



सत्यमेव जयते

Thursday
20th December,
1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

1956

**PARLIAMENT SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES Dated 16.04.2015
(Part I — Questions and Answers)

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LOK SABHA

Thursday, 20th December, 1956

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Processed Fruit Toffees

*1393. **Shri T.B. Vittal Rao** : Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that commercial exploitation of the newly processed fruit toffees developed by the Central Food Technological Research Institute, Mysore has commenced or is expected to commence shortly ?

The Deputy Minister of Education (Dr. K. L. Shrimall) : Action is under way for licensing to manufacturers the process developed by the Central Food Technological Research Institute, Mysore, for the preparation of fruit toffees.

Shri T.B. Vittal Rao : May I know to which firm licence has been given and where it will be set up ?

Dr. K. L. Shrimall : The details have yet to be worked out.

Mr. Speaker : On whose behalf is the Deputy Minister answering ?

Dr. K. L. Shrimall : On behalf of the Minister of Natural Resources and Scientific Research.

Mr. Speaker : How do I know it ? I am really surprised that at the fag end of the session Ministers should go away and entrust the work to other Ministers. Whatever may be the importance of the work elsewhere, I would urge upon hon. Ministers to be present here, unless they have taken up enormous engagements outside much more important than work in the Parliament. If additional supplementaries are put, the hon. Deputy Minister may not be able to answer those questions.

Dr. Rama Rao : In view of the great production of fruits in the season and also 533 L.S.D.

1812

in view of a lot of wastage, what steps are Government taking to make toffees and other fruit preservatives ?

Dr. K. L. Shrimall : As I said, certain researches have been made in the Central Food Technological Research Institute, Mysore and Government are examining the possibilities of giving it over to commercial firms for exploitation.

Shri M. S. Gurupadaswamy : May I know whether it is a fact that this kind of fruit toffee that is being manufactured is very much different from the fruit toffee manufactured in certain firms and in some Government factories ?

Dr. K. L. Shrimall : As far as the Government is aware, such toffee is not available in India.

Shri B. D. Pande : May I know if these toffees are chemically examined by any chemical examiner or not ?

Dr. K.L. Shrimall : The whole thing has been thoroughly examined in the Central Food Technological Research Institute.

श्रीमती कमलेश्वरिणी शाह : दूसरे देशों से हमारे देश में कितनी टाकी मंगाई जाती है ?

Dr. K. L. Shrimall : That is a different question ; I require notice.

Shri Raghavachari : May I enquire if there is any process for making fruit juice powders in this Institute ?

Dr. K. L. Shrimall : This question relates to toffees ; the hon. Member is going outside the question.

Shrimati Ila Palchoudhury : As toffees are mainly consumed by children, has any research been made to use glucose and other nutritive products in their manufacture ?

Dr. K. L. Shrimall : I require notice to answer this question.

Art Gallery at Ajanta

*1394. **Shri Bhagwat Jha Azad** : Will the Minister of Education be pleased to state :

(a) whether it is a fact that Government propose to set up an art gallery at Ajanta; and

(b) if so, the nature of the proposal?

The Deputy Minister of Education (Dr. M. M. Dass) : (a) No, Sir.

(b) Does not arise.

Shri Bhagwat Jha Azad : May I know if such a proposal was considered and then dropped by the Government?

Dr. M. M. Dass : Mr. H.G. Vaishnav, an hon. Member of this House, who is a member of the Central Advisory Board of Archaeology, moved a resolution at the last meeting of the Central Advisory Board of Archaeology. The resolution was, however, not considered necessary by the standing committee of the Board, in view of the fact that the copying of the paintings of Ajanta is going to be taken up by the Union Department of Archaeology. A sum of Rs. 31,880 has been sanctioned for this work, which is expected to be completed in 5 years. 4 posts of artists have been advertised and 8 coolies have also been sanctioned to assist the artists in this work. There is no proposal to set up an art gallery at Ajanta.

Insurance Companies

*1395. **Shri Krishnacharya Joshi :** Will the Minister of Finance be pleased to state :

(a) whether compensations for the insurance companies have been fixed; and

(b) if so, the total amount of compensation to be paid as a result of Nationalisation of Insurance Companies?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) : (a) and (b). The data required for working out the quantum of compensation have not yet become available in respect of all the insurance companies. Out of 69 companies which are eligible for compensation in accordance with Part 'A' of the First Schedule to the Life Insurance Corporation Act, complete data are available only for 34 and the amount of compensation has been calculated for 28 of them. In regard to 23 the data are incomplete. The Corporation is now collecting information in respect of these and other companies.

Shri Krishnacharya Joshi : May I know what will be the basis of the formula for the fixation of compensation?

Shri M. C. Shah : That has been prescribed in the Act under the Schedule Parts A, B and C.

Shri K. P. Tripathi : May I know if the compensation is proposed to be paid in cash or partly in cash and partly in bonds?

Shri M. C. Shah : In cash.

Pandit D. N. Tiwary : In the case of the 28 companies where compensation has been finalised, may I know what amount is to be paid?

Shri M. C. Shah : It has not yet been examined by the Government. After approval of the Government, these sums can be stated in the Parliament. We have got reserves with the Life Insurance Corporation.

Shri Dhusiya : May I know what liabilities and assets Government have acquired from those companies?

Shri M. C. Shah : All the assets and liabilities have been taken over by the Life Insurance Corporation under that Act.

New Oil Company

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*1396. { **Shri Debendra Nath Sarma :**
Shri Ram Krishan :

Will the Minister of Natural Resources and Scientific Research be pleased to refer to the reply given to Starred Question No. 550 on the 31st July, 1956 and state whether the negotiations with Assam Oil Company over the question of setting up a new Rupee Company to exploit oil in Assam have been finalised?

The Deputy Minister of Education (Dr. K. L. Shrimall) : The negotiations will shortly be finalised.

Centenary of War of Independence,

1857

*1397. { **Shri Bhakt Darshan :**
Shri D.C. Sharma :
Shri Bibhuti Mishra :

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 851 on the 8th August, 1956, and state :

(a) whether the programme for the celebration of the first centenary of the freedom struggle of 1857 has since been finalised; and

(b) if so, the details thereof?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) and (b). The National Committee has since been constituted and it will consider the programme for the celebrations and other connected matters when it meets on the 30th December, 1956.

श्री भक्त दर्शन : क्या इस समिति को वह भी सुझाव दिया गया है कि जब कि इस अवसर पर बहुत से भारतीय महापुरुषों की मूर्तियां स्थापित की जायेंगी वहां उन अंग्रेज महापुरुषों की मूर्तियां भंग हटाई जायें जिन्होंने उस जमाने में इतने अत्याचार किये थे ?

Shri Datar : This National Committee will take into account all the matters having a bearing on the independence movement of 1857.

श्री भक्त दर्शन : क्या यह बताने की कृपा की जायेगी कि इस समारोह को मनाने के लिये क्या अब तक कम से कम कोई मोटी रूप रेखा बना ली गई है और क्या राज्य सरकारों ने इस सम्बन्ध में कुछ तैयारियां की हैं ?

Shri Datar : Yes, Sir, A provisional programme for the consideration of the Committee has been drawn up and will be placed before them.

Shri Tek Chand : Is it the intention of Government to publish a history of those days of struggle and republish certain books which are out of stock ?

Shri Datar : So far as the first part is concerned, the matter, I presume, is before the Education Ministry, namely the question of preparing a history of the freedom movement in India. As for the latter part I am not aware of it.

Mr. Speaker : Is one or the other of the Deputy Ministers of Education in a position to enlighten the House? In what stage is the preparation of such a book relating to the independence movement of 1857?

The Deputy Minister of Education (Dr. M. M. Das) : I think the book is in the press.

Mr. Speaker : Will it be published before the celebrations?

Dr. M. M. Das : Yes.

श्री भक्त दर्शन : जो नेशनल कमेटी राष्ट्रीयसमिति इस कार्य के लिये बनाई गई है, उसमें कौन कौन से महानुभाव नियुक्त किये गये हैं ?

श्री बातार : वाइस-प्रेसिडेंट आफ इंडिया इस कमेटी के चैयरमैन सभापति हैं और इसमें प्राइम मिनिस्टर, प्रधान मंत्री इधर से कई और मिनिस्टर और डिप्टी मिनिस्टर (उपमंत्री)

और राज्य के चीफ मिनिस्टर, (मुख्यमंत्री) पालियामेंट के मेम्बर (संसद सदस्य) और ग्राफीसर्ज (अधिकारी) हैं ।

Shri Tek Chand : Any historian?
An hon. Member : The Prime Minister.

Shri Datar : I cannot say whether there are any historians. But it is well-represented committee.

उत्तुंग गवेषणा संस्था (स्टेशन)

*१३६८. श्री भक्त दर्शन : क्या प्राकृतिक संसोधन और वैज्ञानिक गवेषणा मंत्री १७ अगस्त, १९५६ के तारांकित प्रश्न संख्या ११६७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि उत्तुंग गवेषणा संस्था (स्टेशन) की स्थापना करने के बारे में इस बीच और क्या प्रगति हुई है ?

शिक्षा उपमंत्री डा० का० सा० श्री-भाली) : आवश्यक जानकारियों से युक्त एक विवरण पत्र सभा पटल पर रखा जाता है । (बखिए परिशिष्ट ५, अनुबन्ध संख्या ७७)

श्री भक्त दर्शन : इस विवरण से ज्ञात होता है कि इस सम्बन्ध में जो पले सूचना दी गई थी, प्रगति में अब उससे भी कुछ शिथिलता आ गई ज्ञात होती है । क्या मैं जान सकता हूँ कि इसमें देरी का क्या खास कारण है ?

डा० का० सा० श्रीभाली : देरी का कारण यह है कि गवर्नमेंट इस बात का प्रयत्न कर रही है कि जहां तक हो सके, इस मामले पर पूरी तरह से जांच की जाय । इस दृष्टि से अभी हाल ही में एक सिम्पोजियम गोष्ठी हुआ था—वह मई, १९५५ में हुआ था—जिसका विशेष काम था कि हार्ड आल्टीम्यूड रिसर्च उत्तुंग गवेषणा के बारे में पूरी तरह से साइंटिस्ट (वैज्ञानिकों) की राय ली जाय । जब वह राय आ जायगी, तो उस पर विचार किया जायेगा और उसके बाद इस सम्बन्ध में कोई निर्णय किया जायेगा ।

श्री भक्त बर्षन : क्या मैं जान सकता हूँ कि इस गवेषणा केन्द्र को स्थापित करने के लिये द्वितीय पंच वर्षीय योजना में कोई धन राशि रखी गई है ? और क्या यह आशा की जाती है कि इन पांच वर्षों में यह केन्द्र स्थापित हो जायेगा ?

डा० का० ला० श्रीमाली : इस सम्बन्ध में कोई धन राशि रखी गई है या नहीं, इस सूचना के लिये मुझे नोटिस चाहिये, लेकिन यदि इसके बारे में सिम्पोजियम की राय अनुकूल होगी, तो इस प्रश्न पर सरकार पूरी तरह से विचार करेगी और यह इरादा है कि आल्टाच्यूड रिसर्च स्टेशन कायम किया जाय ।

श्री भक्त बर्षन : पिछले चार वर्ष से लगातार इस पर विचार हो रहा है और केवल विचार हो रहा है । क्या इस बात की आशा की जा सकती है कि अगले पांच वर्षों में यह काम पूरा हो जायेगा ?

डा० का० ला० श्रीमाली : यह जो विषय है, वह कोई सरल नहीं है और साइंटिफिक रिसर्च (वैज्ञानिक गवेषणा) को प्रारम्भ करने के बारे में काफ़ा विचार करना पड़ेगा और इस तरह के रिसर्च स्टेशन (गवेषणा केंद्र) आसानी से स्थापित नहीं किये जा सकते हैं । मैं समझता हूँ कि चार वर्ष तो किसी रिसर्च स्टेशन को स्थापित करने के लिये ज्यादा नहीं हैं ।

Fire Arms

*1399. **Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) the number of fire-arms seized and obtained from the tribal people of Tripura during the last three years;

(b) whether Government propose to return these fire-arms lying with them; and

(c) the number of fire-arms licences which were newly issued to the tribals since 1954 ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) 1,172.

(b) Government have already returned 82 fire-arms; the remaining fire-arms are returnable after usual police verification.

(c) 380, during the last two years.

Shri Dasaratha Deb: May I know if it is a fact that the tribals of Tripura who are inhabiting the forest areas are made helpless against the attack of wild animals like tigers and elephants because their guns were taken away by the Government, since the congress came to power ?

Shri Datar: There is no question of Congress Government having taken away anything at all. Under the former State Government there was practically no check on the possession of unlicensed arms. Therefore, when the Indian Arms Act and Rules were made applicable Government had to make enquiries and find out who had these guns that is the reason why these guns were taken away and they are being returned after verification.

Shri Dasaratha Deb: May I know in how many cases people held unlicensed guns in Tripura State during this period.

Shri Datar: At the time of the integration of the State there were practically no laws at all; therefore, mostly they were unlicensed. That is the reason why the whole thing had to be egalised.

Shri Dasaratha Deb: Is it not a fact that Government has always been giving assurances in this House that all these guns would be returned to the owners, while in practice they are doing otherwise ?

Shri Datar: That is not correct. Whatever assurances have been given are being fully implemented.

Shri Tek Chand: May I know whether the 800 odd guns which are said to be returned to the owners were returned to the license holders or to just owners without licences.

Shri Datar: They were returned after enquiries had been made and licenses were issued when the enquiry was complete.

सरदार अ० सि० सहगल : क्या सरकार के पास कोई इतिला है कि त्रिपुरा के भलाबा और किन किन जगहों पर ट्राइबल पीपल (प्रादिम जातियों के व्यक्तियों) से फायर-आम्स (अगनेम अस्त्र) लिये गये हैं ?

श्री दातार : यह क्वेश्चन बहुत प्रश्न बाइड (विस्तृत) है ।

Old Men's Homes in Second Five Year Plan

*1400. { Shri Bibhuti Mishra:
+
Shrimati Kamleudu Mati
Shah:

Will the Minister of Education be pleased to state:

(a) whether Government propose to start old men's homes during the Second Five Year Plan period; and

(b) if so, the outline of proposal and the period within which proposal will be given effect to?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) No, Sir.

(b) Does not arise.

श्री विभूति मिश्र : सरकार की नॉति के मुताबिक हिन्दुस्तान में सब जगह जर्मी-दारियां ले ली गई हैं और बड़ी बड़ी स्टेट्स (देशी राज) खत्म हो गई हैं, उनके यहां जो बूढ़े रहते थे और परवरिश पाते थे, उनको जिन्दा रहने के लिये क्या सरकार कोई योजना बना रही है ?

डा० का० ला० श्रीमाली : जैसा कि मैंने निवेदन किया है, सरकार के पास बुढ़ों के लिये मकान बनाने को कोई योजना नहीं लेकिन सरकार के सामने इससे भी आवश्यक काम है, जिन पर यह भी एक आवश्यककाम है सरकार ध्यान दे रही है। इस सम्बन्ध में यह निवेदन कर दूँ कि भारतीय कुटुम्ब में बुढ़ों को यथोचित संरक्षण मिल जाता है।

श्री विभूति मिश्र : ऐसे आदमी जिन के कोई गाजियन संरक्षण नहीं हैं, जो कि बूढ़े होके और जो कि चौराहे पर भीख मांगते हैं, क्या सरकार कोई ऐसी व्यवस्था करेगी कि उनका ख्याल रखा जाय ?

डा० का० ला० श्रीमाली : जिस तरह का समाज हम बनाना चाहते हैं, उसमें सभी काम सरकार को ही नहीं करने चाहिये; कुछ काम समाज को भी करने चाहिये।

Shri B. S. Murthy: May I know whether any State Governments have undertaken the establishment of such homes and have come to the Central Government or aid.

Dr. K. L. Shrimali: Yes, Sir, the Ministry of Rehabilitation has undertaken such programmes and gave grants to the State Governments. At present certain homes are being maintained: five in Bombay one in Madhya Pradesh four in Punjab and one in Rajasthan.

Mr. Speaker: All for refugees ?

Dr. K. L. Shrimali: Yes, Sir.

श्री रा० न० सिंह : क्या मैं जान सकता हूँ कि बूढ़ों की उम्र क्या मानी जायगी ?

डा० का० ला० श्रीमाली : इन घरों में ६५ वर्ष से ज्यादा उम्र के मरदों को और ६० वर्ष से ज्यादा उम्र की औरतों को दाखिल किया जाता है।

श्रीमती कमलेन्दुमति शाह : मंत्री महोदय ने कहा है कि चूँकि यहां पर जायंट फ्रैमिली सिस्टम (संयुक्त परिवारप्रणाली) है, इसलिये बूढ़ों की कोई फ्रिक नहीं है और इस लिये यह जरूरी काम नहीं है। अब तो जायंट फ्रैमिली का सवाल हट गया है, इसलिये क्या यह मुख्य बात नहीं है कि बूढ़ों के लिये घर बनाये जाय ?

डा० का० ला० श्रीमाली : सरकार के लिये यह संभव नहीं है कि वह समाज के सभी कामों को हाथ में ले ले। समाज को भी कुछ काम करना चाहिये।

Shri Veeraswamy: May I know whether only old men who have nobody to look after them will be housed or those who have got relatives and sons to look after them ?

Shri K. L. Shrimali: As I said, the function of these homes is limited. They were meant for refugees and it was for that purpose that these homes were established.

Employment of the Blind

*1403. **Shri Balakrishnan:** Will the Minister of Education be pleased to state:

(a) whether the Employment Officer for the rehabilitation of the blind, attached to his Ministry has since visited Tea Factories in Madras State in connection with the employment of the blind; and

(b) if so, the results of his visit ?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) After a preliminary survey the Employment Officer has drawn up a list of operations in the Tea Industry considered suitable for being performed by the blind.

Shri Balakrishnan: May I know if the scheme has come into effect and how many of the blind can be given work in the tea factories?

Dr. K. L. Shrimali: The scheme has not come into effect.

श्रीमती कमलेश्वरमति शाह : जिन बच्चों को काम दिया जाता है उनको काम पर ले जाने, बस पर बैठाने इत्यादि के वास्ते भी क्या कोई खास आदमी होते हैं ?

डा० का० ला० श्रीमाली : इसकी इत्तिला तो मैं नहीं दे सकता हूँ लेकिन कुछ न कुछ प्रबन्ध जरूर किया जाता है। वह सरकारी होता है या व्यक्तिगत, यह मैं नहीं बता सकता हूँ।

Shri Kajrolkar: Will the Hon. Minister let us know the number of school already established for the training of the blind, in what stations and for training in what avocations?

Dr. K. L. Shrimali: This is a much wider question. I should like to have notice for answering this question. But, I can tell the hon. Member that our Employment Officer at Madras has placed 52 men in the following industries: Textile industry 7, soap industry 2, oil industry 1, telephone industry 18, match industry 12, metal industry 5, cane industry 2, teaching and electricity industry 1, total 52.

Shri Balakrishnan: What kind of work will be given to the blind?

Dr. K. L. Shrimali: Work will be given in the industries which I have just now mentioned.

Shri Matthen: There is a first-class school for the blind in my constituency, Thiuvellah. May I know if the Government has tried to get them trained in any of the vocational schools for blind children?

Dr. K. L. Shrimali: If hon. Member would write to me, I shall certainly do what I can.

Shri A.K. Gopalan: Of those who have under training, may I know how many are employed and how many unemployed?

Dr. K. L. Shrimali: The question that was asked was a limited one. I shall be glad to answer the question if separate notice is given.

Festivities for UNESCO Conference Delegates

***1406. Shri Ramachandra Reddi:** Will the Minister of Education be pleased to state:

(a) the expenditure incurred by the Lalit Kala Akadami in connection with the festivities arranged by it for the U.N.E.S.C.O. Conference delegates in Delhi; and

(b) the contribution made by Government towards that expenditure?

The Deputy Minister of Education (Dr. M. M. Das) : (a) Nil.

(b) The question does not arise.

I may inform hon. Members that the Lalit Kala Akadami organised the Buddhist Art Exhibition and that was meant for the delegates who came to India for attending the Buddhist celebrations. This Art Exhibition was not organised for the U.N.E.S.C.O. delegates although both the occasions coincided with each other.

Shri Ramachandra Reddi: May I enquire what contributions or grants were given to the Lalit Kala Akadami in 1956-57 so far?

Dr. M. M. Das: That is a different question. I can give this information to the hon. Member, the grant that has been made for the organisation of the Buddhist Art Exhibition. As regards the total grant by the Education Ministry, I have not got that information with me.

Sardar A. S. Saigal: What was the actual expenditure made to entertain the U.N.E.S.C.O. delegates?

Dr. M. M. Das: I have got here the sum that was granted to the Sangeet Natak Akadami for organising some performances meant for the U.N.E.S.C.O. delegates. We have up till now given to the Sangeet Natak Akadami Rs. 150,000 out of a total grant of Rs. 2,10,900. The accounts have not yet been finalised.

Mr. Speaker: Next Question, Dr. Rama Rao.

Dr. Rama Rao : 1408

श्री भक्त बर्दान : अध्यक्ष महोदय, प्रश्न १४०७ छूट गया है, सरदार अकरपुरी यहाँ उपस्थित हैं।

Mr. Speaker: I am sorry, I will come back. We have started.

Public Enquiry of Armed Attack at Quilon

*1408. **Dr. Rama Rao:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 862, on the 8th August, 1956 about an attack on the cultivating tenants by an armed mob in May, 1956 at Manimala in Quilon District Kerala, and state:

(a) whether he has received the report of the enquiry;

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

(c) the action taken thereon ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (c). A statement containing the required information is laid on the Table of the House. [See Appendix V, annexure No. 78].

Dr. Rama Rao: May I know why these cultivating tenants were evicted from these lands and wild animals given preference over cultivating tenants ?

Shri Datar: The persons who were working were in unauthorised occupation. They trespassed on the land.

Dr. Rama Rao: The statement says that these lands have been given over to wild animals for game sanctuary and therefore they have been asked to vacate.

Mr. Speaker: The hon. Minister says that they were in unauthorised occupation.

Dr. Rama Rao: But, the statement says...

Mr. Speaker: It is supplemented by the oral statement of the hon. Minister.

Shri A. K. Gopalan: May I know whether similar evictions are taking place in that area even today ?

Shri Datar: It is not a question of eviction. It is a question of voluntary surrender by these people because alternative lands were being given to them and accepted by them.

Dr. Rama Rao: On a point of order, Sir, the statement says, "In 1952, Government of Travancore-Cochin announced their decision to include the lands given to the ex-servicemen and Malanad Karshaka Sangham in the Game Sanctuary area." Therefore, land which was given to these people has been included for wild animals and these people have been asked to vacate.

Shri Datar: May I point out to the hon. Member that so far as these lands were concerned, those who had been in occupa-

tion since 1948 were offered alternative land. What happened was this. In respect of the land given to ex-servicemen, they gave up possession of the land and others unauthorisedly got in. These people have created all this trouble.

Dr. Rama Rao: The statement says, "In 1948 about 200 acres of land from Mooka-mpatty east was given on lease to the Malanad Karshaka Sangham under the Grow More Food Scheme." This is in addition to the 373 acres of land given to ex-servicemen. The two are quite different."

Shri Datar: They are not different. So far as the lands given to the Malanad Karshaka Sangham are concerned, their lands were to be taken for founding a game sanctuary. Alternative lands were offered to them and in many cases they were accepted by them also. Difficulty arises with regard to lands which had been occupied by ex-servicemen who gave up possession of the lands and others have unauthorisedly got in.

Shri B. S. Murthy: May I know whether the Minister is aware that according to a G.O. passed by the Madras Government in 1948, the occupants of any lands should not be disturbed ?

Shri Datar: This is a question relating to Travancore-Cochin. May I point out to the hon. Member that the Government took the precaution to see that those who had been in occupation from 1948 were offered alternative land and in a large number of cases, they have been accepted by them ?

Shri Velayudhan: According to the statement, these agriculturists were staying there from 1952 onwards. Why were they allowed to stay there from 1952 upto 1956 ? They actually settled down. What led the Government to declare them as unauthorised persons in 1956 ?

Shri Datar: They had no business to remain in possession for any period. The moment it was discovered, they were asked to vacate the land.

Dr. Rama Rao: The statement says, "(a) A large number of houses which stood on the land which was surrendered to the Forest Department on 11th May, 1956 were burnt and the crops on the lands were destroyed. (b) Most of these houses were destroyed by the occupant themselves..." Further, it is said that the deserted huts were burnt. While the people left the houses and lands for some other place, what interest had they in burning these houses ?

Shri Datar: That was under the inauguration of certain political parties.

श्री कामत : सब बहाना है ।

An Hon. Member: The cat is out of the bag.

Mr. Speaker: Next question. Shri Bheekha Bhai, absent; Shri H.N. Mukerjee, absent Shri K. C. Sodhia.

Shri K. C. Sodhia: 1411.

श्री भक्त बर्दान : अध्यक्ष महोदय १५०७ नम्बर का सवाल छूट गया है ।

Mr. Speaker: I shall come back after Shri K. C. Sodhia's question.

यूनस्को का तकनीकी शिष्टमण्डल

*१५११. श्री जू० चं० सोधिया : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) बम्बई में पश्चिमी उत्तर प्रौद्योगिकीय संस्था की स्थापना के सिलसिले में हाल में भारत में यूनस्को का जो तकनीकी शिष्टमण्डल भ्राया था उसमें किन-किन देशों के श्रीर कितने सदस्य थे ; श्रीर

(ख) उसका काम पूरा कराने में किन-किन भारतीयों ने शिष्टमण्डल का साथ दिया ?

शिक्षा मंत्री (डा० म० मो० दास) :

(क) श्रीर (ख). अपेक्षित जानकारी देने वाला एक विवरण सभा-मटल पर रख दिया गया है । [रेसिडे परिशिष्ट ५, अनुबन्ध संख्या ७६]

श्री जू० चं० सोधिया : इस विवरण के भाग (ख) में कहा गया है कि एक आयोजन समिति बनाई गई थी । मैं यह जानना चाहता हूँ कि इस समिति में खड़गपुर इंस्टीट्यूट में काम करने वाले कितने आदमी थे ?

Dr. M. M. Das: The staff of the India Institute of Technology assisted the panels throughout the work. There was the Director of the Kharagpur Institute, so far as I know.

I have got the whole list with me, but it will be difficult because there were so many panels. In the statement we have said that the Planning Committee for the Western Higher Technological Institute was composed of nine members with Seth Kasturbhai Lalbhai as Chairman, and the others were scientists. Then there were several panels.

Mr. Speaker: Are they all included in the statement ?

Dr. M. M. Das: Yes.

Mr. Speaker: So, what does he want ?

Shri K. C. Sodhia: Out of these were there any gentlemen working in these committees who were taken from the Kharagpur Institute ?

Dr. M. M. Das: I think, Sir, there were several persons.

श्री जू० चं० सोधिया : अभी कोई और विशेषज्ञ आने बाकी हैं या इसका सब काम हो चुका है और यह शुरू होगा ?

Dr. M. M. Das: The U.N. E. S. C. O. U. S. S. R. delegation came here and these discussions took place. For the present we do not contemplate that any other technical mission from any foreign country is coming to India for this institution.

श्री जू० चं० सोधिया : इसका काम कब तक शुरू हो जायेगा ?

Dr. M. M. Das: The present position is this. A provision of Rs. 28 lakhs for buildings and Rs. 15 lakhs for equipment and staff etc., for the proposed Western Institute at Bombay has been made in the budget for the year 1956-57. Expenditure on the building so far is nil, as the site has been handed over to the Central Government by the Bombay Government only recently, and the formalities will take some time to be completed before actual construction of the building takes place. The Board of Governors for the Institute is being constituted. The pace of expenditure will improve rapidly after the Board has been constituted. Meanwhile a Planning Officer has been appointed and some staff has been sanctioned to assist him. This is the present position.

Shri T. B. Vittal Rao: May I know whether the services of these experts will be availed of in respect of the Southern and Northern Technological Institutes ?

Dr. M. M. Das: That question will be considered later when the question of setting up or establishing these institutions will

come up, but I can say this much that the Soviet experts' help will also be available for teaching in the institutions, for example the Kharagpur Institute and the Indian Institute of Science, Bangalore.

Mr. Speaker: Now, let us take up Q. No. 1407.

UNESCO Conference in New Delhi

*1407. {
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 Sardar Akarpuri:
 Sardar Iqbal Singh:
 Shri Bheekha Bhai:

Will the Minister of Education be pleased to lay a statement on the Table showing the problems discussed and decisions arrived at in the U. N. E. S. C. O. in New Delhi?

The Deputy Minister of Education (Dr. M. M. Das): A statement is laid on the Table of the House. [See Appendix V, annexure No. 80].

सरकार सरकारपुरी : मैं यह जानना चाहता हूँ कि यूनेस्को के प्रोग्राम को कितने देशों ने अपनाया है और इस सेशन में कितने देश शामिल हुये ?

Dr. M. M. Das: The proceedings of the General Conference containing full details of the problems discussed etc., have not yet been finalised, and we have not yet received any report of the last conference so far. Until we receive the report, we cannot give any information on the floor of the House.

श्री भक्त बर्षन : इस विवरण से ज्ञात होता है कि जब कि लैटिन अमरीका तथा कई दूसरे देशों के बारे में कई प्रस्ताव किये गये, तब भारत के बारे में उसमें कोई जिक्र नहीं है। क्या मैं जान सकता हूँ कि भारत सरकार के कई लाख रुपये खर्च होने के बाद भी भारत का जिक्र उसमें क्यों नहीं आया है ?

Dr. M. M. Das: It is too premature to reply that question because we have not yet received the final proceedings of the conference.

Shrimati Renu Chakravartty: May, know if any financial allocations have been made by this U. N. E. S. C. O. Conference for the under-developed countries, and if so, what is the total allocation made to India and under what heads?

Dr. M. M. Das: I am sorry I have to repeat the answer which I have already given that I am not in a position to give the details

until and unless the Government receives the final proceedings of the last conference.

Shri Fotedar: What has been the contribution of India in the discussion of the problems discussed at U. N. E. S. C. O. and decisions arrived at?

Dr. M. M. Das: This is a very wide question. If the hon. Member gives notice of a particular question, I can say.

Mr. Speaker: The hon. Minister can say whether India took part at all or not. That is all. Whether they spoke or not there that is all.

Dr. M. M. Das: I think they spoke.

Mr. Speaker: A general question can have only a general answer. Indian delegates took part in the debates.

Dr. Rama Rao: The hon. Minister has stated just now that he cannot answer about financial commitments because he has not received the official report from the U. N. E. S. C. O. Has not the Government received any report from the Indian delegation to this conference, and if so, what has that report said about the grants for India?

Dr. M. M. Das: The proceedings have to be finalised before that I cannot give anything.

Mr. Speaker: They have not sent any report.

Shri B. S. Murthy: The Conference is over. Where is the necessity of finalising the proceedings? The proceedings are over. What is necessary to know is whether the Indian delegation has given any report to the Government, and if so whether any allocation has been made. That is what is necessary.

Dr. M. M. Das: After all, that was an international conference, and until we get the report from the conference itself about the proceedings and about the decisions, how can we give on the floor of Parliament what they have done?

Mr. Speaker: The hon. Minister can easily say whether he has received any report from the delegates of India and if that report contains any statement regarding the allocation. If it is there he can give the information, if it is not there he can say that the report has not been received. It is a simple answer.

Dr. M. M. Das: Both the U. N. E. S. C. O. office and our liaison office are still working on the finalisation. I am not aware.

Mr. Speaker: Very well. Some figures have to be worked out. One can easily understand.

Zonal Councils

*1413. **Shri P. Subba Rao** : Will the Minister of Home Affairs be pleased to state when the Zonal Councils will be set up and begin to function?

The Minister in the Ministry of Home Affairs (**Shri Datar**) : The Zonal Councils have already come into existence from 1st November, 1956 by virtue of the provision contained in Section 15 of the S.R. Act. The inaugural meetings of the Zonal Councils are expected to be held shortly.

Shri P. Subba Rao : The zonal councils are authorised to take up border disputes. May I know what is meant by a border dispute?

Mr. Speaker : Between one State and another State. Does he want a definition?

Shri P. Subba Rao : May I know whether Saraikella will be treated as a border dispute between Orissa and Bihar or not?

Shri Datar : The whole position has been made clear in section 21 of the Act. There it has been clearly stated in (a): "any matter concerning border disputes, linguistic minorities or inter-State transport".

Mr. Speaker : Saraikella was the subject matter of discussion here, that it has not been handed over to Orissa and so on. He wants to know whether that will be included in the border disputes.

Shri Datar : It is for the Orissa Government to consider this question.

Pandit D. N. Tiwary : May I know whether the question of Saraikella which was finally decided by this House is going to be raised again?

Shri Datar : How can I anticipate at this stage, when even the first meeting has not been held?

Pandit D. N. Tiwary : It is a matter that has been decided.

Mr. Speaker : He is not prepared to commit himself here.

Pandit D. N. Tiwary : The matter has been decided by this House. How can it become a border dispute?

Mr. Speaker : If hon. Members know that the matter has been decided, why should they put a hypothetical question?

Shri Punnoose : May I know what happens with regard to the representation of the State of Kerala? May I hope that the representatives will be taken after the next general elections?

Shri Datar : It does not mean that all border questions are to be considered by the zonal councils. It is for the members of the zonal councils to raise such questions.

Mr. Speaker : He has dovetailed a question to the other question. His question is an independent one. He wants to know, now that there is no Assembly so far as Kerala State is concerned, whether after the general elections take place the representatives from Kerala State will be taken in the zonal council.

Shri Datar : Yes, they will have to be.

Mr. Speaker : Naturally.

Shrimati Tarakeshwari Sinha : One question.

Mr. Speaker : I have allowed six, eight questions.

Colorisation of Vegetable Ghee

*1414. **Shri Kajrolkar** : Will the Minister of Natural Resources and Scientific Research be pleased to refer to the reply given to Starred Question No. 447 on the 28th July, 1956, and state:

(a) whether Government have since succeeded in selecting a suitable dye for colourisation of vegetable ghee in order to prevent its adulteration with pure ghee;

(b) if so, the details thereof; and

(c) if not the reason for the delay?

The Deputy Minister of Education (**Dr. K. L. Shrimall**) : (a) & (c). A statement giving the required information is laid on the Table of the House. [See Appendix V, annexure No. 81].

Shri Kajrolkar : Have Government offered a coveted reward for finding out such a fast dye colour?

Dr. K. L. Shrimall : Experiments have been carried out on this subject at least by eight technological research institutes, but all efforts have failed so far to find a suitable dye for colouring vanaspati.

Shri Kajrolkar : Do Government realise that businessmen and traders are exploiting the public by adulterating vegetable oil with pure ghee and butter?

Dr. K. L. Shrimall : There may be a good deal of truth in what the hon. Member is saying, but unless a suitable dye is discovered, Government are helpless in preventing adulteration.

Shri Rama Chandra Reddi : May I know whether any foreign experts have been consulted in regard to the finding out of a suitable dye for the colorisation?

Dr. K.L. Shrivastava: As far as I am it only our institutions that are carrying on this research.

Shri K. C. Sodhia: May I know whether Government have given up the experiments or they are continuing them?

Dr. K.L. Shrivastava: No, Government have not given up the effort. The Central Food Technological Research Institute, Mysore, and the Central Drug Research Institute, Lucknow, are continuing the efforts.

श्रीमती कमलेश्वरिणी शाह : क्या मैं जान सकती हूँ कि जब इतनी सारी चीजों का आविष्कार हो चुका है जैसे कि अणुबम इत्यादि, तो क्या वैजिटेबिल घी को रंगने वाली चीज का आविष्कार नहीं हो सकता ?

डा० का० ला० श्रीमाली : मैं यही निवेदन कर सकता हूँ कि जहाँ तक इन सेबोरेटरीज (प्रयोगशालाओं) में रिसर्च किया गया है, हमको यह मानना पड़ेगा कि हमको इसमें सफलता नहीं मिली है परन्तु सरकार निरन्तर प्रयत्न कर रही है ।

Income Tax Department

*1416. **Shri Kamath:** Will the Minister of Finance be pleased to refer to (Shri M.C. Shah's) speech on 20th July, 1956 in the course of the Debate on my Resolution regarding an enquiry into the working of the Income Tax Department and state what steps have since been taken by Government in pursuance of the assurance given by him to improve the integrity and efficiency of the Income Tax Department?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): A statement describing some of the steps recently taken is placed on the Table of the House. [See Appendix V, annexure No. 82].

Shri Kamath: Para 2 of the statement laid on the Table refers to disposal of appeals and disposal of arrears. Is the Minister in a position to tell the House whether, since the conclusion of the debate in the House in July last, that is about six months ago, any tangible steps have been taken to dispose of the arrears that had piled up in the previous year, or whether the matter is at the same stage as it was in July, last?

Shri M.C. Shah: There has been a good improvement. At the recent conference of the Commissioners held in November, it has been decided that all arrears of appeals will be of disposed before

31st March, 1958. They have already appointed Assistant Appellate Commissioners I think, about 23 or so. And the whole programme has been chalked out, so that by the end of 31st March, 1958, there will be no arrears of appeals pending.

Shri Kamath: Have Government finally decided not accept the almost unanimous view expressed in this House in July last that a commission of enquiry should be appointed to go into the entire matter, in which Members of Parliament should be included?

Shri M. C. Shah: My hon. friend is wrong in assuming that it was unanimously decided.

Shri Kamath: I said, almost, unanimous.

Shri M.C. Shah: Rather, the resolution was defeated by an overwhelming majority.

Mr. Speaker: What is the truth about this? The proceedings of this House must show whether it was unanimously carried or unanimously defeated.

Shri Kamath: I said, almost unanimous view of the House. I said 'view' and not 'vote'.

Mr. Speaker: The hon. Member's question has created an impression that notwithstanding the decision of this House, Government are reluctant to carry it out. In all debates, some hon. Members will always espouse their case, but if it is defeated, and still if the hon. Members would place it before the House as if it had been carried and Government were indifferent, that would create a wrong impression. I would request hon. Members to be a little more careful in their expression and not create such an impression. Otherwise, other hon. Members will get up and put a series of supplementary questions on this matter under that assumption.

Shri Kamath: That was the only resolution which was sponsored, rather supported by 46 Members of the House, in the history of Parliament, this was the only resolution which was supported by such a large number.

Mr. Speaker: Any resolution that has been defeated is not binding on the House.

Shri V.P. Nayyar: May I know whether all income-tax officers have copies of the income-tax manual with up-to-date revisions now?

Shri M. C. Shah: They have got copies to my knowledge.

An Hon. Member: No.

Shri Kamath : In view of the conflicting views expressed by the former Finance Minister, Shri C.D. Deshmukh, the Central Board of Revenue and Mr. Nicholas Kaldor with regard to the amount (of income-tax evasion in this country, have Government been able since to arrive at a definite figure with regard to the quantum of income-tax evasion in our country?

Shri M.C. Shah : It is impossible to have a definite figure in regard to the quantum of evasion. There are all estimates based on certain facts. These are all estimates based on certain facts. Therefore, it is impossible to say what will be the exact amount of evasion.

Shri T.B. Vittal Rao : May I know whether it was in the contemplation of Government to appoint a high-powered committee to go into this whole question and recommend measures to increase the efficiency of this Department and to minimise evasion?

Shri M.C. Shah : It is not necessary to appoint any high-powered commission. As I had already stated at the time the resolution was discussed here, we had already appointed a very high official to go into the administration and methods of working of the Income-tax Department. That officer had concluded his labours and had submitted his report. That report was discussed at the conference of the Income-tax Commissioners. Some of the recommendations were accepted, and action is being taken. Other recommendations are yet to be considered after the financial year is over.

Shri Kamath : In the first para of the statement, the Minister has referred to the fact that a special officer had been appointed. May I know the name of the special officer, if the name can be given, or his designation and rank?

Shri M.C. Shah : The name of the officer is Mr. Inderjit Singh. He was secretary to the Taxation Enquiry Commission. Then, he was Joint Secretary in the Ministry of Finance, today also, he is the Joint Secretary in the Ministry of Finance, in charge of the Economy Unit.

Maharaja of Rewa State

*1418. **Shri A.C. Joshi :** Will the Minister of Home Affairs be pleased to state :

(a) whether any agreement has been entered into between the Government of India and the Maharaja of Rewa in regard to the estate left by the late Sir Gulab Singh ex-Maharaja of Rewa ; and

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

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) Yes.

(b) It will not be in the public interest to disclose the terms of the agreement.

Shri A.C. Joshi : May I know whether the amount that the Government of India will be getting by virtue of this agreement will be spent for the benefit of the old Rewa State subjects, in view of the public pronouncements made by the late Maharaja?

Shri Datar : At this stage, I cannot enlighten the hon. Member.

Shri Velayudhan : rose.

Mr. Speaker : Is the hon. Member interested in Rewa.

Shri Velayudhan : Yes, I know something about Rewa.

Mr. Speaker : The hon. Member has called on almost every question. I am calling Shri B.S. Murthy now

Shri B.S. Murthy : The question is whether any agreement has been entered into. To say, 'yes' or 'no' will not be against the interests of the State. The details may not be given, but the question can be answered whether an agreement has been entered into.

Shri Datar : The hon. Member will see that I have already said, 'yes' so far as the entering into of the agreement is concerned.

Shri Velayudhan : What is the amount involved in this transaction? How much was apportioned to Government and how much to the present Maharaja?

Shri Datar : I am not in a position to disclose anything so far as the agreement is concerned.

Shri Velayudhan : Can even the amount not be given?

Mr. Speaker : The amount is a term of the agreement.

Shri Velayudhan : No. The amount is not a term. The term is based on the amount.

Mr. Speaker : I cannot understand this. The amount is also a term of the agreement. It is useless to argue.

Officers Under Training

*1420. **Shri R.P. Garg :** Will the Minister of Home Affairs be pleased to state :

(a) the number of Central Secretariat Service Class I Officers who have received executive training in the various States so far;

(b) the criterion on the basis of which they were selected;

(c) whether any check, was made in the form of reports etc. from the State Governments to ensure that the trainees had made maximum use of their training; and

(d) how Government are going to utilize the services of such trainees?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) 19.

(b) Grade I Officers of the Central Secretariat Service, who are below 45 years of age are eligible for being considered for executive training. The Central Establishment Board make the selections of these officers from amongst the panel of names recommended by the Administrative Ministries.

(c) Officers under training have to appear for departmental examinations, if any, conducted by the State Government. The State Government are also required to send a report on the officers' work during the training period.

(d) On return the officers are appointed to duty posts of Under Secretary or higher posts in the Secretariat in accordance with their position in the Central Secretariat Service.

Shri R. P. Garg : May I know what was the nature of the training, and how these officers have fared in the executive training ?

Shri Datar : The nature of the training is that they are associated, in the first instance, with district administration. Then they are associated with administration in the departments and in the State Secretariats.

Shri R. P. Garg : The hon. Minister has just now said that the object is to give them administrative training. May I know whether Government have got any plan for absorbing them into the IAS Emergency cadre, that is, those who have fared very well? If not, why not ?

Shri Datar : So far as the IAS cadre is concerned, it is independent and provision has been made for addition to this cadre. But this relates to Central Secretariat Grade I Officers who have nothing to do with the IAS.

Shri R. P. Garga rose.

Mr. Speaker : The hon. Member is making a suggestion as to why the existing Secretariat servants should not be taken over to the IAS. Next question.

Bonus Shares

***1420-A. Dr. J. N. Parekh :** Will the Minister of Finance be pleased to state :

(a) whether bonus issued by companies will be taxed at the same old rates or will be included in the definition of dividends and charged enhanced rates ; and

(b) how many companies have so far asked permission for giving bonus issues and how many are granted permission and how many are pending ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) :

(a) If bonus shares are issued by companies for the purpose of increasing their paid up capital, the companies will be liable to an extra super-tax calculated on the face value of the bonus shares at the rate prescribed in the Finance Act, 1956 which is reproduced in the Finance (No. 3) Bill, 1956. Bonus shares are not taxed as dividends because they do not involve distribution of the assets of the company.

(b) From 1st January, 1956 to the 15th December, 1956, 105 companies applied for consent to the issue of bonus share. Consent in 43 cases was given and was refused in 28 cases 34 applications are still pending.

Dr. J. N. Parekh : In view of the wide fluctuations in the market on bonus rumours, may I know what is the general policy of the Government in the matter of granting permission for bonus issues ?

Shri M. C. Shah : I have already stated that we are not concerned with the wide fluctuations. speculators are always for fluctuations. The policy is that laid down by Government. That policy is being followed.

Dr. J. N. Parekh : May I know the reasons for delay in disposing of bonus share applications by companies ?

Shri M. C. Shah : We have to ask for information on very many points and we have to see whether the information supplied conforms to the policy laid down by Government.

Dr. J. N. Parekh : May I know if there is any exact formula for granting permission for bonus share issue ? If so, what are its main features ?

Shri M. C. Shah : If the company is under-capitalised, then under certain conditions permission for bonus issue is given.

Mechanical Engineering Institute

*1421. **Shri Ram Krishan** : Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) whether the scheme for establishment of a mechanical Engineering Research Institute has been finalised ; and

(b) if so, the main features of the scheme ?

The Deputy Minister of Education (Dr. K. L. Shrimali) : (a) and (b). Not yet. A Planning Committee has been set up by the Council of Scientific & Industrial Research to prepare detailed plans estimates and programme of work for the proposed Institute.

Shri Ram Krishan : May I know by what time this work will be completed?

Dr. K. L. Shrimali : That is very difficult to say, but provision has been made in the Second Five Year Plan.

Manufacture of Pure Manganese

*1424 **A. Dr. Rama Rao** : Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether Government have any proposal to manufacture pure manganese out of the inferior and rejected manganese ore; and

(b) whether Government or any private concern is utilising the Electrolytic Process developed by our National Laboratories for the same?

The Deputy Minister of Education (Dr. K. L. Shrimali) : (a) No. Sir.

(b) No. But a process therefor is being tested in the Central Electrochemical Research Institute at Karaikudi. A semi-pilot plant has been set up to carry out trials with low grade ores for the production of electrolytic manganese.

Dr. Rama Rao : The hon. Minister has just now stated that a process is being tested. Is it done on a manufacturing scale or is the test carried on to find out whether we can manufacture it? My information is that it is already tested and found very efficient.

Dr. K. L. Shrimali : No, researches are still being carried on.

Dr. Rama Rao : Am I to understand from the hon. Minister's statement that the researches are not yet over?

Mr. Speaker : That is what he says.

Dr. Rama Rao : We have been shown pure, cent per cent manganese produced by

this process. There is an exhibition going on.

Mr. Speaker : Researches are perpetual.

बुद्ध परिनिर्वाण-जयन्ती समारोह

*१४२५ श्री भक्त दर्शन : क्या शिक्षा मंत्री यह बताने की कृपा क गे कि :

(क) २५००वीं बुद्ध परिनिर्वाण जयन्ती समारोह के सिलसिले में सरकार ने किस प्रकार के उत्सवों का आयोजन किया था ;

(ख) इन उत्सवों में विदेशों से आकर किन किन महानुभावों ने भाग लिया ; और

(ग) उस समारोह के विभिन्न कार्यक्रमों पर भारत सरकार का कुल कितना धन व्यय हुआ ?

शिक्षा उपमंत्री (डा० न० मो० दास) :

(क) सांस्कृतिक ।

(ख) इस अवसर पर "कोन कोन है" यह जानकारी उपलब्ध है और इसकी प्रतिया संसद् पुस्तकालय में उपलब्ध हैं ।

(ग) वित्तीय वर्ष की समाप्ति के पहले यह जानकारी उपलब्ध होने की अपेक्षा नहीं है ।

श्री भक्त दर्शन : सप्ट (ग) के उत्तर में बताया गया है कि अभी तक इस धन राशि के आंकड़े उपलब्ध नहीं हो सके हैं । क्या मैं जान सकता हूँ कि इस कार्य के लिये केन्द्रीय सरकार ने और राज्य सरकारों ने कितनी धन राशि रखी थी, यानी इसके लिये एलाटमेंट कितना था ?

Dr. M. M. Das : So far as the Buddha Jayanti is concerned, for the current year the Education Ministry's budget was about Rs. 15 lakhs.

श्री भक्त दर्शन : क्या मैं जान सकता हूँ कि इस समारोह में अथवा बुद्ध ने जो

शान्ति के उपदेश दिये थे केवल उन पर प्राधन ही हुये, या कोई ऐसा कार्यक्रम भी बनाया गया जिसके अनुसार उनके उपदेशों पर चलकर सारे संसार में शान्ति स्थापित की जा सके ?

Dr. M. M. Das: It is a very difficult question to answer. But I think all these celebrations must have some moral effect upon our life.

श्री रा० न० सिंह : महाबोधि सोसाइटी के मंत्री ने यह कहा था कि यह जो नवम्बर में समारोह किया गया और उस पर जो व्यय किया गया वह बिल्कुल व्यर्थ था, यह कहाँ तक सही है ?

Dr. M. M. Das: The Mahabodhi Society has got no connection with the Government of India. If they celebrate some function, it is their affair.

श्री रा० न० सिंह : जब कि महाबोधि सोसाइटी के सेक्रेटरी ने इस समारोह में भाग नहीं लिया और इस प्रकार का विचार प्रकट किया, तो क्या आप समझते हैं कि यह समारोह सफल हुआ ?

Mr. Speaker: Each hon. Member or any person in this country can celebrate, of his own accord, Buddha Jayanti, apart from the Government. I celebrate Ram Navami in my house.

My point is that Buddha Jayanti can be celebrated individually and collectively with the aid of Government and without the aid of Government, independently. The hon. Minister has said that the Mahabodhi Society has nothing to do with the Government. One or two members may come and take part along with others, and independently celebrate. Therefore, this is not a question to be put to Government as to what the Mahabodhi Society did or did not do.

Shri Kamath: His allegation is that they boycotted it.

Mr. Speaker: If they boycott, it is their own affair.

Sardar A. S. Saigal: What were the different functions performed in honour of the delegates and what was the amount spent ?

Dr. M. M. Das: There were different functions held on the occasion. There was a symposium where the subject was 'Contribution of Buddhism to arts, letters and philosophy'. There was a Buddhist art exhibition organised by the Lalit Kala

Akadami. Then there were cinema shows by Ministry of Information and Broad casting. Then there were dramas, dances etc. organised by the Government. In addition, delegates were taken to different parts of the country, places of Buddhist pilgrimage. There was also a public meeting.

श्री रा० न० सिंह : मैं यह जानना चाहता था

Mr. Speaker: The other day a question was asked as to whether the Mahabodhi Society did or did not boycott, and whether the Committee did not treat them properly. There was also notice of an adjournment motion.

I then requested the hon. Minister to gather information regarding his matter as to what happened between the Mahabodhi Society and the Celebrations Committee, if there is a Committee at all. To day on the Order Paper there is a statement to be made by the hon. Minister, and further details will be given there.

घोलपुर जांच समिति की रिपोर्ट

*१४२६ श्री सू० चं० लोचिया : क्या गृह-कार्य मंत्री १७ अगस्त, १९५६ के तारांकित प्रश्न संख्या ११८० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि:

(क) घोलपुर गद्दी के दावेदारों के विवादों की जांच कर उन्हें निबटाने के लिये जो समिति नियुक्त की गई थी क्या उसकी रिपोर्ट पर सरकार द्वारा विचार कर लिया गया है ;

(ख) यदि हाँ, तो उसमें क्या निर्णय दिया गया है ; और

(ग) यदि नहीं, तो कब तक निर्णय कर लिया जायेगा ?

गृह-कार्य मंत्रालय में मंत्री (श्री बातर) :

(क) जी हाँ ।

(ख) तथा (ग). राष्ट्रपति ने नामा नरेश के द्वितीय पुत्र महाराज राना श्री हेमन्त सिंह को स्वर्गीय महाराजा श्री उदयमान सिंह जी के उत्तराधिकारी तथा घोलपुर नरेश के रूप में मान्यता दी है ।

Mr. Speaker: Let the answer be read in English also.

Shri Datar: (a) Yes.

(b) and (c). The President has recognised His Highness Maharaja Rana Shri Hemant Singh, the second son of the Ruler of Nabha, as the Ruler of Dholpur in succession to His late Highness Sri Udaibhan Singhji.

Shri Velayudhan: May I know whether the present successor is only six years old and, if so, who is the Court of Wards?

Shri Datar: That does not come in the way of succession.

Dr. Rama Rao: rose.

Mr. Speaker: I am not going to allow any supplementaries as the Question Hour is now over.

General Elections

Shri Shree Narayan Das: In view of the importance of questions with regard to the general election, may I request you to take up questions Nos. 1429 and 1433?

Mr. Speaker: I am sorry. The hon. Member should have made the request earlier, in which case I would have asked the opinion of the House.

Sardar A. S. Saigal: This is a very important question and all Members are interested in it (*Interruptions*).

Mr. Speaker: Order, order. Ordinarily the rule is this. Non-officials, have got the right to use the whole hour for their questions. It is a non-official hour. So far as the rest of the time is concerned, it is devoted to Government business. I have the least objection if the hon. Minister will make a statement of his own accord. So far as elections are concerned, the hon. Minister concerned is not here.

An Hon. Member: The hon. Minister of Parliamentary Affairs is there.

Mr. Speaker: It is left to the Minister to answer it.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I have to objection to do so.

Mr. Speaker: Let questions 1429 and 1433 be taken up together.

*1429. **Shri Kamath:** Will the Minister of Law be pleased to state:

(a) whether Government propose to allow not less than three months between the date of publication of the Delimitation Order and the last day of nomination of candidates in connection with the ensuring General Election; and

(b) if no, the reasons therefor?

Shri Satya Narayan Sinha: It is not in the hands of Government to allow any particular period between the two dates. The Delimitation Order was made and sent to the Central Government and the State Governments yesterday, and I shall be laying it on the table today. If the suggestion is that the General Elections should not be started for another three months from now, Government cannot agree with that suggestion.

General Election

*1433. **Shri Kamath:** Will the Minister of Law be pleased to refer to the reply given to Starred Question No. 963 and supplementaries raised thereon on the 7th December, 1956 and state:

(a) whether the State Governments were consulted with regard to the time schedule of the next General Election;

(b) if so, the dates suggested by each of them; and

(c) when the announcement of the time schedule will be made by the Election Commission?

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):

(a) The State Governments were consulted by the Election Commission as to the best fortnight from the climatic and communications point of view for holding the poll in the State.

(b) A statement is laid on the Table of the House [See Appendix V, annexure No. 83].

(c) An announcement has been made by the Chief Election Commissioner on the 13th December, 1956, at a press conference to the effect that poll will in all probability be scheduled to commence on the 25th February, 1957 and end on or before the 12th March. This practically fixes the time schedule.

Shri Kamath: With reference to question No. 1433, the hon. Minister, in his answer, used two words—'probably' the 25th February and 'practically' fixes the time schedule. Is the House to understand that there is still some flexibility, and that this is not final?

Shri Satya Narayan Sinha: The hon. Member must know that the Election Commissioner has made that announcement in a Press communique. The notification by the President will be issued on the 19th January.

Shri Kamath: In answer to question 1429, the hon. Minister said that Government cannot accept the suggestion that there should be at least three months interval period between the publication of the

के ये तथा इन सभ्यों के बाहर क्षेत्रों के कार्यक्रम के लिये निर्धारित की गई है।

Typewriters of Indian Scripts

*1410. **Shri H. N. Mukerjee** : Will the Minister of Education be pleased to state the steps, if any, that are being taken to scrutinise and coordinate the device and the Key Boards of the various Indian scripts to facilitate the manufacture of Indian typewriters and their easy change-over from one Indian script to another ?

The Deputy Minister of Education (Dr. M. M. Das) : No steps have been taken by the Government of India in this matter. The Government, however, set up in February, 1955, a committee to evolve a Keyboard for the Hindi typewriter and teleprinter. The committee has just finalised its report in regard to the Hindi typewriter keyboard.

Police Officers for Manipur

*1412. **Shri Rishang Keishing** : Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Government of Manipur have requested the West Bengal Government for loan of police and other officers; and

(b) if so, the reasons therefor ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) Yes, Only two police officers of the rank of Sub-Inspectors.

(b) On account of shortage of trained local police officers, it is necessary for sometime to come to draw qualified and trained police officers from other States on deputation or contract basis. Steps are however being taken to send local officers for necessary training in the neighbouring States.

State Bank of India

*1415. **Pandit M. B. Bhargava** : Will the Minister of Finance be pleased to lay a statement on the Table showing :

(a) the steps taken by the State Bank authorities after its nationalisation for observing the safety of Government money against embezzlement, misappropriation and loss of currency incurred by or on account of negligence or otherwise in the course of employment by State Bank employees;

(b) whether there is any class of employees officers or other than officers, who have since excuted any service agreement in respect of the above;

(c) if so, what are its terms and conditions;

(d) whether there have been any cases of losses of currency due to dereliction of duty by any of the Bank employees;

(e) if so, how the losses are proposed to be made good;

(f) whether those excuting the aforesaid agreement have been afforded any protection for the losses incurred on account of action of their assistants; and

(g) if not; why ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) : (a) to (g) A statement giving the required information is laid on the Table of the House. [See Appendix V, annexure No. 84.]

Sodepur Glass Works Ltd.

*1417. **Shri Bogawat** : Will the Minister of Finance be pleased to state:

(a) how much of the loan of Rs. 110 lakhs given to Sodepur Glass Works Ltd. has been recovered and how much is still due;

(b) as the glass works are sold to a Japanese glass manufacturing firm and 62 lakhs are advanced to the firm to purchase the Sodepur Glass Works, how much balance is still due from both the old glass works and the Japanese firm;

(c) what is the amount that cannot be recovered i.e. the loss to the Industrial Finance Corporation; and

(d) the reasons for the same ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) : (a) No recovery has been made by the Corporation and the entire sum of Rs. 1,10,58,708 is outstanding.

(b) According to the terms of agreement executed between the Industrial Finance Corporation of India and the Asahi Glass Company Ltd., Tokyo, the assets of the Sodepur Glass Works Ltd., will be sold to the Indo-Asahi Glass Company Ltd., an Indian company floated by the Japanese firm, for Rs. 62 lakhs, which will be loaned by the Corporation to the Indian company. The loan amount of Rs. 62 lakhs will be adjusted towards the outstanding loan of the Sodepur Glass Works Ltd. As the sale has not yet been completed, the question of anything being due from the Japanese firm does not arise. As stated in reply to part (a) the entire amount is still outstanding against the Sodepur Glass Works Ltd.

(c) It is estimated that the loss to the Corporation may not exceed Rs. 49 lakhs.

(d) The Properties were put up for sale by advertisement. Amongst the offers received after due negotiations the best offer of Rs. 62 lakhs from a Japanese firm was finally accepted by the Corporation.

Niyogi Enquiry Committee's Report

*1419. **Shri Jangde** : Will the Minister of Home Affairs be pleased to refer to the replies given to supplementaries raised on Starred Question No. 1726 on the 4th September, 1956 and state:

(a) whether the Madhya Pradesh State Government have approached the Government of India in regard to implementation of the recommendations made in the report of the Niyogi Enquiry Committee on the activities of foreign missionaries in India; and

(b) if so, the action taken thereon?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) No.

(b) Does not arise.

English in Universities

*1422. **Shri D. C. Sharma** : Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 677 on the 3rd August, 1956 and state:

(a) whether the Committee appointed to recommend ways and means of securing an adequate proficiency in English at the University stage has since submitted its report; and

(b) if so, the nature of the report?

The Deputy Minister of Education (Dr. M. M. Das) : (a) No, Sir.

(b) Does not arise.

History of Freedom Movement

*1423. **Shri Shivnanjappa** : Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Government of India have permitted the State Committee to publish their research books on the History of Freedom Movement; and

(b) if so, the number of States that have published their own books?

The Deputy Minister of Education (Dr. M. M. Das) : (a) No specific permission has been given by the Government of India in this behalf, but the State Governments have discretion to utilise the material collected by the State Committees for any purpose they like.

(b) Only one so far.

अनुसूचित जाति क्षेत्रों में विकास खण्ड

*१४२४. **श्री भीष्मा भाई** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) गृह-कार्य मंत्रालय द्वारा किन किन राज्यों के अनुसूचित जाति क्षेत्रों में कितने विकास खण्ड आरम्भ किये जा चुके हैं ;

(ख) क्या यह सच है कि इन विकास खण्डों के लिये विकास विस्तार अधिकारी और अन्य स्टाफ की नियुक्ति नहीं की गई है ;

(ग) क्या यह भी सच है कि अभी इन विकास खण्डों का बजट भी मंजूर नहीं किया गया है ;

(घ) क्या बजट की पूर्ण स्वीकृति के अभाव में सरकार ने कोई काम चलाऊ वित्तीय व्यवस्था की है ; और

(ङ) यदि हां, तो उसका व्योरा क्या है ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) :

(क) एक विवरण सभा-पटल पर रख दिया गया है। [बेसिये परिशिष्ट ५, अनुबन्ध संख्या ८५]

(ख) आवश्यक सूचना एकत्रित की जा रही है और यथा समय में वह सभा पटल पर रख दी जायेगी।

(ग) जी नहीं।

(घ) और (ङ). प्रश्न ही नहीं उठते।

Dr. Haralu

*1427. **Shri Rishang Keishing** : Will the Minister of Defence be pleased to state:

(a) the number of Military Personnel tried by a General Court Martial in connection with the Death of Dr. Haralu at Kohima in May, 1956;

(b) the nature and term of punishment awarded to the guilty persons;

(c) whether any compensation has been paid to the family of the late Dr. Haralu; and

(d) if so, the amount thereof ?

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

(b) The proceedings of the General Court Martial are now under review by the Judge-Advocate General before submission to the Chief of the Army Staff.

(c) No, Sir.

(d) Does not arise.

Bank of Baghelkhand

*1428. **Shri A. C. Joshi :** Will the Minister of Finance be pleased to state:

(a) whether the Bank of Baghelkhand with its Head Office at Rewa is a State Bank as such or a shareholders' Bank;

(b) who manages and controls the Bank at present and under what authority;

(c) whether it is governed by Indian Companies Act;

(d) whether it is a fact that the shareholders of the Bank of Baghelkhand have been asked by the Bank authorities to take back their share money; and

(e) if so, the reasons therefor ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) : (a) The construction of the Bank of Baghelkhand is regulated by Durbar Orders issued by the former Ruler of Rewa and orders made by the successor Governments. The shares of the Bank are held by Government for the time being and also by some private persons. The Ruler of Rewa had recognised the Bank at the State Bank but not in the sense that the entire capital had been provided by the State.

(b) Full powers in regard to the management and control of the Bank are vested in the Director General of the Bank. A Board of Management has been appointed by the Director General.

(c) The bank is not incorporated under and is not governed by the provisions of the Companies Act, 1956.

(d) Yes.

(e) Government have taken a decision that the bank should be nationalised.

Andaman and Nicobar Islands

*1430. **Shri D. C. Sharma :** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that no Social Welfare Scheme has been started in the Andaman and Nicobar Islands; and

(b) if so, the reasons therefor ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) No, Sir. ¶

(b) The question does not arise.

Scheduled Castes/Tribes

*1431. **Shri Bheekha Bhai :** Will the Minister of Home Affairs be pleased to state: ¶

(a) whether any note has been sent to the Education Ministry and the State Governments that candidates from those Castes and Tribes which have now been included in the Scheduled Castes and Scheduled Tribes' lists by the enactment of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 be given all educational and other benefits during the current year; and

(b) if so, whether a copy of the circular letter will be laid on the Table ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) No, Sir. ¶

(b) Does not arise.

भूतपूर्व आजाद हिन्द फौज के कर्मचारी

*१४३२ श्री भक्त दर्शन : क्या प्रति-रक्षा मंत्री ३ सितम्बर, १९५५ के तारांकित प्रश्न संख्या १३९९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) आजाद हिन्द फौज के कितने अधिकारियों व सैनिकों को केन्द्रीय सरकार के विभिन्न सैनिक व असैनिक विभागों में नियुक्त किया जा चुका है;

(ख) उक्त फौज के कितने व्यक्तियों को विभिन्न राज्य सरकारों द्वारा नौकरियां दी गयी हैं ;

(ग) अन्य संस्थाओं द्वारा उस फौज के कितने व्यक्तियों को अब तक रोजगार प्राप्त हुआ है ;

(घ) आजाद हिन्द फौज के कितने अधिकारी व सैनिक ऐसे हैं जिन्हें अभी तक किसी भी रोजगार पर नहीं लगाया जा सका है ;

(ङ) उनको रोजगार देने के लिये क्या कार्यवाही की जा रही है ?

प्रतिरक्षा उपमंत्री (सरदार मजोठिया) :

(क) अफसर	३६
अदर रैकस	१३६५
कुल संख्या	१४०४
(ख) १५१६	

(ग) तथा (घ). सूचना प्राप्य नहीं है और सरकार के विचार में इसे इकट्ठा करने में जो समय और मेहनत लगेंगी उस के अनुरूप नतीजा नहीं निकलेगा ।

(ङ) आजाद हिन्द फौज के सैनिक रोजगार के बारे में उन तमाम रियायतों और सहायता के हकदार हैं जो आम तौर पर भूतपूर्व सैनिकों को मिल सकती हैं ।

Height of Mount Everest and Amne Machin

* 1116. { Sardar Iqbal Singh :
Sardar Akarpuri :

Will the Minister of Natural Resources and Scientific Research be pleased to state;

(a) whether the Government of India with the co-operation of the Governments of Nepal and China have taken any steps to measure the height of Mount Everest and peak of Amne Machin on Tibetan Plateau; and

(b) the views of the different Geologists regarding the height of these two peaks ?

The Deputy Minister of Education (Dr. K. L. Shrivastava) : (a) The height of Mount Everest was re-measured by the Survey of India in 1954 without the assistance of the Governments of Nepal or China. The Government of India has no proposal to measure the height of peak Amne Machin which is in Chinese territory. ■

(b) The height of Mount Everest, determined in 1954 at 29028 ft. above mean sea level is considered to be correct within 10 feet either way. No authoritative figure is available of the height of Amne Machin.

Dance, Drama and Music Festival

1215. **Shri Ram Krishan :** Will the Minister of Education be pleased to state:

(a) whether the programme for holding the next Festival in Dance, Drama and Music has been chalked out by the Sangeet Natak Akadami; and

(b) if so, the main features thereof ?

The Deputy Minister of Education (Dr. M. M. Das) : (a) No, Sir.

(b) Does not arise.

Tomb of Sher Shah Suri's Father

1216. **Shri Ram Krishan :** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Tomb of the father of Sher Shah Suri and other historical monuments near Narnaul (PEPSU) are to be included in the list of protected monuments or sites; and

(b) if not, the reasons therefor ?

The Deputy Minister of Education (Dr. M. M. Das) : (a) Yes sir.

(b) Does not arise.

Museum Reviewing Committees

1217. { **Shri Ram Krishan:**
Shri R. P. Garg:
Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1614 on the 31st August, 1956 and state :

(a) whether Government have since received the reports from the Reviewing Committees for the Indian Museum, Calcutta and the Victoria Memorial Hall Calcutta;

(b) if so, the recommendations thereof; and

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

The Deputy Minister of Education (Dr. M. M. Das) : (a) Yes, Sir.

(b) The question of placing the recommendations on the Table of the House will be considered after the Government have had time to consider the reports of the Reviewing Committees.

(c) Does not arise.

Defence Science Service

1218. Shri Ram Krishan: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that Government propose to constitute Defence Science Service; and

(b) if so, the details thereof?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b) The Defence Science Service was constituted in 1953 and the rules were published in April 1953. Initially the Service was to include all posts of scientific officers employed on scientific research and development or on imparting technical or scientific instructions in Training Establishments, and consisted of 342 permanent posts including leave reserves. Subsequently, it was decided to include also inspection posts in the Technical Development Establishments. The number of both permanent and temporary posts now included in the Service is about 450. The selection of officers for absorption in the Service has almost been completed.

Mineralogical Survey

1219. Shri Bheekha Bhai: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the names of the districts in Rajasthan which were included for detailed mineralogical survey during 1955-56; and

(b) the details thereof?

The Deputy Minister of Education (Dr. K. L. Shrimall): (a) and (b). A statement giving the available information is laid on the Table of House. [See Appendix V, Annexure No. 86]

Silver

1220. Shri Ram Krishan: Will the Minister of Finance be pleased to state:

(a) the total requirement of silver in the country at present;

(b) the quantity produced in the country annually; and

(c) the quantity imported annually from other countries and the value thereof?

The Minister of Revenue and Civil Expenditure (Shri M.C. Shah): (a) Government have no information.

(b) A statement is attached. [See Appendix V, annexure No. 87]

(c) A statement is attached. [See Appendix V, annexure No. 88]

Widows' Pensions

1221. Dr. N. B. Khare: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that life grant of widows' pensions tenable during widowhood for certain death incidents on active service during the World War 1939-46, was paid by the Imperial Government out of the Imperial revenues and a capitalized value of such grants was recovered from His Majesty's Imperial Exchequer, London;

(b) if so, whether a number of these pensions have been stopped during the life-time of the grantees; and

(c) the annual number of such stoppages during the War and Post-War period?

The Deputy Minister of Defence (Sardar Majithia): (a) Orders were issued in June 1945, regarding the allocation between the U.K. Government and the Government of India of non-effective charges during the War of 1939-46. According to these orders, all non-effective awards (including widows' pensions) granted under *Indian Regulations* to or in respect of personnel of the British and Indian Services, were borne by the Indian Revenues and the cost of similar awards to or in respect of the personnel of the British and India Services granted under *Imperial Regulations* were borne by the U.K. Government. The question of recovering any capitalized payment from the U.K. did not arise.

(b) Widows' pensions have been stopped in cases where they ceased to be payable under the prescribed rules, for example, when the widow re-married. The stoppages had no connection with the division of non-effective charges between the U.K. Government and the Government of India.

(c) Separate statistics are not maintained from which the information can be given.

Pending Pension Cases

1222. Shri C. R. Iyannil: Will the Minister of Home Affairs be pleased to state:

(a) how many cases for settlement of pensions are pending disposal in the Kerala State on 1st November, 1956:

(i) over 4 years from the date of retirement;

(ii) over 3 years from the date of retirement;

(iii) over 2 years from the date of retirement.

(iv) over one year from the date of retirement; and

(b) how many such cases for determination of pensions were pending in the erstwhile Travancore-Cochin State when the Adviser to the Rajpramukh took charge and how many were disposed of before 1st November, 1956?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) The information in so far as the former State of Travancore-Cochin is concerned is as follows:

(i) 12.

(ii) 16.

(iii) 4.

(iv) 20.

(b) 182 such cases were pending when the Adviser took charge and 130 cases were disposed of before the 1st November, 1956.

राजनैतिक पेन्शन

१२२३. डा० ना० भा० क्षरे : क्या गृह-कार्य मंत्री यह बताने की कृपा करके कि क्या वीरभद्र प्रसाद तिवारी नामक व्यक्ति को अब भी वह राजनैतिक पेन्शन मिल रही है जो उसे ब्रिटिश शासन काल में श्री चन्द्र शेखर आजाद के खिलाफ चलाये गये मामले के सम्बन्ध में दी गई थी ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) : सूचना एकत्रित की जा रही है और प्राप्त होने पर वह सभा-पटल पर रख दी जायेगी ।

Differences in Pay

1224. **Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) whether there is any difference in the monthly basic pay of the clerks working in the Sub-divisional Offices of Tripura and those in the office of National Extension Service Block of Kamalpur;

(b) if so, the difference in terms of rupees; and

(c) the reason therefor?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No.

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

Loan to Flood Victims

1225. **Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) whether any aid or loan has been advanced to the peasants of Kamalpur, (Tripura) who had to suffer a heavy loss due to erosion of their land by the heavy rise of water of Dhulai river during the flood this year; and

(b) if not, whether Government contemplate to do so in the near future?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes. A sum of Rs. 3,500 has been paid as gratuitous relief to indigent flood affected peasants who have lost their major portion of standing Aus crop and Aman seedlings. Besides agricultural loans at Rs. 150/- each have been granted to 10 persons.

(b) Does not arise.

Government Employees in Kamalpur

1225A. **Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Government employees of Kamalpur sub-division (Tripura) who used to stay in Government owned houses were asked to pay house rent from the last October, 1956;

(b) whether any representation has been made to Government by the employees of Tripura stating their difficulties; and

(c) if so, what are their difficulties, if any, and what steps Government contemplate in the matter?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No. Low paid Government servants who were in occupation of residences free of rent for a long time have been allowed rent-free accommodation so long as they continue to live in those residences or in other residences of the same or lower class. The rent-free concession has also been allowed to continue in case of such Government servants who are required to live at or near the place of duty for the appropriate discharge of their duty. In the case of other Government servants, the concession has been made admissible for so long as their pay scales are not revised. Those Government employees of Kamalpur sub-division from whom rent is recoverable, assessment at standard rate is being made with effect from August, 1956.

(b) and (c). A representation has been received by Tripura Administration from an officer occupying Government quarters

at Agartala, about the date from which revised arrangements for recovery of rent should come into force. This representation is under consideration.

विश्वविद्यालय

१२२६. श्री ह० रा० नयानी : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) १९४७-४८ से १९५५-५६ तक केन्द्र द्वारा प्रत्येक विश्वविद्यालय पर कितनी घनराशि व्यय की गई ;

(ख) क्या इस अवधि में कोई नये विश्वविद्यालय स्थापित किये गये हैं ; और

(ग) इसी अवधि में छात्रों तथा छात्राओं की संख्या में कितनी वृद्धि हुई ?

शिक्षा उपमंत्री (डा० म० दास) :

(क) जानकारी इकट्ठी की जा रही है और सभा पटल पर रख दी जायेगी ।

(ख) और (ग). एक विवरण सभा पटल पर रख दिया गया है । (बेल्जिये-परिच्छिष्ट ५, अनुबन्ध सख्या ८६)

Leave Rules for Survey of India Staff

1227. **Shri A. K. Gopalan:** Will the Minister of **Natural Resources and Scientific Research** be pleased to lay a statement showing rules for grant of leave to various categories of staff of Survey of India?

The Deputy Minister of Education (Dr. K. L. Shrinani): The required statement is laid on the Table of the House. [See Appendix V, annexure No. 90]

High School Tribal Boarding Houses in Tripura

1228. **Shri Dasaratha Deb:** Will the Minister of **Education** be pleased to state:

(a) the number of High School Tribal Boarding Houses privately run in Tripura ;

(b) the amount of Government aid, if any, given annually to each of such High School Tribal Boarding Houses; and

(c) whether Government propose to take over all the privately run High

School Tribal Boarding Houses of Tripura in 1957 ?

The Deputy Minister of Education (Dr. M. M. Das): (a) Four

(b) Nil

(c) This point has not yet arisen.

Madhya Pradesh High Court

1229. **Shri Kamath :** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government are aware that in the High Court of Madhya Pradesh large arrears of work have piled up;

(b) whether it is a fact that many Second appeals filed as long back as 1949 and 1950 have not yet come up for hearing; and

(c) the steps proposed to be taken by Government to remedy it ?

The Minister in the Ministry of Home Affairs (Shri Dastar): (a) to (c). The Government have no information on the subject. Statistics of pending work are, however, being obtained and will be laid on the Table of the House.

कर्मचारियों की तरक्की

१२३०. श्री अमल दर्शन : क्या गृह-कार्य मंत्री १८ अप्रैल, १९५५ के प्रतारंकित प्रश्न संख्या ८७३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) १६ अप्रैल, १९५५ से ३१ दिसम्बर, १९५५ तक और १९५६ में अब तक इस बीच चतुर्थ श्रेणी के कितने कर्मचारियों को लोअर डिवीजन क्लर्क बनाया गया है ; और

(ख) शिक्षा सम्बन्धी अपेक्षित अर्हतायें हो जाने पर ऐसे कर्मचारियों को तरक्की देने के लिये कौन से विशेष कदम उठाये जा रहे हैं ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातारः)

(क) १६-४-५५ से ३१-१२-५५ और १-१-५६ से ३०-११-५६ तक क्रमशः ६१ और ३०३ चतुर्थ श्रेणी के कर्मचारियों को दिल्ली के रीजनल एम्प्लायमेंट एक्सचेंज प्रादेशिक काम दिल्लीक दफतर

द्वारा तृतीय श्रेणी में नियुक्त किया गया। दूसरी एक्सचेंजों द्वारा नियुक्त किये गये व्यक्तियों की सूचना अभी हमारे पास नहीं है। वह एकत्रित करके सभा-पटल पर रख दी जायेगी।

(ख) चतुर्थ श्रेणी के कर्मचारियों की तृतीय श्रेणी में सीधी पदोन्नति का कोई नियम न होने के कारण ऐसा नहीं किया जा सकता। जो ऊँचे पदों के लिये शैक्षणिक योग्यतायें रखते हैं उन्हें विशेष स्थिति में एम्प्लायमेंट एक्सचेंजों में रजिस्टर कराने के लिये "नो आबजेन्कशन" (कोई अपत्ति नहीं) सर्टिफिकेट दिया जाता है। फिर प्राय्रिटी (प्राथमिकता) के आधार पर तृतीय श्रेणी के लिये बारी बारी से उन्हें नामजद किया जाता है।

लोक सहायक सेना

१२३१. श्री भक्त बर्षन : क्या प्रति-रक्षा मंत्री २१ अप्रैल, १९५६ के अतारंकित प्रश्न संख्या १२७४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) १ मार्च, १९५६ से अब तक किन किन स्थानों पर 'लोक सहायक सेना' के प्रशिक्षण शिविर संगठित किये जा चुके हैं ;

(ख) उन में से प्रत्येक शिविर में कितने युवकों को प्रशिक्षण दिया गया ;

(ग) प्रत्येक शिविर पर, अलग-अलग, कितना धन व्यय हुआ ;

(घ) वर्तमान वित्तीय वर्ष में और किन किन स्थानों पर इस प्रकार के शिविर लगाये जाने वाले हैं ; और

(ङ) इन शिविरों में प्रशिक्षण प्राप्त युवकों को किस प्रकार प्रोत्साहन दिया जा रहा है ?

प्रतिरक्षा उपमंत्री (सरदार मन्जीठिया)

(क) से (ङ). एक विवरण सभा-पटल पर

रख दिया गया है। [बिस्मिले परिशिष्ट ५, अनुबन्ध संख्या ९१]

भूतपूर्व आजाद हिन्द फौज के सैनिक

१२३२. श्री भक्त बर्षन : क्या प्रति-रक्षा मंत्री ९ अगस्त, १९५६ के अतारंकित प्रश्न संख्या २६८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) आजाद हिन्द फौज के कुल कितने सैनिकों के वीरता (गैलेंटरी) तथा अन्य उल्लेखनीय कार्यों (नान-गैलेंटरी) के पदकों व डेकोरेशन से सम्बन्धित भत्तों को रोकने के कुल कितने मामले सरकार के सामने आये हैं ;

(ख) उन में से कितने सैनिकों के वे भत्ते फिर से दिये जाने लगे हैं ; और

(ग) उनको कितनी धन राशि मासिक दी जाती है ?

प्रतिरक्षा उपमंत्री (सरदार मन्जीठिया)

(क) कोई नहीं।

(ख) और (ग). प्रश्न नहीं उठते।

छावनी बोर्ड

१२३३. श्री भक्त बर्षन : क्या प्रति-रक्षा मंत्री २२ अगस्त, १९५६ के अतारंकित प्रश्न संख्या ८१९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) लैसडोन, लंडोर और चकराता के छावनी बोर्डों के लिये १९५६-५७ में विभिन्न मदों के अधीन जो धन राशियां स्वीकृत की गई थीं, उन में से कितनी कितनी राशि उन्हें दी जा चुकी है ; और

(ख) विभिन्न निर्माण कार्यों के पूरा करने में उन्होंने अब तक कितनी प्रगति की है ?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया) :

(क) और (ख). एक विवरण सभा-पटल पर रख दिया गया है, जिसमें यह दिखलाया गया है कि सन् १९५६-५७ के अन्तर्गत अस्थायी तौर पर स्वीकृत घन में से कितना घन अब तक लैसडोन, लंदोर और चकराता छावनी बोर्डों को दिया गया है और इन छावनी बोर्डों ने विभिन्न निर्माण, कार्यों को पूरा करने में कितनी प्रगति की है। [देखिये परिशिष्ट ५, अनुबन्ध संख्या ६२]

Hindi Teachers

1234. **Shri Bheekha Bhai :** Will the Minister of Home Affairs be pleased to state:

(a) whether some recruitment to the posts of Hindi teachers for the Central Government Ministries have been made;

(b) if so, whether these posts would be cadre posts in the Central Secretariat Service;

(c) whether they will also be confirmed after certain period of service; and

(d) if so, after what period ?

The Minister in the Ministry of Home Affairs (Shri Datar) (a): Yes.

(b) No.

(c) No. The Scheme of hindi teaching is purely temporary and is not likely to continue beyond 1965.

(d) Does not arise.

Banning of Newspapers

1235. **Shri Kamath :** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 1003 asked on the 13th August, 1956 and state the names of the two periodicals or newspapers banned entry into India ?

The Minister in the Ministry of Home Affairs (Shri Datar)- (i) The July 1946 issue of the journal entitled "Britannia & Eve", printed by Odhams (Watford) Ltd., St. Albans Road, Watford (England), and published by the Proprietor, British National Newspapers, Ltd., Commonwealth House, 1 New Oxford, St., London, containing an article entitled

Cadijah—The First and Devoted Wife of Mahomet" written and illustrated by F. Matania, R.I.

(ii) The newspaper entitled "Hamara Kashmir" published at Muzaffarabad in the Pakistan occupied part of the State of Jammu and Kashmir.

Mineral Survey

1236. **Shri Kamath :** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether an intensive mineral survey of Hoshangabad and Narsinghpur District, Madhya Pradesh, has been conducted during 1955-56; and

(b) if so, with what result ?

The Deputy Minister of Education (Dr. K.L. Shrimall) : (a) and (b) Geological investigations in the Hoshangabad and Narsinghpur districts have been carried on since 1940 and continued during 1955-56. A statement showing the various investigations is placed on the Table. [See Appendix V, annexure, No. 93]

भूतपूर्व सैनिक कालोनी अफजलगढ़

१२३७. श्री भक्त बर्शन : क्या प्रतिरक्षा मंत्री २८ मार्च, १९५५ के तारांकित प्रश्न संख्या १५४० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) भूतपूर्व सैनिक कालोनी, अफजलगढ़ में इस बीच क्या सुधार किया गया है ; और

(ख) यह कालोनी कब तक अच्छी प्रकार से बसाई जा सकेगी ?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया) :

(क) मार्च, १९५६ के पश्चात् सितम्बर, १९५६ के अन्त तक भूतपूर्व सैनिकों के अफजलगढ़ के उपनिवेश में निम्न सुधार किए गये हैं :—

१३७१ एकड़ भूमि को कृषि योग्य बनाया गया है और २५६२ एकड़ को खेती के काम में लाया गया है। २५४ मकान बसने वालों के लिये, ३ मकान कर्मचारिण के लिये, एक पंचायत घर, एक क्रय-विक्रय केन्द्र

और एक आराम घर बनाया गया है। दो कुएँ पीने के पानी के और एक नलकूप बनाया गया है और रामगंगा नदी से २० मील लम्बी एक नहर निकाली गई है। अफ़जलगढ़-कालागढ़ सड़क पक्की बना दी गई है और उसके लगभग एक मील टुकड़े को मेकेडमाईज़ किया गया है।

एक चार बिस्तर वाला दवाखाना, ग्राहकों के लिये एक कोआपरेटिव स्टोर, दो डाकघर, और दो प्राइमरी स्कूल चालू कर दिये गये हैं।

राज्य सरकार ने उपनिवेश को काशीपुर से बिजली देना स्वीकार कर लिया है और इसके चलाने के लिये १६ मील लम्बी लाइन बिछा दी गई है।

३५५ अधिक भूतपूर्व सैनिकों को बसाया गया है और उन्हें ३५५ जोड़ी बैल खेती बाड़ी के लिये दिये गये हैं।

(ख) वर्तमान अनुमान के अनुसार आशा है कि यह उपनिवेश १९५८ के अन्त तक पूर्ण रूप से विकसित हो जायेगा।

Allocation of I.A.S. Officers

1238. **Shri N. Rachiah** : Will the Minister of Home Affairs be pleased to state;

(a) whether it is a fact that Central deputation quota of eleven Officers was; allotted to Mysore State;

(b) whether it is a fact that the requisite quota was not deputed by Mysore Government to the Centre; and

(c) if so, the reasons therefor?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) Yes; in respect of the former State of Mysore.

(b) Yes. Only four officers from the former State of Mysore are on deputation with the Government of India.

(c) The reason for this short-fall is that the Government of Mysore were not able to spare more officers of the seniority and of the standard suitable for employment on deputation in the Central Government.

I.A.S. and I.P.S. Officers in Mysore

1239. **Shri N. Rachiah** : Will the Minister of Home Affairs be pleased to state:

(a) the strength of I.A.S. and I.P.S. cadre in Mysore State at present; and

(b) the number of Scheduled Castes and Scheduled Tribes officers among them?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) At present there are 75 officers in the I.A.S. Cadre and 31 officers in the I.P.S. Cadre of Mysore.

(b) Information regarding the position after the issue of the Scheduled Castes Amendments Order 1956, is being collected and will be laid on the Table of the House.

Indian Students Abroad

1240. { **Shri D.C. Sharma** :
Shri H.R. Nathani :

Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 399, on the 3rd August, 1956 and state:

(a) whether the information with regard to the Indian students studying at present in U.K., France, U.S.A. and Canada has since been collected;

(b) if so, the number of students who are in receipt of scholarships awarded by the foreign Governments and the Indian Government respectively; and

(c) the nature of scholarships awarded?

The Deputy Minister of Education (Dr. M. M. Das) (a) Yes Sir, from the United States of America and Canada only.

(b) Number of Scholarships awarded by foreign Governments: 56 in the United States of America and 22 in Canada.

Number of Scholarships awarded by Government of India: 13 in the United States of America and nil in Canada.

(c) Scholarships awarded by the Government of India include maintenance allowance, tuition fees, books, essential apparatus and study tour allowance and cost of passage while those awarded by foreign Governments include all or some of these items.

Welfare Extension Projects Hoshiarpur

1241. **Shri D. C. Sharma** : Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 393, on the 3rd August, 1956 and state :

(a) whether the location of the three Welfare Extension Projects to be opened in the District of Hoshiarpur has since been decided; and

(b) if so, the names of those places ?

The Deputy Minister of Education (Dr. M.M. Das) : (a) No, Sir.

(b) Does not arise.

Handling of Crowd by Police

1242. { **Shri D. C. Sharma** :
Shri Kamath :

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 2029 on the 11th September, 1956, and state :

(a) whether any directive regarding the handling of crowd by the Police has since been issued; and

(b) if so, the nature of the directive ?

The Minister in the Ministry of Home Affairs (Shri Datar) (a) No, specific directive has been issued.

(b) Does not arise.

Mercy Petitions

1243. { **Shri D. C. Sharma** :
Shri Bibbhuti Mishra :

Will the Minister of Home Affairs be pleased to state :

(a) the number of mercy petitions against death sentences received from different States since the 1st August, 1956;

(b) the number of convicts among them who were pardoned;

(c) the number of applications still pending; and

(d) the main points in the mercy petitions which are specially looked into ?

The Minister in the Ministry of Home Affairs (Shri Datar) (a) 53.

(b) No convict was granted pardon, but death sentence was commuted to imprisonment for life in the case of 13 prisoners.

(c) 14.

(d) All points made in the mercy petitions are given the most careful consideration.

Pakistan Nationals

1244. **Shri D.C. Sharma** : Will the Minister of Home Affairs be pleased to state the number of Pakistan Nationals who have been fined and sentenced to imprisonment during 1956 so far in West Bengal for contravening the passport rules ?

The Minister in the Ministry of Home Affairs (Shri Datar) : The information is being collected and will be laid on the Table of the House when received.

Riots in Part 'C' States

1245. **Shri D. C. Sharma** : Will the Minister of Home Affairs be pleased to state the number of riots that took place in the centrally administered territories from the 1st January to the 31st October, 1956 ?

The Minister in the Ministry of Home Affairs (Shri Datar) : 214 cases upto and the end of November, 1956.

Import of Guns

1246. **Shri D.C. Sharma** : Will the Minister of Defence be pleased to state :

(a) whether it is a fact that guns are imported from foreign countries; and

(b) if so, the names of the countries from which they are imported ?

The Minister of Defence Organisation (Shri Tyagi) : (a) Yes, but on a very restrictive scale.

(b) It will not be in the public interest to disclose this information.

Multi-purpose School

1247. **Shri D. C. Sharma** : Will the Minister of Education be pleased to state the amount proposed to be provided for the opening of multi-purpose schools in Punjab during 1956-57 ?

The Deputy Minister of Education (Dr. M. M. Das) : Rs. 14. 15 lakhs.

Educational Policy for Andaman and Nicobar Islands

1248. **Shri D. C. Sharma** : Will the Minister of Education be pleased to state:

(a) whether Government have decided their educational policy for the Andaman and Nicobar Islands with reference to the medium of instruction; and

(b) if so, the nature thereof?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b) The matter is under consideration.

Cultural Relations with West Germany

1249. **Shri D. C. Sharma** : Will the Minister of Education be pleased to state the steps taken so far by Government to promote cultural relations with West Germany?

The Deputy Minister of Education (Dr. M. M. Das) : A statement is laid on the Table of the House. [See Appendix V, annexure No. 94].

Defence Colony

1250. **Shri D. C. Sharma** : Will the Minister of Defence be pleased to state the progress made so far in the development of Defence Colony?

The Deputy Minister of Defence (Sardar Majithia) : A statement is laid on the Table of the House. [See Appendix, VI, annexure No. 95].

Sale of Soft Drinks in Delhi

1251. **Shri D. C. Sharma** : Will the Minister of Home Affairs be pleased to state:

(a) how many Centres have been opened for soft drinks and milk in Delhi as part of the Prohibition Programme; and

(b) what is the estimated cost of these?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) One Centre for soft drinks and milk has been opened in Gole Market area as a constructive measure of prohibition.

(b) The Centre is not run by the Government.

Foreign Private Incorporated Firms in India

1252. **Shri D. C. Sharma**: Will the Minister of Finance be pleased to state:

(a) the names of the countries whose private incorporated firms started business in India during 1955-56; and

(b) the amount of the capital invested and the nature of the business done by them?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) and (b) A statement giving the information as available with Registrars in respect of private companies incorporated elsewhere than in India and having a principal place of business in this country is laid on the Table of the House. [See Appendix V, annexure No. 96].

Delhi Police

1253. { **Sardar Iqbal Singh**:
Sardar Akarpuri:

Will the Minister of Home Affairs be pleased to state:

(a) the number of police personnel of the Delhi State, who have been suspended, reduced in rank, discharged or dismissed as a result of decisions of the courts of law during 1956 so far; and

(b) the number of appeals filed against such decisions and the results thereof?

The Minister in the Ministry of Home Affairs (Shri Datar):

(a) Officers suspended	7
Officers degraded
Officers discharged
Officers dismissed	6

(b) Two. Both the appeals are pending in the High Court.

Black Hole Tragedy

1254. **Shri Gidwani**: Will the Minister of Education be pleased to state:

(a) whether the attention of the Government has been drawn to the news appearing in the 'National Herald', Lucknow, dated the 29th October, 1956, about the protest lodged in a letter by Prof. M. A. Azam, Principal, East Bengal Polytechnic, Dacca (East Pakistan) to the Editor in Chief of the *Encyclopaedia Britannica* against the description in the *Encyclopaedia* regarding the "Black Hole Tragedy" and characterising it as absolutely baseless; and also

to the opinion on the subject of Prof. N. K. Sinha, Head of the Department of Medieval and Modern History, University of Calcutta; and

(b) if so, whether the Government of India have taken any action in the matter?

The Deputy Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) No.

Foreign Assets

1255. Shri K. K. Basu: Will the Minister of Finance be pleased to state:

(a) the number of foreign concerns (including shares and stocks held by them) sold out during the last two years;

(b) the names and the number of units of Industries involving such assets; and

(c) the total amount repatriated?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) and (b). Government have no information.

(c) Rupees 380.73 lakhs from July 1954 to June 1956 on account of sale of foreign concerns to residents.

डाकुओं का भ्रातंक

१२५६. श्री लू० चं० सोधिया: क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि:

(क) डाकुओं के भ्रातंक वाले चार राज्यों की, जिनको केन्द्र द्वारा इस भ्रातंक को दूर करने के लिये सहायता दी गई है और जिसका उल्लेख "गृह-कार्य मंत्रालय की १९५५-५६ की रिपोर्ट" के पृष्ठ २१ पर किया गया है, स्थिति में क्या सुधार हुआ है; और

(ख) क्या सरकार डाकुओं के भ्रातंक वाले इन राज्यों से डाकुओं द्वारा की गई हत्याओं और डकतियों के बारे में कोई तथ्य या आंकड़े प्राप्त करती है?

गृह-कार्य मंत्रालय में मंत्री (श्री बातार):

(क) उत्तर प्रदेश, मध्य प्रदेश तथा भूतपूर्व

मध्य भारत और विन्ध्य प्रदेश राज्यों में डकैती की स्थिति में संतोषजनक सुधार हुआ है।

(ख) जी हां। नियत समयानुसार।

गवेषणा कार्य के लिए अनुदान

१२५७. श्री लू० चं० सोधिया: क्या प्राकृतक संसाधन और नैदानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि:

(क) वर्ष १९५५-५६ की मंत्रालय की वार्षिक रिपोर्ट के पृष्ठ २१ पर उल्लिखित विविध गवेषणा कार्यों के लिये (१) वैज्ञानिक सोसाइटियां, (२) गवेषणा संस्थाओं, और (३) विश्वविद्यालयों को वर्ष १९५५-५६ के दौरान अलग-अलग, कितनी राशियों के अनुदान दिये गये;

(ख) वैज्ञानिक ज्ञान के विस्तार और गवेषणा के बारे में किये गये उन विशेष कार्यों का व्योरा क्या है जिनके लिये अनुदान दिये गये थे; और

(ग) इन कार्यों की प्रगति की निगरानी करने के लिये क्या कायवाही की गई, और कौन-कौन से और कितने गवेषणा कार्य सम्पन्न हो चुके हैं?

शिक्षा उपमंत्री (श० का० ला० श्री-शाली): (क) से (ग). जानकारियों से युक्त विवरण पत्र संलग्न है। [वैशेष परिशिष्ट ५, अनुबन्ध संख्या ९७]

Police Torture in Kerala

1258. Shri A. K. Gopalan: Will the Minister of Home Affairs be pleased to state:

(a) whether Government have enquired into alleged police torture in Pathanamthitta police lock-up of Kerala State recently; and

(b) if so, with what results?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) The allegations were found to be incorrect.

School Final Examination Centres in Kerala

1259. Shri A. M. Thomas: Will the Minister of Education be pleased to state:

(a) whether it is a fact that some of the existing centres for holding the School Final Examination in the erstwhile Travancore-Cochin State have either been abolished or recognised only as centres for holding the examination in alternate years;

(b) if so, the reasons therefor;

(c) the names of the centres affected by this order;

(d) what, if any, would be the savings because of this new step;

(e) what would be the usual distance from the abolished centres to the centres in which the students from the abolished centres would have to appear;

(f) whether the department has satisfied itself with regard to the availability of boarding and lodging for the students of the abolished centres in the new centres; and

(g) how long in the past examinations were being held in the centres in which examinations would not be held in March 1957?

The Deputy Minister of Education (Dr. M. M. Das): (a) to (g). A statement is laid on the Table of the House. [See Appendix V, annexure No. 98].

Tribal Areas Map

1260. Shri Sangama: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that a proposal for preparation of a map showing the Tribal Areas in the country is under the consideration of Government; and

(b) if so, the stage at which the matter stands?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) It is proposed to include a map showing the distribution of the main tribes, in the National Atlas to be prepared during the Second Five Year Plan period.

It is also proposed to show information regarding the mode of living of the tribes, their dresses, customs and characteristics of tribal areas in inset maps.

(b) Data are being collected.

Private Schools in Manipur

1261. Shri Rishang Keishing: Will the Minister of Education be pleased to state:

(a) the number of private schools in the hill areas and the plain areas of Manipur respectively; and

(b) the measures adopted or to be adopted by Government to convert them into full-fledged Government schools?

The Deputy Minister of Education (Dr. M. M. Das): (a) 177 in hill areas, 276 in plain areas.

(b) Conversion of one Girls' High School, 75 Middle Schools, 150 Primary Schools and 100 Junior Basic Schools into full-fledged Government Schools has been provided in the Second Five Year Plan.

Income Tax Staff in Purnea

1262. Shri M. Islamuddin: Will the Minister of Finance be pleased to state:

(a) the number of various income-tax subordinate and supervisory personnel working in the district of Purnea inclusive of the transferred area, category-wise;

(b) the approximate amount spent on their establishment during 1955-56; and

(c) the amount of income-tax realised from that District during the same periods group-wise?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) The following personnel are working in the district of Purnea:—

CL.I. CL.II. CL.III CL.IV

Income-tax Officers Nil	I	Nil	Nil
Non-gazetted staff Nil	Nil	Nil	5

(b) The approximate amount spent on their establishment during 1955-56 was Rs. 30,736/-.

(c) The amount of income-tax realised from the district during the same period group-wise was:

(figures in lakhs of Rupees)

Assesseees with Business income over Rs. 25,000/-	73.
Assesseees with Business income from Rs. 10,000/- to Rs. 25,000/-	1.21
Assesseees with Business income from Rs. 5,000/- to Rs. 10,000/-	47
Other cases with Business income below Rs. 5,000/-	1.00
Salary, Property and Dividend income cases	16

Central Excise Staff in Purnea

1263. **Shri M. Islamuddin:** Will the Minister of Finance be pleased to state:

(a) the strength of the Central Excise Staff in the District of Purnea (Bihar) inclusive of the transferred area;

(b) the amount spent on their establishment during 1954-55 and 1955-56 respectively; and

(c) the amount of excise duty realised from that district during the above mentioned years?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) to (c). A statement giving the required information is laid on the Table of the House. [See Appendix V, annexure No. 99]

Smuggling

1264. **Shri M. Islamuddin:** Will the Minister of Finance be pleased to state:

(a) the number of smugglers detected and convicted since 1955 on the border of Purnea;

(b) how many of the convicts were Indian and how many were Pakistanis;

(c) whether any of them held passport of either countries;

(d) the amount of penalty realised from them; and

(e) the total value of goods seized by the preventive check posts on that border during the above mentioned period?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) During the period from 1st January, 1955 to 31st October, 1956, 153 persons were detected while smuggling goods across Purnea border. All these persons were departmentally dealt with and punished. There was no prosecution and so no conviction in a court of law.

(b) and (c). Out of these 153 persons, 139 were Indians and 14 Pakistanis who held Pakistan passports.

(d) A sum of Rs. 510/- was realised as personal penalty from these persons.

(e) The total value of the goods seized by the preventive check-posts during the above-mentioned period was Rs. 5,833/-.

Payment of House Tax by Tribals

1265. **Shri Rishang Keishing:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government are aware of the fact that the tribal people living in the plain area of Manipur have been paying both the house tax and the land revenue while the tribals in the hills pay only the house tax and the plain people only the land revenue;

(b) if so, the reasons therefor; and

(c) the action Government propose to take in this respect?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) The house tax is payable in respect of houses owned by the tribals in the hill areas. No land revenue is collected from the tribals for lands cultivated by them in the hill areas. They pay revenue in respect of the lands which they possess and cultivate in the valley at the same rates as other people living in the plains area of the State.

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

Journals of Ministries

1266. **Sardar Lal Singh:** Will the Minister of Home Affairs be pleased to state:

(a) the names of journals produced by different Ministries and their attached offices; and

(b) the academic and technical qualifications, experience, length of service, nature of duties, present salaries and the pay scales of Editors, Assistant Editors, Sub-Editors, Translators or their counterparts performing similar journalistic duties in different Ministries?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The information is being collected and will be placed on the Table of the House in due course.

Indian Exchange

1267. **Shri Raghunath Singh:** Will the Minister of Finance be pleased to state whether it is a fact that Indian exchange and resources are being drained by the purchase of foreign goods in foreign lands by Afghanistan?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): Afghanistan which is in the 'Transferable Account Group' is being accorded the same facilities of transfer of her export earnings in India to any other country in the same Group or to sterling area as is allowed to any other member of the same Group.

Imports from Afghanistan, which were unrestricted have with effect from 27th October, 1956 been brought under the purview of the Import Trade Control Regulations.

Post-Graduate Course in Public Administration

1268. **Shri Mathew:** Will the Minister of Education be pleased to state:

(a) the number of Central Universities in India that provide for a Post-Graduate Course in Public Administration;

(b) whether Government have any information as to the number of those who have taken M.A. Degree in that subject from the above Universities; and

(c) whether there are any departments of Government where the services of such people would be particularly useful?

The Deputy Minister of Education (Dr. M. M. Das): (a) No.

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

Governors

1269. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) the main criteria which determine the suitability of a person for the Governorship of a State; and

(b) whether the recommendation to the President in the case of appointment of Governors is based on a decision of the Cabinet?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). Appointments of Governors are made by the President on the recommendation of the Prime Minister. Cabinet does not consider them but in making his recommendations the Prime Minister consults his colleagues as well as the Chief Minister of the State concerned. The criterion is suitability for the discharge of the functions of Governor.

Forest Officers, Tripura

*1270. **Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state:

(a) the number of references made to Government since 1955 so far regarding bribery against the officers of Forest Offices of Tripura, in issuing permits to the people for collecting fuels and other forest products, for their domestic consumption;

(b) if so, in how many cases, the allegations have been found true; and

(c) what steps if any have been taken so far to prevent such corruption?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) One.

(b) The allegation is still under investigation.

(c) Does not arise.

I.A.S. Examination Fees

1271. **Shri M. Islamuddin:** Will the Minister of Home Affairs be pleased to state whether there is any proposal to reduce the fees of I.A.S. etc. Competitive examinations?

The Minister in the Ministry of Home Affairs (Shri Datar): There is no such proposal.

Revised Estimates of Steel Plants

1272. { **Shri Kamath:**
Dr. Rama Rao:
Shri Bogawat:

Will the Minister of Iron and Steel be pleased to state:

(a) whether the original estimates in regard to Rourkela, Bhilai and Durgapur steel plants have been recently revised; and

(b) if so, with what result?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) Yes, Sir.

(b) The original estimates were:
Rourkela Steel Plant Rs. 128 crores.
Bhilai Steel Plant Rs. 115 crores.
Durgapur Steel Plant Rs. 115 crores.

These estimates do not include the cost of the three townships, two ore mines, fees to the Consultants and the cost of Indian and foreign experts. There has been an increase in the estimates of the Durgapur and Rourkela steel plants mainly on account of an increase in costs of material and labour in the countries from which plant is to be imported and also owing to a seller's market developing in India for civil engineering work. The Durgapur Plant is now expected to cost Rs. 138 crores and the Rourkela Plant about Rs. 170 crores excluding customs duty and contingencies. The estimates for the Bhilai Plant have not yet been revised, but when revised, these are bound to reflect increased Indian costs.

Survey of India Class IV Employees

1273. **Shri A. K. Gopalan:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state the number of Class IV employees made permanent during 1955-56 in the different Directorates (Directorate-wise) of Survey of India?

The Deputy Minister of Education (Dr. K. L. Shrimali): A statement giving the required information is laid on the Table of the House. [See Appendix V, annexure No. 100].

Relief Measures in Tripura

1274. **Shri Dasaratha Deb:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any representation has been received by the Government of Tripura for grant-in-aid from the affected people due to the recent heavy storm in the months of October and November, 1956;

(b) whether Government are in possession of any information about the number of houses damaged; and

(c) whether Government propose to investigate the nature of damage and amount of loss suffered?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No, Sir. There was no storm in Tripura in the months of October and November, 1956.

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

Realization of "Ghar-Chukti"

1275. **Shri Dasaratha Deb:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number of notices served in Tripura for the realisation of the arrears of "Ghar-Chukti" to the Tribal Jhumias so far during 1956;

(b) in how many cases such arrears have been realised so far; and

(c) what is the total amount of arrears?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) 1,372.

(b) 251.

(c) Rs. 2,54,156.

Coal Supply in Tripura

1276. **Shri Dasaratha Deb:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that licence for the supply of coal in Tripura has been issued to one company only;

(b) if so, the reasons for giving monopoly to one company alone;

(c) how many companies or individuals have applied for licences for the coal supply this year;

(d) whether it is a fact that price of coal is excessively high in Tripura;

(e) whether any representation has been made to Government for lowering the price of coal; and

(f) if so, what steps have been taken in the matter?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No. There is no licensing system for coal in Tripura. Demand for use of coal being primarily limited to Agartala, one agent was appointed for lifting coal from collieries and supplying same to consumers at Agartala on the basis of lowest tendered rate. Two other firms granted permits for lifting coal for C.P.W.D. and Tripura Tea Association also receive separate quota and lift through their agents.

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

(d) No.

(e) Yes.

(f) Price of coal is fixed on the basis of competitive tenders at lowest rates.

उत्तर प्रदेश में खनिज निक्षेप

१२७७. श्री भक्त बर्मान: क्या प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि:

(क) १९५५-५५ और १९५५-५६ के वित्तीय वर्षों में भूतत्ववेत्ताओं ने उत्तर प्रदेश के पांच पर्वतीय जिलों में, अर्थात् अल्मोड़ा, नैनीताल, गढ़वाल, देहरादून और टिहरी-गढ़वाल में किन-किन स्थानों का निरीक्षण किया;

(ख) उन स्थानों के कनिष्ठ निक्षेपों के बारे में भूतत्ववेत्ताओं ने किस आशय की रिपोर्ट प्रस्तुत की है ;

(ग) उन निक्षेपों की खुदाई आदि के बारे में क्या प्रगति हुई है ; और

(घ) १९५६-५७ के चालू वित्तीय वर्ष के लिये क्या कार्यक्रम तैयार किया गया है ?

शिक्षा उपमंत्री (डा० का० ला० श्री-माली) : (क) से (घ). उपलब्ध जानकारी से युक्त विवरण पत्र सभा-पटल पर प्रस्तुत किया जाता है । [द्वैलिख्य परिशिष्ट ५, अनुबन्ध संख्या १०१]

Pre-primary Education in Second Plan

1278. **Shri K. C. Sodhia**: Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Planning Commission sanctioned a scheme of Pre-primary Education for children in the Second Five Year Plan ;

(b) if so, the amount sanctioned therefor ; and

(c) the allotments to States, made so far ?

The Deputy Minister of Education (Dr. M. M. Das): (a) to (c). A statement is laid on the Table of the House. [See Appendix V, Annexure No. 102].

Police Department, Manipur

1279. **Shri Rishang Keishing**: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Manipur Police Department is going to be reorganised and expanded.

(b) if so, the nature of expansion; and

(c) the procedure for selection of promotion of officers in the Manipur Police Department ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (c). The matter is under consideration.

Opium Smuggling

1280. **Shri U. M. Trivedi**: Will the Minister of Finance be pleased to refer to the reply given to Starred Question

No. 1281 on the 23rd September, 1954, and state:

(a) whether the prosecution of a smuggler of Jaura for 7 maunds and 36 seers of opium seized on the 17th July, 1954 has ended ; and

(b) if not, at what stage the prosecution is ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) No, Sir.

(b) Charges have been framed against the accused and the case has been adjourned to the 3rd January, 1957 for cross examination.

Kerala State

1281. **Shri Kamath**: Will the Minister of Home Affairs be pleased to state:

(a) whether Government propose to associate the former M.L.A.'s of Kerala State in an effective manner with the administration of that State under President's Rule ;

(b) if so, how; and

(c) if not, the reasons therefor ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (c). The Kerala State is under Presidents' Rule and the Government of India are responsible to Parliament in all matters connected with the administration of the State. It will not, therefore, be constitutionally appropriate to associate with its administration any other body of persons.

भूतपूर्व विन्ध्य प्रदेश राज्य की सेनाओं को पेन्शन और पदक

१२८२, श्री रनवमन सिंह : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १९४८ में भूतपूर्व विन्ध्य प्रदेश राज्य की सेनाओं के पेन्शन और पदक सम्बन्धी नियम असैनिक नियमों से पृथक कर दिये गये थे ;

(ख) यदि हां, तो क्या सेवानिवृत्त (रिटायर) होने के समय भारतीय राज्य की सेनाओं तथा अन्य यूनिटों के लिये समान पेन्शन और पदक स्वीकृत किये गये थे ;

(ग) क्या सरकार को पता है कि तीन-चार वर्षों तक पेन्शनों और पदक देने के बाद असैनिक नियम लागू किये गये थे, जिनके परिणाम स्वरूप भारतीय राज्य की सेनाओं तथा अन्य यूनिटों की पेन्शनों और पदकों के बीच अन्तर पड़ गया ;

(घ) यदि हां, तो क्या सरकार विन्ध्य प्रदेश के विलय के समय संविधान के अनुच्छेद २५६ के अधीन किये गये करार की शर्तों को नहीं मान रही है ;

(ङ) क्या सरकार को भारतीय राज्य सेनाओं की यूनिटों के अलावा अन्य भूतपूर्व सैनिकों से कोई अभ्यावेदन प्राप्त हुआ है ; और

(च) यदि हां, तो उस पर क्या कार्यवाही की गई ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) :

(क) जी हां ।

(ख) जी हां ।

(ग) विन्ध्य प्रदेश के 'ग' भाग राज्य बनने से पूर्व भारतीय राज्य सेनाओं के अलावा वे कर्मचारी, जो 'राज्य' से सम्बन्धित कार्य के लिये नियुक्त किये गये थे, २६ जनवरी १९५० को विन्ध्य प्रदेश के 'ग' भाग राज्य बनने पर, केन्द्रीय सरकार के कर्मचारी माने गये । इसी के अनुसार विन्ध्य प्रदेश के पेन्शन तथा ग्रेचुटी (उपदान) नियम समाप्त हो गये और उन पर असैनिक सेवा नियम लागू किये गये ।

(घ) संविधान का अनुच्छेद २५६ गैर भारतीय राज्य सेना की यूनिटों पर लागू नहीं होता ।

(ङ) जी हां ।

(च) ऊपर 'ग' पर दिये गये उत्तर को ध्यान में रखते हुये गैर भारतीय राज्य सेना के कर्मचारियों की बह प्रार्थना कि उन

पर भूतपूर्व विन्ध्य प्रदेश के पेन्शन तथा ग्रेचुटी नियम लागू किये जायें, स्वीकार नहीं की जा सकी ।

Typing Test

1283. **Shri Bheekha Bhai:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that all clerks who were appointed on or before 1st January 1956 will have to pass typing test by stipulated date;

(b) if so, the number of persons affected:

(c) how many of these belong to Scheduled Castes and Scheduled Tribes;

(d) whether it is also a fact that the services of the persons mentioned in part (a) above will be terminated if they fail to pass the typing test; and

(e) if so, whether they will be given any concession such as extension of period for passing the test ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a), (d) and (e) Yes. All Clerks are required to acquire the requisite speed in type writing within six months of the date of their appointment, failing which their services are liable to be terminated. On the recommendation of Ministries/ Departments the time limit has been extended upto 31-12-56.

(b) and (c). The information will be collected and placed on the Table of the House in due course.

Life Insurance Corporation

1284. **Shri Debendra Nath Sarma:** Will the Minister of Finance be pleased to lay on the Table a statement showing the total number of Branches under Gauhati Division in the Eastern Zone of the Life Insurance Corporation ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): The number of Branches under the Gauhati Division of the Life Insurance Corporation is six.

Hindustan Lever Ltd.

1284-A. **Shri Kamath:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Lever Brothers (India) Private Ltd. have recently transformed itself into Hindustan Lever Ltd.

(b) what percentage of share capital therein is held by foreigners and what percentage by Indians; and

(c) what considerations impelled Government to accord their consent to the change in the name of the company ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah):(a) Yes

(b) The entire capital was held by non-residents on 1st November, 1956 when the company changed its name to Hindustan Lever Ltd. Towards the end of November, the company offered 10% of the capital for sale to the Indian public.

(c) Since the legal formalities for changing the structure of the companies concerned were fulfilled Government had no reason to withhold permission for the change of this name.

State Bank of India

1287. Shri Kamath: Will the Minister of Finance be pleased to state:

(a) whether the ex-Managing Director of the State Bank of India who resigned on the 1st September, 1956 has been granted pension and gratuity.

(b) if so, the quantum of each ;

(c) whether the grant of pension and gratuity is in conformity with the Resolutions and Rules in force; and

(d) if not, the reasons for deviation ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) (a) to (d). The reference is presumably to Shri S.K. Handoo who proceeded on leave, preparatory to retirement, with effect from the 1st October, 1956. He has been sanctioned a pension of Rs. 1,000/- per month plus a dearness allowance of Rs. 200/- per month admissible under the State Bank Rules. This will be paid from the effective date of his retirement which will be the 12th June, 1958. He has also been sanctioned a gratuity of Rs. 2 lakhs, subject to usual taxes in pursuance of the powers vested in the Central Board of Directors under Section 7(5) of the State Bank of India Act and in accordance with the Resolution passed by the Central Board of the State Bank and the practice followed by the Imperial Bank of India in regard to retiring managing directors.

Trucks For Defence Purposes

1288. Shri Kamath: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that Government had in 1954 or 1955 placed an order with Premier Automobiles Ltd. for the supply of trucks for defence purposes;

(b) if so, how many;

(c) whether the order was executed, and the trucks supplied ;

(d) whether the vehicles were found to be defective and fitted with second hand or welded parts; and

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

The Minister of Defence Organization (Shri Tyagi): (a) No order for supply of trucks was placed on Premier Automobiles Limited, Bombay, during 1954 or 1955.

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

Indian Hume Pipe Co. Ltd.

1289. Shri Kamath: Will the Minister of Home Affairs be pleased to state:

(a) whether any enquiry was instituted some time ago into the affairs of Indian Hume Pipe Co., Ltd.

(b) if so, the nature of the enquiry and the personnel of the Enquiry Committee ;

(c) the findings of the enquiry and

(d) the action taken thereon ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (d) Three cases were registered by the Special Police Establishment for investigation into allegations of misappropriation and falsification of accounts, etc. relating to the Indian Hume Pipe Co. Ltd. Investigation has since been closed as the evidence available was found to be insufficient for further criminal proceedings. The material available, has however, been passed on to the Registrar of Joint Stock Companies, Bombay for such other action as may be found appropriate. In the third case, the investigation has been almost completed and the material available is being examined to see whether criminal prosecution is possible.

Calcutta National Bank

1290. Shri Kamath: Will the Minister of Finance be pleased to state:

(a) whether the Calcutta National Bank Ltd. (in Liquidation) is now in

a position to declare a further dividend to its creditors ; and.

(b) if not, the reasons therefor ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) and (b). A hundred per cent dividend has already been declared to the preferential creditors under section 230 of the Indian Companies Act, 1913 and to savings bank depositors under section 43A of the Banking Companies Act, 1949.

As regards the ordinary creditors, a first dividend at the rate of 10% has been declared. The bank is not in a position at present to declare a further dividend as adequate funds are not yet available. Step have been set in train by the Court Liquidator to expedite the realisation of the bank's assets by sale of most of the buildings owned by it and by the execution of decrees against borrowers etc.

Economic Administrative Pool

1291. Shri Kamath: Will the Minister of Home Affairs be pleased to state:

(a) whether an Economic Administrative Pool has been constituted;

(b) the total number of officers selected for the pool ; and

(c) the break up of the figure, Ministry-wise ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (c). A copy of the Scheme for staffing senior administrative posts in the Government of India is placed on the Table of the House. [See Appendix V, Annexure No. 103].

Implementation of the Scheme is in progress. The Pool has not been constituted yet.

Misappropriation of Government Money

1292. Shri Kamath : Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 83 on 18th July, 1956 and state :

(a) the number of cases of misappropriation of Government money and Stores detected by the Special Police Establishment hand vigilance Units since 1st July, 1956 ;

(b) how many of them have been investigated ; and

(c) with what result ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) to (c). During the period between the 1st July to 10th December, 1956, 53 cases of alleged mis-appropriation of Government money and Stores have been brought to notice.

Investigation has however been completed only in seven cases. Of these, 2 cases have been sent up for trial and one is awaiting departmental sanction for prosecution. One case has been reported to the Department concerned for departmental action against the officer concerned, two cases are under legal scrutiny, and one case has been dropped for want of evidence.

Union Public Service Commission

1293. Shri Kamath : Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 2026 on the 11th September, 1956 and state :

(a) what steps have been taken to strengthen the Union Public Service Commission adequately to cope with the increased load of work ;

(b) whether the procedure of recruitment has been or is being simplified ; and

(c) if so, in what manner ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) Two more posts of Members have been sanctioned. Besides, the following additional staff for the Commission was sanctioned during this year :

(i) On a regular basis :—

Under Secretary	2
Section Officers	9
Assistants	9
U. D. Cs.	7
L.D.Cs.	20
Steno-typist	1
Class IV	11

(ii) For clearance of arrears. (for four months):

Section Officers	2
Assistants	6
U.D.Cs.	4
L.D.Cs.	12
Class IV	4

(iii) on an experimental basis (for six months):

Junior Research Officer	1
Assistant	1
U.D.C.	1
Class IV	1

(iv) For special recruitment to the Indian Administrative Service :

Deputy Secretary	1
Under Secretary	2
Section Officers	4
Assistants	20
U.D.Cs.	4
L.D.Cs.	22
Technical Assistants	2
Mechanical Operators	3
Stenographer	1
Steno-typist	2
Class IV	15

(b) and (c). The procedure for recruitment is settled by the Commission themselves in their discretion. They have reported that every thing possible is being done to simplify the procedure and expedite recruitment.

Budget Leakage Case

1294. Shri Kamath : Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 1595 on 11th September, 1956 and state the further progress made in the prosecution of the accused involved in the leakage of Budget proposals for 1956-57 ?

The Minister in the Ministry of Home Affairs (Shri Datar) : The case is still pending in the court.

Survey of India Department

1295. Shri Kamath : Will the Minister of Natural Resources and Scientific Research be pleased to refer to the reply given to Unstarred Question No. 1596 on the 11th September, 1956 and state :

(a) whether any decision has so far been taken in regard to the number of Military Officers to be employed in the Survey of India Department ; and

(b) if so, with what result ?

The Deputy Minister of Education (Dr. K. L. Shrimall) : (a) and (b). No, Sir. The matter is under consideration.

Bhilai Steel Plant

1296. Shri Kamath : Will the Minister of Iron and Steel be pleased to state :

(a) whether a Chief medical Officer for the Bhilai Steel Project has been appointed ;

(b) if so, the name and qualifications of the person so appointed ; and

(c) the *modus operandi* of selection ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) : (a) No, Sir.

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

Rourkela Steel Plant

1297. Shri Kamath : Will the Minister of Iron and Steel be pleased to refer to the reply given to Starred Question No. 604 on the 1st August, 1956 and state :

(a) whether a Chief Medical Officer for the Rourkela Steel Project has now been appointed ;

(b) if so, the name and qualifications of the person so appointed ; and

(c) the *modus operandi* of selection ?

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari) : (a) No, Sir.

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

Earth Tremors at Sehore

1298. Shri Kamath : Will the Minister of Natural Resources and Scientific Research be pleased to refer to the reply given to Unstarred Question No. 649 on 13th August, 1956 and state :

(a) whether the expert who was sent to Sehore in Bhopal for examining the causes of earth tremors there has since submitted his report to Government ; and

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

The Deputy Minister of Education (Dr. K. L. Shrimall) : (a) Yes, Sir.

(b) The report in question has already been laid on the Table of the House.

Scholarships to Backward Classes

1299. Dr. D. Ramachander : Will the Minister of Education be pleased to state :

(a) the number of applications that were received this year, (1956-57) for the grant of Scholarships from the other Backward Classes students ;

(b) the number among them who have got the Scholarships ; and

(c) the number of those who are from the Madras State ?

The Deputy Minister of Education (Dr. M. M. Das) : (a) 38,708.

(b) and (c). The selection of candidates for the award of scholarships has not yet been made.

Interviews by U.P.S.C.

1300. Sardar Akarpuri : Will the Minister of Home Affairs be pleased to state :

(a) the average time taken between the date of advertisement of a post by the Union Public Service Commission and the date of interview of the candidates ; and

(b) whether it is a fact that unusual delay occurs in calling the candidates for interview ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) and (b). The Time taken to finalize each case of recruitment depends on the number of posts covered by the requisition, the nature of the posts and the total volume

of recruitment and other work pending with the Commission at a given time. Neither the number of requisitions placed on the Commission nor the number of applications received from candidates for particular posts follows a set pattern all through the year; in fact, no two cases of recruitment are alike in all respects, and it may be misleading to strike an average of the duration of each case with the Commission. It may be generally stated, however, that where the Commission decide to give the highest priority, recruitment action is completed approximately within 3 months of the receipt of the requisition, provided the posts are not of a highly technical nature and the availability of candidates is reasonably good. In all other cases, consistent with the time that has to be necessarily taken for scrutiny of applications and with due regard to other items of work to which the Commission stand committed, every effort is made to complete the recruitment in the shortest time possible. Recently, sanction has been accorded for increasing the strength of the Commission by 2 members and certain additions to the staff of the Commission have also been made. It is expected that this would help to accelerate the tempo of recruitment appreciably.

Sulphur

1301. Shri A. C. Joshi: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that sulphur in combined form either like iron pyrites or gypsum etc. has been discovered in the District of Shahdol or in other Districts of the former Vindhya Pradesh;

(b) if so, the name of the place where it has been discovered;

(c) the possibilities of its economic exploitation; and

(d) whether any steps are being taken by Government to obtain sulphur therefrom?

The Deputy Minister of Education (Dr. K. L. Shrimall): (a) to (d). Information is being collected and will be laid on the Table of the House.

Electoral Rolls

1302. Shri Kamath: Will the Minister of Law be pleased to refer to the letter from the Election Commission, India, to the Ministry of Law, laid on the Table in reply to Starred Question No. 960 on the 7th December, 1956 and state when the Election Officers in the States will be in a position to supply to the various political parties the finally published electoral roll of every constituency?

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): The Election Commission has directed the Election Officers in the States to supply copies of electoral rolls to every recognised political party immediately after the rolls of the constituencies have been prepared and published under rule 24 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956. It is not possible to state the exact dates on which the rolls will be available in each State.

Purchase of Jeeps

1303. Shri Kamath: Will the Minister of Defence be pleased to refer to the answer given to Starred Question No. 802 on the 4th December, 1956 and state:

(a) whether the defendants connected with the purchase of Jeeps have delivered their defences; and

(b) if so, the main features thereof?

The Deputy Minister of Defence (Sardar Majithia): (a) Not yet.

(b) Does not arise.

Prohibition Against Hunting

1304. Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that in many areas of Tripura hunting of wild animals has been prohibited by Government recently;

(b) what are the specific areas defined as prohibited areas for hunting of wild animals; and

(c) what steps Government propose to take to protect Tribals' crops from being damaged by wild animals?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). In October, 1955 Rules were framed under the Indian Forest Act to regulate hunting, shooting and fishing etc., within Reserved and Protected Forests in Tripura.

(c) Armed forest patrol parties are deputed to drive away wild animals causing damage to crops. The introduction of the use of bamboo rockets for this purpose among the public, as recommended by the Indian Board for Wild Life is being examined.

DAILY DIGEST

[Thursday, 20th December, 1956]

ORAL ANSWERS TO QUESTIONS 1811-43

S.Q. No.	Subject	COLUMNS	S.Q. No.	Subject	COLUMNS
1393.	Processed fruit toffees .	1811-12	1412.	Police Officers for Manipur	1845
1394.	Art Gallery at Ajanta .	1912-13	1415.	State Bank of India	1845-46
1395.	Insurance Companies	1113-14	1417.	Sodepur Glass Works Ltd.	1846-47
1396.	New Oil Company	1814	1419.	Niyogi Enquiry Committee's Report	1847
1397.	Centenary of War of Independence, 1857	1814-16	1422.	English in Universities	1847
1398.	High Altitude Research Station	1816-17	1423.	History of Freedom Movement	1847
1399.	Fire Arms	1817-18	1424.	Development Blocks in Scheduled Castes Area	1848
1400.	Old Men's Homes in Second Five Year Plan	1819-20	1427.	Dr. Haralu	1848-49
1403.	Employment of the Blind	1820-22	1428.	Bank of Baghelkhand	1849
1406.	Festivities for UNESCO Conference Delegates	1122-23	1430.	Andaman and Nicobar Islands	1849-50
1408.	Public Enquiry of Armed Attack at Qulon	1823-25	1431.	Scheduled Castes/Tribes	1850
1411.	UNESCO Technical Mission	1825-27	1432.	Ex-I.N.A. Personnel	1850-51
1407.	UNESCO Conference in New Delhi	1827-28	1116.	Height of Mount Everest and Amme Machine	1851
1413.	Zonal Councils	1829-30	<i>U.S.Q. No.</i>		
1414.	Colourisation of Vegetable Ghee	1830-31	1215.	Dance, Drama and Music Festival	1852
1416.	Income Tax Department	1831-33	1216.	Tomb of Sher Shah Suri's Father	1852
1418.	Maharaja of Rewa State	1833-34	1217.	Museum Reviewing Committees	1852
1420.	Officers under training	1834-35	1218.	Defence Science Service	1853
1420-A.	Bonus Shares	1836	1219.	Mineralogical Survey	1853
1421.	Mechanical Engineering Institute	1837	1220.	Silver	1853-54
1424-A.	Manufacture of Pure Manganese	1837-38	1221.	Widows' Pensions	1854
1425.	Buddha Parinirvana Jayanti Celebrations	1838-40	1222.	Pending Pension Cases	1854-5
1426.	Dholpur Enquiry Committee Report	1840-41	1223.	Political Pension	1855
1429.	General Elections	1141-42	1224.	Difference in Pay	1855
1433.	General Elections	1842-43	1225.	Loan to Flood Victims	1856
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S.Q. No.	Subject	COLUMNS	1226.	Universities	1857
1401.	Sinking of Sirmurital in Himachal Pradesh	1843	1227.	Leave Rules for Survey of India Staff	1857
1402.	Trisuli Hydro-electric Project, Nepal	1843-44	1228.	High School Tribal Boarding Houses in Tripura	1857-58
1404.	Reflector for Osmania University	1844	1229.	Madhya Pradesh High Court	1858
1409.	Tribal Welfare Schemes	1844-45	1230.	Promotion of Staff	1858-59
1410.	Typewriters of Indian Scripts	1845	1231.	Lok Sahayak Sena	1859
			1232.	Ex-Indian National Army Personnel	1860

WRITTEN ANSWERS TO QUESTIONS—contd.

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1234.	Hindi Teachers	1861	1272.	Revised Estimates of Steel Plants	1876
1235.	Banning of Newspapers	1861-62	1273.	Survey of India Class IV Employees	1877
1236.	Mineral Survey	1862	1274.	Relief measures in Tripura	1877
1237.	Ex-Servicemen's Colony at Afzalgarh	1862-63	1275.	Realization of "Ghar-Chukti"	1877
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1245.	Riots in Part C States	1866	1283.	Typing Test	1882
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1254.	Black Hole Tragedy	1868-69	1293.	Union Public Service Commission	1886-87
1255.	Foreign assets	1869	1294.	Budget Leakage Case	1887
1256.	Dacoit Menace	1869-70	1295.	Survey of India Department	1887
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1258.	Police Torture in Kerala	1870-71	1297.	Rourkela Steel Plant	1887-88
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Thursday
20th December, 1956

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)



LOK SABHA SECRETARIA.
NEW DELHI

SIX ANNAS (INLAND)

TWO SHILLINGS (FOREIGN)

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3708

LOK SABHA

Thursday, 20th December, 1956.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

(See Part I)

12-06 hrs.

PAPERS LAID ON THE TABLE

PROCLAMATION re INDIA'S RIGHT TO REGULATE FISHING AND FISHERIES IN ADJOINING HIGH SEAS

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): On behalf of Shri Anil K. Chanda, I beg to lay on the Table a copy of S.R.O. No. 2876, dated the 29th November, 1956, containing the Proclamation by the President regarding India's right to regulate fishing and fisheries in the adjoining high seas. [Placed in Library. See No. S—594/56].

MINUTES OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

Shri Raghunath Singh (Banaras Distt.—Central): I beg to lay on the Table the minutes of the sittings of the Committee on Private Members' Bills and Resolutions (Sixty-seventh to Seventy-second) held during the Fourteenth Session.

DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDER, 1956.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a copy of the Delimitation of Parliamentary and Assembly Constituencies Order, 1956, under sub-section (3) of section 47 of the States Reorganisation Act, 1956. [Placed in Library. See No. 596/56]

Shri Kamath (Hoshangabad): May I know when it will be gazetted and be available to Members of the House? Is this a big Order?

Mr. Speaker: The Gazette notification will issue soon.

Inasmuch as the whole House is interested and the country is interested in the question of delimitation, and each hon. Member here and others are interested in knowing what exactly the limits and boundaries are, I suggest to the hon. Minister that early steps should be taken to get these copies printed and made available to Members.

Shri Satya Narayan Sinha: Yes, Sir, provided the electricity does not fall us as it did yesterday.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary Rajya Sabha:

- (i) "In accordance with the provisions of rules 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform Lok Sabha that the Rajya Sabha, at its sitting held on the 17th December, 1956,

[Secretary]

agreed without any amendment to the Young Persons (Harmful Publications) Bill, 1956, which was passed by the Lok Sabha at its sitting held on 22nd November, 1956".

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 18th December, 1956, agreed without any amendment to the Suppression of Immoral Traffic in Women and Girls Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 30th November, 1956."

(iii) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha. I am directed to enclose a copy of the Delhi (Control of Building Operations) Continuance Bill, 1956, which has been passed by the Rajya Sabha at its sitting held on the 18th December, 1956."

(iv) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Slum Areas (Improvement and Clearance) Bill, 1956, which has been passed by the Rajya Sabha at its sitting held on the 18th December, 1956."

(v) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Delhi Tenants (Temporary Protection) Bill, 1956 which has been passed by

the Rajya Sabha at its sitting held on the 19th December, 1956."

DELHI (CONTROL OF BUILDING OPERATIONS) CONTINUANCE BILL
SLUM AREAS (IMPROVEMENT AND CLEARANCE) BILL
DELHI TENANTS (TEMPORARY PROTECTION) BILL

Secretary: Sir, I lay the following Bills, as passed by Rajya Sabha, on the Table of the House:

- (1) The Delhi (Control of Building Operations) Continuance Bill, 1956.
- (2) The Slum Areas (Improvement and Clearance) Bill, 1956
- (3) The Delhi Tenants (Temporary Protection) Bill, 1956.

COMMITTEE ON PETITIONS
Eleventh Report

Shri P. Subba Rao (Nowrangpur) beg to present the Eleventh Report of the Committee on Petitions.

PROCEDURE RE ANSWERING
QUESTIONS ON BEHALF OF
OTHER MINISTERS

Mr. Speaker: I also wanted to make an observation for the hon. Minister of Parliamentary Affairs to note hereafter. In cases where Questions are answered by any Minister or Deputy Minister who is not concerned with that Ministry, the hon. Minister who is unable to answer the Questions because he may not be able to be present here will intimate to the Speaker that he has authorised some other Minister to answer the Questions on his behalf. Then it will facilitate me. Otherwise, I will be taken by surprise.

STATEMENT RE BUDDHA JAYANTI
SAMITI, SARNATH

The Deputy Minister of Education (Dr. M. M. Das): With reference to the adjournment motion on 8th December, 1956 by Shri Ram Nagina Singh regarding the boycott of the Buddha Jayanti Samiti, Varanasi, by the Mahabodhi Society and the Speaker's directive, I have made further enquiries. The report received from the District Magistrate, Varanasi, has been placed on the Table of the House. [See Appendix V, annexure No. 104.] I may say, however, that briefly the position is that there is no committee known as Buddha Jayanti Samiti. The Departmental officers of the Uttar Pradesh Government no doubt meet almost every month under the chairmanship of the Commissioner of Varanasi Division to review the progress of work done during the period and also to watch the arrangements made for the facility of visitors coming to Sarnath. The Secretary of the Mahabodhi Society is also invited to this meeting and has been attending it almost regularly except one or two meetings of which the last meeting held on 4th December, 1956 at Sarnath was one. We have no knowledge of the Bhikkus or the Mahabodhi Society boycotting the meeting. We have so far not received any information from the Secretary of the Mahabodhi Society either orally or in writing that he was not attending the meeting on any particular issue.

The celebrations held on 17, 18 and 19th November, 1956 by the Mahabodhi Society were not sponsored by the Government nor did they form part of any official programme. Moreover the Mahabodhi Society never sought for any co-operation from the Uttar Pradesh Government in connection with their celebrations, but still the Uttar Pradesh Government officers attended the celebrations on all the three days and made such arrangements as were asked for by the Secretary of the Mahabodhi Society.

The Mahabodhi Society has recently installed a statue of Sri Anagarik

Dharmपाल in one of the two lawns before the Mulgandh Kuti Vihar. The installation of this statue at that particular place, is unsymmetrical and foils the beauty of that place and so it was suggested once informally to the Secretary Mahabodhi Society that the statue should be installed at some other suitable place to which the Secretary of the Mahabodhi Society raised no objection at that time. It was, however, never decided in the meeting of the Inter-Departmental officers to remove the statue against the wishes of the Society and the news that the Uttar Pradesh Government are raising objections and misbehaving with the Bhikkus in this connection is quite incorrect.

The allegation that the college building is being taken for holding the Buddhist Art Exhibition in it against the promises made is also incorrect.

Shri Kamath (Hoshangabad): Sir, as regards this matter, I may invite your attention to the record of the adjournment motion on the 8th December. You directed, definitely and categorically, that the Minister should make the statement in a week's time. I am anxious, no less than my hon. colleagues in the House, that your directives are faithfully implemented by the Treasury Benches as well as by the rest of the House. The Minister owes it to you, and to the House also to state why he took more than a week's time to lay this statement on the Table. Today is 20th—he has taken 12 days. You directed that he should make the statement in a week's time. I am sure you will agree that he owes an explanation to this House and to you also as to why this delay has taken place.

Mr. Speaker: The hon. Minister wanted some more time and I granted

Shri Kamath: It must be on record also.

BUSINESS ADVISORY COMMITTEE
FORTY-SEVENTH REPORT

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

"That this House agrees with the Forty-Seventh Report of the Business Advisory Committee presented to the House on the 19th December, 1956."

Shri Ramachandra Reddi (Nellore): Sir, I would like to know whether the Banking Companies (Amendment) Bill will be taken up in this session. It was the understanding yesterday in the Business Advisory Committee meeting that it will not come up during this session.

Mr. Speaker: Where is it put down? It is put down as item No. 6 in the agenda.

Shri Ramachandra Reddi: I know it and I am asking whether it will be taken up because there was that understanding.

Mr. Speaker: The hon. Member wants to know whether, notwithstanding the fact that it is put down as item No. 6, there is any proposal to put it off to the next session.

Shri Satya Narayan Sinha: It will come today after the business is over.

Shri K. K. Basu (Diamond Harbour): Am I to understand that the Press Council Bill, as passed by the other House, will not be taken up for no time is allotted here?

Shri Satya Narayan Sinha: Parliament is quite conscious of these facts.

Mr. Speaker: The Business Advisory Committee has to decide. The time has been allotted to the business. Generally, there is a discussion. It is for the Government to say which Bill

they want to get passed first. If they want they may change that order.

The question is:

"That this House agrees with the Forty-Seventh Report of the Business Advisory Committee presented to the House on the 19th December, 1956."

The motion was adopted.

UNION DUTIES OF EXCISE (DISTRIBUTION) AMENDMENT
Bill—contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri A. C. Guha on the 19th December, 1956, namely:

"That the Bill to amend the Union Duties of Excise (Distribution) Act, 1953, be taken into consideration."

Shri V. P. Nayar (Chirayinkil): Yesterday, before the debate on this Bill was adjourned, I was trying to explain how the percentages of distributable Union Excise Duties, as indicated in the interim report of the Finance Commission, did not do justice to the various States. In that context, I gave some facts and figures relating to the State which I have the honour to represent and also indicated that the Finance Commission's interim recommendations were made seemingly on *per capita* basis without consideration of the other factors. The total amount distributed as we find from the details supplied to us, will be about Rs. 18.2 crores and so even if there is an increase by one per cent. it means about Rs. 18 lakhs which poor States like mine cannot afford to lose in this context.

I have said yesterday that I was conscious that this was an interim report. But, I have not found such interim reports being modified at all although very small changes may sometimes be made. It is very clear from

the Statement of Objects and Reasons because it is said that payments will be subject to readjustment in the light of the decision to be taken on the final recommendations of the Finance Commission. It precludes the possibility of any revision at all from the percentages now indicated. The matter is of very serious concern to my State because, as you know, after the federal financial integration, the revenues which were used by our State to meet the gap left by the revenues from land are no longer with our State Government. I was going through the development of trends which accounted for most of our revenue. I find from the Travancore State Manual that thirty years back, our *per capita* foreign trade in that State was to the tune of Rs. 52.75. Today, with very great development projects and changes in the value of money, even at present, India's foreign trade comes only to a *per capita* figure of about Rs. 30. Thirty years back, my State had Rs. 52.75. You may understand from this how important foreign trade was to our State. There is also another point. Although it was a native State, you cannot say that we are levying excise and customs duties on a scale different from what was levied in the rest of India because I find that under an agreement entered into between the old Travancore State and the British Government after a discussion on the inter-portal convention, both the Governments agreed that they would charge only identical tariff rates and excise duties. One of the conditions was that the British Indian tariff valuation would supercede the tariff hitherto in force in the chowkies of the circar—that was the Government's undertaking. On 23rd May, 1865 a similar clause was added that the Travancore and Cochin States would adopt the British Indian tariff for all exports as well as imports. So, there was no question of saying that we were charging fleecing rates in our customs and excise.

Our economy has developed on this pattern, the result being that in the recent past, we were the first State to

introduce basic land tax. We were suffering from the land tax notwithstanding that we were charging the basic land tax because our other resources from customs and excess would not go to augment the deficit which was caused.

On reading through the recommendations I find that proper justice has not been meted out. There is, what is called, a contribution in lieu of a share for jute for four States. That also is a factor which is, probably, taken into consideration by the Finance Commission in formulating their interim recommendations. I find that very little export duty, if at all any, is levied on jute. But, one of the major items which contributed to the coffers of Travancore-Cochin Government is now contributing to the coffers of the Central Government and we are not getting anything in lieu of that. That is also a substantial amount. I find that in the year 1954-55 the amount contributed by way of export duties on black pepper was Rs. 136 lakhs and in 1955-56 it went up to Rs. 151 lakhs.

Kumari Annie Mascarene (Trivandrum): Sir, I rise on a point of order. Who is here to listen to the financial affairs?

Some Hon. Members: Shri Guha is there.

Mr. Speaker: She did not notice his presence.

Shri Punnoose (Alleppey): He has put on a very deceiving colour.

Kumari Annie Mascarene: He is rather invisible.

Mr. Speaker: A black background with a black coat.

Shri V. P. Nayar: Sir, I am submitting that while Travancore-Cochin Government has been realising many lakhs of rupees and when that revenue is surrendered to the Centre, we are not merely not being given anything in lieu of the export revenue which we were earning but we also find to our utter dismay that, while the erstwhile Travancore-Cochin Government

[Shri V. P. Nayar.]

was recommended to be given a grant of Rs. 45 lakhs now, with a portion of Malabar, we are given, as is indicated in this interim report, only a sum of Rs. 41 lakhs.

Our claim for this increase in percentage is all the more forceful because, as you know, Kerala has very many problems, and the Centre's contribution should be more. I would even venture to suggest that having regard to our various problems, the Government of India should also be kind enough to give us some money in lieu of the export duties which they have collected from pepper with retrospective effect from the date of federal financial integration and continue to give it in future.

After going through the report, I do not think that this is based on any equitable considerations. I could not get the figures of off-take of these articles mentioned in each State but I find, for example, Punjab getting 4.6 per cent. I am not at all worried about that; Punjab, if it has to be given, may be given more. But what are the items? The items on which this percentage will be given to the State are tobacco, vegetable products and matches. As you know, Sir, over 40 per cent. of the people of Punjab are really prohibited from using tobacco.

Shri Tek Chand (Ambala-Simla): Why?

Mr. Speaker: They do not smoke, he says.

Shri Tek Chand: But it cannot be 40 per cent.

Shri Punnoose: Not openly.

Mr. Speaker: Let us not wrangle over the percentage.

Shri V. P. Nayar: A very substantial portion of the population of Punjab cannot use tobacco, and the off-take of matches will very much depend on tobacco. That is one point. Secondly, in the whole of Punjab, my experience is that there is a taboo on

vegetable oils. Except perhaps in one or two towns I do not think vegetable oil is used anywhere in Punjab. Again, as you know, Punjab is a State which has a *per capita* average milk and milk products of 16 ounces. So, if you equate in terms of off-take of these articles, I submit that we should be having better claims. These are duties which accrue from the actual consumption of these commodities in the State. Therefore, *per capita* consumption alone should not weigh in the matter of distribution, and overall considerations have to be taken into account before you indicate that Kerala State will be entitled only to 3.8 per cent.

I would, therefore, very earnestly request the hon. Minister to reconsider this question, notwithstanding the fact that it has been suggested by a Commission which was appointed by the Government and also notwithstanding the fact that this is an interim report. I beg of the Finance Minister to take into consideration the various problems of Kerala State, the fact that the undeveloped portion of Malabar District has also been added on to Kerala territory and also the fact that the Central Government have been taking away all possible revenues from the State by way of export duties and other duties, and that too from a State which primarily depends for its own economy on the export of certain agricultural commercial crops. I would earnestly request the hon. Minister to reconsider this and allot the highest possible percentage to fill up the gap which is likely to occur in the budget. It is not a small sum because one per cent., as I indicated, will be Rs. 18 lakhs. I also request him to give us an undertaking to this effect.

Mr. Speaker: Only 45 minutes are left for this Bill. Today we started at 12-15. Therefore, we must conclude it by one o'clock. How long is the hon. Minister likely to take?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I will take ten minutes.

Mr. Speaker: There will be clauses also, but there are no amendments I think. I find only two or three Members want to participate in the debate. Each Member may have ten to fifteen minutes.

Shri A. M. Thomas (Ernakulam): Sir, I do not think there is any scope for any detailed discussion on this Bill, since this Bill is based on the interim recommendations of the Finance Commission and they have not come to any final conclusions at all. This Bill is to facilitate the appropriate governments to prepare budgets for 1957-58.

I concede that the arguments advanced by my friend Shri V. P. Nayar are arguments which should certainly be taken into consideration by the Finance Commission, and I do not think that this is an occasion in which the rights of States or the particular problems of States *vis-a-vis* the distribution of Union Duties of Excise can appropriately be raised.

I wish to intervene in this debate only to clear one or two doubts. Even according to article 275 of the Constitution the Parliament has to decide. Article 275 says:

"Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States."

So, this House has to decide the allocations under article 275 of the Constitution. According to the interim recommendations of the Finance Commission, the amounts which have to be given under article 275 are also detailed. I do not know what exactly is the position of the Government with regard to that, when we would pass such a legislation or whether Government does not intend to bring such a legislation at all, as it has done in the case of the Union Excise Duties.

I also want to know what exactly is the Government going to do with

regard to the interim recommendations of the Finance Commission with regard to division of income-tax. It is said: "The President may by order". I want to know when that order will be issued, and whether it will be issued in time so that the appropriate governments may prepare their budgets for 1957-58.

My friend Shri V. P. Nayar referred to the grant of only Rs. 41 lakhs to Kerala whereas the previous Finance Commission had recommended a sum of Rs. 45 lakhs under article 275. But, I think, my friend has omitted to note that even by the grant of Rs. 41 lakhs the *status quo* is continuing, because the original grant was to Travancore-Cochin State. A portion of that State has now become part of Madras so that a portion out of this Rs. 45 lakhs has to go to Madras. There was no grant to Madras under article 275, so that Kerala State is not entitled to any grant under article 275 in respect of the portion which is now added to it. That is the position as it now stands. Whatever it be, of course there are certainly arguments in favour of a sizable grant under article 275 to Kerala, but I believe those things will be taken into consideration by the Finance Commission when it makes its final recommendations under article 275.

With reference to the provisions in this Bill I wish to state that this Bill is under article 272. According to article 272, the amount that has to be distributed is not limited to three articles as has been sought to be done by this Bill.

Article 272 of the Constitution reads thus:

"Union duties of excise other than such duties of excise on medicinal and toilet preparations as are mentioned in the Union List shall be levied and collected by the Government of India, but, if Parliament by law so provides, there shall be paid out of the Consolidated Fund of India to the States to which the law imposing the duty extends sums equivalent

[Shri A. M. Thomas]

to the whole or any part of the net proceeds of that duty, and those sums shall be distributed among those States in accordance with such principles of distribution as may be formulated by such law."

According to the present position 40 per cent. of the duties on matches, vegetable oils and tobacco alone is being distributed among the States and that on a population basis. I do not know what exactly is the reason that the Government has chosen only these three articles, whereas under the Central excise as many as 22 or 23 articles come, and according to article 272 only the medicinal and toilet preparations are exempted. I wish to emphasize this aspect in view of the fact that the Finance Commission is considering this question that the States also are legitimately entitled to a portion of whatever excise duties are collected by the Centre on all these articles. It should not be confined to three articles as has been envisaged by the interim Report of the Finance Commission and also the provisions of this Bill.

We have to take into consideration the commitments of the States vis-a-vis the Plan. For the fulfilment of the Plan the Centre is giving subsidies, grants etc., to the various States concerned. For the states to depend mainly on such aid, is not a healthy feature at all. As far as possible the States must depend upon specific allotments for each year and should not depend upon the sweet will and pleasure of the Centre. It is a pitiable state of affairs that at the time of framing the budget the representatives of the various States have to come to Delhi and ask whether they could be given a certain grant, or a loan could be granted or things like that. On these uncertain foundations the State Government have to function. Of course, as circumstances arise, the Centre should come to the help of the States whenever it is called upon to do so. But I wish to emphasize that the States must have a definite source of income which they can

depend upon, and if this 40 per cent. of duties on all the articles collected by the Centre is to be divided, that will meet to a certain extent the situation and the demands of the States.

Another matter I wish to bring to the notice of the Government is that only 40 per cent. of the duties is being allocated to the States. For the income-tax the criteria that is being adopted is (1) population basis and (2) basis of collection. In this matter several States have given their suggestions; some States wish it must be on a population basis. Bombay and West Bengal may perhaps insist on division on the basis of collection. Whatever it be, we are not concerned with that aspect at present. My only suggestion is that the share in the Union Excise duties which is only 40 per cent. can be raised at least 60 per cent., so that the States may find the necessary resources.

These two aspects, one the widening of the range of duties for division and the other the enhancement of the proportion, would, I believe, be borne in mind by the Centre as well as the Finance Commission when they formulate the final proposals.

With these few words, I support this Bill.

Kumari Annie Mascarene: Mr. Speaker, Sir, I wish to point out that this Bill has no *bona fide* in it, and as far as I am able to see through, I feel that the grant from the Centre on the basis prescribed in the Statement of Objects and Reasons is nothing but a camouflage, because the percentage of grant depends upon only three articles, namely, matches, tobacco and vegetable products. I ask the Minister concerned whether there is any stability in this source of income, especially at this moment when exports and imports cannot have a regular source of income on account of the configuration of trade in the whole world. What surprises me is that for the next coming years you have set apart

Rs. 18.2 crores from the Consolidated Fund of India for distribution among the States, and according to the table given in the Bill, the percentage of distribution to Kerala is stated to be 3.86, which I consider is very small. Our State is the biggest exporting centre of commercial products; it has taken its birth with a prospect of deficit finance and it is now given a further incentive of a camouflage of 40 per cent., depending upon vacillating commercial products. I do not wish to speak much on this subject; I wish to ask the hon. Minister this question: "Are you really serious and true in your statement?" I do not depend on the figures given here, for I have very bitter experience of going through your records and I have found the figures given there are all wrong and undependable. With regard to these figures, I wish to ask this: "What is the fate of Kerala regarding the finance in the coming year?" That is all I wish to ask. I do not wish to criticize any other State. It is of the order of what is being given to Orissa or Jammu and Kashmir which is now coming on the scene. Therefore, I request the Finance Minister or the Home Minister to tell us whether the percentage given in this Bill is real or otherwise, to please give our State a suitable source of income from the Centre, so that the problem of deficit in our finance might be met. I do not wish to make any bitter criticism on the point, because I am more or less aware of the reality of these figures; I know they are very different from what are given here. Our State is the best in commercial products. So, please consider this question and give us a suitable source of income in the way of a grant, so that we may face the pressing problems of finance for development and many other sources of expenditure, with confidence.

Shri M. K. Moltra (Calcutta North-West): Mr. Speaker, the Finance Commission has submitted an interim report and this Bill has been placed before the House to give effect to the

recommendations of that interim report. Past experience has shown that interim recommendations generally become final in the final report and, therefore, what has been recommended here will become final in all probability. If we look to the chart of distribution of the proceeds of these excise duties to the States, we will find that population has been taken as the basis for distribution. In a matter like this it is very difficult to take population as the basis of distribution. Somebody will probably plead for consumption as the basis of distribution. Sir, I will plead that this distribution should take place in accordance with the problems that each State has had to face.

If you take that criterion, you will find that West Bengal is probably the most unfortunate State which has to face very great and serious problems. There is the influx of refugees, there is a large volume of unemployment in general and educated unemployment, and there is the question of rehabilitation. So I am not going into the question of population being made the basis or consumption being made the basis; I will suggest that the problems that each State has to face should be made the basis of distribution of these proceeds, and on that basis these proceeds should be distributed.

If we take the problems of the State as the basis of distribution, West Bengal deserves more. And if you judge the problems that West Bengal has to face today, you will certainly agree that a large amount of these proceeds should go to West Bengal. Even if you take consumption as the basis, West Bengal will get more than what has been allotted to it today.

So I will suggest that there should not be any cut-and-dried rigid basis as is followed now, but there should be some sort of flexibility in it, and by weighing the gravity of the problems in each State these proceeds should be distributed; and along with that I plead the case of West Bengal. The Member in charge of the Bill

[Shri M. K. Moitra]

comes from West Bengal. He personally knows the problems that West Bengal has to face, and therefore I hope he will consider the suggestions placed before this House, carefully and with sympathy.

Shri Sadhan Gupta (Calcutta South-East): This Bill is designed to give effect to the recommendations—interim recommendations, no doubt—of the Finance Commission. As Mr. Moitra has pointed out, it is often the experience that the interim recommendations become the final recommendations. Therefore, I hope that the views expressed by us in the course of this debate may have some influence in shaping the final recommendations of the Finance Commission in regard to the distribution of different kinds of revenue.

I would, therefore, plead, as Mr. Moitra has done, for a somewhat different outlook being adopted in the matter of distribution of these duties or different kinds of taxes. In this instance we are concerned with three kinds of Union excise duties.

There is much to be said, perhaps, about distributing on the basis of population. There may be something to be said on distribution in accordance with consumption. But, whatever basis you adopt, it must not be a kind of a rigid basis or an inflexible basis which does not take into account anything else.

Whether it is the basis of consumption or it is the basis of population, certain problems would face certain States, and those problems cannot be overlooked. For instance, Mr. Nayar has pleaded about certain peculiarities of Kerala, that the Travancore-Cochin, part of Kerala, had been depending upon certain kinds of export and excise duties. He has made out a very effective plea for allocation of a substantial part of those duties to Kerala. I would add my voice to Mr. Moitra's regarding the problems of West Bengal.

The population of West Bengal is near about 2½ crores—and now 3 crores after the reorganisation. But the population hardly is the measure of the problems of West Bengal. Now, we are apt to think of our problems in terms of so much expenditure per head. But that will not represent the problems of West Bengal. Out of these three crores I think well over one-fifth is a population which is an uprooted population and, therefore, brings with it its own problems of rehabilitation. Now, this problem bears no proportion to the expenditure per head that would be expected to be made in the case of other States.

Then there is the question of educated unemployment in West Bengal, or unemployment in general—although there the problem is most chronic.

And then there is a third important problem in West Bengal, that is to say the problem of lack of income from agricultural land. In other parts of India the agricultural land available per head of the population is much greater. But West Bengal is a densely populated area, and due to partition it is a truncated State. And, as a result of this shrinkage of the area of the State, the pressure on agricultural land has also increased. The agricultural land available per head of the population is much less, and, as a result, the income from agriculture—which is the exclusive income of the States—is very much less in West Bengal, per head of the population, than in other States.

Therefore, all these things should have been taken into account in allocating percentages, and not a mere mathematical basis of the percentage of population. I would, therefore, plead that some more amount should be given by way of allocation to West Bengal. That increased amount may be given, firstly, by increasing the percentage of West Bengal in order to provide for these additional problems that she has; and, secondly, by increasing the amount of these excise duties

that would be available for distribution. Mr. Thomas has made a powerful plea for increasing the percentage of allocation. Now, only 40 per cent of the excise duty is distributed. There is no reason why this percentage should not be increased. Today the distributable revenue is Rs. 18 crores. If the share were increased to 60 per cent, it would become Rs. 27 crores; and automatically every State would benefit by one and a half times what it gets today. And, together with that, if the percentage of allocation in the case of States like West Bengal or others which face peculiar problems of their own is increased—and the increase would be a substantial increase of allocation in the case of those States—, that would go a long way in helping to solve many of the problems which they face, and also in bringing the benefits to the people in the shape of greater employment, greater rehabilitation facilities and so forth. I will again plead for increased allocation, whether by percentage or by figures, in the case of West Bengal.

Shri B. K. Das (Contai): My other two friends on that side of the House have already put forward the case of West Bengal. I only support that view that the allocation that has been made here with regard to West Bengal is not adequate. When the Commission considers the final allocation for West Bengal, the case of West Bengal should be reconsidered. Our friends have already pointed out how that State is in need of larger funds and how it started with almost nothing in its coffers, after partition nine years ago. So, I only join my voice with other friends, so that this allocation for the State of West Bengal may be reconsidered. I do not wish to take more time of the House.

Shri A. C. Guha: I think the Members who have taken part in this discussion have deliberately ignored the limited nature of this particular Bill. I can appreciate their anxiety to put forward their claims on behalf of their States. But, if they read the interim report that has been placed on the Table, they will find that the Commission has definitely stated that

they have not had any discussion with most of the States. They have discussed the matter only with three or four States and they have repeatedly said that this is just an interim report, which should not be taken as any indication of the final report.

As a result of the passing of the States Reorganisation Act, the Bihar and West Bengal (Transfer of Territories) Act and also the inclusion of Jammu and Kashmir into the list of States that would be entitled to get a share of this duty, it has been made necessary for the Commission to give an interim report. That is why this report has been submitted. Moreover, this Bill is not in implementation of the entire report. It is only to implement one small portion of it, namely, the allocation of excise duties on only three commodities.

Shri V. P. Nayer said many things about Kerala. I have every sympathy with the case for Kerala; but, I would at the same time ask him to look into certain provisions of the S. R. Act, particularly where it has been provided that the Kerala State will be compensated if there is any gap. Section 74 (2) (b) of this Act provides for the payment to Kerala State the difference by which its share of income-tax and union excises falls short of Rs. 252.38 lakhs. This provision also stabilises the payment of the revenue gap for three years from 1957-58 onwards to the three States of Travancore-Cochin, Saurashtra and Mysore. So, sufficient precaution has been taken in the States Reorganisation Act about Kerala State. The share of Kerala under the previous award was 2.68 per cent, and I think it has been increased to 3.86 per cent. There has been some increase in the present allocation, but still I can realise that there may be many points in favour of Kerala as well as of West Bengal.

Shri A. M. Thomas: That increase is because Malabar has now been added.

Shri A. C. Guha: I know; I have already said that this re-allocation is simply due to the fact that the States

[Shri A. C. Guha]

have been reorganised and also Jammu and Kashmir has become a partner in the funds to be allocated. Otherwise, there would not have been any necessity for this interim report or any fresh allocation of revenue.

Mr. Thomas has referred to income-tax and the grants-in-aid provision. I think he should look to the relevant articles in the Constitution. He will find that under article 272, the President's order would be enough for the allocation of income-tax and I do not think there is any necessity for him to be worried that this President's order will not be issued in time. We are anxious to pass this Bill, so that the budgeting of the Centre as also of the different States may be made easier. The necessary orders for the allocation of income-tax revenue also will be issued in time. For grants-in-aid also, there is sufficient provision in the Constitution, if anything has not been covered by this Bill.

Shri A. M. Thomas: Article 272 says, "Parliament may by law provide..." etc. Where is the Act corresponding to that?

Shri A. C. Guha: Under article 275(2), the President enjoys the authority of the Parliament till the Parliament passes any such Act.

Certain claims have been made on behalf of West Bengal, particularly for jute. I think the allocation for jute has increased from Rs. 50 lakhs to Rs. 52.69 lakhs. So there has been an increase of about Rs. 2.70 lakhs.

As for other things, I think it would be better if the hon. Members ask their respective States to place their claims before the Finance Commission. They should not think that the interim report will simply be the accepted thing in the final award of the Commission also. The Commission has been repeatedly saying—at least twice, I remember—that this

should not be taken as any indication of the final report.

I hope there is nothing more to reply to the points raised. I hope the Bill will be passed.

Mr. Speaker: The question is:

"That the Bill to amend the Union Duties of Excise (Distribution) Act, 1953, be taken into consideration."

The motion was adopted.

Clause z (Insertion of new section 3A)

Mr. Speaker: There are no amendments to the clauses.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, Enacting Formula and the Title were added to the Bill.

Shri A. C. Guha: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

TERRITORIAL COUNCILS BILL

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move:*

"That the Bill to provide for the establishment of Territorial Councils in certain Union territories, be taken into consideration."

I have great pleasure in making this motion

13 hrs.

This Bill seeks to give concrete form and shape to the broad decisions which have already been taken by this House. I had occasion to indicate the salient features in the course

*Moved with the recommendation

of the President.

of the discussion on the States Reorganisation Bill. It really forms an integral part of the scheme of reorganisation. On the 4th of September I had said that a Corporation would be set up in Delhi and Territorial Councils would be established in Himachal Pradesh, Manipur and Tripura. In the ordinary course, this Bill would have come before Parliament not so early, but some time later. Out of regard for the views of hon. Members of this House and for the convenience of the likely candidates for the Lok Sabha from these areas, I have made a special effort to expedite the process and I am glad that this Bill will form part of the statute-book before the Parliament closes its present session.

13-02 hrs

[SHRI BARMAN in the Chair]

Sir, this Bill provides for the composition, functions and powers of the Territorial Councils for the Central Territories. Besides dealing with matters of vital interest and intimately connected with the day-to-day life of the people living in those areas, these Councils will also serve as electoral colleges for electing Members for the Rajya Sabha from these areas. The Council of Himachal Pradesh will consist of 41 Members. The Bill provides for 40, but I intend to move an amendment to raise its number to 41, which is the present number of constituencies for the defunct Legislative Assembly of Himachal Pradesh. It is my intention that the present constituencies should be treated as electoral areas for these Territorial Councils. As Himachal Pradesh has got 41, and as it is desirable that these Councils should start working as early as may be possible, I think we should raise the figure by one. I want to avoid the long process of delimitation of the constituencies on a new basis. That will delay the work and will entail an amount of labour and expenditure which can be avoided. It will also meet the wishes of the Members from Himachal Pradesh. It is my wish and I think hon.

Members of the House will agree, that the elections for the Lok Sabha and the Territorial Councils should be held simultaneously. In fact, that is the main reasons why I have considered it advisable to place this Bill before this House at this stage.

There were other measures which were equally urgent, but out of regard for the convenience of the people and the leaders of these territories, I have succeeded in getting priority for this Bill. The Councils in Manipur and Tripura will consist of thirty Members. They will be elected on the basis of adult suffrage and they will, after a short interval, be competent to elect their own Chairman also. There is a provision in the Bill to the effect that four Members may be nominated. That is not a provision which is of a compulsory character. It only gives discretion to Government to nominate, if necessary. We would have resort or recourse to this provision only to secure the representation of Scheduled Castes or Scheduled Tribes or other weaker sections which may happen to be left out and whose presence might be considered desirable. We have no intention to unnecessarily nominate people if those who deserve to be represented in these Councils succeed in returning members from those communities.

The functions have been defined in the Bill. They have been given more powers and have been charged with the responsibility of dealing with matters some of which do not ordinarily come within the scope of district boards, municipalities or even corporations. I will not go into details, but it has been our effort to give maximum scope for work to these Councils and anyone who may have taken care to go through the list will, I hope, confirm what I have just ventured to mention. The powers that have been given are also in several respects more than the powers that are conferred on such local bodies. The Territorial Councils will have control over panchayats. They will also deal with secondary education and also certain

[Pandit G. B. Pant.]

other matters relating to animal husbandry, agriculture etc. I hope that the Councils will do their part of the business in an efficient way and they will receive every cooperation and assistance from the authorities. Apart from this, these Councils will also serve as electoral colleges, as I said, for returning Members to the Rajya Sabha. That is a very vital function which is being entrusted to these Councils. As hon. Members are aware, the strength of the representatives from these areas has been increased in Parliament, so that the views of the people living in these areas may be fully and adequately represented in this as well as in the other House.

I do not think it is necessary for me to take more time. I would appeal to hon. Members, who are no doubt keenly and vitally interested in this measure, to kindly see that the discussion does not take more than the minimum time necessary.

Mr. Chairman: Motion moved:

"That the Bill to provide for the establishment of Territorial Councils in certain Union territories, be taken into consideration."

Shri Dasaratha Deb (Tripura East): May I ask one question? May I know whether any nominated members of the Council also would be entitled to vote for election of one Member to the Council of States?

Pandit G. B. Pant: You have given notice of an amendment I will accept it.

Mr. Chairman: Three hours are allotted for this Bill.

Pandit G. B. Pant: It will not take three hours.

Mr. Chairman: Let me first ascertain how many Members are interested in speaking on this Bill. Six or Seven. Shall we divide the time half and half for general discussion and the clauses?

Some Hon. Members: Two hours for general discussion.

Mr. Chairman: There are not so many points. We shall have 1½ hours for general discussion. If some time is left over, if any other Member is interested, he can then speak, on the third reading.

Shri Anandchand (Bilaspur): May I submit that representatives from those territories may be given more time than other hon. Members.

Mr. Chairman: Fifteen minutes should be ordinarily the time for any hon. Member.

Shri Dasaratha Deb: After a great delay and much hesitation, the Central Government has sponsored this Bill, namely the Territorial Councils Bill. I welcome the spirit of this Bill because it proposes to delegate some power to the Territorial Councils to work in the local sphere, a very limited sphere. I hope that from now on, the people of these territories can participate in the development works though in a very limited sphere. Even then, we welcome this measure, because this is a step in advance at least for our people. Everybody in this House knows that the demand of the people of these territories was to have a Legislative Assembly. The proposed Council cannot fulfil the task of a legislature. That is why, I feel, the people of these territories will not be fully satisfied. Yet, I accept this measure as a temporary experiment, pending introduction of a Legislative Assembly and I hope my people also will accept this measure in a similar spirit.

At the same time, one should not forget that along with some welcome provisions in this Bill, there are some serious defects and undemocratic propositions. All these must be removed from this Bill. Otherwise, it will not be much helpful to work smoothly and effectively. I shall take up the defects one by one in this Bill. It is proposed that the Central Government may nominate the first

Chairman who shall hold office for a period not exceeding three years. I do not understand why the Central Government want to nominate the first Chairman from the birth of these Territorial Councils and why they want to curtail the right of the Councillors to elect their Chairman from the very beginning. I am afraid it may be interpreted in different ways. It may be said that whereas the ruling party did not secure a majority in the council, the Government wanted to keep the door open to men from their party or yes-men as Chairman. Again, there is no provision for the removal of the Chairman if a situation arises. We want that there must be some provision by which the Council, if the situation demands, could remove the Chairman, who is a whole-time functionary as envisaged in this Bill. The non-incorporation of a provision for the removal of the Chairman is not without its significance. It is apprehended that the Government want to see that the nominated Chairman shall not be removed from office before the end of the period of his time, no matter whatever serious crimes or damages he commits to the Councils or to the People of the territories. I suggest that the Council must be given that right at least to remove the Chairman if such a kind of situation arises. Otherwise, it will be difficult for the Councillors to proceed in a democratic way. Of course, I do not say that normally people would be anxious to remove the Chairman. It would not be desirable. In an extraordinary situation, there must be a certain power given to the Councillors to remove the Chairman. I plead that not only in the case of the nominated Chairman, but also in the case of the elected Chairman, this power should be there. Because, if the Council is not given the power to remove the Chairman, there is a danger that the Chairman may tend to neglect majority will of the Councillors or he may become a yes-man of the Administrator and the corrupt officers or he may tend to develop an arrogant spirit or attitude towards

the Council Members. He will have nothing to fear from the Members of the Councils either for the retention of his office or for his other action. If this power is not given, this Bill would be obnoxious and at the same time most ridiculous and undemocratic. That is why I have proposed an amendment on these lines:

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after line 32, insert:

"(1A) An elected Chairman or Vice-Chairman may at any time be removed from his office by a resolution of the councillors carried in this behalf by the votes of not less than two-third of the total number of councillors holding office for the time being, at a meeting specially convened for the purpose and according to the procedure laid down by the Council:

Provided if the number of councillors who have given their votes in favour of such resolution is less than two-third of the total number of the holding councillors office for the time being but more than half the number of such councillors, the administrator may by order remove the Chairman or Vice-Chairman as the case may be, from his office."

Mr. Chairman: What I propose is this. If the Members intend to pursue the amendments they have tabled at the second reading, they need not read them now. They should rather make general observations on those amendments but not read them, nor go into details. In that case there will be no time. There are already 53 amendments on the Order Paper. So, we have to economise time.

Shri Dasaratha Deb: Yes, Sir. I will make general observations. This amendment is very simple, and in a democratic spirit. I hope the Home Minister will look into it.

There is another defect regarding the appointment of executive officer, because this Bill does not want to

[Shri Dasaratha Deb]

give the power to appoint executive officer of the council to the council itself. The chief executive officer must be responsible to the Council for his action and at the same time should be appointed by the Chairman of the Council or a person acting on his behalf for the time being. I do not understand why Government proposes that the chief executive officer should or must necessarily be appointed by the Administrator. It is a queer idea. I do not know what motives are behind it.

There is another point regarding the nominated members of the council. In his introductory speech, the hon. Home Minister said that this provision for nomination will not necessarily be generally followed, but cases where members of the Scheduled Castes or Scheduled Tribes are not elected on the basis of adult suffrage this may be considered. Why should not the Home Minister categorically state that as a provision in the Bill itself? If that is his desire, what he stated in the House should be incorporated as a provision in the Bill. In that case there will be no apprehension. Otherwise, it might happen that in spite of members from the Scheduled Castes or Scheduled Tribes being elected to the council, some other member may be taken in the council. What he said may apply to Tripura and Manipur, but in the case of Himachal Pradesh why should this nomination provision be there because it is already stated in the Bill itself that 12 seats have been reserved for Scheduled Castes? Where is the fear that the people from that community will not be or may not be elected? I do not understand this, I think this right of nomination should not be there, because if such a thing is there, it will help the ruling party to manipulate in this also.

Then I want to point out another serious defect. Of course, the Bill wants to give certain powers to the council regarding local affairs, but at the same time the council must

be given certain powers at least to recommend to the Central Government in matters which affect the interests of the people of the State like legislation on land reforms etc. That sort of recommendatory power must be given to the council so that it can bring such matters to the attention of Government. I think this is also absolutely necessary and must be incorporated in the Bill itself.

Regarding the finances of the council, I should say very meagre resources have been left to the council to raise its independent fund. In this Bill it is suggested that only ten per cent. of the land revenue should be given to the council, and besides this there are one or two small sources such as entertainment tax etc. The Home Minister is not unaware that Tripura and Manipur are very backward States, and the income from these sources will be small. I wanted to move an amendment, but there are certain technical difficulties as getting the sanction of the President etc. The Bill has been introduced so hurriedly, and I could not get time. However, I request the Home Minister to give them more resources. Otherwise, Government will be giving practically no room to the council to raise its funds independently. The council will have to depend for its work only on the grants of the Centre, and without any grants from the Centre it cannot work smoothly or effectively. Naturally one question arises in my mind. Is it the intention of the Central Government that the council should be at the mercy of the Government for its resources, like a bird of a holy place called *Tirth-Kuk* in Bengali, having no other resources? I think the council should not be left in that state. It must be given more resources.

Coming to the subjects that are essentially required to be transferred to the Territorial Council I have already suggested some improvements in the shape of several amendments

that I have tabled. So, I do not want to take much time of the House. My amendments are before the House and the Home Minister. They are simple and at the same time very desirable, and I hope the Home Minister will give his attention to them.

I request the Government at least to allocate sufficient money to these councils so that they can carry on developmentwork in the little sphere that has been allotted to them very smoothly and speedily. I hope the Home Minister will pay careful attention to my amendments in the second reading stage.

Shri Anandchand: I am grateful to the Home Minister for having given the present Parliament the opportunity of putting this Bill on the statute-book. He is a busy man and he has become busier still consequent to the reorganisation of States, but I am happy that even at the fag end of this session he has had time to bring this measure before us, although ten days ago we did not have any inkling and I for one was losing hope and thinking that probably he had forgotten the promise made in this House in September last that he would try his utmost to put the Bill through this session. But he is a man of his word and he has truly reacted in that manner and I am happy the measure is now before us.

This Bill cannot fulfil the democratic aspirations of the people of the Territories to the same extent as the other Governments functioning in the States of India with their legislatures and so on fulfil. That limitation is inherent in the very scheme of things. We have accepted States' reorganisation. We have made States in India and certain portions we have delegated to the status of Union Territories, and the basic fundamental governing these Union Territories is that Parliament itself is to be their legislature and they cannot have legislatures or popular Ministries as we call them. But there was no reason why, short of that legislature, some provisions could

not be made for associating the people of these Union Territories with the day-to-day administration. So, this Bill is a welcome measure, and is a welcome step in that direction, and will, I hope, fulfil those aspirations, though, as I have stated at the very beginning, it will fall short of their aspiration, especially in my area of Himachal Pradesh wherein an Assembly has functioned, where a Part C State has functioned with a legislature and a Council of Ministers for the last four and a half years.

But, we accept the proposition. We know that it is a temporary phase. We are also aware that the Union Territories are there only for the time being, and that in the new concept of India that is emerging...

Shri L. Jogeshwar Singh (Inner Manipur): How do you say that?

Shri Anandchand: These areas will have to be tagged on to the States. I have no doubt about it, in spite of my hon. friend's remonstrations, that India is going to have a system of administration....

Shri L. Jogeshwar Singh: Himachal Pradesh will go to Punjab.

Shri Anandchand:...which is uniform throughout the country, which gives the people the opportunity to rise to their full stature in their individual areas, which gives them the right to become Chief Ministers and other Ministers, to legislate for the areas from which they come, and so on. Therefore, I look upon this measure as a stop-gap arrangement, and I shall now try to put before the House my own views about things as they are in this Bill.

One thing which I particularly welcome is the non-inclusion of anything like non-official advisers in the administration. It is an obnoxious thing, and it is wrong to have non-official advisers attached to the administrator. At the time when the Home Minister made his statement in September last, he was not quite clear in his mind whether the administrator appointed by the Centre

[Shri Anandchand]

could not be assisted in the day-to-day administration by some sort of non-official advisers. I am glad that in the scheme of this Bill, they are out. I also hope and trust that the anomalies that are now being continued in the Territories of Manipur and Tripura in the form of these non-official advisers will speedily come to an end. They have now been given the powers, or I should say, the privilege, of standing up as Members of Parliament. We passed the Bill only the other day removing any disqualifications that might be there. Although I did not think there was any disqualification attached to their office, yet, to make it certain, the Representation of the People (Miscellaneous Provisions) Bill has made it clear that they can stand. I trust they will go to the people, seek a vote of confidence, if they are worth the name, and come to this House as the representative of the people, but there would be no question now of association of non-official elements in sharing the administration of a Union Territory with the administrator, when we are already making a three-tier government as conceded or as conceived in the Bill.

The three tiers are the local-government, the local self-Government, as I may call it, the State Government and the Union Government. The functions of the Union Government for these Union Territories are now going to be discharged by Parliament here. So far as the functions of the State Government are concerned, they are going to be discharged by the administrator in consultation and close collaboration with the Members of Parliament who have already been constituted into advisory committees for these areas. As for the local functions up to the stage of the Territorial Councils, there will be the panchayats at the very bottom, and over them the Territorial Councils are going to be relegated to the sphere of the Union Territories. So, to my mind, the picture is complete, and I hope there

will be no effort on the part of interested people or vested interests to again try to open up this avenue of non-official advisers with all its shortcomings and with all the bickerings that it brings.

With your permission, I would like to say a few words about the scheme of the Bill, as I see it. I think it can roughly be divided into five parts, firstly, the constitution of the Territorial Councils, secondly, their powers and functions, thirdly, their procedure and staff, fourthly, their functions, and fifthly, their control. I would like to say a few words on each of these.

Regarding the constitution of the Territorial Council, the Bill makes a provision of 40 members for Himachal Pradesh and 30 for each of the Union Territories of Manipur and Tripura. The Home Minister was pleased to say just now that he proposes to raise the strength in the case of Himachal Pradesh to 41. I have no objection to the raising of the strength, but I want to bring to his notice one fact which, perhaps, has been overlooked, and that is, that in Himachal Pradesh, the seats reported to be reserved for the Scheduled Castes are 12, and those for the others will be 28. In other words, if we have 41 seats, one extra-constituency would have to be made. But I think there is a little mistake in that.

At the present moment, in Himachal Pradesh, we have 32 constituencies and 41 members. In 32 constituencies, we have 32 general seats, and there are only 9 Scheduled Castes seats. The basis is that, according to the President's Order of 1951, the Himachal Pradesh Scheduled Castes population was estimated at 2,37,000. Under the provisions of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, which Parliament passed only in the last session, this population was increased from 2,37,000 to 3,20,000. Therefore, this provision of 12 seats is all right, because it conforms now to the ratio of the Scheduled Castes population of 3,20,000 to the

total population of 11,09,000. But, to have 12 seats, we shall have to rearrange a number of constituencies, if the total number is 41. Therefore, it would not be quite correct to say that if we raise the number to 41, we may make them on the old pattern. I believe some kind of a delimitation of the constituencies will be necessary. Therefore, what I was going to urge was that rather than have an odd number of 41, the number might be increased to 42, and some constituencies would have to be rearranged for the very reason that I have put before the House. While the clauses are discussed, I hope the Minister would take this fact into consideration.

Mr. Chairman: The Minister said that at present, there are 41 members.

Shri Anandchand: But the number of Scheduled Castes members is only 9 at the present moment.

Mr. Chairman: That does not matter. It means that the number of reserved seats being more, more constituencies are tagged together. But delimitation may not be necessary for an individual constituency.

Shri Anandchand: That is for double-member constituencies. Single-member constituencies cannot be joined together for returning a double-member seat. So, some delimitation of these existing constituencies into double-member constituencies will be necessary. That is what I would like to submit.

I do not want to say anything about the principles, so far as the nominated members are concerned. My hon. friend from Tripura was very vehement that there is a scheme or there is a card up the sleeve of the Home Minister to introduce some kind of undesirable element or Government supporters into the Council and that probably, if it was justified in the case of Manipur and Tripura, there was no justification in Himachal Pradesh. I do not subscribe to that view.

In Himachal Pradesh, beside the Scheduled Castes population, we have a large tribal population of about 30,000. In the amendment which I would be moving later on, I have tried to suggest that some of these members, if they are to be nominated at all,—of course, I do not stand for the non-official elements, if they are not there, so much the better, but if they are to be there—may be from among the Scheduled Tribes. My suggestion is that at least a couple of seats in the case of Himachal Pradesh might be given to the Scheduled Tribes who are a very backward people and who would otherwise remain unrepresented. The Minister himself has gone and seen some of them in Champa. So, I shall not repeat it. But that is my suggestion about this matter.

About the functions and powers of the Territorial Councils, it is a comprehensive list. Of course, more items could easily be added; there are innumerable items, but I have been looking through the Bombay Municipal Corporation Act, and also the Punjab District Boards Act, and I find that the powers are no whit less than they have in these two areas; they are a little more in certain directions, as the Minister pointed out.

There is, however, one exception which I would like to put before the House, and that is about agriculture. In these functions, there are items like agricultural fairs, irrigation for purposes of agriculture and so on, but agriculture itself, the improvement of agriculture, the problems of agricultural farms and so on are not there; at least, I have not been able to find them in the functions and powers of the Council. I would request that these three items also may be added.

Pandit Thakur Das Bhargava (Gurgaon): Item XVIII reads:

“fairs and agricultural and industrial exhibitions and the establishment and maintenance of model farms;”

So, model farms are there.

Shri Anandchand: Model farms are there, but not the Agriculture Department, as we understand it. That was what I had in mind, not only farms, but the Agriculture Department as a whole.

The three areas for which these Councils are going to be constituted are agricultural. I have not much idea of Manipur and Tripura. But, so far as Himachal Pradesh is concerned, more than 90 per cent. of the area depends on agriculture. I think it would be a welcome addition, if certain more powers to these Councils were given in the field of agriculture.

Then I will come to the Chief Executive Officer or what I have termed first as "The Procedure and the Staff". Now, my hon. friend was rather critical of the Chief Executive Officer, and he was also of the view that the Chief Executive Officer must be a member of the Council itself. I do not subscribe to that view for two reasons. One is that the Chief Executive Officer is a person who has to carry out the directions as well as the decisions of the Council. He must necessarily be a functionary and an employee; he cannot be a member.

Then so far as the other point was concerned, about control, I agree that at the present moment, the Bill, as it is worded, gives a $\frac{2}{3}$ majority or asks for a $\frac{3}{4}$ majority of the total members of the Council before the Chief Executive Officer can be removed. I think that is too harsh a provision. Perhaps we have overstated the limit which is required, for two reasons. One is that under the Constitution—let us take article 61 of the Constitution—even our highest dignitary, the President of India, can be impeached by either House by a $\frac{2}{3}$ rd majority and removed from office. I do not think the Chief Executive Officer can be a functionary or dignitary higher than he. But that is a very minor question.

The other point that I wanted to make was that we should not give to

these Chief Executive Officers a certain amount of continuity of tenure, unlimited tenure, by which vested interests are created. Therefore, what I would suggest is that in this matter, if the hon. Home Minister agrees—I have also tabled an amendment to this clause—the Chief Executive Officer may be appointed, as he is appointed in the Bombay Municipal Corporation, for a renewable period of three years. That renewable period gives an opportunity to the people who are dealing with him to decide, without bringing in a formal resolution for his dismissal, which looks very awkward, I believe, to the Administrator or the Government of India, on the ground that the person has not been able to discharge his functions quite correctly, that the renewal may not be granted after three years. That, I would suggest, is one method to cope with the criticism that a man who is there for all time and who thinks he is irremovable, except by a $\frac{3}{4}$ th majority—which will be very difficult to obtain—cannot be removed; that, I think, would be a better method of seeing that he does not transgress the limits of propriety, and the Council is also given an opportunity every three years to voice its views about the Chief Executive Officer before he is reappointed to the post.

Regarding finance, I have only two points to make. One is that finance naturally is the backbone of any Corporation, Territorial Council or anything that we can construct. And as I see, according to the memorandum which the hon. Minister has appended to the Bill, the idea is....

Mr. Chairman: The hon. Member's time is up.

Shri Anandchand: I will finish in four or five minutes.

Mr. Chairman: There are other Members also who want to speak.

Shri Anandchand: Then I will finish in two minutes.

About this financial provision, what I was going to say was this, that at the present level of revenue, they say, Rs. 11 lakhs for Himachal Pradesh, Rs. 5 lakhs for Manipur and a few lakhs for Tripura. I am not going into the financial position of those States. But in Himachal Pradesh, I know that primary and secondary education cost Rs. 50 lakhs in the budget for 1955-56. This amount of Rs. 50 lakhs was being spent in that area or in my area for primary and secondary education. Then there are other expenses on agriculture, on farm and on various matters, public health and so on, which are going to be entrusted to the Council.

So my submission is that more financial powers so far as the taxation field is concerned may be given; if it is not taxation, then the giving away of the net proceeds of several items which I will suggest in due course may be considered to fill up the financial gap.

Lastly, I would say as regards control that the Territorial Councils are a new experiment. We have had a legislature in Himachal Pradesh. That was functioning in a different manner. So far as Himachal Pradesh also is concerned, it is a new experiment. Therefore, mistakes may be committed. So what I submit is that in this control, there is a provision for the supersession of these Councils. Of course, in every Act which Government makes, if the people who are elected do not behave properly, if they do not discharge their functions properly, supersession is there. But what I wanted to request this hon. House and to suggest to the hon. Minister was that so far as supersession was concerned, the clause might be rewarded so nicely or rewarded so properly that no supersession of these Councils was effected without giving them due and reasonable opportunity to explain their position or to explain their conduct on which this extreme

action was proposed to be taken on them.

These are all the observations I want to make on this Bill. I am sure it will come as a great fillip to local self-government in these areas, although it falls short of the aspirations, as I have already said.

Shri Rishang Keishing (Outer Manipur—Reserved—Sch. Tribes): I congratulate the hon. Minister on bringing forward this Bill in the current session of Parliament. But as far as the provisions of the Bill are concerned, I am rather disappointed. I think the people of Manipur and other Union Territories also will feel the same.

It is quite natural that the people of the Union Territories are disappointed with this Bill, because for the attainment of freedom they had sacrificed as much as the people of any other part of the country. Take the case of Manipur. We have had in defence of the freedom of this country such patriots as Bir Tikendrajit, Powna, Thangal and so many others who sacrificed their lives. About 30 years back, Rani Guidelo came forward with her brother and people and fought the Britishers. Again in 1939, thousands of women from Manipur came forward to fight the Britishers for the sake of the freedom of the country.

In spite of all these efforts of theirs for the liberation of the country, this is how the Government of India have treated them. After the attainment of independence, these parts of the country were constituted into Part C States. The people were denied all the democratic rights. So they began to feel that they have been treated as *shudras* among the citizens of the country. This wrong was committed on the people. Gross injustice was done to them. The hill people and plains people of Manipur, in 1954, in order to correct these wrongs, launched a peaceful and non-violent *satyagraha*. Hundreds of people faced

[Shri Rishang Keishing]

bullets and imprisonment. They have been patiently waiting with high hopes and expectations about this Bill. Now the Bill that is before us shows that its provisions can never fulfil the aspirations of the people for full-fledged assembly.

Coming to the Bill itself, I am not optimistic about the successful and smooth working of the Council. There is too much interference from the Centre, and from the Administrator. The powers given to the Council are so limited that they won't be able to do anything in order to satisfy and fulfil the aspirations of the people. The Bill envisages that the Central Government are to nominate four persons. So far in Manipur, the tribal people have had separate seats for Council as well as for Parliament. There is no need for any reservation, and I do not understand why the Central Government wish to nominate four other persons, besides the 30 members selected on adult suffrage. The Home Minister has given an explanation about it, but I am not satisfied with it. I know what nomination is and people know it too. Nomination always means putting their own men, their own yes-men. That will simply strengthen the grip of the ruling party; I do not mean the Congress Party only, but whoever rules.

So, the word nomination should be altogether dropped. Nominated members will not be sitting there without getting anything. They will claim the same rights as the other elected members are having or enjoying. So, they will have to be paid some remuneration or something of that sort. I feel that this is not only undemocratic but also a waste of public money. Therefore, that provision should be altogether dropped. We do not require any reservation for any section of the people as there is sufficient reservation already there.

The Central Government can nominate a Chairman of the Council, as

provided in this Bill. This is something which we cannot think of. There are, for example, in Manipur 30 elected members, each of whom represent 10,000 people. They have been elected by the people and are sitting in the Council, and now to preside over the meeting of the elected members you want to put somebody who does not represent anybody in the State. That is also quite undemocratic. There should not be any such provision in the Bill.

On the first day of the meeting of the Council, the Administrator can preside, and then a Chairman who will command the confidence of the majority of the elected members of the Council can be elected. That is a very simple thing. Therefore, I am opposed to the provision as given in this Bill that a Chairman may be nominated by the Central Government. That provision should be deleted.

There is also interference, as I said, from the Chief Administrator. Every time the Administrator attends any such meeting, he shall preside over the meeting—that is what is stated here. I have no objection to the Administrator attending the meeting of the Council, and addressing the Council occasionally, but to say that the Administrator often comes and whenever the Administrator comes, the Chairman elected by the representatives of the people should vacate and go somewhere else, allowing the Administrator to sit there, is something funny. The hon. Minister should also look into this and delete that portion of the Bill, because, as I said, the man who does not represent anybody, the man who is deputed from here going and dislodging the Chairman elected by the people is something which the people will resent. Not only the elected members but the people as a whole will resent such action, and, therefore, that portion must be removed from the Bill.

The Council also must be given power to remove the Chairman. I feel that there must be a provision by means of which the Council can remove the Chairman when he does not command the confidence of the Council.

Even for the removal of the Chief Executive Officer you have given the voting strength figure as three-fourths. That is too high, and it should be only two-thirds.

I also feel that the appointment of the Chief Executive Officer should not be made by the Administrator but by the Council. He is the most responsible officer and he should be appointed by the Council and his removal can be effected by the Council.

The principal officers are to be appointed by the Council, but the Chief Executive Officer by the Administrator. I do not know why this division is there. The whole of the appointments, that is, of the Chief Executive Officer and the principal officers, must be made by the Council and not by the Administrator, and the Council should have the full power to remove these officers.

Again, coming to the financial aspect of the Bill, 10 per cent. of the net revenue has been given to the Territorial Council, and the result is that Manipur will get about Rs. 5 lakhs. With this amount of Rs. 5 lakhs I do not know what they will do. Even for the construction of a bridge, it requires Rs. 5 lakhs or more in Manipur and in some of the hilly areas. You have kept only Rs. 5 lakhs at the disposal of the Council. They will not be able to do anything with that amount. Therefore, I request that more money should be allotted, more funds should be kept at the disposal of the Council because, the progress, development and smooth working of the Council largely depends upon the financial position. Therefore, I request that the hon. Minister

may give more resources and provide more funds to the Council.

Shri Tek Chand (Ambala-Simla): After having examined the various provisions of the Bill and after having endeavoured to probe into the spirit and the principle underlying this measure, I can only lend it a qualified support. It has no doubt certain good features. It has endeavoured to supply a void that had been created in consequence of the creation of the union territories and yet that void is not sufficient to satisfy all the democratic urges of the people. It is a sort of *via media* which leaves a person's appetite only half satisfied. Though this Bill deprives the members of the Territorial Council of all legislative powers, in effect it provides, in a new manner, legislation by resolution.

When we turn to the subject which are within the control and administration of the Territorial Council as provided by clause 28, they are so vast, so multifarious, so varied that I have my doubts as to the effectiveness of the Council to undertake full and satisfactory control and to administer it with any efficiency. I know that this measure is patterned and modelled upon Corporation Acts in various Presidency towns. It is very much analogous to them. But the framers of this Bill seem to have missed one point, and if I may say so, that point intimately relates to Himachal Pradesh. No doubt in the matter of population, 11½ lakhs may be just a little more than half the population of the town of Delhi. Nevertheless, one fact must not be lost sight of. Himachal Pradesh has got a vast territory extending to 10,000 square miles. Will it be within the beat, will it be within the reach and effective control of this Territorial Council, especially when the terrain is mountainous, difficult of negotiation? As the modes of communication are few and far between, I do not know whether this huge administration and control should be entrusted to a Council-like that.

[Shri Tek Chand]

If you turn to the subjects which fall within the jurisdiction of these Councils, you will find that there are subjects like the construction and maintenance of rope-ways, tramways and other means of transport with the previous sanction of the Central Government. I am glad in a way that the subject of rope-ways about which I must have been advocating for the last many years has at least found its place on paper. These aerial rope-ways and other similar means are very much needed in mountainous areas. But my fears are that it may not be within the intellectual or expert competence of these Councils; they may not be able to initiate this novel and new scientific mode of transportation. Then again, I notice that a vast subject like the reclamation of soil and the preservation of forest, improvement of livestock, etc. is entrusted to this Council. It requires the expert personnel of the Centre to undertake these vast and varied undertakings. It will not be within the effective purview of the Council.

As pointed out by Shri Anandchand, my distinguished neighbour, regarding agriculture, no power is being given to the Council. It might have been well within its competence. It is not sufficient that they may be able to control the fairs and agricultural and industrial exhibitions or the few scattered model farms in the territory. It will not serve the purpose. With respect to agriculture, they should be able to educate the common man extensively and that is a subject which ought to have been entrusted to this Council. Not only agriculture to which Shri Anandchand confined his remarks but also orchards should have been included.

In Himachal Pradesh, there are good fruit orchards. There is plentiful scope for multiplying such orchards. That is a subject which can well be left to this Coun-

cil and I have no doubt that it will discharge its functions effectively.

Regarding clause 53—power to supersede Territorial Council—I feel that the language is all embracing, if not unjust altogether. The existence, continuance or supersession of this Council is dependent upon the subjective satisfaction of the Central Government and the Central Government must necessarily function through its Administrator. It is for him to express his dissatisfaction or disapproval of some of the measures and the Council stands superseded. I feel that the principle of *audi alteram partem* ought to have been incorporated in some form or the other in this Council. An opportunity should be given to the defaulting members of this Council to show cause why the Council should not be superseded. A provision to that effect ought to be incorporated because it may very well be said that supersession may be the result or consequence of some tug-of-war or some power politics as between the Administrator on the one side and the Council on the other.

Regarding the seamy side of the Bill, the unsatisfied side of the legislative hunger of the people, I feel that it would have been a lot better so far as Himachal Pradesh is concerned if it had been joined with Punjab and made into a third region. In Punjab today, in which PEPSU has merged, the population does not exceed a crore and sixty lakhs. If the population of eleven lakhs is added from Himachal Pradesh, the total population will not exceed two crores. It would have been in the fitness of things if Himachal Pradesh had been added to Punjab and the wishes and the aspirations of the people of Himachal Pradesh had been guaranteed by giving them a third region. Call it the Hill Region, if you like. We have already got two regions—the Punjabi Region and the Hindi Region. We may as well have a Hill Region. That would have met

and satisfied their legislative aspirations and democratic desires They would have been at par with the other citizens in this country.

I may bring it to the notice of the hon. Minister and the hon. Members present that only recently there was a labour conference at Simla. They demanded a third region for Himachal Pradesh in Punjab. Again a large number of members of the legislative assembly—erstwhile legislative assembly, I should say—of Himachal Pradesh, very prominent public workers and members of the District Congress Committees are anxious and have expressed their desire to the Central Government that there should be a third region created so that the people of Himachal Pradesh may join their kith and kin in the bigger Punjab and share in the enjoyment of the democratic rights coupled with the preservation and protection of their special interests so that this backward area may have full scope for development and expansion without being spoon-fed, if I may say so, by the niggardly measures as adumbrated in this Bill. With these remarks, I lend my qualified support to this Bill.

पंडित ठाकुर दास भार्गव : यह बिल इस हाउस में सेशन के आखीर में ऐसे वक्त आया है जब हाउस की पूरी तबज्जह इस बिल की तरफ नहीं दी जा सकती है। जब हम यह देखते हैं कि हमने जो कांस्टिट्यूशन बनाया उसमें कई वर्ष लगे और उसके हर एक लफज पर बहस हुई उस वक्त यह भी देखते हैं कि यूनिनयन टेरिटरीज की कौंसिलों का बिल दो या तीन घंटों में खत्म हो जाएगा। जिस वक्त प्रायदस या पंद्रह मिनट बाद घंटी बजाते हैं तब इस बिल के अन्दर इतने सबजेक्ट्स होते हुए भी जिन पर बोलने के लिए काफी वक्त चाहिए, मेम्बर बैठ जाते हैं, मैं भी बैठ जाऊंगा, क्योंकि यह कायदा बन गया है, लेकिन मैं डी नहीं, हाउस महसूस करता है कि यह यूनिनयन टेरिटरीज के लोगों के साथ बड़ी सख्त ज्यादाती है कि न यह बिल सेलेक्ट कमेटी में गया है न

इसके ऊपर काफी वक्त दिया गया है। जैसे हम महीनों तक हर एक बिल को पढ़ते हैं, हर एक मेम्बर के हाथ में पहले से वह बिल रहते हैं, वह मौका इस बिल के अन्दर नहीं मिला। जो मेम्बर ऐसे एरियाज से आते हैं उनको पूरा मौका नहीं मिला कि वह अपनी राय दे सकें, न दूसरों को ही मिल सका

श्री टेक चन्द : वह तो मौजूद ही नहीं है।

पंडित ठाकुर दास भार्गव : मुझे सरल भाषणों में कि यह बिल इस तरह से इस हाउस में रखा किया जा रहा है और लाखों भादमियों की किस्मत का फैसला इस के अन्दर किया जा रहा है, और वह भी इस तरीके से किया जा रहा है जो हाजिज किमी को पसन्द नहीं आ सकता।

इसके अलावा इस बिल के अन्दर हम बहुत अगड़ा देखते हैं। शुरू में जो हमारा खदशा था, जिसका हमने शुरू में ही कहा था जब कि स्टेट्स का रिफॉर्गनाइजेशन किया जा रहा था जब कि हम कांस्टिट्यूशन को तबदील कर रहे थे कि कांस्टिट्यूशन का इस तरीके पर दुस्त करना ठीक नहीं है, वह ठीक निकला।

मैं हिन्दुस्तान के लोगों में चाहे वे किसी हिस्से में रहें, यूनिनयन टेरिटरीज में रहें प्रथम। कहीं और रहें, मैं कोई फर्क नहीं देखता। मैं चाहता हूँ कि कांस्टिट्यूशन में जो फंडामेंटल राइट्स दिये हुए हैं वे भारतवर्ष के हर एक रहने वाले के लिए एक से हों लेकिन मैं देखता हूँ कि जो पावमें यूनिनयन टेरिटरीज को दी गई हैं वे इतनी थोड़ी हैं कि मुझे सन् १९१९ का जमाना याद आ जाता है जब कि भारतवर्ष पर अंग्रेजी हुकूमत का राज्य था और उसने सारे देश में रिफॉर्म नाफिज किये थे और एक हिस्सा ट्रांसफर रक्खा और एक रिजर्व रक्खा, उन्हीं लाइन्स पर मैं समझता हूँ कि यह बिल ट्रापट किया गया है, कारपोरेशन ऐक्ट के अन्दर कारपोरेशन के मुतास्तिक जो कानून हैं और जो पुराने हमारे रिफॉर्म

[पंडित ठाकुर दास भार्गव]

हैं उनको मिला जुला कर एक चीज हमारे सामने पेश की गई है। मुझे वह दिन याद है जब पार्टी सी० स्टेट्स के मूतालिक एक बिल पार्लियामेंट के सामने आया था, पार्लियामेंट की एक कमेटी द्वारा उस पर और होकर हाउस के अन्दर आया था उस वक्त हमारे मरहूम मिनिस्टर श्री गोपाल स्वामी अग्र्यंगार के सामने यह अर्ज किया गया था कि उनके प्रपोज्ड सेजिस्लेशन में यूनियन टैरिटरियल को बहुत थोड़ी पावर्स दी गई है और उन्होंने उसमें थोड़ी तबदीली करके पार्टी सी० स्टेट्स को कुछ ज्यादा पावर्स दीं। उसी तरीके से मैं चाहता था कि अगर हमारे होम मिनिस्टर साहब या डिप्टी होम मिनिस्टर साहब मेम्बरान के साथ बैठ करके इस बिल को देखते और उनकी स्वाहिशात का पूरा जायजा लेते तो मुमकिन था कि इसके अन्दर कोई तबदीली आती लेकिन अफसोस यह है कि इस वक्त इसका मौका नहीं है और हम बहुत जल्दी से इस तरह से चल रहे हैं जैसे बगैर ब्रेक के कोई इंजन चलता हो और मैं नहीं जानता कि इस हड़बड़ी में मैं इस बिल की किस किस चीज की तरफ तबज्जह दिलाऊँ।

बहरहाल, इतना कहने के बाद अब मैं धाषकी इजाजत से चन्द एक बातों की तरफ तबज्जह दिलाना चाहता हूँ। हिमाचल प्रदेश के बारे में मुझे यह कहना है कि जहाँ साढ़े चार बर्ष तक पापुलर मिनिस्ट्री रही और उनके पास एक सेजिस्लेटिव काउंसिल रही वहाँ न तो अब उनके पास मिनिस्ट्री है और न सेजिस्लेटिव काउंसिल ही है और उनकी हालत ठीक वैसी ही आज हो रही है जैसे कोई आदमी पहले बड़ी अच्छी हालत में रहे और बाद में वह पीपर हो जाय। उनके हकूक छीने जा रहे हैं और उनकी हकतलफ़ी हो रही है।

श्री होम राज (कांगड़ा) : आप तो चाहते थे कि हिमाचल प्रदेश पंजाब के साथ मिलाया जाय ?

पंडित ठाकुर दास भार्गव : मेरे चाहने का सवाल नहीं है, मैं जो राय जाहिर कर

रहा हूँ वह मेरी खास जाती राय का सवाल नहीं है, मैं इस वक्त एक रिजिजेंटिव की हालत में बोल रहा हूँ। जैसा कि मेरे दोस्त श्री टेक चन्द ने कहा मैं भी वही चाहता हूँ और उसके मूतालिक मेरे दिल में कोई भी शुबहा नहीं है कि सही फ़ैसला वही था अगर हिमाचल प्रदेश को पंजाब के साथ मिला दिया जाता और उसका तीसरा रीजन बनाया जाता लेकिन मैं यह नहीं चाहता था कि यूनियन गवर्नमेंट हिमाचल प्रदेश को फ़ाइन इयर प्लान में जो रुपया देना चाहती थी, उससे वह महरूम हो जाय। मैं खुद इस बात का स्वाहा हूँ कि हिमाचल प्रदेश के इवलपमेंट के वास्ते जो गवर्नमेंट काफी रुपया देना चाहती थी वह उसको मिले और हिमाचल प्रदेश के इवलपमेंट के वास्ते खर्च करे और मनिपुर और त्रिपुरा जो कि बहुत बैकवर्ड हैं, वे ऐसी जगह लाया जाय जहाँ कि उनकी वही एकवॉल्टेड प्रोजीशन हो जो बाकी सारे देश की है। मैंने इसी गरज से प्रैक्टिकल प्राविजन रखना पसन्द किया कि पांच वर्ष के बाद ही हिमाचल प्रदेश पंजाब के साथ मिलाया जाय। आज वह भले ही पंजाब के साथ न हो और अलग हो लेकिन मैं अशक से अर्ज करना चाहता हूँ कि प्लैटिमेंट चीज यही है कि जितनी घाउटलाइंग स्टेट्स हैं, वे आहिस्ता आहिस्ता पास की स्टेस में शामिल होंगी और यही एक सही रास्ता है जो अपनाया जाना चाहिए ताकि उनके भी वही राइटस हों जो कि दूसरे देशवासियों के हैं और मैं अर्ज करता हूँ कि होम मिनिस्टर साहब भी इसके ऊपर और फरमायेंगे।

अब मैं कुछ एक बिल के प्राविजंस की तरफ तबज्जह दिलाना चाहता हूँ। सबसे पहले मैं इस बिल के क्लॉज ६० "पावर टु कम्पाउंड अफ़ेसंस" की तरफ दिलाना चाहता हूँ जिसक कि अन्दर यह दर्ज है :

"subject to the rules made by the Council for the purpose, except from any person against whom a reasonable suspicion exists, that he has committed an offence under the Act."

मेरी भ्रदब से गुजारिष यह है कि जब कभी कम्पाउंडिंग होती है तो बह दो सूरतों में होती है। जब आप की यकीन हो कि एक शख्स ने जुर्म किया है तो उसके साथ तो हम कम्पाउंड कर सकते हैं लेकिन किसी की बाबत यह खयाल नहीं है कि उसने जुर्म किया है तो उसमें आप ऐसा क्यों रखते हैं

"Except from any person against whom a reasonable suspicion exists" that he has committed an offence under the Act".

मेरी भ्रदब से गुजारिष यह है कि जब तक आपको यकीन न हो कि एक शख्स ने जुर्म किया है और जब तक वह खुद न मानता हो कि मैंने जुर्म किया है, आप कम्पाउंड किस बात का करेंगे और यह सिलसला कम्पाउंडिंग का ब्लैकमेल की नीबत तक पहुंच जाएगा और अपना छुटकारा हासिल करने के लिए बेगुनाह भी आपको पैसा देंगे। मेरे स्थाल में जहां तक क्रिमिनल प्रोसीज्योर कोड का सवाल है वहां रीजनेबुल ससपिशन पर कि किसी शख्स ने जुर्म किया है, उसके साथ कम्पाउंडिंग नहीं हो सकता और ऐसी हालत में इसके भ्रन्ट इन्जस्टिस हो जाना मुमकिन है या ऐसा रुपया आ जाय जिस रुपये को कि गवर्नमेंट लेना नहीं चाहती, मेरी समझ में यह नहीं आया कि रीजनेबुल ससपिशन के ऊपर कैसे कम्पाउंड हो सकता है।

इसके अलावा जब मैं दफा २८ में फंक्शंस ऑफ़ टैरिटोरियल कौंसिल्स को देखता हूं और उस लिस्ट को देखता हूं जो उसमें दी हुई है तो मैं पाता हूं कि श्री आनन्द चंद ने जो शिकायत की है कि इसके मातहत पूरा एग््रीकल्चर नहीं आया है उनकी शिकायत बजा है और एग््रीकल्चर का मुहकमा इन टैरिटोरियल कौंसिल्स के मातहत आना चाहिए, मेरी खुद की भी यही राय है कि

एग््रीकल्चर सारा का सारा इन कौंसिलों को दिया जाना चाहिए और मीडेल फार्म्स और इंडस्ट्रियल एग्जिबिशन का प्राविजन करना ही काफ़ी नहीं होना चाहिए। जहां तक इंडस्ट्रीज का सवाल है, इंडस्ट्रीज भी और प्लानिंग भी एग््रीकल्चर के साथ साथ कम्पलीटली इन कौंसिलों को दी जानी चाहिये थी। यह तीनों चीजें इन कौंसिलों को पूरे दौर पर दी जानी चाहिए थीं।

अभी श्री टेक चन्द ने एक क्रिटिसिज्म किया है कि यह कौंसिलें शायद इस क्राबिल नहीं हैं कि इंटेलिक्चुएली या एफ़ैक्टिवली बिना सेंटर की मदद पाये उन चीजों को पूरा कर सकें, मेरा कहना है कि कितनी ही हमारी ऐसी स्टेट्स हैं जो इन चीजों को पूरा नहीं कर सकती, सेंटर की इमदाद हर एक स्टेट को हासिल है और इन इलाकों को मदद देना खास स्टेट का फ़र्ज है।

इसके अलावा मुझे इसके चेअरमैन के बारे में यह कहना है कि यह उसी तरह रक्खा गया है जैसे सन् १९१९ में जब शुरू में असेम्बलियां बनी थीं तो उनका चेअरमैन तीन साल के वास्ते नामिनेट होता था और उसी बिना पर यहां पर भी चेअरमैन का तीन साल के वास्ते नामिनेशन किया गया है। मेरी भ्रदब से गुजारिष है कि मैं चेअरमैन को नामिनेटेड के बदले एलेक्टेड चाहता हूं और उसको शुरू से एलेक्टेड होना चाहिए था। जहां इस बात की शिकायत की गई है कि ला एंड ब्राडर वगैरह वगैरह चीजें उनके सुपुर्द नहीं की गई हैं, मैं उन लोगों के ऐसपिरेशंस का स्वागत करते हुए यह कहूंगा कि मुनासिब होता अगर शुरू से ही हम चेअरमैन भी उनको एलेक्टेड दे देते। साथ ही इसमें जो तीन चौथाई मेजारिटी का प्राविजन रक्खा गया है उसको हटा कर कांस्टीट्यूशन में जो दो तिहाई मेजारिटी का प्राविजन है उसको रखते तो नामुनासिब नहीं था। जब से इस देश में मांटिंग चेम्सफोर्ड

[पंडित ठाकुर दास भार्गव]

रिफार्म्स आये तो "प्रोप्रेसिव रिप्लाइजेशन" का असूल पुरानी सरकार ने सामने रक्खा था। मैं समझता हूँ कि इस बिल में भी यह ग्राहडिया इसके अन्दर है और ट्रान्सफरेंड और रिजर्वेड सबजेक्ट्स हैं। जो पहले की विदेशी गवर्नमेंट थी वह इसको और तरीक़े से देखती थी लेकिन हमारी अपनी गवर्नमेंट यकीनन इन इलाकों के लोगों पर ज्यादा भरोसा कर सकती है और उनसे ज्यादा पावर्स दे सकती थी। मैं समझता हूँ कि इसमें कुछ नहीं बिगड़ेगा अगर वह डिमांड मान ली जाय कि दो तिहाई मैजोरिटी के साथ वह चेअरमैन हटाया जा सकता है और चेअरमैन शुरू से एलेक्टेड हो।

जब मैं इसकी फ़ाइनेंशियल पायर्न को देखता हूँ तो पाता हूँ कि इसमें उसका काफ़ी पावर्स आफ टैक्सेशन दी हुई हैं। टैक्स बगाने की भी पावर है और उसको खर्च करने की भी पावर हासिल है। फ़ाइनेंशियल मेमोरेंडम में जो इन स्टेट्स की आमदनी का बोझा सा जिक्र किया गया है जैसे ११ लाख हिमाचल प्रदेश को, ५ लाख मनिपुर को और ढाई लाख त्रिपुरा को, मेरी नाकिल राय में यह हमदाद काफ़ी नहीं है। अलबत्ता इसके आगे का जो फ़ाइनेंशियल मेमोरेंडम में फ़िकर दिया हुआ है वह इसमें जान डालता है।

"In addition, clause 37 provides that the Central Government may make such grants to the Councils as it may think fit."

मेरी गुज़ारिश यह है कि यह तलाज रिप्ली एक्टिव है क्योंकि जो माली हमदाद आपने प्रोवाइड की है वह बहुत थोड़ी है और उससे उनका कोई काम नहीं चल सकेगा।

इसके अलावा यह जो सुपरसेशन कंट्रोल के बारे में मेरे दोस्तों ने अपना अर्थोप्राप्ति किया है कि सुपरसेशन का प्राविजन सेक्शन ५३ में इस तरह पर लिखा हुआ है जिससे कि

यह आसानी से हो सकता है तो मेरी गुज़ारिश यह है कि अब भी हमारी गवर्नमेंट इस सुपरसेशन की चीज को बहुत कम सिर्फ एक्सेप्टानल सरकमस्टान्सेज में ही इस्तेमाल में लायेगी। कांस्टिट्यूशन की दफ़ा ३५५, ३५६ (एमरजेंसी प्राविजंस) में सेंट्रल गवर्नमेंट को यह अधिकार दिया गया है कि अगर कोई स्टेट गवर्नमेंट इन एक्सीटेंस विद दी प्राविजंस" (In accordance with the provisions न हो तो उस सूत्र में सेंट्रल गवर्नमेंट उसके अख्तियारात अपने हाथ में ले सकती है लेकिन मैं यह बख़ूबी जानता हूँ कि हमारे आनरेबल होम मिनिस्टर आखिरी आदमी होंगे जो कि इस सुपरसेशन पावर्स का इस्तेमाल करेंगे, लोगों को बिल्ना बजह ही इस तरह का डर हो गया है और अगर होम मिनिस्टर साहब इसका ऐम्प्योरेंस दे दें, तो उनके दिल से यह खौफ़ जाता रहेगा। दरअसल मैं न तो उनका ऐसा खयाल है और न ऐसा खयाल मुमकिन है उस शक़्स के दिल में जो इन कौंसिलों का बनाता है और जिनसे इतने पावर्स और चीजों में उन कौंसिलों को दी हैं और जिस तरीक़े से यह बिल बना है उसके अन्दर यह स्वाहिस कभी नहीं हो सकती है कि जब चाहे उसको स्वीट बिल पर सुपरसीड कर दिया जाय। इस तमाम बिल को देखने के बाद इसमें यह एक स्वाहिस मालूम होती है, एक गॉल्डेन थ्रूड इसमें जाता है और हालांकि आज पावर्स कम दी जा रही हैं लेकिन आखिर में मुझे कोई शक़ नहीं है कि यह चन्द एक पावर्स होते होते इस तरीक़े से डेवलप होंगी कि जिसके अन्दर बाक़ी हिन्दुस्तान में और इन युनियन टैरिटेरीज में किसी किसम की कोई तमीज नहीं रह जायगी। मियाय उस तमीज के जो कि कुल देश के हालात देखकर करना जरूरी हो। आप देखेंगे कि हिन्दुस्तान की हुकूमत इस तरह से की जा रही है कि सारे देश का भला हो गो कि मुल्क में मुस्लिफ़ हिस्सों में उन की जरूरतों के मुताबिक़ इन्तिजाम किया जाता है।

जो हमको इसके बारे में शिकायत है वह यह है कि इसमें काशन का बड़ा हिस्सा है। जो पहले पार्ट सी० एंड टी० थीं उनको इस बिल में कम पावर्स दी गयी हैं। ये पावर्स और एनलाज हो सकती हैं और हो सकता है कि आनरेबल होन मिनिस्टर साहब अगर आगे चल कर उनको बढ़ाना मुनासिब समझे तो बढ़ा भी सकते हैं। इन हिस्सों के लोग बार बार इस बात का जिक्र करते हैं कि उनके हुकूक और उनकी ताकत हिन्दुस्तान के बाकी हिस्सों के मुकाबले में कम कर दिये गये हैं। इसलिए जहाँ तक हो इन पावर्स को लिवरे-लाइज किया जाये और जब यह समझा जाये कि ये हिस्से काफी डेवेलप हो गये तो इनको पूरी पावर्स दे दी जाय। हालांकि मैं तो यह समझता हूँ कि इनमें बहुत से हिस्से तो अभी भी काफी डेवेलप हैं और उनको पूरी पावर्स न देने की कोई वजह ही नहीं है। आपने कई बरस तक हिमाचल प्रदेश में तजर्बा करके देखा और वह इसमें कामयाब रहा है। अगर आप पांच बरस बाद भी उनको काफी डेवेलप समझ कर पंजाब के साथ मिला देंगे तो वहाँ वालों को काफी तसल्ली होगी। मैं समझता हूँ कि कम डेवेलप होने के बेसिस पर हिमाचल प्रदेश को दूसरे हिस्सों के बराबर रखने की जरूरत नहीं थी। अच्छा होता अगर हिमाचल प्रदेश को इससे ज्यादा अक्षितयार दिये जाते। लेकिन जो अक्षितयारा दिये गये हैं वे इस खयाल से दिये गये हैं कि यह ज्यादा तरक्की करे।

मैं इस बिल को सपोर्ट करता हूँ और मैं चाहता हूँ कि थोड़े अरसे के बाद इसमें ऐसी तबदीलियाँ हों जो कि सरकारमसटसेज से ज-टी-फाइड हों और जो हमको उसी तरफ ले जा सकें जो कि सारे हिन्दुस्तान का गोल है और वही गोल इन टेरिटरीज का भी बन जाये।

Some Hon. Members rose.

Mr. Chairman: I will now call upon the hon. Minister to reply, because there are amendments and Members

can have an opportunity of speaking later.

Shri L. Jogeswar Singh: You gave an opportunity to the Member from the other party. From the Congress I wish to say a few words.

Mr. Chairman: I cannot recognise parties for this purpose.

Shri L. Jogeswar Singh: I will conclude in five or six minutes. Another gentleman from my State was given an opportunity, so let me be allowed a little time.

Shri U. M. Trivedi (Chittoor): It is not a question of anybody speaking from any particular State; it is a question of the principles involved in the Bill.

Mr. Chairman: So everybody will be allowed. But we are hard pressed for time. That is the trouble.

Shri L. Jogeswar Singh: I will finish in five minutes.

Mr. Chairman: Very well. I hope he will finish in five minutes.

Shri L. Jogeswar Singh: I congratulate the hon. the Home Minister for bringing forward this Bill at the tag end of this First Parliament. Before going into the merits and demerits of the Bill I should like to make a general observation with regard to the desires of the people of these territories. I am very sorry I cannot approve of the provisions of the Bill, because the people of these territories have for the last several years been demanding a responsible form of government. But even some form of government like that of the Part C States has not been given in the Bill. So far as the desire of the people of Manipur is concerned, their reaction is against the provisions of the Bill. I have received telegrams from the Manipur Congress Committee in this respect, and Mr. Chairman, I may read out a telegram, because it contains the reactions of the people from that part of the country on this

[Shri L. Jageswar Singh.]

matter. These are the contents of the telegram:

"The Executive Committee have examined the Territorial Councils Bill, 1956 in some details (stop). As the said Bill falls far short of the political aspirations of the people who have been long putting up a fight for democratisation of administrative set-up in Manipur, the Bill will never satisfy the Manipur people (stop). The Committee therefore resolve that the Ministry of Home Affairs be requested that the provisions of the now repealed Part C States Act, 1951 granting democratic responsible government be substituted for the provisions of the aforesaid Bill with necessary consequential changes (stop). Congress".

These are the reactions of the people from my part of the country that I have received. So far as the contents of the Bill are concerned, I have therefore to say that my people are not satisfied with them.

Coming to the provisions of the Bill I should like to say that limited as we are under the scope of this Bill, we have nothing more to get at the present juncture. But I should like to request the hon. the Home Minister that this should not be the final Bill for the administration of these territories. It is only a prelude, a step towards the further democratisation of these territories. And I should like the Second Parliament to see that a new Bill is brought forward, so that these territories should be given at least a status analogous to that given in the Part C States Act of 1951. And I hope the hon. the Home Minister will bring forward this sort of amendment in the next Parliament; or he should see in the next Parliament that an improved Bill is brought forward for the administration of these territories.

Now, coming to the details of the Bill, I have to say that the provision

regarding nomination has got certain objections. We do not like the word nomination to be put in this Bill. Because, people will generally object to this type of nomination. Also in a House of thirty members, if we put four nominated members, then it will become thirty-four members; and the four or five nominated members will themselves form a quorum. It won't look nice. Of course, even though this provision about nomination is put in the Bill, it has lost its force in the light of the announcement made by the hon. the Home Minister; because, he has said that these nominated members will have no powers of casting their votes for election of any member to the Rajya Sabha. I welcome the announcement that these nominees will not have power to vote for a member to be elected to the Rajya Sabha. This is with regard to nomination.

Another point I wish to mention is about the election of the Chairman. I think this Chairman from the very beginning should be elected by the members of the Territorial Council. If the Chairman is nominated, there will be no satisfaction to the members who are already elected on the Territorial Council—because it goes against the spirit of democracy. When you have powers for supersession of the whole Territorial Council, why are you afraid of putting an elected Chairman from the very beginning? If the Council goes against the expected desires and aspirations or it is found undesirable and obstructive, at any moment the Central Government can supersede the Council. So I think this kind of nomination of the Chairman is not desirable. It is highly objectionable.

The time at my disposal is very short, but there is one matter to which I would like to draw attention. I have given in my amendment that there should be some sort of publication on behalf of the Council; that is, the proceedings of the Territorial

Council should be published. If they are not published, all sort of rumours will go about, and some people will say the Council has passed such and such a thing and some others will say that they have not passed such things. So, in order to set at rest such rumours and reports which are unfounded, it is better to insert a clause that the proceedings of the Council may be published summarily, signed by the Chairman of the Council.

Another point is this. The funds allotted to the Council for its use is inadequate. It is provided that 10 per cent. of the revenues collected should be given to the Council. It should be raised to 20 per cent. I had a mind to move an amendment to this effect, but since it was a money matter, I did not do so. But, I should like to draw the attention of the hon. Home Minister to see that the fund is increased.

Regarding the powers of control given to the Council over certain items, I should like to mention that some important items had been omitted, namely, the matters relating to agriculture like the reclamation of land, development of orchards, settlement of land to the landless people etc. These are very important matters in the day-to-day administration. There are lots of orchards in the hilly areas as well as in the plain areas belonging to the people who are poor. The preservation of these orchards is a very important matter. I should like to bring to the notice of the hon. Minister that the list of the powers given to the Council should be expanded so as to include the new items I have suggested.

Another point is regarding the Press. Nothing has been mentioned here in this Bill regarding Pressmen being allowed to follow the proceedings of the Council. I think it will be better to allow Pressmen to follow the proceedings of the Council. I have moved an amendment to this effect.

Mr. Chairman: The hon. Member can speak on the amendments during the second reading stage. He wanted only five minutes and now he is going on. I have to allocate time.

Shri L. Jogeswar Singh: I will conclude in three minutes.

This Bill is aiming at the democratisation of the administration at the lower levels, which is very welcome. But my fear is that there may be a lot of interference between the Chief Commissioner and the Council. In order to avert this interference, I would request the Home Minister to appoint an administrator from the public. In that case, there would be less interference and the administration would be carried on harmoniously. If there is a popular administrator appointed from the public, there will be harmony between the Council and the public. This is one of the points I want to raise.

In this Bill, nothing has been provided about the day-to-day administration of Manipur. The administration is left entirely to the Chief Commissioner. The Bill aims at having an autonomous body, which will have nothing to do with the day-to-day administration of the territory. The entire administration is to be carried on by the Chief Commissioner himself. Nothing has been mentioned here whether there will be any advisers to advise the Chief Commissioner or not. I think that is more or less an open issue; this Bill has nothing to do with it. I think that some mention must necessarily be made about it, so that there may be less objection and less criticism from the side of the public in case advisers are appointed. People will be satisfied at least to some extent if it is mentioned here that there will be advisers to the Chief Commissioner, who will be popular representatives of the people.

Pandit G. B. Pant: Sir, many matters of detail have been raised in the

[Pandit G. B. Pant]

course of the speeches delivered during the last hour and a half. I will not go into them at this stage as, with regard to everyone of them, there are amendments and it will be only waste of time if I repeat the same arguments twice, once now and again when the amendments are moved. So, I will leave those points for the time being for the later stage. I hope hon. Members will not misunderstand me; I only want to save time and to deal with every point as it is raised in a pointed manner.

I am afraid that there is some misapprehension about the scope or the purpose of this Bill. It must be remembered that we are not writing on a clean, blank slate today. This Bill carries out the wishes of this House as they had been expressed more than once. The provisions of this Bill have been framed keeping in view the proposals of the States Reorganisation Commission, the Joint Committee and the two Houses of Parliament itself.

It is too late in the day to raise the question of legislation. It had been decided by all concerned that legislation will vest in Parliament itself. So far as these areas are concerned, the Parliament will be seized of the powers of legislation and all laws will have to be passed by the Parliament itself. So, so long as that decision stands, there cannot be a legislative assembly. It was also decided that we should have a Corporation for Delhi and Territorial Councils to deal with matters primarily of a local character for these areas. As hon. Members may be remembering, according to the proposals of the States Reorganisation Commission, Himachal Pradesh was to be merged in the Punjab and Tripura in Assam. Out of regard, however, for the views of the people of Himachal Pradesh and Tripura, these territories had been kept apart. It is out of deference for their oft-repeated and express wishes that we have disregarded the recommendation of the Commission

and maintained their separate entity and existence. In the circumstances, I had thought that the step that we had taken would be appreciated by the representatives of these areas. I still believe that they are presumably satisfied with the Bill that I have brought. So far as the comments are concerned, I would be surprised if any suggestion had been made. They are very resourceful, intelligent and ingenious people and they can certainly make proposals with a view to get the Bill improved and it is my duty to take every suggestion that is made by any single Member into consideration and to attach as much of weight to it as it deserves. So, I shall see what can be done when these amendments are moved.

I would like to say that so far as I am concerned, I do not want to interfere with the affairs whether of a State, or of a Territorial Council, or of a Corporation. The more people learn to stand on their own legs, the better for the country and for the Central Government. We do not want people to lean on the Centre too much. They must also be robust people capable of standing on their own legs, going forward and marching ahead. We have only the desire to enable people to run fast and not to tie them down to any particular constitution or any particular measure.

Nothing can be said to be everlasting in this world. These Bills too will be improved and we will all be glad to do whatever may be necessary in order to satisfy the wishes of the people, but let us not under rate the importance and the magnitude of the step that is being taken. It is of far-reaching character. It gives the executive powers without any sort of interference from any other quarter. It is something which has not been tried. So far as these States are concerned we know that there are self-supporting and self-respecting people living in them and we want them to take the burden of administering their affairs themselves. But we have to

see that we carry out the wishes of Parliament. We move in a manner that is in their interest and also in the interest of the country. With these few remarks I would like hon. Members to really receive — I would not say welcome, if that word is considered to be somewhat flamboyant—this measure with goodwill, in a spirit of cordial co-operation and with determination to work it out in a manner as to enable us to join together in further improving, enlarging and making it better. ✍

Mr. Chairman: The question is:

“That the Bill to provide for the establishment of Territorial Councils in certain Union Territories be taken into consideration.”

The motion was adopted.

Clause 2— (Definitions)

Mr. Chairman: We shall now take up clause-by-clause consideration. There are no amendments to clause 2. I shall, therefore, put it to the vote of the House.

The question is:

“That clause 2 stand part of the Bill”.

The motion was adopted.

Clauses 2 was added to the Bill.

Clause 3— (Constitution of Territorial Councils and their composition.)

Pandit G. B. Pant: Sir, I beg to move:

Page 2, line 20—

for “forty” substitute “forty-one”.

As I have already stated, the strength of the Legislative Assembly of Himachal Pradesh stood at forty-one. I do not want to disturb the existing constituencies. If the figure were to be now forty, then some changes in the constituencies will have to be made. In order that elections may be held simultaneously for the

Lok Sabha and the Territorial Councils, I consider it advisable to have an equal number of constituencies for both. That is why I am changing forty to forty-one.

Shri Anandchand: May I bring to the notice of the hon. Home Minister something which I said in his absence?

Mr. Chairman: Is there any amendment of his?

Shri Anandchand: I only want to submit that the present number of constituencies in Hamachal Pradesh is thirty-two and the Scheduled Caste Members are nine, thus making forty-one. Now, under this Bill if it is passed into an Act, the number of Scheduled Caste members will be twelve. Therefore, the present constituencies will not fit in twelve; some change will have to be made in any case—that is what I am submitting. I have no quarrel with the number of forty-one. In my opinion by bringing in the number of 12 for the Scheduled Castes, some adjustment will have to be made in any case. That is what I want the hon. Home Minister to bear in mind.

Pandit G. B. Pant: I had that in mind. What I think might be feasible would be to have three double-member constituencies, to combine six constituencies into three, each of them returning one Scheduled Caste member. So, the number will remain the same and there would be no need of fresh delimitation of these constituencies. In that manner the process could be speeded up. /

Shri Anandchand: I beg to move:

Page 2—

for lines 26 and 27 substitute:

“(3) The Central Government may nominate not more than four persons to be members of any Territorial Council so however that they are all non-officials and at least two of them represent the Scheduled Tribes of the Union Territory of Himachal Pradesh.”

Shri Biren Dutt (Tripura West): I beg to move:

Page 2—

omit lines 26 and 27.

In the case of Tripura, Manipur and also Himachal Pradesh the Scheduled Caste and Scheduled Tribe people are getting elected in fair numbers, because the constituencies are so divided that they will have their representation in any case. Especially after the influx of refugees from Pakistan, there is every likelihood of their getting their representation. I therefore want that this sub-clause should be deleted. One constituency at Agartala especially meant for Scheduled Castes may be made an elected one. Agartala is a constituency where provision can be made for the Scheduled Caste people. There is no fear of these people being deprived of representation. I move my amendment. I hope the Government will accept this amendment.

Shri U. M. Trivedi: May I make a submission, although I do not come from either Himachal Pradesh or Tripura or Manipur. Nor am I a Naga. The difficulty is this. It has been agreed by several of us that the present pieces of legislation which are being rushed through are not only important, but have far-reaching effects. Notwithstanding this, we have very little time left even to look through them, read them or apply our mind to them. We have been asked that we must finish this work within a short time that has been allotted by the Business Advisory Committee. It may be conducive to rapid progress of work. In the beginning of the session, we worked so rapidly that we finished the work in some cases within the time allotted for discussion.

Mr. Chairman: You can speak in the third reading if there is time.

Shri U. M. Trivedi: I want to point out one patent fact.

Mr. Chairman: That is not relevant for consideration.

Shri U. M. Trivedi: I will come to the relevant point. I draw your pertinent attention to clause 3 sub-clause (3). The provision contained in this Bill is that the Central Government may nominate not more than 4 persons to be members in any Territorial Council. I know that this provision is against the Constitution of India. This provision ought not to be there. Our Constitution does not allow any discrimination. We have got only certain provisions in Part III of our Constitution whereby certain protection can be given to women, and children, and certain protection can be given to the Scheduled Castes and Scheduled Tribes. These protections are well described in articles 15, 16 and 29. Beyond articles 15, 16 and 29, we have got no provisions whereby any discrimination can be made between citizen and citizen. Now, the Government wants to reserve to itself the power to nominate not more than 4 persons to be members in Territorial Councils. What can be the basis of the nomination is the question which I pertinently put to the Government. I do not see any reason whatsoever to allow the Government to discriminate between citizen and citizen of Himachal Pradesh or Tripura. They cannot be discriminated. That means that capriciously some officers of the Government will act and act in a spirit of partisan. This is how it has been put in the case of *Yuk Wo vs. Hopkins*, 118 U.S. 356. If we give power to the Government to make such nomination or to pick and choose from amongst the whole community, they will pick and choose such persons whom they like, and they like for reasons which cannot be detected. They must be reasons of partisanship and partisanship alone. In these circumstances, nomination will be completely against the provisions of our Constitution. Therefore, my submission is that this sub-clause (3) of clause (3) is against the Constitution and we would do well to delete this

sub-clause. Sitting as legislators here, persons for whom the Constitution is sacrosanct, for whom the only oath has been to be upholders of the Constitution when we entered office here, I think it will be our duty and proper duty to see that this sub-clause is not included in the provisions of this Bill.

Shri Rishang Keishing: I have got an amendment, No. 29.

Mr. Chairman: The same; it has already been moved by Shri Biren Dutt. You can speak on it. Expression of opinion will be the same.

Shri Rishang Keishing: Mine may be different.

Mr. Chairman: It is not different. Once it has been moved, you cannot move the same amendment. You can speak.

Shri Rishang Keishing: I oppose the provision of sub-clause (3) of clause (3), which says:

"The Central Government may nominate not more than four persons to be members of any Territorial Council."

This relates to Manipur and Tripura. Ours is a small Council consisting of 30 members. If the Government nominates four persons, with the help of these nominated members, minority group can annul the decisions of the Council at any time. If there is a feeling that certain sections of people have not been represented in the Council, then create new seats or, certain seats may be reserved for them, or, certain constituencies may be declared as double-member constituencies and one seat reserved for the community concerned. The Scheduled Tribes have been fairly represented in the Councils. If this is meant for the Scheduled Castes, I feel that certain areas may be carved out as separate constituencies for them. Or as I said, certain constituencies may be declared as double-member constituencies and one seat reserved for them. This provision

for nomination is absolutely not necessary and it is against the spirit of democracy. I am opposed to this provision and I request the hon. Minister to delete this provision.

Pandit G. B. Pant: So far as the constitutional objection is concerned, I have not much to say. I do not think that there is any objection that can be raised on the ground of the provision being inconsistent with the Constitution. No such objection can be valid. We are every day passing Bills in which certain powers of nomination are reserved to the Central Government or other authorities. I do not think there is much force in that argument.

As to the rest, as I said at the outset, we have no desire to nominate people unless it is necessary to do so. I may again repeat that it is only when representation of the relatively weaker sections of the community is not adequate that we will have recourse to nomination. Otherwise, if they are properly represented, no occasion for nomination will arise.

15 hrs.

I am, however, prepared to accept the amendment that has been moved by Shri Anandchand and to further improve it. Instead of 4 persons 2 might be entered. The word "two" may be substituted for "four". Then it will read: "The Central Government may nominate not more than 2 members to be members of any Territorial Council so however that they are all non-officials etc." I think that will satisfy my hon. friend and about this "two" I may mention that I would have expanded the remaining part, but if that were accepted, then the nomination will become compulsory. We do not want to have recourse to this method of nomination, except when it is necessary to do so.

15.03 hrs.

[MR. SPEAKER in the Chair]

The number is reduced to two and the nomination is restricted to non-officials and the purport, as stated by

[Pandit G. B. Pant]

me, is not in any way to prejudice the interests of any class other than the ones who may be weak and who have to be helped. It is not to prejudice anyone but to assist some people; that is why we have this provision and it may only remain on paper, and we may not have any opportunity of nominating anyone whatsoever. I hope that there will be no objection to the change that I have made. It will be an innocuous provision, which, in case of need, can prove helpful; otherwise it can remain here without doing any injury to anyone.

I beg to move:

Page 2—

for lines 26 and 27 substitute:

"The Central Government may nominate not more than 2 persons to be members of any Territorial council so however that they are all non-officials."

I am only putting it in this from as an improvement.

Mr. Speaker: How does it fit in here?

Pandit G. B. Pant: That is an amendment to amendment No. 30 moved by Shri Anandchand.

Mr. Speaker: The question is:

"That the Central Government may nominate not more than 2 persons, not being persons in the service of the Government."

Pandit G. B. Pant: I shall move it as a separate amendment.

I beg to move:

Page 2—

for lines 26 and 27, substitute:

"(3) The Central Government may nominate not more than two persons, not being persons in the service of Government to be members of any Territorial Council."

Shri Mohanlal Saksena: Will a retired Government official be eligible for nomination?

Mr. Speaker: He is a non-official.

Pandit G. B. Pant: He is like others.

Mr. Speaker: This amendment will cover the amendment No. 30 of Shri Anandchand. The question is:

Page 2—

for lines 26 and 27, substitute:

"(3) The Central Government may nominate not more than two persons, not being persons in the service of Government, to be members of any Territorial Council."

The motion was adopted.

Mr. Speaker: The question is:

Page 2, line 20—

for "forty" substitute "forty-one".

The motion was adopted.

Mr. Speaker: I take it that Shri Biren Dutt does not press his amendment.

The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. Speaker: Clause 4.

Shri Anandchand: I am not moving my amendment on this clause.

Mr. Speaker: I think I can put some clauses together, say, 4 to 18. Is anyone moving any amendment? I find none.

The question is:

"That clause 4 to 18 stand part of the Bill."

The motion was adopted.

Clauses 4 to 18 were added to the Bill.

Clause 19—
(Finality of decisions)

Shri Anandchand: I beg to move:

Page 5, for lines 31 and 32 substitute:

"19 (1) An order of the court of District Judge on a election petition shall be appealable in the High Court of the Union Territory concerned."

In the clause as it stands at present the order of the District Judge is not subject of an appeal. Here under the provisions of the Bill we have only got a one-man election tribunal, that is the District Judge of the area concerned. A similar provision has been made in the Representation of the People Act—the Select Committee met and discussed this point and it was also raised in the House—about election petitions. The tribunal is to consist of the District Judge, but the orders are always appealable to the High Court of the State concerned. This is a vital matter, and even if there were a two-man tribunal or a three-man tribunal we could have some finality, but because it will be only a one-man tribunal, I have moved this amendment that its order may be appealable to the High Court of the Union Territory concerned. It will be the Judicial Commissioner in some cases, and the adjoining High Court in others. Whatever the court, the orders should be appealable. That is my amendment.

Mr. Speaker: Amendment moved:

Page 5, for lines 31 and 32 substitute:

"19 (1) An order of the court of District Judge on a election petition shall be appealable in the High Court of the Union Territory concerned."

Pandit G. B. Pant: The petition against election is to be considered and decided by a District Judge. Under the scheme of the Bill there is no appeal in such cases. Even in Bombay the petitions are filed before the Chief Judge of the Small Causes Court who holds the position similar to that of the District Judge here, I will not say inferior, and his orders are not appealable. That is the present practice even with regard to elections to the Bombay Corporation. No appeal lies even in U. P. from orders passed by the District Judge in the case of elections to the District Board, and similarly in the case of elections to Municipal Boards. I think the present provision is adequate. We should not encourage unnecessary litigation in cases of this type. I will request the hon. Member to withdraw his amendment. κ

Shri Anandchand: I would not press my amendment very much, but there is one slight difference. I would like to bring it to the notice of the hon. Minister that these are not exactly District Boards. These Councils have not only the functions of the Bombay Municipal Corporation. The Territorial Council under this scheme is also to act as an electoral college for electing Members to the Rajya Sabha. Therefore, a certain status is conferred on the Councils by their election which I submit is not available to the members, either of a corporation or a District Board. That was the only point I was making. Even the court of the Judicial Commissioner in the Territory is not far off. It is not a very expensive court. So, the point was only to give the man an opportunity to appeal in case something had been left by the original man. That was all.

Pandit G. B. Pant: I think the purpose will be well served by the provision as it is. I do not want to encourage the spirit of litigation too much myself.

*In clause 6, after the words "also a member of" the words "any of" were inserted, under the direction of the Speaker, as correction of a patent error.

Mr. Speaker: Need I put it to the vote of the House?

Shri Anandchand: No, Sir, I withdraw it.

Mr. Speaker: Has the hon. Member the leave of the House to withdraw his amendment?

Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is:

"That clause 19 stand part of the Bill".

The motion was adopted.

Clause 19 was added to the Bill.

Clauses 20 and 21 were added to the Bill.

Clause 22.—(Chairman and Vice-Chairman).

Shri Rishang Keishing: I beg to move.

Page 6—

for lines 28 to 35, substitute:

"22. (1) A Territorial Council shall, as soon as may be, under the chairmanship of the Administrator on the first day of the meeting of the Council, elect two members of the Council to be respectively Chairman and Vice-Chairman thereof, and in case of the office of Chairman or Vice-Chairman becoming vacant, the Council shall elect another member to be Chairman or Vice-Chairman, as the case may be."

Shri Biren Dutt: I beg to move:

(1) Page 6—

line 28, for "choose" substitute "elect"

(2) Page 6—

after line 32, insert:

"(1A) An elected Chairman or Vice-Chairman may at any time

be removed from his office by a resolution of the councillors carried in this behalf by the votes of not less than two-third of the total number of councillors holding office for the time being, at a meeting specially convened for the purpose and according to the procedure laid down by the Council:

Provided if the number of councillors who have given their votes in favour of such resolution is less than two-third of the total number of the councillors holding office for the time being, but more than half the number of such councillors, the administrator may by order remove the Chairman or Vice-Chairman as the case may be, from his office.

(1B) A written notice of the intention to move the resolution signed by not less than one-third of the total number of councillors holding office for the time being, together with a copy of resolution shall be delivered to the Administrator and the Administrator shall convene a meeting of the councillors for consideration of the resolution to be held in the Council office on a date not later than 30 days from the date on which the notice was delivered to him and shall give not less than 15 clear days notice of the meeting to the councillors."

(3) Page 6, omit lines 33 to 35.

Shri Anandchand: I beg to move:

Page 6, lines 34 and 35—

for "for a period not exceeding three years" substitute "for a period not exceeding one year".

Shri L. Jogeswar Singh: I beg to move:

Page 6—

after line 38, add:

"(3) The elected Chairman shall vacate his office if a resolution for his removal is passed by

a majority of not less than three-fourths of the members present and voting."

Shri Rishang Keshing: I beg to move:

Page 6—

after line 38, add:

"(3) If a resolution for the removal of the Chairman or Vice-Chairman is passed at a meeting of the Territorial Council by a majority of not less than two-thirds of the members present and voting, the Administrator will remove him forthwith."

Mr. Speaker: All the amendments together with the clause are before the House. Whoever speaks will have only one opportunity. He can refer to all of them.

Shri Biren Dutt: In amendment 5 we have tried to bring the question of the power of the council to remove the Chairman. In this Bill there is no provision to remove the Chairman once he is chosen or elected or nominated by the Central Government. In no democratically elected council, whether a municipality or a corporation, is there the practice that once the Chairman is elected he has to remain and he cannot be removed until and unless the council is dissolved. Such a situation can never be thought of. Such a provision as that we have suggested is inere in every municipal constitution at present functioning in India, even in corporations and other bodies. So, I hope the Home Minister will accept this amendment.

Shri L. Jogeswar Singh: My amendment is restricted only to the elected Chairman and does not include the nominated Chairman. I think at least the elected Chairman, if he is found to be undesirable by the members of the council, should be removed and provision should be made for it in this Bill. I think nothing has been provided in the Bill for the removal of the Chairman who has been elected by the members of the council. If

the members of the council are allowed to elect their Chairman, they should also be given the right to dismiss him, censure him and pass a vote of no confidence against him. Such a provision has not been made here. So far as the elected Chairman is concerned, I think that such a provision should be made here. So far as the nominated Chairman is concerned, I have nothing to say. I hope the hon. Minister will accept my amendment.

Shri Rishang Keishing: The proviso to sub-clause (1) of clause 22 reads:

"Provided that the Central Government may nominate the first Chairman who shall hold office for a period not exceeding three years."

My amendment seeks to remove this proviso from this sub-clause, and since this proviso is a part of sub-clause (1), I have sought to replace the whole of this sub-clause by a new provision. There is no reason why the Chairman of the Council should be nominated by the Central Government. Such right as the election of Chairman is almost inherent to all democratic institutions. When this right is enjoyed by even the inferior institutions like the village panchayats and municipalities, there is no reason why the Council which is supposed to be superior even to the corporation should be denied of it. So, I move that this sub-clause be substituted by the following new sub-clause:

"A Territorial Council shall, as soon as may be, under the chairmanship of the Administrator on the first day of the meeting of the Council, elect two members of the Council to be respectively Chairman and Vice-Chairman thereof, and in case of the office being vacant, the Council shall elect another member to be Chairman or Vice-Chairman, as the case may be."

On the first day of the meeting, if the Central Government fear that

[Shri Rishang Keishang]

nobody will be there to preside over the meeting, then the Administrator is there. He can preside over the meeting and elect the Chairman. So, there is no difficulty about the election of the Chairman on the first day. So, this proviso should be dropped, and the whole sub-clause substituted by the provision I have suggested.

I also propose that a new sub-clause may be added whereby a provision could be made for the removal of the Chairman. It is quite possible that the Chairman forfeits the confidence of the Councillors who consider him unfit to be the Chairman of the Council. So, the Council should be given the power to remove him from office. Therefore, I move that a new sub-clause may be inserted after line 38 on page 6, as follows:

"If a resolution for the removal of the Chairman or Vice-Chairman is passed at a meeting of the Territorial Council by a majority of not less than two-thirds of the members present and voting, the Administrator will remove him forthwith."

I hope the Home Minister will accept my amendments.

Shri Anandchand: My amendment is No. 37. The intention, so far as I can see, of sub-clause (1) of clause 22 is that in certain cases if a Chairman is not available of the proper calibre, Government may appoint one, and his period of office will be three years. My amendment limits the period to one year, because I am of the view that since these Councils are to be established for a period of five years at a time, there might be cases—I do not say there should be—when this power may have to be exercised, and when it is exercised, I hope it will be exercised with extreme caution. Even when it is exercised for launching these Councils or to put them into proper gear, if the necessary calibre of people are not forthcoming in the elected stuff which we have in these

Councils, it might not be necessary to have this guardianship, unless there is the insistence, for a period of three years; of course, it is not going to be repeated; it is only the very first Council that is going to have this nominated Chairman, if at all.

Therefore, my amendment is that the period might not exceed one year even in this case.

Pandit G. B. Pant: I am willing to accept the amendment of Shri Anandchand to substitute 'one year' for the words 'three years', so that the proviso will read thus:

"Provided that the Central Government may nominate the first Chairman who shall hold office for a period not exceeding one year."

I may just endorse the remarks that have been made by the Mover of the amendment. The power that is being taken under this clause will not necessarily be exercised. There is one particular aspect of this problem which I would like hon. Members to consider. These Territorial Councils will be starting from scratch. Many arrangements will have to be made, and a lot of spade work and preliminary work will have to be done at the very start. The Chairman, if he is elected from among the Members of the Council, may not be able to set things on the right keel at the very beginning. So, it is provided that in case it is felt that in order to cope with the difficulties with which these Councils will be faced at the outset, it will be desirable to have some person nominated, then he may be nominated, but the period, as I have suggested, will not exceed a year in any case; it may be even less than a year, and no one may be nominated at all. So, it is only by way of precaution that this provision is made. After all, the man who is nominated will not remain in office after a year. Government will not be particularly interested in nominating a man unnecessarily

for a year, but if for enabling the Council to perform its duties efficiently, well and smoothly, it is considered necessary that a man should be nominated at the outset for a maximum period not exceeding one year, then that step may be taken in order to provide the necessary foundation for the proper discharge of its duties by the Council later. I hope, in view of my explanation, it will be appreciated that this provision is desirable.

Shri L. Jogeswar Singh: What about the removal of the Chairman?

Pandit G. B. Pant: As for removal, the amendment refers to the Chairman as well as to the Vice-Chairman. Why does the hon. Member want provision for the removal of the Vice-Chairman? I do not know of any provision relating to the removal of the Vice-Chairman.

Shri L. Jogeswar Singh: My amendment does not say anything about the Vice-Chairman. It relates only to the elected Chairman.

Shri Dasaratha Deb: We are prepared to drop the word 'Vice-Chairman'. Will the Minister accept the amendment in that case?

Pandit G. B. Pant: Even if you drop the word 'Vice-Chairman', there are two other suggestions that I would like to make, namely that no such resolution should be moved till a year has passed from the election of the Chairman, because, if after his election, just the very next day, you bring in a motion for his removal, without giving him any chance of working, then that would not be in the interests of anyone. So, at any time after a year from the date of election, such a motion may be brought.

Mr. Speaker: And not less than one year thereafter.

Pandit G. B. Pant: I am going to say that too.

Once such a resolution has been brought and defeated in the Council or it is not pressed, then a similar

resolution should not be brought within a year from that date. Otherwise, a resolution may be brought and it may be out voted at the next meeting, and again, the same resolution may be brought. In other places, the provision is that when such a resolution has been moved once, it should not be moved for a year thereafter. Otherwise, the Council would not be able to function at all.

Shri Punnoose (Alleppey): There is no corresponding provision in the case of the municipalities or corporations.

Pandit G. B. Pant: If you will accept that, I have an amendment with me, which I shall move. I think that fully satisfies hon. Members.

Shri Dasaratha Deb: What is the actual wording of the amendment.

Pandit G. B. Pant: It would be something like this:

"An elected Chairman may, at any time after a year from the date of his election, be removed from his office by a resolution of the Councillors carried in this behalf by the votes of not less than two-thirds of the total number of Councillors holding office for the time being at a meeting specially convened for the purpose and according to the procedure laid down by the Council."

Only I have introduced after the words 'at any time', the words 'after a year from the date of his election'. Then the proviso, 'Provided if the number of councillors who have given their votes...' will remain as it is. Then there would be another proviso:

"Provided that if the resolution is passed in accordance with the provisions of this sub-section, no other resolution for the removal of the Chairman shall be allowed to be considered within one year from the date on which the first resolution was considered".

Mr. Speaker: The immediately preceding resolution.

Pandit G. B. Pant: Yes.

Shri Punnoose: I think there is no provision like this with regard to the removal of Municipal Chairman or Corporation Chairman. Even with regard to the Council of Ministers, once a resolution is defeated in one session, it can be brought up again at the next session. This one year business gives a long rope.

Pandit G. B. Pant: I think otherwise the Councils will not be able to function. Everyday he will have to run about from one member to another. Even the Municipal Acts provide for security for a year.

An Hon. Member: Six months.

Pandit G. B. Pant: Is it not desirable that there should be peace at least for a year?

Mr. Speaker: Let them give a good account of themselves during the year.

Dr. Rama Rao (Kakinada): Two-thirds must be of the members present or of the total membership?

Pandit G. B. Pant: Of the total number of Councillors, not the members present. They may be just six.

Mr. Speaker: The hon. Minister is willing to accept amendment No. 37 moved by Shri Anandchand. I will put it to vote.

The question is:

Page 6, lines 34 and 35—

for "for a period not exceeding three years" substitute "for a period not exceeding one year".

The motion was adopted.

Mr. Speaker: Then, as regards the amendment relating to the removal of the Chairman and Vice-Chairman, the provision relating to Vice-Chairman is

given up. I will get the draft and place it before the House later. But are hon. Members willing to accept the principle contained in it?

Some Hon. Members: Yes.

Pandit G. B. Pant: We can accept it provisionally.

Mr. Speaker: Within one year after the first election, and thereafter within one year of any preceding resolution relating to his removal, no resolution should be brought in. That is also accepted in principle.

Some Hon. Members: Yes.

Mr. Speaker: I will place the amendment formally before the House later. Clause 22 will stand over.

I think the other amendments are all withdrawn. Is leave granted to withdraw those amendments?

Hon. Members: Yes.

The amendments were, by leave, withdrawn.

Mr. Speaker: There are no amendments to clause 23. As regards clause 24, Shri Anandchand is not moving his amendment.

The question is:

"That clauses 23 and 24 stand part of the Bill".

The motion was adopted.

Clauses 23 and 24 were added to the Bill.

Clause 25 (Salaries and allowances of members)

Shri Biren Dutt: I beg to move:

Page 7, lines 23 and 24—

for "by the Central Government" substitute "by the Council".

My amendment is for the substitution of the words "Central Government" with "Council". We do not like that the Chief Executive Officer

should be appointed by the Central Government. He must be appointed by the Council itself. Consultation may be had about his appointment beforehand with the Administrator or the Central Government. As it is practically a bureaucratic machinery operating there, we have seen that officers appointed by the Central Government without reference to the Council will not behave well. So this amendment may be accepted by the Government.

Pandit G. B. Pant: What is the amendment?

Mr. Speaker: It is No. 9 to clause 25.

"Members of a Territorial Council shall be entitled to receive such salaries or allowances, if any, as may be determined by the Central Government".

He wants that instead of "Central Government", it should be "Council".

Pandit G. B. Pant: In fact, we have made a special and exceptional provision here. Otherwise, ordinarily, members of such bodies are not entitled to any allowance or any salary; nor is the Chairman given a salary. But we imagine that the members of these bodies will have to come from long distances, because Manipur, Tripura as well as Himachal Pradesh are mountainous parts of the country, and the tribal people live in remote areas. So we have made this exceptional provision. I would not like to lay the burden of determining their own salaries and allowances on them. It would be embarrassing. So I am taking this responsibility on myself. I hope they would like to be relieved of this embarrassment.

Mr. Speaker: The question is:

Page 7, lines 23 and 24—

for "by the Central Government" substitute "by the Council".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 25 stands part of the Bill".

The motion was adopted.

Clause 25 was added to the Bill.
 Clauses 26 and 27 were added to the Bill.

Clause 28—
 (Functions of Territorial Councils)

Shri Anandchand: I beg to move:
 Page 8, line 41—

for "training and practice" substitute "institutions and veterinary training and practice".

I am not moving amendment No. 40 because I find on a study of the Himachal Pradesh Panchayatraj Act that the subject of libraries, reading rooms etc. is already with the tehsil panchayats. But I would like clause 28 to include 'veterinary institutions—veterinary training and practice', veterinary hospitals or dispensaries. That is what I have in mind.

Shri Biren Dutt: I beg to move:

(1) Page 9—

after line 13, insert: "(xxiia) the rehabilitation of displaced persons, jhumias, landless peasants;

(xxiib) the supervision and control of municipalities or any other elected local bodies; and"

(2) Page 9—

after line 16, add:

"(2) The Council shall recommend through a resolution on any matter which affects the interest of the people of the territory to the Central Government and the administrator provided if such resolution is passed by a majority of the members of the Council present at the meeting".

The population of Tripura consists more than 50 per cent of displaced persons. The work done through the

[Shri Biren Dutt]

Rehabilitation department is so bureaucratic that even the expenditure sanctioned by the Central Government for that area is, under the system of operation of the department itself, going waste. There displaced persons, jhumias and landless peasants form about 95 per cent of the population. The Central Government have already started some work in the direction of rehabilitating jhumias and landless peasants, but if the work is left, as at present, under some director working under the Chief Commissioner, it will not help the rehabilitation of these persons. This work is so closely associated with the life of the State itself that the activities of this department must be under popular control. Otherwise the whole function of the Council will be of no real help to the people. So, I have suggested that the rehabilitation of displaced persons, jhumias, and landless peasants should be added to the list, and also the supervision and control of municipalities or any other elected local bodies.

About Agartala Municipality nothing has been mentioned. In our State we have got no panchayat but we have got municipality. Some control over the municipality must be kept by the Central Government even through the Council. For this purpose I have brought forward this amendment.

In amendment No. 11, I have tried to draw the attention of the Government that even though we have not been given any power to legislate regarding our land reforms, forest reform, etc., this Council should be empowered to pass some resolutions which will have some recommendatory effect on the Advisory Council held by the Centre, held by the Home Minister, so that the resolution may be sent to the Parliament and speedy enactment for reforms and the like be made. I think Government will agree to the additions suggested by me in this clause.

Shri Dasaratha Deb: The amendment suggests that the Council shall recommend through a resolution on any matter which affects the interest of the people of the territory to the Central Government and the Administrator provided if such resolution is passed by a majority of the members of the Council present at the meeting. This Council consists of people who are elected on the basis of adult franchise. Naturally they have got certain responsibilities to the people because the people have voted for them and rightly demand something from them. There are so many things like land reforms, policy matters and other problems, which affect the day to day life of the people. Jhumia rehabilitation, refugee rehabilitation and other problems are there. We want that the Council should have some say at least in regard to these matters. If the Council is not given any such powers, at least let it recommend to the Central Government and the Administrator through resolution. Otherwise the Council would be put in an awkward position in their election. Therefore, I request the hon. Home Minister to consider this case. This is no executive power; it is only a recommendatory power to give certain suggestions regarding the problems of their own territory. I hope the hon. Home Minister will sympathetically consider this amendment.

Shri L. Jogeswar Singh: I think the opinion of the House is that agriculture and horticulture ought to be included in the list of items. At present, these two subjects are not found in the list mentioned here. In my view, agriculture and horticulture are two very important subjects which more or less concern the day to day administration of the people—they are more or less concerned with the masses. I should like the hon. Home Minister to kindly include these two subjects in the list.

◀ **Pandit G. B. Pant:** I am not sure if Shri Biren Dutt has the correct idea of the responsibility that has been

imposed on these Councils if these matters relating to rehabilitation of displaced persons, jhumias and landless peasants are placed under them. These subjects, if they are to be properly handled, will require large sums of money. One will have to spend lakhs and lakhs of rupees in order to tackle these problems. The resources of the Councils are strictly limited. Even the State Governments have not been able to handle these matters themselves. As he knows, the Rehabilitation Ministry at the Centre is dealing with these questions directly in States like Bengal, Punjab and other places. To place such a burden on the back of these Councils at their very inception is to break them up completely. So it would not be desirable to transfer these responsibilities or to impose these burdens on them.

The second proposition that he has advanced relates to the Councils having the authority to make recommendation. Here again, I think the constitutional scheme has not been kept in view. We have the Advisory Parliamentary Committee here which is to deal with all matters of policy, with the Budget, etc., so that all those questions will come before that Committee which will consist of the Members of Parliament from these territories. It is thus conceivable that a recommendation received from the council may be entirely different from, or opposed to, a suggestion made by the Advisory Committee here associated with Parliament. Besides, it is likely to create confusion.

The scope of the Territorial Councils has been clearly defined. They should be left free to concentrate on these matters. They are very important and they will call for tremendous amount of effort, labour, application and devotion. So, if we mix up these two things, there will be unnecessary misunderstanding as to the scope, character and nature of the functions that have been entrusted to these bodies. All these questions can be raised here in the Advisory Commit-

tee in which these areas will be represented by their elected members. We have raised the number of members of the Lok Sabha as well as the Rajya Sabha from these areas, so that we may be able to discuss these matters with them here.

In the circumstances, I hope the hon. Mover will agree that no useful purpose will be served by pressing these amendments.

Mr. Speaker: What about veterinary training and practice?

Pandit G. B. Pant: We have got these provisions about training and practice from the list of State subjects given in the Constitution. There we have an item as "Training and Practice" and so we have put it here. But you will please notice that there is a clause here, residuary one, stating—

"any other matters which the Central Government may declare to be fit and proper matters to be taken under the control and administration of the Council".

and anything that is considered desirable can be transferred to these bodies later.

Mr. Speaker: What about Shri Anandchand's amendment?

Shri Anandchand: I do not like to press it.

Mr. Speaker: About agriculture also, perhaps the same answer?

That is the amendment of Shri Jogeswar Singh.

Pandit G. B. Pant: The same answer. ✓

Mr. Speaker: Very well. I will put Shri Biren Dutt's amendments if he does not want to withdraw them.

The question is:

Page 9—

after line 13, insert:—

"(xxiia) the rehabilitation of displaced persons, jhumias, landless peasants;

(xxiib) the supervision and control of municipalities or any other elected local bodies; and".

The motion was negatived.

Mr. Speaker: The question is:

Page 9—

after line 16, add:—

"(2) The Council shall recommend through a resolution on any matter which affects the interest of the people of the territory to the Central Government and the administrator provided if such resolution is passed by a majority of the members of the Council present at the meeting."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 28 stand part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

New Clause 28-A

Shri Biren Dutt: Sir I want to introduce a new clause. We have experience of how the police officers are always against the elected persons. Whenever there happens to be an elected municipal commissioner, there is no co-operation. Very often, some are beaten. The police have no respect for the elected persons. After the creation of this Council, it seems to me that, if there is no obligatory relationship of this nature, between the police and the Council, it will create difficulties in the proper functioning of the Council. In some municipal Acts these provisions are there. I hope the hon. Minister will accept this new amendment which I am moving. I beg to move:

Page 9—

after line 16, insert:—

"CHAPTER IIIA

28. Police officer to supply information to and co-operate with and assist Councillors and Council officers or servants.—

It shall be the duty of every police officer in the territories—

(a) to communicate without delay, to the Council officers or any information which he receives of a design to commit or of the commission of any offence against the Act or any rules or bye-laws made thereunder,

(b) to co-operate with and assist the Councillors or any Council officer or servant reasonably demanding his aid for the lawful exercise of any power vested in the Councillors or such Council officers or servants under this Act or any rule or bye-law made thereunder."

Pandit G. B. Pant: I think the arguments advanced by the hon. Mover would make it irksome to accept the proposal that has been made by him. He has no confidence in the police. He says that the police, instead of helping, hinder such bodies. Then, why unnecessary create chances of friction and conflict by leaning on the police in this manner? It is better to leave an enemy, whether he is in the guise of a friend or otherwise, alone and to rely on oneself for one's activities so that one may also be able to get credit for one's advance. Apart from that, I do not think that this clause would be of much help. This relates to administrative matters and if any arrangements have to be made, they will be made locally, in consultation with the Administrator. It would not admit of any such proposition being placed on the statute book. I am myself of the opinion that the Administrator should render every possible assistance to the Territorial Councils in the discharge of their duties. So far as the Government and the Administrator are concerned, they will tender solicitude to the Territorial Councils and they would like them to function not only effectively but also efficiently and fruitfully. The amend-

ment that has been proposed will not help the cause which we all want to promote and foster.

Mr. Speaker: The question is:

Page 9—

after line 16, insert:

"CHAPTER IIIA

23. Police officer to supply information to and co-operate with and assist Councillors and Council officers and servants.—It shall be the duty of every police officer in the territories—

(a) to communicate without delay, to the Council officers any information which he receives of a design to commit or of the commission of any offence against the Act or any rules or bye-laws made thereunder,

(b) to co-operate with and assist the Councillors or any Council officer or servant reasonably demanding his aid for the lawful exercise of any power vested in the Councillors or such Council officers or servants under this Act, or any rule or bye-law made thereunder."

The motion was negatived.

Clause 29—(Conduct of Business).

Shri L. Jogeswar Singh: Sir, I beg to move:

- (1) Page 10, line 7—
for "seven" substitute "ten".
- (2) Page 10, line 10—
for "three" substitute "seven".
- (3) Page 10—

after line 18, insert:—

"(vii) the summary of the proceedings of a meeting of the Council signed by the Chairman shall be published in a brochure which may be called the Council brochure, as soon as may be after its every meeting;

(viii) the proceedings of the meeting of the Council shall be open to the press;"

Shri Rishang Keishing: I beg to move:

- (1) Page 10, line 7—
for "seven clear days" substitute.

"thirty clear days".

- (2) Page 10, line 10—

for "three clear days" substitute.

"ten clear days".

Shri Biren Dutt: I beg to move:

Page 10, line 18—

add at the end:—

"and certified copies of Council record shall be supplied to the Councillors free of charge and to the public on a payment of a fee fixed by the Council from time to time."

Shri L. Jogeswar Singh: By my first amendment to this clause—No. 13—I want to substitute 'ten' for 'seven'. The reason is this. In the tribal areas, communications are very bad. It will take time to serve a notice. I think ten clear days should be given for people to attend a meeting. If you give them just seven days, I think they will be put to difficulty. There are certain areas, especially in my part of the country, which have no communication facilities at all with the headquarters of the administration at Imphal. For instance there is the Tamenglong sub-division and there is no communication with Imphal from this place. Whenever a notice is to be served, a messenger has to go to the interior hills. The members will not be able to attend the meeting unless ten days' time is given.

Regarding my amendment No. 14, I want seven days' notice instead of three days' notice for emergency meetings. I have already explained the reasons earlier and I think this will also be accepted by the hon. Minister.

I have said in my amendment No. 16 that a summary of the proceedings of a meeting of the Council signed by the Chairman shall be published in a

[L. Jogeswar Singh]

brochure which may be called the Council brochure, as soon as may be after its every meeting. Nothing is mentioned here about the publication of the proceedings of the Council. People will be interested and they will know the progress of the work of their councillors and they may criticise or appreciate their actions. They are more or less representatives of the people. Their work and activities should be published. This would best be served by a publishing a brochure containing the synopsis of the proceedings.

16 hrs.

Another thing is regarding the proceedings of the Council being open to the Press. I have suggested:

"(vii) the proceedings of the meeting of the Council shall be open to the press".

Somewhere in this Bill provision has been made that the proceedings shall be opened to the public. But it has not been specifically mentioned that the Press will be allowed to follow the proceedings. The proceedings should be open to the Press. But nothing has been mentioned about the Press. If the Press is not allowed and if these proceedings are not open to the Press, I think the interests of the rate-payers and the people will not be served. The activities of the members and the progress of the work in the Council could be published if the Press is allowed to follow the proceedings.

So I hope the amendments that I have suggested will be accepted by the hon. the Home Minister.

Mr. Speaker: Shri Rishang Keishing.

Shri Biren Dutt: I want to have a clarification.

Mr. Speaker: He will wait for his turn; I have called Shri Rishang Keishing.

Shri Rishang Keishing: I have suggested in my two amendments Nos. 42 and 43 that "seven clear days" should be substituted by "thirty clear days",

and "three clear days" by "ten clear days".

When I suggest these amendments, I have the practical difficulty of the tribal people in mind. In fact, even ten clear days as suggested by my friend would not help us. For example, Cheribam area is more than twenty miles from Imphal. The only communication is air service. In Manipur, for almost eight months of the year we have rains, and air service will be often disrupted. Member from that place will have to come all the way to Imphal to attend a Council meeting. So I feel that seven clear days will be too short. Within that time no tribal member will be able to come and attend the meeting.

I am not clear whether the seven clear days are counted from the day of the issue of the notice till the holding of the meeting. If that is so, it is impossible. (An Hon. Member: No.) Even if that is not the case, it should be that more than seven clear days be kept. I feel that if the day is to be counted from the issue of the notice, then it must be kept at thirty days. Because a messenger will be sent to serve the summons; but all the members may not be present as they would not be sitting all the time at home. Being hill people they have to go to places, to other villages, and often they will be absent. Many times many members would be absent when the messenger goes. Sufficient time must be given so that they may come and attend the Council meeting. For that purpose I have moved that "seven clear days" must be substituted by "thirty clear days", and "three clear days" be substituted by "ten clear days". Because, within three days you will not be able to go even to a village outside Imphal. All these difficulties must be kept in view, and I hope the hon. Minister will make the necessary amendment. If he does not like to accept thirty days, he can reduce it a bit; but seven days and three days are too short. That must be increased.

Shri Biren Dutt: I want to know whether this opening of the proceedings to the public will also include the Press or not.

Pandit G. B. Pant: Yes, Press forms part of the public—if it does not dominate over it.

Sir, I appreciate the difficulty, especially that communications in Manipur, Himachal Pradesh and even Tripura are not very easy. But if we prescribe a notice of thirty days, that would mean that meetings would not be held at intervals of less than two or three months. If a month's notice has to be given, then you must wait for a month at least in order to collect the material which may be brought up before the next meeting. Then you should give notice of another month: so that, you may not have more than four or five meetings in the course of a year. I do not think that will be desirable. So I suggest that for "seven" we may have "twelve", and for "three" (which relates to cases of urgency) we may have "six". With your permission, I formally beg to move:

(1) Page 10, line 7—
for "seven" substitute "twelve".

(2) Page 10, line 10—
for "three" substitute "six".

Mr. Speaker: The question is:

Page 10, line 7—
for "seven" substitute "twelve".

The motion was adopted.

Mr. Speaker: The question is:

Page 10, line 10—
for "three" substitute "six".

The motion was adopted.

Mr. Speaker: So, Shri Jogeswar Singh's amendment No. 13 seeking to increase the period of seven days to ten is further increased by two days.

Pandit G. B. Pant: I have made it twelve.

Mr. Speaker: So, Shri Rishang Keishing's amendments Nos. 42 and 43 are barred.

Regarding Shri Dasaratha Deb's amendment about certified copies of the Council, that has been explained. As regards Shri Jogeswar Singh's amendment about summary of the proceedings, I think he is not pressing it. So I suppose I need not put them to the House.

The amendments were, by leave, withdrawn.

Mr. Speaker: So they are withdrawn. I shall now put clause 29, as amended, to vote.

The question is:

"That clause 29, as amended, stand part of the Bill".

The motion was adopted.

Clause 29, as amended was added to the Bill.

Clause 30—(Right of Administrator to attend and address meetings of Territorial Council.)

Shri Rishang Keishing: I beg to move:

Page 11—
omit lines 10 and 11.

Shri Anandchand: I beg to move:

Page 11, line 11—
add at the end:
"but not vote therein".

The purpose of my amendment is very simple. As a matter of fact, to my mind, one thing is very clear; that the Administrator shall have the right to address these meetings. But when it is a question of presiding, the question of his voting invariably arises. The better course would have been to keep him out of the presidentship—for he maintains his status and comes and addresses the Council and gives his views and withdraws. The Council has a Chairman of its own who then conducts the proceedings. But if we put him as Chairman, it is an unenviable position. Because, if you give

[Shri Anandchand]

him the right to vote, it would be improper; and if he does not vote, it derogates from his authority. So my amendment is just to bring this to the notice of the hon. Minister so that he may reconsider this clause in the light of the same.

Pandit G. B. Pant: In fact, we have made this provision in the interests of the Councils so that the Administrator may be in touch with the Councillors and he may have an opportunity of meeting the Councillors face to face and discussing problems with them and declaring such concessions or other measures that the Administration may have in view for facilitating the work of the Council. Of course, he will have no right to vote. He will be there only to address; but, during the time he addresses, he will also preside, because no one else can preside then. He will have no right to vote, but it would not be very graceful to put it here.

Mr. Speaker: When he presides, according to ordinary rules of procedure, in case of equality of votes, can he exercise his casting vote?

Pandit G. B. Pant: He will not vote in any case.

Shri Rishang Keishing: There is my amendment No. 44 which seeks to omit lines 10 and 11. I have no objection to the Administrator attending the meeting of the Council and addressing it, but I object to his presiding over it every time he comes, because he may be a man interested in a certain group of people and may from time to time interfere with the proceedings of the Council. If he is to preside, the Chairman of the Council will have to vacate and that is a sort of insult to the elected representative of the people. That is why I want that sub-clause (2) of clause 30 should be omitted.

Pandit G. B. Pant: I have already explained the position. It is only when he addresses the meeting that he will preside. He will not preside ordinarily. That would be the only way how he can go and address the Council.

After all, the relations between the Administrator and the Council should be cordial and there must be contact between the elected representatives of the people and the man who is in charge of the administration of that area. If it starts with suspicion, misgivings and distrust, then that will come in the way of the smooth and efficient working of the Council.

Shri Rishang Keishing: He may attend the meeting of the Council and sit somewhere without addressing it.

Pandit G. B. Pant: He must address; then alone he is to preside. Just like the President, during the time he addresses the Council he occupies the Chair and then he goes away.

Mr. Speaker: The earlier part of clause 30 leaves room for doubt whether he may simply attend the meeting and also preside, because the words "if he so desires" are there.

Pandit G. B. Pant: I can remove those words and say.

"The Administrator may attend and address any meeting of the Territorial Council."

Mr. Speaker: So, when the Administrator so attends and addresses any such meeting, he should preside over the same, as the hon. Minister has said. So, instead of the word "attends" in sub-clause (2), you may say, "addresses".

Pandit G. B. Pant: As you please, Sir. I have already explained the purpose.

Mr. Speaker: So, sub-clause (2) will read:

"When the Administrator addresses any such meeting, he shall preside over the same."

Shri Mohanlal Saksena (Lucknow Distt. cum Bara Banki Distt): What will happen when he attends and does not address?

Mr. Speaker: It is not intended that he should attend otherwise than

for addressing. If he comes merely and sits there, he cannot preside.

Pandit G. B. Pant: In that case, he will be just like a spectator.

Mr. Speaker: The hon. Minister may formally move the two amendments, namely, that the words "if he so desires" in sub-clause (1) shall be omitted and in sub-clause (2) for the word "attends", the word "addresses" may be put.

Pandit G. B. Pant: I beg to move:

(1) Page 11, line 8—

omit "if he so desires".

(2) Page 11, line 10—

for "attends" substitute "addresses".

Mr. Speaker: The question is:

Page 11, line 8—

omit "if he so desires".

The motion was adopted.

Mr. Speaker: The question is:

Page 11, line 10—

for "attends" substitute "addresses".

The motion was adopted.

Mr. Speaker: I take it that the other amendments are dropped.

The question is:

"That clause 30, as amended, stand part of the Bill".

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Clause 31 was added to the Bill.

Clause 32 (Officers and staff)

Mr. Speaker: This Bill ought to have been finished according to the scheduled time at 4 o'clock. Having regard, however, to the interest that is being taken by Members, I shall allow one hour more, till 5 o'clock.

What are the amendments hon. Members want to move?

Shri L. Jogeswar Singh: No. 18.

Shri Biren Dutt: No. 17.

Shri Dasaratha Deb: No. 21.

Shri Anandchand: No. 49.

Pandit G. B. Pant: I am moving amendment No. 54.

Mr. Speaker: All right; the following amendments to clause 32—all the amendments that have been tabled—will be moved: Nos. 46, 17, 47, 18, 54, 19, 48, 20, 49 and 21. Amendments Nos. 48 and 19 are the same.

Shri Rishang Keishang: I beg to move:

Page 11, line 16—

for "appointed by the Administrator" substitute "elected by the Council".

Shri Biren Dutt: I beg to move:

Page 11, line 16—

for "the administrator" substitute:

"the Chairman of the Council or a person acting on his behalf for the time being, with the approval of the Administrator"

Shri L. Jogeswar Singh: I beg to move:

Page 11—

after line 16, insert:

"(1A) The Administrator may appoint a chief executive officer from amongst the members of the Council".

Shri Anandchand: I beg to move:

Page 11, line 16—

add at the end:

"for a renewable period of three years".

Pandit G. B. Pant: I beg to move:

Page 11—

for lines 17 to 20, substitute:

• "(2) if a resolution for removal of the chief executive

[Pt. G. P. Pant]

officer is passed at a meeting of the Territorial Council by a majority of not less than three-fourths of the total membership of the Council, the Administrator shall remove him forthwith".

Shri Dasaratha Deb: I beg to move: Page 11, line 19—

for "three-fourths" substitute "two-third".

Shri Rishang Keishing: My amendment No. 48 is the same as No. 19 moved by Shri Dasaratha Deb just now.

Shri Anandchand: I beg to move: Page 11—

after line 20, insert:

"(2A) The Chief executive officer shall be liable to be removed by the Administrator at any time if it appears to the Administrator that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient."

"(2B) The chief executive officer shall receive such monthly salary not exceeding two thousand rupees and not less than one thousand rupees as the Administrator in consultation with the Central Government may determine."

Shri Dasaratha Deb: I beg to move:

(1) Page 11, line 19—

after "voting" insert:

"the Chairman or a person acting on his behalf for the time being, or".

(2) Page 11, line 22—

after "education" insert:

"rehabilitation of displaced persons, rehabilitation of tribal jhumias and rehabilitation of landless peasants".

Shri Biren Dutt: My amendment No. 17 seeks to get the chief executive officer appointed through the Chairman with the consent of the Administrator. According to the clause as it is, the chief executive officer should be absolutely dependent on the Administrator for his appointment. I want that this power should be given to the Chairman of the Council. I think that this amendment can be accepted by the Government.

Shri L. Jageswar Singh: My amendment 18 says:

"The Administrator may appoint a chief executive officer from among the members of the Council."

The purpose of my amendment is this. I want to have a popular executive officer. In order to fulfil the wishes of the people, a popular executive officer should be taken from among the members of the Council. That is all I have to say.

Shri Anandchand: I accept the principle that there should be a Chief Executive Officer appointed by the Administrator. But I want his appointment to be made for a renewable period of three years. The object behind my amendment is this. I accept that he should be an official; he cannot be a non-official, for the simple reason that he is functioning in a non-official body. If the Council passes certain resolutions, or certain orders, somebody has to carry them into effect. I submit with due respect to my hon. friend from Manipur that it would not be proper to entrust a member of the Council itself with the function of putting these decisions into effect. It must be left to a man of the service and he will further have to strengthen the administrative organs in the territory or whatever functions are to be performed by the Territorial Council under his jurisdiction.

There is one difficulty in this. He should not be allowed to become a permanent fixture, irremovable as is sought to be made by this Bill, except

by a three-fourths majority of the total number of members of the Territorial Council. If we look into the provisions of section 54 of the Bombay Municipal Corporation Act a similar provision exists there for the Commissioner and the words are "for a renewable period of three years". While the tenure of these bodies are five years' time, the tenure of the person appointed by the Administrator is for three years. At the end of every three years an opportunity is given unofficially, of course, to the Chairman or Vice-Chairman or Members of the Council to bring it to the notice of the Administrator whether the man is fit or unfit. My amendment suggests that if he is good his period may be renewed for another three years; but if he is bad there would be an opportunity to replace him without going through the odious procedure of bringing a vote of censure.

Shri Dasaratha Deb: My amendment suggests that the Chief Executive Officer shall be appointed by the Chairman or Vice-Chairman himself, with the approval of the Administrator. If the appointment of the Chief Executive Officer is not vested in the head of the Council I think it will create some clash and at the same time the Executive Officer may not respond to the decision of the Council; for the Council also it will be difficult to carry out the decision of the Executive Officer.

Another point is that in regard to the removal of the Chief Executive Officer, I suggest that instead of three-fourths majority it should be two-thirds. If a resolution for the removal of the Chief Executive Officer is passed at a meeting of the Territorial Council by a majority of not less than two-thirds of the members present and voting he shall be removed forthwith.

Pandit G. B. Pant: The provision that the Executive Officer will be appointed by the Administrator is in accord with a similar provision in the

Bombay Corporation Act. We cannot find a better model for our guidance. I am prepared to make a slight change in the provision relating to the removal of the Executive Officer. If a resolution for the removal of the Chief Executive Officer is passed at a meeting of the Territorial Council by a majority of not less than two-thirds of the total membership of the Council, the Administrator shall remove him forthwith.

So, while the appointment will rest with the Administrator, the Council will have the authority to remove the Executive Officer when it is not satisfied with his work. That should meet all ends and I think will be found satisfactory. To this effect, I am moving another amendment, No. 66 which amends my earlier amendment No. 54.

I beg to move:

In the amendment proposed by me printed as No. 54 in list No. 3 of amendments—

in the proposed sub-clause (2), for "three-fourths" substitute "two-thirds".

Mr. Speaker: I shall first put amendment No. 66 which is an amendment to an earlier amendment of the Government, No. 54.

The question is:

In the amendment proposed by the hon. Minister printed as No. 54 in list No. 3 of amendments—

in the proposed sub-clause (2) for "three-fourths" substitute "two-thirds".

The motion was adopted.

Mr. Speaker: I shall now put amendment No. 54 as amended by amendment No. 66.

Page 11—

for lines 17 to 20, substitute:

- "(2) if a resolution for removal of the chief executive officer is passed at a meeting of

[Mr. Speaker]

the Territorial Council by a majority of not less than two-thirds of the total membership of the Council, the Administrator shall remove him forthwith."

The motion was adopted.

Mr. Speaker: I shall put all the other amendments to the vote of the House.

The question is:

Page 11, line 16—

for "appointed by the Administrator" substitute "elected by the Council".

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 16—

for "the administrator" substitute:

"the Chairman of the Council or a person acting on his behalf for the time being, with the approval of the Administrator".

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

after line 16, insert:

"(1A) The Administrator may appoint a chief executive officer from amongst the members of the Council."

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 16—

add at the end:

"for a renewable period of three years".

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 19—

for "three-fourths" substitute "two-third".

The motion was negatived.

Mr. Speaker: The question is:

Page 11—

after line 20, insert:

"(2A) The Chief executive officer shall be liable to be removed by the Administrator at any time if it appears to the Administrator that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders him removal expedient."

"(2B) The chief executive officer shall receive such monthly salary not exceeding two thousands rupees and not less than one thousand rupees as the Administrator in consultation with the Central Government may determine."

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 19—

after "voting" insert:

"the Chairman or a person acting on his behalf for the time being, or"

The motion was negatived.

Mr. Speaker: The question is:

Page 11, line 22—

after "education" insert:

"rehabilitation of displaced persons, rehabilitation of tribal jhumias and rehabilitation of landless peasants".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 32, as amended, stand part of the Bill."

The motion was adopted.

Clause 32, as amended, was added to the Bill.

Mr. Speaker: We have only half-an-hour left. I would ask hon. Members to decide in advance which amendments they would like to move. Every amendment is important, but instead of moving amendments which may not be accepted, I would ask them to pick out the important ones. At five o'clock I will apply the Guillotine.

Pandit G. B. Pant: There is hardly any other important amendment left now.

Mr. Speaker: There are no amendments to clauses 33, 34 and 35. So, I shall put them to vote.

The question is:

"That clauses 33, 34 and 35 stand part of the Bill."

The motion was adopted.

Clauses 33, 34 and 35 were added to the Bill.

Mr. Speaker: To clause 36 Shri Anandchand has given notice of an amendment No. 50. For increasing the expenditure the President's sanction is necessary. Therefore, I rule it out of order.

Pandit G. B. Pant: May I move an amendment that for "ten" "twenty" may be substituted?

Mr. Speaker: I am afraid the hon. Minister has also to take the sanction of the President for enhancing; anybody can reduce.

Pandit G. B. Pant: I shall adopt some other method.

Mr. Speaker: I shall put clauses 36 to 51 to the vote of the House.

The question is:

"That clauses 36 to 51 stand part of the Bill."

The motion was adopted.

Clauses 36 to 51 were added to the Bill.

Clause 52 (Control)

Shri Biren Dutt: I beg to move:

Page 17, line 14—

for "in due course" substitute "forthwith".

"In due course" may mean delay. This is a matter in which immediate action is necessary.

Here, the provision is,

"...he shall furnish forthwith a copy of it to the Central Government with a statement of the reasons for making it and forward in due course to that Government....."

It means that it will be delayed. So, I want that the word forthwith should be substituted.

Mr. Speaker: Amendment moved:

Page 17, line 14—

for "in due course" substitute "forthwith."

Pandit G. B. Pant: The second part relates to the explanation offered by the Council. Forthwith, from which moment of time? He will receive it from the Council. That would take some time. When it is received by the Administrator, he will have to make some comments of his own. He may have to make some enquiry. Then he will submit an explanation to the Central Government. He cannot send it forthwith. That would defeat the very purpose. The Council would not have an opportunity of offering an explanation and supplementing it with any other material that may be desirable in support of the case. That would not help the Council at all.

Mr. Speaker: The word 'forthwith' does not seem to be appropriate there. They may not wait for the explanation from the Council. I do not think the hon. Member wants to press it.

Shri Biren Dutt: No.

• *The amendment was, by leave, withdrawn.*

Mr. Speaker: The question is:

"That clause 52 stand part of the Bill."

The motion was adopted.

Clause 52 was added to the Bill.

Clause 53—(Power to supersede Territorial Council)

Shri Anandchand: I beg to move:
Page 17—

after line 22 add:

"Provided that a reasonable opportunity shall be given to the Territorial Council to explain its conduct before the order of supersession is made final by the Central Government."

My amendment is only aimed at giving an opportunity to the Council to explain its conduct before it is superseded by the Central Government in the final stage.

Mr. Speaker: It is provided there.

Shri Anandchand: No, Sir. It says:

"The Central Government may, on receipt of a report from the Administrator or otherwise, by order, supersede a Territorial Council on being satisfied that the Council is not competent to perform or persistently makes default....."

I want to add a proviso to that. The objective is very limited. The amendment is self-explanatory. Of course, it is inherent there. When a report is received by the Central Government, it will make due enquiries. I would suggest that we put it in the

law itself that an opportunity would be given. It may not be left just to the rules or left vague that a Council is to be superseded without an opportunity being given. We may put it here and say that an opportunity should be given whatever their faults. That is all.

Pandit G. B. Pant: That is already there in an implicit form. I have no objection to this amendment being accepted.

Mr. Speaker: The question is:

Page 17—

after line 22 add:

"Provided that a reasonable opportunity shall be given to the Territorial Council to explain its conduct before the order of supersession is made final by the Central Government."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 53, as amended, stand part of the Bill."

The motion was adopted.

Clause 53, as amended, was added to the Bill.*

Mr. Speaker: Clause 54.

Shri Dasaratha Deb: I am not moving my amendment.

Mr. Speaker: There are no amendments.

The question is:

"That clauses 54 to 64 stand part of the Bill."

The motion was adopted.

*Clauses 54 to 64** were added to the Bill.*

*In sub-clause (1) of clause 53, after the word "perform" and the words "performance of", a comma was inserted, under the direction of the Speaker as correction of a patent error.

**In clause 62, the word "made" was omitted under the direction of the Speaker as correction of a patent error.

In clause 63, after the word "effect" the word "to" was inserted, under the direction of the Speaker as correction of a patent error.

Clause 65—(Amendment of Act 43 of 1950)

Pandit G. B. Pant: I beg to move:
Pages 21 and 22—

for clause 65, substitute:

'65. Amendment of Act 43 of 1950.—In the Representation of the People Act, 1950—

(a) in section 2—

(i) the brackets and figure "(1)"; and

(ii) clause (cc)

shall be omitted;

(b) in section 13B, in sub-section (1), for the words "for each assembly constituency, electoral college constituency and council constituency" the words "for each parliamentary constituency in a Union territory, each assembly constituency and each council constituency" shall be substituted;

(c) for section 13D, the following section shall be substituted:—

"13D. Electoral roll for parliamentary constituencies.—

(1) The electoral roll for every parliamentary constituency other than a parliamentary constituency in a Union territory shall consist of the electoral rolls of so much of the assembly constituencies as are comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any such parliamentary constituency.

(2) The provisions of Part III shall apply in relation to every parliamentary constituency in a Union territory as they apply in relation to an assembly constituency."

(d) in the heading of Part III, the words "and Electoral College" shall be omitted;

(e) in section 14, in clause (a), the words "or an electoral college constituency" shall be omitted;

(f) in section 27A, for sub-sections (3), (4) and (5) the following sub-sections shall be substituted, namely:—

"(3) The electoral college for the Union territory of Delhi shall consist of the persons who immediately before the first day of November, 1956, were members of the Legislative Assembly of the State of Delhi.

(4) The electoral college for each of the Union territories of Himachal Pradesh, Manipur and Tripura shall consist of the members of the Territorial Council constituted for that territory under the Territorial Councils Act, 1956;"

(g) sections 27B, 27C and 27D shall be omitted; and

(h) in the Fifth Schedule, in the second column, for the figures "41", the figures "40" shall be substituted.'

Mr. Speaker: There is another amendment to the proposed amendment No. 55. Are both these amendments moved? Or they may be taken as moved.

Pandit G. B. Pant: Yes. I beg to move:

That in the amendment proposed by me printed as No. 55 in List No. 3 of amendments—

omit sub-clause (h).

Shri Dasaratha Deb: I beg to move:

Page 22—

after line 4 add:

"Provided that the member or members of the Territorial Council of each of the above mentioned Union Territories who is or are not chosen by direct election on the basis of adult suffrage shall not be the member or members of the electoral college for each of these Union Territories."

Shri Anandchand: I have an amendment No. 52. Now there are two members left. The hon. Minister has said that they would not be voting for the elections to the Rajya Sabha. So, it may be put in a proper form.

Mr. Speaker: I do not know what he wants. I cannot substitute my own discretion for his.

Shri Anandchand: I move the amendment.

Mr. Speaker: In what form? He must put it in proper form.

Shri Anandchand: Instead of 'four', two' may be substituted. I beg to move:

Page 22—

line 4, add at the end:

"but shall not include any of the two members nominated by the Central Government under sub-section (3) of section 3."

Pandit G. B. Pant: Say 'any of the members'. It may be only one; it may be none.

Shri Dasaratha Deb: My amendment also seeks to do the same thing. The spirit of it has been accepted by the hon. Minister. I do not find any necessity to explain it.

Pandit G. B. Pant: I have moved my amendments. They are of a technical character. They relate to the election of members of the Rajya Sabha, by these Councils. These provisions have been proposed with a view to bring them in conformity with the Representation of the People Act. They do not introduce any new feature at all. They are intended to give effect to the substantive provision contained in the earlier part of the Bill.

Mr. Speaker: I shall first put amendment No. 58, which is an amendment to an earlier amendment of the Government, No. 55.

The question is:

"In the amendment proposed by the hon. Minister and printed as

No. 55 in list No. 3 of amendments—

omit sub-clause (h).

The motion was adopted.

Mr. Speaker: Amendment No. 55 is amended by amendment No. 58. I shall now put amendment No. 55 as amended by amendment No. 58.

Pages 21 and 22—

for clause 65, substitute:

'65. Amendment of Act 43 of 1950.—
In the Representation of the People Act, 1950—

(a) in section 2—

(i) the brackets and figure "(1)";
and

(ii) clause (cc),
shall be omitted;

(b) in section 13B, in sub-section (1), for the words "for each assembly constituency, electoral college constituency and council constituency" the words "for each parliamentary constituency in a Union territory, each assembly constituency and each council constituency" shall be substituted;

(c) for section 13D, the following section shall be substituted:—

"13D. Electoral roll for parliamentary constituencies.—(1) The electoral roll for every parliamentary constituency other than a parliamentary constituency in a Union territory shall consist of the electoral rolls of so much of the assembly constituencies as are comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any such parliamentary constituency.

(2) The provisions of Part III shall apply in relation to every parliamentary constituency in a Union territory as they apply in relation to an assembly constituency";

(d) in the heading of Part II, the words "and Electoral College" shall be omitted;

(e) in section 14, in clause (a), the words "or an electoral college constituency" shall be omitted;

(f) in section 27A, for sub-sections (3), (4) and (5) the following sub-sections shall be substituted, namely:

"(3) The electoral college for the Union territory of Delhi shall consist of the persons who immediately before the first day of November, 1956, were members of the Legislative Assembly of the State of Delhi.

(4) The electoral college for each of the Union Territories of Himachal Pradesh, Manipur and Tripura shall consist of the members of the Territorial Council constituted for that territory under the Territorial Councils Act, 1956."

(g) sections 27B, 27C and 27D shall be omitted.'

The motion was adopted.

Mr. Speaker: Amendment No. 55 as further amended by amendment No. 58 is carried.

Now, Shri Anandchand's amendment No. 52. I will put it in a slightly modified form so that it fits in in the Government amendment just now adopted, substituting a new clause for clause 65 of the Bill.

The question is:

In the amendment proposed by the hon. Minister and printed as No. 55 in List No. 3 of amendments—

in the proposed clause 65, in sub-section (4) of section 27A add at the end:

"but shall not include any of the members nominated by the Central Government under sub-section 3 of section 3".

The motion was adopted.

Mr. Speaker: Shri Dasaratha Deb's amendment No. 53 is covered. The question is:

"That clause 65, as amended, stand part of the Bill".

The motion was adopted.

Clause 65, as amended, was added to the Bill.

Clause 66—(Amendment of Act 43 of 1951)

Mr. Speaker: We shall now take up clause 66.

Pandit G. B. Pant: I beg to move:

Page 22—

for clause 66, substitute:

'66. Amendment of Act 43 of 1951.— In the Representation of the People Act, 1951,—

(a) in section 2—

(i) in sub-section (1), in clause (b), the words "or the electoral college of a Union territory" shall be omitted;

(ii) in sub-section (2), the words "an electoral college constituency" shall be omitted; and

(iii) in sub-section (3), the words "or the electoral college of a Union territory" shall be omitted;

(b) in Part II, Chapter IV shall be omitted;

(c) section 13 shall be omitted;

(d) in section 19, the words "an electoral college constituency or" shall be omitted;

(e) in section 67A, the words "or to the electoral college of a Union territory" shall be omitted;

(f) section 72, shall be omitted;

(g) section 148 shall be omitted;

(h) in section 158, in the first proviso to sub-section (4), the words "or Council of States constituency" shall be omitted.'

Mr. Speaker: It is only formal and consequential.

The question is:

Page 22—

for clause 66, substitute:

'66. Amendment of Act 43 of 1951.—
In the Representation of the People
Act, 1951—

(a) in section 2—

(i) in sub-section (1), in clause (b), the words "or the electoral college of a Union territory" shall be omitted;

(ii) in sub-section (2), the words "an electoral college constituency" shall be omitted; and

(iii) in sub-section (3), the words "or the electoral college of a Union territory" shall be omitted;

(b) in Part II, Chapter IV shall be omitted;

(c) section 13 shall be omitted;

(d) in section 19, the words "an electoral college constituency or" shall be omitted;

(e) in section 67A, the words "or to the electoral college of a Union territory" shall be omitted;

(f) section 72 shall be omitted;

(g) section 148 shall be omitted;

(h) in section 158, in the first proviso to sub-section (4), the words "or Council of States constituency" shall be omitted.'

The motion was adopted.

Mr. Speaker: The question is:

"That clause 66, as amended, stand part of the Bill".

The motion was adopted.

Clause 66, as amended, was added to the Bill.

The Schedule was added to the Bill.

Mr. Speaker: Now we take up clause 22 which was held over. The principle has been adopted, and this is only a question of drafting. I will now put the amendments prepared by Government.

Amendments made:

(1) Page 6—

after line 35, insert:

"(2) If a resolution for the removal of an elected Chairman is passed by not less than two-thirds of the total membership of the Council at a meeting convened in accordance with the provisions of sub-section (3), such resolution shall have the effect of removing the Chairman from his office as from the date on which the resolution is so passed and if such resolution is passed by less than two-thirds but not less than one-half of the total membership of the Council, the Administrator may, by order in writing remove for reasons to be recorded the Chairman from his office as from such date as may be specified in the order:

Provided that no such resolution shall be brought within one year from the date of election of the Chairman:

Provided further that if the resolution is not passed by not less than two-thirds of the total membership of the Council, no other resolution, for the removal of the Chairman shall be allowed to be considered within one year from the date on which such resolution was considered.

(3) A notice in writing of the intention to move a resolution referred to in sub-section (2) signed by not less than one-third of the total membership of the Council together with a copy of the proposed resolution shall be delivered to the Administrator in accordance with the rules made by the Central Government in this behalf and the Administrator shall, after giving not less than fifteen days' notice thereof, convene for the consideration of the resolution a meeting of the Council to be held in the office of the Council on a date not later than

thirty days from the date on which the notice was delivered to him and he shall preside over the meeting."

(2) Page 6, line 36—

for '(2)' substitute '(4)'—

[Pandit G. B. Pant]

Mr. Speaker: The question is:

"That clause 22, as amended, stand part of the Bill".

The motion was adopted.

Clause 22, as amended*, was added to the Bill.

Clause 1.—(Short title, extent and commencement.)

Shri Anandchand: I beg to move:

Page 1, for lines 8 to 11 substitute:

"(3) It shall come into force on the 1st day of January, 1957."

I want to say a few words in this connection. The hon. Minister has himself been pleased to state the urgency of the measure. The number in Himachal Pradesh has been kept as it was to expedite the coming into existence of these councils in the existing constituencies. Therefore, I feel it would not perhaps be advisable for this House as well as the hon. Home Minister to leave the date of the coming into operation of this Act vague, because here it is not only a vagueness as to the date. There is also a provision in clause 1 that there might be different dates for different territories. The General Elections, as far as I can see, are already coming at a particular date, and if these Territorial Councils are to link up with them, I think the best thing would be to make it more explicit. Therefore, I have suggested 1st January for the consideration of the House and the hon. Minister.

Pandit G. B. Pant: I had thought that I would consult an astrologer and

fix some auspicious date for enforcing this measure, but as he suggests that it might come into operation on the 1st January, I shall submit to his wishes!

Mr. Speaker: The question is:

Page 1, for lines 8 to 11 substitute:

"(3) It shall come into force on the 1st day of January, 1957."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill".

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

Pandit G. B. Pant: I beg to move:

"That the Bill, as amended be passed."

I hope that after the changes that have been made, the Bill will be accepted unreservedly by every one of the hon. Members who are interested in it or who will be directly affected by its provisions. I do not want to say more. I wish these Councils every success and I count upon the co-operation of all Members so that these Councils which are being established in these areas for the first time may prove worthy of the confidence that is going to be reposed in them and in the people of these areas.

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed".

Shri Biren Dutt: After our coming to this House five years have already passed and we have not got even a reform in our outmoded land system.

*In sub-clause (2) of clause 22, for substituted, under the direction of the error.

the word "will" the word "shall" was Speaker as correction of a patent

[Shri Biren Dutt]

In this House we raised this question again and again. We were given so much assurance, but we have not got a single progressive Act introduced or a single Act repealed in regard to the administration of Tripura, and we have been struggling to have our old Legislative Council there. The House suggested and you have brought forward this Bill and we have accepted it. But I must appeal to the Home Minister to see that this advisory council should be a really functioning body.

There are many problems which affect the life of the people of Tripura very much. We have written about the delay. It is nearly ten years since the attainment of our independence and we could not have our agricultural system there reformed. Even the land records are not there. And there are problems like rehabilitation of refugees. Nobody knows whose lands are taken for the rehabilitation of the refugees. After the refugees have been rehabilitated, now some claimants are coming and ousting them with the help of the governmental machinery. Such things are very unhappy incidents in the life of the people of Tripura. We have no forum to express our grievances. That is why through our amendments we have tried to improve the Bill in this short period. And with the assurance given by the hon. Minister that this is not a final Bill, it can be changed and reformed in the future, we accept it, and we want to operate it. At the same time we wish that the Home Minister deals with those matters which are left untouched yet with more care and sympathy.

Shri Anandchand: I will not take more time of this House to add to what I said in the very beginning at the consideration stage.

I am quite clear in my mind, as the hon. Minister has himself stated, that once this House has accepted the scheme of reorganisation the

Joint Committee after long deliberations submitted its report and according to that scheme the States of India have been reorganised including the Union Territories— there is very little doubt left as to what is to be the constitutional position, especially the legislative position of these Union Territories. Time and again, we are up against this difficulty that these Territories are without legislatures. . . . In the scheme of things as accepted by this House, there is no place for legislatures or for Councils of Ministers to function in these Territories. Otherwise, they would not be called Territories, but they would be called States of the Union. They cannot be States of the Union because they have not the size or the resources to become States of the Union. That is quite clear. Therefore, I welcome this measure as the maximum that could be done according to the formula laid down by the States Reorganisation Commission as well as by Parliament.

Of course, I do say here and emphatically too that the list is not exhaustive. No lists can be exhaustive. These subjects which are being given to the Territorial Councils can be added to, as the Home Minister himself has said. In the light of experience, I hope they will be able to shoulder more and more responsibility, discharge their work efficiently and honestly, and thereby they can approach the Central Government again for more powers and more functions in those areas. Of course, those functions would have to be different from those of a legislature or a Council of Ministers. That is inherent in the very scheme of things.

I hope you will pardon me if I add a word about the Himachal Pradesh Territory particularly. At the time when the reorganisation scheme was being discussed, I was very clear in my mind that the people who represented Himachal Pradesh in the legislature of that time, although they

were asking for its entity, at the back of their mind had the idea that its survival may be perpetuated as a State. I said at that very time that it could not become a State, and the most that it could become was a Territory, and that also, because the people were united in their wishes for its continuance and also because the Centre was well aware of the difficulties in its way, the backwardness of the people, their economic backwardness and so on. So, it pained me now to find that some of my friends—as a matter of fact, I was very keen to discuss with them; my colleagues from Himachal Pradesh have not been present in this House in the numbers that they are—are not quite happy with the scheme of the Territorial Council, as I have just been able to see from a newspaper report from Simla. I know this is hardly the forum for me to speak anything on their objections to it. But I might say this very clearly that so far as we are concerned,—and I say 'we' not only for myself, but also for other people who have appreciated the change that has come into India—we are fully clear in our minds that Himachal Pradesh as a Union Territory has certain functions to perform under the aegis of the Central Government, not as a full-fledged State but as a Territory, closely united with the Home Ministry here; and through its good offices, we hope and trust that its development, its economic improvement and also its functioning in a certain field, whether it is local, or whether it is Territorial Council field or whether it is the panchayat field, would be well looked after.

Although, when I say so, many of my hon. friends here get excited, I do not know how far these Union Territories in the present set-up will continue in this country. Today is a day of large States and large areas. These Territories, therefore, to my mind, except in very remote cases, have very little functions to perform, and they are here, or they exist in India or they continue in this country

of ours only till such time as the people residing therein have not risen to their full stature.

Shri L. Jogeswar Singh: Himachal Pradesh can join Punjab.

Shri Anandchand: I hope so, that in course of time, with what I might call the guardianship and the intimate interest of the Centre here, the people of Himachal Pradesh will rise to their full stature, and they would no longer be wanting to be spoon-fed and they will take their full place with the other progressive people of India in a State. I do not know whether that might be the Punjab or any other State. After all, no re-organisation that we have done is final. Parliament has always the power to readjust States, create States, alter States alter their boundaries, their names, and so on.

But what I fervently hope is that this tutelage will be of short duration, and that by the good offices of this House and particularly of the Home Ministry the people of Himachal Pradesh will rise to their full stature and take their full place amongst the other States of India.

Shri L. Jogeswar Singh: I do not agree with my hon. friend from Himachal Pradesh that Himachal Pradesh or Manipur or Tripura will go to the neighbouring States.

Shri Anandchand: I did not say 'neighbouring States'.

Shri L. Jogeswar Singh. If we create that sort of impression that the position of the Territory will not be a lasting one, and that it will be only a temporary phase, then the people will not take much interest in any development programme in these areas. So, such an impression should not be created.

At the outset, I would like to express my thankfulness to the Speaker and the Home Minister for giving us more time for the discussion of this

[Shri L. Jogeswar Singh]

Bill than was originally proposed. Originally, only one hour had been allotted, but we discussed this matter at a meeting with the Home Minister, and now we have been given some four or five hours. So, I would like to express our thanks to you and also to the House for the indulgence shown to us by enabling us to have a detailed discussion of this Bill. I thank you also, Mr. Speaker, for having given us the indulgence of some more time for the discussion of this Bill.

I would like to say to the Home Minister that the political aspirations of the people will not be satisfied by the passing of this Bill. No doubt, it is a good beginning; it is a democratic piece of legislation, and it seeks to associate the people at the lower level of administration. But, I hope and trust that, as the Home Minister has already expressed, this will be improved upon in due course, and some form of responsible government will be possible through these Territorial Councils, as is the position in some of the States in America.

In America, there are certain areas where the population is only 3 lakhs, and yet those States have what are called Territorial Assemblies. If even a small State having a population of 3 lakhs could have a Territorial Assembly, why should States having populations of 5 lakhs, 10 lakhs or 20 lakhs also not have such Assemblies? They are also entitled to have some form of responsible government. I hope that in due course, this Bill will be improved upon, and these Territories will get the same privileges as are enjoyed by other sister States in India. The people of these areas should not be meted out a step-motherly treatment; they should also be treated more or less as of equal status with those in the rest of India.

Our resources are bountiful. We have enough of forest and mineral resources. As soon as these resources are developed, we would not have to depend on the Centre for finance, and

there is no reason why we should not be accorded a status higher than this. I would request the Home Minister to bear this in mind and give some improved status to these Territories in due course.

Pandit G. B. Pant: I think the hon. Members of this House in general and you, Sir, in particular. That is all that I have to say.

Mr. Speaker: I am satisfied that every clause of the Bill has been fully discussed, and, therefore, I have not been obliged to apply the guillotine. In fact, I am happy that we had been able to spare some time for the third reading also.

The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

BANKING COMPANIES (AMENDMENT) BILL

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari): I beg to move:

"That the Bill further to amend the Banking Companies Act, 1949, be taken into consideration."

The Bill is designed to introduce certain important amendments, the necessity for which has become evident as a result of the experience gained by the Reserve Bank in the administration of the Banking Companies Act. While the general position of the banking system in India continues to be sound and there has been considerable progress in the matter of securing better standards of operation, it is felt necessary to amend the law in certain respects, in order that the Reserve Bank of India may be able more effectively to bring about an improvement in the management and control of some of the banking companies to eliminate the possibility of serious defects occurring in the matter of advances and investments.

I shall refer briefly to the important clauses of the Bill. Clause 2 deals with the question of checking the payment of excessive remuneration to the top executives of a bank. Section 10 (1) (b) (ii), as existing at present, provides that a banking company shall not employ any person whose remuneration or part of whose remuneration takes the form of commission or of a share in the profits of the company. A doubt has been raised—and a case is pending before the Supreme Court—on the question of interpretation of this clause in which the point involved is whether the existing sub-section prevents a banking company from granting bonus to its staff. So far as it has been gathered, when this provision was passed in 1949, there was no intention of preventing any banking company from granting bonus, if it so decides. It is with a view to removing this doubt that it is proposed to amend this section.

The next provision is with regard to the existing section 10(1)(b)(iii) which provides that a banking company shall not employ any person whose remuneration is, according to the normal standards prevailing in banking business, on a scale disproportionate to the resources of the company. The two criteria that have been provided in the existing section are: normal standards prevailing in banking business, and the resources of the banking company. As the remuneration is particularly linked with the resources of a banking company, objection could not be taken in the case of salaries of higher officers of big banks on the ground that those salaries were a small fraction of their total resources. Besides, the above criteria do not take into consideration whether the remuneration is disproportionately high as compared to the level of emoluments paid by the banking company to other members of the supervisory staff as well as to the general level of wages obtaining in the banking industry. As observed by the Gajendragadkar Commission,

the standards provided in the existing section are not adequate and further criteria are now proposed to be provided in the proposed sub-section (2) of the amended section 10.

Clauses 3 and 4 of the Bill seek to replace and enlarge the existing section 12 of the Banking Companies Act, which deals, among other things, with the voting rights of the shareholders. The existing section 12(iv) provides that the voting rights of any one shareholder should not exceed 5 per cent of the total voting rights of all the shareholders. This provision does not apply to banking companies incorporated before the 15th January, 1937. I am sure that hon. Members who had been in this House at the time when the Banking Companies Act was discussed would remember that even then there was an idea in the minds of some of the hon. Members that companies which were incorporated before 1937 must be brought within the scope of this particular section. There are 45 scheduled and 247 non-scheduled banks incorporated prior to 15th January, 1937. Some of the banks are big banks where concentration of voting rights—I would not like to mention the names of the banks—is in the hands of a few. I think it is right now that when it is generally expected that there should be some kind of control over misuse of voting rights this particular provision should be made generally applicable to all banks.

According to the law as existing at present, there is no provision to prevent a person from holding through nominees the bulk of the share capital of a banking company—even though there is a restriction—thereby having a controlling interest in the management through them. It is, therefore, proposed to amend section 12 so as to introduce a check on nominee holding and, to ascertain the extent of such holding, it is proposed that every chairman, managing director or chief executive officer of a banking company should furnish to

(Shri T. T. Krishnamachari)

the Reserve Bank periodical returns giving full particulars of the shares held by them directly or indirectly of any change in their holdings.

In respect of clause 4 in case of banking companies incorporated prior to the 15th January, 1937, as the directorate is on the basis of voting rights without any restrictions, fresh elections will be necessary in cases where there is a concentration of voting rights in the hands of a few persons, that is to say, if this law is passed and it is applied, then the existing position in regard to the nomination of directors and their election will have to be changed in consonance with the law as amended.

Clause 5 of the Bill deals with section 16 of the Act which prohibits a banking company from having as a director any person who is a director of another banking company. It is felt that the scope of this restriction should be widened. It is observed that in the case of certain banks, some of the directors are interested in several other companies which together hold a substantial portion of the share capital of the banks concerned. This idea of concentration of power has been dealt with in another act, namely, the Companies Act. The directors thus acquire an indirect controlling interest in such a banking company. It is, therefore, proposed to amend section 16 so as to prohibit banking companies from having as a director a person who is a director of other companies which together can exercise voting rights in excess of 20 per cent. of the total voting rights of all shareholders of the banking company.

Clause 6 relates to calling for information. During the course of inspection of banking companies, sometimes the banks were unwilling to furnish the information required by the Reserve Bank in respect of parties who had taken advances from the bank on the ground that section 27, as it at

present stands, enables the Reserve Bank to call for information regarding the banking company only but not of those of its customers. The position is somewhat anomalous, if all the information that is necessary is not vouchsafed. In many cases, I suppose, because of certain powers the Reserve Bank possesses, it is able to compel the banks to give the information. But in any event, a statutory provision is certainly necessary in the light of circumstances prevailing now and again, in the case of several banks. It is, therefore, proposed to widen the scope of the section so as to authorise the Reserve Bank to call for information not only relating to the business or affairs of the bank but also the business or affairs with which such banking company is concerned.

Clause 7 of the Bill deals with the existing section 36(1)(a). Under this section, the Reserve Bank may caution or prohibit banking companies generally or any banking company in particular against entering into any particular transaction or class of transactions, and generally give advice to any banking company. It often happens sometimes in the matter of arranging the affairs of a bank, may be at a particular time when it is not earning a profit, that it declares a dividend from resources which would otherwise provide a cover to its depositors. When a similar contingency occurred, the Reserve Bank was advised by its solicitors that it could issue a direction prohibiting the banking company from entering into a transaction. But suppose it is the declaration of a dividend. That would not be deemed to be entering into a transaction because it is something which the bank does on its own volition without entering into a transaction where another party is concerned. There has been another case where it was found that a particular bank had made an advance which was considered to be bad. Normally the Reserve Bank would call back that advance. The existing provision, it was felt according to

our legal advisers, did not enable the Reserve Bank to do so. In fact, as the law stands at present, the Reserve Bank has no powers to issue any directive which it thinks necessary in the national interest. The proposed section 35A enables the Reserve Bank to issue directions to banking companies in the national interest or to prevent the affairs of any banking company from being conducted in a manner prejudicial to the interests of the banking company, or to secure the proper management of any banking company generally. In fact, this particular amending section was evolved after consultation with our legal advisers.

Under sections 268 and 269 of the Companies Act, which apply also to public banking companies, the appointment or re-appointment of a managing or whole-time director and the first appointment of a managing or whole-time director requires the approval of the Central Government. The existing sections do not apply to the manager or the chief executive officer of a company. They do not also apply to private banking companies. It is desirable that the provisions of these sections should apply to all banking companies, whether public or private, and also to the manager or the chief executive officer of banking companies, and as the administration of the banking companies is with the Reserve Bank and as the Reserve Bank is more competent to consider this question, it has been felt desirable that this power should be vested in the Reserve Bank rather than in the Central Government. Naturally it is expected that the Reserve Bank would act in consultation with the Central Government in a matter of this nature.

Similarly, under sections 310 and 311 of the Companies Act, any amendment providing any increase in the remuneration of a managing or whole-time director can be effected only with the approval of the Central Government. If this power is retained with the Central Government, it would

mean that the appointment or re-appointment of the managing director would have to be approved by the Reserve Bank and the increase in the salary of such persons would have to be done by the Central Government. In order to see that there is only one authority to deal with this matter, it is felt that the power relating to any increase in the remuneration should also be exercised by the Reserve Bank and that the provisions of sections 268, 269, 310 and 311 of the Companies Act should not apply to banking companies.

In regard to clause 8, the position is that under section 36(1)(d)(ii) of the Act, it is provided that the Reserve Bank may, during the course of, or after the completion of any inspection of a banking company under section 35, by order in writing require the company to make, within such time as may be specified in an order so issued, such changes in its management as the Reserve Bank may consider necessary in consequence of the state of affairs disclosed by the inspection. With a view to improving the tone of management or putting a check on the exploitation of the affairs of a banking company by any particular individual or group of individuals, the Reserve Bank has in cases of about 10 banks deputed an officer of the Reserve Bank as an observer with powers to attend but not to take part in the deliberations of the Board. A condition regarding the appointment of observer was imposed in the cases of certain banks—not because of the powers of the Reserve Bank, as I said previously, but by some other powers namely the threat to deschedule a bank or to withdraw a licence. Of course in a few cases it has been possible to appoint an observer and the banks co-operated, with the result that there has been definite and marked improvement in the financial position in many cases. At any rate, there has been a check on further deterioration, but these steps, as I stated earlier, depend entirely on the consent of the bank or the use of a power which ought not normally to be used. Both involve delay, and because of obstructions and

[Shri T. T. Krishnamachari]

delay, one has to make the legal position fairly clear. The proposed amendment seeks to empower the Reserve Bank to depute one or more of its officers for this purpose.

Clause 10 deals with the question of making bank officials public officials. In the case of receiving illegal gratification by a bank official, he will be treated for the purpose of law as a public official, and action can be taken in regard to such cases in the same way as action could be taken against a public servant under Chapter IX of the Indian Penal Code.

That more or less brings me to the end of the story.

Having stated the nature of these provisions, I would like to say why there is a justification for this measure. An hon. Member asked me, "Would the heavens fall if you do not introduce the Banking Companies (Amendment) Bill in the present session"? I would like to tell the House that may be that heavens would not fall, but I think if the House does not pass this Bill now in such form as it determines, what would happen is that I would have disclosed more cases of this type during the next five or six months before which I could not bring a Bill of this nature. Certainly the preoccupation with the Budget would keep it busy for two months, and so it would be 7 or 8 months, and during these 7 or 8 months the field is clearly open for such banks, whose actions we seek to restrict by the provisions of this particular Bill, to take such precautions as they wish to take to see that our purposes in view are defeated. I think tactically I would have committed a grave error in showing my hand if I am not going to see that the Bill is enacted into law now. That is one of the primary reasons. You might say, what will happen all along might continue to happen for 8 or 9 months. It is not a proper argument. If it is found that a particular section in the Banking Companies Act which we have introduced needlessly for some

purpose which is not of course relevant or rational, exempts a large number of banking companies from the operation of that particular provision, I think sooner or later we will find that we have done something wrong and we must remedy. In tune with many things that we are doing, putting most of these institutions into proper shape, seeing that abuse is not general or rampant, I think it is necessary when these facts come to light that the particular Act must be amended. In fact, some of these provisions must have been undertaken immediately after the Company Law. Probably in one sense it is quite correct that we have waited for some time. For instance, on the question of fixing of salaries of bank officials or approving the appointments, I do find that from certain copies I get of the correspondence of the Company Law Administration, Government has to approve the appointment of a manager on Rs. 430. Surely the House will recognise that this kind of an exercise of power by Government will be difficult. That is one of the reasons we feel that the Reserve Bank should do it.

Hon. Members may also know that when you are enlarging the powers of the Reserve Bank in regard to fixing of remuneration of an officer of the bank in tune not merely with the resources of the bank but also in tune with the existing conditions, why not fix a limit? I am afraid it would be rather difficult, because the yardstick that we have for fixing would be a difficult yardstick. It may be that in some banks, an exceptional person will have to be taken and maybe he will have to be paid more than the normal. So a figure is not possible to be fixed. Some people might say, let the Government take it as it has taken power in the Companies Act. I think it is much better to leave it to this body.

Another question may be asked by hon. Members: What is the object of clothing the Reserve Bank with this big power? Why not Government take it up? This is a specialised body doing

a specialised type of work. Its concentration of attention is such that it is dedicated to its work, at any rate it ought to be. If the Reserve Bank has any failings, it is up to us to correct those failings because under the Act, Government has powers to set right those defects. If the Reserve Bank does not function properly, we can make a change in the Board. If any officer of the Reserve Bank does not do his work properly, we can have him removed. The Parliament has empowered the Government to do all this. Nevertheless, the concentration that is necessary for this purpose can only be provided by that institution. If the institution is defective, the institution must be corrected. But it would not be right for me to say that I will do everything myself, but I do not think that I have the concentration necessary, except when an emergency arises, as much as the Reserve Bank. We want them to do this. We persuade them to do, we order them to do, we issue a directive for them to do. Considering the fact that the Reserve Bank is in close co-operation with the Government and has to function in close co-operation with the Government, it would not be wrong for me to suggest that the Reserve Bank should be invested with these powers. There might be in a few cases errors of judgment and there might be a few cases of hardship, but these are matters which are remedied by laying down general principles. If hon. Members say that Government should lay down the principles by discussion just by means of a directive where necessary stating that these are the ways in which these powers must be utilised, that can be done. That can be done. But, I think it is fairly safe for us to leave these powers to be exercised by an institution which is concentrating and which ought to concentrate on the main issues before it.

I have said more or less all that I can say to justify a measure of this nature and I leave it to the House to pass such judgment as it wishes to on the proposals that I have placed before it. Sir, I move.

Shri Feroze Gandhi (Pratapgarh Dist.—West cum Rae Bareli Dist.—East): You have our whole-hearted support.

Mr. Speaker: Motion moved:

“That the Bill further to amend the Banking Companies Act, 1949, be taken into consideration.”

Mr. Speaker: There is notice of a motion for reference to the Select Committee.

Shri N. R. Muniswamy (Wandiwash): May we have an idea of the time allocated?

Mr. Speaker: Five hours for all the stages. Now, there are amendments and fourteen clauses. There are some Government amendments too.

Shri T. T. Krishnamachari: They are formal.

I would like to say one thing. It is entirely for the House and the Chair. We started at 5 p.m. We have an hour today. We can take this up at 12 noon tomorrow and go on till 3-30, when the non-official business intervenes. If I may say so, I would like, if the House co-operates with me and you also permit it, that we can conclude the whole thing by about 3-30 so that I can take it to the other House.

Shri N. C. Chatterjee (Hooghly): It is not possible.

Mr. Speaker: Only half an hour in advance. At 12 noon, something comes and we spend the time. Papers are laid on the Table. I can put off the non-official business by one hour so that we can finish it without curtailing the time. We will sit a little longer.

Shri T. B. Vittal Rao (Khammam): Tomorrow, there is a discussion on U.P.S.C.

Mr. Speaker: Everything would be put off by one hour.

Shri T. B. Vittal Rao: In that case, we will have to sit up to 8 p.m. We are already daily sitting till 7 p.m.

Mr. Speaker: The hon. Member is quite young.

Shri Feroze Gandhi: We can commence at 10 a.m. tomorrow in the morning rather than sit up to 8 or 9 in the night.

Mr. Speaker: It is too early in this cold weather. Moreover, it is for one or two more days. Now, we can have 3½ hours for general discussion, one hour for amendments and clauses and half an hour for the third reading. How many hon. Members are participating—14. Those persons who come tomorrow are *prima facie* not interested. So, fifteen minutes each.

Shri A. M. Thomas (Ernakulam): For me a little more time.

Mr. Speaker: For his, twenty minutes. Now, let us go on.

Shri A. M. Thomas: Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of—Pandit Thakur Das Bhargava, Shri C. P. Mathew, Shri D. C. Sharma, Shri N. C. Kasliwal, Shri Raghunath Singh, Shri K. P. Tripathi, Shri Radha Raman, Shrimati Tarkeshwari Sinha, Shri Anandchand, Shri C. P. Gidwani, Shri P. T. Thanu Pillai, Shri K. C. Wodeyar, Shri Mulchand Dube, Shri B. Ramachandra Reddi, Shri Tulsidas Kilachand, Shri M. S. Gurupadaswamy, Shri K. K. Basu Shri H. V. Pataskar, Shri A. C. Guha, Shri T. T. Krishnamachari, and the Mover, with instructions to report on the first day of the first week of the next session."

This is a very important piece of legislation. When this Bill was discussed in 1949, the Member who took active interest was the hon. Minister himself and you also, Sir, made a massive and very useful contribution. The discussion took place for 3-4 days. I have moved my amendment to refer this Bill to the Select Committee...

Shri Punnoose (Alleppey): On a point of order, I would like to know whether the hon. Member has taken the permission of all the hon. Members whose names he has mentioned because I find my friend, Shri Basu's name, mentioned there. So many other hon. Members are also there.

Shri A. M. Thomas: Shri Basu is the person.

Shri Punnoose: You have not consulted Mr. Basu and so many others too.

Shri A. M. Thomas: Shri Basu's point of view was this: "Provided I would not be barred from speaking, I have no objection."

Mr. Speaker: That proviso would not be in the resolution. Very well, he has given his consent.

Shri Punnoose: He belongs to the Minister's Party. He may say if he is agreeable or not.

Mr. Speaker: Order, order. Shri Basu consented. So, he must fight with him and not with Shri Thomas.

Shri Punnoose: No, Sir. You would have heard him saying that, provided he is allowed to speak, he has no objection. Is it your desire that hon. Members whose names are mentioned should be allowed to speak?

Mr. Speaker: The point is whether he is agreeable to a reference to Select Committee. The point whether he is going to be called or not is another point. Shri Basu might have easily said: no, I am opposed to this reference to the Select Committee; I am against the principle of the Bill; I want to throw it out. Now, this is an intermediate stage of reference to the Select Committee and a matter of principle. It is not as if I do not at all call the hon. Members. I do call occasionally all the important persons who can speak on this and contribute though they will be necessary for the Select Committee also. I am not sticking on to that. I am allowing each Party to make its own representation and contribution. Shri Basu says he is

willing, provided.... That 'provided' is another matter. One is a matter of principle while the other is a matter of form.

Shri Punnoose: May I point out that reference to the Select Committee does not involve a principle at all because only when something is accepted, it goes to the Select Committee?

Mr. Speaker: Accepting the principle of reference to the Select Committee. (*Interruptions.*)

Shri Punnoose: The House is committed to the principle...

Shri A. M. Thomas: I have no objection to omit Shri Basu.

Mr. Speaker: But, it is Shri Punnoose who objects. Now, let the House not waste the time. (*Interruptions.*) Order, order. The hon. Members need not go on exchanging words across the Table. If Shri Basu is here tomorrow, or if Shri Punnoose or Shri Thomas ascertains his view and if he shows the least disinclination, I will remove his name tomorrow. Let us go on.

Shri A. M. Thomas: I have not intended this motion of mine as a dilatory one at all. My approach to this question is not one of hostility. I feel that some provisions which are given here should find a place in the statute book. But, I am also opposed to some of the provisions of this Bill and at least according to me, they would require modification at the hands of the Select Committee.

17-28 hrs.

[SHRI BARMAN in the Chair]

My approach to this question is based on the very principles that the hon. Finance Minister enunciated when he was a private Member and when he spoke on the Indian Banking Companies Bill. I also subscribe to the views expressed by Shri A. C. Guha when he participated in the discussion at that time on that Bill. There is absolute identity of approach. Of course, that was in the year 1949 when

they were private Members. They are now in responsible positions. I also concede that a period of seven years has passed. So much so from experience, it may be found necessary to make certain changes in the working of the Act.

According to the statement of objects and reasons given in this Bill you will find—items (v) to (vii)—one is "to enable the Reserve Bank to give directions to banking companies in relation to matters of policy or administration affecting the public interest, and to make failure to observe such directions liable to specified penalties"; another is "to render appointments of managing directors, managers or the chief executive officers by whatever name called of banking companies and the terms of their appointments subject to the prior approval of the Reserve Bank"; a third is "to enable the Reserve Bank to depute an observer or observers for purpose of observing and reporting on the conduct of affairs of a banking company". This, according to me, appears to be the worst provision which we can imagine, when we consider an institution like a bank. (*Interruption.*) All the three, according to my friend Pandit Thakur Das Bhargava, are of the same nature.

It may be necessary perhaps, in the light of information which the hon. Minister may not be in a position to place before the House or to make public but which he may be prepared to place before the Select Committee when it discusses *in camera*, to clothe the Reserve Bank with powers of such a vital nature. We have now to take into consideration whether those powers are necessary, or whether the powers which are now vested under the Indian Banking Companies Act are not enough. For instance, under section 21 there is the power of the Reserve Bank to control advances by banking companies. Then in section 35, under the heading "Inspection" certain powers are given—I do not want to take up the time of the House by reading the provisions of the sections. Then under section 36 there are

[Shri A. M. Thomas]

further powers and functions of the Reserve Bank—in which, also, there are certain enabling provisions. Then there are the provisions which have been referred to by the hon. Minister, provisions with regard to licensing of banks: provided the banks do not observe correct and proper banking practices and provided the directions of the Reserve Bank are not heeded to, it is open to the Reserve Bank to cancel the licences or refuse to grant the licences. There is that power also. And this power in regard to the licensing of banks which is vested in the Reserve Bank can be exercised in such a way as to develop these banks in the direction in which the Reserve Bank wants these banks to develop. And the hon. Minister stated that this is of very urgent importance and it is absolutely necessary, that within these few months something may happen and without further consideration by Select Committee or by eliciting public opinion the Bill has to be gone into.

But what exactly is the opinion of the Reserve Bank on the working of this Banking Companies Act? I shall just read an extract from their report which is quoted by the *Hindu* of Madras in an editorial under the heading "Curbs on Banks".

According to the Reserve Bank—I am quoting from the *Hindu*—"Where the inspections indicate the need for stricter control over the affairs of the banks concerned, suitable conditions are imposed such as appointment of Banking Advisers, restriction on unsecured advances, gradual reduction in the level of advances, etc. Although in some cases progress has been relatively slow, the banks have generally taken effective and expeditious steps to rectify the defects in their operations. They have come to realise that the inspections help to promote their own stability and the interests of their depositors and have, therefore, offered an increasing measure of co-operation". This is their view. I do not want to take the time of the House by reading the opinion which has been expressed by this very important daily

of the South. But, from this opinion of the Reserve Bank it does not appear that there is such an urgency to clothe the Reserve Bank with such sweeping powers as are sought to be given by this Bill.

Of course, as I said earlier, some banks would have behaved not properly. And I got a few days back a publication by the *National Industry and Finance*, inviting the attention of Members of Parliament to the affairs of a particular bank—whose name I do not want to give here, because I want to deal, as far as possible, with regard to credit institutions in as careful a manner as possible. Of course, some of the facts which have been disclosed in this publication reveal that some powers of the kind are necessary. But even then, I am not satisfied that the present powers vested in the Reserve Bank, if properly utilised, would not get rid of the glaring abuses of the kind that have been mentioned in this pamphlet.

Moreover, there is a Companies Act which we have passed under which the Central Government are vested with very great powers, enormous powers, to control the working of joint stock companies. And you would know that as far as the Banking Companies Act is concerned, what is sought to be regulated is only the banking companies and not private banking at all. That is one of the reasons why I want that this Bill should be referred to a Select Committee in which, of course, the Government representatives....

Shri T. T. Krishnamachari: May I ask the hon. Member what that pamphlet is from which he was quoting?

Shri A. M. Thomas: The Annual Reports of the Reserve Bank have claimed that the general administration of....

Shri T. T. Krishnamachari: That is all right. He was mentioning some other paper.

Shri A. M. Thomas: This is by the *National Industry and Finance*. In that some glaring instances of abuse, which support my hon friend, have been brought to light. I was just arguing that such instances are possible to be met by the provisions of the Companies Act and the provisions of the Banking Companies Act as obtaining at present. And there are provisions which now empower the Central Government to have commissions of enquiry to enquire into the affairs of such institutions which misbehave. And very recently the Central Government has appointed a Commission of Enquiry to enquire into the affairs of certain companies which have become the subject-matter of discussion in this very House, and my friend Shri Feroze Gandhi was responsible to bring it to light.

Shri Feroze Gandhi: You are talking about Commission. The money has gone.

Shri A. M. Thomas: What exactly are the features of this Bill and the nature of the powers sought to be given to the Reserve Bank? Sir, I agree that the Reserve Bank has to be considered to be the guardian of the national finance; it is the bank of banks; and it has got a very notable part to play in the economy of the country. But all the same it is an autonomous body, and when we clothe it with enormous, sweeping powers we must be very careful.

According to clause 2 of the Bill you will find that "if any question arises in any particular case whether the remuneration is excessive within the meaning of sub-clause (iii) of clause (b) of sub-section (1), the decision of the Reserve Bank thereon shall be final for all purposes". Then in clause 4 you will find that "any election held under this section shall not be called in question in any court", so that the jurisdiction of the courts is also ousted. That is, in regard to any election which is being conducted by the officers of the Reserve Bank, the court cannot also enquire into the validity of that meeting. And in regard to

clause 7, I do not know—of course, we can understand the Central Government being vested with such powers to issue directions when the national interests are involved or things like that—but I do not know how an autonomous body is sought to be invested with such powers. And what is the nature of the powers? The provision sought to be made by clause 7 is:

"After section 35 of the principal Act, the following sections shall be inserted, namely:—

'35A. (1) Where the Reserve Bank is satisfied that—

(a) in the national interest; or

(b) to prevent the affairs of any banking company being conducted in a manner detrimental to the interests of the depositors or in a manner prejudicial to the interests of the banking company; or

(c) to secure the proper management of the banking company generally; it is necessary to issue directions to banking companies generally or to any banking company in particular, it may, from time to time, issue such directions as it deems fit, and the banking companies or the banking company, as the case may be bound to comply with such directions."

So, very vast, undefined and unlimited powers are sought to be given by clause 7. I do not want to go to the extent of saying that the government is trying to have nationalisation through the backdoor or anything like that. But, when such vast powers are given, there is something in that criticism also.

You will also note that there is no power of appeal given to the Central Government with regard to the decisions taken or directions given by the Reserve Bank, under the powers vested by these various clauses. Of course, the hon. Minister may say, if the Reserve Bank misbehaves, there are

[Shri A. M. Thomas]

powers vested in the Central Government to issue directions I am aware of those sections. For example there is section 7 and there is also section 30 which authorises the Central Government to supersede the bank. My humble submission is, when you clothe the Reserve Bank with powers, who exactly is the ultimate person who exercises these powers? Of course, an auditor or accountant goes to the bank and just issues directions which he thinks will be in the national interest. It may not be possible for each and every case to be brought before the Central Government, especially in view of the fact that no appeal from any such direction or decision is provided in this Bill.

About the constitution of the Reserve Bank, of course the Government of India would be responsible mainly for the constitution of the Reserve Bank. I went through the debates in 1949 and I was able to note that the hon. Minister himself was very much against the Reserve Bank as constituted then the way in which it was functioning. Of course, the Reserve Bank would have improved a great deal after that by the various amendments effected to the Reserve Bank Act with regard to the extension of agricultural credit and other things. I think the way in which the Reserve Bank behaves at least with regard to certain banks is not tuned to the socialist pattern of society which the Central Government envisage. To vest such a body with enormous powers is not desirable at all.

Clause 8 contains a provision like this:

"appoint one or more of its officers to observe the manner in which the affairs of the banking company or of its offices or branches are being conducted and make a report thereon."

Shri A. C. Guha: While participating in the discussion on the Banking Companies Bill in 1949 said that the best way to scare a bank to create a panic

in it was by providing for inspection by the Reserve Bank on occasions. If it is periodical inspection, it would be viewed as a matter of course. Otherwise, it would be dangerous. Shri Guha was very emphatic on that point. No person would desire to deposit his hard-earned money in a bank to be lost. According to me, the best way to destroy a bank is to appoint an observer. I am respectfully submitting that if an observer has been appointed for any banking institution, it shows that there is something shady with that bank, and no person will deposit in such a bank. I feel that the interest of the credit structure of the country must be kept in view. Of course, abuses have to be removed and checked. I may also submit that I am no banker and I have no interest, except as an ordinary citizen of this country.

Pandit Thakur Das Bhargava: A depositor.

Shri A. M. Thomas: If at all I have got anything it is only prejudice against banks because they are realising usurious rates of interest from me. Dr. John Matthai has also conceded the point of view which has been raised by Shri Guha in his speech that occasional inspection would be bad; it would create panic; all the same because of the fact that there was not adequate staff for the Reserve Bank Shri Guha was then told to reconcile himself to the provision providing for inspections not at regular intervals.

When the Banking Companies Bill was under discussion in 1949 the hon. Minister, when he was a private member.....

Mr. Chairman: The hon. Member should conclude now; he has already taken twenty minutes. There are so many Members who are anxious to speak.

Shri A. M. Thomas: I will take only five or six minutes more.

The question of development of small banks was raised by Shri T. T. Krishnamachari and also by Shri A. C. Guha. They championed the cause of small banks and at page 352 of the proceedings of the Constituent Assembly of India (Legislative) dated the 10th February, 1949.....

Shri N. C. Chatterjee: You are quoting Mr. Guha?

Shri A. M. Thomas: I am quoting Dr. John Matthai who referring to the observations made by Shri T. T. Krishnamachari said:

"For example my hon. friend Mr. Krishnamachari raised the problem of the precise lines on which banking should develop in this country. The particular point that he had in mind was whether we should aim at developing our banking on the lines of big banks with branches all over the country or whether we should attempt to develop it in the direction of what he called unit banks, catering for relatively small local areas. I think that raises a really important problem of banking organisation. My personal view is that we should be prepared to develop our banking organisation in both directions at the same time."

I would say that the Reserve Bank has failed in its duty in properly encouraging small banks.

I have the experience of banks in my own State. Compared with other States Kerala is well served with banks. They are small banks and the real nature of the banks has been referred to in the Report of the Bank Award by Justice Gajendragadkar—

"The banks incorporated in Travancore-Cochin State present peculiar problems of their own while occupying at the same time a very important place in the economy of that part of the country."

These special features which have been conceded by Shri Guha and by Shri Deshmukh the previous Finance Minister, on many occasions have not

been realised even now by the Reserve Bank.

Shri A. C. Guha: The Reserve Bank has already recognised it.

Shri A. M. Thomas: I have seen some of the reports which have been issued by the Reserve Bank after inspection. The main objection raised by them is the advances made against property. If advances against landed property are not permitted in my State it is not possible for the functioning of a bank and it is not possible for any person to get anything from a bank. Advances made against landed property in our State are very safe. Again out of 133 banks functioning there some 33 have now been refused licences. Not a single bank has been given licence by the Reserve Bank, excepting the Travancore Bank which belongs to the Government of Travancore.

So that the Reserve Bank does not approach with sympathy the case of small banks about which my hon. friend the Finance Minister waxed eloquent at the time the Finance Bill was being discussed.

Mr. Chairman: The non-Member should conclude now. He has all along been opposing the Bill. How does he ask for its reference to Select Committee?

Shri A. M. Thomas: We have to take into consideration the fact that in our country the banking habit has not developed much as will be seen from the Reserve Bank's publication "Report on Finance for the private sector." It will indicate that the banking habit has not developed in our country and compared with other countries the percentage of people who resort to banking is very small. You will have also to note the fact that this Committee itself has stated that the necessity of encouraging small banks. The difficulties of the small banks have been narrated in this report. But, then, I do not think these recommendations have been taken note of by the Reserve Bank at all. In view of these facts, I submit that, as I stated at the outset, I

[Shri A. M. Thomas],

am not in wholesale opposition to the Bill. I only say that further reconsideration is necessary with regard to the powers with which we are clothing the Reserve Bank. Of course, if the Government satisfies the Members of the Select Committee of the necessity for taking these powers, the Committee would be disposed to give them. I do not think it will be safe for the House to vest the Reserve Bank with such blanket powers, especially in view of the history of the occasions in which these powers have been exercised by the Reserve Bank.

With these words, I move that this Bill be referred to a Select Committee.

Mr. Chairman: Amendment moved:

"That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri C. P. Mathew, Shri D. C. Sharma, Shri N. C. Kasliwal, Shri Raghunath Singh, Shri K. P. Tripathi, Shri Radha Raman, Shrimati Tarkeshwari Sinha, Shri Anandchand, Shri C. P. Gidwani, Shri P. T. Thanu Pillai, Shri K. C. Wodeyar, Shri Mulchand Dube, Shri B. Ramachandra Reddi, Shri Tulsidas Kilachand, Shri M. S. Gurupadaswamy, Shri K. K. Basu, Shri H. V. Pataskar, Shri A. C. Guha, Shri T. T. Krishnamachari, and the Mover, with instructions to report on the first day of the first week of the next session."

Shri M. K. Moitra (Calcutta North-West): In a society which aspires to be socialist, banks should not be regarded as mere institutions for handling money and credit, but they should develop as social institutions. This means that the banks must help the members of the society and not exploit them. If you look into the working of the banks, you will find that a few people through these institutions are exploiting a large mass of members of society. During the last few years, there have been secret reserves in banks and there have

been advances made to directors of banks, the interest charged for which has been far below what is charged generally, and various other things have followed. This is not my allegation. This has been stated in the reports of the Shastri Commission and Sen Commission. These Commissions recommended that the salaries of high executives should be reduced. The very suggestion of the Commission for fixing of a floor interest on advances is a proof of the charge that the promoters of the banks utilised public money for their own use at a negligible interest, a practice detrimental to the interests of the depositors. Therefore, I was surprised when Shri A. M. Thomas, a member of the Party in power rose to move for reference of this Bill to a Select Committee.

If you look at the figures, what do you find. The Reserve Bank report to which Shri A. M. Thomas has referred says that the paid-up capital of the banks in 1953 was Rs. 33·71 crores while the working funds of the banks was Rs. 952·33 crores. That means by utilising 3.5 per cent. of the paid-up capital these banks utilised a working fund of Rs. 952·33 crores and reaped a net profit of Rs. 7·26 crores. This is how these banks work.

It has been said that the directors take care of the interests of depositors. I have said at the very outset that in a society which aspires to be socialist, these banks must develop as social institutions. These banks must encourage small savings and when depositors deposit small savings in these banks they must also feel that their deposits, their savings, are safe in the bank. Small industries must receive help from these banks. But what has been done? As regards depositors' interests served by the bankers, everybody is aware that as much as Rs. 93 crores have been lost by the depositors during the period 1947 to 1951 due to bank failures. Perhaps this is not enough. If you refer to para-

graphs 4 and 20 of the report of the Banking Companies Liquidation Proceedings Committee, you will find there that the committee has recommended for more strictness placed on the management of these banking companies. The report says:

"This failure was due to bankers' bid to get the control of non-banking companies by acquiring their shares at inflated prices, the interlocking of shares between the banks and other companies, the grant of large loans to persons connected with the management of banks without adequate security, extensive window-dressing at the time of preparing balance-sheets and in general a tendency to utilise the bank's funds to the detriment of the interests of depositors."

This is the remark that that committee has made. And during that period 1947 to 1951, 180 banks which had gone into liquidation had caused no loss to their directors who were enjoying their booty and are now moving freely. This is how the interests of the depositors have been looked after by the directors of the banks.

If we look into the working of the banks, what do we find? These banks should encourage development of industry. Now we have taken up a programme under the Second Five Year Plan and it is necessary that development of industries should be encouraged. If you look into the publication of the Reserve Bank you will find that the percentage of banks' advance to industry is only 35, while banks' advance to commerce is 49 per cent. And what does this commerce include? This commerce includes speculation in shares creation of artificial scarcity by storing goods and such other things which will bring profit to the industrialists.

18 hrs.

We have also found that big industrialists have set up big banking corporations to help their own indus-

tries. The outside industries get very little help from them. These industries, in order to obtain sufficient capital for their own enterprises at cheaper rates of interest, run their own banks and each bank today represents more or less a particular group of interests. Public savings are collected through these banks and at a very low interest and are utilised for the particular group of industries at a low charge, thus enabling these industries to operate at a comparatively lesser cost.

It may be recalled here that the United Commercial Bank is linked with the Birla group.

Mr. Chairman: The hon. Member may continue his speech on the next occasion. Now, it is six o'clock, and we shall have to take up the motion by Shri T. B. Vittal Rao for discussion.

Shri Feroze Gandhi: Has it stopped with Birla? Is that all?

MOTION RE. APPOINTMENT OF
HIGH-POWER COMMISSION ON
SAFETY IN COAL MINES.

Shri T. B. Vittal Rao (Khammam):
I beg to move:

"That the question of appointing a High-Power Commission to examine the problem of safety in the coal mines be taken into consideration."

I feel that I owe an explanation to this House for raising this discussion and taking up the valuable time of this House when this House is hard pressed for time. I had raised this issue in the House on several occasions. After the Newton Chikli disaster, where 63 workers drowned owing to inundation in December 1954; we who were working in the trade union movement were very much worried about this. A court of enquiry was appointed. I filed a statement before that court. I gave evidence, and I was cross-examined also. In my statement, submitted

[Shri T. B. Vittal Rao]

to the court that a high-power commission or a tripartite committee be appointed to go into the question of safety in coal mines. I was happy when the court recommended the constitution of such a commission.

After the Newton Chikli disaster, we had the explosion in the Amlabad coal mines, in which nearly 54 workers were killed. That was in February, 1955. A court of enquiry was appointed to go into this accident also. It was presided over by an eminent judge of the Patna High Court. He also recommended the constitution of such a high-power commission to go into the question of the safety measures in the coal mines.

But Government did not accept this recommendation. So, there was no other alternative left for me except to bring up the matter before the forum of this House. In August last, when the Industrial Committee on Coal Mines met, I happened to represent the All India Trade Union Congress on that committee. This committee was meeting after a lapse of about four years. I raised this issue of the constitution of a high-power commission there also. But the Minister of Labour who presided over that committee did not think it necessary, because he thought that the new regulations that were going to be enforced would minimise the accidents.

I may add that this submission of mine to the Industrial Committee was supported by technical experts and was not all opposed by the employers. This was also supported by the Hind Mazdoor Sabha and the INTUC. Failing this, I wanted to raise this in the Indian Labour Conference which was scheduled to meet in November 1956. Unfortunately that conference, which is long overdue, has further been postponed.

Last session also this motion was admitted, but for want of time it could not be discussed. This time, in the month of September I sent the

notice as soon as summons were issued for the 14th session. We were thinking that 1956 would be a good year for mines, but two days after I sent in the notice, there was the Bhurra Dhemu accident in which nearly 38 people were drowned—of course 11 were saved later on. I had no other forum to raise this question. So finally I wanted to raise it here and ask for the decision of the House.

This is not a new thing. In all countries Commissions are appointed. In the UK, for instance, a Commission is appointed periodically and it is called the Royal Commission on Safety in Coal Mines. Its report is presented to Parliament. I thought that when we were copying many things from UK, our Government would at least think of appointing such a Commission. The Bhurra Dhemu accident occurred in similar circumstances as the disaster in Majri in 1953 when 13 workers were drowned.

Therefore, it is quite evident that the inspection that is made by the inspectorate of the Chief Inspector of Mines is not adequate, because accident of a similar nature occurred again. That means we have not drawn proper lessons from the previous accident.

Coming to the nature of accidents, there are various kinds of accidents in the mines due to roof fall, blasting, short circuit of electricity, explosion due to ignition in the gassy mines, snapping of haulage ropes and improper stowing arrangements. Any slight negligence, any slight precaution not taken would result in the death of hundreds. Had it not been for the demonstration that was there when the SRC visited the place, in the Amlabad explosion 400 people would have been killed, because all the workers joined the demonstration. Therefore, there were a few number of workers who went for work on that day.

A few days ago I was discussing about some accidents with the mana-

gers and the inspectorate's staff. We wanted to find out what were the actual causes of accidents and how best we could minimise those accidents, if not totally eliminate them. In that discussion, we came to the conclusion that the geological conditions in India were such that there need not be any accident due to roof fall, compared to other countries in the world. But in India accidents due to roof fall form the majority of the total accidents during a year. I shall not weary the House with figures and statistics because I have done so on many previous occasions. Suffice it for me to say that a little over 300 workers are killed and nearly 3,000 are either totally disabled or there is no return or restoration of working capacity. There are also 1.18 fatal cases for every 1,000 employees.

It is not only the question of accidents and inspection, but there is something deeper that we have to go into and some research has to be done into this problem. We have to find out whether the organisation of the Chief Inspector of Mines is quite in order to ensure safety measures. I may add in this connection how this department is organised. During a brief period of 2 years, the department was reorganised twice. Two years ago they said that an area could be in charge of an Assistant Chief Inspector of Mines. A few months ago again this procedure was taken away and a new procedure was adopted of calling them as Regional Inspectors of Mines. Various regions were earmarked for them. The whole nomenclature of Assistant Chief Inspector of Mines has undergone a metamorphosis.

It is said that proper attention should be given in the matter of inspection of coal mines. But what do you find? The Regional Inspector of Mines for the circle of Hyderabad has his headquarters located in Nellore where there are mica mines. Instead of locating his headquarters in the coal area of Kothagudam or Bellumpalli or even Hyderabad or in the district headquarters where these mines

are situated, it is located about 250 miles away in a region where there are mica mines. Therefore, prompt attention is not paid and the inspector cannot inspect the mines immediately an accident occurs. If he is located at a place near about, he can immediately arrive, say, within a day or so, but if he is located farther away, he cannot. This is the way some circles have been reorganised.

About the rescue work, of course, my organisation is not represented in any of these Rescue Committees. One thing has become very clear to us. When the eleven miners came back alive after staying in for 21 days in a flooded mine, it is clear that our rescue operations are such that there is something drastically needed to set right the position, because the safety measures have been found inadequate. Had there been prompt attention paid in the matter of rescue work, we might have endeavoured to save some more lives. We may or may not be able to save more, but at least the possibilities of saving more are there. So I wish to point out that at present rescue work also is not quite sufficient or adequate.

Another instance I wish to tell you is that in India the mines work in three shifts. Most of the mines work in three shifts. But an inspector goes to inspect only during the day, he does not go either in the second or third shift when accidents do occur. If you examine the accidents, say, for 1,000 employees, you will find that the accident rate is higher in the second and third shifts; not the absolute figure, but if you compare the statistics for 1,000 employees, it will be so, because the supervisory staff are not adequate. In the Industrial Committee when these regulations were being taken up, I insisted that a mine manager who was supposed to visit the mines at least four times in a week should go and visit the headings, where coal was actually raised, at least once in the night. I insisted that at least one of these four days, he should visit the night shift. The inspection or visit by the manager should

be in the second or third shift. Of course that was opposed by the managers as well as the employers.

Mr. Chairman: What are the grounds advanced for opposing this proposal?

An Hon. Member: Sleeping well in the night.

Shri T. B. Vittal Rao: They did not advance any argument. They simply said: no, not possible. Then, the same thing about the report of the Chief Inspector of Mines. Firstly, this report is published after two years or at least eighteen months after the period to which the report relates.

I put a question whether in these reports, any recommendations were made regarding the safety measures. I got a reply on 8th December, 1955. My question and the answer were as follows:

"(a) whether the Chief Inspector of Mines in India has since submitted his annual report for the year 1954; (b) if so, whether he has made any specific recommendations for the safety of workers in the mines; (c) the steps taken by Government to implement them; and (d) when the report is likely to be published?

Answers;

(a) Yes. (b) The report is factual and does not contain specific recommendations from the Chief Inspector of Mines. (c) Does not arise. (d) as soon as possible."

That is, on 8th December 1955, I am asking about the report for 1954. They say that the report has been submitted and that it does not contain specific recommendations but that it is factual. That is only statistical data; nothing is contained in it.

Then, what for statistics are compiled? Statistics are compiled to help us. By close examination of the statistics we can draw intelligent conclusions. For instance, you can find out whether the accident rate is high among the new recruits. If it is so, we should make provision for the training of the workers. That is clear.

I have read the reports of 1935 and 1936. I especially found in them that some recommendations were there; they wanted to amend certain bylaws. For instance, in the 1935 report, it was said that such and such bylaws should be amended these relating to the raising of coal at a particular water-logged area away, say, at a distance of about one hundred feet. The bylaws were amended and were brought into force. So, you can arrive at certain conclusions. All these things are discussed in the report of the Royal Commission and they have given certain suggestions. Therefore, I would very strongly urge that this question should be taken up very seriously. It does not entail any financial expenditure. Let the Commission go round the country, inspect the mines and let them make recommendations. If their recommendations are feasible, we will adopt them.

I have to quote an extract from the Prime Minister's speech in this House. When he was speaking in connection with the Ariyalur train accident on 26th of November, he said the following words. This is a lesson for every one of us. I am quoting what he said:

"There may be any number of explanations and possible excuses offered that all normal or abnormal care was taken. Nevertheless, this happened. And yet I do feel that in a matter of this kind, no excuse is good enough."

This is what he has said. Then, further, he said:

"There is no question of our, for lack of money, putting any limits to such an enquiry."

Those are the words from the Prime Minister. We have seen three disasters.

Mr. Chairman: I think the hon. Member has spoken sufficiently in putting this motion before the House. I would like to know whether any other Member wants to speak.

Shrimati Renu Chakravartty (Basirhat): Yes, Sir.

Mr. Chairman: The hon. Member may conclude soon.

Shri T. B. Vittal Rao: There have been three major disasters, in 1954, 1955 and 1956. And no searching enquiry has been made, no Commission has been appointed in India similar to the one appointed in the United Kingdom. We started mining coal since the year 1776. It is therefore high time that we appointed such a Commission. Let us not play any more with the lives of the workers. In the interests of the miners, for the development of this mining industry and the industry at large, and the interests of the country, I therefore, commend my motion for the appointment of a high-power commission to go into the safety measures in the mines.

Mr. Chairman: Motion moved:

"That the question of appointing a High Power Commission to examine the problem of safety in the coal mines be taken into consideration."

BUSINESS OF THE HOUSE

Mr. Chairman: I have to make an announcement. The Speaker has allotted the following time to the various stages of the Banking Companies (Amendment) Bill:—

General Discussion 3½ hours.

Clause-by-Clause Consideration
1 hour Third Reading ½ hour.

The Government Business will continue up to 4-30 p.m. tomorrow, the 21st December, 1956.

Private Members' Business will be taken up at 4-30 p.m. and continue up to 7 p.m.

MOTION RE. APPOINTMENT OF HIGH-POWER COMMISSION ON SAFETY IN COAL MINES—Contd.

Mr. Chairman: We shall now proceed further with the motion moved by Shri T. B. Vittal Rao.

Shri P. C. Bose (Manbhum North): It is a known fact that the problem

of safety in coal mines is a most difficult problem. As a matter of fact, the number of accidents in coal mines far outnumbers the accidents that take place in other industries. It is not only so in India, but it is so all over the world. From the statistics, however, it is known that the number of deaths per thousand is much less in India than in advanced countries like America, England and other European countries. But still I quite agree with my friend that all attempts should be made to minimise the number of accidents in the coal mines.

The recent happenings, to which reference has been made, are really deplorable. In several mines people were drowned to death, in several other mines explosion took place and people died. So this sort of accidents should, as far as possible, be minimised by taking precautionary measures from beforehand. At Newtonchikhli I understand there was an adjacent mine which was full of water. The people who were working on that side of the mine made a hole into the other mine which was full of water, with the result that water rushed in and drowned all the workers. This is very strange, because in the mining rules it is definitely stated that in any mine where work is carried on, test-holes must be continually made in order to keep away from the adjacent mine which may be full of water. That thing was not probably done in this case. On further enquiry, I understood that the manager did not know of the existence of the mine full of water. In this way, negligence and lack of knowledge of mining account for some of the accidents that are taking place.

I do not agree with my friend that Indian geology is easy. I have some idea of Indian geology and I can say it is not easy. It is very difficult. I have myself seen some mines in Orissa. From below you will see that it is quite all right. It will appear that there is no crack and it does not require any support. But suddenly, one day there will be a crack from

[Shri P. C. Bose]

behind the surface and the whole thing will collapse. So, it is not correct to say that Indian geology is very easy and so the accidents may be altogether avoided.

My friend said that the rescue station people did not rescue the men who survived after remaining in the mine for 18 days. It is unfortunate that my friend does not know that the rescue rules really apply only to those conditions where explosions take place. They are not allowed to go to the mines which are flooded with water. They have got their masks and a particular dress to go into the Gas and rescue the people. I went to the mine and saw actually the people who were rescued. They were far away from the pit in a small area which was dry. It was the duty of the mining men to pump out the water as quickly as possible and find out whether any people were alive. That is what actually happened. Pumping went on for 24 hours day in and day out. The Chief Inspector of Mines and some other inspectors also were there. I do not know how far the company co-operated with them. We have got a committee to report on it, and the report will be published very soon. One of my friends is there. What I understood was that these people remained there for 18 days without any food in a corner. They were able to survive, because there was compressed air. Pumping went on for 24 hours and when they saw light, they ran towards the pit. Some of the people working in the pit picked them up and took them to the hospital. In this way they survived. The rescue station people had no business and they were not supposed to go there. It is no use making irrelevant charges against anybody. As a matter of fact, the Indian rescue station is said to be one of the best in the world. Their achievements and their record are very good. I was a member of it once, but not now.

I do not think the question whether the accidents took place under

the new inspectors or old inspectors is very relevant, because accidents take place as the mines go deeper. Deeper mines become more dangerous. In shallow mines the coal is very very close to the surface, and there is no accident there. Go to all the railway mines in the Hazaribagh District, for instance. There is no accident. *Pukuria khad* is just like a tank. There is no accident because the coal is just near the surface. But when you go through a pit underground and go deeper accidents occur. It has been found that in shallow mines there are no accidents. In India most of the coal mines are shallow. Therefore they use naked lights. There are no safety lamps. But when the mines become very deep gases issue out from the coal seams; there are pockets of gas and then explosions take place. That is how accidents take place. It is difficult at the same time to know when these accidents will occur, because we do not know where these gas pockets are. But still I quite agree that some sort of measures should be taken to study the whole question of safety in coalmines and find ways and means to prevent them as far as possible.

The I.L.O. has got a permanent prevention of accidents committee. They have got rules and regulations. I think our Government also will take these rules and regulations from the I.L.O. and from the British and German mines which are the most advanced and equipped mines in the world and take such measures as are necessary to prevent accidents, as far as possible. So far as this Motion is concerned, I do not really object to it. It may be taken into consideration by Government. But at the same time I understand that new regulations are under consideration and will take effect very soon. Those regulations contain this sort of commissions and committees. That should be given a trial at the same time.

Lastly, I quite agree with my hon. friend that inspection and inspection

is the only means to minimise accidents inspection by qualified, competent men, not by high-power commission. They cannot do anything. It is the competent qualified men, men of experience who should be appointed inspectors and they should frequently visit mines. They should be allowed to see every part of the mine. I say this because many inspectors are not allowed to see all parts of the mine. If there is any difficulty in some part of the mine the management fence it and the inspector is not allowed to go there. When the inspector goes away that part is opened and it is worked. This thing happens. Therefore, I quite agree that a full complement of staff for inspection of underground condition of mines should be appointed and there should be no question of economy in this respect.

With these words, I request Government to bring these regulations as soon as possible and later on see whether this sort of a commission should be appointed.

श्री श्रीनारायण दास (दरभंगा मध्य) :
सभापति महोदय, मुझे खुशी है कि श्री विट्टल राव ने अपने प्रस्ताव द्वारा सदन का ध्यान उस समस्या की ओर दिलाया है जिसे समस्या की ओर साधारणतः हमारा ध्यान नहीं जाता है। जब कभी किसी खान में दुर्घटना हो जाती है और उसमें हमारे बहुत से भाई जो काम करते हैं उनकी मृत्यु हो जाती है तो देश का ध्यान और इस संसद् का ध्यान कभी कभी चला जाता है। मेरा ध्यान भी इस समस्या की ओर इसलिए गया कि जब एक खान में दुर्घटना हुई और गैस विस्फोट हुआ और उसमें ५२, ५३ आदमी मरे तो एक कोर्ट आफ़ इनक्वायरी गवर्नमेंट की तरफ़ से बैठाई गई और मुझे उसमें एक असेसर की हैसियत से काम करने का मौका मिला। मुझे उसकी जवाबदेही निभाने के लिए अपने देश के जो खान सम्बन्धी कानून हैं और उसके अधीन सुरक्षा के लिए जो नियमावलि है, रैगुलेशंस हैं, उनको अध्ययन करने का मौका मिला।

साथ ही साथ चूँकि वहाँ गैस विस्फोट की दुर्घटना हो गई इसलिए बहुत से ऐसे वैज्ञानिक विषय सामने आये जो कि केवल हिन्दुस्तान की खानों से ही सम्बन्ध नहीं रखते थे बल्कि दूसरे देशों के जो इस सम्बन्ध में कानून हैं या रूल्स रैगुलेशंस हैं उनको भी पढ़ने का मुझे मौका मिला। मैं ने देखा कि हिन्दुस्तान में क्या सभी देशों में जितने उद्योग हमारे चलते हैं उनसे सबसे ज्यादा खतरनाक उद्योग यह खान का है। जब हम खान की चीजों का इस्तेमाल करते हैं तो हम नहीं समझते कि कितनी मेहनत से यह चीज हमारे खान के भाई पैदा करते हैं और हम साधारणतः यह भी नहीं सोचते कि कैसी कैसी दुखद परिस्थिति में कैसी कठिनाई की परिस्थिति में हमारे भाई खान के नीचे काम करते हैं और जिस समाज के लिए वह इतनी मेहनत करते हैं और इतनी बहुमूल्य चीजें निकालते हैं, उनके प्रति उस समाज का क्या कर्त्तव्य है, हमारा ध्यान उस ओर नहीं जाता और इसलिए यह सवाल जो बहुत परिश्रम से हमारे माननीय मित्र ने उठाया है और उस सम्बन्ध में अपना जो प्रस्ताव रक्खा है, मैं उसका समर्थन करता हूँ।

मैं आवश्यकता समझता हूँ इस बात की कि जब से हमारे देश में यह खान उद्योग चला, मुझे ठीक समय तो नहीं मालूम लेकिन जब से हमारे देश में खानों में से कोयला और दूसरे खनिज पदार्थ इत्यादि निकाले जाने लगे, तो जो हमारे देश में अंग्रेजी शासन था उसने अपने यहाँ उसका जो भी अनुभव था उसके आधारे पर इस उद्योग को चलाने की कोशिश की। मुझे यह भी आश्चर्य हुआ कि जब मैं असेसर की हैसियत से वहाँ बैठा तो मैं ने देखा कि यद्यपि हम ने सन् १९५२ में एक कानून बना लिया था, माइंस ऐक्ट, लेकिन उसके अधीन जो नियमावलि थी, वह हमारे सामने नहीं आई थी और जब हम कोर्ट आफ़ इनक्वायरी में बैठे तो १९२३ के ऐक्ट के मुताबिक़ जो नियमावलि बनी थी उसके अनुसार हमको

[श्री श्रीनारायण दास]

काम करना पड़ा। यह बात मैं यहां कहे बगैर नहीं रह सकता कि इसका मतलब यह नहीं समझा जाय कि सरकार ने उसमें संशोधन नहीं किया, समय समय पर जितनी भी आवश्यकता मालूम हुई उसने उसमें संशोधन करने की कोशिश की और १९५१ तक उसमें संशोधन हो चुका था। लेकिन फिर भी दुनिया १९२३ के बाद कितनी बदल गयी, कितने वैज्ञानिक अनुसंधान हुए और कितनी तरह के वैज्ञानिक आविष्कार हुए और खानों में काम करने के तरीके में कितने परिवर्तन हो गये, विभिन्न औजारों में काफ़ी परिवर्तन हो गये, शासन में भी बहुत परिवर्तन हुए, उस आधार पर हमारा मत है कि नियमावलि का निर्माण हो जाना चाहिए था लेकिन नियमावलि का निर्माण नहीं हुआ और इसी वजह से यह स्पष्ट मालूम होता है कि यह एक ऐसा गहन और कठिन विषय है कि जिस तरह चुनाव आदि और अन्य प्रशासनिक सम्बन्धी नियमावलि हम बना लेते हैं, उस तरह इस की नियमावलि बनाना आसान नहीं है। इसलिए सरकार को विभिन्न देशों का जो भी अनुभव है, विभिन्न देशों में खानों में काम करने वालों का जो भी अनुभव हुआ है या जो भी सुरक्षा सम्बन्धी तरीकों में परिवर्तन हुए हैं या वैज्ञानिक अनुसंधान हुए हैं, उनका अध्ययन करने में सरकार को समय लगेगा और मुझे मालूम हुआ कि १९५२ के कानून के अनुसार उसमें जो पहले कानून था, जो सुरक्षा सम्बन्धी नियम थे, उनमें दूसरे मुल्कों में इस दिशा में जो वैज्ञानिक अनुभव हुए हैं और अनुसंधान हुए हैं उनके आधार पर यह रूल्स रैगुलेशंस बना कर जल्दी लागू किये जाने वाले हैं।

समापति महोदय, इस जांच के विषय में मैंने देखा कि हमारे देश की जो माइंस इंस्पेक्टरेट है, उन्होंने बड़ी मेहनत से काम किया और मैंने देखा कि जहां दुर्घटना हुई वहां वह पहुंचे और जिस दुर्घटना की ओर हमारा ध्यान गया, उसकी जांच के सिलसिले में मैंने देखा कि यह जो

हमारे देश की माइंस इंस्पेक्टरेट है उसने बहुत ही बुद्धिमत्ता के साथ काम किया है। लेकिन मैंने देखा कि उस सिलसिले में जहां हिन्दुस्तान में लगभग तीन, साढ़े तीन हजार या लगभग चार हजार खानें हैं वहां इंस्पेक्टरेट स्ट्रेंथ है, उसमें काम करने वालों की तादाद है वह बहुत ही कम है और मालूम नहीं इस समस्या की ओर आज तक सरकार का ध्यान क्यों नहीं गया जब कि मेरे खयाल में बहुत पहले उसको तरफ़ ध्यान जाना चाहिए था। मुझे यह भी मालूम हुआ कि जिस रफ़्तार से उसमें आदमियों को बढ़ाना चाहिए या हमने नहीं बढ़ाया। मुझे विश्वास है कि सरकार अब जब कि दो कोर्ट आफ़ इनक्वायरी कमेटीयों की रिपोर्ट आ गई है, तो उसका अध्ययन करके इस विभाग के विस्तार के लिए उपयुक्त आदमियों की नियुक्ति के लिए कदम उठायेगी। मुझे यह भी मालूम हुआ है, मुझे ठीक याद नहीं आता है लेकिन जब यह दोनों इनक्वायरी कमेटीयों की रिपोर्ट पेश हुई थी तो सरकार की तरफ़ से यह कहा गया था कि उसकी अच्छी तरीके से छानबीन करके उसके सम्बन्ध में उन्होंने उपयुक्त कार्यवाही कर ली है और जो अभी १९५२ के कानून के रैगुलेशंस आने वाले हैं, उनमें बहुत चीजों का उन्होंने समावेश कर लिया है। जहां तक मेरा खयाल है मैंने उस रिपोर्ट के साथ अपना एक छोटा सा मुद्रा लगाया था कि इस के लिए एक राष्ट्रीय प्रायोग की नियुक्ति होनी चाहिए। वैसे जांच कमेटी ने भी अपनी सिफारिश नम्बर २७ में सिफारिश की है कि एक राष्ट्रीय प्रायोग की नियुक्ति की जाये जिसके जिम्मे यह काम दिया जाये कि हमारे देश में जो जो लोग खानों में काम करने वाले हैं, जैसे कि मैनेजर्स, इंजिनियर्स, बिजली वाले आदि आदि, जो कि खानों में सुरक्षा का प्रबन्ध करते हैं उन सब के अनुभवों को एकत्र किया जाये। और इसमें केवल अपने देश वालों के अनुभव से ही काम चलने वाला नहीं है, हमको दूसरे देशों के

अनुभवों से भी लाभ उठाना चाहिए। हमारे अपने देश में भी अलग अलग खानों में काम करने वालों के अलग अलग अनुभव हैं। किसी एक खान में जो अनुभव प्राप्त हुआ है उसको दूसरी खानों में भी काम में लाने का प्रबन्ध किया जाना चाहिए। मेरा सुझाव है कि जल्द से जल्द यह कमीशन नियुक्त किया जाये और जो भी लोग खानों से काम करने वाले हैं, चाहे वे शासन से सम्बन्ध रखते हों, चाहे वे इंस्पेक्टोरेट से सम्बन्ध रखते हों या दूसरे विभिन्न विभागों से सम्बन्ध रखते हों उन सब के अनुभव के आधार पर सुरक्षा सम्बन्धी कानून बनाया जाये। यह काम तब तक नहीं हो सकता जब तक कि इसके लिए एक राष्ट्रीय कमीशन नियुक्त न किया जाये। हमको उस कमीशन के सामने ये सब सुझाव रखने चाहिए। यह जो खानों में काम करने सम्बन्धी नियम हैं इनमें सुधार करने का काम बहुत महत्व का है और जब कमीशन नियुक्त होगा तभी इसको आगे बढ़ाया जा सकेगा।

एक बात मैं और कहना चाहता हूँ। जैसा कि अभी हमारे एक भाई ने कहा है, हमारे देश में खानों में सुरक्षा के सम्बन्ध में अनुसंधान की बड़ी आवश्यकता है। यह जो गैस का विस्फोट हुआ इसके सम्बन्ध में कोर्ट आफ इन्वैस्टिगेशन के सामने गवाहों ने ऐसे विषय पेश किये जिन पर इस देश में अनुसंधान नहीं हुआ था। दूसरे देशों में जो अनुसंधान हुआ है उसी के आधार पर उन्होंने हमारे सामने इस विषय को रखा। उनसे हमको पता चला कि अमेरिका और इंग्लैंड में जो खास खास विषयों के सम्बन्ध में अनुभव हुए हैं वे हमारे लिए वैसे के वैसे लागू नहीं हो सकते। इसी सम्बन्ध में एक आश्चर्य की बात हमारे सामने आई। जब खान से कोयला निकाल लिया जाता है तो उसको बालू से भर दिया जाता है और उस बालू में पानी मिला दिया जाता है। इस तरह से बालू में पानी मिलाकर खान को ऊपर तक भर दिया जाता है। जब बालू का पानी निकल जाता है तो बालू नीचे बैठ जाती

है। हमारे सामने खान के प्रबन्धक ने कहा कि चूंकि पानी निकल जाने के बाद बालू नीचे बैठ गयी, इसलिए बालू और खान की छत में खाली स्थान रह गया। उस स्थान में गैस जमा हो गयी, और चूंकि छत गिरी इसलिए गैस खान में भर गयी और उससे दुर्घटना हो गयी। दूसरे लोगों ने कहा कि जो पानी बालू में मिलाया जाता है वह खास खास अवस्था में घटने के बजाय ऊपर तक आ जाता है। अब यह विषय ऐसा है कि जिस पर हमारे यहां अनुसंधान की आवश्यकता है। इस विषय पर गवाही देने के लिए बहुत से गवाह आये, प्रोफेसर भी आये लेकिन किसी ने अपने निजी तजर्बे की बात नहीं बतलाई इसलिए इसे समझने में गलती हुई। खानों में सुरक्षा सम्बन्धी जिलने विषय हैं उन पर हमारे यहां अनुसंधान होना चाहिए। मुझे खुशी है कि फ्यूअल रिसर्च इंस्टीट्यूट और इंस्टीट्यूट आफ माइन्स में कुछ अनुसंधान हो रहा है और इस दिशा में कुछ प्रगति भी हुई है।

हमारे करीब दस लाख भाई खानों में काम करते हैं, वे बड़े परिश्रम से काम करते हैं उनकी सुरक्षा का हम को पूरा प्रबन्ध करना चाहिए और उपयुक्त नियम बनाने चाहिए। और केवल नियम बनाना ही काफी नहीं होगा उन नियमों को पालन करवाने की आवश्यकता है। यह काम आसान नहीं है। यह काम केवल इंस्पेक्टर बहाल करने से ही नहीं हो सकता बल्कि यह तभी हो सकता है जब कि खानों के सम्बन्ध में काम करने वाले सब लोग, जैसे मैनेजर, सुपरवाइजर आदि सब इस तरफ ध्यान दें। जो लोग कि खान विभाग में काम कर रहे हैं जैसे इंस्पेक्टर और प्रबन्धक आदि, उन्होंने जहां तक उनसे हो सकता है अन्धका काम किया है, मैं उनकी तारीफ करता हूँ। लेकिन मैं समझता हूँ कि अब समय आ गया है कि सरकार को इस विषय पर गम्भीरतापूर्वक विचार करना चाहिए और एक राष्ट्रीय कमीशन नियुक्त करने के लिए

[श्री श्रीनारायण दास]

जल्द से जल्द कदम उठाना चाहिए और जो दूसरे देशों के अनुभव हैं और जो हमारे देश के अनुभव हैं उनके आधार पर अनुसंधान करना चाहिए और ऐसे नियम बनाने चाहिए कि जो लाखों आदमी खानों में काम करते हैं उन ही जान खतरे से बचे और हमारा उत्पादन भी बढ़े ।

Shrimati Renu Chakravartty rose-

Mr. Chairman: I am sorry. There is no time now. I am calling the Minister.

The Minister of Labour (Shri Khandubhai Desai): I really welcome the discussion on this issue, and I must say that I am as much concerned with any accident, major or minor that happens in the mines, as any other Member.

As the House is aware, it has been the regular policy of Government to appoint under the law a court of enquiry, whenever any major or even a semi-major accident happens. We have had, unfortunately, during the last two years, two or three mining disasters which were accidents. One was a mining accident; the other was an accident due to gas; and the third recently happened in the last monsoon, but it had nothing to do with any safety regulations in mines; it was due to heavy rains, and the flood water could not be channelised in the normal course in the surrounding areas for storm water drainage; so, the water rested in the mines, and the accident happened. Even there, we had appointed a court of enquiry. We had also seen to it that the court of enquiry was associated with at least one or two Members of Parliament. We were very greatly enlightened by the impartial way in which those enquiries had been conducted.

It was not a technical or formal enquiry that we had instituted. We wanted to know exactly how happened, whether there was any negligence on the part of our inspectorate, whether there was any negligence on the part of the employers to carry out the regulations, or whether there

were any defects in the existing regulations, and I may assure the House that all possible recommendations were accepted.

As far as the present suggestion for the appointment of a high-power commission to go into the question of safety regulations is concerned, I may at once inform the House that I am not averse to it. As I said, I had never been averse to it, though, many times, I had placed before this House the facts, namely that the total number of deaths in India on an average in the coal mines was less than one per thousand, whereas in the other countries, it was of the order of 1.5 or 2. But I am not satisfied with this. It has been considered that mining is, unfortunately, a hazardous occupation. Whatever steps we might take, unluckily some accidents do happen. But it is for the miners and, if I may say so, the employers, to see that they minimise these accidents as much as possible.

Though the regulations which are today in operation are very old—Shri Shree Narayan Das referred to it—they were revised from time to time from experience. So they are not the old regulations, but are the revised ones, revised in the light of experience gained. Unfortunately, what has happened is that when we passed the 1952 law, in formulating the regulations a very lengthy procedure had to be adhered to, which had taken two or three years. But, as the House is aware, I have placed on the Table in November 1955 emergency regulations which come into force immediately and will last for two years. Most of the regulations which we contemplated as proper regulations were incorporated therein. The new regulations which are now in the final stage, as Shri T. B. Vittal Rao knows, were placed before the Tripartite Committee of the mining industry. They were all gone through threadbare. I could have promulgated the regulations immediately, but I could not do it under the law as they had to be published. They were published in October after taking into con-

sideration all the suggestions made in that Committee. It is already gazetted. Now, I would have to wait for three months in order to get the objections thereto from the various interests concerned. I believe by the end of February or so, because the expiration of three months will be by the 15th February, those regulations will be finalised.

Now, while framing those resolutions, every interest, anybody who has got any knowledge about safety in mines, was invited to offer suggestions, and such suggestions were incorporated. The idea was not to ignore any suggestions made for safety. As Shri T. B. Vittal Rao knows, any suggestion which was reasonable and practicable was accepted by us even though some employers were not willing, we said; 'Nothing doing even if we have to commit mistake, let us commit an error on the safety side'. Even if some more money has to be spent, we have got to do it as the life of human beings is more precious than anything else.

So my reply to Shri T. B. Vittal Rao when he raised this point—the representatives of the miners on the Industrial Committee, Shri Kanti Mehta and Shri Mahesh Desai also pressed for a Commission—was and is that I am not averse to the appointment of a High Power Commission. But I would like to see the working of the regulations and the vigilance of the inspectorate which has now been accelerated during the last few months. I would like to see how those regulations are carried out so that even if a Commission is appointed, it could study the working of the regulations not only as they are but also the administration and working by the staff. Whatever safety measures we may promulgate at any time would ultimately have to be administered by the staff. This, as you know, is a highly technical subject, and while framing regulations we have seen to it that all the knowledge or information which any Commission in the West has also taken into

consideration. I would like to assure the House that we would not be found wanting in providing as much safety as possible for the miners who are working underground. Here I would like to place before the House one great difficulty which we are going through, not only with regard to coal mines but also to mica mines and gold mines. In the case of gold mines, they are very deep and the regulations there will have to be more drastic. We have dug up to nearly 10,000 or 12,000 feet, we have had some rock burst. Rock burst at a depth of 7,000 to 8,000 feet can hardly be foreseen. Sometimes it happens and it is very unfortunate. The deeper the mines, as Shri Bose said, the likelihood of accidents is a little more frequent. At the same time safety measures have to be taken there also. As I said in the beginning, I really welcome this discussion, because we would not like to keep back anything from the country and the House or from the miners who are called upon to do one of the most hazardous work for the industrial expansion of the country, and particularly now that we are expanding the production of coal from 37 million tons to 60 million tons, more miners will be coming in, and more coal fields will be opened up. It is, therefore, up to us to see that all the modern equipment and science are utilised to make the miners as safe as humanly possible.

Finally I may assure the House that the anxiety which has been shown by Members who have spoken regarding the safety of miners will receive our very serious consideration. As I said, the regulations will be finalised in the next couple of months and we have already instructed our inspectorate to see that they begin acting according to the new regulations—they might consider the regulations as formally legalised—although we are going to finalise them very soon. We should see how this is working. I would not like to see the working of the regulations for a number of years or months, but even simultaneously some high power committee or commission may be appointed—whatever

[Shri Khandubhai Desai]

name you would like to give it you may give—and I cannot say when such a commission will be appointed because one would have to look into it further. But I am not averse to the appointment of some technical committee or commission which may guide us and tell us what further changes or amendments are necessary in the mining safety regulations. I have seen a rule that for putting in new regulations into effect, we have not got to go through the tortuous process of two or three years, but we can immediately put them in after giving a reasonable time for the parties about the amendments. Even if it is necessary to make urgent amendments to the existing regulations, I would have no hesitation to come before the House to amend the original law.

With these few words I hope the Mover as well as those who supported him will be satisfied. I will take all precautions necessary to see that the safety of our miners, who are doing one of the greatest national services and who have undertaken one of the most hazardous jobs, are safeguarded by us as much as is humanly possible.

Shri T. B. Vittal Rao: I will take only one minute.

Shri Tek Chand (Ambala-Simla): Could the hon. Minister give some broad indication as to the new safety devices that are intended to be adopted? I want just some broad indications.

Shri Khandubhai Desai: I have got about 180 or so regulations and they are in the Gazette. If you so desire, I will ask my Ministry to give a copy of that to Shri Tek Chand.

Shri Tek Chand: I am very grateful.

Shri K. K. Basu (Diamond Harbour): Invite him to tea and discuss it with him.

Shri T. B. Vittal Rao: I am very glad that the hon. Minister has given an assurance that he would not wait for the working of the regulations before the appointment of this Commission.

Shri Khandubhai Desai: I will not wait.

Mr. Chairman: Now, the discussion is concluded.

19.02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 21st December, 1956.

Thursday, 20th December, 1956]

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PAPERS LAID ON THE TABLE 3707—08

The following papers were laid on the Table :

- 1) A copy of S.R.O. No. 2076, dated the 29th November, 1956, containing the Proclamation by the President regarding India's right to regulate fishing and fisheries in the adjoining high seas.
- (2) A copy of the minutes of the sittings of the Committee on Private Members' Bills and Resolutions (Sixty-seventh to Seventy-second) held during the Fourteenth Session.
- (3) A copy of the Delimitation of Parliamentary and Assembly Constituencies Order, 1956, under subsection (3) of section 47 of the States Reorganisation Act, 1956.

MESSAGES FROM RAJYA SABHA 3708—10

Secretary reported the following messages from Rajya Sabha :

- (i) That at its sitting held on the 17th December, 1956, Rajya Sabha had agreed without any amendment to the Young Persons (Harmful Publications) Bill, 1956 passed by Lok Sabha on the 22nd November, 1956.
- (ii) That at its sitting held on the 18th December, 1956, Rajya Sabha had agreed without any amendment to the Suppression of Immoral Traffic in Women and Girls Bill, 1956, passed by Lok Sabha on the 30th November, 1956.
- (iii) That at its sitting held on the 18th December, 1956, Rajya Sabha had passed the following two Bills :
 - (i) Delhi (Control of Building Operations) Continuance Bill, 1956.
 - (ii) Slum Areas (Improvement and Clearance) Bill, 1956.
- (iv) That at its sitting held on the 19th December, 1956, Rajya Sabha had

passed the Delhi Tenants (Temporary Protection) Bill, 1956.

BILLS PASSED BY RAJYA SABHA LAID ON THE TABLE 3710

Secretary laid on the Table the following Bills, as passed by Rajya Sabha :

- (1) Delhi (Control of Building Operations) Continuance Bill
- (2) Slum Areas (Improvement and Clearance) Bill.
- (3) Delhi Tenants (Temporary Protection) Bill.

REPORT OF COMMITTEE ON PETITIONS PRESENTED 3710

Eleventh Report was presented.

STATEMENT BY MINISTER 3711-12

The Deputy Minister of Education (Dr. M.M. Das) made a statement regarding Buddha Jayanti Samiti, Sarnath.

REPORT OF BUSINESS ADVISORY COMMITTEE ADOPTED 3713-14

Forty-seventh Report was adopted.

BILLS PASSED— 3714—3834

- (1) Further discussion on the motion to consider the Union Duties of Excise (Distribution) Amendment Bill was concluded and the motion was adopted. After clause by clause consideration, the Bill was passed.
- (2) The Minister of Home Affairs (Pandit G. B. Pant) moved for consideration of the Territorial Councils Bill. The motion was adopted. After clause by clause consideration, the Bill was passed as amended.

BILL UNDER CONSIDERATION—

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari) moved that the Banking Companies (Amendment) Bill be taken

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into consideration. The discussion was not concluded. . . . 3834—60

MOTION RE APPOINTMENT OF HIGH POWER COMMISSION RE SAFETY IN COAL MINES—DISCUSSED 3860—82

AGENDA FOR FRIDAY, 21ST DECEMBER, 1956

Consideration and passing of the Banking Companies (Amendment) Bill and Private Members' Bills.

