as this border question is concerned, generally the opinion of all people in the country is very much agitated over it and they feel that China has committed an aggression; but there is an opinion in the country among certain people, and especially among members of the Communist Party, who do not strongly hold that view. And there have been differences amongst them also—I do not know we have only read in the papers—differences, and acute differences. Party conferences and conventions have met and yet we can see, from behind the scenes of course, that the differences still continue.

Shri Goray: The Home Minister should not depend on papers; he should have something much more authoritative.

Shri Lal Bahadur Shastri: I want to depend on non-official opinion also if I can. Certainly, Government machinery is also there. But it is better to balance the two and then come to one's own conclusions.

Shri Indrajit Gupta: Whether there are any differences or not in the Communist Party, is it not fair to judge the party by its accepted resolutions, passed in its official body?

Shri Lal Bahadur Shastri: Yes, I agree with that; I am not saying anything against that; it is good that the members of the Communist Party try to make up their differences and come to a definite conclusion. But it is true that the members of the Communist Party hold a particular opinion on this question, and what they want is that there should

be some kind of political negotiations between China and India and they should settle these matters through negotiations. We are not opposed to that. The Government of India also have taken up the same attitude. But the difference comes when the Communist Party puts India and China on the same level. Their resolution also indicates this thing. They say that China has made certain mistakes, and so has India also, there is some difference of opinion over border matters, and there are certain disputes, and so on, as if India is also guilty as well as China. The fact of the matter is that there is an aggression by China on India; thousands of square miles have been occupied by them; and yet the Communist Party wants to put India and China on the same level. They want to put both on the same level. My difference arises there, on that particular point. And it is obvious, it cannot be denied—that this creates almost in a way a demoralisation in our people as a whole, people living in this country, citizens of this country. I do not question your patriotism, but talking all the time in a way which accuses more or less both India as well as China, and accusing Indian leaders by saying that they really do not want to negotiate, that they do not want to come to terms.....

Shri Narayanankutty Menon: Nobody from the Communist Party has said that at all.

Shri Indrajit Gupta: The Communist Party has never said so.

Shri Lal Bahadur Shastri: I have not got much time; otherwise, I can quote instances where papers have strongly criticised, and they have frankly said that India really does not want a settlement....

Shri Narayanankutty Menon: No, not at all.

Shri Indrajit Gupta: No.

Shri Lal Bahadur Shastri: If I had the time, I would quote instances.

Shri Indrajit Gupta: We support the Prime Minister on this point.

Shri Lal Bahadur Shastri: Even on that question, I do not think that there is a full clarity in the minds of all the members of the Communist Party.

Shri Narayanankutty Menon: There is.

An Hon. Member: No.

Shri Lal Bahadur Shastri: But there is no doubt that the Communist Party has become much more active in border areas during the last few months or one year than they were ever before. I do not want to say that they should not go and work there. But sometimes, one feels doubtful as to what the matter is, because a number of centres are being set up, the units of the Communist Party have been formed, and all kinds of activities are being carried on, and papers are coming out etc.; that all these things should come up within a few months or written even a short period is something which makes one feel doubtful. What you say or what you do not say does matter. Talks on the Sino-Indian border question or dispute are going on in your private meetings or sometimes in public meetings also. I do not know, but I am merely referring to what is generally said in public meetings. I am referring only to speeches made in public meetings—Speakers reiterated the party's contention that China had not committed any aggression on India and that the border incursions were due to non-demarcation of the boundary; they said that there was no danger of war from China; then, of course, comparing the pace of development in China with that of India, they said that India was far behind. They warned that in case India was involved in a war with China, thousands of Indian traders who had trade dealings with their counterparts in Tibet would suffer tremendously. It is all right. You can always say that India is far

behind China industrially and in other matters. But in what context and at what place? That has all to be realised. Even when you talk like this that Indian traders will suffer in case India was involved in a war with China, it may be a fact. But yet to say all these things in places and areas which are border areas and to talk of India's backwardness as compared to China in those places is, I must say, neither desirable nor capable of producing a good effect on the people of that area.

So this has to be remembered. If you try to be very logical, it is just possible that we may not be able to meet logic with logic. But the activities of the party there are sometimes secretive, secretive in the sense that we cannot know and we do not know what happens in your party.

Shri Indrajit Gupta: We do not know everything that goes on in the Congress Party.

Shri Lal Bahadur Shastri: You do not know. That is quite all right. But Shri Indrajit Gupta challenges and says that Shri Puranik, or someone else, was not present there. I do not know what the name was. Therefore, I do not want to quote names. But one of their papers *Jan Yug* contains what is generally stated in the public meetings. Of course, it said something about the Prime Minister—I can quote it if you like—under the caption, "Jhoot, jhoot, jhoot", in banner headlines. The paper then accused the Prime Minister of irresponsible utterances against the Communist Party and stated that as there was no rule banning the presence of Communists in Parliament, similarly there was no rule preventing the presence of Communists in the border areas. Its editorial took a decidedly pro-China line....

Shri Chintamani Panigrahi: What is wrong in it?

Shri Lal Bahadur Shastri: You said that you wholeheartedly support the Prime Minister.

Shri Indrajit Gupta: We support him in his foreign policy.

Shri Lal Bahadur Shastri: But then at least better language should have been used. To say "Jhoot, jhoot, jhoot", not once or twice but thrice and in banner headlines, does not show great courtesy and respect for the Prime Minister.

Shrimati Renu Chakravartty: Actually after what was stated on the floor of the House by the Prime Minister, Shri Kameshwar Pandit wrote back a letter to the Prime Minister telling him all the facts. He did so because he was openly named. I asked him about it the other day when I met him. He said that the Prime Minister did not even reply to him. Now what other way do you have except to say that what has been stated is a lie. (*Interruptions*).

Mr. Speaker: Therefore, Government will do what it likes.

Shri Lal Bahadur Shastri: If they want to have that caption, I have no objection.

The same paper published some kind of an advertisement inviting the people to face China's aggressive activities on the northern border. This advertisement was given by the U.P. Government and it was published in *Jan Yug*. Later on, the paper realised that it had committed a great mistake, a blunder—that they gave space for this kind of advertisement in their paper. So the editor or publisher felt very much embarrassed and later on published an apology for having published in its issue of such and such date an advertisement of the U.P. Government inviting the people to face China's aggressive activities on the northern border. Imagine the paper publishing this kind of apology. What does it indicate?

Shri Jinachandran: They are fifth columnists.

Shri Lal Bahadur Shastri: Therefore, I would merely like to urge that the Communists do many things which create a great deal of doubt and suspicion in our minds. If these activities are carried on by the communist party and the situation deteriorates, naturally, the provisions of the Bill will have to be brought into action and necessary action will have to be taken.

As regards two or three papers which were referred to by Shri Indrajit Gupta, I have not got the details about *Satya Path*. He himself said that the editor of the paper was one who had resigned from the Congress, ex-Secretary of the District Congress Committee. I do not know whether he resigned. But, anyhow, he is an ex. (*Interruption*). The Editor of *Karma Bhoomi* is one who has resigned from the Congress. I may also add, with the permission of Shri Gupta, that his son is a prominent communist worker in that area.

Shri Indrajit Gupta: I do not know that. (*Interruption*).

Shri Lal Bahadur Shastri: Therefore, the paper will be supporting Shri Indrajit Gupta or his supporters there. There is no wonder about that.

श्री भक्त दर्शन : उस समाचार पत्र ने भी कम्युनिस्ट दृष्टिकोण का समर्थन नहीं है। मैंने अपने भाषण में भी यह कहा था कि उस पत्र ने जो कहा था उस का आशय यही है कि उस में कुछ तथ्य जरूर है लेकिन उन्हें बढ़ा चढ़ा कर नहीं कहना चाहिये।

Shri Lal Bahadur Shastri: Here is our hon. friend from that area. He knows better; he says that he does not put it in that way. The implications are entirely different. (*Interruption*).

Shri Goray referred to the constructive work in that area. It is not only that the laws will have to be made effective but we have really to do something more than that. I entirely agree with him. The Government of India had been paying special attention to this aspect of the problem. Some time ago, the Government of India advised the State Government on this matter and it was decided early in 1960 that the Government of India should take greater initiative in the administration and development of the areas bordering Tibet which had been somewhat neglected in the past.

As I stated, it was decided that these areas should be divided into small units of administration and should be constituted into new districts, especially in U.P., Punjab, Jammu and Kashmir and Himachal Pradesh. They have been constituted into a number of new districts; in U.P. 3, Pithoragarh, Chamauli, Uttar Kashi, in Jammu and Kashmir, Ladakh, in Punjab Lahaul and Kinaur in Himachal Pradesh. In fact the administration of these new districts has been modelled with the object of vesting as much authority and initiative as possible in the local officer. The Deputy Commissioner is also the Development Commissioner for the area. The Deputy Commissioner is vested with the administration and with wide financial powers. In matters requiring the reference to the State Government the Deputy Commissioner deals direct with the Chief Secretary or any other officer designated for the purpose, which officer disposes of all matters under the instructions of the Chief Minister. So, these powers have been delegated with a view to expedite matters.

16 hrs.

Naturally, the development of the border areas is the responsibility of the State Government. But the Government of India has sanctioned financial assistance on a substantial scale to the State Governments. I may give some figures for the year 1960-61. We have discussed the projects formulated by the State Governments and the Administrations concerned and schemes to the extent indicated below have been approved for implementation. U.P. Rs. 1.83 crores; Punjab Rs. 34.80 lakhs; Jammu and Kashmir Rs. 62.37 lakhs and Himachal Pradesh Rs. 9.89 lakhs. The total is near about Rs. 3 crores. We have not neglected that aspect; we have tried to do as much as we can during this period for the development of these areas. It must be admitted that they are backward and it is also true that we have not been able to pay enough attention to that, so far. But, however, there are various developmental activities besides road-making which is being done on a very extensive scale. The means of communication, if they are opened, will help the people of that area a good deal.

Shri M. B. Thakore: What about the Indo-Pakistan border?

Shri Lal Bahadur Shastri: If necessary, I shall refer to that; why bother about that part just now?

As regards the officers working there, I was sorry to hear from Shri Goray that the officers did not appear to him to be earnest enough; he felt that they should have been more earnest and more devoted to their work. Of course, if after dinner they played bridge, I think it should be ignored.

Shri Goray: I am not anti-bridge.

Shri Lal Bahadur Shastri: Any how you referred especially to their playing cards. I certainly like to say that the officers have to be alert and vigi-

lant and much more devoted to their work, especially in that area. Indeed it is a very difficult area and they are cut off from their people. They have to live there. It is not so easy, as Shri Goray says, to recruit people from the same place. Shri Goray may be surprised to know that I receive a number of recommendations or references that the people from the hill should be transferred to the plains. The officers of the hills instead of trying to live there and serve their own people want to come to the plains and serve in any capacity. Still, I would very much like that the local people should be recruited. After all for higher level of officers we will have to depend more or less on outside people who are not actually residents of that area. If people from the hill area or from that region are available, certainly I know the State Governments will welcome it and try to post them there.

As regards Jammu and Kashmir there is a different procedure altogether. If the laws are made applicable to Jammu and Kashmir,—we have done it in a number of cases—but the procedure is entirely different. We have to come up with a separate Bill and all that. But Jammu and Kashmir Government has got adequate powers to deal with this kind of a situation.

Shri Khadilkar referred to propaganda being carried on, outside the notified area. He might have seen clause (2) it is a general clause; it says:

“Whoever by words either spoken or written, or by signs, or by visible representation or otherwise, questions the territorial integrity or frontiers of India in a manner which is or is likely to be, prejudicial to the interests of the safety or security of India, shall be punishable with imprisonment....”

So, it applies to whoever by words either spoken or written or by signs does these things in any part of the

country, in any nook or corner. Action would be taken against anybody who does it. Then, clause 3 is of course wider. To that, I shall refer a little later. Shri Manabendra Shah is rather worried on account of clause 3 and perhaps Shri Khadilkar also referred to the people of that area, who are moving about—nomadic tribes, etc. That is the real difficulty. I was under the impression that though quite a few people might be moving about, generally the people reside there. But I was told by Shri Manabendra Shah that generally the people are moving about. In that case, of course, exemption is provided. In sub-clause (3), it is said “subject to any exemption”. So, exemptions can be made by notification. It might cause difficulties to the people, because they are not aware of the rules and regulations. However, it will be for the officers in that area to take special care of this.

So far as the residence clause is concerned, it is provided in a number of Bills. In West Bengal also, this kind of provision is there, and we have had no reports of any harassment so far. In any case, if there is any difficulty, it will have to be removed by executive action and the officers will have to take special care to see that these people do not suffer, if they move out to some other area and they want to come back.

Shri Manabendra Shah: My request was that clause (2) should be like sub-clause (2) of clause (3).

Shri Lal Bahadur Shastri: Shri Manabendra Shah is frightened of that fact that the provisions of the Bill may come in the way of normal activities. For example, some people are wanting to redistribute the districts or something like that. There is perhaps some kind of a movement going on, etc. Personally speaking, I would not like that this kind of thing should go on, but even if it goes on, this Bill is not going to come in the way of that kind of normal activity.

[Shri Lal Bahadur Shastri]

Before I conclude, I would merely like to say that I do not feel happy to come up with this Bill. But there is no doubt that the India-China border trouble is exercising the minds of the people tremendously. If there is any kind of activity which will in any way weaken or demoralise our people, it has to be stopped. As I mentioned earlier, so far as this Bill is concerned, we will deal legally, lawfully through courts and processing of cases.

So far as the Preventive Detention Act is concerned, I somewhat differ. I remember Shri Indrajit Gupta saying that he was arrested four times and it was found that the charges on which he was detained were wrong and he was acquitted. I was also detained more than once. But to tell Shri Gupta the truth, as long as I was in jail I felt all the time that I was rightly detained.

Shri Indrajit Gupta: I did not.

Shri Lal Bahadur Shastri: Of course, it was not possible for Government to have proved it. I knew for certain that they could never have proved that I had done anything which was against the Government or which might have in any way affected them. Those were war days. But I felt within me that they had detained me correctly and rightly. So, it all depends on how you look at it. Therefore, I said, Sir, that I do not feel happy, yet there is no way out and in so far as this border problem is concerned there can be no half way house. One has to be clear and categorical about it, and it is absolutely essential that the integrity of the country is fully maintained and preserved.

Mr. Speaker: The question is:

"That the Bill to supplement the criminal law be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take up the Bill clause by clause. I shall put clause 2 first. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

Mr. Speaker: There are some amendments to clause 1 and the Enacting Formula.

Amendments made—

Page 1, line 1,—

for "Eleventh Year" substitute "Twelfth Year".

Page 1, line 4,—

for "1960" substitute "1961".

—(Shri Datar)

Mr. Speaker: I shall now put them to the vote of the House.

The question is:

"That clause 1, as amended, the Enacting Formula, as amended, and the Title stand part of the Bill."

The motion was adopted.

Clause 1 as amended, the Enacting Formula as amended and the Title were added to the Bill.

Shri Lal Bahadur Shastri: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri Tangamani (Madurai): Sir, now that the Bill has gone through the first two readings, I would like to point out certain abuses which are likely to happen if this Bill goes into

the statute-book. I am reminded of the Criminal Law Act of 1932. I shall read Section 7 of the Criminal Law Amendment Act of 1932—Act 23 of 1932. This is how it reads:

“7. (1) Whoever—

(a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes with any property owned or used by him or deprives him of or hinders him in the use thereof, or

(b) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

This enactment was passed to suppress the salt satyagraha and the connected satyagraha movements of 1930, 1931 and 1932. This was meant to prevent any kind of picketing. Later on, from the year 1936, this very section 7 was used against any kind of industrial dispute. I distinctly remember, in the year 1946, when nearly a thousand workers of the transport service in Madurai went on strike, after giving due notice, which was really a legal strike, picketing

was sought to be stopped by section 7. Under the normal law, they could arrest only for picketing but under section 7, they could arrest a person who was in his house, who had come nowhere near the scene, because it is so comprehensive. Under that section any person who can be somehow connected with the strike could be arrested. But here at least there is another section which reads:

“No court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of an officer in charge of a police station.”

But now, under the present Bill which we are passing, the Criminal Law Amendment Bill, as soon as a particular area is a notified area, any person who comes under any one of the sub-clauses of clause 3 will be committing a cognisable offence. All that is necessary is for the police officer in charge of the police station to go and effect his arrest, because there is no protective clauses, that the action against a person has to be taken upon the reports submitted by a police officer or upon his satisfying himself, which is necessary for a cognisable offence. That is why I submit that this law is capable of a lot of mischief. Here I shall read sub-clause (2) of clause 3.

“Whoever makes, publishes or circulates in any notified area any statement, rumour or report which is, or is likely to be, prejudicial to the maintenance of order or essential supplies or services in the said area or to the interests of the safety or security of India, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.”

Then sub-clause (6) says:

“If any person enters or attempts to enter a notified area:

[Shri Tangamani]

or is therein in contravention of any of the provisions of sub-section (3), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

Mr. Speaker: Without a permit?

Shri Tangamani: As soon as an area becomes a notified area, as one of the hon. Members from the Congress benches pointed out, there are persons who may be going in and around that area. They may not be residents there; they may be nomadic people. Now it will be incumbent upon that citizen of this country to go to a city magistrate and obtain a permit. Only with that permit will he be in a position to go to the notified area.

Mr. Speaker: I understand that to be the implication; that is to say, once an area becomes a notified area, no outsider will be allowed without a permit.

Shri Tangamani: Now what happens is that the onus of proving whether a person is an outsider or not falls upon his head. We have not come to a stage when any person living in a particular area must go about with identity cards. That stage has not yet been reached by us. It was prevailing in Malaya and Singapore but even they have dispensed with that. Now we will have to impose another condition that those living in that town must be in possession of identity cards. Otherwise, any person can be arrested if he is not able to produce his identity card.

Mr. Speaker: I do not have any particular partiality for this or that. But all that I can say as a lawyer is that it is the duty of the prosecution to establish he is an outsider.

Shri Tangamani: Suppose a person is arrested. How can he escape his arrest? He can do that only on production of a certificate that he is a resident or on production of a certi-

ificate that he is authorised to enter that area. He may be a resident there. Even then he has to go through the entire rigmarole and he has to satisfy the court of law that he is a resident. That is why I say this provision....

Mr. Speaker: Suppose a man is accused of theft. Immediately a police officer or inspector arrests him and puts up a charge-sheet. Then he has to defend himself.

Shri Tangamani: This is a very peculiar situation which has been created. I heard the hon. Minister saying that he could understand Members of the Opposition opposing the Preventive Detention Act, because there is no process of law open to them. Now when they are given all these powers, when they are given all these facilities, why should they now come forward and oppose this? That is why I point out that section 7 of the Criminal Law (Amendment) Act of 1932 has got much wider provisions. But even there there is a safety value. There a man can be proceeded against only on a report by the Police Officer and then only on a warrant issued by a magistrate. Here he can arrest any person without a warrant. That is why I say that when such a piece of legislation comes on the statute-book more protection should be given to the individual. That is one of the reasons why I am opposing this. Strictly, from a legalistic point of view, when we are trying to take away the liberty of an individual, that must be taken away subject to the safeguards provided in the Constitution. We will have to go even far beyond that and see that there is no harassment. That safety will be there only if it is not a cognizable offence. That is my first objection.

Mr. Speaker: Who is interested? It is only the State which is interested.

Shri Tangamani: After all the State acts only through the police officer.

Mr. Speaker: That is the very basis.

Shri Tangamani: Any offence is an offence against the State in the larger analysis.

Mr. Speaker: Once you accept, or the House accepts, the principle of the Bill, it is no good watering it down. Otherwise it will be neither here nor there.

Shri Tangamani: There was once a time when it was thought that Criminal Law was considered to be enough for all offences against the State. Now we have got the industrial law, in which the community as a whole is concerned.

Mr. Speaker: Under the industrial law both are citizens. Here one citizen takes the other side,—I am not talking of any party. This will be applied only against a person who is siding the other person. In an industrial dispute, if the parties quarrel, neither can be accused of being a non-citizen. Here the charge will be—it may be false, that this gentleman is supporting some other cause of a country which does not belong to us.

Shri Indrajit Gupta: The scope is much wider than that.

Shri Tangamani: An industrial dispute may be between one worker and employer. Because there is industrial unrest which is likely to affect production the entire community is interested. That is where Government comes in. In the same manner, it may be only one individual. But his liberty has to be safeguarded. How does the State operate? The State operates through the police officer and the police officer is clothed with absolute powers. That is the limited point I was going to make.

Mr. Speaker: But he must be produced before a magistrate.

Shri Tangamani: But any person can be arrested without a warrant and then produced before a magistrate. The magistrate can remand him for fourteen days.

Mr. Speaker: The hon. Member is a lawyer. Cognizable offence means arresting without warrant.

Shri Tangamani: This is a new offence which is being created. The person will be in jail for fourteen days.

Mr. Speaker: Anyone can be charged with theft; he will have to undergo the same process.

Shri Tangamani: Already there are so many offences in the statute-book. Must we have another set of offences? There was a reference made by Shri Bhakt Darshan about a particular person, whom he says is a member of the Communist party. I would like to tell him that the paper to which reference was made by the hon. Member was published as early as the 28th April 1954. This person, Shri Krishna Das Bhatt and two others who were posing themselves as members of the Communist Party at all.

As early as 1954 a statement has been published by the Communist Party that they are not members of the Communist Party at all.

One more point. Neither while moving the motion nor in the reply has there been any reference to people who are now acting in the border areas. Take George Patterson who lived and moved about in the border areas and who in his book has written how the U.S. and British agents are acting in those areas. There are also Chiang Kai-shek's agents who are distributing leaflets in these areas—I have got some of the leaflets and I can produce them.

There was reference in this House to a particular speech of Shri H. N. Mukerjee advocating an autonomous region for Darjeeling within the West Bengal State. This was the demand of the Nepali people—Nepali language as a language to be recognised and Nepali-speaking in the Darjeeling area to become an autonomous section inside West Bengal, by itself.

[Shri Tangamani]

I would like to say that on the basis of impressions and on the basis of certain psychosis created, action should not be taken, and Government should not clothe itself with this kind of legislation. Suppose the Preventive Detention Act was withdrawn. Then, probably the Opposition will also consider whether or not we should have a legislation of this type. We may have more pieces of legislation of this type. But now there is the Preventive Detention Act which gives absolute powers to the Government. And in addition to that, this new legislation is coming. Therefore, as my hon. friend Shri Indrajit Gupta has pointed out, the motive is political rather than anything else. With these observations I would like to reiterate that it is susceptible of serious abuses because there is so much lacuna in this.

Shri Harish Chandra Mathur: I want to say a few words in the Third Reading.

Mr. Speaker: He wanted that the other business should commence at 4-30!

Shri Harish Chandra Mathur: Certain speeches have been made in the Third Reading and therefore I want to say a few words. I will take only two minutes.

I wish to remind you, Sir, and the entire House that this Bill has come to this House in response to a demand from the House itself. Let us remember it. Certain questions were put on the floor of the House and the hon. the Minister for Home Affairs said "We have not got the powers" and there was a chorus of demand from all sides of the House that "we are prepared to give these powers to you, please come out with a legislation to that effect". At that time not a Member of the Communist Party raised a voice, and it was almost taken for granted that every one in this House wanted the Government to take very strong action in this

matter. It is, as a matter of fact, in response to this demand from the House that this Bill has come before this House. And it is really strange that with the solitary exception of the Communist Party, every Member of the House who has spoken has supported this Bill. I do not see why the Communist Party has any apprehension in their mind that they will be dealt with under this Bill unnecessarily.

Shri Indrajit Gupta: Because we cannot trust the police.

Shri Harish Chandra Mathur: Government has not accused any party. As a matter of fact, they are showing extra generosity to the Communist Party—not only here, all over the world. That is what is being said about this Government, that they have been extra generous. And it is also an open fact that this Government has been extra generous to the Communist Party in almost all its affairs. I hope there will be a better appreciation of the situation. The Communist Party unnecessarily raise a suspicion against themselves by making these speeches and by opposing this Bill. There was no reason for them to have done so. They only create, by their own action, an atmosphere against themselves and raise a suspicion against themselves.

Shri Indrajit Gupta: What happened with the Preventive Detention Act?

Shri Mulchand Dube (Farrukhabad): I heartily welcome the Bill and congratulate the Minister on having brought it. Ever since the Chinese aggression we have been hearing news of activities on our borders which have been prejudicial to the interests of India. And this Bill therefore has not come a bit sooner than it should have come. My submission is that it is absolutely necessary that this kind of power should be vested in the Government. No body should

be allowed to question the territorial integrity of India in a manner which may be prejudicial to the safety of the country.

There is, however, one doubt in my mind in regard to clause 2, and that is whether or not it is necessary to define the territories of India actually. What are the territories of India? That has not been defined in the Bill. I do not remember to have seen it anywhere, where they have been defined. Probably, the hon. Minister knows where they are defined. If they are defined anywhere, they should be defined in the Bill, so that any person who is prosecuted for doing something under clause 2 of the Bill should be fully punishable under the Act, and it should not be open to him to say that he does not know what the boundaries are, and it has nowhere been defined so as to make people know what they are. So, so far as clause 2 is concerned, my submission is that it does seem to be necessary that there should be a definition as to what the territories of India are and where they end. That is one point which I want to mention.

As for the other clauses, namely clauses 3, 4 and 5, they are small clauses under which the territory has to be notified. Once a territory is notified, then any person who is found circulating a rumour is made punishable, and that notified area becomes a sealed territory; nobody can be permitted to go there unless he has a permit. The objection that seems to have been raised by Shri Tangamani, is that there may be some difficulty in this regard felt by the citizens who are residing there in coming and going. I suppose there can be no difficulty because the system of permit will be there, and any person who is a *bona fide* resident of that place can always obtain a permit and can go there. But, if an outsider goes there, then, he can be evicted therefrom, and if he resorts to certain types of activities, then he can also be punished, be-

cause if any rumours are spread, that also is made punishable.

Then, the Bill also provides for an appeal in case there is a conviction. So, there is absolutely no harm in what is being done. I believe it is a very good measure and it should have been on the statute-book not today but some two or three years before.

Shri Lal Bahadur Shastri: I have nothing much to add. I am grateful to you that you have already replied to the points raised by Shri Tangamani. You have rightly stated that even if there is any matter on which a person is aggrieved, he can go to a magistrate or to a court of law.

In regard to a cognizable offence, of course, the person can be arrested then and there. You, Sir, have already been good enough to reply to that point.

As regards Shri Mulchand Dube's point regarding the definition of the territories, it is already provided in the Constitution that:

"The territory of India shall comprise—

- (a) the territories of the States;
- (b) the Union territories specified in the First Schedule; and
- (c) such other territories as may be acquired."

So, the definition is there, and I do not think that Shri Mulchand Dube should have any doubts on that account.

In conclusion, I would only add that I am thankful to the House and to Shri Harish Chandra Mathur, especially, who said that this Bill had been brought forward on the demand of the House.

I have only one more point to say in conclusion, and that is that this is not a political move at all, as some people have characterised. Especial-

[Shri Lal Bahadur Shastri]

ly, Shri Indrajit Gupta said that we had brought forward this Bill with a view to make our position better in the elections. I only want to make it categorically clear that there is absolutely no such idea, and there is nothing of that kind. Anyhow, this law will not help us in winning the elections. We have our own strength, and both on the ideological basis as well as on the basis of what we have done so far, I hope that we shall get the support of the people of our country.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

16-35 hrs.

MOTIONS RE: INDIAN ADMINISTRATIVE SERVICE (PAY) RULES

Shri Harish Chandra Mathur (Pali):
I beg to move:

"(1) This House resolves that in pursuance of sub-section (2) of Section 3 of the All India Services Act, 1951, the amendments in Schedule III to the Indian Administrative Service (Pay) Rules, 1954, made by Notification No. G.S.R. 8, dated the 7th January 1961, laid on the Table on the 22nd February, 1961, be repealed.

"This House recommends to Rajya Sabha that Rajya Sabha do concur in the said Resolution."

"(2) This House resolves that in pursuance of sub-section (2) of Section 3 of the All India Services Act, 1951, the amendment in Schedule III to the Indian Administrative Service (Pay) Rules, 1954, made by Notification No. G.S.R. 127, dated the 4th February 1961, laid on the Table on the 22nd February, 1961, be repealed.

"This House recommends to Rajya Sabha that Rajya Sabha do concur in the said Resolution".

These relate to the All India Services Act and the rules thereunder. These two isolated notifications and their amendments suggested by me are of a very simple nature, but if they are fully appreciated in the context of the questions which emerge out of them, it will be found that they are of considerable interest to the administration and to the services. It is not my intention to discuss any isolated case or any individual here. I do not want to bring in individuals or particular posts. It is certain important issues which are emerging out of these notifications to which I wish to focus the attention of this House and of the hon. Minister.

One of the notifications is to the effect that the special pay in a particular case may be raised from Rs. 200 to Rs. 300. In another notification, what they propose is to expand the cadre of the IAS in a particular State by four. It is not only to expand the cadre by an additional 4 members, but they must of the senior scale with a special pay again. Another post is created in a super scale cadre.

My main question is regarding this special pay business. What is the impact and import of it? Special pay is being paid under certain fundamental rules. Looking into the record here, I find that there are quite a number of posts in which special pay is being paid. What the effect of this special pay is has got to be considered. As I collected some information, I found that in Class I service, there are about 900 posts which carry special pay.

16-38 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

In Class II, there are 700 posts which carry special pay. In Class IV, there are about 7 lakh persons, but the special pay is only for about 730 persons. As against this, as I said, in Class I where there are hardly 10,000 persons, there are 7,900 persons getting spe-

cial pay. The special pay amounts in certain cases to about Rs. 300 per month. Anybody who has been working in the district as District Magistrate and Collector, if he is an IAS officer and comes to the Secretariat here, gets the special pay. Even if he comes as Deputy Secretary, he gets a special pay of Rs. 300.

What is the effect of this? One unfortunate effect has been that all the officers on these special pay jobs are mostly at the headquarters, both here and in the States. You will find that most of the special pay officers are centred here in Delhi and in the States they are mostly at the headquarters, in the Secretariat. Therefore, the unfortunate effect of this special pay has been to draw out the best talent from the districts, from the actual field of administration, to these particular cosy posts. It is as a matter of fact befitting the posts that this special pay was devised. They were only for three particular posts.

The Minister of State in the Ministry of Home Affairs (Shri Datar): I do not know whether they have got any extra hard job or some extra responsibility to shoulder. I do not know how the Deputy Secretary here in the Secretariat discharges a harder job than the District Magistrate of Delhi.

Sir, may I point out that it would not be open to the hon. Member to deal generally with the propriety or otherwise of the special pay as such. When the rules were made, special pay was introduced and super time scales and they were placed before scales and they were pleased before Parliament in 1950. They have become final and I can understand if he makes a reference only to the special pay of certain officers and not in a general way.

Shri Harish Chandra Mathur: My hon. friend should know that this question was also touched upon by the Pay Commission and the Pay

Commission itself has made a special recommendations that the question of special pay should be reviewed periodically. May I ask my hon. friend whether they have had any periodical review of the special pay?

Shri Datar: How does it arise here? Here he has brought in a certain rule which was made by Government and which was placed on the Table. He has not brought in a motion for special pay in general.

Mr. Deputy-Speaker: And, therefore, the House will not amend the one that has already been approved. But he is drawing the attention of Parliament for a review that may be considered possible. It would not be possible for Parliament just at present to review these previous orders for which approval had already been given at that time.

Shri Harish Chandra Mathur: What is the amendment? The amendment is that they are creating 4 new posts in Rajasthan and all these 4 posts in the senior scale of the IAS, all these posts carrying a special pay of Rs. 300. I oppose this special pay of Rs. 300 being given. I am advancing my argument why I am opposing it. I am telling my hon. friend that when you are creating these posts in Rajasthan they will have an adverse effect. What is the adverse effect? In the first place, they are not at all justified because special pay is given for harder and tougher jobs being done. Here they are being given for cosy jobs, for easier and softer jobs.

Another thing is that our administration in the district and the field is being denuded and we are concentrating the whole lot in the Secretariat in the capitals, whether it is the capital of the States or it is the capital of India.

Now, what happens is that any Collector would like to come to any of these posts which are now being created in Rajasthan without any special pay. He would consider it better and a favour if he is posted to

[Shri Harish Chandra Mathur]

any of these 4 posts, because it gives him much greater facilities; and on top of it you are wanting to give him not only the same salary which he was drawing there for doing his job but you want to give another Rs. 300. What is the justification?

If it was only a question of local interest I would not have brought it. I have never, as you know, Mr. Deputy-Speaker referred to Rajasthan or only questions of local interest. I have referred to Rajasthan only for certain developmental purposes. I have brought this question here to focus the attention of the hon. Minister that when he gave consent to these 4 posts being brought on the IAS cadre, and these posts to carry a special pay, he has a particular background in his mind. He has a particular ideology. I want him to change that background and to understand the change in circumstances which have come about and to see that he gives a little further thought to this matter and that when similar questions are put before him he does not accord any sanction for any special pay being given. That is what I am submitting. I am not at all concerned with the Deputy Commissioner of Delhi. I am only quoting that by way of example—how the post of Deputy Secretary in the Secretariat deserves a special pay of Rs. 300 as against the post of a Deputy Commissioner who is doing a job somewhere—may be Delhi or may be Rajasthan. That is one of my points. These special pays have a very demoralising effect on the services and they have been a regularised practice, regularised malpractice I would say, of granting patronage and favouritism. There are two things which have gone so much to demoralise the higher services. One is the extension of service and another is the special pay. Therefore, I wish them to give particular attention to this matter. These special pays are not at all justified; they may have been justified in some parts. Therefore, I suggest to them that they must have a complete review of the entire cadre

complete review of the entire cadre of the senior services particularly and see whether these special pays are justified at all or not. They have been, as I said, denuding the districts of good officers because they are concentrating people in the Centre and they have a demoralising effect on the services. It is not only that the people who are brought in are not the seniormost officers.

Anybody can be picked up; anybody whom you want can be picked up and put as Deputy Secretary and he gets Rs. 300 more from that day.

There is another point of still greater importance. These four posts had not so far been on the cadre of the IAS. I would like to know from the hon. Minister how those people who were posted against these posts had been carrying on in Rajasthan for all these ten years? Is it not a fact that the incumbents of these four posts have been carrying those responsibilities extremely well and that they have been given a commendation from the Rajasthan Government? So, what is happening now that after these ten years you want to decadre the Rajasthan Administrative Service and deprive them of their avenues of promotion and bring them to the cadre of the IAS?

Now, these are very responsible posts. These have been occupied by the provincial administrative service. On the one hand; we are stopping the prospects of the provincial civil servants from going ahead and have something to look forward to. My hon. friend will say: for the provincial civil service people we have got something in the IAS; they can go up by promotion and so they have got something to look forward by way of promotion to the IAS. To this, there is a very clear answer in these very posts. How does it happen that all these ten years, the UPSC has been going to Rajasthan and has been selecting people but these very people who are the departmental heads of these departments have not

been found fit to find a place in the IAS Cadre? Here are these people who are working as departmental heads very satisfactorily. I do not want to give the names otherwise I would have given on the floor of the House, Mr. Deputy Speaker, how these officers, one to four have proved much better than the best people selected in the IAS. This also reflects very adversely against the way in which the officers are promoted to the IAS cadre.

This particular notification by which they are strengthening the cadre the IAS in Rajasthan has three aspects. One is: you are depriving the provincial cadre of the avenues of promotion; it reflects how promotions have been effected to the IAS cadre and thirdly, by paying special pay you are unnecessarily incurring expenditure. So far, these people were getting Rs. 1200 or Rs. 1400; nobody was getting more than that. Now a person will get Rs. 800—1400 plus Rs. 300. Why do you think that Rs. 800—1800 is not sufficient for it? A post that has been created is that of a Commissioner of Departmental Enquiries; and that post carries a salary of Rs. 2250. Here, I would like to submit that this post should not find a place in the cadre of the IAS. It would be a much better arrangement if you have a serving Sessions Judge to work as Commissioner of Departmental Enquiries. A serving Sessions Judge has a great reputation for his integrity and he is a man who will inspire confidence. Otherwise, this post is again a big question mark. The Sessions Judge is in the scale Rs. 800 to Rs. 1800. So, the expenditure will be much smaller and there will be greater confidence in the public mind. That is why I again oppose it and I want the same pattern to be adopted all over the country.

It is not particularly in regard to Rajasthan only that I am opposing the appointment of a senior IAS officer as Commissioner of Departmental Enquiries. I wish the same pattern to be adopted throughout the country, viz., only a serving Sessions Judge

should be appointed to look into the departmental enquiries.

I am not going into what is behind the creation of these posts, how they are manoeuvred for a personal gain here and a personal gain there. If my friends have time to look into this, they will find all sorts of funny things happening. It is time that we cry halt to these things and it is time that we exercise some economy. Unnecessarily Rs. 2000 per month will be spent, which could have been easily saved. We are taxing our poor people like anything. Even the poorest man in the country is taxed and we are supporting the taxes sitting here, not to feed the officers with special pay and allowances and super-scales of pay. We must have some sense of proportion. In a country like Japan, salaries are from 200 to 900. There are certain people who go up to 1200.

I have always supported a higher start for the IAS, say, Rs. 500, but after Rs. 1500 there is no justification. You can go up to Rs. 1800, but in addition to give another Rs. 300 is hardly justifiable according to me.

Mr. Deputy-Speaker: Motion moved:

“(1) This House resolves that in pursuance of sub-section (2) of Section 3 of the All India Services Act, 1951, the amendments in Schedule III to the Indian Administrative Service (Pay) Rules, 1954, made by Notification No. G.S.R. 8, dated the 7th January, 1961 laid on the Table on the 22nd February 1961, be repealed.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said Resolution.

(2) This House resolves that in pursuance of sub-section (2) of Section 3 of the All India Services Act, 1951, the amendment in Schedule III to the Indian Administrative Service (Pay) Rules, 1954 made by Notification No.

[Mr. Deputy-Speaker]

G.S.R. 127, dated the 4th February, 1961, laid on the Table on the 22nd February 1961, be repealed.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

Shri Narayanankutty Menon (Mukandapuram): In spite of the preliminary objection taken by my friend, Shri Datar, that the whole debate should be confined to the four officers allotted to Rajasthan and also it should be limited to the increase in special pay given to them, I submit that the practice in this House used to be that when certain amendments are made to the rules, laid on the Table, the broad principles underlying those amendments could be discussed. Otherwise, any discussion upon those amendments and also the necessity of incorporating those amendments in the original rules will be infructuous.

Therefore, I submit that there are two or three broad principles involved in these amendments and they will have to be discussed in this House and attention focussed on them. The first is regarding the special pay itself. When the question of special pay to IAS officers who are working in the secretariat is taken up, it is not because of the nature of their work that this complaint of increasing their special pay is being brought up. It is entirely on a different principle. As Shri Mathur pointed out, the whole question of special pay was raised before the Pay Commission. The Pay Commission went into the whole question and finally recommended that, even though they are not prepared to pass any judgment about giving the special pay as it was, it should be left to the Government to review the position regarding the special pay at some time. Therefore, when such a matter has been taken before the Pay Commission and when much has to be said on both sides about the necessity of the special

pay, why should Government come forward now even in the case of a few officers that this special pay should be given? This is something which this House will have to consider. In that context, the whole burden of proof in this shifts on to the Government to prove that in these particular cases, it is absolutely necessary because of the nature of the work and the responsibility, that they should be given a special pay. The Government has not discharged that part of the duty at all in that context and therefore it is clear that it is quite unwarranted on the part of Government under these circumstances to give special pay to these IAS officers.

Sir, now when the whole policy of the Government and also of this House is to resort to and endeavour to have as much economy as possible, and the ordinary civil servants right up to the class IV servants who get Rs. 80 a month are called upon to tighten their belts in order that we could find resources, is it justifiable on the part of the Government to give an impetus, to give special pay to a few IAS officers without any justification whatsoever? Certainly, Sir, the Government will have to come and tell this House the justifications and extraordinary circumstances under which the IAS officers are to be given this special pay. I do not think that in Rajasthan alone, for these four officers there are compelling circumstances and reasons for the Government to say that not only special pay should be given but that they should be given from Rs. 200 to Rs. 300. Therefore, my submission is that it will completely demoralise not only the Members of this House but the two million Government employees in general and also our countrymen when they hear that even in spite of all talk of economy the Government today is increasing the special pay of IAS officers without any justification whatsoever. I, therefore, submit that this particular notification whereby the special pay is given to these few officers

should be withdrawn in the interest of Government itself.

When we speak about giving additional pay to IAS officers, I have got one other point to make. If it is the idea of the Government that more impetus should be given, more incentive should be given to these IAS officers by giving more pay, I submit that it is completely unjustifiable. I do not think that in our country by paying Rs. 200 or Rs. 300 more any more impetus or incentive could be given to the IAS officers. You will have to look at some other corner as to how incentive could be given to these IAS officers and how impetus could be given to them.

Then I come to the question of creation of the IAS cadre. I have got a little experience of my own State as to how certain posts in the State Government are modified into IAS cadre posts. What are the considerations? The Central Government which is responsible for this IAS cadre has not laid down so far, during these ten years, any principle whereby one could decide in a particular State what post should be an IAS cadre post and what post should not be an IAS cadre post. Because of that, as my hon. friend Shri Mathur has pointed out, there is enough scope for naked favouritism to work in these matters. Whenever a particular State Government gets itself enamoured of a particular officer who is the incumbent of any particular post, that State Government is at liberty to recommend that that particular post should be an IAS cadre post. On receipt of that recommendation the Central Government without putting any question converts it into an IAS cadre post. Therefore, this sort of complete anarchy in the matter of converting any particular post into an IAS cadre post should be put an end to now. The Central Government should lay down the broad principles whereby they must say what are the posts in the State Governments—now they are fairly well known—which are IAS cadre posts and which are non-IAS cadre posts.

Thirdly, there is a lamentable lack of proper utilisation of IAS officers in many States. Now, I wish to point out the approach that certain State Governments make regarding IAS cadre posts in general. About two months back the Chief Minister of Kerala speaking at a function of the State officers said that the IAS officers allotted to Kerala State were all of the third category.

An Hon. Member: Third rate?

Shri Narayanankutty Menon: He had that remark to make. Later on, when Press men asked him to clarify this remark, he said, as my hon. friend legitimately pointed out that they were third rate men. Obviously, he was making a reference to IAS officers allowed to the State Government from the central pool.

I would say that one remark of that nature from the Chief Minister of a State regarding the IAS officers allotted to that State, could do one thousand times more damage than giving any incentives to these officers in terms of Rs. 200 or 300. I wish to point out, confining myself to my own State, that the young IAS officers who are allotted to that State, by and large, rather a majority of them, have done commendable service and displayed commendable integrity, and perhaps it might be the reason why some of the Chief Ministers did not like them and their work.

17 hrs.

Regarding utilisation I wish to point out one instance as to how it is a sheer waste to have IAS or ICS cadres for certain posts and how the State Governments do not properly utilize these officers. There was one senior-most ICS officer in one State, who had done commendable service in two State Governments and who is now the senior-most officer of that State. He is now loitering in the streets of that particular town in that State because for six months he has been appointed as Commissioner for Weights and Measures. I would request the hon. Minister to deny it, if he can. I am prepared even to give his name. He

[Shri Narayanankutty Menon]

was in the highest rung of the ICS cadre and he was a senior Secretary in that particular State Secretariat. Now, because of something, which is a mystery not known to me—probably it is not known to anybody else—that officer is appointed as the Commissioner for Weights and Measures. As a matter of fact any Superintendent of the Secretariat could be made the Commissioner for Weights and Measures and he could discharge that function without any difficulty because there is no particular function for the Commissioner of Weights and Measures, as the metric system has been introduced in that State long before.

This is a classic example as to how nepotism can work in a State Government in regard to certain ICS and IAS officers and how the provisions can work in a far different way, against the interests of the officers. This can be prevented only if the Central Government lays down a broad principle whereby they will see that the State Governments in particular posts, including those in the Secretariat, will have only officers belonging to the ICS or IAS cadre. Unless that is done, the dangers that have been pointed by my hon. friend, Shri Mathur will be there. I would request the hon. Minister to utilize this occasion to remedy this danger and I also request him that suitable measures should be taken to define the posts where the officers of the IAS cadre should be appointed.

In conclusion, I just want to point out to the Government that even though some sort of exigencies might have prompted the Government of Rajasthan to make a recommendation regarding these four officers, and some other sort of exigencies might have prompted the Central Government to agree to them, even though without any justification, when they do these things, even though they might be small little things in little places and a few thousands of rupees in the Central budget they have got far far more deeper implications on the

general working and the morale of the people. Therefore, I once again request that before these changes are made regarding the service conditions and emoluments of certain officers, Government should think deeply and realise the implications they will have on others. Therefore, I support the motion moved by my hon. friend, Shri Mathur, and request the Government that both these notifications be withdrawn.

Shri N. R. Muniswamy (Vellore): After having heard the two speeches made by the sponsor of the motion and Shri Narayanankutty Menon, I am in a dilemma whether to support this motion or to oppose it. The reasons given by the two previous speakers are firstly that it involves extra expenditure and secondly, it leads to nepotism. We all know that the word "nepotism" has come from the word "nephew", that is to say, whoever has been one's own nephew or cousin. That was called nepotism. Of course, now it has got a larger aspect.

One aspect which dominates my mind is that if a State Government or the Central Government want to boost up a particular officer, whether he is belonging to the ICS or IAS, they can create a particular category of job for him, giving him Rs. 2,250 or 2,500. When I read the schedule I found that not only in Rajasthan but also in Madras, Andhra and other States the Chief Secretary is paid Rs. 2,500. The Chairman of the Board of Revenue is paid Rs. 2,500 and the Member of the Board of Revenue also is paid Rs. 2,250. Ordinarily there should be no such difference or disparity in the pay of Class I officers. There has been a good deal of discussion both in this House and outside that the difference in pay should not be more than twenty or twenty-five times. Here it is out of all proportion. Therefore there is much scope for appointing particular persons when select jobs carrying special emoluments fall vacant.

There are certain jobs which carry huge salaries, like Rs. 2,500 or

Rs. 2,250. This may be either due to the fact that they involve extra responsibility or the nature of the work is more onerous. Sometimes they may be something like a sinecure. I guardedly use the word sinecure, because the Chief Secretary to the Government of a State, or the Chairman of the Board of Revenue or a Commissioner, as the case may be, simply tick important files when those files are properly documented and placed before them for final orders. At no time have I heard of an ICS or IAS officer going against the note put up by his subordinate. His recommendations are just dettoed. At no time does it happen, unless it be that extra influence is brought to bear on him to see that the whole order of recommendations is reversed. So much so, if appointments to posts carrying emoluments of Rs. 2,500 are made without proper criteria, it would create heart-burning in the services. As Shri Mathur suggested there may be various officers who may deserve it. The post may be something technical carrying extra emoluments. But it is quite possible that the highest officer in the State who is holding discretionary power, may wish to push up his own man if he wants to.

We know that in olden days when Rajas and Maharajas were ruling the country they used to have their own men, their cousins, or uncles, in these key posts. They wanted persons in whom they could repose confidence; otherwise the administration would not be carried on properly. It is for that reason that they used to have their own kith and kin in key posts. Sir, in the Government of India, under the socialist pattern of society, nepotism and corruption should not be allowed to be practised and merit alone should be the sole criterion. The practice of favouring particular individuals should be given a clean go-by. Otherwise it will create heart-burning among the services. No officer should have any feeling that any day a junior of his can shoot up over him.

Another amendment, of which nothing has been said by the previous

speakers, relates to the extra payment of Rs. 300 to the Commissioner of the Delhi Municipal Corporation. I do not know for what purpose this extra Rs. 300 is being given. If he had thrown some light on this, I too could have offered some opinion. The hon. Minister has stated that we should only stick to a particular amendment and not speak on others. That is the reason why I am limiting my observations to these few points. I entirely agree that the morale of the services should be preserved and this can be done only if deserving people are given promotions. Posts carrying extra emoluments should not be treated as sinecures. At the same time, nobody should feel that he has been unjustifiably overlooked or his legitimate promotion has been given to his junior. In all these matters, I should say that Government should think twice before coming forward with an amendment to the Schedule. Because, the IAS people who are started on Rs. 350 go up to Rs. 1,800. Only the efficiency bar is there. They could make it uniform, without the efficiency bar, and in respect of anybody who is appointed to the IAS the pay must be according to the scale, and there should be no question of shooting up any persons in the way in which the rules have enabled them to do so.

I have stated all these things in the hope that the rules will be suitably modified in the light of the suggestions that have been made.

Shri Datar: Mr. Deputy-Speaker, before I deal with the points raised by my hon. friend I cannot resist making an observation that my hon. friend Shri Harish Chandra Mathur has got supporters in a rather strange way; because, this support does not come from the arguments or the merits of the arguments he has placed before the House, but it comes in an entirely different, and perhaps irrelevant way so far as the present question is concerned.

Before I deal with these points, may I point out the history of the rules

[Shri Datar]

in this respect? In 1951 an Act was passed by Parliament, known as the All India Services Act. Under that Act powers were given to the Central Government to make rules regarding recruitment and conditions of service. These rules were made, as specified in the Act itself, in consultation with the State Governments. In 1954 we had the views of all the State Governments, a conference was also held of the Chief Secretaries of the State Governments and officers of the Central Government, and a number of rules relating to encadrement, recruitment, pay and other conditions of service were made. These were accepted by the Central Government and placed on the Table of the House. In respect of some of them, if I remember aright, there was some debate in this House and in the other House. The rules came into force without any modification being made by either of the Houses of Parliament.

Under these circumstances, a question arises whether a general point can be raised in this discussion.

In this respect I would invite your attention particularly to the rules that have been made so far as fixation of the pay scales is concerned. This would be found in the rules made by the Government of India—the Indian Administrative Service Pay Rules. They deal with the pays. So far as this is concerned, there is the pay for the junior scale of the IAS, and there is the pay of the senior scale of the IAS. Then there are certain posts in the senior scale which carry special pays, and there are also certain posts which carry, what can be known as, super-time scale pay; but this is not very much.

So far as the special pay, to which very great attention was paid by my hon. friend, Shri Harish Chandra Mathur, is concerned, he proceeded on the general assumption that in all cases the special pay that was offered was Rs. 300. That is not correct at all.

Shri Harish Chandra Mathur: I said only senior scale officers.

Shri Datar: Even then it is not Rs. 300. Let the hon. Member understand me correctly. So far as the fixation of the senior pay scale is concerned, it is a matter which rests with the State Government. The relevant rule in this respect has been mentioned in Schedule III B, sub-clause (2), which may please be noted. It says:

“The amount of any special pay which may be sanctioned by the State Governments concerned under clause (1) shall be Rs. 100, Rs. 150, Rs. 200, Rs. 250 or Rs. 300 as may from time to time be determined by the State Governments concerned.”

Then, they have mentioned a number of posts in respect of which it would be open to the various State Governments to grant special pay. So far as the present posts are concerned, you will find that excepting in the case of one, in respect of the four posts in the Rajasthan State, which have been encadred in the IAS, it would not be correct to say that each of them would be getting Rs. 300 p.m. as special pay. That is a question which it is open to the State Government to consider.

So far as these posts and the special pays are concerned, may I point out that Government have a review of the strength of the cadre from time to time? That is for the information of my hon. friend. Secondly, whenever any post has to be included in the IAS cadre or when something has to be done with regard to it, then, the State Governments are consulted. The State Governments give their opinion after a full consideration.

So far as these four posts are concerned, the Government of Rajasthan felt that they carried additional responsibilities and the tasks were very arduous.

Shri Harish Chandra Mathur: Who were filling these posts so far, for the last ten years, and what was their salary?

Shri Datar: I am just explaining the whole thing. So far as these posts are concerned, they are held by persons who have put in at least sixteen years' service. That point may be noted by my hon. friend. It is not that any person today becomes a member of the IAS or is taken into the IAS cadre, and the next day, he is encadred, so far as these high posts are concerned.

Shri Narayanankutty Menon: What happened to these posts....

Shri Datar: Let my hon. friend wait. If there is any point, I shall reply in the end.

Shri Narayanankutty Menon: But the hon. Minister is never in that habit of replying, at the end.

Shri Datar: So far as these posts are concerned, they are very high posts, and they carry a lot of responsibility. Arduous work has to be carried on. This would be clear to hon. Members, if I tell them that in the other States also, similar posts are encadred in this way, and they also carry special pay. A number of posts have been mentioned wherein special pay can be had. Therefore, the Rajasthan Government have only gone in line with the other States. If, for example, it is found, as I shall be explaining very shortly, that each of these posts carries a special responsibility, then, is it proper for the Rajasthan officers, especially, to be denied the advantage of a special pay, when under the rules of 1954, we have accepted this position, that so far as these officers are concerned, they are either entitled to a junior pay scale or in due course they are entitled to a senior pay scale, and in the latter case, a small class of people are also entitled to special pay? And the amount of special pay varies from Rs. 100 to Rs. 300.

Now, you may kindly take into account the various posts. I shall refer to them one by one. Out of the four posts here, the first is that of the Principal, Officers' Training School, So

far as Rajasthan is concerned, Rajasthan has got a special Officers' Training School for the purpose of keeping the training of these people quite up-to-date. As the House is aware, in the course of the discussion the other day on the Demands of the Home Ministry, this point was raised, and at that time, I pointed out that it was necessary that all our officers, even after they carry on their work for some years, at a certain period of their service, ought to be properly trained again, and there ought to be a refresher course. And the Rajasthan Government have done well by having an officers' training school. It is of great value, because thereby the officers know how the work is being carried on in other areas, and each officer profits by the special training in conjunction with other officers. That is the first.

The second post is that of Director of Consolidation. So far as this consolidation work is concerned, hon. Members will kindly understand that in view of the abolition of zamindari and the abolition of a number of other feudal rights, it has become necessary, in the interests of the tenants or the occupants of the land to have all their rights properly consolidated and noted in the revenue records. It is for this purpose that we have got similar officers in UP and other States. Therefore, Rajasthan was right in holding that there ought to be a top-most officer who should direct the consolidation proceedings as early as possible and as efficiently as possible. As my hon. friend will agree, Rajasthan was a land where there were small States and occupants had very few rights. That position has now changed. The actual occupants have been invested with very valuable and substantial proprietary rights.

Shri Harish Chandra Mathur: That has nothing to do with this.

Shri Datar: Therefore, this has to be properly done. If the post of Director of Consolidation is also encadred, I do not know why my hon. friend should object to it.

[Shri Datar]

Then we have the post of Commissioner for Excise and Taxation. This is a post which in most of the States is similarly included. Then there is the post of Labour Commissioner. These are the posts which in most of the States are placed in a similar position. So that all these four officers will be entitled to special pay to be settled by the Government of Rajasthan.

Shri Narayanankutty Menon: Why the Inspector of Weights and Measures is not included in the list?

Shri Datar: If the hon. Member had asked for some information on this point earlier, I would surely have given it.

Shri Narayanankutty Menon: It is known to him.

Shri Datar: It is not as the hon. Member imagines. In fact, I am extremely sorry that my hon. friend tried to make out a case that officers were working well but that the Chief Minister or the Ministry were not giving them proper treatment. That is a statement which is not borne out by facts at all. Even in respect of the Chief Minister's statement, to which he made an indirect reference, may I point out that he did not say what has been reported to have been said by him? My hon. friend gave a compliment to the officers. That again was a left-handed compliment, because he wanted to condemn the Ministry. So only with a view to condemning the Ministry he went to the extent of giving a compliment to the IAS and other officers.

I would not go to Kerala at this time. I am dealing with Rajasthan. So far as that is concerned, in this case nothing has been done out of the way. The State Government were fully consulted and it was only after such consultation that these things have been done.

So far as the post of Commissioner for Departmental Inquiries is concerned, that is also a very high post. There were some cases which had to be disposed of early. The Rajasthan Government thought that he ought to be entitled to the super time scale of pay. It is under these circumstances that we have accepted the views of the State Government and made the rules, as they have been made.

Incidentally, my hon. friend there and another hon. Member from my side raised some general questions about the Chief Secretary's work and about the posts to which our IAS officers are transferred. So far as that is concerned, may I point out that from my experience I can say that the Chief Secretary's post is not a sinecure post at all? In fact, he is overburdened with a number of questions, including the question of the services. The services might be IAS and also the provincial services. It is his duty to look after and safeguard the interests of all the services, and also to see that if they act wrongly, certain proceedings are taken.

Then, my hon. friend contended that we are taking away people from the Provincial Civil Service. So far as the State service is concerned, may I point out that there is already avenue of promotion under our rules, apart from the candidates whom we take by direct recruitment by annual examinations for these services? There is a certain percentage— 25 per cent generally— what is known as the promotion quota of officers. And persons with 8 years' experience in the State Government are eligible for this. My hon. friend, indirectly wanted to say something about it. As I have told him already in this House also on a former occasion there is a procedure by which the officers who are eligible are considered so far as their suitability or otherwise is concerned and then a preliminary list is drawn up. The U.P.S.C. finally

makes up the list and that list we accept. It is not that the Government of India does it. It comes from the State Government; a Member of the UPSC discusses the whole matter and after this preliminary eligibility list is prepared, that is finalised by the UPSC. Under these circumstances, it would not be proper to say that we are doing injustice to the State Civil Service.

We are taking in a number of officers and when a special recruitment was had a few days ago, a very large number of officers, roundabout 180 or 200 were taken from the State services. So, it would not be proper to make an invidious distinction between the IAS and the All India Services and the State Civil Services. There is no question of taking officers at the cost of one service. Let it be understood very clearly that the All India Services like the IAS and IPS are for the States themselves. We have not got any cadre of IAS or IPS officers. It is only the State Governments that have their cadres. From them we borrow officers. If that real position is understood that would solve the difficulty. What was done was in 1954. The rules were made. When these rules were accepted by the House and no attempt at amendment was made, naturally, it is presumed that these rules have the sanction of Parliament. Therefore, it would not be proper for my friend, at this stage to say that the whole thing is chaotic. It is not chaotic at all. It is well ordered and we follow these rules strictly and see that only persons of merit are taken in.

Therefore, I submit that what has been done is quite proper. Only one senior officer has been given the super time scale and 4 officers have been put in the other class and they will get their senior time scale plus such special pay between Rs. 100 and Rs. 300 which the State Government may decide.

Shri Narayanankuty Menon: One clarification. As the hon. Minister was allergic I reserved my question.

It was said that it was not chaotic. Has any general principle been laid down as to what posts in the State Government should be in the IAS? If so, whether the Inspector of Weights and Measures should be in the IAS cadre?

Shri Datar: I think it may not be the Inspector. It may be the Commissioner.

Shri Narayanankuty Menon: He is termed as Commissioner. Originally, he was Inspector of Weights and Measures. Now he is Commissioner.

Shri Datar: So far as the IAS posts are concerned, they include:

- (a) all superior administrative posts, e.g., Commissioners, Members of Board of Revenue, Secretaries to Government etc.

It is not likely—I cannot vouch for the accuracy of it—but if there is a Commissioner of Weights and Measures, it must be—subject to correction—a fairly senior post. Let not the hon. Member generalise because one officer holds it. It includes—

all posts of District Officers; and

a proportion of miscellaneous posts including those of Heads of Departments. Strict uniformity in this matter was considered difficult.

Shri Datar: Weights and Measures are a very important subject... (Interruptions).

Shri Harish Chandra Mathur: Sir, I do not want to ask any question. But I have a right of reply and in two or three minutes, I want to make certain observations. I am afraid the hon. Minister has completely missed the point. I never disputed the rules and regulations which he quoted. It also appears to me that possibly the hon. Minister does not know the background of these posts in the Rajasthan Government. Therefore, his reply was actually out of context. I do not blame him because he does not know much about them and I know quite a good deal about the position there.

[Shri Harish Chandra Mathur]

But I asked him two questions: How were these posts administered during these ten years? He had not replied to that. Is it not a fact that these posts have been administered by the PCS people with every justification and with great commendation?

Shri Datar: Not unlikely.

Shri Harish Chandra Mathur: It is so. They tried officers from various cadres and they were not successful. Then these people filled these posts with commendation and still they were not being paid more than Rs. 1,200. What has happened now that they find that these posts should carry a pay of Rs. 2,100?

Mr. Deputy-Speaker: The only answer that was given was this. Some of the equivalent posts in other States were being given that extra pay and therefore the intention was to bring Rajasthan also in that line or in conformity with the other States.

Shri Harish Chandra Mathur: I started by saying, Sir, that their thinking was off the track; they are thinking in a particular context. They must change their outlook and they must change the context. Here is an example from which they have got to learn something. I made also certain observations regarding the superscale posts. You are wanting a scale of Rs. 2,250. Why do you not have a serving sessions judge in the grade of Rs. 800—1,800? He will inspire much better confidence and he will be a more independent man. You will have to spend much less.

Shri Datar: We have to deal with the question of administration as such and therefore, a man who is proficient in administration, who has long experience has to be in charge of these departmental proceedings and not merely a judge.

Shri Harish Chandra Mathur: It is a departmental enquiry. I again say that my hon. friend does not know these things. It was only a retired

sessions Judge who was manning this post in Rajasthan. That is a fact. He was proving quite successful. Now unnecessarily the cadre is being expanded. I do not want to stress the point any further. It was not my intention. I said that I had no local grievance and I did not bring forward these motions to discuss these particular posts. I want them to reorientate their thinking in such matters as the special pay, super-scale of pay, extension of the cadre and avenues of promotion for the provincial administrative services. It is all right that they had given some reply just now. But on an earlier occasion, while discussing the report of the UPSC, I suggested that they must put a High Court Judge there. My hon. friend replied here that it was impossible and after three months he had done precisely what I said. I do hope that he will be guided by similar wisdom in considering this issue, whatever he might have said here and that he will give calmer thought to the points and suggestions made by me and try to benefit from them and benefit not only Rajasthan but the entire country. The points that I raised were sources of corruption and favouritism and that is why I have raised these issues and I hope that he will give them proper consideration... (*Interruptions.*)

Mr. Deputy-Speaker: Thinking may be reorientated in some other manner. He is not pressing the motions, I suppose.

Shri Harish Chandra Mathur: I do not press them, it is not my intention.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw these motions?

The motions were, by leave, withdrawn

17:35 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, April 25, 1961/Vaisakha 5: 1883 (Saka).

WRITTEN ANSWERS TO
QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
3745	Trade centre in New York	13331
3746	Exploitation of Sambhar Lake Resources	13332
3747	Movable and Im-movable Properties in East Pakistan	13332-33
3748	Paper Mills in Jammu and Kashmir State	13333
3749	Survey of Carpet Industry	13333
3750	Rebate to Handloom Weavers' Co-operative Societies in Maharashtra	13334
3751	Prices of cloth	13334-35
3752	Purchase of Khadi	13335
3753	Documentary film on 'Filariasis'	13335-36
3754	Road Making Machinery	13336
3756	Rope industry	13336-37
3757	C.P.W.D. Divisions	13337
3758	Price of cardamom	13338
3759	Rubber Board Employees	13338-39
3760	Retirement benefits for Rubber Board Employees	13339
3761	Prices of gunny bags	13339
3762	Shops in Moti Bagh, New Delhi	13340-41
3763	Mulberry Wood for sports industry in Punjab	13341
3764	Naga rebels	13342-43
3765	Trade agreement with Jordan	13343
3766	Unsold cotton stocks in Hansi (Punjab)	13343-44
3767	Quasi-permanent employees	13344
3768	Congo	13344-45
3769	Export of shoes	13345-6
3770	Explosion in fire works factory in West Bengal	13346
3771	Techno-Economic survey of Gujarat State	13346-47
3772	National Newsprint and Paper Mills (Nepa)	13347

WRITTEN ANSWERS TO
QUESTIONS—contd.

U.S.Q. No.	Subject	COLUMNS
3773	Fertilizer plant in Madhya Pradesh	13347-48
3775	Second Five Year Plan	13348
3776	Khampa refugees in Ladakh	13348-49
3777	Calcutta Dock Labour Board	13349
3778	Industries in Fari-dabad	13349-50
3779	Bonus Commission	13350
3780	Jan Sahyog Kendras	13350-51
3781	Amlabad Colliery	13351
3782	Low Income Group Housing Scheme	13352

MOTIONS FOR ADJOURN-
MENT.

13353-59

The Speaker withheld his consent to the moving of the following adjournment motions :

- (1) Death of five workers due to collapse of the roof of east Kajora colliery near Asansol given notice of by Shri Indrajit Gupta and Shrimati Renu Chakravartty.
- (2) Arrests of Adivasi workers in Rourkela Steel Plant given notice of by Sarvashri Chintamani Panigrahi and Tangamani.

CALLING ATTENTION
TO MATTER OF UR-
GENT PUBLIC IM-
PORTANCE.

13360-62

Shrimati Maimoona Sultan called the attention of the Minister of Railways to the situation arising out of the outstanding indents for 40,000 wagons for the movement of rice in the Bilaspur region in Madhya Pradesh.

COLUMNS

COLUMNS

**CALLING ATTENTION
TO MATTER OF UR-
GENT PUBLIC IM-
PORTANCE—contd.**

The Deputy Minister of Railways (Shri S.V. Ramaswamy) made a statement in regard thereto and also laid on the Table a detailed statement.

**PAPERS LAID ON THE
TABLE**

(1) A copy of the Report of the Commissioner for Linguistic Minorities for the period 1st August 1959 to 31st October, 1960, under article 350B of the Constitution.

(2) A copy of the Cinema Carbons (Control) Order, 1961, published in Notification No. S.O. 738 dated the 3rd April, 1961, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955.

(3) A copy of the Report (Parts I and II) of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1959-60 under article 338(2) of the Constitution.

STATEMENT BY MINISTER 13362-63

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim) laid on the Table a statement regarding the present shortage of power in Calcutta area.

BILL INTRODUCED . 13363

The Income Tax Bill, 1961.

**BILLS RETURNED BY
RAJYA SABHA WITH
AMENDMENTS—
AMENDMENTS AG-
REED TO** . 13363—66

(1) The Minister of Transport and Communications (Dr. P. Subbarayan) moved that the amendments made by Rajya Sabha in the Telegraph Laws (Amendment) Bill, 1960 be taken into consideration. The motion was adopted.

**BILLS RETURNED BY
RAJYA SABHA WITH
AMENDMENTS—
AMENDMENTS AG-
REED TO—contd.**

The motion that the amendments be agreed to was adopted and the amendments made by Rajya Sabha in the Bill were agreed to.

(2) The Deputy Minister of Labour (Shri Abid Ali) moved that the amendments made by Rajya Sabha in the Industrial Employment (Standing Orders) Amendment Bill be taken into consideration. The motion was adopted.

The motion that the amendments be agreed to was adopted and the amendments made by Rajya Sabha in the Bill were agreed to.

BILL PASSED . . 13366—13477

The Minister of State in the Ministry of Home Affairs (Shri Datar) moved that the Criminal Law (Amendment) Bill, 1960, be taken into consideration. The motion was adopted. After clause-by-clause consideration, the Bill was passed as amended.

**MOTIONS RE. MODI-
FICATION OF INDIAN
ADMINISTRATIVE
SERVICE (PAY) RULES,
1954—WITHDRAWN** . 13471—96

Shri Harish Chandra Mathur moved that in pursuance of sub-section (2) of Section (3) of the All India Services, Act, 1951, the amendments in Schedule III to the Indian Administrative Service (Pay) Rules, 1954, made by Notifications Nos. G.S. R. 8, dated the 7th January 1961, and G.S.R. 127 dated the 4th February, 1961 be repealed and that the House recommend to Rajya Sabha that they do concur in the Resolutions. The motions were withdrawn after discussion.

AGENDA FOR TUESDAY,
APRIL 25, 1961/VAISA-
KHA 5, 1883 (SAKA)—

Consideration and passing
of the Orissa State Legis-
lature (Delegation of Powers)
Bill, 1961 as passed by
Rajya Sabha.

AGENDA FOR TUESDAY
APRIL 25, 1961/VAISA-
KHA 5, 1883 (SAKA)—*contd.*

Discussion on the Demands
for Grants in respect of the
Budget of the State of Ori-
ssa for 1961-62.

Discussion on Motions *re.*
Annual Reports of the
Indian Air-lines Corpora-
tion and Air-India Inter-
national Corporation.
