

dered homeless. The Fire Brigade reached the place of occurrence immediately and it took about one and a half hours to extinguish the fire completely.

No person is reported to have been injured although the loss of property is estimated at about Rs. 16,000.

The cause of fire could not be known. Such fires are usually caused in summer months due to slight, negligence on the part of the individuals residing in the area and the fire spreads fast due to fast wind and heat, particularly when there is some combustible material nearby.

In order to provide immediate relief to the affected families, the District Magistrate, Delhi, has sanctioned an amount of Rs. 500 as gratuitous relief. The Delhi Red Cross and other organisations are undertaking relief work in the affected area.

Dr. L. M. Singhvi: What rehabilitation facilities are proposed to be provided to those who have lost their properties and who have been rendered homeless? May I also know whether the Government considers the sanction of Rs. 500 an adequate sanction for the purposes of rehabilitation of so many people?

Shri Datar: Government have called for an immediate report in this respect and more relief will be provided for, as soon as the exact nature of the fire and the reasons are known. Rs. 500 is only to start with.

12 32 hrs.

PAPERS LAID ON THE TABLE

THE COMPANIES (APPEAL TO THE CENTRAL GOVERNMENT) (AMENDMENT) RULES, AND

THE COMPANIES (CENTRAL GOVERNMENT'S) GENERAL RULES AND FORMS (AMENDMENT) RULES, 1962

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): I beg to lay on the Table a copy each of the following Notifications under sub-section (3) of section 642 of the Companies Act, 1956:—

(i) The Companies (Appeal to the Central Government) (Amendment) Rules, 1962 published in Notification No. G.S.R. 651 dated the 12th May, 1962. [Placed in Library. See No. LT-152/62].

(ii) The Companies (Central Government's) General Rules and Forms (Amendment) Rules, 1962 published in Notification No. G.S.R. 653 dated the 12th May, 1962 [Placed in Library. See No. LT-153/62].

12.32 hrs.

*DEMANDS FOR GRANTS—contd.

MINISTRY OF INFORMATION AND BROADCASTING—contd.

Mr. Speaker: The House will now take up further discussion of the Demands for Grants under the control of the Ministry of Information and Broadcasting. Four hours have already been taken, and there is only one hour left. Shri Prakash Vir Shastri:

श्री प्रकाशवीर शास्त्री (विजनौर): अध्यक्ष महोदय, कल जहाँ से मैं ने अपने भाषण को आरम्भ किया था उस में इस मन्त्रालय के भ्रतर्ब मन्त्र डा० केमकर के सम्बन्ध में मैंने यह निवेदन किया था कि जो परम्पराएँ पिछले वर्षों में उन्होंने आकाशवाणी से सम्बन्धित विभागों के लिए डाली थी उन परम्पराओं में किसी प्रकार का कोई परिवर्तन नहीं आना चाहिए उन परम्पराओं को और अधिक प्रोत्साहन मिलना चाहिए। आज भी मैं उसी से सम्बन्धित दो, तीन प्राव-

*Mover with the recommendation of the President.

[श्री प्रकाशवीर शास्त्री]

व्यक्त बातें कहना चाहता हूँ। पहली बात तो यह कि जिस समय हमारा यह देश स्वतन्त्र हुआ था उस समय इस विभाग को इतना महत्वपूर्ण विभाग समझा गया था कि तत्कालीन गृह मन्त्री सरदार वल्लभ भाई पटेल ने अपने हाथों में इस विभाग को रखा था। सरदार पटेल की आकांक्षा थी कि इस विभाग को और भी अधिक परिमार्जित रूप दिया जाय। मेरी तो अपनी इस प्रकार की अभिलाषा है कि जहाँ सूचना एवं प्रसारण मन्त्रालय सांस्कृतिक दृष्टि से और बहुत से कार्य करता है, मुना यह जाना है कि इस अधिवेशन के समाप्त होने के पश्चात् हमारी कॅम्पेन्ट में और विभागों में कुछ परिवर्तन होने वाला है। मेरा माननीय मन्त्री से इस सम्बन्ध में यह सुझाव है कि सांस्कृतिक कार्य मन्त्रालय का वह भाग जो सांस्कृतिक कार्यों तक सीमित है उसे यदि सूचना एवं प्रसारण मन्त्रालय के साथ जाँड़ दिया जाय तो बहुत अधिक उपयुक्त होगा। उससे इसमें एक सुव्यवस्थितपन भी आ जायगा। फिर प्रश्न यह रह जायगा कि यह साइंटिफिक रिसर्च अथवा वैज्ञानिक अनुसन्धान विभाग का क्या हो पर क्योंकि विशुद्ध रूप से वह तो शिक्षा मन्त्रालय का एक विषय है इसलिये उस को शिक्षा मन्त्रालय के साथ जाँड़ दिया जाय इससे दोनों विभागों में एक व्यवस्थित रूप भी आ जायगा साथ ही उसके विकास का भी अवसर मिलेगा।

दूसरी बात जो मैं कहना चाहता हूँ वह भारतीय भाषाओं को प्रोत्साहन देने के सम्बन्ध में है। अभी माननीय सूचना एवं प्रसारण मन्त्री डा० गोपाल रेडी ने कुछ दिन पहले एक स्थान पर भाषण देते हुए यह कहा था कि समय की मांग है कि भारतीय भाषाओं के पत्रों और भारतीय भाषाओं को यथार्थ प्रोत्साहन मिलना चाहिए। इस सम्बन्ध में मेरा अपना सुझाव इस प्रकार का है कि भारतीय भाषाओं को प्रोत्साहन देने के सम्बन्ध में पांच स्तर हैं। पहला भारतीय भाषाओं के

पत्र, दूसरा भारतीय भाषाओं के प्रकाशन, तीसरा भारतीय भाषाओं की फिल्में, चौथा भारतीय भाषाओं की समाचार-एजेंसियों और पांचवाँ भारतीय भाषाओं में काम करने वाले सम्पादक, उप-सम्पादक आदि। भारतीय भाषाओं और समाचारों को आगे लाने के यह पांच साधन हैं।

जहाँ तक भारतीय भाषाओं के पत्रों का सम्बन्ध है यह दुर्भाग्य का विषय है कि अभी तक १४ वर्ष व्यतीत हो जाने के पश्चात् भी कोई भी भारतीय भाषा का पत्र इस योग्य नहीं हो पाया है जिसकी कि सब दृष्टि से पूर्ण समाचार पत्र कहा जा सके। मैं नहीं कह सकता कि प्रान्तीय स्तर के पत्रों की स्थिति क्या है? लेकिन दिल्ली चूंकि भारत की राजधानी है और भारत की राजधानी दिल्ली से हिन्दी के दो इस प्रकार के पत्र निकलते हैं— एक हिन्दुस्तान और दूसरा नवभारत टाइम्स, यदि इन दोनों पत्रों को सम्बद्ध विभाग की ओर से पूर्ण सुविधाएं प्रदान हों तो मेरा अपना अनुमान है कि यह दोनों पत्र पूर्ण विकसित पत्र हों सकेंगे। उसके लिए जो भी व्यावहारिक सुविधाएं हों, वह इस विभाग को देनी चाहियें लेकिन देना यह गया है कि भारतीय भाषाओं में प्रकाशित होने वाले पत्रों के सम्बन्ध में इस विभाग की जो नीति है वह बहुत किसी हद तक उपेक्षापूर्ण है।

अभी कुछ दिन पहले मुझे पता चला कि बम्बई से, जो कि महाराष्ट्र की राजधानी है, एक महाराष्ट्र टाइम्स नाम का पत्र निकलने की लगभग पूर्ण व्यवस्था हो गई थी उसके लिए १०४ कर्मचारियों की नियुक्तियां हो चुकी थीं। उस पत्र का एक डमी रूप भी निकलने लगा था था लेकिन विभाग की ओर से पूरी सुविधा न मिलने के कारण उसको अपना कार्यक्रम स्थगित करना पड़ा और १०४ कर्मचारी जिनकी की नियुक्तियां हो चुकी थीं उनको फिर से वापिस भेजना पड़ा।

भारतीय भाषाओं के पत्रों के सम्बन्ध में दूसरी बात जो कठिनाई उत्पन्न करने वाली है वह यह है कि जो कागज इन्हें मिलता है उसके लिये पहले तो प्रेम रजिस्ट्रार के यहाँ से अनुमति लेना पड़ती है और फिर बाद में जो दूसरा काममें एण्ड इण्डस्ट्री मिनिस्ट्री का सम्बन्धित विभाग है वहाँ जाकर उसकी स्वीकृति लेनी पड़ती है। अब इसका दो विभागों में सम्बन्धित न करके एक ही विभाग से यदि इसको सम्बन्धित रखा जाय तो यह अधिक उपयुक्त होंगी।

इसके अनिश्चित भारतीय भाषाओं के पत्रकारों के सम्बन्ध में भी देखा यह गया है कि सम्बन्धित विभाग जितना अंग्रेजी के पत्रकारों को सम्मानित स्थान देते हैं उतना सम्मानित स्थान भारतीय भाषाओं के पत्रकारों को अभी तक प्राप्त नहीं हो सका है। मैं चाहता हूँ कि डा० गोपाल रेड्डी स्वयं इन बातों के सम्बन्ध में विचार करें। जहाँ वह भारतीय भाषाओं को प्रोत्साहन देना चाहते हैं तो उनके पत्रकारों को भी उसी प्रकार का सम्मानित स्थान देने के सम्बन्ध में सम्बन्धित विभागों को उन्हें आदेश देना चाहिये। स्वर्गीय सरदार पटेल के हाथों में जब यह विभाग था तो उन्होंने उस समय इस के भारतीयकरण के लिये कुछ कार्य किया था। रायटर की समाचार एजेंसी बर्मा लंका आदि देशों के समाचार संग्रह किया करती थी और यहाँ से उनको लन्दन भेजा करती थी। वह वहाँ सम्पादित होते थे और आडिट होने के बाद तब वह समाचार प्रसारित किये जाते थे। सरदार पटेल ने इस परम्परा तथा प्रवृत्ति का विरोध किया और उन्होंने इसके स्थान पर कहा कि टोकियो, हांगकांग और पेकिंग आदि के सब समाचार भारतीय माध्यम से सीधे हमें क्यों न प्राप्त हों। सरदार पटेल ने इस पद्धति को अच्छा नहीं समझा। उन्होंने कहा कि इस प्रकार की एजेंसी का क्या लाभ है? क्यों न हम भारतीय स्तर पर एक एजेंसी स्थापित करें जो टोकियो, हांगकांग, बर्मा और लंका

आदि सभी स्थानों से समाचार हमारे पास सीधे आये और उनको आडिट करके समाचार पत्रों में दें? उस के लिये उस समय प्रेस ट्रस्ट आफ इण्डिया की स्थापना हुई। मैं यह नहीं कह सकता कि यह समाचार एजेंसी उस कार्य को पूरा करने में कितनी सक्षम हो सकी लेकिन मैं एक बात अवश्य कह सकता हूँ और वह यह कि हमारे भारतवर्ष में भी भारतीय भाषाओं में समाचार देने वाली ८ एजेंसियाँ हैं जिनमें कि हिन्दुस्तान समाचार का विशेष रूप से अपना एक स्थान है। यह एजेंसी समाचार प्रसारित करती है लेकिन जितना प्रोत्साहन इस समाचार एजेंसी को मिलना चाहिए वह नहीं मिलता है। प्रेस कमिशन ने अपनी रिपोर्ट में इसको मेजर एजेंसी बताया है। प्रान्तीय समाचारों को भी यह संग्रह करके उन स्थानों पर पहुंचाती है। भारतीय भाषाओं को प्रोत्साहन देने के लिये जो ऐसी भारतीय भाषाओं की समाचार एजेंसियाँ हैं उन को विशेष रूप से प्रोत्साहन दिया जाना चाहिए।

भारतीय भाषाओं के वृत्त चित्र के सम्बन्ध में मुझे विशेष बात यह कहनी है कि जो आपके यह छोटे छोटे चित्र तैयार होते हैं उनके बारे में पता यह लगा कि पहले इन को इंग्लिश में तैयार किया जाता है फिर उन को अनुवाद कर के हिन्दी में तैयार किया जाता है। अब यह सभी जानते हैं कि अंग्रेजी जानने वालों की संख्या इस सारे भारतवर्ष के अन्दर केवल दो प्रतिशत है लेकिन दुर्भाग्य इस बात का है कि हमारी सरकार के जो वृत्त चित्र और प्रकाशन होते हैं वह ज्यादातर अंग्रेजी में ही होते हैं। इस रिपोर्ट में बताया गया है कि सन् ६१-६२ में जो प्रकाशन निकले हैं उनमें अंग्रेजी के प्रकाशनों की संख्या ७२ है, हिन्दी की ४३, बंगला की ७, और गुजराती की ५ और असमिया और दूसरी भाषाओं के भी थोड़े थोड़े प्रकाशन निकले हैं। जिस देश में केवल दो प्रतिशत अंग्रेजी जानने वाले हैं वहाँ अंग्रेजी के प्रकाशनों पर इस प्रकार का भारी व्यय करना यह कहाँ तक इस देश की परम्पराओं के अनुकूल

[श्री प्रकाशवीर शास्त्री]

हो सकेगा ?

यही बात वृत्त चित्रों के सम्बन्ध में कही जा सकती है। जो व्यय अंग्रेजी के वृत्त चित्र तैयार करने में होता है और जो व्यय भारतीय भाषाओं के वृत्त चित्र तैयार करने में किया जाता है उस में भी बहुत बड़ा अन्तर है। मैं चाहता हूँ कि जब इस मन्त्रालय के खर्च की मांगों की स्वीकृति के लिये सदन में विचार हो रहा है तो इसमें ऊपर विशेष ध्यान देना चाहिए।

एक अन्य बात जो मैं विशेष रूप से कहना चाहता हूँ वह है भारतीय भाषाओं के उप-सम्पादकों के सम्बन्ध में। गत वर्ष भी जब इस मन्त्रालय की बजट मांगों पर चर्चा चल रही थी तो मैंने इस प्रश्न को उठाया था। मैंने माननीय डा० केसकर को कहा था कि आकाशवाणी में भारतीय भाषाओं के जो उप-सम्पादक हैं उनकी स्थिति को आगे बढ़ाना चाहिये। डा० केसकर ने उस समय यह कहा था, मैं इसमें लिये सम्भवतः उनको उतना दोषी नहीं मानूंगा जितना उन के विभाग को, जिस विभाग ने कि उनको गलत जानकारी दी। डा० वेगकर ने कहा था कि वह लोग तो एना-उर्सम, ट्रान्सलेटर्स अर्थात् अनुवादक के रूप में नियुक्त हुए थे इसलिए उनकी पद वृद्धि के सम्बन्ध में कोई प्रश्न ही उपस्थित नहीं होता। लेकिन स्थिति ऐसी नहीं है कि यू० पी० एस० सी० के द्वारा विधिवत् उनकी परीक्षा हुई, जिसमें उत्तीर्ण होने के बाद उनकी नियुक्तियाँ हुई। लेकिन यू० पी० एस० सी० जैसी सर्वोच्च और निष्पक्ष संस्था की परीक्षा उत्तीर्ण करने और उसकी स्वीकृति प्राप्त करने के पश्चात् उन को सबसे निचले ग्रेड में डाल दिया गया है और यह शर्त लगा दी गई है कि अब उनकी एक विभागीय परीक्षा और होगी। क्या वह विभागीय परीक्षा यू० पी० एस० सी० की परीक्षा से नड़ी हो सकती है ?

अध्यक्ष महोदय, मैं आप को बताना चाहता हूँ कि भारतीय उप-सम्पादकों की स्थिति आकाशवाणी में क्या है। अतारंकिता प्रश्न संख्या ४०७ के उत्तर में बताया गया था कि ७००-१२५० रुपए के पहले ग्रेड में कुल मिला कर ७६ उप-सम्पादक हैं, जिनमें से ६६ अंग्रेजी के और १३ समस्त भारतीय भाषाओं के हैं; दूसरे ग्रेड में, जिसका वेतन-क्रम ४००-६५० रुपए है, कुल ३१ व्यक्ति हैं, जिनमें १८ अंग्रेजी के हैं और १३ भारतीय भाषाओं के; तीसरे ग्रेड में, जिसका वेतन-क्रम ३५०-८०० रुपए है, कुल मिलाकर १२८ व्यक्ति हैं, जिनमें ७६ अंग्रेजी के और ५२ समस्त भारतीय भाषाओं के हैं और चौथे ग्रेड में, जो कि सब से छोटा ग्रेड है और जिसका वेतन-क्रम २७०-४८५ रुपए है, १०४ व्यक्ति हैं, जिनमें ११ अंग्रेजी के और ९३ समस्त भारतीय भाषाओं के हैं।

इन आंकड़ों में यह प्रतीत होता है कि चौथा ग्रेड उन भारतीय भाषाओं के उप-सम्पादकों के लिये ही बनाया गया था। मैं समझता हूँ कि भारतीय भाषाओं के उप-सम्पादकों का दुगना काम करना पड़ता है, क्योंकि अंग्रेजी में समाचार आने हैं, जिनका उन्हें अनुवाद फिर से अपनी भाषा में तैयार करना पड़ता है। पिछली बार डा० केसकर ने इस स्थिति को फिर से देखने की चर्चा की थी। अब डा० गंगाल रेड्डी के हाथों में यह विभाग आया है। मैं आशा करता हूँ कि वह इस विषय में विचार करके भारतीय भाषाओं के उप-सम्पादकों के साथ ही रहे अन्याय को समाप्त करेगे।

आकाशवाणी के द्वारा प्रसारित होने वाले समाचारों के संबंध में मैं कुछ शब्द कहना चाहता हूँ। जैसे तो भारतीय समाचार पत्रों की भी वह ही स्थिति हो गई है—पराधीनता का अभिशाप अभी हमारे ऊपर से नहीं गया है और कहा नहीं जा सकता कि दासता की हीन

मानोवृत्ति से कब हम लोगों को मुक्ति मिलेगी जो विदेशी समाचारों को वे जितना महत्व देते हैं, वह आनुपातिक दृष्टि में बहुत अधिक है। दूसरे देशों के समाचार पत्रों की स्थिति इसमें बिल्कुल भिन्न है। मैं निवेदन करना चाहता हूँ कि आकाशवाणी के न्यूज ब्राडकास्ट की स्थिति भी लगभग समाचार पत्रों जैसी है। कर्मा कभी तो आधा समाचार बुलेटिन विदेशी समाचारों से भरा हुआ रहता है, जबकि दूसरे देशों के ब्राडकास्ट में कठिनाई में एक दो मिनट का समय विदेशी समाचारों को दिया जाता है। मैं चाहता हूँ कि माननीय मंत्री जो इस प्रश्न पर भी विचार करें।

इस सम्बन्ध में मैंने गत वर्ष भी कहा था कि केवल राजनीतिक समाचारों को ही अधिक महत्व न देकर सामाजिक प्रोग्रामात्मक समाचारों को भी महत्व दिया जाना चाहिए और उन को समाचार-बुलेटिन में उचित स्थान देना चाहिये। डा० केणकर ने इस बात को स्वीकार भी किया था, लेकिन मेरा अनुमान है कि अभी तक इस सम्बन्ध में कोई विशेष प्रचार का परिवर्तन नहीं हो पाया है।

विदेश सेवा विभाग के सम्बन्ध में मन्त्रालय का रिपोर्ट में ये शब्द दिये गये हैं: "इन प्रसारणों का मूल उद्देश्य वाहरी दुनिया के सामने भारत का सच्चा स्वरूप प्रस्तुत करना है।" लेकिन देखा यह जाता है कि जब अमरीका के प्रेजिडेंट आइज़नहावर यहाँ आए, तो विदेश सेवा विभाग ने दूसरे देशों के लिए पांच रोजे ब्राडकास्ट की और इसकी तुलना में जब डा० राजेन्द्रप्रसाद वारह साल तक राष्ट्रपति रह कर पद-मुक्त हुए, तो उनके सम्बन्ध में विदेश सेवा विभाग ने एक भी रील प्रसारित नहीं की। मैं जानना चाहता हूँ कि क्या इस विभाग का उद्देश्य भारतीय समाचारों या भारतीय वनान्तों को प्रोत्साहन देना है या उनकी सर्वथा उपेक्षा करना है। मेरा विश्वास है कि इस विभाग की नीति में परिवर्तन की

आवश्यकता है।

चिल्ड्रेन्स फ़िल्म सोसायटी के बारे में मैं यह कहना चाहता हूँ कि मन्त्रालय की रिपोर्ट में बताया गया है कि जनवरी से मार्च, १९६१ तक की अवधि में २५,००० रुपये और अप्रैल, १९६१ से फ़रवरी, १९६२ तक की अवधि में ६,२३,७२२ पया इस सोसायटी का अनुदान के रूप में दिया गया। कल इस बात की विशेष रूप से चर्चा की गई थी कि इस सोसायटी के बारे में एन्टीमेट्स कमटी की रिपोर्ट आखिरी खोल देने वाली है कि कितना गोलमाल इस सोसायटी में चल रहा है। मैं चाहता हूँ कि मन्त्रालय निम्नलिखित अधिकारियों के द्वारा इस सम्बन्ध में एन्क्वायरी कराये, जो कि उच्च-स्तरीय होंगी चाहिये और उनके पश्चात् इस बारे में उचित निर्णय लिया जाये।

अब मैं फ़िल्म सेमर बॉर्ड के बारे में दो शब्द कहना चाहता हूँ। पिछले दिनों आचार्य विनोद बा भवने ने, जो कि राजनीतिक स्तर में ऊपर उठ कर देश-निर्माण के लिए कार्य कर रहे हैं, एक आन्दोलन चलाया था कि गन्दे चित्रों को चोराटे पर से फाड़ा जाये। पिछली बार गदत के माननीय सदस्य, श्री श्यामा जी ने भी इस विभाग की ओर कुछ धाँड़ा मा संकेत किया था, लेकिन अभी तक उसकी कार्य-प्रणाली में कोई परिवर्तन नहीं हो पाया है। मैं आसका धनाना चाहता हूँ कि जा गोल सेमर बॉर्ड पाग करना है, उनमें इस प्रकार के गीत भी होते हैं:

"चांद तारे भी हैं, तन्हाई भी है,
तुमने क्या दिल को जताने की कमस खार्ड है"

अध्यक्ष महोदय : माननीय सदस्य वे गीत यहां पर सुना कर हमें उसी कीचड़ में न ले जायें।

श्री प्रकाशबीर शास्त्री : मैं समान कर रहा हूँ।

[श्री प्रकाशवीर शास्त्री]

मैं चाहता हूँ कि सेंसर बोर्ड को इस प्रकार कड़ा किया जाये कि देश का नैतिक और चाण्डालिक स्तर न गिरने पाए, अन्यथा अगर यह प्रवृत्ति इसी तरह चलती रही, तो मैं सूचना और प्रसारण मन्त्री को चेतावनी के रूप में कहना चाहता हूँ कि अभी तो आचार्य विनोदा भावे को और से यह आन्दोलन चला, लेकिन अगर सरकार ने जनता की भावनाओं की इसी तरह से उपेक्षा की, तो देश भर में एक भयंकर आन्दोलन चलेगा, जिसकी हिम्मेदारी सरकार पर होगी। इसविषये मैं चाहता हूँ कि इस विषय में कुछ सम्भीरता से नियंत्रण लिया जाये।

The Minister of Information and Broadcasting (Dr. B. Gopala Reddi):

Mr. Speaker, Sir, I am grateful to the hon. Members who have participated in the debate. They have offered very useful suggestions with regard to the working of the mass communication media. All told, I must say that our media received support from all sections of the House and hon. Members had a good word to say about them. They want that they must be utilised more effectively in order to bring out our plan publicity on the one side and the integration which we are seeking for on the other side, and in the third Plan, all the media must work for the advancement of our prosperity.

Indeed, as I look back on the discussion yesterday and today, there are not many things which were not very friendly to the department. Mostly they were all complimentary, I take it, sanctioning these demands with a little commentary and sometimes a suggestion for improvement. There is no hard-hitting criticism against the department under my charge. Anyway, the need for improving our mass media is recognised. They have to play a very important part in the coming few years of our advancement. We have perhaps to unfold our ideologies and ideas before the

people through all the media—the press, the radio, the film, etc., because we will have to utilise them for the benefit of our people.

There are large sections of our people who are still illiterate. They cannot read newspapers; they can only listen to some talks over the radio and sometimes see a film and try to get some idea of what is being done in our country. These media also can be utilised to improve our technology. Talks about improvement of agriculture or industry can also be thought of and the way in which we have to carry on our industry and agriculture, trade and commerce can also be good subject matters for these media. Anyway, without losing our roots in our holy heritage, we have to advance into the new age of technology. We have to remember that our society itself is changing to a large extent. Our approaches and attitudes change and the advent of industrial age is having its impact on the society. So, there is no use saying, we do not want television for the next 15 years. That is not the way of looking at it. When we see that the entire country is moving towards technology, we cannot say we do not want television and even the little unit in Delhi may be closed down and the provision for the television unit in Bombay also may be cut out. After all, for some time it is bound to be an urban amenity, but it does not mean that we should cut it away altogether. We should make a beginning somewhere and try to extend it to our villages also.

We have to be constantly unfolding our ideals to our people and we have to take them also with the spirit of the time. Otherwise, there will be a hiatus between the urban people and the Government on one side and it is not at all desirable. But our media also can prosper and progress only according to our economic advancement. In all the economically advanced countries, these media also are very much advanced. Take the radio licences or

newspaper reading public or cinema theatres. They are all in large numbers in advanced countries. But because we are economically poor, our newspaper reading public also is very limited. The number of radio licences is very limited. The exhibitions are also limited. We are unable to reach a vast majority of people through our media. Therefore, we have to effectively strengthen our media and utilize it to the maximum extent possible to reach the people, because the ideas have to be carried to the people. Whether it be the spoken word, or the written word in the press or films, whatever it is, we have to carry them to the people, and thus take them also with us in the march towards prosperity and integration.

As I said, we are still backward. We have only one newspaper for every 86 persons, as against one for every ten persons, as visualized by UNESCO as the minimum standard for developing countries. While they want a newspaper for every ten persons, in our own country we have only one for every 86 persons. Then, we have only one radio for every 219 people, as against the minimum standard of one radio for every twenty persons. So, one can imagine what progress we are yet to make in strengthening our media, in making our people media-minded. We have to take up the challenge of the future by utilising them to the maximum extent.

The All India Radio received a good deal of compliment in the general compliments paid to the Ministry. Compliments were paid to AIR for restoring the prestige of classical music and for extending patronage to a number of able poets, musicians and authors. Also, along with other organisations, the All India Radio is working for national integration. I am sure, the All India Radio has brought people together either in their conferences and seminars or by their music and spoken word put on the air every day. Naturally, therefore, the All India Radio deserve this congratulation and, I am sure, it will become

a powerful media of bringing people together and in giving them entertainment, education, technology and other fields of industry and agriculture. I want the All India Radio to make rapid progress.

The listening range must also be increased. We are taking all steps in the Third Plan to increase it to 74 per cent. It is now round about 50 or 55 per cent. With the 66 transmitters that we are trying to have in the Third Plan, it will go up to 70 per cent by the end of the Third Plan.

My hon. friend, Shri Kumaran, complained about the Trivandrum station. It is true that it is a weak station. It is only a 5 kw medium-wave station. But very soon we will have a 20 kw station there, which will be powerful enough to be heard all over Kerala. Likewise, even Hyderabad has now only a 5 kw medium wave station. A big State capital like Hyderabad...

Shri Warrior (Trichur): Will the transmitter at Trichur also be strengthened?

Mr. Speaker: That does not necessarily follow.

Dr. B. Gopala Reddi: Our whole country is not in the listening range of medium wave stations. Short-wave stations can be heard perhaps in all parts of India. My hon. friend, Shri Bhakt Darshan, wanted a station in the Himalayan heights.

Shri Bhakt Darshan (Garhwal): In the Himalayan region, not in the Himalayan heights.

Dr. B. Gopala Reddi: All right. There is a short-wave station at Lucknow which all those parts can hear. I do not know whether a medium-wave transmitter will be an ideal thing in a hilly region. Anyhow, we shall try to examine it. When the present programme is finished, we will have ample opportunities to review the position and see what could be done.

Shri Bhakt Darshan: That is to say, after the Third Plan?

Dr. B. Gopala Reddi: Yes, because the programme for the Third Plan has already been decided.

Mr. Speaker: Now the hon. Member will realise that it was not wise on his part to have put that question. Sometimes, interruptions are harmful.

Dr. B. Gopala Reddi: The programme for the Third Plan has already been fixed and there is no scope for any deviation in the programme. Anyway, the All India Radio has brought music to its full stature and film music, tribal music, saral sangeet, Vivid Bharati all these aspects of music are put before the public. The listening public have generally appreciated the music that is being put on the air every day, and we are really happy about it. So, it must continue to make good progress, trying to bring all regions together, all communities together, all States together through the medium of music. The melody of music must be the unifying force and not the dividing force. Music has no language and it can be melodious without crossing the frontiers of language.

But when we come to the question of language, perhaps we come to a difficult terrain. Because, we have so many languages in our country, which is very peculiar to All India Radio. We are broadcasting in so many languages in India today. The BEC does it only in one language but, so far as our internal services are concerned, we have to do it in so many languages, so many tribal dialects and languages. All this means huge organisations. Sometimes we cannot pronounce some proper names correctly because we have so many languages from Trivandrum to Kashmir, from Nagaland or NEFA to Gujarat and sometimes it is very difficult or not possible for one single announcer to get all correct pronunciation.

Shri Hem Barua (Gauhati): The

other day I was taken aback to hear the name of Shri Phyzo, the Naga rebel leader, pronounced as Phyzo.

Dr. B. Gopala Reddi: We are thankful to the hon. Member for giving us the correct pronunciation. We are trying to have a pronunciation unit in the All India Radio. I do not like, for instance, Ghalib being pronounced as Galib or Visweswarayya in some other manner, as these does not add to the credit of the All India Radio. But the difficulty is one announcer has to pronounce some names of Travandrum, some other proper nouns of NEFA and Kashmir. So, he cannot be expected to pronounce all proper names correctly. Of course, we are making constant efforts to improve the pronunciation aspect also. Yet, in spite of that, there are mistakes. we do realise that, as our constant endeavour is to improve the pronunciation of proper names.

Then I come to the question of languages, which is a difficult one. Even outside and inside the House we have heard speakers pleading that some sort of Hindi which is understood by all Hindi regions should be introduced. There are others who say that an ideal language has now been attained and it should not be weakened and if at all any steps are to be taken, they should be to improve upon it, and we should not deviate from the present path. Three or four speakers have demanded that there should be intelligible Hindi and, yet, there are others who say that the Hindi that is now being adopted is quite all right. Anyhow, that is a big controversy that is going on both inside and outside the House. In this matter we have to take a very broad view. It is our endeavour to see that our broadcasts are understood by as many people as possible. After all, the very purpose of broadcasting is lost, if it is not understood. So, the language should be such that it should be understood by all. It is a matter which has to be gone into very carefully with experts and perhaps a survey of the listening public is neces-

sary. Therefore, I do not want to say anything on that.

But if there is a genuine complaint from the Hindi-speaking area of Western or Eastern UP or Punjab or Bihar that they cannot follow the present language broadcasts, then I think there is a necessity for conducting a survey to see what could be done to make our broadcasts understandable. Otherwise, if large chunks of people do not follow our broadcasts, it is a sheer waste of time and money to continue those broadcasts. So, we have to look into all these things.

When I was a student, and even later when I was in the Congress circles, it was being said that Urdu and Hindi are the same language and the only difference is in the style of expression. I think even the late Pantji and Gandhiji used to say both are the same language with different styles of expression. But I am sorry to say that the policy that is now adopted by the All India Radio is that we have bifurcated them into two different categories of Hindi and Urdu. We have put them into two different compartments. We are having Hindi broadcasts and Urdu broadcasts, so much so it is no longer the same language. The average man will get the impression that they are perhaps two different languages and they are broadcast separately. I do not know whether it is a correct thing to do, or whether we should bring them together, in the interest of integration, in the interest of common understanding, or whether we should allow them to drift in parallel lines like this.

13 hrs.

An Hon. Member: Gandhiji used to call it Hindustani.

Dr. B. Gopala Reddi: I was present in Madras when that discussion took place.

Mr. Speaker: In the beginning it might perhaps have been one language. Then the writers of Urdu

began to draw more profusely from Persian and Arabic and the writers of Hindi used to draw more from Sanskrit. Therefore that division started and a difference was created.

Dr. B. Gopala Reddi: I am aware how it started.

श्री भक्त दर्शन : सविधान में भी तो ये दो अलग अलग भाषाये मानी गई हैं, जैसे कि अन्य भाषाओं उसके अन्दर हैं। उस सूची में "हिन्दुस्तानी" नाम की कोई भाषा नहीं है।

Dr. B. Gopala Reddi: I do not know whether we should make an attempt again to bring them together or allow them to continue in these parallel directions. It is a matter which I want to consider myself and I want the House to tell me and perhaps we will have to consult many people outside, educationists, people interested in communicating ideas to the people, etc., whether they should be allowed to drift separately or to come together.

Anyway I am not quite happy that they have drifted apart. There is absolutely no controversy about the language spoken by Gandhiji, by Sardar Patel, or even the language of Indian films. It is understood. And more than anything else it is the language used by our Prime Minister, which Mr. Bhakt Darshan says is not understood by some people. Whether it is understood or not our Prime Minister would have addressed hundreds of meetings and millions of people; he has imparted a little of his fire and idealism to the people and they have benefited by his words. If that language is not understood, according to some of our friends, but something else is understood, I do not know whether . . .

श्री भक्त दर्शन : मुझे क्षमा करें, मैं समझता हूँ कि मेरा जो उद्देश्य था उसे मन्त्री महोदय गलत समझ रहे हैं। मेरा मतलब यह था कि जो अहिन्दी भाषी लोग हैं, जैसे बंगला

[श्री भक्त दर्शन]

वाले या तेलगू वाले, उनको उर्दू मिश्रित हिन्दी समझने में कठिनाई होती है। मैं इस को सिद्ध करना चाहता था।

Dr. B. Gopala Reddi: This is a kind of argument which I do not appreciate.

Shri M. K. Kumaran (Chirayinkil): There are many people in the Congress who cannot understand the Prime Minister's language.

Dr. B. Gopala Reddi: Hindi broadcasts are meant for Hindi regions and not for Maharashtra or Gujarat. They are primarily meant for the area covered from Rajasthan to Bihar. The criterion is whether the people of this area understand these broadcasts, and not whether Bengalis or others understand it.

I want Hindi broadcasts to be confined to the Hindi regions. I must take into consideration whether the people of Delhi, or the people of U P or Punjab understand the language put out. It is no use saying that Bengalis would be able to understand some other type of Hindi better.

Shri Khadilkar (Khed): When we are trying to evolve Hindi as our national language, the All India Radio is not making an attempt to make it intelligible to the whole of India, if the broadcasts are meant to be confined to Hindi speaking regions. Then you have to adopt a different policy.

Dr. B. Gopala Reddi: You must have some other broadcasts for all-India purposes. These are broadcasts essentially meant for Hindi regions. What is the use of saying that Bengalis would understand it better and Keralites would understand it better if some other type of language were employed. In that case there would be a complaint from a large section of Hindi speaking people themselves.

श्री भक्त दर्शन : क्या कोई शिकायत आई है ? हमें तो कोई शिकायत नहीं है।

Dr. B. Gopala Reddi: We would have to make a survey of the matter and look into it. If you want you can have a language which is understood from Trivandrum to Kashmir and Assam to Saurashtra. That is a different matter. But these broadcasts are mainly meant for the people of the Hindi speaking regions.

We have made Hindi separate; we have made Urdu separate. I do not know whether it is a correct policy.

Shri A. N. Vidyalankar (Hoshiarpur): Do we understand that we are making two forms of Hindi, one for Hindi speaking areas and the other for other areas?

Dr. B. Gopala Reddi: I take it that the Bengali broadcasts are meant for Bengalis and not for Madrassis living in Bengal who are trying to pick up Bengali. Similarly Hindi broadcasts are meant for Hindi regions and whether it is being understood there or not in the main criterion, and not whether it is understood by a Malayalee or an Assamese.

Shri Khadilkar: Do you mean to say that the All India Radio is not to play any part so far as the evolution of a national language is concerned? Instead of integrating, you are going to keep them apart. You are following a disintegration policy.

Dr. B. Gopala Reddi: I want the Hindi regions to understand my Hindi broadcasts first, before they are understood by Gujerathis or others.

Shri Sham Lal Saraf (Jammu and Kashmir): The hon. Minister said that Bengali broadcasts are meant for Bengalis and similarly Hindi broadcasts are meant for Hindi speaking regions. If this policy is followed, the all-India purpose of AIR is not served.

Mr. Speaker: He has made it clear.

Shri Hem Barua: By his policy he has reduced Hindi to a regional language.

श्री प्रकाश वीर शास्त्री : अभी आपने कहा कि यह हिन्दी भाषी क्षेत्रों के लिये है। लेकिन जैसी मेरी जानकारी है जो हिन्दी का बुनियात है वह हैदराबाद, बँजवाड़ा, मद्रास, त्रिचूर, बंगलौर और पाण्वाड़ में भी ब्राडकास्ट होता है। तो जिन हिन्दी को आप हिन्दी भाषी क्षेत्रों के लिये निर्धारित कर रहे हैं, वह जब उन क्षेत्रों में ब्राडकास्ट होगा तो उन स्थानों की जनता के लिये उस हिन्दी को समझना क्या कठिन नहीं होगा ?

Dr. B. Gopala Reddi: After all the point is very clear: whether I use a language which will be understood by the Hindi speaking people or not. I do not know how many people in South India or Bengal listen to the Hindi broadcasts. As far as I know, there are not many people except perhaps Hindi pracharaks and people like that, who would be listening to the Hindi broadcasts. The average man there is not interested in Hindi broadcasts. I do not mean to suggest that I am going to discontinue that. What is being done will be continued. But I am more anxious that my broadcasts must reach must be understood, by all the Hindi speaking public first before it is understood by Bengal, Assam or South India.

It was alleged that our Hindi broadcasts are not understood by the people in Western UP, Punjab, Kashmir and Delhi. I do not know. So, this is a matter which has to be considered dispassionately. It is no use arguing it out. I am not going to do anything in a hurry or huff. It is a matter which has to be considered very deeply. But I was rather pained to hear that the Urdu broadcasts are different and Hindi broadcasts are different. If there is a way of bringing them together, I should be very very happy and Gandhiji, Sardar Patel and our Prime Minister will be certainly happy if the languages are brought together in the interest of integration, understandability and commonness of our purpose.

I am not saying that I am going to discontinue Hindi broadcasts coming from Hyderabad or Trivandrum or I am going to change Hindi and Urdu broadcasts straightway. This is a matter which should be looked into very carefully, with a view to seeing whether we can arrive at a solution. I am only suggesting that.

As I said, in the films I do not see any controversy at all. Whether it is in Hyderabad or Delhi they see the films, they do not complain about the language. When the question comes of the radio this controversy comes. Therefore, if the films could solve the problem, the radio must also be able to solve it.

Mr. Speaker: In the films there is something else also!

Dr. B. Gopala Reddi: A large number of people in South India, everywhere, are learning Hindi. It is good. It is being made compulsory. It is also made an examination subject. And I know, except perhaps in Madras, everywhere attempts are being made to teach Hindi to people. In this connection, again, I want more Hindi people also to learn some non-Hindi language. And I want people in U. P., Bihar and Rajasthan to learn South Indian languages, Gujarati, Marathi, Bengali, Assamese and all these things. As far as All India Radio is concerned we are going to launch upon a programme of making it compulsory somehow for the non-Hindi people to learn Hindi and so far as the Hindi people who are working at Madras, Bangalore or Hyderabad are concerned they must be able to learn the local language. For this purpose we may give them a reward. For nine months or fifteen months the man may be kept there, and if he learns the local language, a reward or an incentive in the form of an increment may be given to him. You can make them understand as many languages as possible. It will be useful in the radio, because we have to deal with so many languages. Therefore, we are thinking of giving such incentives and rewards.

[Dr. B. Gopala Reddi]

Shri Hem Barua and other people wanted that this should be made into a Corporation. This question has been before Parliament for a number of years. A number of speakers on previous occasions have also been pleading that it must be made into a Corporation. I suppose at the back of their minds they have a feeling that Government is interfering in its day-to-day work. If they are interfering, they are doing it for the good of the country, in the matter of music or literature or things like that. But I do not think that Government should interfere with the day-to-day administration or dictate the policy.

Shri Hem Barua: But you admit the interference.

Dr. B. Gopala Reddi: Suppose we wanted classical music, is it an interference by Dr. Keskar to re-establish classical music. I do not say that we are using it for any political or party purposes. Sometimes that is alleged. I totally deny that. The idea of a Corporation can certainly be considered, in good time. We are expanding; so many stations have yet to be installed, and a lot of expansion has to be undertaken. When all that is done, perhaps the time will be ripe for considering the question of making it into a Corporation. But just now...

Shri Warrior: Has it become a profitable concern already?

Dr. B. Gopala Reddi: No, no.

Shri Warrior: Then it is not yet time.

Dr. B. Gopala Reddi: We had a loss of Rs. 1.32 lakhs or so. The income of Rs. 22 lakhs from the licence fee is not sufficient to meet the expenditure incurred by the All India Radio. So it will be some time before we can make it a self-paying proposition. When the time comes and when there is a demand and a need, we can make it into a Corporation. We do not stand in the way of its becoming a Corporation, though we do not see

any obvious advantages in making it into a Corporation, or any obvious disadvantages in not making it a Corporation. We do not see any difference at all. Anyhow, if the people want it, it can be made into a Corporation according to the wishes of the people, as reflected in Parliament.

Shri Sham Lal Saraf: Sir, on a point of information.

Mr. Speaker: There is no provision in the rules anywhere to raise a point of information!

Shri Sham Lal Saraf: My point is this. Radio Colombo is popular all over India, and I am told that they are making tons and tons of money. Why are we not in a position to do that?

Mr. Speaker: That has been answered here several time, that we cannot make it a commercial broadcast. That is a commercial radio.

Shri Hem Barua: That is a commercial radio. That is why they are making money.

Dr. B. Gopala Reddi: Anyhow, that point was not raised during the debate. Therefore I am not replying to it.

Mr. Speaker: Those who did not get an opportunity then are now raising those points!

Dr. B. Gopala Reddi: About staff artistes a good deal was said, that they must be made permanent, that there is no security for them, no security of tenure and things like that. I do sympathise with that plea and that demand that people must have a sense of security. There is no doubt about that. Otherwise they will be just hanging in the balance, and it is not good for them or for the institution; because they do not know whether they will be there in the next month or six months hence, and they will not be able to give their best to the institution. But what happens? These

staff artistes are *ad hoc* recruits. He may be a *tabla* man, musician or sitar man. They are being recruited irrespective of any qualification or age. More than that, they are also free to accept outside engagements. Once he becomes a government servant he cannot do all those things. Take a man like Ravi Shanker who is a staff artiste with the All India Radio. He would not like to be a government servant and be confined to the All India Radio all the while. He goes to Bombay, Calcutta and accepts engagements in the Diplomatic Enclave and other places. He works in the All India Radio as a staff artiste. Take, again, a man like Bismillah Khan who works in the All India Radio, or a man like Harin Chattopadhyay. Some of them have served for five years in that capacity. I do not know whether all of them would like to become government servants with all the limitations attaching to government servants.

Shri Hem Barua: Every staff artiste is not a Bismillah Khan or a Ravi Shanker. Those people would not like to be called government servants; otherwise they would automatically leave. But there are other staff artistes, a number of them.

Dr. B. Gopala Reddi: "Staff artistes" means that all people are included in this category. And they also get gratuity. The only thing that they do not get is pension. There is no question of age of retirement for them, and no question of qualification. The general qualification is all right, but there is no particular educational qualification of asking them "Have you passed this examination or that?" That kind of thing is not being insisted upon. And there is no question of retirement also. There are some advantages and some disadvantages. And the contract is generally for three years. Previously it used to be for one year, it seems. Now it has been made into three years. If you want a greater sense of security for them, we can increase it perhaps to five years.

Shri M. K. Kumaran: Like Members of Parliament.

Dr. B. Gopala Reddi: Is it good? Will it satisfy the House? If it is going to satisfy the House, we can certainly consider making it a contract for five years instead of three years, terminable at three months' notice. That is, he can leave the service after giving three months' notice and the Radio also, if it find that his voice has deteriorated or his throat has gone bad, must be able to terminate his service by giving him three months' notice.

Shri Khadilkar: It is not a question of artistes only but also with respect to people recruited on the News side. Some people are taken on three years' contract, some on monthly contract, some on three-monthly contract. What is the position?

Dr. B. Gopala Reddi: If it is for a special purpose, as for instance in connection with a drama festival, people are recruited for three months and so on. But the ordinary staff artistes are recruited for a period of three years. But for specific purposes in connection with a festival or something, some people may be taken for short periods. A *tabla* man may be taken.

Shri Khadilkar: Excuse me. I think you have not followed my point. Even on the News side, I know definitely that two or three people, taken by the U.P.S.C., are made permanent and all benefits are given to them. But as regards the others, they are taken for three years, four years or five years, and their contracts are renewed after three months. Formerly it was one month. But thanks to the good offices of some people, this is what is being done. It is a question which affects about a thousand people, not an artist like Bismillah Khan.

Dr. B. Gopala Reddi: We want all of them to become Bismillah Khans.

Shri Hem Barua: The hon. Minister was pleased to say that where an

[Shri Hem Barua]

artiste loses his voice he is out of service and so on. You don't destroy your horse when it becomes un-serviceable. You don't have to kick out a person because he loses his voice. There must be some sort of security for them.

Dr. B. Gopala Reddi: We do not recruit these people at the age of twenty-three, twenty-four and so on. We recruit people even when they are fifty-five.

Shri Hem Barua: That does not matter.

Mr. Speaker: Order, order. The hon. Minister should go on. The trouble is that he yields so easily that I cannot help him!

Dr. B. Gopala Reddi: The matter of staff artistes will have to be considered very carefully, and we will certainly see what could be done to give them a longer contract.

With regard to external services also, it is not true that all of them are manned by non-Indians. Out of 13 languages, seven are manned by Indians and only four are manned by foreigners—French, Sivali, Bhasha Indonesia and Tibetan. Chinese is being manned by our own man. We are trying to send our people abroad and to see that they acquire proficiency in those languages, and we shall see as early as possible that we man these external services with our own people.

13.20 hrs.

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

The other point that was raised was that concentration of the press power may lead to regimentation of ideas. Many hon. Members have spoken on this matter taking the cue from the Press Commission report of 1954. They based their statistics on the 1952 figures. We have been watching whether any serious development has taken place between 1952 and 1961.

We are studying closely the figures of 1961 which have been supplied to us by the Registrar. We do not find a great variance between 1952 and 1961. They themselves said that there is a sort of a tendency towards monopoly and concentration of power and things like that. We are trying to watch it. We are trying to study the figures of 1961. If there is a case we shall see what is to be done. Even the Press Commission did not tell us directly what should be done if you find some monopoly, what powers they should have and things like that. Therefore, we have to study what is being done in Ceylon, in Great Britain, etc. before we can come to any conclusion. It is a very ticklish question, constitutional question whether we can put any impediments in their way of expansion.

Shri Khadilkar: The Press Commission suggested the price page schedule.

Dr. B. Gopala Reddi: I am asked not to yield. We do want that ownership should be diffused and diversity of opinion should also be promoted. We are certainly in sympathy with the demand that there must be adequate choice of new paper for the reading public. They should not be fed by only one paper alone in a particular town. There must be availability of a number of newspapers for them so that they can make a choice. We are studying the changes that have occurred since 1952. My only trouble is that they did not indicate any particular method of breaking a monopoly. Any way, if a new Press Commission is appointed, they can go into the question and suggest ways and means of breaking a monopoly.

Shri Bhakt Darshan: Are you appointing a new Press Commission?

Dr. B. Gopala Reddi: No, no. We are studying the question. A *prima facie* case must be made out whether any serious proportions have been

reached or whether there is still the *status quo* of 1952. We are studying the question. We have an open mind in the matter. We shall see what is to be done.

In this connection, many people have raised this—Goenkas, Dalmias and Birlas. What happens if a large number of newspapers are owned by a political party?

Shri M. K. Kumaran: That is not a business concern. A political party and a business concern are different. (*Interruption*).

Dr. B. Gopala Reddi: If a large number of papers give the same type of news with the same slant, day in and day out, whether it also constitutes a monopoly or not is a matter which has to be considered carefully. (*Interruption*).

Mr. Deputy-Speaker: Order, order.

Dr. B. Gopala Reddi: There are 24 papers belonging to one political party. If all of them from Trivandrum to Bengal or Delhi gave the same type of news with the same slant . . .

Shri M. K. Kumaran: Is it the opinion of the Minister that a business concern and a political party are the same? (*Interruption*).

Mr. Deputy-Speaker: Order, order.

Dr. B. Gopala Reddi: They may have a thousand shareholders. They have 25 papers. Whether it is a monopoly or not is a matter to be considered. Whether a political party having a large number of papers constitutes a monopoly or not—these are matters to be considered carefully.

Shri Warior: Let not the bureaucrats decide this issue. This is a very important issue. Let not the Press Registrar say this in his report; let him not certify that such and such papers are a monopoly.

Dr. B. Gopala Reddi: He can supply the data.

Dr. Khadilkar: The question is a hypothetical one . . .

Mr. Deputy Speaker: Order order. Mr. Khadikar, you cannot go on like this. He is not yielding to you. Please sit down.

Shri Khadilkar: This is very strange.

Dr. B. Gopala Reddi: Any way, we want the quality of the papers to be improved without much concentration. We have to reach a large section of the people. Still, the newspaper reading public is less than 5 million people. Taking all the Hindi, non-Hindi, English, all daily newspapers, the reading public is less than 5 million. It is only 45 lakhs out of a total of so many millions. We have to make headway in popularising the papers. Therefore, we have to keep this idea and see whether we can improve the quality of the papers and also the circulation, also without much concentration in the hands of a few people.

The question of giving advertisements to language papers has been raised. We are certainly anxious to support language papers in every possible manner we can, because, ultimately, it is they who have to deliver the goods to the rural people. English knowing people are very limited. They have their position, of course, in the urban areas. In the rural areas, it is the language papers that can reach the people. Our policy in the matter of advertisements is to encourage them to some extent. In recent years, they have come up very well. We want to further strengthen them by giving them advertisements. But, advertisement by itself is not a sort of a gift. It is not a question of a favour, that anybody can demand. Therefore, it is no use saying, why not give that paper which has got so much of circulation. There are so many factors to be considered before you can give an advertisement to a particular paper. It is not a question of favour or patronage vested in the hands of the Government. Any way, our policy is to encourage language papers as much as possible. We shall

[Dr. B. Gopala Reddi]

see whether in the matter of giving advertisements we can increase the proportion which they are receiving today.

Lastly, I come to the question of films.

Shri Bhakt Darshan: What about the Press Council?

Dr. B. Gopala Reddi: I am going to have a Press Consultative Committee first. That Consultative Committee will think out the details of the Press Council. It will come, because it has been recommended by the Press Commission and important personalities also want the Press Council. Therefore, we are not standing in the way of the Press Council. First, as a preliminary Step, we will have a Press Consultative Committee. It will work out the details it will lead on the formulation of the Press Council. It is a question of time. First, the Consultative Committee will come.

Coming to films, this year, they are completing 50 years of their useful existence in our country. In 1912, they had the first film. In 1962 they are celebrating their Golden Jubilee. The film industry, with all its defects perhaps, has done a good service to our country. Because a number of people get entertainment and number of people are also employed in the industry, in the various theatres. It has given a fillip to our music, songs, and drama. Many literary people have joined the films—men who were otherwise not getting a livelihood. It has definitely done some good work. It is not an-mixed evil. Therefore, I pay a compliment to the film industry which is celebrating its Golden jubilee this year. I wish them well. I also want them to put out good films and not any films that are vulgar. We are all aiming at better quality of pictures, aesthetic, purposeful. I am sure they also will realise the need of the country, the need of our people

and see that they serve the cause by putting up nice pictures and not vulgarise our taste or induce people to crime.

Censorship is a ticklish question. Some people say that we are very strict in censorship. Some people say that we are too liberal and we are allowing all sorts of songs, situations on the screen which are not having a salutary effect on the minds of our younger people. These are matters which have been canvassed from time to time on the floor of the House. Some people say that we must be liberal. Sometimes, they say that we must be very strict and we must not allow any vulgar things to go on the screen. We have to take a very considered view in this matter. Our Censor Board is also taking the necessary precautions in this regard. We do not allow things that are supposed to be vulgar or cheap. In spite of that, there are complaints occasionally about some songs, some situations or shots. We would like to go into the question more carefully and see how best we can improve the situation. Recently, Professor Eric Bernard of Columbia University came to India—he is in India—and he is writing a book on Indian Universities in the last 50 years. He came to see me. I asked him about censorship in our country as compared with other countries. He told me that censorship in India is very strict compared with Japan, or European countries or African countries or African countries or any country in the world. That is what the Professor said. Of course, we think that it is not so. Therefore, we have to take an overall picture compared with other films also and see what could be done. It is a very ticklish question. The industry is always nervous. They spend an enormous amount of money and suddenly the Censor board cuts a large footage. Therefore, we have to go into this question very carefully.

Shri Hem Barua said about a sort

of pre-censorship of the script. But, I thought about it and I feel that it would not serve any purpose. The script may be as innocent as a lamb, They may provide some situation, they may take some shots which may be very vulgar, cheap. Mere script or spoken word or song will not improve matters. An overall picture of the entire film has to be taken into consideration whether it leads to crime or it is vulgar or it has a salutary effect. That must be considered.

Shri Hem Barua: I said that that would help the industry.

Dr. B. Gopala Reddi: We are trying that. There is also a small Board in Bombay which occasionally looks into the script. But that is no solution to the problem, because the word is not the most important thing.

With regard to the Children's Film Society, there was a good deal of criticism by some hon. Members. We are certainly looking into the matter. The executive council of the Children's Film Society is seized of this complaint, and they themselves have asked for the appointment of three Government servants to look into their organisational set-up and all that, and I hope that very soon, probably within less than a month or so, things will be set right, and everything will go on well with the Children's Film Society, and we shall look into the question as to how it should be organised, what its responsibility to Government or to the masses should be and so on; we shall see that all these things are laid down properly, and that it is put on a sound basis, so that there would not be any room for any complaints hereafter.

Shri Prakash Vir Shastri: What about the financial enquiry?

Dr. B. Gopala Reddi: That also is being looked into; their accounts and other things are also being looked into.

Then, there is the question of field publicity. During the Third Five

Year Plan, we are trying to improve our field publicity also with regard to the Plan. We are trying to reach a large number of districts. We have only a few units now. That number is not adequate. We are unable to reach many villages. During the Third Plan, we hope to increase the number of units by another 50 per cent, and we shall see what can be done further with regard to these units.

I am very thankful to the hon. Members for the support they have generally given to the Demands of my Ministry. They need not misunderstand me for having raised this controversial issue of language, because nothing will be done in a hurry. The thing has to be looked into carefully, and we want to enlist the co-operation of as many people as possible in regard to this question.

Shri K. R. Gupta (Alwar): What about changing the name 'Akshvani' into 'Vanoli' which was raised by an hon. Member belonging to the DMK Party yesterday?

Dr. B. Gopala Reddi: We shall deal with them separately.

Shri Hari Vishnu Kamath: In Madras itself.

Dr. B. Gopala Reddi: Anyway, I am thankful to the hon. Members for the support they have generally given to the Demands.

Shri Khadilkar: May I seek a clarification? One point has not been answered. There was a judgment of the Supreme Court regarding the price-page schedule. I raised that point in the course of my speech. After that, nothing has been said. Is the Ministry pursuing the matter further?

Dr. B. Gopala Reddi: The hon. Member may better raise it in the course of the discussion on the Demands for Grants of the Law Ministry. My hon colleague the Law Minister is more competent to deal with it.

Mr. Deputy-Speaker: I shall now put all the cut motions to the vote of the House.

All the cut motions were put and negatived.

Mr. Deputy-Speaker: The question is:

"That the respective sums not exceeding the amounts shown in the fourth column of the Order Paper, be granted to the President, to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 1st day of March, 1963, in respect of the heads of Demands entered in the second column thereof against Demands Nos. 63 to 65 and 129 relating to the Ministry of Information and Broadcasting."

The motion was adopted.

[The motions for Demands for grants which were adopted by the Lok Sabha are referred below—Ed.]

DMAND NO. 63—MINISTRY OF INFORMATION AND BROADCASTING

"That a sum not exceeding Rs. 11,43,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Ministry of Information and Broadcasting'."

DEMAND NO. 64—BROADCASTING

"That a sum not exceeding Rs. 4,27,90,000 be granted to the President to complete the sum necessary to defray the charge which will come in course of payment during the year ending the 31st day of March, 1963 in respect of broadcasting."

DEMAND NO. 65—OVER REVENUE EXPENDITURE OF THE MINISTRY OF INFORMATION AND BROADCASTING

"That a sum not exceeding Rs. 3,14,51,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Other Revenue Expenditure of the Ministry of Information and Broadcasting'."

DEMAND NO. 129—CAPITAL OUTLAY OF THE MINISTRY OF INFORMATION AND BROADCASTING

"That a sum not exceeding Rs. 2,10,00,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Capital Outlay of the Ministry of Information and Broadcasting'."

Mr. Deputy-Speaker: The House will now take up the Demands for Grants under the control of the Ministry of Law. Three hours have been allotted for the discussion of these Demands.

Those hon. Members who are desirous of moving cut motions may please send chits indicating the numbers of the selected cut motions at the Table within fifteen minutes, and they will be treated as having been moved, subject to their being otherwise in order.

Mr. Deputy Speaker: Motion moved:

DEMAND NO. 73—MINISTRY OF LAW

"That a sum not exceeding Rs. 33,98,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Ministry of Law'."

DEMAND No. 74—ELECTIONS

Mr. Deputy-Speaker: Motion moved:

"That a sum not exceeding Rs. 1,26,23,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Elections'."

DEMAND No. 75—OTHER REVENUE EXPENDITURE OF THE MINISTRY OF LAW

Mr. Deputy-Speaker: Motion moved:

"That a sum not exceeding Rs. 2,43,000 be granted to the President to complete the sum necessary to defray the charge which will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Other Revenue Expenditure of the Ministry of Law'."

Shri Warrior: It is rather presumptuous on my part as a layman to speak on a subject which is very technical and which is not generally understood by the common people, but I am at the same time glad that according to our Constitution, the law-makers in this House and in the other House are not wholly lawyers; there is a majority of laymen as elected members, who are the real law-givers in this country. Therefore, I think that I can make out a case for those things for which I have a special interest.

The first point that I would like to urge is that it is essential that the administration of law should also be taken over by the Law Ministry. The reason for my suggesting it is this. I sent in a few cut motions relating to the Demands of this Ministry, but all of them were transferred to the Ministry of Home Affairs. Then only I looked into the matter and found that however much the Law Ministry

makes liberal laws, there is this *danda* of the Home Ministry. . .

An Hon. Member: Law and order.

Shri Warrior: There is only order there; there is no law at times.

Shri K. C. Sharma (Sardhana): The '*danda*' is an objectionable word.

Shri Warrior: If the word '*danda*' is objectionable, then I shall use the word '*shoola*', because I want to use some word to denote what I feel.

Shri Hari Vishnu Kamath (Hoshangabad): Do not use the *danda* here.

Shri Warrior: However liberally the Law Ministry makes laws for the country, the Home Ministry sees to it that those liberal provisions are not administered to the best advantage of our people.

In regard to the administration of law, the most important point is that it must not only deter people from acting in certain unlawful ways but it should instil also a sense of respect for law and justice among the general public. We say, for instance, that the judiciary must be independent. If the judiciary is independent, then the general public—I am not talking of individuals or individual cases—expect certain justice from that big *sanctum*. But when they find that that justice is not given to them, that there are certain hidden things behind the judiciary, that the all-powerful Home Ministry not only in the Centre but in the States too, can have a say and rather they employ certain subterfuges to deny the proper dispensation of justice leading to miscarriage of justice, then, naturally, the respect that we expect among the general public for the general administration of justice and for law goes away.

I may cite to you instances after instances from the experience I had in the national movement as well as in the movements when the Congress had taken over the leadership of the

§Shri Warrior]

country, or the administration of the country. In 1937, we, as a body of workers, under the State Congress, were hauled up at Alleppey, when we were fighting the regime of our esteemed friend who is always heading many of the commissions and committees, especially those appointed by the Law Minister himself—I do not want to mention his name; but, if you like, I can mention his name; it is Dr. C. P. Ramaswami Iyer . . .

Mr. Deputy-Speaker: The hon. Member need not mention any names.

Shri Warrior: When we were hauled up we came very close to the operation of law. Five or seven of us, who were the ring leaders, so to say, were asked to stand in a line, and some friends were brought from somewhere; we did not know them, and they did not know us; and they were coached day in and day out to name the persons and identify the persons from amongst us. But actually, in the sessions court, when the witnesses were put in the box and asked who was who, naturally, they mistook the identity of the different persons. For that not only we were penalised but the witnesses who condescended to the pressure of the police were also beaten. How much respect can any educated man have? How much respect will remain in me when I see that law is operated and administered in this way. If I tell this instance to people, will the people at least the people who have belief in me, have respect for law? Again in 1948, I had the same treatment but that was under our benevolent Congress Government. There also the same thing was repeated under the same police official. The only difference was that at Alleppey he was only an ASP but in 1948 he became the chief of the police force in that State. I do not mention the inhuman tortures we had undergone.

The Minister of Law (Shri A. K. Sen): You mean, before 1948?

Shri Warrior: In 1948. In 1937 it was imperialistic treatment and now in 1948 it was *alimsaic* treatment. We were tortured; we were beaten by rods. The signs of beating were on our backs; even then the magistrates could not take cognisance of that and protect our lives. We were marched without a shirt for about 1½ miles, the distance from the lock-up to the magistrate court; we were having this procession daily and all the onlookers were all seeing. This beating signs on the back could not come out of asthma; there were reports like that and medical jurisprudence dealt with it in such a way. I sincerely believe that if the administration is also transferred to the department of law, there will be a coalition of ideas and operation. Our Law Minister is of the Cabinet rank. Why should the Ministry be a simply drafting committee on law.

In modern times the concept of social justice is not stagnant. It is a dynamic and changing thing. The former concept of justice was dictated by foreign dominated interests in India. Justice is often marked by a symbol of a balance. If it is like the balance of an ordinary kabadi, I do not know whether it will balance itself properly. In the kabadi's balance however much you may put on a particular side, it will not come down; the balance will not move. It should not be a rotten and rusty balance. Whenever the British interests or the interests of the British subjects were concerned, the interests of the ordinary Indian people will be sacrificed. We have done away with British domination. I do not say that all their laws and procedures should be abolished or that they are all bad. There is need for change; they should be simplified. An ordinary man cannot today go and seek justice in the hands of the highest judiciary. At the most they can go to the sessions court of appeal if it is a magistrate's court on the criminal side or munsif's court on the civil side. I am not taking up court fees now be-

cause it comes under the Stamp Act which is administered more by the States and so we have to address the people there. The intention and purpose of justice should not be that a culprit or those who are denied justice go to some place where they may have it; rather justice must go to the people; it must be easily reachable and it must be less costly. People should also have the impression that justice is being done to them; otherwise there is no use. Law should be framed to simplify the procedure so that ordinary people can seek it, can seek justice.

When I speak of social justice, I remember something which was written by the agriculture panel of the Planning Commission. I searched for but I could not get it. Whenever land legislations are undertaken, the primary consideration should be of safeguarding the interest of the tenantry. Whenever the question of fixity of tenure comes, subterfuges are employed and the loopholes in the law are employed in order to defeat the purpose of that legislation. For instance, when the tenants at will did not have fixity of tenure, there was agitation and then legislation gave fixity of tenure to the tenants at will but within five or ten years we find that all those tenants who receive this fixity of tenure were brought under the category of share croppers. Thereby the object of the legislation was completely defeated. Perhaps they sold that right but whatever it is they became share croppers. Then the next time the legislation was amended and a new and comprehensive legislation gave fixity of tenure to the share croppers. Now we find that all the share croppers are considered as wage labourers and not share croppers. Whenever social necessities and compulsions make the Government to take legal action in the form of framing of suitable laws, the loopholes in the law are employed in order to defeat the very purpose of that legislation. Such things must be looked into so that the interests of the people will be safeguarded. So also in the

labour lays what justification is there that there should be a deposit of a huge amount on behalf of the labour unions when appeals are filed in the Supreme Court? How can we do that? They know the condition, economic condition of our trade unions. You know how they are moving about without the necessary equipment and without the necessary funds. So, this must be looked into. In a new pattern of society, in a new evolution of our Indian society, the interests of the people must have the maximum consideration. That must be the paramount consideration behind any legislation and the law must be changed accordingly.

I now come to the third point, namely, contempt of court. There is the Sanyal Committee which has been appointed. I hope that the Committee will report very soon. This subject has hit up so much dust at one time, before 1960. That aspect also is coming to my mind. Why I give so much importance to it is because, as Dr. B. Gopal Reddi was just now saying, we are having in our country one newspaper for 86 people. This contempt of court is the main or at least one of the main things which is hanging like the sword of Damocles on the press of India. I myself have had experience of being hauled up several times on this score. It is subjective and objective. That is why I have an added enthusiasm in bringing forward that subject here. I am speaking on the criminal side only and not on the civil side. I want to make it very clear, because, I have no knowledge of the civil side. Suppose, I publish a report today and after two days the police hauls up the culprit. I am also hauled up in the high court or the court which has got the jurisdiction, for having committed the crime of contempt of court. But I did not have any knowledge or I could not have any knowledge of the thing.

Shri A. K. Sen: If that is the fact he will be acquitted in no time. If the facts are as the hon. Member says, he will be acquitted in five minutes.

Shri Warior: I was not acquitted. Not only was I not acquitted but I had to give the usual apology for it and get scot-free. The point is, if there is any possibility of an action being taken by the police on an incident, you should not report it. That is how the lawyers say and the judges also concur with them. They say that the evidence is prejudiced, and there is a chance of justice being miscarried. If the press in India is not given the freedom to report certain things, I can say that the entire executive will sleep on a thousand and one cases of corruption. What are you going to do? When the pressmen expose the things, the executive is compelled to take certain action. Otherwise, what will be the position? If there is no free press in this country, with all its defects, with all its shortcomings, with all its inherent and historical shortcomings, I would just ask the Ministry of Law as to what will be the position in India. Nobody can report anything especially any incident in which the police is interested.

I have read how this problem had been tackled in Britain. In the United Kingdom this became a very acute problem, and this was raised by no less a personality than Lord Shawcross. In justice to him, it must be said that he first brought this matter in the House of Lords and then he suggested certain remedies. I have with me the report of Lord Shawcross. Lord Shawcross has given a very comprehensive report on this subject, although it is not a voluminous one. He has given the historical reasons which had arisen in his time for contempt of court and how it must be dealt with. He says:

"The need to consider this is particularly urgent because the present state of the law tends particularly to impede free discussion in these newspapers and other organs of public opinion which are most responsible, while

others tend to treat the law of contempt less seriously."

I am all for keeping the dignity of the courts. I am all for the general public to have the utmost respect for the judiciary. I do not say for one moment that that must be impaired. But, at the same time, it is the imperative necessity of our society at present, as it is constituted and as it is developing, that the freedom of the press must be defined in clear and specific terms. For that matter, I hope that the Committee now constituted will take into consideration the major party interested in this, that is, the press, especially the vernacular press.

The press in India has a history of its own. How many hurdles has it jumped? How many difficulties has it suffered? How much repression, suppression and oppression has it undergone?

Shri P. K. Deo (Kalahandi): The communist press?

Shri Warior: Communist, non-communist and Rajas' press also. The press, especially, the vernacular press, has suffered much from the draconian laws passed by the imperialist government. We are now breathing free air, and if that free air is not given to us,—even now whenever these things are considered, the old ideas still linger on—we do not know whether the law will help us in developing a free press which is an essential adjunct of our democratic set-up.

Shri P. K. Deo: Mr. Deputy-Speaker, Sir, it would not be proper to pass the Demands of this Ministry without making certain observations. So, instead of dilating on several aspects of this Ministry, I would like to pinpoint my observations on certain functions of the Ministry.

In these Demands, I am reminded of the minutes of the conference of Law Ministers which was held at Srinagar sometime in 1960. The Law Ministers from various States had assembled together and decided that it was high time that legal aid was provided to

the poor people. I am very sorry to remark that hardly any step has been taken in that regard. The Government should seriously consider whether it is not high time that they considered this problem in all its aspects. As has been pointed out by the previous speaker, litigation is very expensive and it is only the rich people who can afford to have the luxury of going to the highest level, up to the Supreme Court. So, with all humility, I beg to submit that legal aid should be provided to the poor people at the expense of the State. If it is not possible on the part of the State Governments to provide the sum, a 50 per cent subsidy should be given by this Ministry to the various State Governments as they have been doing in the case of the uplift of Scheduled Castes and Scheduled Tribes.

About the separation of the judiciary from the executive even though there has been a mandatory provision in the directive principles of the Constitution, nothing has been done in that regard so far as my State is concerned. In some of the States we have seen that there has been complete separation of the executive from the judiciary. Whatever little has been done in my State was done only during the period of the Coalition Ministry. For all these days this important provision of the Constitution has been kept in cold storage, and only during the period of the Coalition Ministry this was given a trial in five or six districts. I am afraid up till now no further step has been taken to extend this provision to the other parts of my State. So, I think it is now high time that direction should go from this Ministry to the Orissa Government asking them to go ahead with the implementation of the directive principles of the Constitution, that is, separation of the judiciary from the executive, in all the remaining districts.

14 hrs.

Regarding the appointment of the High Court Judges after their retirement, I beg to submit that that practice should come to an end. Our High

Court Judges or Supreme Court Judges after retirement should not seek any favour from the Government—from any firm. If that would be in their mind, then we cannot expect that judiciary would be independent in this country. In this connection, I may point out a statement made by the Prime Minister on 27th May in a circular to the various Ministries that retired Government servants should not be appointed in any private employment. That is the proper thing. The same should apply to our retired High Court Judges or Supreme Court Judges and they should not seek further employment. If this House considers that their age of retirement should be further enhanced or there should be better conditions regarding pension, etc., we shall be too glad to provide those amenities to our Judges. But they should not retire in any expectation that they would be given further employment like ambassadorial appointments, election tribunals or some such jobs.

Article 143 of the Constitution provides that the President may take advice from the Supreme Court in legal matters. But I beg to submit that this provision has not been properly utilised. We pass legislations and even the State Legislatures have got the power to legislate. They pass such volumes of legislation at breakneck speed that whenever it goes to the anvil of the court, it is declared *ultra vires* and every time we, the legislators, are put to blame. If we meet any members of the Bar or any outsider, we are the subject of criticism that such a piece of legislation should not have been passed by a supreme body like the Parliament or the State Legislature. So, before the President gives his assent to any of these Bills he should take the advice of the Supreme Court under article 143 of the Constitution.

In this connection, I beg to submit that whatever legislations are passed in any of the Houses are simply passed by the brute majority of the party in power. Take the case of the Kandu

[Shri P. K. Deo]

Leaves Trade Control Bill, which was passed by the Orissa Assembly the other day, even though it infringes the fundamental rights of the tenants by controlling the trade. I am sure whenever it goes to the court, it will be declared *ultra vires* as it infringes article 19 of the Constitution. Even then it was passed by the majority of the Assembly. The members of the opposition brought it to the notice of the President that assent should not be given, but still assent was given. I hope it will receive the same fate as any of the legislations which are passed with ulterior motive.

If you scrutinise the Preambles of the various pieces of legislation passed by this House, you will find that nasty sentence excluding Jammu and Kashmir. Up till now I have not understood why Jammu and Kashmir should be excluded from the operation of our various laws. Jammu and Kashmir is an integral part of our country and the operation of all the laws passed by this Parliament should be extended to Jammu and Kashmir and to Goa and other former Portuguese possessions.

Even though the various legislatures have got the right to legislate on substantive law, I do not think there will be any two opinions regarding the operation of the procedural law. The Cr. P. C. was amended in 1956 and the operation of that Code has not been extended to the territory of Jammu and Kashmir.

Regarding the delay in the disposal of cases, I beg to submit with all humility that justice delayed is justice denied. There should be occasional inspection of our High Courts and the Supreme Court by the competent authority and adequate number of Judges should be provided without waiting for formalities.

One interesting aspect of the working of the Ministry of Law is that they have appointed a Hindu Religious Endowments Commission. So far as the purpose and the inten-

tion is concerned, it is a good thing that the endowments should be properly spent for the purposes for which they are meant and they should not be utilised as private property of any individual. At the same time, I beg to submit that such scrutiny on the part of Government should not be confined only to the Hindu religious endowments, but it should be extended to Muslim wakfs and other endowments to various churches, etc. I submit that this aspect of the question should be examined by this Ministry.

Regarding the working of the adalati panchayats, it is nothing but a farce. I know that in our endeavour for the successful working of the panchayati raj, we have gone to the extent of giving powers to the panchayats of inflicting fines or small sentences for minor offences. But we have come across several instances where they have encroached upon the usual working of the various courts and they have done various unlawful acts. Before an individual is competent to serve as a member of the adalati panchayat, there should be some qualification for him for that post. So, instead of throwing open the doors of adalati panchayats to any voter, there should be some qualification prescribed for a person to become a member of the adalati panchayats.

My remarks regarding this Ministry would not be complete without a reference to the election laws. Everybody in this House will agree with me that it is high time that we had a radical change of the election laws. As pointed out by the Prime Minister and by Shri Tyagi also during the debate on the President's Address, we have learnt so many new values in the last elections. The vote-purchasing power of money has been very well proved in the last elections. We have seen how money power and official power were utilised to fulfil the electoral ends of the party in

power. This prescription of limit on election expenses is just a farce. Coming from the horse's mouth, I quote a statement of the Chief Minister of our State, who happens to be the P.C.C. Chief there. Immediately after the elections, he came out with a statement that the Congress Party had to spend Rs. 12 lakhs . . .

Shri A. K. Sen: The hon. Member should not say something against a person who is not here to answer it.

Shri P. K. Deo: I am quoting a press statement.

Shri A. K. Sen: For that the proper forum, in my submission, is the Orissa State Assembly.

Shri P. K. Deo: I am just quoting a public statement, where he said the Congress party alone had to spend a sum of Rs. 12 lakhs in the last general election when there was election only for the Lok Sabha. Since 19 seats were contested, roughly it will come to Rs. 63,000 per seat which the party alone had spent. Then, the individual candidates must have spent something of their own to further their own election prospects. So, in my opinion, this prescription of Rs. 25,000 is nothing but a farce.

Various malpractices were resorted to by the party in power during the elections. Promises like cash or donations are very well-known. We know very well that where persuasion and temptation failed, threats were held out like starting prosecution for encroachment of land, discontinuance of forest rights, harassment by commercial tax officers etc. People were also told that if they do not vote for the party in power, no development work will be carried out in their area. So, all these things were most shamelessly carried out by the party in power.

Last of all, the noting down the number of the ballot paper against the name of the voter in the working copy of the electoral roll in the booth by one of the presiding officers is highly objectionable. That entry makes secret voting a myth. It is an opportunity for the party in power to threaten the voter of future victimisation. So, all these things have to be remedied.

Then, the marking system of voting is an improvement on the previous system. But, at the same time, after the ballot papers are counted, they should be properly preserved. We have seen that Shri Dhandekar, who won by 1,500 votes in the counting, had to lose by 500 votes in the recount. This is the state of affairs which we are witnessing now. The hon. Deputy Minister, who comes from my State, knows very well that in the Ranpur Assembly constituency, first, the Congress candidate was declared elected. On recount the non-Congress candidate was declared elected by a margin of five votes. Again, in the tribunal stage, when the same ballot papers were recounted, the defeated Congress candidate was declared elected. So, unless some arrangement is made for the security of these ballot papers, it will create havoc. In this connection, I beg to submit . . .

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Mishra): May I inform the hon. Member that the recount in that case was not due to any defect in the keeping of the ballot papers, because the law provides that the ballot papers shall be sealed and kept? In this case, it was opened only on the order of the Election Tribunal. It so happened that in this particular case the difference was so small, five votes or so. So, three vote this side or that side would have made all the difference.

Shri U. M. Trivedi (Mandsaur): They were kept open all the time.

Shri Bibudhendra Mishra: No such complaint was made. The difference of votes was small, the election tribunal ordered a recount.

Shri P. K. Deo: I thank the Deputy Minister for the amount of interest that he takes in these affairs, because I had the privilege to stand his cross-examination for seven days when he appeared on behalf of the defeated Congress candidate before the Election Tribunal without success.

My remarks about the elections will not be complete unless I make a reference to the various posters and pamphlets that have been used in the last elections. It is a good thing that the Home Minister has directed that the various posters and leaflets from all the various States should be collected and a scrutiny should be made. I am sure when that scrutiny is made many startling revelations would be made regarding the length and breadth of the meanness and crudeness to which the party in power stooped in the last general elections. The most objectionable and vulgar posters in very bad taste, depicting falsehood and misrepresenting facts to create hatred against other parties and individuals were profusely used by the party in power. So, it is high time that such things are stopped. Unless these things are banned in time, democracy would be a farce in this country.

Shri Frank Anthony (Nominated—Anglo-Indians): Mr. Deputy-Speaker, I start with a certain difficulty. My learned friend, the Law Minister, usually feels that we bring into this field matters which do not really relate to this Ministry.

I want to deal primarily with what I would describe as the erosion of the rule of law. As a distinguished lawyer at one time, the Law Minister will perhaps remember that the classic interpretation of the rule of law has been made by Dicey. Dicey postulated three aspects of the rule of law. Firstly, the supremacy of law; that is,

no individual can be punished except for a distinct breach of the law. Secondly, equal application of the law; that is, no one should be above the law. The learned Law Minister will say: well, both these aspects apply in India. I would perhaps be prepared to concede that these two aspects do exist in India, but I am more concerned with the third aspect, as enunciated by Dicey, and that is the predominance of the legal spirit. I say with a great deal of respect, but I say it also without qualification, that there has been a steady recession of the legal spirit in the country.

You may say that our democracy is young, the Government is young, perhaps inexperienced, but there is no doubt that the Government or the executive have shown increasing impatience of constitutional and judicial controls. I am quite aware that you have a certain spreading of executive tentacles with nationalisation and that form of executive creeping paralysis is part of the welfare State and of a planned economy. The most dangerous edge has been given to this kind of creeping paralysis by the fact that although in form we subscribe to democracy, in fact we have a monolithic political structure, we have an overwhelming ruling party which gives a tremendous edge to this danger of invasion of individual freedom, and there is this, as I said, progressive erosion of the rule of law in our country.

I want to illustrate it just by a few examples of what has happened in the past few years. My learned friend was not here when the amendment to the Criminal Procedure Code was brought in with a tremendous amount of fanfare. I am against, anyone, any reasonable person, must be against inordinate legal delays. But let us not be caught up in mere slogan-mongering, we are tempted to fall victims to slogan-mongering. I remember, at that time, when the Code of Criminal Procedure Amendment Bill was introduced in this House, the then Home Minister ac-

claimed it as something which was an offering to cheap and speedy justice. I do not know how much criminal law my hon. friend has done, but I can tell you this without qualification that your amended Criminal Procedure Code has not added one iota either to the speed or cheapness of criminal trial in this country. On the other hand, what happened? Government took the opportunity of imparting a hangman's pattern to the Criminal Procedure Code of this country. Vital rights, rights vital to an accused person, rights of cross-examination were taken out. The capacity, and it is an infinite capacity, for the prosecution to do mischief, that capacity was increased and affirmed.

Then, what has happened to our much-proclaimed fundamental rights. Somebody, some people, seem to think that any reference in some kind of disparaging way to our fundamental rights is sacrilegious. In fact, what is the position of our fundamental rights? What content, if any, is left in our fundamental rights chapter today? What has happened to article 31? My hon. friend knows that article 31 was a clause which protected property rights. It has been not only emasculated but it has been denuded of all content, as my hon. friend knows very well. The question of compensation has been completely taken outside the purview of courts in this country. What has happened to article 19? Thank God, there is some little content in Article 19 which gives us the seven freedoms—freedom of speech and freedom of property, etc., some little content. But my hon. friend was not here, and is not aware how we protested. On the pretext of an alleged interpretation which the Supreme Court is supposed to have given in Romesh Thapar's case—which the Supreme Court never gave—a coach and four was driven through Article 19. Before that restrictions could be introduced in the interest of the security of the State. The expression "security of the State" as my hon. friend knows

has a settled, stringent legal connotation. It confines restrictions within prescribed limits. But you bring in public order. The term "public order" is so wide that nobody knows the scope and content of public order. As I said, Government drove a coach and four through Article 19.

Then, Sir, my hon. friend knows this. We are given to the habit of cliché and slogan-mongering in proclaiming our Fundamental Rights. But what happened? Some of us, when the Constitution was being framed fought for the application of the "due process clause" in our Constitution. The majority of the framers of the Constitution scouted the idea. But what is the result? What, in fact, have we given to our citizens or to our people in our Constitution? Provided a law is passed by a competent legislature, if it is harsh, if it is immoral, even if it is a lawless law, the courts are utterly and completely helpless, because unlike the American constitution the courts cannot test, they cannot strike down legislation against the background of legal conscience and natural justice. That is the stark position so far as our much proclaimed Fundamental Rights are concerned.

Add to this we have this—what I regard as a—serious danger. And I have some hope that my hon. friend as an outstanding member of the Bar will at least privately accept this position. We are in an unfortunate stage in our country today. We are in a stage of judicial recession. Added to governmental and executive encroachment, judicial interpretation has combined to bring about the erosion of the rule of law in the country. My hon. friend will know it. What has happened to Article 14? If tomorrow he is consulted by clients, would he in his wildest moments ever suggest invoking Article 14? It mocks at the framers of the Constitution—the equality clause. There is not one iota of content left. We have come a long way from Anwar Ali

[Shri Frank Anthony]

Sarkar. By a series of decisions of the Supreme Court all content has been taken out of Article 14. This is a process of judicial erosion. Today you can discriminate against an individual, provided there is some kind of intelligible differentia and the differentia is easily seized upon by the courts.

There is, as I say, this process of the erosion of the rule of law. And one of the worst and the most disturbing manifestations is the extent our judiciary has not only been emasculated, but also has been increasingly demoralised. And I say this without qualification.

I do not want my hon. friend to say: Why do you make the allegations? Everybody makes them; the Supreme Court Bar makes them, leaders of the Bar in the country make them. But we make them not irresponsibly. We make them from a sense of sadness. Today that is the rule, not the exception.

When the States Reorganisation Bill was on the anvil, I fought alone but unfortunately I fought an unsuccessful battle. I said take this evil thing, the Governor out of the consortium that appoints judges. I know that as soon as you put the Governor into the consortium that is the end of judicial independence. The Governor will say nothing. He is a figure-head. But behind the facade of the Governor the Chief Minister will make appointments to the judiciary. That is happening increasingly in many High Courts in the country. It is a scandal. I know. I will give my hon. friend instances: I do not want to make it on the floor of the House. The Chief Justice of India approves of the appointment of an individual. But the Chief Minister, unless he feels that that person has the necessary political accomplishments—and what is the accomplishment to kowtow to Government whenever it is necessary—he will ensure that people recom-

mended by the Chief Justice will never get to the Bench. That is happening. We know it. The Law Commission has pointed it out. Today that is the rule. People without any practice at all are raised to the Bench. This matter came up in Basudev Prasad's case. But the Supreme Court acquitted him. A leading Member of the Patna High Court was constrained to say that Members are being raised to the Patna Bench who have absolutely no visible means of practice. The sensitive Patna Judiciary called him to the bar and convicted him. But the Supreme Court said: No, this is within the privilege of leading members of the Bar.

And what happened in that strange case of Alagiriswami in Madras? Unfortunately, the Bar Associations also have sought to enter this general atmosphere of emasculation. But even they were provoked indignantly to go to the High Court. A non-practising lawyer was made a Government pleader with the obvious intention of ultimately sending him to the Bench through the back-door.

My hon. friend may say: But what have I got to do with all this? Why don't you attack my hon. friend Mr. Lal Bahadur Shastri? I do not make the appointments. I have nothing to do with it. I have a feeling, and I am appealing to him, that I may be able to strike some responsible cord in him personally because he has been an outstanding lawyer. He knows these things are happening. He knows to what extent the legal conscience of the Government has become increasingly deadened. I regard him in effect as the repository of the legal conscience of the Cabinet. And when these things are happening, he may not have a final say in the matter, but certainly he can point out to his Cabinet colleagues that these things have become the general practice in the country today.

My hon. friend who spoke before me, asked: Why do you allow judges

to be appointed to executive and administrative appointments? I have asked that question over and over again, and I have had no answer. Any reasonable person will accept the position that you should make use of the legal talents of judges after they retire, but only in a judicial or quasi-judicial capacity. Nothing has been more ill conceived, nothing has been more utterly pernicious, and I say it without qualification that you have demoralised the judges. The whole political atmosphere has become vitiated. We know this that the sedulous sycophant, the accomplished courtier, is at a premium in political life. But you have brought about the same state of affairs in the judiciary.

When I came back after arguing a case members of the Bar told me that in a particular High Court judges wait on Ministers. When I put this to the Chief Justice, he cynically remarked that if they only waited on Ministers it would be something; but they usually wait on Deputy Ministers! The Chief Justice of India told me this. I say it is a matter which should sadden us. I do not say this in anger; I say it with sadness. What has happened to the high traditions of the judiciary in this country? Judges have joined the queue of courtiers. On the occasion when the conditions of service of judges comes up I shall say: give them a pension equal to their salaries; but do not demoralise them. When they are on the eve of retirement with the prospect of retiring with a pension which is one third of their emoluments, they are looking around for jobs. The tragedy is that our Government encourages it. You have brought not only the judiciary into a sort of contempt; you bring the whole rule of law into contempt in the country.

Sir, I shall end on a last note. It is a bad thing. People accuse us of pointing a finger irresponsibly to judges. But who does it more irresponsibly than the Government from the Prime Minister downwards? Not

only is it in not good taste; but definitely in bad taste. The Prime Minister has pilloried the judges of this country. This is not good. The executive pillories them and they unfortunately cannot reply. Today the judiciary is under so much executive pressure that they have become demoralised. They are pilloried for delay and for mounting arrears. They are not entirely to blame. But what has happened? Today what is the supreme hall-mark of justice in the higher reaches? It is a careful patient hearing. Is that hall-mark of justice existing in our High Courts, and even in our Supreme Court, I ask with a great deal of respect. No one is more zealous than I am of the need to maintain the utmost respect for our judiciary. But what is happening? I know there are delays. My hon. friend will say that justice delayed is justice denied. But to a greater extent, hurried justice is justice denied. And that is the kind of justice we are getting in the High Courts and the Supreme Court today. I say this fetish for disposals is destroying the whole atmosphere of judiciality. I ask my hon. friend—I am not making any statement in an irresponsible manner—let him call for the disposals in the Supreme Court four years ago and the disposals today. Let him see the percentage of dismissals in criminal matters, particularly in death matters. Let him see the percentage of dismissals in fundamental right matters. He will be surprised. At one time many of us considered that these matters had been so eliminated by hurried disposals, criminal and fundamental right matters, that the Supreme Court had converted itself in fact into a superior industrial tribunal or an Income-tax tribunal. I say this. I do not know what my hon. friend regards, as a distinguished lawyer, what he regards as the supreme and the over-riding functions of the Supreme Court. I should have thought it is the protection of fundamental rights. As one of the earlier Chief Justices said, it is the sentinel on the *qui vive* to enforce

[Shri Frank Anthony]

fundamental rights. It has become a cliché that mocks at the people of India today.

Fundamental rights! To begin with, there is a preliminary hearing. In five or ten minutes, even the most competent and the most able judges are not able to assess the worth of a fundamental rights petition? Most of them are eliminated in the preliminary hearings. Then what happens if they are admitted? My friend agreed with me last year. I said, "Fundamental rights! You mock at the citizen of this country before a person can even pursue his right he has to deposit Rs. 2,500." Two thousand five hundred rupees! What citizen in this country can do it? My friend may say that the Supreme Court has prescribed this procedure. But, surely, in the final analysis, somebody, either the Government or this House, has to do it. We are the custodians of the intention of the framers of the Constitution. Did we not intend that the Supreme Court should be something more than an Industrial or Income-tax tribunal? Of course we did. We intended that it should be there to vindicate fundamental rights. Last year when I asked my friend, he said, "Well, I can only convey the feeling in this House that this imposition—and almost impossible imposition—of Rs. 2,500 should be brought to the notice of the Supreme Court."

Shri A. K. Sen: I did.

Shri Frank Anthony: And probably he did it, but nothing has happened. I hope he will do it again, because I feel that the time has come...

Shri A. K. Sen: I did it with all the sincerity and earnestness that I could command.

Shri Frank Anthony: I am making an appeal to my hon. friend, because this whole atmosphere which encourages erosion of the rule of law has to change. We have to re-assess what

was our intention with regard to the function of the Supreme Court, and I hope that when he replies, the Law Minister will give us some hope in this matter.

Shri K. C. Sharma: Today we are dealing with a very important Ministry, because civilization and law go together. Law was there which settled human relations. Even when there was the divine law, in the name of law men lived together. So, empires and kingdoms passed away, but the law remains as it was.

So, with the democratic set-up, as my friend has just stated, and stated seriously—and I agree with every word of what he has said—, it should be the rule of law that should govern the relations between man and man, between citizen and State. We have gone so far as to bring within the orbit of law even things which were sacramental, marriage and other things.

Another aspect of it is that law is not mainly the book of law; it has to be administered by judges. Judges, in order to administer law to the satisfaction of the people, must not only be independent, they should be capable. And justice should not only be administered impartially, but it should also appear to be administered impartially. My friend is right when he says that the judges should not look to any favour whatsoever from the executive. There should be no such suspicion in the mind of the citizens, even in the remotest way possible. We are a new State and it is all the more necessary, and we have got to create new traditions.

In this land of ours there was no such thing as an equal citizen for centuries together, not only centuries but for thousands of years. A Brahman was a different man from the Shudra. The Shudra had not the same right, as a human being, as a Brahman. It is for the first time in

this land of ours, with its great history and ancient glamour—whatever you may call it—that one man stands up and looks into the eye of another and claims equal right as a citizen of this country. Therefore, it is all the more important that today the law should be supreme, and it should be the rule of law and not the rule of man.

In this respect I would like to make two submissions. One is that the judges should be capable. They should be mentally and intellectually capable to understand the law. I beg to state that law is not a static thing. Law is not what it was two thousand years ago. It is a dynamic, growing knowledge of men and things as they progress in the changing, dynamic State. No judge is capable of understanding the law and administering justice unless he has some knowledge of the social, economic and cultural conditions of the country, unless he has some knowledge of criminology, unless he has some knowledge of psychology. It is a strange phenomenon. A man who has decided hundred-rupee cases, perhaps about two thousand such cases, as a district munsiff can be raised to the High Court without any further study, without any inkling of the social and cultural studies about conditions of the country. What justice can that man administer to the people? Justice is not something abstract, it is something concrete. It cannot be administered unless the man knows what happens in the country, unless the judge knows what dynamic changes are taking place in the country in the relations of the country with other countries, in the relations between man and man, in the relations between man and woman. As I said, law is not something static. It is dynamic. It is changing. It has to do with human bones and flesh.

Judges are a privileged class. How many judges have libraries in their houses? How many judges have been conversant with up-to-date legal literature? I have moved among them

and I say with the limitations that a lawyer should have, with all the respect for the judges, that I have found many of them wanting. Many of them are wanting in the elementary sense of duty to the people. It is a sad thing. My respectful submission is, whatever the procedure, a judge must know the history of law, he must know the origin of law, he must be a student of the various systems of law. He must be a student of Roman law. He must have comparative studies in law. It is impossible to administer justice without the capacity to know law. It is a strange phenomenon. Can a doctor administer medicine without knowing the science of medicine? If a doctor cannot administer medicine to a sick man, do you think a man's life is cheaper than the fever of a man? You have to train a doctor so that he can give a dose of medicine for fever. You have to train a Judge so that man's life may be safe. Man's life does not mean his bones and blood only. Man's life means his dynamic energy, his capacity for work, his social relationship in society. There are so many elements that a Judge has to understand. My point is that there should be learned and well trained judges.

The second point is about the appointment of judges. I would very much like that the Chief Justice of the High Courts should recommend the appointment of Judges and the Chief Justice of the Supreme Court should look into the recommendation and that recommendation should be accepted. The President or the Government may lay down certain norms because they are finally responsible for the government of the country. But, this is a strange phenomenon. I know the Chief Justice of India had to turn down many recommendations from one of the States. What were the recommendations? In preference over Judges whose ability was never disputed, whose judgments were read by the Chief Justice of India himself, the recommendation from the State was for candidates from the dignified

[Shri K. C. Sharma]

office class, that is the Secretary or Registrar's man who had a say with the Chief Minister or the Governor or the Government. This is strange. It is sad. Do you think we can mock at the administration of justice and claim to be a civilised people? Anybody to claim himself to be a civilised Government must be able to stand and say before the world, I believe in the rule of law, my administration is an administration which is under the law and not under man.

One more word and that is, administration of justice and the appointment of judges of the Supreme Court—all these should come under the Ministry of law. My simple point is this. There is such a thing as social stratification. Do you think that lawyer and judges are to look to what may be called a semi-educated man whosever he may be in the Ministry of Home? No Judges should be placed in a position to bow down before anybody except a man of law. There are only two studies which have made man cultured and civilized in the world. One is metaphysics another law. Greek philosophy and Roman law have civilized the people. These have made man civilised; these have made man what is called a cultured animal. But for these two studies which range over a period of 4000 years, man would have been up to this day merely an animal, a beast. These two studies gave refinement, gave a sense of decent relationship to man. Do you expect that the lawyer and judges would bow down before a man who knows not what right relationship between man and man is, what culture is, how man has evolved, what human relationships there are, what justice is. This is not justice to the judges; this is not justice to the lawyers. In the name of dignity of law, in the name of dignity of justice, I would respectfully submit with all the strength at my command that the Supreme Court, the High Courts and administration of Justice in all its aspects should be under the

administration of the Ministry of law and not the Ministry of Home.

श्री बड़े (खारगीन) : उपाध्यक्ष महोदय विधि मन्त्रालय के काम के बारे में समय समय पर इस सदन में और सदन के बाहर भी कई तरह के विचार प्रकट किये जाते रहे हैं, देश में प्रजातन्त्र की एक स्वस्थ और लोकप्रिय परम्परा कायम करने के लिये और साधारण जनता को न्याय दिलाने के लिये ला मिनिस्ट्री पर विशेष जिम्मेदारियाँ आती हैं। मैं इस मन्त्रालय के काम काज के बारे में तीन चार बातों की तरफ विधि मन्त्री जी का ध्यान आकर्षित करूँगा।

सबसे पहले जिस बात को मैं रखना चाहता हूँ वह चुनाव आयोग और चुनावों के सम्बन्ध में है। अपने देश में आजादी मिलने के बाद हमने प्रजातन्त्र को अपनाया है। अब तक देश में तीन चुनाव हो चुके हैं। चुनावों को ठीक तरह से सम्पन्न कराने की व्यवस्था भी प्रथम रूप से इसी मन्त्रालय को करनी होती है। यह कार्य एक स्वतन्त्र चुनाव आयोग के जिम्मे सौंप दिया गया है। यह बात ठीक भी है, लेकिन मैं अनुभव करता हूँ कि देश में तीन बार आम चुनाव होने के बाद भी प्रजातन्त्र में आम जनता की आस्था जितनी गहरी हो जानी चाहिये थी, उतनी नहीं हुई है।

Shri A. K. Sen: May I request the hon. Member to read his speech a little more slowly because I am afraid it is rather difficult to follow him?

Shri Bade: I am not reading; I am only referring to my notes where I have put down three important points.

Shri A. K. Sen: In any event, may I request the hon. Member to proceed a little more slowly?

श्री बड़े : मैं चुनाव आयोग के बारे में अपने कुछ विचार रख रहा हूँ। तीन ग्राम चुनाव हो जाने के बाद भी जनता की जितनी आस्था प्रजातन्त्र में होनी चाहिये थी वह अब तक नहीं हुई है। इसका कारण भी यह है कि चुनावों में अनियमितता और धांधलियों की शिकायतें बढ़ती ही गई हैं और ऐसा स्पष्ट होता जा रहा है कि हमारा जो चुनाव आयोग है वह पूरी स्वतन्त्रता और निष्पक्षता के साथ अपना काम नहीं करता। वह हमेशा शासन के हाथों में एक दृष्टिकोण है, शासन के हाथ में खेलता है, ऐसा मालूम पड़ता है। सन् १९५७ में जब डिनिमिटेशन कमेटी बैठी थी तब मैंने देखा था कि विधान सभा का जो मेरा क्षेत्र था संघवा का जो कि पहले जनरल था, उसका तोड़ मरोड़ कर आदिवासी क्षेत्र कर दिया गया, उसके बाद राजपुर का क्षेत्र भी तोड़ मरोड़ कर आदिवासी क्षेत्र कर दिया गया। वह इस दृष्टि से कि उस वक्त कांग्रेस का प्रचार चल रहा था कि यदि उसका आदिवासी क्षेत्र न बनाया गया तो वहाँ पर जनसंघ का ही उम्मीदवार चुन कर आ जायेगा। इसीलिए २१ दिसम्बर, १९५७ को वह क्षेत्र आदिवासी डिक्लेअर किया गया। इसीलिए साधारण जनता में यह इम्प्रेसन हो गया कि वह एक स्वतन्त्र चुनाव आयोग नहीं है बल्कि शासक दल के हाथ में रहने वाला खिलौना है और शासन का उस पर काफी प्रभाव है। जो रूलिंग पार्टी है, यानी कांग्रेस पार्टी, जब चुनाव आयोग उसके लाभ के लिये काम करता है तो जनता में यह विश्वास हो जाना साधारण सी बात है कि जो कांग्रेस पार्टी है वह जैसा कहती है चुनाव आयोग वैसा ही करता है।

जम्मू और काश्मीर में अभी हाल में चुनाव हुए हैं। वहाँ पर बैलट वाक्सेज रखे गये थे। हमारे यहाँ जो पद्धति थी उस में यह था कि चुनाव के लिये छाप लगाना होता था, छाप लगाना होता है। वह पद्धति जम्मू और काश्मीर में लागू नहीं की गई। इसी लिये चुनाव आयोग ने कोई सबल कारण नहीं

दिया है।

Shri Sham Lal Saraf: I question this statement.

श्री बड़े : ठीक है।

Do you agree with me or not?

Shri Sham Lal Saraf: I do not agree.

बैलट वाक्सेज थे लेकिन टिकट लगाये गये थे :

श्री बड़े : यहाँ पर जो प्रजा परिषद् के लोग आये थे उन्होंने दिल्ली में यह बतलाया था कि वाक्सेज कैसे खोले जाते हैं। इसके साथ साथ जो बैलट पेपर्स थे वह वहाँ की रूलिंग पार्टी को कैसे मिले इस के बारे में "आर्गेनाइजर" में और "हिन्दुस्तान टाइम्स" में फोटो भी आये थे। लेकिन वह बैलट पेपर्स वहाँ किस तरह से मिले इस के बारे में न तो चुनाव आयोग ने ही कोई स्पष्टीकरण दिया है और न चुनाव अधिकारी ने ही कुछ बतलाया है। जनता चाहती है कि चुनाव आयोग इस के बारे में जानकारी दे। उसकी इस का स्पष्टीकरण देना चाहिए था कि यह जो बैलट पेपर्स के फोटो "आर्गेनाइजर" और "हिन्दुस्तान टाइम्स" में छापे गये हैं वे बैलट पेपर्स वहाँ की रूलिंग पार्टी को कैसे मिले। प्रजा परिषद् का आरोप है कि वे बैलट पेपर्स वहाँ की रूलिंग पार्टी के पास देखे गये थे। इसका कोई स्पष्टीकरण नहीं हुआ है। इस वास्ते स्पष्ट है कि चुनाव आयोग हमेशा शासन के साथ जाता है। ऐसी धारणा साधारण जनता में फैली हुई है।

Shri Sham Lal Saraf: On a point of clarification about what the hon. Member is mentioning.

Mr. Deputy-Speaker: Order, order. If the hon. Member wants to clarify anything he may speak later.

श्री बड़े : मुझ मालूम है कि जो मैं कह रहा हूँ उसके बारे में मेरे मित्र की दूसरी राय है। लेकिन आर्गेनाइजर में और दूसरे बहुत से पेपर्स में इस के बारे में क्लिफिसिज्म था।

[श्री बड़े]

सन् १९५२ और सन् १९५७ में चुनाव प्रायोग ने आल इंडिया पार्टीज की प्रथा रखी थी जिसमें कांग्रेस, जनसंघ, सोशलिस्ट पार्टी और कम्युनिस्ट आते थे । लेकिन इस चुनाव में चुनाव आयोग ने इस प्रथा को बदल दिया और इसके बारे में कोई स्पष्टीकरण नहीं दिया । मध्य प्रदेश की जनता में यही ख्याल है कि क्योंकि पुरानी प्रथा कांग्रेस के लिए लाभकर नहीं थी इसलिए उसको बदल दिया गया । इसलिए पुरानी प्रथा को तोड़ कर प्राविशियल पार्टीज की प्रथा इस बार रखी गयी । इससे जनता में अच्छा इम्प्रेसन नहीं बना है ।

इसके अतिरिक्त मेरा निवेदन है कि चुनाव आयोग में आई० ए० एस० के लोग न रख कर हाईकोर्ट के जज के कैंडिडेट के व्यक्ति रखे जाने चाहिए ताकि व निष्पक्षता से काम कर सकें ।

बैलट पेपरों पर स्टाम्प लगाने में भी गड़बड़ी हुई है । आदिवासी क्षेत्र में जब वोटर स्टाम्प लगाने गए तो उनसे कहा गया कि टबिल पर जाकर स्टाम्प लगा आओ । आदिवासी बेचारे टबिल पर स्टाम्प लगा कर कोरे बैलट पेपर अन्दर डाल रहे थे । और इस प्रकार १५ हजार बैलट पेपर इनवैलिड ठहराए गए । मैंने लिखा था कि इस बारे में इस क्षेत्र में गड़बड़ी हुई है लेकिन मुझे कोई जवाब नहीं दिया गया ।

इलेक्शन ला के अनुसार जो हिसाब देने की प्रथा है उसको समाप्त करना चाहिए । एक तो बड़े गलत तरीके से हिसाब दिया जाता है । सब जगह मालूम होता है कि कांग्रेस ने इतना खर्चा किया है और दूसरों ने इतना खर्चा किया है लेकिन हिसाब जब दिया जाता है तो १२ हजार १३ हजार या २५ हजार के अन्दर होता है । शिड्यूल्ड कास्ट और शिड्यूल्ड ट्राइब्स के लोगों को हिसाब देना

नहीं आता । वह हिसाब बनवाने के लिए इस उस के पास जाते हैं । उनको बड़ी कठिनाई होती है । अभी कुछ समय पहले महामहिम राष्ट्रपति ने अपन भाषण में कहा था कि चुनाव का खर्चा बढ़ता जा रहा है । तो मेरा कहना है कि हिसाब दाखिल करने के कानून से इस खर्चे पर तो कोई कंट्रोल होता नहीं, केवल बोगस हिसाब दे दिया जाता, तो इस कानून से कोई अच्छा परिणाम नहीं आता । मैं समझता हूँ कि इस कानून को निकाल देना चाहिए । इसके बाद मैं कोर्ट फीस के बारे में कुछ निवेदन करना चाहता हूँ ।

श्री अ० कु० सेन : वह तो स्टेट सबजेक्ट है ।

श्री तुला राल (घाटनपुर) आप शिड्यूल्ड कास्ट और शिड्यूल्ड ट्राइब्स की जगह अगर बेपढ़े लिखे लोग कहे तो ठीक होगा क्योंकि जो शिड्यूल्ड कास्ट और शिड्यूल्ड ट्राइब्स के लोग पढ़े लिखे हैं उनको हिसाब दाखिल करने में कठिनाई नहीं होती ।

श्री बड़े : आपके यहां के शिड्यूल्ड कास्ट वाले ज्यादा होशियार होंगे । तो मैं कोर्ट फीस के बारे में बोल रहा था । यह सही है कि कोर्ट फीस स्टेट सबजेक्ट है लेकिन इस मंत्रालय को राज्यों को इस विषय में गाइडेंस तो देना चाहिए । पहले होलकर के समय में ७ रुपया सैकड़ा कोर्ट फीस थी, फिर मध्य भारत में उसको ९ रुपया प्रतिशत कर दिया गया और अब उसको दस रुपया कर दिया गया है । ऐसा लगता है कि इस बारे में राज्यों में आपस में होड़ मी लग गयी है और कोर्ट फीस बराबर बढ़ायी जा रही है । इधर कर वृद्धि होती है उधर कोर्ट फीस बढ़ायी जाती है । आज अवस्था यह है कि जो गरीब आदमी कोर्ट में जाता है वह अपने घर के गहने गिरवी रख कर जाता है और इस प्रकार उसको महंगा न्याय मिलता है । मेरा सुझाव है कि कोर्ट

फीस बन्द होनी चाहिए। इसके बारे में ला कमीशन ने कहा है :

"Other States provide hospitals which give free treatment to persons who are physically afflicted but if a person is injured in the matter of fundamental or other rights, we bar his approach to the courts except on payment of heavy fee".

में समझता हूँ कि विधि आयोग की इस राय पर सरकार को ध्यान देना चाहिए और कोर्ट फीस को हटा कर न्याय प्रदान में लोगों को सुविधा देनी चाहिए।

अभी हमारे एक माननीय सदस्य ने कहा कि सुप्रीम कोर्ट में डार्ड हजार रुपया डिपॉजिट करवाना पड़ता है। मुझे मालूम है कि एक व्यक्ति के पास डार्ड हजार रुपया नहीं था इसलिए उसे सुप्रीम कोर्ट से न्याय मिलना कठिन हो गया। सारे संसार में कोर्ट फीस का कानून वही भी नहीं है। इसके बारे में आप ला कमीशन की रिपोर्ट देखें। उन्होंने कहा है कि जो हमारे पीरिंग प्रभु थे उन्होंने १८७० में यह कोर्ट फीस के रूप में टैक्स लगाया था न्याय देने के वास्तु। और यह अब बराबर बढ़ता जा रहा है और राज्यों में इस बारे में हॉर्ड सी लगी है। इसके द्वारा सिविल कोर्ट्स का खर्चा निकालने का प्रयत्न किया जाता है। क्या इसको न्याय दान कहा जाए या न्याय की बिक्री कहा जाए। That is selling of justice. इस प्रकार न्याय की बिक्री होती है न्याय दान नहीं होता है। एक वैलफेयर स्टेट के लिए तो यह शर्म की बात है कि पहले न्याय के लिए पैसे लिए जाएं और फिर उसको न्याय दिया जाए। यह ठीक नहीं है।

तीसरी बात मैं हिन्दी के बारे में कहना चाहता हूँ। आपने हिन्दी को राष्ट्र भाषा स्वीकार किया है लेकिन अदालतों के जजमेंट अभी भी अंग्रेजी में लिखे जाते हैं। मध्य प्रदेश में पहले लोअर कोर्ट्स के और हाई कोर्ट के

जजमेंट हिन्दी में होते थे लेकिन अब अंग्रेजी में होते हैं। अदालतों के जजमेंट हिन्दी में होने चाहिए। मैं तो कहता हूँ कि सुप्रीम कोर्ट के जजमेंट भी हिन्दी में होने चाहिए। चीन की हाईकोर्ट के जजमेंट चीनी भाषा में होते हैं। अमरीका में जजमेंट वहाँ की भाषा में होते हैं। जापान में जजमेंट जापानी भाषा में होते हैं। फिर क्या कारण है कि हमारे देश में सुप्रीम कोर्ट के जजमेंट हिन्दी में न हों। अब इस प्रथा को बदलना चाहिए और इस तरफ तेजी से कदम उठाना चाहिए और हिन्दी में यह काम करना चाहिए।

अभी तक न्यायपालिका और कार्यपालिका को अलग अलग नहीं किया गया है। अभी भी रेवेन्यू के क्लर्क और दफ्ता १०७ के क्लर्क कार्यपालिका के द्वारा किए जाते हैं। हमारे बहुत से जनसंघ के लोगों पर १०७ के केस चलाए गए और उनकी २२-२३ पेशियां डाली गयीं और उनको पचास पचास और साठ साठ मील से जाना पड़ता था और एस० डी० ओ० दोरे पर चले जाते थे। इसलिए मैं चाहता हूँ कि जूडिशियरी और एग्जीक्यूटिव को अलग अलग किया जाए। जो न्याय दान की सत्ता एग्जीक्यूटिव के हाथ में है वह नहीं रहनी चाहिए। अभी तक वही चीज चल रही है।

मेरा एक निवेदन यह है कि जो पब्लिक प्रासीक्यूटर हैं उनको हाई कोर्ट का जज बनाया जाए। मध्य प्रदेश में चार पब्लिक प्रासीक्यूटर हाई कोर्ट के जज नियुक्त किए गए हैं, राजस्थान में दो और आन्ध्र प्रदेश में एक पब्लिक प्रासीक्यूटर को हाईकोर्ट का जज नियुक्त किया गया है। इन पब्लिक प्रासीक्यूटर्स को केवल क्रिमिनल ला का ज्ञान रहता है और सिविल ला का नालिज अच्छा नहीं होता।

Dr. L. M. Singhvi (Jodhpur): In Rajasthan, they were Government advocates, not public prosecutors.

Shri Bada: They are Government advocates, but not from the Bar Association.

[श्री बड़े]

बार एसोसिएशन में जो अच्छे वकील हैं उनको लें। लेकिन उसने बजाए पब्लिक प्रासीक्यूटर्स को लेते हैं। आप चाहे उनको गवर्नमेंट एडवोकेट कहिए। जो हाईकोर्ट में काम करते हैं उनको गवर्नमेंट एडवोकेट कहते हैं लेकिन उनका काडर तो एक ही है। वे भी पब्लिक प्रासीक्यूटर के काडर के ही होते हैं।

Therefore, there is no difference between the cadre of public prosecutors and that of Government pleaders; there is a difference of name only.

मैं कहता हूँ कि ला कमीशन ने इतनी टीका की है लेकिन शासन वैसे ही चल रहा है। मैं ने गत लोक सभा के प्रोसीडिंग पढ़े। उनमें भी यह टीका हुई थी और आज भी वही टीका हो रही है लेकिन गवर्नमेंट इतनी थिक सिक्न्ड हो गयी है कि उस पर प्रभाव नहीं पड़ता और काम वैसे ही चल रहा है और पब्लिक प्रासीक्यूटर्स को हाईकोर्ट का जज नियुक्त किया जाता है। उनको खाली क्रिमिनल ला मालुम रहता है सिविल ला के बारे में कोई जानकारी नहीं रहती है और नतीजा यह होता है कि जब ऐसे जजेज के सामने वकील लोग बहस करने जाते हैं तो उनको कानून पढ़ाना और सिखाना पड़ता है। उनको बतलाना पड़ता है कि योर लॉर्डशिप द ला इज लाइक दिस और नोट लाइक दिस।

15 hrs.

उपाध्यक्ष महोदय : अब माननीय सदस्य का समय समाप्त हो गया है।

श्री बड़े : बस आपकी इजाजत से केवल लास्ट प्वाएंट मेशन कर देना चाहता हूँ। मेरा कहना यह है कि आदिवासी ऐरियाज में जो पंचायत कोर्ट्स होते हैं तो अब भील भिलालों को तो पढ़ना लिखना कुछ आता नहीं है इस वास्ते उनका जो सेक्रेटरी रहता है पेड कारकुन रहता है, ५० रुपये माहवार उसको मिलते हैं वह सब जजमेंट देता है।

मैं ने पहले भी शासन को सुझाव दिया था और आज फिर देता हूँ कि हमें पंचायत कोर्ट्स के वास्ते टूरिंग मजिस्ट्रेट्स रखने चाहिए जो कि उनको डायरेशन दे और उनका मुकद्दमों के बारे में एडवाइस दे। बस इतना ही कह कर मैं अपना भाषण समाप्त करता हूँ।

Mr. Deputy-Speaker: Hon. Members may now move their cut motions relating to the Demands under the Ministry of Law subject to their being otherwise admissible.

Appointment of pleaders and advocates to help legally the poor class of people in the country

Shri Sivamurthi Swami: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (1).

Need for free legal aid to the poor

Shri R. Barua: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (11).

Need for free legal aid to the poor

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (12)

Need to form a Committee of Parliament to inquire and report on the working of Acts relating to contempt of court in relation to Newspapers

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (14)

Need to expedite the work of the Study Team on Panchayat Courts

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (15)

Need to expedite the work of the Contempt of Court Committee constituted under the Chairmanship of Shri H. N. Sanyal

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (16)

Need to expedite the work of the Hindu Religious Endowments Enquiry Committee

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (17)

Need to expedite the work of the Official Language (Legislative) Commission

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (18)

Need for appointment of pleaders and advocates to give legal aid to the poor people

Shri Sarjoo Pandey: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (19)

Defective Ballot paper used in the Third General Election

Shri Sarjoo Pandey: I beg to move:

That the Demand under the head Ministry of Law be reduced by Rs. 100. (20)

Delay in disposal of election petitions

Shri Sivamurthi Swami: I beg to move:

That the Demand under the head Elections be reduced by Rs. 100. (5)

Recognition of political parties especially in Mysore State

Shri Sivamurthi Swami: I beg to move:

That the Demand under the head Elections be reduced by Rs. 100. (6)

Need for abolition of all sentimental symbols in the elections

Shri Sivamurthi Swami: I beg to move:

That the Demand under the head Elections be reduced by Rs. 100. (7)

Failure to take action against officers found guilty of offences during the general elections

Shri Sivamurthi Swami: I beg to move:

That the Demand under the head Elections be reduced by Rs. 100. (8)

Withdrawal of the recognition of Lok Seva Sangh as a political party of Mysore State, just before the Third General Election

Shri Sivamurthi Swamy: I beg to move:

That the Demand under the head Elections be reduced by Rs. 100. (9)

Delay in disposal of election petitions

Shri Sarjoo Pandey: I beg to move:

That the Demand under the head Elections be reduced by Rs. 100. (21)

Failure to take action against person found guilty of offences during the General Elections.

Shri Sarjoo Pandey: I beg to move:

That the Demand under the head Elections be reduced by Rs. 100. (22)

Defective enrolment of the voters

Shri Sarjoo Pandey: I beg to move:

That the Demand under the head Elections be reduced by Rs. 100. (23)

Interference by the Hindu Religious Endowments Commission in the administration of Maths and Temples

Shri Sivamurthi Swami: I beg to move:

That the demand under the head Other Revenue Expenditure of the Ministry of Law be reduced by Rs. 100.(10).

Mr. Deputy-Speaker: These cut motions are before the House.

Shri D. C. Sharma wants to speak?

Shri D. C. Sharma: I want to speak on Defence—not on this.

Shri Sham Lal Saraf: By way of clarification, if you permit me I will say a few words about what Shri Bade has said.

Mr. Deputy-Speaker: I will call him later.

Shri R. Barula (Jorhat): Mr. Deputy-Speaker, I am in complete agreement with what my hon. friend said about deterioration that is creeping into the department of law. I am concerned with this subject because democracy can survive only when there is the rule of law. I need not quote history or instances to show how democracy depends upon this cardinal principle of the rule of law. That is why our Constitution makers made definite provision for separation of the executive from the judiciary. But in spite of so many years, no real attempt has been made to separate, the judiciary from the executive. There seems to be a subtle

attempt to influence judiciary by various means and some amount of new despotism seems to have eroded this field.

In the matter of appointments to Supreme Court or High Courts, there is sufficient safeguard to ensure independence of the judiciary and the dignity of the judiciary. To that extent I have no quarrel but the way and the manner of appointment in other places is causing some concern to every sensible citizen in India. I am completely in agreement with Shri Frank Anthony when he said that the method of recruitment is highly reprehensible and I need not dilate on it. There has been a tendency on the part of the executive to criticise the wisdom of the Judges and their judgment on the floor of this House and outside. Sometimes even the Prime Minister seems to have a tendency to bring down the dignity of the Judges. In the Sholapur Mills case if I am right, I feel some seathing remarks were made against the judgment of the Supreme Court by the Prime Minister and that was followed by the hon. Home Minister also. That is not a good tendency. The other day, my hon. friend Shri Khadilkar also made a very caustic reference about the judgment of the Supreme Court here and he quoted Mr. Denning in support of his argument that the Supreme Court Judges were no good or at least were not competent to give the judgment. If I have read Denning right he meant something other than what my hon. friend wanted to say. Denning has said that there is a new impact in our present society; there has been scientific researches and technological improvements. All these things have brought about revolutionary changes in our social relations and political behaviour and economic adjustments. When we frame our laws we should do it in such a way as to give weight to all these aspects. That is what that jurist of eminence wanted to impress. It is entirely a differ-

ent matter. The Judges are there to interpret the law as we make it here. So this tendency of new despotism is highly dangerous and it is high time that some checks were put here and now.

The executive has become very powerful in the nature of things. In this modern State we expect the executive to exercise more of delegated powers. That is also another reason why we want an independent judiciary; it should be so in the interest of democracy. Parliament or the legislatures cannot sit all the year round and even if they sit they cannot afford to go through all the detailed laws. Therefore, powers are delegated to the Ministers and officers to frame rules. While framing these rules which have got the force of law we find there is a tendency to eliminate control of the courts of law. That is a dangerous tendency creeping into the various rules made by different departments. In order to give a correct interpretation to these rules in the light of what the legislatures have actually meant, we want an independent judiciary and to that extent we want the dignity of the courts and of Judges should be maintained.

There seems to be a dangerous practice of patronising the retired judges by giving them some temptations. That is a bad practice. Article 124 of the Constitution wanted that the Supreme Court Judge should not practise in any High Court. Our Constitution makers were no fools to incorporate a provision like that. In the same way we expect that our executive should behave in a way not to give such patronages to the Judges and make them occupy some governmental offices after they retire. Our people in the country have got a desire to maintain the sapling of democracy and they are even prepared to pay higher emoluments and a higher pension to the Judges if only our Ministers and our Government come up with such demands. They should not, when the Judges retire and are in need of some additional emoluments,

again offer them patronages. Human nature being what it is, it is natural that some of these Judges may be hobnobbing with Ministers or Deputy Ministers. I am not opposed to free mixing of Ministers and Judges but it is really very unfortunate that our Judges are to hobnob with these persons simply because after they retire they have to get employment, in addition to some pension. Therefore, from these points of view, I want that the judiciary should be independent and be separated from the executive. In some States attempts are being made to separate the judiciary from the executive. But, in fact, it is neither complete nor real. In some cases, the lower subordinate judiciary is already under the control of the high court but there is no machinery to implement the orders of the judiciary so that they can function freely. The result is that there is very little co-operation between the executive and the judiciary.

I do not make any fetish about law's delays. I completely agree with Shri Frank Anthony that we are making much of law's delays. If we go to the districts, and see the functioning of the district or sessions court, you will be surprised to find that sessions judges sit for hours together, waiting for the witnesses and for getting the exhibits ready. It is the duty of the executive to produce the witnesses and the necessary materials before the judges for trying the case before him. There was a time when everything was ready for the sessions judges to try the case, the Government did its best or utmost to see that the case was not adjourned due to any delay on the part of the officers. But today you find the reverse of it. Therefore, when you talk of law's delays, it is not that the Criminal Procedure Code is defective; it is not that the judges are bad; it is not that the courts are not functioning. But it is because the executive is completely callous about the functioning of the judiciary. The result is that we find the common man suffers immensely.

[Shri R. Barula]

About the accumulation of cases in the high courts and the Supreme Court, my hon. friend Mr. Anthony has already made mention of it. With regard to the cases that are pending in the lower courts, namely, the district courts and the magistrates' courts, I submit that most of these delays are due to the lack of co-operation. And the worst sufferers in these matters are the common men. They come and wonder how things are happening. On the one hand, there is the executive which always puts pressure on the magistrates and judges for quick disposal of case. On the other hand, the executive cannot switch their machinery or gear up their machinery to help the magistrates or the courts or the judges to try the cases quickly. The result is that these judges who are dependent on the sweet will of the executive for promotion, for transfer, etc., must satisfy the whim of the executive; must satisfy the Ministers concerned and the Governments concerned so that they could cut a good figure in regard to their quick disposals! Therefore, in many cases the common man suffers from ill-considered dismissal of cases and denial of justice thereby. If that be the standard of disposal of cases by which we are to eliminate the delay in the disposal of cases, I submit we are heading towards a crisis.

Then comes the question of legal aid. This question of giving legal aid is not a new thing. This matter has been agitating the people both inside and outside the Parliament. Even before Independence, we had a provision whereby the poor people could have the privilege of filing suits *in forma pauperis* in the courts. That provision or principle was there. But nothing has so far been done to extend that principle so that more poor people can be covered.

An Hon. Member: Very complicated.

Shri R. Barua: What I submit is that the principle of giving aid to the poor is not a new one. It is already there in the Civil Procedure Code. But nothing so far has been done to extend the system to a larger number of people. On the top of it, at the present time, there are so many pieces of legislation to help the tenants and marginal land-owners and there are many pieces of legislation to help the poor people to free themselves from the clutches of landlords and moneylenders. These people cannot fight against the landlords and other moneyed people because they have to vindicate their right in the court of law. When they have to go to the court of law, they must have sufficient money; they must incur sufficient expenses. Those people who could not just get rid of their landlords or the moneylenders have no money and so they cannot fight their cases in the courts of law. The result is that in spite of there being so many good pieces of legislation to help them, these people cannot get proper advantage out of these laws. Therefore, I submit that something should be done to help the helpless people.

In matters of succession certificates, I may just point out one thing. I have come across many people, mostly Government servants, and petty officials, who, on their death, may be leaving anything between Rs. 1,000 and Rs. 5,000 or so either in the post-office savings bank or in other banks. But when the people concerned have to get succession certificates, they have to pay a lot. Of course, it is a matter relating to the states, but the Law Ministry should do something to have a co-ordinated policy and that will be a good step to give aid to the poor.

श्री भू० ना० मंडल (सहरसा) :
उपाध्यक्ष महोदय, सब से पहले मैं आप का ध्यान इस ओर खींचना चाहता हूँ कि जिस तरह इस देश में टेक्निकल रेवोल्यूशन हो रहा है

घौर विकास का काम चल रहा है, उस सिलसिले में सरकार का अधिकार दिनों-दिन सामाजिक जीवन के हर क्षेत्र में बढ़ रहा है। ऐसी हालत में, जब कि सरकार का अधिकार लोगों के जीवन पर दिनों-दिन बढ़ता जा रहा हो, और गड़बड़ी होने पर उस के खिलाफ लोगों को प्रतिकार का कोई उपाय न रहना मेरे विचार में जनतंत्र के लिए अच्छा नहीं है। इन दिनों मैंने देखा है कि बिहार विधान सभा में जितने भी कानून पास हो रहे हैं, उन सब में इस तरह की व्यवस्था रहा करती है कि सरकार की कार्यवाही से लोगों को जो नुकसान होगा, उस के सम्बन्ध में कोई सरकार के खिलाफ दावा नहीं किया जा सकता है और कोर्ट के जूरिसडिक्शन को बार कर दिया जाता है। उसी तरह से उन कानूनों में यह भी व्यवस्था कर दी जाती है कि सरकार के कर्मचारियों के कारण अगर किसी को नुकसान होगा, तो उस के कारण उन के खिलाफ कोई दावा नहीं चलेगा। इस ढंग का प्राविजन आज बिहार के हर एक कानून में मुझे देखने को मिला है और मैं समझता हूँ कि इसी तरह की बात आज समूचे हिन्दुस्तान में हो रही है।

मेरे कहने का मतलब यह है कि जब लोगों के जीवन पर सरकार का अधिकार उत्तरोत्तर बढ़ता जाता हो, तो कोर्ट के जूरिसडिक्शन को एक्सक्लूटिव के एक्शन से हटा देना एक तरह की डिक्टेटोरशिप कायम करना है। इस लिए मैं ला मिनिस्ट्री का ध्यान इस ओर खींचना चाहता हूँ और मैं चाहता हूँ कि उस की ओर से इस बात की जांच की जाये—चाहे किसी कमीशन या कमेटी के जरिये या जो ला कमीशन आलरेडी कायम है, उस के जरिये—कि अंग्रेज के जमाने की तुलना में स्वतंत्रता के चौदह पंद्रह वरसों में लोगों के व्यक्तिगत जीवन में कहां तक स्वतंत्रता की वृद्धि हुई है, या कहां तक स्वतंत्रता संकुचित हुई है।

आज जो हमारा समाज है, उस में अधिकांश आदमी पिछड़े समाज के और गरीब हैं। आज स्थिति यह है कि अगर किसी

ने किसी आदमी को मारा और अगर वह आदमी शिकायत ले कर कोर्ट में जाना चाहे, तो उस को कम से कम छः सात रुपए चाहिए, तभी वह कोर्ट में जा कर फरियाद कर सकता है। अगर जनतंत्र के जमाने में, जहां सब लोगों को बराबरी का अधिकार है और बराबरी के आधार पर उन की मान्यता होनी ही चाहिए, किसी आदमी को नाजायज तरीके से मारा जाता है या गाली दी जाती है और उस के प्रतिकार के लिए वह न्यायालय में जाना चाहता है, लेकिन वह इम लिए नहीं जा सकता है कि उस के पाम पैसा नहीं है, यह मैं समझता हूँ, जनतंत्र का मखौल करना होगा। इम लिए सरकार को इस ओर ध्यान देना चाहिए।

इम सम्बन्ध में मैं मुझाव देता हूँ कि जिन लोगों की आमदनी २५० रुपए से कम हो, उन को यह अधिकार होना चाहिए कि जब वे ला कोर्ट में जायें, तो उन को पैसा न देना पड़े। जिस लायर को वे एनगेज करना चाहें उसको एनगेज कर सकें और सरकार को चाहिये कि वह उस लायर को फीम वगैरह अपने पाम से अदा करे। टिकट वगैरह भी सरकार की तरफ से उसको मुफ्त दी जानी चाहिये और इनका भी व्यवस्था की जानी चाहिये।

अब मैं गत आम चुनाव के बारे में कुछ कहना चाहता हूँ जो अभी खत्म हो चुका है। मैंने देखा है कि मिर्क मेरो कन्स्टिट्यूटों में हो करीब एक लाख आदमियों के नाम बॉटर लिस्ट में नहीं दर्ज थे। इनके अधिक लोगों के नाम बॉटर लिस्ट में न होना जनतंत्र के लिये बहुत ही बुरी बात है। संविधान में कहा गया है कि हर वालिंग को बोट देने का अधिकार है। लेकिन उनका नाम बॉटर लिस्ट में अगर इस वजह से नहीं छपा जाता है कि आपके पाम जो इंतजाम है वह नाकाफी है तो जो फंडमेंटल राइट हर वालिंग वोटर का है और जिससे आप यह आशा करते हैं कि वह अपना मत दे करके अपनी मर्जी की सरकार चुने, वह

[श्री भू० ना० मंडल]

संविधान का उद्देश्य कैसे पूरा हो सकता है और किस तरह से जनतंत्र चल सकता है। मैं समझता हूँ कि जो वोटर लिस्ट में बनती हैं और उनमें कई कमियाँ रह जाती हैं तो वे इस कारण रह जाती हैं कि सरकार सारा काम करने में योग्य नहीं है और उसकी आयोग्यता की वजह से वे लिस्ट में ठीक से तैयार नहीं होती हैं। मैं समझता हूँ कि इस तरह की चीजें होना हिन्दुस्तान में संविधान में साथ एक विनाशक है।

श्री दा० ना० तिवारी (गोपादमंडल) : उसमें ग्रामेंडमेंट भी हो सकती है।

श्री भू० ना० मंडल : माननीय सदस्य में सुझाया है कि उनमें लिए दरख्वास्त दी जा सकती है और लिस्ट को एंजेंड करवाया जा सकता है। लेकिन याद जो देश की स्थिति है जिसमें लोग सांस्कृतिक दृष्टि में बहुत नीचे पड़े हुए हैं, बहुत ही गरीब हैं, जिनका न इन सब कानूनों की जानकारी है और न ही हो सकती है, उस में सरकार अपनी जिम्मेदारी में बच नहीं सकती है। पहली बात तो यह है कि सरकार को वोटर्स लिस्ट को हर पहलू से कम्पलीट बनाना चाहिये और देखना चाहिये कि कोई नाम छूटने न पाये। दूसरी बात यह है कि जिस व्यक्ति का नाम ग्राम पंचायत की गारिवारिक पुस्तिका में दर्ज है, उसका नाम तो जरूर ही वोटर्स लिस्ट में दर्ज होना चाहिये। लेकिन देखा जाता है कि वह भी नहीं होता है। कितने ही ऐसे उदाहरण मेरे नोटिस में आये हैं कि वोटर का नाम तो दर्ज होता है लेकिन उसमें वाप का नाम कोई दूसरा ही दर्ज कर दिया जाता है। इससे जब वह वोट देने के लिए जाता है तो बड़ी गड़बड़ी होती है और उसको बड़ी परेशानों का सामना करना पड़ता है। प्रेस में जा कर भी बहुत गड़बड़ी होती है। कहीं यह चीज जान बूझ कर तो नहीं की जाती है, इसको भी देखा जाना चाहिये। मैं चाहता हूँ कि अगर इस चीज को

ला मंत्रालय देख सता है तो उसको देखना चाहिये। जिस पार्टी के हाथ में सरकार की वागडोर होती है, उसको कई प्रकार के एंजेंडमेंट प्राप्त होते हैं। इस कारण से वह वोटर्स लिस्ट में तरह तरह की गड़बड़ियाँ करवा दे सकती है। देखा गया है कि अगर वोटर का नाम हिन्दू है तो उसमें वाप का नाम मुस्लिम कर दिया जाता है। इस तरह का चीज को आप ब्रिटिश मिस्टेक नहीं कह सकते हैं। जानबूझ कर इस तरह की चीजें की जाती हैं। इस तरह की गड़बड़ियाँ न हों इस तरह आपका ध्यान जाना चाहिये। अगर जानबूझ कर इस तरह की गड़बड़ियाँ नहीं की जाएंगी तो इस तरह की चीजें नहीं हो सकेंगी। मैं चाहता हूँ कि ला डिपार्टमेंट और इन्वेस्टमेंट कमिशन का ध्यान इस ओर जाए। सरकार का यह देखना कर्तव्य है कि हिन्दुस्तान का हर वालिग जो कि वोट देने का अधिकार रखता है, उसका नाम वोटर लिस्ट में दर्ज हो। अगर सरकार की लापरवाही से कोई गड़बड़ी की जाती हो तो भी उसको वोट देने में कोई बाधा उत्पन्न न हो, इस ढंग की कानून में कोई व्यवस्था की जानी चाहिये। मैं चाहता हूँ कि ला कमिशन रिप्रिजेंटेशन आफ पीपल्स एक्ट पर विचार करे अगर अपने आप उसमें विचार नहीं चरता है, तो विशेष तौर पर मेरे सुझावों पर विचार करे और इसको एंजेंड करते वक्त इन सब बातों का खतम रखे।

अब मैं कंस्टीट्यूट आफ कोर्ट के बारे में कुछ कहना चाहता हूँ। एक माननीय सदस्य आपका इस ओर ध्यान खींच चुके हैं। मुझ भी कुछ कंस्टीट्यूट आफ कोर्ट के संसिड का अनुभव है और मैंने देखा है कि और बातों के साथ साथ एक बात की बड़ी गड़बड़ी होती है। वहाँ का जो प्रिजाइडिंग आफिसर होता है उसकी डामिनेंट डोमिनेशन होती है और कभी कभी उसका जो कंडक्ट होता है बहुत ही फ्लैगेंट होता है और लोगों के प्रति उसका व्यवहार अच्छा नहीं होता है। ऐसी हालत में अगर लोगों को और से

कुछ गड़बड़ी हो तो उनको कंटेम्प्ट आफ कोर्ट की जद् में वह ला सकता है। अगर उसका कंडक्ट फ्लैग्रेट हो दूसरे की बेइज्जती करने वाला हो तो वह चीज़ कंटेम्प्ट आफ दी कोर्ट में आती है या नहीं आती है, मैं समझता हूँ इस बारे में कानूनी पोजीशन साफ नहीं है। ला कमिशन की ओर से जो इस बारे में रिपोर्ट होने वाली है उसमें इस बात का खयाल किया जाना चाहिये कि कोर्ट की जो डिगनिटी है, उस डिगनिटी को मंटेन करने के लिए अगर प्रिजाईडिंग आफिगर का कंडक्ट फ्लैग्रेट हो, उसका एट्रोगण कंडक्ट हो और उसकी वजह से अगर बीच आफ पीस की स्थिति पैदा हो तो वह भी उतना ही दण्डनीय हो जितना कि कोर्ट दूसरा आदमी हो सकता है।

हाल के ग्राम चुनावों के मिलमिले में मैं एक और बात कहना चाहता हूँ। सरकार का कानून है कि एक लोक सभा कंडाडेट इलैक्शन पर पच्चीस हजार में ज्यादा रुपया खर्च नहीं कर सकता है। लेकिन कितने ही क्षेत्रों में पचास पचास हजार और एक एक लाख रुपया या इससे भी अधिक खर्च किया गया है और यह चीज़ सिर्फ ग्राम में देखने मात्र से ही पता चल सकती थी। आज शायद कानून में कोई इस तरह की व्यवस्था नहीं है कि ग्रान दी स्पार्ट किसी को पकड़ा जा सके और उससे पूछा जा सके कि क्यों इस तरह से खर्चदारी हो रही है, क्यों इस लिमिट से बाहर जा कर कोई खर्च कर रहा है और उसको वहीं पर दंडित किया जा सके। मैं चाहता हूँ कि इस तरह से उसको दंडित करने की व्यवस्था कानून में होनी चाहिये। मुझे रिपोर्ट मिली है कि हिन्दुस्तान के प्रधान मंत्री की कंस्टिट्यूएंसि में तथा कानून मंत्री की कंस्टिट्यूएंसि में कई अनियमिततायें बरती गई हैं। मैं अपनी कंस्टिट्यूएंसि की ही बात आपको बतलाता हूँ कि मेरे खिलाफ एक उपमंत्री खड़ा हुआ था और लाख रुपया से বেশी उसने खर्च किया और उसकी कितनी ही मोटरें चल रही थी, चार चार चल रही थीं। प्राइम मिनिस्टर की कंस्टिट्यूएंसि में मैं ने

सुना है कि हिन्दुस्तान के बड़े बड़े कांटेक्टर थैलियां ले कर खड़े हुए थे। यह भी मेरे सुनने में आया है कि ला मिनिस्टर की कंस्टिट्यूएंसि में कांटेक्टर थैलियां ले कर खड़े थे और वहां जो मोटरें चलती थी उनका कोई ठिकाना नहीं था। सिर्फ आंखों से देखने में मालूम हो सकता था कि कितने बड़े पैमाने पर कम्पेन को चलाया जा रहा है। अगर इस तरह की बातें लोगों की नज़र में आये जो कि कानून के खिलाफ हों और खाम तौर पर उनके क्षेत्रों में हों जो कि सरकार को चलाने वाले आदमी हैं तो कौन यह जनतन्त्र छोड़ कर चल सकता है, यह आपके सोचने और समझने की बात है। इसलिए मैं चाहता हूँ कि कोई इस तरह का कानून बने, चाहे गवर्नमेंट के जरिये या इलैक्शन कमिशन के जरिये जिससे कि ग्रान दी वेरी स्पार्ट ऐमे कंडीडेट्स को दंडित किया जा सके और उनको चुनाव लड़ने में डिबाय किया जा सके।

एक बात यह भी मैं कहना चाहता हूँ कि आजकल जितने भी एक्ट्स या बिल्लज बनते हैं वे पहले अंग्रेजी में तैयार होते हैं। मेरा मुझाव यह है कि पहले उनको अंग्रेजी में तैयार न करके, राष्ट्र भाषा में तैयार किया जाए और फिर उनके ट्रांस्लेशन दूसरी भाषाओं में करवाये जायें। मैं चाहता हूँ कि इसका कोई इन्तज़ाम आपकी तरफ से किया जाना चाहिये।

मैं समझता हूँ कि जनतंत्र को सफल करने के लिए आज जो कानून का ढर्रा है, शासन का ढर्रा है, इसको बदलने की जरूरत है। इसको बदलने के लिए तीन नीति को कारगर करने की जरूरत है। मैं जानता हूँ कि कानून बनाने के लिए सर्जेशन देने का अधिकार ला डिपार्टमेंट को भी है। ला डिपार्टमेंट की तरफ से ऐसा सर्जेशन किया जाए जो मेरे मुझाव तीन नीति कार्यक्रम के अनुरूप हो। समुचे प्रशासन का जो काम चलता है, चाहे वह विकास का काम हो और चाहे शासन सम्बन्धी काम हो, वह सभी इस तीन नीति के आधार पर होना

[श्री भू० ना० मंडल]

चाहिये। इन तीन नीतियों में एक नीति तो दाम के बारे में है, दूसरी भाषा के बारे में है और तीसरी जात के बारे में है शासन यंत्र का सोशल कम्पोजीशन कैसा होना चाहिये इसके बारे में है। इस सम्बन्ध में संक्षेप में मुझे यह कहना है कि अगर हिन्दुस्तान की जनता को अपने पैरों पर आपको खड़ा करना है, और देश का विकास उसके जरिये करवाना है, तो इन तीन नीतियों को शासन का आधार बनाना बहुत जरूरी है। सब से पहले मैं जाति नीति पर कुछ कहना चाहता हूँ। आज जो शासन चल रहा है और जो स्थिति है, वह यह है कि शासन ऐसे लोगों के जरिये चल रहा है जो लोग की शासन के काम को बहुत पुराने जमाने से चलाते आ रहे हैं। हिन्दू शासन के जमाने से लेकर अब तक यही लोग शासन को चलाते आ रहे हैं। हिन्दू जमाने में समाज दो टुकड़े में बंट गया था। एक बड़े लोग थे और दूसरे छोटे लोग। शासन और शोषण का उनका पुराना अनुभव है और वही अनुभव आज भी उनका पीछा नहीं छोड़ रहा है। इसलिए यह जरूरी है कि शासन में ऐसे लोगों को आना चाहिये जो पिछड़ी समाज के आदमी हैं। इस पिछड़ी समाज में मैं, स्त्रियों को रखता हूँ, हरिजनों को रखता हूँ, आदिवासियों को रखता हूँ, पिछड़े हुए क्रिश्चियनों को रखता हूँ, और मुसलमानों में अनसार, धनिया इत्यादि को रखता हूँ। इन लोगों को शासन में ६० प्रतिशत से कम नहीं लेना चाहिये। ऐसा होने से आज जो शासन का तरीका है और योजना का भी जो तरीका है वह तरीका एकदम बदल जायेगा। आज मुझे ऐसा देखने में आता है कि जो कुछ भी सरकारी कार्रवाई हो रही है, उस कार्रवाई में जो हिन्दुस्तान का गरीब है, जो वास्तविक हिन्दुस्तान है, हिन्दुस्तान का जो गांव है, उस की ओर ध्यान नहीं दिया जाता है, उस के स्वार्थ को प्रायोरिटी नहीं दी जाती है। उस के स्वार्थ को प्रायोरिटी देने के लिये यह इस नीति को सफल करना

जरूरी है। इस लिये मैं चाहता हूँ कि इस तरह की जाति नीति यह सरकार अपनाये।

इस के बाद मैं भाषा के बारे में भी कहना चाहता हूँ कि अंग्रेजों ने अपने जमाने में एडमिनिस्ट्रेशन को सम्भालने के लिये और अपनी सहूलियत के लिये अंग्रेजी को चलाया था। आज जब हिन्दुस्तान के लोगों का हिन्दुस्तानी राज्य है तो उस में जो देश की भाषा है उस में ही सब राजकाज चलना चाहिये ताकि यहां के लोग उस को समझ सकें।

इसी तरह से जो दाम की पालिसी है उस में भी मैं समझता हूँ कि बहुत ध्यान देने की आवश्यकता है। प्राइम के लिये बहुत सी बातें कही जाती हैं, लेकिन उस सिलसिले में मैं कहना चाहता हूँ कि तीन बातों को करने की आवश्यकता है। एक यह कि किसान की जो फसल है उस फसल का दाम इस ढंग से तय करना चाहिये कि उस में जो लागत खर्च पड़ता है उस पर कुछ मुनाफा जोड़ कर दाम उस को मिले। इसी तरह से जो आर्गेनाइज्ड इंडस्ट्रीज हैं उस का दाम भी तय करने में यह ध्यान रखा जाय कि उस की जो लागत खर्च हो उस के डेढ़ गुने से ज्यादा दाम किसी चीज का नहीं होने पाये, और तीसरे यह कि दोनों तरह की चीजों के दाम में सन्तुलन कायम किया जाय। मैं चाहता हूँ कि इस तरह का कोई कानून ला कमिशन की तरफ से आये।

श्री श्यामलाल सराफ : जनाब, मैं अर्ज करूँ कि एक आनरेबल मेम्बर ने कुछ बातें कहीं काश्मीर राज्य के बारे में। इन्फाक से वहां उस पार्टी की गवर्नमेंट है जिस ने मुझे यहां भेजा है। एलेक्शन के बारे में हकीकत यह है कि जैसे हिन्दुस्तान की ओर जगहों पर एलेक्शन कमीशन का जूरिस्टिक्शन है उसी तरह से वहां पर भी है और उन्हीं के हाथ में एलेक्शन का सारा काम था। उन्होंने फरमाया कि वहां सरकार की तरफ से बाक्सेज दिये गये,

उन में यह नुकस था, वह नुकस था, ऐसा अखबारों में छपा । इस में हकीकत यह है कि उस में न किसी सरकार का हाथ था और न किसी पार्टी का हाथ था । असलियत यह है कि वह बाक्सेज एलेक्शन कमिशन के जरिये से आन्ध्र से भेजे गये थे और उन की अपनी अथारिटी से थे । किसी और के हाथ में नहीं थे । तब तक न कोई एलेक्शन हो चुका था और न एलेक्शन की पन्धियां बांटी गई थीं । अगर किसी के हाथ में वोट था, तो वह कैसे आ गया, इस के बारे में यह तो नहीं कहा जा सकता कि वहां की गवर्नमेंट ने उन को दे दिया ।

श्री शिवमूर्ति स्वामी (कोपल) : उपाध्यक्ष महोदय, कानूनी शासन के बारे में बहुत कुछ कहा जा सकता है । एक हिन्दुस्तानी को या यहां के सिटिजन को न्याय हासिल करने के लिये जो जो तकलीफें पेश आती हैं, उन के बारे में इस भवन में बहुत से हमारे भाइयों ने बतलाया है । मैं इस के बारे में ८ या १० मिनटों में अपने मुझाव रखना चाहता हूँ ।

पंचायती कोर्ट्स स्थापित करने के बारे में जो सोचा जाता है उस के लिये मैं समझता हूँ कि शासन को जो न्याय देने के हुकूक हैं, जो उस के कानून हैं उन को सिर्फ पंचायतों के हाथ में नहीं देना चाहिये । इस के बजाये एक एक ताल्लुका में जो दो या तीन रेवन्यू विलेजज होते हैं वहां पर जो एक एक वकील या कानून को चलाने वाले होते हैं, उन के हाथ में देना चाहिये । इसी तरह से जो टूरिंग कोर्ट्स होते हैं वह सफर किया करें और हर मवाजियात में जा कर न्यायालय की तरह से जांच कर सकते हैं ।

दूसरी बात यह है कि आज भारतवर्ष में हम सोशलिज्म की तरफ जा रहे हैं । लेकिन आज जो गरीब और पिछड़ा हुआ वर्ग है औरतों का उस को कानून से अपने हुकूक हासिल करने में जो तकलीफ हुआ करती है, उस को अनुभव से ही जाना जा सकता है । मैं जानता

हूँ कि एक बहुत बड़े धराने की औरत, १०० एकड़ जमीन की मालिक होते हुए भी, उस को न्याय हासिल करने में इतनी तकलीफ होती है जिस का ठिकाना नहीं है । मुझे मालूम है कि उस औरत को न्याय हासिल करने के लिये परसों गवर्नमेंट को एक मर्सी पेंटीशन दाखिल करनी पड़ी क्योंकि मैसूर स्टेट में कोर्ट फीस इतनी बढ़ी हुई है कि ७ या ७। परसेन्ट तक हो जाती है । एक औरत को न्याय हासिल करने के लिये अपनी हजारों की आमदनी इस कोर्ट फीस में लगानी होती है । उस औरत को अपना शेअर हासिल करने के लिये, जो कि ५० परसेन्ट हो सकता है, ४० परसेन्ट हो सकता है, ३० परसेन्ट हो सकता है, अदालत तक जाने में तमाम मुश्किलों का सामना करना पड़ता है । वहां से न्याय हासिल कर पाने से कासिर रहते हुए इस कानून के मातहत पंचों के पीछे पड़ कर अपने हिस्से की मांग करने के लिये उसे बेइज्जती का तरीका अपनाना पड़ता है । इस से बचने के लिये अगर वह मर्सी पेंटीशन देने जाती है तो भी बड़े अफसोस से कहना पड़ता है कि उस का काम नहीं हो पाता है । इस तरह से मैं किसी एक इन्डिविजुअल केस की ताईद नहीं कर रहा हूँ । मैं तो सिर्फ यह कहना चाहता हूँ कि हिन्दुस्तान के कानून में यह दोष है कि उन को न्याय हासिल नहीं हो पाता है । आज १०००, २०००, ५००० या १०,००० रु० फीस दाखिल करके जजमेंट की कापी हासिल करना एक मामूली आदमी या एक असहाय औरत की ताकत के बाहर की बात है ।

मैं ला कमिशन के बारे में इतना बतलाना चाहता हूँ कि

“That less administered country is the best administered country.”

जिस मुल्क में जितने कम कानून होंगे वह उतना ही बहतर समझा जाता है । लेकिन हम अपने भारतवर्ष में इतनी तेजी से कानून बना रहे हैं कि शायद ही कोई वकील उन सब को याद रख सकता होगा । इस लिये जो जो बेकार

[श्री शिर्मूति स्वामी]

के कानून हैं, या जो हमारी बुनियादी आजादी को एनक्रोच करने वाले कानून हैं उन्हें खत्म कर के जो बहुत आवश्यक कानून हों उन को ही कायम रखा जाये ।

इस के बाद मैं एलेक्शन के बारे में और एलेक्शन कमिशन के बारे में चन्द मुझाव रखना चाहता हूँ । आप जानते हैं कि इस मुल्क में पॉलिटिकल पार्टीज हैं । मैं पॉलिटिकल पार्टीज के खिलाफ नहीं हूँ । लेकिन सरकार या लोक सभा में पक्ष को दृष्टि में देखा जाना या पक्ष की दृष्टि में बोर्नस की मांग करना यह हुक्मन करने के उन्नों के खिलाफ जरूर है । इसी लिये महात्म जी ने पार्टीलैन्डिमोक्रेसी के उमूल को रखा था । हमें इस को जांच करनी चाहिये और ला कमिशन के पास कोई कारण नहीं होना चाहिये किम मे कि वह पॉलिटिकल पार्टीज को रिकग्नाइज करे और उन के लिये एक एक सिम्बल फिक्स करे । ऐसा करने मे जो दूसरे इन्डिपेन्डेंट लोग हैं या जो दूसरे कारकुन हैं उन को एलेक्शन लडो में बड़ी मुश्किलान का सामना करना होता है । सिम्बल को फिक्स कर देने मे मुल्क के ग्रन्दर पार्टियों को गुटबन्दी बननी है और वह नैशनल इन्टिग्रेशन के खिलाफ भी पड़ना है । म नभजना हूँ कि मुल्क में इस तरह की चीज कभी नहीं हो नकेगी । एक पार्टी दूसरी पार्टी के खिलाफ आवाज उठा कर और वड्मां मे पड़ कर पार्टियों की विभिन्नता पैश करती है और मुल्क उम मे सफर करना है । अगर इस तरह से चन्ता रहा तो एक दिन आयेगा कि पार्टियां आपस में लड़ कर इस मुल्क मे जो आजादी हासिल की है उस को सम्भान नहीं पायेंगी । इस लिये हम को यहा पर एक नैशनल गवर्नमेंट का वातावरण ही कायम रखना चाहिये । पार्टियां इस हाउस के वाहर रह सकती हैं । पार्टियों के हुकूक को जिस तरह से हमारे संविधान में नहीं माना गया है उसी तरह से हम को भी नहीं मानना चाहिये । इस पार्टी सिस्टम के वजूद में होने के बावजूद मैं एलेक्शन कमिशन को बधाई देना

चाहता हूँ कि उन्होंने किस खूबी से एलेक्शन को कंडक्ट किया है । इस के बारे में तो शायद ही कोई यहां पर शिकायत कर सके । फिर भी मैं चन्द मुझाव उस के कंसिडरेशन के लिये रखना चाहता हूँ । जब भी एलेक्शन कमिशन को कोई पानिसी चाक आउट करनी हो तो वह कम से कम एलेक्शन के एक या दो साल पहले करना चाहिये । यह नहीं होना चाहिये कि जब एलेक्शन के एक या दो महीने रह जायें उस वकन एलेक्शन कमिशन उस को शुरू करे । ऐसा नहीं होना चाहिये कि कुछ दिन पहले किसी पार्टी को रिकग्नाइज न कर के वह फ्री सिम्बल रखे लेकिन एलेक्शन के दिन मालूम हो कि वह फ्री सिम्बल नहीं है और उस को फनां पार्टी को अनाट कर दिया गया है । इस तरह के प्रेसनाट देखने में आते हैं । मैं उन के खिलाफ हूँ । मैं एलेक्शन कमिशन को मंत्रो महादय कद्वारा इनता देन चाहता हूँ कि वह इन बात का खयाल रखे कि जो भी पानिसी उम को बनानी हो वह उस को वह एलेक्शन मे कम से कम दो साल पहले बना ले । एलेक्शन के नजदीक कोई नई पानिसी न बनाई जाये ।

मैं एक दूसरी बात आपके सामने रखना चाहता हूँ । आप जानते हैं कि इस मुल्क में सेंटोमेंट रखने वाले लोग हैं । कांग्रेस के लिए जो बैल की जोड़ी का सिम्बल फिक्स कर दिया गया है उसके कारण बहुत से लोग यहकावे मे आकर बैलों की जोड़ी के कारण कांग्रेस को वोट दे देते हैं । तकरीबन २० पर सेंट वोट तो इस सिम्बल के कारण ही दिये गये हैं । मेरा मुझाव है कि या तो इस बैल की जोड़ी के सिम्बल को रोटेशन में फिक्स किया जाये या इसको सिम्बलस की लिस्ट से निकाल दिया जाये । मेरा निवेदन है कि लोग समझते हैं कि बैल हमारी खेती करता है इसलिए उसको वोट देना चाहिए । आपने करण्ट प्रैक्टिसेज मे यह रखा है कि किसी के रिलीजस सेंटोमेंट को न उभारा जाये और अगर ऐसा किया जायेगा तो वह करण्ट प्रैक्टिस

होगी। करनाटक में बैलों की पूजा होती है और मैं समझता हूँ कि बिहार में और दूसरे राज्यों में भी होती होगी। इसलिए मेरा निवेदन है कि यह जो बैलों का सिम्बल कांग्रेस के लिए रिजर्व कर दिया गया है इसको खत्म कर दिया जाये।

श्री डा० ना० तिवारी : पूजा तो पेड़ की भी करने हैं लेकिन उसके लिए कोई वोट तो नहीं मांगता।

श्री शिवमूर्ति स्वामी : लेकिन बैन की शकल दिखा कर तो वोट लिये जाते हैं।

पार्लियामेंटल पार्टीज का इन्केशन के करीब रिवागनीशन करने के कारण जो गलतियाँ होती हैं उनका उदाहरण देने के लिए मैं एक ट्राइब्यूनल के जजमेंट से चन्द लाइने पढ़ कर सुनाया चाहता हूँ। यह इस प्रकार है

"Then the petitioner received a telegraphic reply as per Ex. P. 105, dated 7th February 1957 that symbol "Cart" would be allotted to him and that he might apply immediately. From this correspondence, it is clear that the symbol of "Cart" could have been given to the Petitioner and his party members at the very outset even. As none of the officers concerned in the matter has been examined it is not possible to find out who was responsible for this bungle. At any rate, I am inclined to believe that this affected the Petitioner's election prospects to some extent."

अन्त में मैं कहना चाहता हूँ कि निम्नलिखित प्रदान करने की नानि ऐसी होनी चाहिए कि उसमें किसी पार्टी को हानि न पहुँचे। मैं अपनी पार्टी का उदाहरण देना चाहता हूँ कि जब हम ने दरखास्त दी तो पश्चार्तिव दृष्टि में कल्टीवेटर विनोइंग ग्रें का सिम्बल दिया गया। इस सिम्बल का विकास महात्मा गांधी के सेक्रेटरी निर्मल घोष ने किया था। इसी सिम्बल को लेकर चुनाव लड़ कर पांच आदमी एम० एल०

ए० हुए और एक एम० पी० हुआ। उसके बाद इलेक्शन के २५-३० दिन पहले प्रेस स्टेटमेंट निकाल दिया गया कि लोक सेवक संघ का रिवागनीशन विदड़ना किया जाता है। इसका कारण मुझे मालूम नहीं। मैं भी लोक सेवक संघ से चुन कर आया था। इसी पार्टी से पांच आदमी एम० एल० ए० चुने गये और एक एम० पी० चुना गया और करनाटक में इसी पार्टी के नाम पर सत्याग्रह करके ४०-५० आदमी जेल गये। इनकी एकटव यह पार्टी करनाटक में थी जिसका रिवागनीशन विदड़ना कर दिया। यहाँ एक पार्टी करनाटक में कांग्रेस के खिलाफ थी। इसके लिए मैं इलेक्शन कर्माशन को दाप नहीं देता लेकिन इसमें उनका मैजिनरी का दाप है जिसने गलत रिपोर्ट दी। उनको दूसरे चुनाव तक ठहरना चाहिए था और अगर तीन या चार पर सेंट वाट न आता तो रिवागनीशन विदड़ना कर लेते।

श्री सिंहासन सिंह (गोरखपुर) : उपाध्यक्ष महोदय, माननीय मंत्री ने जो इलेक्शन ला में पिछले सदन में धारा १२५ का निर्माण किया था उसका उद्देश्य देश में एकता कायम रखने का था ताकि जाति वाद और धर्म वाद के जो उभार समय नारे उग रहे थे वे चुनाव में न आ जायें। वायद सरकार का यह विचार ही रहा था कि कम्प्यूनाइजेशन को रोकना जाये। इन उद्देश्य से ही धारा १२५ का निर्माण किया गया था। उसमें कहा गया है :

"125. Promoting enmity between classes in connection with election. Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

इन बातों के लिए धारा १० पी० सी० की धारा ३५३ में दो वर्ष की सजा की व्यवस्था है।

[श्री सिंहासन सिंह]

लेकिन इस में आपने इन बातों के लिए तीन साल की सजा रखी है, इसी अभिप्राय से कि इन चीजों को रोका जाये।

इस सदन में भी यह प्रश्न उठाया गया था कि कुछ पार्टियों ने धर्म के नाम पर और जाति के नाम पर प्रचार किया और पोस्टर निकाले और नोटिस निकाले। गवर्नमेंट उनका मंजूर कर रही थी इस विचार में कि क्या कदम उठाया जाये। यह दफा बनायी ही इस विचार से गयी थी कि ऐसी बातों की रोक थाम हो। लेकिन रोकथाम न करने इसका दुरुपयोग हुआ और शायद सारे देश में एक जगह भी ऐसी पार्टियों या व्यक्ति विशेष पर मुकदमे नहीं चलाये गये जिन्होंने इस प्रकार का प्रचार करने कोट मंगे। आपने इसलिए कानून बनाया कि देश में जाति बाने और धर्मवाद की भावना न फैलने पाये और देश में राष्ट्रीय भावना रहे। लेकिन आपने इस कानून में पुलिस को मुकदमा चलाने का अधिकार नहीं दिया। परिणाम यह हुआ कि कहीं भी मुकदमा नहीं चला। अगर प्रतिद्वन्द्वी मुकदमा दायर करता है तो उनको सिध्दाफ कहा जाता है कि यह प्रचार नहीं करने देता।

वास्तव में इस कानून को बनाने में गवर्नमेंट का विचार था कि देश में इस प्रकार का विष न फैले। लेकिन इस कानून की अवहेलना की गयी। हमारा कानून का राज्य कहलाता है और कहा जाता है कि यह राज्य कानून पर स्थापित है और कानून के द्वारा सारा कार्य संचालित होता है। लेकिन जब इस प्रकार के कानून की अवहेलना होनी है जनता की कानून पर से श्रद्धा हट जाती है किसी को कानून का कोई डर नहीं रहता। इसी लिए इस प्रकार का प्रचार किया गया कि गाय की शक्ल बनायी गयी और उस पर छुरी चलती दिखायी गयी और प्रधान मंत्री को उसके पास खड़ा दिखाया गया। कहीं नाग

लगाया गया कि हिन्दू धर्म खतरे में है, कहीं नारा लगाया गया कि मुसलमान धर्म खतरे में है, कहीं कहा गया कि जाति खतरे में है। जब गवर्नमेंट ने इन चीजों को रोकने के लिये कानून बनाया था और दफा १२५ का निर्माण किया था तो गवर्नमेंट का कर्तव्य था कि वह देखती कि इस कानून की अवहेलना न हो और उसका सही तरीके से पालन किया जाये। गवर्नमेंट खुद उस कानून का पालन नहीं करा पाती है तो हमें तो यही कहना है कि आप इसको कानून की किताब के बाहर कर दें। आप अगर उसे चला नहीं सकते तो उसको हम चुनाव के कानून में रख कर, न्याय की किताब में रख कर उस की अवहेलना न करें और उसको निकाल दें। बस मुझे इतना ही कहना था। अब होम मिनिस्ट्री राय के लिए आपने पास आयेगी कि यह चल सकता है या नहीं चल सकता है, अन्ततोगत्वा कोई भी मिनिस्ट्री जो भी लॉजस्मेशन करती है वह ला मिनिस्ट्री की राय लेने के बाद करती है, वह राय लेने को आवे और अगर आप समझें कि वह कमजोर है और उसके अन्दर मुकदमा नहीं चल सकता तो उचित यह है कि आप उसको कानून में से निकाल दें। इसके बारे में मुझे आप से इतना ही कहना है।

एनेक्शन एक्सपोजेज के बाबत मेरे एक भाई ने जिक्र किया। इस के बारे में मेरा विचार पहले से यही है कि इसमें चुनाव खर्च के दारिद्र्य करने के लिये कोई व्यवस्था बानी चीज नहीं रहनी चाहिए और जहां सन् १९५२ के एनेक्शन कानून के मुताबिक जो एनेक्शन एक्सपोजेज के रिटर्न्स देना पड़ते थे उस में २ रुपये के स्टाम्प पर हम को एक हलफनामा दाखिल करना पड़ता था कि जो एनेक्शन एक्सपोजेज हमने दाखिल किये हैं वह सही हैं। यह बड़ी खुशी की बात है कि सन् ५६ में तरमीनी कानून पास करने हमने इस को निकाल दिया कम से कम झूठ बोलना तो दूर हो गया। अब तो केवल इतना रह

गया है कि जो खर्चा आप करते हैं वह दे देवें और उसकी सीमा रख दी गई है कि २५,००० रुपये से अधिक न हो, पार्लियामेंट के लिए २५,००० से अधिक न हो और असेम्बली के लिए ९,००० रुपये से अधिक न हो। हो सकता है कि कहीं पर इससे कुछ कम हो लेकिन उत्तर प्रदेश को मैं जानता हूँ कि वहाँ पर यह परिधि ९,००० रुपये की है। अभी हमारे एक भाई ने कहा कि पार्लियामेंटरी सीट्स के लिए लाखों रुपये लोग खर्च करते हैं तो इम एफिडविट के हट जाने से कम में कम झूठ बोलने में तो बचे क्योंकि यह चीज किसी में पंशीदा नहीं है कि २५,००० और ९,००० से बहुत से लोग कहीं ज्यादा खर्च करते हैं। अब यह कहना कि गवर्नमेंट झूठ बोलवाती है सही नहीं होगा। यहाँ आकर हम कानून बनाते हैं और भारत की जनता के प्रतिनिधि जो हम लोग यहाँ पर चुन कर आते हैं वह भी अपना सही हिसाब न दे सकें तो हम देश के आध्यात्मिक स्तर को ऊँचा उठाने को कैसे कल्पना कर सकते हैं? देश का आध्यात्मिक स्तर तो तभी ऊँचा उठेगा जब नेताओं के प्रति लोगों की यह धारणा हो कि यह सही नेता हैं और सही हिसाब देते हैं और गलत काम नहीं करते हैं।

अब गलत हिसाब देने और चुनाव सम्बन्धी अनियमितताएँ बरतने का जहाँ तक सवाल है इसमें कांग्रेसी और गैर कांग्रेसी का कोई सवाल नहीं है। दोनों ही के आदमी इस चीज के लिए दोषी हैं। मैं आपको बतलाऊँ कि मेरे विरुद्ध जो उम्मीदवार खड़े थे वह धर्म के आधार पर खड़े हुए थे और उन्होंने सीमा से कहीं ज्यादा रुपया खर्च किया लेकिन मैंने बहुत ही कम खर्च किया और मैं समझता हूँ कि शायद सारे देश में वह कम रहा होगा। करीब ३०० रुपया मैंने खर्च किया। मैंने तो सोच लिया था कि जनता को अगर मुझे वोट देना होगा तो वह देगी और अगर न देना होगा तो न देगी। लेकिन मैं इससे इंकार नहीं करता कि आप के और हमारे बीच में

काफी लोग ऐसे मिलेंगे जिन्होंने कि २५,००० से कहीं अधिक खर्च किया होगा, लाख लाख रुपये खर्च किये होंगे। इन राजा, महाराजाओं को ही ले लीजिये। यह चाहे कांग्रेस पार्टी से खड़े हों अथवा किसी अन्य पार्टी से, यह तो काफी रुपया खर्च करते हैं। राजा, महाराजाओं की कल्पना से ही यह बाहर की चीज है कि वह लाख रुपये से कम खर्च करें। लोग भी सोचते हैं कि राजा अगर खड़ा हुआ है तो वोट पाने के लिए वह रुपया खर्च करे। एक मसिनरी स्पिट पैदा हो जाती है। अब अगर आप इस को रोक नहीं सकते हैं तो इसको कानून की दफा से निकाल दीजिये। कम से कम लोगों को जानबूझ कर झूठ तो हलफ नहीं उठानी पड़ेगी, ईमानदारी तो उनकी रहेगी। चुनाव का हिसाब रखने के लिए कहा जाता है कि लोग गलत हिसाब रखते हैं और देते हैं तो यह चीज तो तभी जायेगी जबकि हमारे देश का स्तर ऊँचा होगा।

चूँकि मेरा समय खत्म हो रहा है इसलिए मैं केवल अन्तिम बात कह कर समाप्त करूँगा और वह सेप्रेशन आफ जुडिशिएरी एंड एक्जीक्यूटिव है। जुडिशिएरी और एक्जीक्यूटिव के सेप्रेशन का मामला सन् १९४८ या सन् ५० से चला आता है, हमारे संविधान में भी इसकी चर्चा है। यह अफसोस का विषय है कि इस को १२ या १४ वर्ष हो गये लेकिन उसका सही तरीका आज तक नहीं हुआ और आज तक दोनों अलहदा नहीं किये गये हैं। संविधान की वह धारा कि जुडिशिएरी को हम एक्जीक्यूटिव से अलग करेंगे कब तक बगैर अमल के पड़े रहेगी? कुछ राज्यों ने इस बारे में कुछ कदम उठाये हैं। उत्तर प्रदेश ने भी इस दिशा में पग उठाया है। ला कमिशन ने भी कहा है कि यह अलग न करना कांस्टीट्यूशन पर एक फ़ौड़ है। आप हर एक स्टेट को फ़ॉर्स करते कि वह अपने यहाँ इस जुडिशिएरी और एक्जीक्यूटिव को अलग अलग कर दें क्योंकि संविधान में साफ़ ऐसा करने का डायरेक्शन है। लेकिन अगर आप स्वयं संविधान को माम्यता नहीं देते हैं और

[श्री मिहासन सिंह]

जुडिशिएरी और एक्जीक्यूटिव को अलग करने की ओर अमली कदम नहीं बढ़ाते हैं तो कैसे काम चलेगा ? आखिर गवर्नमेंट को उसको करने में क्या बाधा है ? ब्रिटिश राज के जमाने में तो हम लगातार यही आवाज उठाते थे कि जुडिशिएरी को एक्जीक्यूटिव से अलग किया जाय और अंग्रेज इसको नहीं करते थे लेकिन आज तो हम खुद अपना सरकार चला रहे हैं और जबकि हमारे काफी वर्ष हुए अपने संविधान में साफ तौर पर यह कहा हुआ है कि इन दोनों को अलग किया जाय तब यह बड़े आश्चर्य और दुःख का विषय है कि सन् ६२ के वर्ष तक में यह काम अभी तक पूरा नहीं हुआ है और यह दोनों विंग्स अलग नहीं हुए हैं । अगर कड़ी कुछ इस दिशा में हुआ भा है तो वह एक धोखा की दृष्टि है और उसमें कुछ काम बनी जाना नहीं है । धन में इन्हां चीजों का धार अपने मंत्रा महोदय का ध्यान दिवाना महान था ।

Shri A. K. Sen: Mr. Deputy-Speaker, Sir, I have listened with very great interest to the various speakers representing all the Groups and Parties here taking part in this discussion, and I am glad to say that I am happy to notice a large area of agreement. As we find every year, so far as the Demands of this Ministry are concerned, we do not exactly expect a polarised attitude, and it shows how deeply this country and this House feel about a proper legal system serving the needs of a growing society and yet preserving the essential of freedom which our Constitution guarantees. And I apprehend that all the speakers who have spoken with different strains have really been motivated by these larger considerations.

While taking the points that have been raised, may I take the important points leaving out the details and try to say something which will express not only my own personal point of

view but, I conceive the point of view of the people regarding these matters?

Let us take the question of legal aid, raised by Shri P. K. Deo. I do not think there is any controversy over the subject. And we have during the last five years also gone ahead in formulating a scheme which might be of general application. It will be remembered that so far as the Scheduled Tribes and the Scheduled Castes are concerned, the Central Government already bear fifty per cent of the costs of litigation. It has been said occasionally, "Is it presumed that every member of the Scheduled Castes is a pauper. Or every members of the Scheduled Tribes is a pauper? Is it presumed that every member of the non-Scheduled Castes or non-Scheduled Tribes is not a pauper? I am afraid that that argument has certain substance, because we cannot cut across the different groups and castes and determine, on the yardstick of whether a litigant is a member of the Scheduled Caste or not, the question of eligibility of legal aid that is to be made available to him. Poverty does not follow the lines of division of Scheduled Castes or Scheduled Tribes. It is not certainly beyond our experience that there are individual members of Scheduled Castes who are much richer possibly than individuals of other castes. But the wider consideration of bringing the fruits of a free Government to the door of certain castes who have been more or less deprived of the benefit of a just society for a long time was felt so paramount that in such cases, not only in regard to legal aid but also in regard to educational facilities and various other matters, we have, by and large, followed the division of Scheduled Castes and Scheduled Tribes in the matter of making available to them just assistance. I think, in the larger interests of the country, these considerations have worked

properly, and brought justice to these people who were oppressed for a long time and who are just coming to realise their importance. The question of making legal aid available to the poorer sections of other communities is, as I said, not a matter which is controversial at all. We are all agreed about it. But, the question is, where are the funds? In the last Law Ministers' conference to which reference was rightly made by several speakers, we did approve of a scheme, but it was resolved that the Centre should find 50 per cent of the funds necessary.

16 hrs.

The demands on Central assistance for many areas and for many purposes are so great that, unfortunately, I must confess I have not succeeded in making the Central Government agree to treat legal aid to the poor on the same level of urgency as other matters. It is no secret and I admit that possibly a power house or an irrigation dam or a steel factory would assume a much more important place in our scale of priorities than matters like legal aid. I hope that it will be possible before long to find the resources not only from the Centre but also from the States to enable a proper scheme of legal aid to be worked out as in other countries like England where the scheme now in operation has been remarkably successful.

The next question raised by Shri P. K. Deo is a larger question, namely, that of no appointment of Judges to executive or administrative posts. Shri Frank Anthony joined him in that. I think all of us feel that our Judges occupy a special position because in this country, we have come to regard the institution of free courts as an essential element in our free Constitution, without which many of features of our Constitution will fall to pieces. We, therefore, always like to keep our Judges away from the field of controversy, and all administrative posts naturally bring the holders into the arena of controversy. There is no doubt about that. By and large, I do

not think there will be much disagreement amongst us on this proposition that Judges should not normally be appointed to administrative posts. But, as will readily be conceded, there are many posts to which Judges should rightly be appointed. Take our Election tribunals which should be entrusted to adjudge disputes in which important persons are involved—let us say, Ministers are involved. It has been our practice to appoint ex-High Court Judges to adjudicate on these disputes. Naturally, this is a field where ex-Judges would admirably fit it. Those who have had no judicial experience would not at all be a happy choice for doing this particular work. Let us take the work of the Law Commission. Here would be a field where our Judges would be suited for the purpose of not only guiding the work, but also for the purpose of bringing to bear their mature experience, talent and wisdom. We need not elaborate all the fields which would be of a similar nature, where our Judges, by reason of their training, temperament, education and various other qualities, would be admirably suited for the purpose of performing the task assigned to these bodies, diverse tribunals, enquiry commissions and so on. I do not think anybody dispute that our Judges should be appointed there.

[SHRI MULCHAND DEO *in the Chair*]

But, as I said, I am very sorry, taking notice of a few lapses here and there, we tend to indulge in such generalisations that might possibly create an impression that our judiciary has really come to a state of disgrace or that they have fallen low in their standards. I am sure it has not been either the intention of Shri Frank Anthony or other hon. Members who have given expression to views on these lines, to create such an impression in the public mind that our judiciary has deteriorated. Lapses there would be anywhere. I think we shall be doing the greatest disservice not only to ourselves, but also to the country if we allow our respect for the judiciary, our confidence in the

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judiciary to wane at all. I am a firm believer in the majesty of the court. I do not acknowledge the accusation of Shri Frank Anthony that we have been pillorying our Judges. Judges are also not above criticism in matters in which criticism would be appropriate. But, it would be very unfair to accuse either the Prime Minister or any of his colleagues or myself. Shri Frank Anthony will agree with me that, on the floor of the House, every year, I have defended the Judges. I have said that I have been a proud member of the bar who has always admired our judiciary. I personally feel that our Judges have set a standard which is still to be reached by many other countries. Whenever our Constitution has come to test any where in India whether in times of crises or emergency our Judges have risen to the occasion. That shows that we have been drawing good elements. But who can guarantee that every one would be a gem? Even if Shri Frank Anthony were to make a selection he cannot guarantee the selection of undiluted gems always, especially in a field where the future can be only tested by guess work, by current performance. It is true that there have been cases where, as he says, people have been appointed to High Court in preference to others who have, possibly, enjoyed, in terms of money or busy work, a heavier practice. I would like him to mention a single instance where such selections have been made by the Government. Not a single instance can be given. I have been here for the last six years. The case that he referred to, the case coming from Patna, referred to a person selected by the Chief Justice there. The Chief Justice took exception and hauled up the person making the accusation for contempt. The accusation was not that the Government had appointed them, but that the Chief Justice had appointed the people who had no practice. I think it is most unfortunate to make any such accusation even if that be a fact, because it brings down the High Court. From

my own limited experience, I can say—and there are others who are coming from other High Courts; Shri Frank Anthony himself is an eminent member of the Bar, and he will bear me out when I say—that it is not always the man who had the heaviest practice who proves the most successful judge.

Shri Frank Anthony: But they must have some practice.

Shri A. K. Sen: That is a different matter. But to say that the man having the heaviest practice would always be the most successful judge is a mistake. I have seen that it is not so. From my own limited experience, I can say—I do not want to mention names—we have had judges who have turned out into fine judges, who when they were in practice were not thought so much of, but once raised to the Bench, their talents really blossomed and they made their mark. It is not, therefore, always right to make such generalised accusations which create an impression that our judiciary has come to a state when the public have lost confidence in it.

Many of the things that Shri Frank Anthony has been expressing on the floor of this House year in and year out have evoked complete accord, so far as I am concerned, because I personally think that ours should be a very solid society to live in. If our fundamental rights had come to nought, if we found that it was impossible to enforce the great rights which not only our Constitution but our laws provide for us and there were judges who were, only on considerations of expediency or expedition, loath to attend to cases where a challenge against individuals' rights was involved, then it would be a sorry state of affairs. And there the great role of the courts comes in. They have to play their role rightly and truly as the guardian of our Constitution. I shall be very sorry myself if ever a citizen finds the door of the court barred against him only on the

ground that there are too many cases with which the court is bothered and, therefore, his would be possibly one of the too many. I am sure that that is neither the intention of the judges themselves nor of those who administer our courts. But, nevertheless, certain things have happened, when possibly we have started to emphasise the role of speed more than it should be. After all, when a man comes to the Supreme Court, which is the last court of appeal, it is not always the speed which should determine the value of the justice that he gets. There is the quality of the justice too which will impress upon the public mind, and, it is, therefore, absolutely necessary that the man who comes to the last court of appeal does not find that the procedure is such that speed has assumed a more paramount and important role, and the needs of the individuals have been relegated to the background.

On the question, therefore, of the imposition of a condition of furnishing security of Rs. 2000 by any person who comes up to the Supreme Court to make an application under article 32, I expressed my own concern last year, when Shri Frank Anthony raised it. I took it up with the Chief Justice, and told him that we were ourselves reluctant to pass a law here telling the Supreme Court how to try its own cases. Well, we have allowed them under the Constitution the right to frame rules, subject, of course, to the paramount authority of Parliament. I do not know if I have been able to convince the Chief Justice, but it appears that that condition has still not been removed. It will be for Parliament to decide in the future whether this is a matter which would justify interference by Parliament, and whether Parliament would think it wise to impose a rule of procedure on the Supreme Court or not. I hope that such a course would not be necessary, because, as I have always said here, and I have found complete un-

animity on this, we should not interfere with our courts in the matters of procedure and similar things, except by employing the method of persuasion to express our own points of view as citizens. Because Parliament has a certain super-riding authority which would be binding on our courts, and because it is endowed with these great powers it should exercise those powers with restraint, especially when those powers concern our courts. It is in the measure that we observe this restraint that the dignity of Parliament particularly in the field of its relations with our law courts would endure.

I, therefore, hope that it will not be necessary for Parliament to interfere in this matter and that whatever impediments there are at the present moment, which appear to be genuine, would be attended to by the Supreme Court itself.

The next point raised by Shri P. K. Deo and various others—I do not want to mention the names of each individual speaker—is about our election laws. I was surprised when he made this bold statement that our election law should be changed, and he has said that everyone was agreed. I must say that he is very free with his inferences and assumptions.

Shri P. K. Deo: I am very optimistic.

Shri A. K. Sen: To say that everyone was agreed that our election law should be changed was a very bold assertion, because if everyone was agreed upon one point in this House and outside, it is this that our election laws have set a standard for the rest of the world, and if any machinery has worked well and impartially, it has been our election machinery. Three general elections have been held, from time to time,

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some amendments have been made in our election law. All the amendments have been made after consultation with the representatives of the different parties, and then Parliament had ample scope for expressing its point of view, and never have we carried any amendment to our election law simply by using our majority. Shri P. K. Deo may say that we have used our brute majority. But what is brute majority? What is a majority which is not brute, is very difficult to define. Majority there must be for a decision. Bruteness comes when the other side is stifled from speaking. I do not think that Shri P. K. Deo has ever been stifled. On the contrary, I think he has enjoyed, and I have always been glad to hear him—the largest measure of freedom, not only in regard to his comments on our election law but in regard to his comments on every law.

One branch on which many speakers have dwelt on is the question of election expenses. The Election Commissioner in his report on the second general elections had said that this formality of filing election returns should be dispensed with because he felt that nobody possibly, in the ultimate analysis, furnished a correct return, and therefore, by imposing this condition, one was possibly putting a premium on filing incorrect return. Government felt that if they had acceded to this demand, Shri P. K. Deo and other possibly supporting him would have been the very first to say 'Look at the wretched Congress Government; they have removed this necessity of filing election returns, so that they can spend as much money as they want on the elections'. I am not prepared to believe that Shri P. K. Deo's party has not been spending....

Shri P. K. Deo: It is much less than what the Congress Party has spent.

An Hon. Member: They are insisting

because then they will be able to come back on the strength of money.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): They have exceed the limit in any case.

Shri A. K. Sen: I shall be very glad to be convinced that Shri P. K. Deo's party has kept to the limit fixed by law, I am open to conviction in this matter, as in all others. Therefore, if the blame is to be foisted I do not think that it should be foisted only on one head. As I said, every party spends, and it is very difficult to abolish party expenditure on individuals. Some parties show their expenditure and openly proclaim them; others do not. There is no law which can compel a party to disclose its own expenditure because that law again will possibly involve incorrect declarations. The Chief Minister of Orissa was quoted. I am glad that he made such a declaration which shows the forthrightness and the candour with which he disclosed the election expenses of the Congress Party in Orissa. Far from criticising it, I should have welcomed it as one to be followed as a matter of candour by other parties.

Shri P. K. Deo: That would invalidate the entire election.

Shri A. K. Sen: Party expenditure would not do that. You remember the great debate held on the floor of this House. It is only individual expenditure that matters. Party expenditure is a continuous factor. A party in a democracy works only on election. After all, ultimately, it is only an election machinery because a party in a country like ours works for capturing power and without power it cannot achieve anything. Therefore, in a parliamentary democracy, the party is nothing but an organised election machinery. Over all the five

years it works as part of an election machinery which is geared to the purpose of winning the next general election. This is a matter which has defied other countries and it will continue to defy this country, so long as you make it compulsory for a candidate to file election returns. First of all even correct returns will be assailed. I found some hon. Member here discussing the amounts spent in the Prime Minister's constituency and other constituencies. Living in Palamau, I do not know how he could have had such specialised knowledge about the expenditure incurred in the Prime Minister's constituency or other constituencies. One has to marvel at this. People have possibly specialised knowledge in these matters which others do not have. I do not grudge them that knowledge. But in order to arrive at a general conclusion, to use a specialised knowledge of a few cases would be rather precarious.

What impressed me was the high level at which Shri Anthony spoke. I am happy to say that whenever it is a matter of law, he moves to the high level and keeps to the great traditions of the bar and I am always happy to see a fellow-member of the bar keeping to our lofty traditions. He says there is a dangerous tendency which is manifesting and he calls it the erosion of our devotion to the rule of law. For that the other parties are, I suppose, equally responsible. The rule of law is to be upheld by the party in power as much as by the party which is not in power. (*Interruptions*). Let us not throw blame on each other. I agree that no democracy can survive unless it stands on the solid rock bed of the rule of law but no rule of law is sustained by law alone. The ultimate sanction for the rule of law in every country where it has survived is the faith of the people in the rule of law and the faith that in observing the rule of law justice is assured for the common man. Every one has his due if everyone observes

the rule of law. He has to obey the rule of law and unless the law is changed he has right to try to defy it. The executive has to obey and if it does not, the court is there to correct it, and those over whom the executive assumes control have equally to obey. They cardinal policies on which it rests are two, apart from this psychological foundation. They are, firstly, everyone has to submit before the law as the paramount authority and secondly, everyone is equal before the law. These two things govern our every way of life under a democratic Constitution.

Our courts, as Shri Frank Anthony rightly laments, have no doubt to meet the exigencies of a socialist economy, the growing needs of a progressive community, and have dealt with this rule of law not from the purely technical point of view, and have refused to follow the rigid precedents of American cases. It is true that deliberately we did not introduce the requirements of the due process clause in our Constitution, because we knew that the Government would be the main instrument in creating a welfare State and the Government must necessarily act according to law. That law must necessarily, therefore, deviate from the rigid canon; of equally which the American courts had enforced.

Let us, therefore, not be obsessed. If the courts have made article 14 weaker than it would be elsewhere, let us not lament over it, and I think let us congratulate our courts for being visionaries in allowing our progressive legislation to survive the challenge on the rigid notions of equality.

Many of our laws would have been struck down. I remember I argued myself the case where we had challenged the amended provision of section 34A of the Income-tax Act which was introduced after the Income-tax Investi-

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gation Commission Act was struck down. The decision was criticised on the ground that the courts had stretched to the maximum point the article in question which might be contrary to orthodox notions. But judging in retrospect, and judging from the result I think the decisions of our courts have been very good. While they have kept rigidly to the basic ideal of equality before the law they have not shirked from doing away with those forms of equality which fetter the Government in pushing forward with progressive legislation and bring about more rapidly a socialist economy.

With regard to the panchayat courts, the committee which was appointed after the last Law Ministers' Conference has now made the report. It would be printed very soon and would be laid on the Table of the House immediately after the Government have considered it or even before that possibly. I shall not be anticipating very much if say that its work will commend itself to all. It has done a magnificent piece of work and the report would be of valuable assistance for us in the future.

I think Shri P. K. Deo and Shri Warior said that we have no work and asked why we should not have more work. I think Shri Frank Anthony said the same thing. I shall draft a memorial for him if he wants to, but that memorial has to be addressed to the Prime Minister and not to me. I shall voluntarily give him my assistance if he wants to increase our scope of work, because I am not afraid of more work.

There has been some minor criticism about ballot-boxes being defective here or there. The rules are quite adequate in order to meet such situation as in Jammu and Kashmir where the

boxes were found mechanically defective. They were changed immediately when they were brought to the notice of the Election Commission.

Shri Bade: After the mischief was done.

Shri Sham Lal Saraf: The faults were detected long before the actual elections took place.

Shri A. K. Sen: Can the hon. Member guarantee perfect mechanical performance without any failure? If he does certainly I shall recommend him to assist the Chief Election Commissioner. The hon. Member possibly has not seen these boxes. These boxes are mechanically quite complicated in order to prevent any tampering. Whenever there are mechanical complications, failures also occur. I think there is no rule which can guarantee against mechanical failure. All that the rules can guarantee against is that when these failures occur, the rules would be adequate to provide for their remedy. If the rules are deficient in that respect, I am prepared to consider. But to say that there will be no mechanical failure would be indulging in something which is not practical.

This is all I have to say. We have come to the end of our time exactly to the second. I thank once again all the hon. Members for their valued suggestions. I have done five years of my work in this Ministry, a few more months now. I have received the co-operation of this House till now and I hope so long as I am here, I will continue to receive that cooperation.

Mr. Chairman: I think there is no objection to all the cut motions being put to the House together.

All the cut motions were put and negatived.

Mr. Chairman: The question is:

"That the respective sums not exceeding the amounts shown in the fourth column of the Order Paper, be granted to the President, to complete, the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1963, in respect of the heads of demands entered in the second column thereof against Demands Nos. 73 to 75 relating to the Ministry of Law."

The motion was adopted.

MINISTRY OF DEFENCE

Mr. Chairman: The House will take up discussion of the Demands relating to the Ministry of Defence.

DEMAND No. 8—MINISTRY OF DEFENCE

Mr. Chairman: Motion moved:

"That a sum not exceeding Rs. 35,06,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending 31st day of March, 1963, in respect of 'Ministry of Defence'."

DEMAND No. 9—DEFENCE SERVICES,
EFFECTIVE ARMY

Mr. Chairman: Motion moved:

"That a sum not exceeding Rs. 1,84,74,75,000 be granted to the President to complete the sum necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Defence Services' Effective—Army'."

DEMAND No. 10—DEFENCE SERVICES,
EFFECTIVE—NAVY

Mr. Chairman: Motion moved:

"That a sum not exceeding Rs. 15,12,44,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Defence Services, Effective—Navy'."

DEMAND No. 11—DEFENCE SERVICES,
EFFECTIVE—AIR FORCE

Mr. Chairman: Motion moved:

"That a sum not exceeding Rs. 60,05,80,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1963, in respect of Defence Services, Effective—Air Force'."

DEMAND No. 12—DEFENCE SERVICES,
NON-EFFECTIVE

Mr. Chairman: Motion moved:

"That a sum not exceeding Rs. 15,75,00,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Defence Services, Non-Effective'."

DEMAND No. 114—DEFENCE CAPITAL
OUTLAY

Mr. Chairman: Motion moved:

"That a sum not exceeding Rs. 24,99,75,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1963, in respect of 'Defence Capital Outlay'."

Dr. Ranen Sen (Calcutta East):
Sir, at the outset, I pay my compliments to the jawans and officers who liberated Goa from the Portuguese imperialists. This act of the Government of India, though much belated, roused, the deepest praise from the people who cherish freedom and peace. This act of the Government of India was supported by the socialist countries, namely, USSR, China and the new-born States of Asia and Africa. This action in Goa was opposed by certain military powers. Certain military powers, who are now in CENTO and SEATO and who are in the Pakistan-U.S. Pact, have shown

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their real faces and the defence of India is endangered from these quarters. Our long and continued association with the Commonwealth countries, with the U. K., and our dependence on the western powers for our equipment and armament are endangering the defence of our country. Even now our Army officers go for the Commonwealth military exercises. On page 16 of the Report of the Ministry of Defence we find that a high-powered delegation, on behalf of the Defence Department, went to a conference at Oxford in 1961, presided over by Earl Mountbatten. Is it not showing respect to our imperialist master even now? Again, from the same Report we find that for a military tattoo in Edinburgh in 1962 our Indian soldiers were sent. Are these things not derogatory to the national prestige? Are these things not derogatory to the anti-imperialist tradition of India?

While discussing the defence budget, we have to find out who are our friends and who are our enemies. It has been proved again and again that the United Kingdom, the United States of America and other military powers are not our friends. We get our equipments, outmoded equipments at higher prices from them. Let me here quote a news item which appeared in *The Indian Express*:

"Six or seven years ago when the Canberra-bombers were due to arrive, it was found that they were without installation of latest radar equipments. Even when they came, the heat in the cockpit was unbearable even for the Indian who at a pinch can insulate himself against 115°F."

Such scandalous affairs are going on because of our association with Commonwealth countries and the United States.

We all remember that some time back there were newspaper reports about the desire of the Government of India to purchase from the Soviet Union MIG jet fighters. It was also

reported in the papers immediately that the US Ambassador and the UK High Commissioner in New Delhi became very busy. They started protesting, making enquiries and putting pressure on the Government of India. It is also reported—I am again quoting—:

"On May 19, the Commonwealth Relations Office in London publicly stated that the British High Commissioner in Delhi had delivered a note to the Secretary-General of the Ministry of External Affairs and that the High Commissioner was next day received by the Prime Minister himself. In the same statement, the Commonwealth Relations spokesman expressed the hope that the Government of India might still decide otherwise about the deal."

What gives them the authority, the audacity to decide as to what equipments India should buy; or what not to buy, and from where? We all know that conspiracies are being hatched round India. We all know the nature of the Pak-US military Pact. What is this hullabaloo about the MIG jet planes? Under the Pak-US military Pact, the United States has supplied Pakistan with jet fighters F-104, which are much more powerful in match power than the British and French planes that we have. With the Pak-US military in force, we cannot expect to get such type of bombers or fighters from America. So in the interests of the defence of our country, we will have to get jet fighters from somewhere else. And who else would help us in this respect? It was the Soviet Union, undoubtedly one of the most, if not the most, powerful countries in the world, which came to our rescue. And the MIG jet planes are cheaper than the British and French planes and do not entail any foreign exchange. If Dr. Seokarno and President Nasser can defy the imperialists and get in touch with Czechoslovakia and the Soviet Union, why can we not? We are a

bigger country, a much more powerful country than Indonesia or the United Arab Republic. It is a question of national prestige also. It is a question of national defence. This morning we know what happened in this House. Our Ambassadors abroad is only to give the information they get from here. In this House our Defence Minister has more than once declared that our defence measures are strong. But our Ambassador in America gives out before millions of Americans and billions of the people of the world that India is very weak. If India is weak, it is the Parliament of India that will discuss and find out measures to strengthen it. But what happened? Even the Prime Minister did not say that this was a most despicable thing for our Ambassador to have done.

Sir, our Ambassador cringes and crawls before the American imperialists knowing fully well the role they played in the United Nations after Goa. We should be ashamed of such talk of India's representatives abroad. Therefore, I say that the SEATO and CENTO powers who have armed Pakistan are the real danger to the defence of India. China is not a real danger to the defence of India. It is no good fencing in the air against an imaginary enemy, while the border differences have to be settled peacefully. It is the Government of India that has said that as between war and peaceful settlement, peaceful settlement is the path of the Government of India. Therefore, I say that the Government of India must be very careful. We must all be very vigilant about the SEATO and CENTO powers, the Governments of the United Kingdom and the United States of America.

The second thing I wish to bring to the notice of Government is the question of raising the morale of the army. This is a very important question. The strength of our defence depends on two factors. One is the growth of heavy and defence industries; the other is the morale of the army personnel. Sir, it is a welcome

sign that our total defence productivity is being fully utilised. What surplus capacity there is must be utilised for civilian needs. It is at the same time a welcome sign that defence production is making inroads into the private sector also. So are making trucks and tractors—and very good ones also. But I would like to know why there is a shortfall. The Audit report mentions about the shortfall. I must say that the Defence Ministry is still a little complacent about the defence industries. In all matters, even for conventional weapons we go to Great Britain and America or France. Therefore the first thing to be done is to strengthen the defence industries.

Next comes the morale of the army. I must say there is not the least trace of democracy or fairness in the army. I have to say this with regret. There are discriminations practised even today. In the Ministry of Defence Report page 86 we find that a subedar gets a family gratuity of Rs. 1,100, while a Jemadar gets only Rs. 525. Are lives graded in such manner? Is this conducive to the morale of the army? Sir, it is high time that this discriminatory treatment meted out to the different ranks is removed.

Secondly, our army is completely detached from the people. It is known to everybody that army personnel cannot mix with the people. They cannot attend any political meetings nor event election meetings. They are used sometimes, I am sorry to say, to break strikes as the Army was used in 1958 in Jambhedpur to break a strike, to break the food movement in Calcutta and Howrah as the Army was paraded in the streets of Howrah.

As I have said before, there is no democracy inside the Army. In fact, in the name of discipline the army jawans are put down. (Laughter). Well, some gentlemen may laugh. But if they had known the plight of the jawans they will not do so. If a soldier has any grievance against his officer, he has to pass his petition

[Dr. Ranen Sen]

through that officer, and he is always at the mercy of that officer.

An. Hon. Member: That is discipline.

Dr. Ranen Sen: What happens in the Sainik Sammelans? Formerly they were called Fauj Durbars or something like that. These sammelans are a mere fuss. If you have any experience of them you will bear me out that they are a mere fuss. No army private, no jawan can open his mouth there. It is known to everybody. I ask the Congress friends sitting there to make enquiries in this respect, and they will then say that all that I am saying in this respect is correct.

Shri Tyagi: Don't try to infiltrate into the army.

Dr. Ranen Sen: There is the Territorial Army, there is the Lok Sahayak Sena, there is the N.C.C.—very good organisations. We must strengthen them. But should they be used against the people? The Territorial Army was used two years back, during the Central Government employees' strike, to break the morale of the strikers. It happened in Calcutta, and in so many other places. It is known to everybody. This thing was discussed in this House also.

In the course of this debate I am compelled to refer to another topic which is the topic of the day.

Shri Tyagi: You want to pave the way to infiltrate into the Army or what?

Dr. Ranen Sen: That is for you to discuss. You will get your chance to speak. If you cannot bear any criticism, please keep quiet.

In the course of this debate I must raise the affair of ** a fine officer. He is the seniormost officer, most meritorious officer. . .

Shri U. M. Trivedi: Can an officer's name be mentioned like this, Sir?

The Parliamentary Secretary to the Minister of Education (Shri M. R. Krishna): It is very bad.

The Minister of Defence (Shri Krishna Menon): It has been the understood practice that names of individual officers who can neither plead nor defend themselves here are not to be mentioned.

Dr. Ranen Sen: All these things have appeared in the press. The press is discussing it.

Mr. Chairman: The press is different from the House.

Dr. Ranen Sen: I am not putting the name. But if a seniormost officer and most meritorious officer is superseded, is it not for the Defence Minister to get up and explain and clarify the position? If this officer, or if an officer had held important positions in the past, and all of a sudden such officers are superseded, naturally that does not go to help the morale of the army, the morale of the navy or the morale of the air force. Therefore, I say there should be no hush-hush in this respect and the Defence Minister should clarify the issue as far as possible in this House.

Shri S. N. Chaturvedi (Ferozabad): Sir, on a point of order. When the name of the officer has been brought in, I think these remarks should be expunged from the proceedings of the House.

Dr. Ranen Sen: I have already said that I withdraw the name of the officer. I have done that.

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): He has said all those things already.

Mr. Chairman: The name of the officer may be struck off.

Shri B. R. Bhagat: Those remarks may also be expunged.

Shri B. R. Bhagat: Those remarks to the officer's name should be struck off. But, as Dr. Ranen Sen indicated

**Expunged as ordered by the Chair.

earlier, in many reputable papers like the *Amrit Bazar Patrika*, which supports the Congress Party wholeheartedly, there have been reports and editorial comments in regard to this particular alleged supersession, and the name has been mentioned and discussed in the press and all that. It is our duty, as Members of Parliament, on such occasions to bring such instances to the notice of Government and to get satisfaction. Merely by expunging the name and preventing it from being mentioned in the House, we do not solve problems. I wish to have your ruling in this matter. We want satisfaction from the Government.

Mr. Chairman: Even so, I do not think it is possible to bring in names here. Even though it may be in the press, it is a different matter altogether. The press is not the same as Parliament. Anything can be talked outside. Everything cannot be talked here.

Dr. Ranen Sen: I withdraw the name.

Mr. Chairman: He has withdrawn the name. There the matter ends.

The Minister of State in the Ministry of Defence (Shri Raghuramaiah): The hon. Member not only mentioned the name of the officer but also went on to make a few remarks which are comprehensible only in the light of reference to an officer. These are not general statements. The name as well as all the consequential remarks which have a bearing on that have to be expunged. I would submit, in any case, since the remark has been made, there has been no supersession here. The higher posts are all selection posts and the Government selects the best officers.

Mr. Chairman: Since the name is withdrawn, I do not think any further objection is admissible.

Shri Khadilkar: If these remarks are kept there, it would be very diffi-

cult to maintain discipline. He has quoted one reputed journal from Calcutta which is taking shelter under some sort of chauvinism while criticising promotions and other things. Therefore, I would certainly support the plea made by the Minister of State just now that these remarks may be expunged.

Mr. Chairman: I agree with you there. But, I do not think it is open to me to strike off all these remarks.

Shri Tridib Kumar Chaudhuri (Berhampore): Sir, I rise to a point of order. On a previous occasion, in this very House, in the previous Parliament, this question of promotions and supersessions was discussed in extenso. I remember, on that occasion, the present Speaker, who was then the Deputy-Speaker was in the Chair. He merely advised that individual names might not be cited. But, it was never the ruling in this House and it was never the practice in the House of Commons to avoid references to individual officers when certain questions of principles are involved. Here, in this case, which has been referred to, it has been alleged that Navy rules which are seldom superseded have been superseded. Allegation has been made in public. Whether it is outside the House or inside the House, it does not matter. The Government owes an explanation. I specially make this point because an hon. Member here has made a charge of chauvinism. In these matters, I do not know what chauvinism is there. We are all Indians here. If a particular officer belongs to some particular State, there are other officers equally senior coming from other States also. This kind of vague reference to chauvinism and regionalism is very objectionable.

Some Hon. Members: What is the point of order?

Shri Tridib Kumar Chaudhuri: The point of order is, I seek a ruling from the Chair that so far as references to individual officers are concerned, they cannot be ruled out.

Mr. Chairman: The ruling is not before me. He is only saying something orally. I cannot rely on oral statements where a ruling is referred to.

The hon. Member may go on.

Dr. Ranen Sen: My point has nothing to do with provincialism or chauvinism.

I come to the last point, in respect of labour relations in Defence industries. The report claims that the labour relations are good. But, unfortunately, I have to say here that the workers in the defence industries do not enjoy mostly the benefits of the Industrial Disputes Act. Section 10 of the Industrial Dispute Act is never applied to the defence industries. There is no permanent negotiating machinery functioning in the Defence Ministry. These are all facts. The majority union representing the majority of the workers represented in the Defence Federation is not recognised by the Ministry, whereas the minority union which is affiliated to the INTUC is recognised by Government.

Shri K. N. Pande (Hata): How does my hon. friend say that they are in a majority. The matter has been enquired into.

Dr. Ranen Sen: It is known to everybody. Therefore, I say this. It is known to everybody. Even the hon. Minister himself knows that the union recognised by Government is not a representative union, whereas the representative union is not recognised as yet. Therefore, all that I say is that all is not well with labour relations, and, therefore, something has to be done in this respect.

Shri Surendra Pal Singh (Bulandshahr): I rise to support the Demands for Grants of the Ministry of Defence.

Our Defence Forces have given a magnificent account of themselves on

all occasions, and in all sorts of trying situations, and our soldier has earned for himself a unique reputation in the world that he is not only a good valiant fighter but he is also perhaps the best behaved soldier in the world; he is respected everywhere, and this is something we can be proud of.

The only thing that our Defence Forces are in need of is good and modern armament, and it should be our Government's endeavour to see that all the requirements of our Defence Forces in regard to arms, ammunition and equipment are met at the earliest.

I congratulate the Ministry of Defence for having achieved a great deal in this respect, in so far as the defence production has gone up by leaps and bounds during the past few years, and we are assured that very soon we will be absolutely self-sufficient in regard to all our requirements of basic weapons and equipment etc. This is very good and very heartening news.

On this occasion, I would like to draw the attention of the Minister of Defence to the question of the automatic rifle. We have been hearing about the introduction of this rifle for the last six or seven years, but this weapon has not made its debut yet. We are naturally curious to know what decision the Ministry of Defence has taken in this regard. The automatic rifle is a very useful and basic weapon, which has been adopted by practically all the modern countries of the world, and I am given to understand that even the Chinese have adopted it. So, I cannot understand why we have not gone in for it so far. We cannot afford to manufacture or purchase such sophisticated weapons as guided missiles, rockets, and nuclear weapons of all sorts and types. But there should be no difficulty in our way to go in for this useful and basic weapon, namely the automatic rifle, which can easily be manufactured at home.

17 hrs.

As for the Navy, Sir, we all know that we have acquired an aircraft-carrier, which I am told, has enhanced our prestige considerably. We have also increased the number of surface crafts of all types and sizes. But I fail to understand why we have not introduced submarines in the navy upto now. I dare say there is no connection between the aircraft-carrier and submarines but the fact remains that there is no other country in the world today which has carried out a naval expansion programme without introducing submarines at a much earlier stage and the question naturally arises as to why we have not been able to introduce submarines till now.

As for the Air Force, I am not an expert in aeronautics nor do I presume to possess a very thorough knowledge of the things concerning the Air Force. But from a layman's point of view and from the common sense point of view, in my humble opinion in our expansion programme we seem to be purchasing too many makes of aeroplanes of the same type, same performance and same class. That in my opinion would only create difficulties in the work of repairs, maintenance and stocking of spare parts, and it will create a lot of unnecessary confusion at all levels. It is my suggestion that in future we should purchase all our planes of any one particular type and class from one source only, and we should not buy them from all the four corners of the earth and just multiply their breed.

I would like to say a word about the welfare of troops. In the post Independence period there used to function a women's voluntary organisation. It was called AFWWO—Armed Forces Women's Welfare Organisation—which consisted of service wives and civilian wives and these ladies used to get together occasionally and arrange amenities and entertainments for our troops serving in Jammu and Kashmir and

other far off places. This organisation did wonderful welfare work for our troops. They sent gift parcels of woollen garments, sweets and books and magazines to the troops in far off places and they also arranged entertainment shows and concerts which were greatly liked and appreciated by our troops. The things they sent as gifts may not have been of very great value materially and it can be said that our soldiers could do without them easily, but the fact remains that the very idea at the back of the whole scheme was so good; it made our soldiers feel that there were some people way back home who were interested in their welfare and happiness, and that kept their morale high and that is a very great thing. I am sorry to learn that this very useful and beneficial organisation does not function any more. We wonder why. I have been told—I cannot vouch for the authenticity of the information I have received—that this organisation stopped functioning because there were some differences of opinion and misunderstanding in the higher echelons of the organisation. I cannot say whether it is correct but whatever it is I would earnestly appeal to the hon. Minister of Defence to take personal interest in this matter and use his good offices to persuade these kind hearted and good ladies to come forward, and revive that useful organisation of theirs once again for the welfare of our troops.

A word or two about the family accommodation for our troops. We all know that there is a tremendous shortage of family accommodation for our armed forces. Our Defence Minister was at one time very much interested in this subject and I believe a few years back he tackled this problem very energetically and he launched several schemes for building quarters and houses for our troops. But subsequently, for some unknown reason, his enthusiasm cooled off, or he lost interest in it, with the result that the whole scheme lost

[Shri Surendra Pal Singh]

its momentum. So much so that today it is moving at a snail's speed, and at this rate it might take anything from 30 to 40 years to finish the work. This is not a very satisfactory state of affairs. I would request the hon. Minister of Defence to revive his interest in this subject and get the work expedited.

Then the question of resettlement of our defence personnel is also a very important one and I am sorry to say that not enough is being done in this regard. Thousands of able-bodied, disciplined and willing workers leave the services every year, and they have great difficulties in finding employment in civilian life. I know there are Soldiers', Sailors' and Airmen's Boards in every district, and these Boards are supposed to look after our ex-servicemen in all such matters. But my experience is that these Boards do not function very effectively and their achievements in this regard upto now are not very laudable. And generally the men, are left to fend for themselves.

There is a so-called Resettlement Directorate in the Defence Headquarters in Delhi which for all practical purposes does not function either. This is a very important question from the point of view of our military personnel. While they are in service they give of their best, and they are even prepared to give their lives for their country. So, naturally they want an assurance from the Government that when their normal tenure of service is over, when they retire, the Government will give them all possible help and assistance to resettle them in civilian occupations. This is a very legitimate demand of theirs, and in my opinion, the Government should come forward and give them this assurance; and not only give this assurance but they should implement this assurance.

Sir, with your permission, I would like to air a grievance of the people of my State of Uttar Pradesh.

Considering the size of our State, both in population and in area, and considering the representation of our people in the armed forces of this country, which is considerable, we are at a loss to understand as to why we were completely overlooked by the Ministry of Defence when they were making out their scheme for establishing Sainik Schools all over the country. We were hoping that we would get at least one Sainik School in Uttar Pradesh, if not two at the stage, but unfortunately we did not get even one, and naturally we are very disappointed. I would request the Minister of Defence on my behalf and on behalf of the people of my State that he may very kindly reconsider our case and concede our request and give at least one Sainik School to Uttar Pradesh straightaway.

The RIMC, at Dehra Dun, is an institution that is in a class by itself. It caters for students from all over the country, and it can hardly be said to cater for the demands of Uttar Pradesh alone. It does not fall in the category of the new Sainik Schools. We want a Sainik School of the type which have been opened in other places recently.

Now, a few words about the NCC. In my humble opinion, the scope of the NCC should be increased to such an extent that all our students are able to join this very wonderful organisation. For imparting all-round training, for building up of character and for inculcating the spirit of sacrifice and loyalty in the paths of our country, in my opinion there is no other training better than the NCC, and no expense and no effort should be spared by the Government of India to make this scheme more popular and more widespread.

Shri U. M. Trivedi: Mr. Chairman, Sir, the Demands of the Ministry of Defence are really very big and they touch every Indian and every countryman of ours. They feel that the expenditure that we incur may not

be grudged but it must be wisely spent. What we find, by looking at the various reports about this Ministry, is that the handling of expenditure is very haphazard and reckless. We cannot understand why it costs more to get a thing done by the military engineering service than by the Central P.W.D. The Central P.W.D. is already a notorious body and the expenditure incurred by it is not that of a wise and prudent man. The expenditure within which it can be done by a private person is always exceeded by the Central P.W.D., but our military engineering service beats the record.

Our report shows that when it costs only Rs. 50,000 to Rs. 60,000 for a mile of road to be constructed by the Central P.W.D., it costs Rs. 4 lakhs if it is constructed by the military. In December, 1952, 308 and odd miles of road were undertaken to be constructed by the military. By December, 1958 about 98 miles of road were constructed. The original project was going to cost us about Rs. 304 lakhs, but already the construction of these 98 miles cost the exchequer Rs. 392 lakhs. Why this extraordinary expenditure was incurred could not be explained by the Defence Ministry even before the Public Accounts Committee.

It is the same Indian engineers who work; it is the same Indian labour which works; it is on the same soil that the work is carried out. And yet, this difference exists between the expenditure. That merely shows the carelessness and recklessness on the part of those who have to administer our funds. I will only give a very few instances of this waste of money, which is not of a fruitful nature.

There is the expenditure on naval dockyards and the expenditure by the naval headquarters for the purchase of store carrier. Let me give this illustration. The naval headquarters wanted to have a store carrier. We purchased an old and decrepit thing for Rs. 38 lakhs, because

we were in a hurry. You will remember, we were in a hurry and we said, "All right, let us not have anything new; let us have anything that we can get". We were in great hurry and we purchased an old and decrepit thing for Rs. 38.30 lakhs. We find that it is not very useful for us. We spend another Rs. 8.30 lakhs for alterations. After we have made these alterations and taken one or two years over it, we think that the necessary machinery must be fitted on it. We purchase the machinery worth Rs. 20 lakhs to be fitted on it. We fit in the machinery and take time over it. Our hurry is there. Then, we find that although the machinery has been purchased, we must instal the machinery on the store carrier. It takes another 2 years to instal it and we spend another Rs. 16 lakhs over it. What a waste! Where has our hurry disappeared? What would have happened to us if there was some battle or warfare? In the year of grace, 1959, we find that all this expenditure has not been very useful and we start quibbling about it. Is this the method by which such a big Ministry should be run? Or are we merely running the show in the same form in which the whole thing had been handed over to us by the British?

One very great thing which will appear apparent to anybody who studies this problem is that all these years the whole complement of officers who had to work on this carrier, who were appointed in the year 1952 and were there till 1959 without doing any work, were paid full emoluments. What a colossal waste of money?

We all know that we started a defence production organisation. It has manufactured certain items. It is a sorry tale for anybody who looks into it. Items after items have been manufactured by this organisation, and items after items have been rejected by the services. 30 per cent, 40 per cent or even 50 per cent of items are rejected and yet we are

[Shri U. M. Trivedi]

running the show. And it is a very big organisation that we have got with all the officers. It is a very big show indeed. Perhaps, we have this wasting of money in an epidemic form in India. Other Ministries are so vying with each other, as whosoever wastes more is the bigger one. I had occasion to criticise this in the case of the activities of the Transport Ministry. Perhaps, the Defence Ministry cannot lag behind in wasting money. But there must be some limit to it.

The constitutional control which this Parliament can exercise and is trying to exercise must be welcomed by the Ministers and not shunned by the officers concerned. It is a very healthy sign. Nobody grudges, as I said before, the expenditure that has to be incurred for the purpose of defence of our country. We are all one in this respect, whether we are in this side or that side. Of course, I am not talking of friends on my right. Excepting them, all agree that expenditure has to be incurred for the defence of our country.

Shri Warrior: We are thankful that he is not representing us.

Shri U. M. Trivedi: I do not represent them.

Shri Raghunath Singh (Varanasi): He represents the people.

Shri U. M. Trivedi: Yes, I represent the people of India.

Apart from these questions, on which from a cursory glance certain criticism has been offered by me, there are other problems of our defence which have to be studied. We have a big border. What have we done with the borders? We have got people infiltrating into our country, whose loyalty is questioned. What have we done to protect our borders against these persons? What law have we made that within a particular area of the border people of questionable

loyalty should not be allowed to remain? We are in a very dangerous position. Infiltration is going on in Assam and Tripura. Our whole border on the western side of India is entirely open.

17.18 hrs.

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

How many raids into our territory have taken place? What have we done? Are we depending on the State Police to do it for us? Or are we going to utilize the army for this purpose? I do not know whether it will be conducive to the good of my country if I were to disclose the strength of the Central Reserve Police today, which is also counted as a sort of armed force in our country. The definition of "armed force" has been given to it by the Election Commission with a desire for 12,000 or 15,000 votes to be secured by the Congress party. That is why that definition was given to it. I know that it was constituted under the Central Reserve Forces Act of 1949. That Force is not governed by the Army Act; nor is it governed by the martial law regulations. It is considered by the courts of this land as armed force and yet the municipal bodies are controlling it. It is there. The point is that even if we were to give the protection of our borders to the Central Reserve Police, their strength must be sufficiently increased. Our borders must be properly protected; the arms supplied to our armed forces must be of such a nature as could be used against those who are so well-equipped.

This morning we had an admission, a very sorry admission, that our army is not so well-equipped. This is a most disgusting state of affairs that we have been today that our army is not so well-equipped. We have been told in season and out of season, year in and year out, that our army is strong enough to repel any attack on our country and I do believe it is so. But the assertion

coming from an Ambassador, well placed and well posted is not a very happy assertion. If really the facts are such, we must do our best and do it immediately to raise the standards of our equipment. We know that we are surrounded on all sides. Unfortunately, due to our so-called non-alignment and neutral policy, we have not been able to engender many good friends. Our friends are those who want to take hold of our country. One friend has taken 30,000 square miles; another friend of ours has taken 18,000 square miles. We are patting the latter on his back and giving him loans and supplying him water.

The Deputy Minister thinks that mine is an under-estimate and he would correct me. It is not a very happy sign that our Ministers do not take to this in a very serious manner. We know it, Sir, that even our so-called friends on whom we counted and who have given us money, are not our real friends.

Shri Raghuramaiah: I am sorry to intervene. The hon. Member said that Ministers do not take his remarks seriously. I was actually pointing out to my colleague that the remarks are meant for him.

Shri U. M. Trivedi: Then I withdraw my remark.

As I was saying, special type of border training for our armed forces is necessary. We do not know when we might be involved in some sort of an imbroglio.

Ours is a big country, with a big name. We are five times the size of Pakistan. Yet today it is they who are raiding our country every now and then. How many raids have been there, we do not know. We have lost count of them, and we feel it is enough for us to have sent strong protests. These are of no avail. We had in fact to yield our land. We had to pass a law and Berubari had to be given away. The trouble still remains.

So we are dealing with persons who are not satisfied with polite methods.

As regards these persons we must be prepared to meet all eventualities. We cannot sit with complacency and say that we have done enough. We have not. They will learn only by our action. We know that the consequences of war are not very good. But war or no war, we cannot afford to be complacent so far as the defence of our country is concerned.

I also personally do not like the idea of favouritism shown by the Ministry in promotions of officers; because it is this force on which we are dependent; it is on the blood of these people that we are dependent for saving our country from going to dogs. At least we must be very very fair in the matter of the promotion of these officers. We should give no cause whatsoever, either to the rank or the file, to feel that there is some sort of injustice done to them. A proper machinery must be set up, either by way of an administrative tribunal or by some other method, so that any injustice may be stopped and nipped in the bud.

The report says that in our recruiting power, in these days we require men with scientific knowledge in our country. Hundreds and thousands of science graduates are turned out by our universities. Yet the Defence Ministry's report says that we are lacking in scientific manpower. Why is it so? Is there anything wrong with your method of recruitment, or is there anything wrong in the emoluments that are being offered? Are they not sufficiently attractive? Do you want to place them at a par with the ordinary jawans, or do you want that every one who has to sacrifice his life for the sake of the country, and give his knowledge also, should be paid sufficiently well to keep his belly and soul together? There is something wrong. Why is the attraction not there? I was just wondering whether the caste system of recruitment in the army prevails. I know that times without number it has been said that after the enactment of our Constitution it would be entirely illegal

[Shri U. M. Trivedi]

to have recruitment on a caste basis. But we cannot keep our eyes shut. The strength in the army, the personnel in the army indicates that recruitment is not spread over the whole of the country. In February 1961, I went to Ujjain and I found a notice in the notice board hanging in the Tahsildar's office. It asked for recruits. In asking for recruits, I was surprised to read that in the recruits wanted as military transport drivers, the reservation was for Mohammedans. I can never conceive of the idea that still in our country Hindus are taboo for the purpose of recruitment of motor transport drivers. I was wondering that it must have been a notice before 1947. So, I walked over to the Tahsildar and asked him when this notice was posted on his notice board. He said, I received it from the military recruitment department only a week back. This is going on. I would urge on the hon. Minister to look into this affair and put a stop to it. We cannot afford to have this method of recruitment.

Shri K. R. Gupta: You have not given an example of caste; this is an example of religion.

Shri U. M. Trivedi: It means the same thing, whether it is a question of caste or religion, as I have already said. You were not there.

When I was talking of Pakistan, the note that was lying by the side of Mr. Kamath reminded me of the note by the Chinese Embassy. Attack by the Chinese on our soil is growing. Infiltration of Chinese in Nepal is a source of menace for us. We do not know how to stop it. Unfortunately, as I said, although Nepal is another sovereign State, it is our own flesh and skin and with that Nepal we are not carrying on very well. We must exert ourselves in this direction and our relations with Nepal must be smoothened. Because, Nepal has for all time provided to the Indian Army even in the British days, the largest

number of fighting forces in the infantry. We cannot afford to lose sight of that fact. I have not offered my criticism on the wasteful expenditure in this Ministry for the sake of just criticising them. I have offered it in the view that the Government must look into it and with the stopping of the waste, we could have better men, more materials and more equipment and a large Army and more money to meet the requirements of our State.

Mr. Deputy-Speaker: Hon. Members may now move their cut motions relating to the Demands under the Ministry of Defence subject to their being otherwise admissible.

Encroachment by China on Indian border

Shri Sivamurthi Swamy: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (7)

Failure of the Ministry to re-occupy the Pakistan occupied area in Kashmir.

Shri Sivamurthi Swamy: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (8)

Need for participation of army, navy and air force in development programme included in the Plan

Shri Sivamurthi Swamy: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (9)

Need to dispense with the compulsory passing of Basic Hindi examination for promotion to higher ranks

Shri Ramabadarani: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (10)

Need to sanction yearly increase in the salary instead of sanctioning increase every five years.

Shri Ramabadrans: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (11).

Need to ensure civil employment after release

Shri Ramabadrans: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (12)

Need for production of civilian goods in the Ordnance factories

Shri Ramabadrans: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (13)

Failure to provide adequate facilities for re-employment of personnel after discharge

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (14)

Failure to provide free educational facilities to the children of service personnel

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (15)

Need to appoint service personnel in the Defence Productions Organisations after release

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (16)

Need to introduce the system of verification through the District Soldiers, Sailors and Airmen's Boards instead of the Police

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (17)

Need to provide more facilities and amenities to armed forces

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (18)

Need to increase the salary of Jawans

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (19)

Need to remove regional imbalances in the matter of recruitment in the army

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (20)

Need to make the army a formidable force of National integration

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (21)

Need to expedite the revision of regulations for the Indian Navy

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (22)

Utilisation of imported equipment for testing over hauled fuel pumps of aero-engines

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (23)

Delay in disposal of surplus land and building at Landour Cantonment

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (24)

Need to abolish the condition of compulsory passing the Hindi test for purposes of promotion.

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (25)

Need for yearly increment in the salary

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (26)

Need to review the cases of Jawans discharged on political grounds

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (27)

Need to utilise surplus manufacturing capacity of Ordnance Factories for manufacture of civilian goods.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (56)

Need to have coordination between Ordnance Factories Technical Development Establishments and E. M. E. Workshops.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (57)

Need to produce People's Car in Ordnance Factories

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (58)

Need to have a special alloy steel plant under Defence Ministry

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (59)

Need to manufacture heavy vehicles in Ordnance Factories and allied defence establishments.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (60)

Need to expand HAL at Bangalore to step up production of more aircraft.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (61)

Need to remove the discrimination between the non-industrial and industrial employees in defence establishments in the matter of service conditions.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (62)

Need for construction of more quarters for civilian employees in defence establishments.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (63)

Immediate need to implement the Pay Commission recommendations regarding leave to industrial workers in defence establishments.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (64)

Need for abolition of contract system in M.E.S.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (65)

Need for implementation of orders regarding 80% permanency of industrial and non-industrial employees.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (66)

Need to revise the pay scales of D. S. C. personnel

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (67)

Need to institute negotiating machinery at three levels to discuss grievances of civilian Defence employees

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (75)

Effect of recommendations of the Reghuramaiah Committee on the J. C. Os. and other ranks.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (76)

Need to have more quarters for the army personnel.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (77)

Need to have better educational facilities for children of other ranks

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (78)

Need to produce AVRO-748 by I. A. F. at Chakeri, Kanpur

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (79)

Purchase of Supersonic jets from U.S.S.R.

Shri Warrior: I beg to move:

That the Demand under the head Ministry of Defence be reduced by Rs. 100. (80)

Need to abolish the system of police verification at the time of enrolment

Shri Ramabadran: I beg to move:

That the Demand under the head Defence Services, Effective-Army be reduced by Rs. 100. (32)

Need to enhance the pay scales of Jawans

Shri Ramabadran: I beg to move:

That the Demand under the head Defence Services, Effective-Army be reduced by Rs. 100. (33).

Failure to safeguard Indian's frontiers from foreign aggression

Shri Rishang Keishing: I beg to move:

That the Demand under the head Defence Services, Effective-Army be reduced by Rs. 100. (34).

Failure to evict foreign invaders from the Indian territories

Shri Rishang Keishing: I beg to move:

That the Demand under the head Defence Services, Effective-Army be reduced by Rs. 100. (35).

Need to bring about proper understanding and cordial relations between the security forces and the civil population in the frontier areas

Shri Rishang Keishing: I beg to move:

That the Demand under the head Defence Services, Effective-Army be reduced by Rs. 100. (36).

Need to strengthen the defence measures in the frontier areas

Shri Rishang Keishing: I beg to move:

That the Demand under the head Defence Services, Effective-Army be reduced by Rs. 100. (37)

Need to build network of all-weather motorable roads to connect the strategic borders of the East and the North of the country

Shri Rishang Keishing: I beg to move:

That the Demand under the head Defence Services, Effective-Army be reduced by Rs. 100. (38)

Criteria for promotion in the Armed Forces

Shri Rishang Keishing: I beg to move:

That the Demand under the head Defence Services, Effective-Army be reduced by Rs. 100. (39)

Need to build a number of air strips in the Eastern and Northern frontiers of the country.

Shri Rishang Keishing: I beg to move:

That the Demand under the head Defence Services, Effective-Air Force be reduced by Rs. 100. (40).

Need for reservation of seats for children of ex-servicemen in the Sainik schools

Shri Ramabadrans: I beg to move:

That the Demand under the head Defence Services, Non-Effective be reduced by Rs. 100. (41)

Need to enhance the maximum rate of family pension

Shri Ramabadrans: I beg to move:

That the Demand under the head Defence Services, Non-Effective be reduced by Rs. 100. (42)

Need to construct more family quarters for Jawans

Shri Ramabadrans: I beg to move:

That the Demand under the head Defence Services, Non-Effective be reduced by Rs. 100. (43)

Need to change the District Soldiers, Sailors and Airmen's Board into a permanent body

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Defence Services, Non-Effective be reduced by Rs. 100. (47)

Need to open Sainik Schools in Kozhizode, Badagara, Cannanore and Tellicherry

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Defence Services, Non-Effective be reduced by Rs. 100. (48)

Need to provide copies of 'Sainik Samachar' to the ex-service-men free of cost

Shri A. V. Raghavan: I beg to move:

That the Demand under the head Defence Services, Non-Effective be reduced by Rs. 100. (49).

Need to give more 'B' vehicles to ex-servicemen on hire purchase through the District Sailors, Soldiers and Airmen's Board and the Post War Reconstruction Fund.

Shri A. V. Raghavan: I beg to move:

That the demand under the head Defence Services, Non-Effective be reduced by Rs. 100. (50)

Need to provide grants to ex-servicemen's Co-operative Societies

Shri A. V. Raghavan: I beg to move:

That the demand under the head Defence Services, Non-Effective be reduced by Rs. 100. (51)

Failure of the Defence industries to produce all the necessary articles for the army and civil supplies too

Shri Sivamurthi Swamy: I beg to move:

That the demand under the head Defence Capital Outlay be reduced by Rs. 100. (53)

Need for production of civilian goods in Ordnance factories

Shri A. V. Raghavan: I beg to move:

That the demand under the head Defence Capital Outlay be reduced by Rs. 100. (54)

Need to establish an Ordnance factory in the Malabar region of Kerala

Shri A. V. Raghavan: I beg to move:

That the demand under the head Defence Capital Outlay be reduced by Rs. 100. (55)

Mr. Deputy-Speaker: These cut motions are now before the House.

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, if there is one service in free India about which one can feel proud in an un-qualified way, it is our defence forces. I believe our defence forces have given an excellent account of themselves wherever they have been called upon to help our country: in Kashmir, in Goa, Daman and Diu, in other places, in our international commitments, in the time of famine, in the time of breakdown of law and order, in the time of the breakdown of some of our dams. In all these emergencies our defence forces have come to the rescue of Indian citizens. And I believe that anyone who has the good of this country at heart will pay his humble tribute to our Defence Services. I think of Karam Singh (and his companions) who braved the ruthless cruelty of the Chinese, and who came here with his feet frost-bitten. I think of the four airmen who were the prisoners or the captives of the Naga hostiles, and who are luckily with us today. I think of the people who are doing a magnificent job on behalf of the country in the Congo. I think of the International Supervisory Commission in Indo-China.

I believe that if there is any thing about which any Indian can be proud, it is our defence services, and I believe that not a word should be said about our Defence Forces which may destroy their morale. The morale is not built up only by means of material resources, by means of pensions and gratuities and salaries, the morale is not only built up by means of houses; all these things are necessary, no doubt, but every word that is spoken here is out either to build

[Shri D. C. Sharma]

up the morale of the Defence Forces or to destroy that morale. Far be it from any Member of this House, to whatever party he may belong, to do or say anything which will destroy the morale of the Armed Forces.

Having said that, I ask myself one question. I want to know whether our defence policy, as it has stood up to this time, needs revision or not. I believe that the time has come when our defence policy should be reoriented. I have got here before me the report of the British Defence Ministry, and this is what they say:

"The responsibilities of Defence are heavy. But we must not, and most of us do not wish to, shed the burden. We have peace and we believe that we can continue to have it, if we are prepared to play our full part in deterring war. This is the inspiration and reward of those who served the defence of their country in many fields."

This is what the British Government are thinking. They are living in the midst of peace. Are we living in the midst of peace? Look at our cease-fire line in Kashmir. It is so sensitive these days. There is a military build-up on the Pakistan side of the cease-fire line. Look at our border with China. I was amazed to hear an hon. Member saying that we have nothing to fear from China. I think that such soothing words can do more harm to our country than anything else. We have to fear every harm from China. China is out to do as much harm to us as possible. It has grabbed illegally and unconstitutionally such a big chunk of our territory. Unless China vacates that aggression, and unless China clears out of that area, I do not think that we can look upon China as our friend, even though some of my hon. friends sitting over there may try to sing a song of praise.

What I was saying was that we are not living in a state of peace. Every day, there are questions put on the floor of the House about what is hap-

pening on the border between India and China, about what is happening on the cease-fire line between India and Pakistan and so on. All these things are there to show to us that we are not living in a state of peace, that our borders are live and sensitive and that we face danger not only from one quarter but from two quarters. A country that is situated like that has not to think that it is living in peace with its neighbours or with anybody else.

So, I believe that our defence policy which was a policy based upon non-alignment, which was a policy based upon peace, and which was a policy based upon the security of our country, should be revised now. We stand for peace; we stand for non-alignment, and we stand for the security of our country, but we have got to build up strength so that Pakistan which is getting military and economic aid from the USA, the UK and other countries, and China which is brandishing the big stick before us, may feel that India is not to be trifled with. Therefore, the time has come when we should try to think of building up deterring strength. How can we do that? I think we can do that by taking into account all those factors which are necessary in order to make India not only strong in the field of industrial production but also strong so far as military power is concerned. Far be it me to suggest that we should use military power against anybody. But I will be failing in my duty if I do not say that we should have military power so that no nation dare look with covetous eyes and avaricious eyes upon our territory. I think this is what we should do.

Now, how are we going to do that? I look at the Budget that has been given to us. Of course the Army gets Rs. 224.66 crores. That is good; I welcome it. But look at the Navy.

Shri Raghunath Singh: Yes.

Shri D. C. Sharma: What kind of a Navy have we got? I am afraid, Sir, that I am standing next to a man who

is a sailor on land, not a sailor on sea. Therefore, I am very much afraid of him. We gave our Navy Rs. 19.34 crores last year and we give Rs. 19.53 crores this year. It is like giving a school-boy a prize which is worth one or two annas more than the prize he got last year. Is this Navy worth our country? We must have a very puissant, a very might Navy.

Now, on the Air Force we are going to spend Rs. 78.37 crores and odd. It is not sufficient but I think it is acceptable. But India which has such a big coastline should not be so neglectful of its Navy.

The day of conventional weapons is gone. The conventional force is now only a kind of a police force. In this report I have been wanting to read something about the word 'nuclear' or something like that. Of course words like 'radiation', etc. are there in the report but the word 'nuclear' has not been mentioned. Other countries are thinking in terms of nuclear weapons, atomic powered submarines and all those things but in our country we are still in the stage of conventional weapons. Even if we want to have conventional weapons, what kind of weapons can there be when the country is spending a paltry, miserable and pitiful sum of Rs. 19.53 crores on the Navy?

The foot soldier or the infantry will be important as long as this world lasts but it is the age of aeroplanes and airman and I believe, therefore, that something has got to be done so that our resources in Navy, in Army and Air Force go up. I will be told by the Defence Minister—he is a very resourceful man and ingenious debater and it is very difficult to argue with him—and I may be told by the Defence Minister: "What can I do; I have to cut my coat according to my cloth; I have got to frame this Budget within the resources that are made available to me." Quite right. I think he can ask for more resources because as I have said we are now living in an era of competitive strength with the two nations that are there; we have passed from the era of peaceful living.

The other point that I want to make is this. I have no doubt that our defence production has gone up. For that, I think the credit is due to the new look that our Defence Minister has given to the industry. We have done very good work during the last two or three years. I feel happy about it. I feel happy when I find that we are going to build trucks and tractors and so many other things. But I would say that even in the matter of these conventional weapons we are not self-sufficient. I would like to say that the Defence Minister should have a programme of production by means of which we can become self-sufficient so far as even these conventional weapons are concerned. Of course, there are projects to produce supersonic aircraft and all that kind of thing. There is a project to produce a kind of aircraft at Kanpur. All these things are welcome, but I want to see the Indian army equipped with Indian weapons. Unless that happens I think our Indian army will not be true to itself. As has been pointed out by my hon. friend here, it is no use getting this kind of equipment from this country and that kind of equipment from that country. I think it is no use having this kind of hotchpotch in this country. I believe that in this matter we should have our own resources and I believe it is not difficult to build up those resources.

Now, I will say a few words about the NCC. I believe the NCC is a good thing. Our young men and women have taken enthusiastically to it. I feel that there is more eagerness for the NCC than for anything else. But I would ask the hon. Minister, what about the ACC. Why are they keeping this ACC going? What good is the ACC doing? I want to ask, what is our Territorial Army doing. I respect those members and I salute the men of the Territorial Army. But then, I would say that the ACC is nothing but a kind of elementary drill-giving machinery. That is also not very properly done. It does not provide any kind of training either physically, mentally or militarily. Therefore, I think

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this ACC should be scrapped and in its place we should have the NCC all along the line.

At the same time I say that the Defence Minister should appoint a committee in order to go into the question of the Territorial Army. I believe our Territorial Army has been a half-dead and half-alive affair. I want that the Territorial Army should be worthy of its name and for that we must try to give it a new look, and we should go into this question very patiently and very sedulously. Unless we do that, I believe our defence potential will remain as it is.

Then there is the question of cantonments. Unfortunately, when India was divided, we left most of the cantonments in what is now called Pakistan. We inherited very few cantonments from the British Government. I feel that in spite of all this Amar Jyoti business—that is a kind of eye-wash—and all that kind of thing, our cantonments have not been constructed at that rate which was necessary for this country.

We must have cantonments. Without cantonments, you cannot have a contented army and without a contented army, you cannot have a proper defence for our country. How many cantonments have we got? Very few. So, I submit very respectfully that we must build more cantonments and family stations. Unless you have family stations for these army men, the morale of the army men is bound to go down.

I would like to say a few words about the ex-servicemen. In our country, ex-servicemen are the neglected children of the defence forces. I have something to do with them; I know some of their grievances, some of their needs, trouble and complaints and I feel that the Ministry of Defence is not taking as much care of these ex-servicemen as they deserve. The ex-servicemen are sore. It is a continuous process. If the ex-servicemen are not contented, people will think that the army business is not good on the

whole. Therefore, I would submit respectfully that the ex-servicemen should be looked after more carefully and more properly and that a new set-up should be organised in order to make these ex-servicemen happy and contented.

My last point is, we should try to build up some kind of voluntary force, as was suggested by the hon. Member who preceded me. Unfortunately, in this country, we are not defence-minded. We read the dailies, but it is very seldom that they write any article on defence. It is very seldom that we ready any article which has anything to do with the army.

Shri Khadilkar: Do they not write about the Defence Minister?

Shri D. C. Sharma: I am told that they have enough Information Officers in the army and they write something. I do not know where it is published. Our defence is a neglected subject, so far as this thing is concerned. This subject of defence should become popular with all sections of our people from the school boy up to retired people, men and women, scheduled castes, Harijans. It should cover all types of society, without any distinction of caste or creed.

Shri M. R. Krishna: Brahmins also.

Shri D. C. Sharma: Therefore, we should build up a kind of social service organisation, covering not only women, but also men, so that they can be a source of strength to the army and they can do some welfare work for the army.

I have no doubt that these suggestions of mine will be taken for what they are worth. I have no doubt that our defence forces are doing a very good job and our defence forces are the pride of this country.

Shri Bhagwat Jha Azad (Bhagalpur): Mr. Deputy-Speaker, many hon. Members have spoken on the defence budget in different strains but, all the same, they have complimented what is stated in the annual report, namely.

that the morale and the efficiency of the armed forces have remained high throughout the period under discussion. There is no doubt that in whatever field our armed forces have been called upon to work, be it in the case of national calamities, relief work or maintaining law and order, they have acquitted themselves very well. Apart from what they have shown within the country, outside also we have seen that in the case of Congo and Gaza they have acquitted themselves remarkably well. When we find in other countries armies are being sent or air-lifted to fight and kill and complicate the issues, our army is carrying on a very humane mission of maintaining peace in the world. So, in that sense, we can say that our army, both within the country and outside, are doing a good job.

In this context, when we see some of our friends making statements that our army is not sufficiently strong or efficient or equipped to maintain or defend our frontiers, we feel sorry that such unfortunate statements are being made. Only this morning we heard the Prime Minister saying that our army is sufficiently strong, we are sufficiently efficient and we are sufficiently equipped to defend our country. That is a good thing. I hope the Defence Minister or the Government will take care that in future at least such unfortunate statements are not made regarding our defence forces.

Though we have been shocked by such statements, we were amazed much more at the statements of the leader of the so-called free world dictating terms to us. We heard only this week that the leader of the free world, viz., the United States of America, protested to us regarding our intended purchase of fighter planes from the Soviet Union. Here I would like to ask one question. Have we ever interfered or said anything to any country about any matter of its defence? No.

We are not interested in re-armament. Rather, we are interested in disarmament. We used our full energy and full efforts at the Geneva Conference for disarmament and we have shown that we are not interested in building armaments. We are not interested in building up arms for aggression, as in the case of USA or USSR. We are not interested in building nuclear weapons which are doubly curvise in the sense that they kill or destroy not only the target but also the nation which produces them. That is why those countries which are producing nuclear arms are concerned and are not happy that they are in an advantageous position to hit their enemies, because they are afraid that it will recoil round their own neck. We are not interested in such things.

18 hrs.

We know our economic limitations. We feel that a country in order to become strong enough to defend itself has to become economically strong first. Therefore, we are giving more importance to our economic position; though we give equal importance to our defence, none the less, we are not in the arms race in which the free world and their allies are entering, creating tension and anxiety in the world. And yet, those very countries are coming and telling us: look, you should not do this.

Sir, I think our Government will take note of the resentment in the country, in the Parliament, that we are at liberty to purchase our requirements from anywhere we like and we will not allow any nation to dictate to us in this matter.

Mr. Deputy-Speaker: The hon. Member may continue his speech tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday May 30, 1962/Jyaistha 9, 1884 (Saka).