

[Secretary]

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

12:07 hrs.

ATOMIC ENERGY BILL

Mr. Speaker: The House will now take up consideration of the Atomic Energy Bill.

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): Sir, I beg to move....

Shri Hari Vishnu Kamath (Hoshangabad): Sir, on a point of order.

Mr. Speaker: What is the point of order?

Shri Hari Vishnu Kamath: My point of order is that the Bill cannot be proceeded with.

Mr. Speaker: But let him make the motion.

Shri Hari Vishnu Kamath: He cannot make the motion.

Mr. Speaker: Why?

Shri Hari Vishnu Kamath: I submit in all humility and with all respect that the Bill standing in the name of the Prime Minister and Minister of Atomic Energy cannot be proceeded with in this House because, in my view, it has failed to comply fully, strictly and meticulously with the provisions of rules 69 and 79 of the Rules of Procedure and Conduct of Business. I will read rule 69, which is as follows:

"69. (1) A Bill involving expenditure shall be accompanied by a financial memorandum.....".

Mr. Speaker: There is nothing before the House yet. Unless the House is in possession of the Bill, how can he take exception to it? Let the motion be moved.

Shri Hari Vishnu Kamath: So, I have to rise it after the motion is made?

Mr. Speaker: Yes.

Shri Jawaharlal Nehru: I beg to move.*

"That the Bill to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith, be taken into consideration."

The House may remember that the Bill relating to atomic energy was passed in 1948, fourteen years ago. Since then, a great many changes have occurred, a great many developments have taken place all over the world and that Act is somewhat out of date. It might have been possible to make amendments to it, but that was a cumbersome procedure with numerous petty amendments. It is, therefore, submitted to the House that we should put an end to the old Act and introduce a new Bill, which I am venturing to do now.

This Bill, broadly speaking, I should imagine, is hardly controversial; in fact, not controversial at all. There may be some suggestions which may be considered in regard to any particular wording or something. In the main, it empowers or gives certain rule-making power to the Atomic Energy Commission because in dealing with these radio-active substances it is very necessary to make very stringent rules to prevent any disaster taking place. So, we give this rule-making power to the Commission.

We have also stated that the atomic energy minerals, anything relating to

*Moved with the recommendation of the President.

them, should be under the ownership of the Government of India, more especially uranium. Further, it is stated that we will recognise no patents in India in regard to atomic energy. This is in accordance with the suggestion made by Justice Rajagopala Ayyangar in his report about patents. And certain penalties have been increased in case of infringement of the rules. This is, broadly speaking, the context of the Bill. The rest is more or less not controversial at all.

Fortunately, our Atomic energy establishments have increased and developed greatly during the last few years, and now we are on the verge of putting up, as the House knows, power stations based on atomic energy. On the whole, we have done well, and we hope to do better still. That means that we should have a proper legislation governing our activities in regard to atomic energy. This Bill seeks to provide that proper legislation.

It has been suggested that this Bill should be, I believe, sent to a Select Committee. Another hon. Member has suggested that it should be circulated for eliciting public opinion thereon. I really do not see how in a Bill of this kind which is not controversial at all, and which is rather in a sense urgently required, because the old Act is out of date, we should deal with these matters by these processes.

I would, therefore, submit that the Bill should be taken into consideration as it is, and I hope, passed in the course of this session.

I beg to move.

Mr. Speaker: Motion moved:

"That the Bill to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith, be taken into consideration."

Shri Hari Vishnu Kamath: I submit that the motion for consideration of this allegedly non-controversial but very important Bill is out of order, because in my view, it has failed to comply fully, strictly and meticulously with the provisions of rules 69 and 70 of the Rules of Procedure and Conduct of Business in Lok Sabha.

May I invite your attention to the wording of rule 69 which is very categorical, specific and mandatory? It is as follows:

"A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite.....".

—mark the words 'which shall'—

"..particular attention to the clauses involving expenditure and shall also give..".

—mark the words 'shall also' again—

"..an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law".

Sub-rule (2) of this rule reads thus:

"Clauses or provisions in Bills involving expenditure from public funds shall be..".

—again, the wording is 'shall'—

"..printed in thick type or in italics".

But then, there is a proviso, a saving proviso, which reads thus:

"Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Speaker may permit the member in charge of the Bill to bring such clauses to the notice of the House..".

I shall now refer to the proviso to sub-rule (2) briefly and dispose of that, and shall ask for your ruling also on this matter. I do not know whether you have permitted the 'member in charge' according to this proviso,

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to bring such clauses to the notice of the House as they are not in thick type or in italics in this Bill.

The most important rule with which we have to deal, with which we shall have to deal and the House also will have to deal is rule 69.

The Prime Minister and the Minister of Atomic Energy has my cordial sympathies, because it is true enough, and the memorandum says so—that it is not possible to indicate it; I sympathise with him; it is quite true that it is not possible to indicate it. Please have a look, Sir, at page 26 of the Bill. Somewhere in the middle of that page, in the financial memorandum, it has been stated that:

“It is not possible to indicate with any degree of accuracy the expenditure to be incurred from the Consolidated Fund of India as it would depend on the pace and extent of the programme for atomic energy development....”.

Further on, we find that:

“The extent of compensation incidental thereto cannot in the very nature of the case be estimated.”

I wish that rule 69(1) had a proviso of a character or of a nature similar to that for sub-rule (2). But sub-rule (1) has no proviso. If it had a proviso to the effect that if in the very nature of the case or the very nature of things, an estimate cannot be given, the Speaker may permit the member in charge to proceed with the Bill, then it would have been alright. But, unfortunately, the House is sovereign, the House has made the rules, and the House alone is competent to amend the rules, and neither the Prime Minister nor you, Sir, but the House alone can amend this rule and have a proviso to that effect stating that wherever in the very nature of the case or in the very nature of things, an estimate cannot be given regarding the recurring and non-recurring expendi-

ture, the Speaker may permit the member in charge to proceed with the Bill. But here, as the House will see, and as you, Sir, will kindly see, there is no proviso, and the Bill cannot be saved by the rules as they stand. I wish they are amended, and I hope that they will be amended in the near future so as to include a proviso of that character. But with the rules as they are before the House, the Bill cannot be saved, and the consideration of the Bill cannot be saved at this stage, and, therefore, the consideration of the Bill will have to be held over until such time as an estimate of the recurring and non-recurring expenditure to be incurred under this Bill is before the House.

The next point that I shall have to bring to your notice is with reference to rule 70, which reads as follows:

“A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.”.

The memorandum regarding delegated legislation appears at page 29 of the Bill. The objection which I am now raising is not of such tremendous importance as the objection I had raised earlier.

Mr. Speaker: Why not? Why not have that one of tremendous importance only instead of having this?

Shri Hari Vishnu Kamath: But I should state both the objections which I am raising.

The memorandum regarding delegated legislation at page 29 says, after detailing the various matters in respect of which rules may be made, says that:

“The rule-making power is thus of a normal character.” I do not know and I spent some little time in ran-

sacking the Rules of Procedure and Conduct of Business, to find out the definition and the connotation of the words 'normal' and 'exceptional'. I am sorry I have not been able to lay my hands or put my finger on the definition of these two terms, as to what exactly is normal and what exactly is exceptional.

Considering the importance of the Bill and the provisions it makes in relation to the uses of atomic energy for peaceful purposes, and not for war, I think that the rule-making power here is of an exceptional character, and to that extent, there is a light deviation from rule 70 of the Rules of Procedure and Conduct of Business.

I would, therefore, request you to give careful consideration to the objections I have raised on the grounds of procedure, and particularly rule 69 with regard to the lack of details of estimate of expenditure, both recurring and non-recurring, involved in case the Bill is passed into law. Such a memorandum is not before the House.

Therefore, the Bill cannot be proceeded with at this stage, and the motion for consideration of the Bill moved by the Prime Minister and Minister of Atomic Energy is wholly out of order.

The Minister of Law (Shri A. K. Sen): May I, on behalf of the Prime Minister, answer the objections raised? If I may say so with respect, while I listened very carefully to the objections raised by the hon. Member, as I usually do when the hon. Member raises them, I fail to appreciate either the importance or the strength of them.

If you will be good enough to take rule 69(1), which he read out, it is a very simple rule which you have come across so many times. It only requires a Bill involving expenditure to be accompanied by a financial memorandum which shall invite particular attention to the clauses involving

expenditure and an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law. So far as 'involving expenditure' is concerned, I do not think we have any difficulty. Then the hon. Member says that this Bill cannot be passed because Government have not given the exact amount of rupees annas and pies....

Shri Hari Vishnu Kamath: Under the rules.

Shri A. K. Sen: I have never heard, if I may say so with respect, a more baseless objection than this.

Shri Hari Vishnu Kamath: Baseless? It is under the rules.

Shri A. K. Sen: I said, 'if I may say so with respect'. The rules provide that we shall give an estimate....

Shri Hari Vishnu Kamath: Change the rules.

Shri A. K. Sen: and we say that we cannot because in an executory sanction that is an enabling provision; the Government cannot say that this is the exact amount to be paid. Take the clause regarding compensation for acquisition. We shall acquire it and the payment of compensation will be decided by the arbitrator. We shall know what the arbitrator will decide only in a future case.

The interpretation which has been consistently given by the Speaker here as also by courts outside is that the estimate required here is an estimate to be given, if possible.

Shri Hari Vishnu Kamath: No.

Shri A. K. Sen: That expression must be read into the clause. Where it is not possible, it need not be given. It is enough if the Government says that it is not possible, because the requirement of a rule is requirement of what is possible, not of what is impossible. That is the reasonable interpretation. The hon. Member has been a Magistrate himself. One of the cardinal principles of interpreta-

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tion of law is that a reasonable interpretation is to be given.

Shri Hari Vishnu Kamath: Do not refer to irrelevant matters.

Shri A. K. Sen: If the hon. Member lacks patience, it will be impossible.

Shri Hari Vishnu Kamath: You said 'baseless'.

Shri A. K. Sen: That is a matter of patience again. The hon. Member is not unknown to courts. He has been a Magistrate.

Shri Hari Vishnu Kamath: On a point of order, again. Why does he bring in the courts and Magistrates here? It is irrelevant.

Shri A. K. Sen: Courts have to be referred to when you have to deal with such matters.

Shri Hari Vishnu Kamath: Why?

Shri A. K. Sen: Why you deal with canons of construction with should be applied here as elsewhere, that is necessary.

What I say is that one of the cardinal principles of construction is that a reasonable construction is to be put which makes the statute effective and that construction should be avoided which makes the statute nugatory.

So I humbly submit that the construction of this rule is that an estimate is to be given—in terms of rupees annas and pies—if such is possible.

Mr. Speaker: This objection was also taken the other day by Shri U. M. Trivedi in connection with another Bill here. He contended that the financial memorandum attached to that Bill was not according to the rules.

Shri Hari Vishnu Kamath: I only said it was upheld.

Mr. Speaker: Order, order. I may be allowed to proceed.

Shri Hari Vishnu Kamath: It was upheld.

Mr. Speaker: At that time, I upheld that objection because in that particular Bill, the financial memorandum which was attached to it was not clear enough. It was so vague and ambiguous that it did not give anything about the expenditure. But this case can be distinguished from that. In that case, it was not even said that it was not possible to give the expenditure. Here it says that an attempt has been made. The effort was to give an estimate of recurring and non-recurring expenditure. The Government did try that, but the inability is that the circumstances are such that it is not possible to give an estimate. That is the excuse that is made here.

I quite agree with Shri Kamath that in the case of ordinary Bills, whatever they are, the rule requires that a financial memorandum should be attached and estimate should be given. Only a few days ago, I communicated to the Minister of Parliamentary Affairs—I hope he has circulated that—that Bills should be accompanied by that financial memorandum. But here I find that the financial memorandum does conform, or at least does attempt to conform, to that requirement. The effort has been made but the excuse is:

"It is not possible to indicate with any degree of accuracy the expenditure to be incurred from the Consolidated Fund of India as it would depend on the pace and extent of the programme for atomic energy development in the country and the extent to which the acquisition of certain rights or materials, plants etc. is necessary, depending upon this programme."

So that would depend upon circumstances which are all unknown for the present. We do not know anything as yet. I believe it was not

possible for the Government or the Ministry to make out any estimate about it at this moment. Indication has been given of that. So far as rule 69(1) is concerned, I think a reasonable interpretation, as the Law Minister has urged, must be put, and when it is not possible to give an estimate, it is not a violation of the rule.

So far as the other matter is concerned, the hon. Member also feels that it is not of so much paramount importance. But reference has been sufficiently given. The only thing is that these clauses are not put in bold letters as required under the rule. But I do not think that is of such a significance.

As regards rule 70, attention could have been drawn to the scope of the proposals, stating whether they are of a normal or exceptional character. I believe there is also a provision that every rule shall be laid before the Houses of Parliament and Parliament shall have the opportunity also of checking that. If something abnormal is being done, then too it can be amended at that time.

Under the circumstances, I find there is nothing more that is required and we might proceed with the Bill.

Shri Hari Vishnu Kamath: While I bow to your ruling, may I seek a clarification? May I ask whether the remedy in the present instance is to permit the Minister in Charge to go ahead with the Bill or to amend the rule and have a proviso to rule 69(1) and then bring the Bill before the House? The latter course would be more in conformity with parliamentary traditions and parliamentary procedure.

Dr. M. S. Aney (Nagpur): May I make a submission for your consideration? The Speaker has the power to suspend the operation of a particular rule. In the circumstances narrated by the Law Minister, it may be impossible for Government to give an estimate. So if it is necessary to

have a law like that, you have got the power to suspend the operation of the particular rule.

Mr. Speaker: I have not got the power, but the House has got the power to suspend any rule. If there had been any violation of a rule, I would certainly have requested the House for that. But under the circumstances, I do not think there is any necessity for asking the House to suspend that rule.

Shri Hari Vishnu Kamath: Does this mean that as it stands we can proceed with the Bill?

Mr. Speaker: Yes, exactly.

Shri Hari Vishnu Kamath: Rather unfortunate.

Mr. Speaker: Things do happen which in the view of some are rather unfortunate. But we have to bear with that.

Shri Hari Vishnu Kamath: The rule should be amended.

Shri A. K. Sen: If hon. Members will be good enough to refer to clause 30 of the Bill which sets out the rule-making powers, it will be noticed that the rules are to be made only for the purpose of carrying out the provisions and purposes of this Act. It is very difficult to say whether any of these rules would be extraordinary having regard to the purposes of the Act, because items (a) to (n) are all absolutely necessary for the purpose of carrying out the provisions of the Act. There are no rule-making powers which are of an extraordinary character, and that is why we have not brought specifically to the pointed attention of the House any particular clause which may be regarded as extraordinary, because each one of them is necessary for the purpose of carrying into effect the provisions of the Act. Take (a):

“declaring any information not so far published or otherwise made public as restricted information and prescribing the

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measures to be taken against unauthorised dissemination or use thereof."

That is a sub-clause which prohibits the dissemination or disclosure of information which may be regarded as secret or concerning the security of the State. That is why it is absolutely necessary that there should be a declaration as to what information should be regarded as restricted information.

Take (b):

"declaring any area or premises as prohibited area and prescribing the measures to be taken to provide against unauthorised entry into or departure from such prohibited area;"

This is absolutely necessary in order to provide for the safety of not only the workers who are working, but also the neighbours from contamination of radio-active substances and radiation. So, we have not been able to point out any particular provision which we regard as extraordinary.

Mr. Speaker: They would be of a normal nature?

Shri A. K. Sen: They would be of a normal nature.

Mr. Speaker: That is all right. One thing else he brought to my notice about the proviso to the rule, namely that such clauses as entail expenditure ought to be in big type. I allow that for the present, but in future it may be done.

Shri A. K. Sen: It should have been done, and we shall bear it in mind. I shall give instructions to our Legislative Department to bear this in mind.

Shri Hari Vishnu Kamath: It should have been done this time, not next time. You have been let off with an admonition.

Shri N. Sreekantan Nair (Quilon): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1962."

Shri Hari Vishnu Kamath (Hoshan-gabad): I beg to move:

"That the Bill be referred to a Select Committee consisting of 15 members, namely; Dr. M. S. Aney, Shri Ramachandra Vithal Bade, Shri S. M. Banerjee, Shri Homi F. Daji, H.H. Maharaja Pratap Keshari Deo, Shri Kashi Ram Gupta, Shri Hem Barua, Sardar Kapur Singh, Shri Harish Chandra Mathur, Dr. G. S. Melkote, Shri P. S. Nataraja Pillai, Shri Sham Lal Saraf, Shri Bishan Chandar Seth, Shri Prakash Vir Shastri, and Shri Hari Vishnu Kamath with instructions to report by the last day of the second week of the next session."

Mr. Speaker: The original motion and these amendments are before the House.

Shri Hem Barua (Gauhati): Will you please increase the time?

Shri Hari Vishnu Kamath: For increasing by one hour, you have discretion.

Mr. Speaker: Let us see how the debate proceeds.

Shri Hari Vishnu Kamath: It will be interesting.

Mr. Speaker: The Chair has got one hour discretion.

Shri N. Sreekantan Nair: I am sorry to hear the Prime Minister say that the provisions of this Bill are quite harmless, and that there are no provisions which are of a controversial nature. As a matter of fact, this is one of the most controversial Bills which have come up before the House. That is my opinion regarding this

Bill. That is exactly why I have moved the amendment that the Bill be circulated to elicit opinion thereon by the 31st October, 1962.

I have proposed only a short time, because I knew that the Government would naturally be advancing the claim that it is a very important Bill and that it must be passed in haste. But we have got, as pointed out by the hon. Prime Minister himself and by you, the Atomic Energy Act of 1948. Those provisions are sufficient for the time being, and there is no reason why we must rush through this Bill at this stage, without giving sufficient time to us to go into the details of its implications.

I say that the Bill has got profound and fundamental implications regarding the future of India and the relations between the States and the Centre.

In the Statement of Objects and Reasons, the Government have advanced only very insignificant reasons for ushering in this new Bill and for repealing the old enactment. One is the developments in the field of atomic energy since the enactment of the Atomic Energy Act, 1948 (29 of 1948); the second is the implementation of the future programme of expansion.

In the modern world of inter-continental ballistic missiles and space travels, of thermo-nuclear energy controlled and harnessed to the multitudinous purposes of peace and war, the modest development of atomic energy in India during this short period cannot be considered to be of such a very important nature, of such a fissionable nature as to burst the bounds of the existing legal set-up. It is also difficult for me to believe that a delay of two months will seriously affect our future programmes. Therefore, I submit that this Bill may be circulated for the following reasons.

1531 (Ai) LSD—7.

First of all, this is the most ill-drafted Bill which has come up before the House. Reference has been made to the Financial Memorandum. It may be very difficult to say exactly what is the expenditure required for purchasing mineral sites or running a plant or purchasing a plant for processing uranium or plutonium, but what is the difficulty in just calculating what would be the expenditure for setting up a machinery to take over the responsibility of inspecting the atomic factories under the Factories Act. There is a very definite provision here, and it is a very important provision. Under the Factories Act of 1948 the Labour Ministry is given the responsibility of supervising factories, but that right is being taken away from that Ministry, and it is being vested in the Central Government. But the Central Government and the Atomic Energy Department do not know what its implications are, what responsibilities they have got to discharge, what the financial commitments are. They simply take over, and what would be the result? There would be an interregnum during which there would be no authority at all, and what will happen if there is no authority? Naturally, the lives of the workers will be in danger, and the plants themselves will be in danger. A factory is such that supervision over it cannot be suspended, but here the authority of the Labour Ministry is taken away, and there is no provision to substitute another authority before it is taken away. I emphasize the word "before", because if a machinery is not set up before, naturally there will not be any machinery immediately the Bill becomes an Act, and naturally there would be an interregnum, a void.

Naturally, they could have calculated how many inspectors, how many officers they would require to go round. That is very easily calculable, and it could have been put down here. But what happens is this department, unfortunately, has been all along basking in the sunshine of

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the Prime Minister's favour, and they do not care what this House or any body else says about them. They can go and do what they please. Otherwise, they could have brought in a definite statement at least as to the financial implications of such small clauses. It has not been done. If you look into the notes given in the Financial Memorandum, such clauses are also not explained, and no specific estimates about them are given.

As for the Statement of Objects and Reasons, it consists of only nine lines. It does not as a matter of fact give any objects and reasons at all. The real objects and reasons which are hidden from the House, and which peep out from the notes on the clauses, are very suggestive and significant. They are of paramount importance to this country for the future.

With your permission, may I just bring out the implications of this Bill as I see them? Firstly, the Bill declares such minerals as uranium, plutonium, thorium, beryllium, deuterium or any of their respective derivatives or compounds, will become the property of the Central Government. That itself is a very important step. It may be also a controversial step, but so far as I am concerned, I do not wish to contribute to that controversy very seriously.

Secondly, the Bill terminates the existing rights of the State Governments engaged in mineral industries—States like Kerala and Madras—in respect of royalty and control over the mining and processing of these minerals and their derivatives and compounds. This is, in short, a Bill that is brought in to curtail the rights of certain States, of all the States in certain respects and particularly of certain States which are at present enjoying certain fundamental rights, including the control of mining and processing and the financial benefits of this industry. But the Statement of

Objects and Reasons does not say that. It does not state it openly but says it in a—I do not want to use the word—cowardly manner. Clause 31 says that the provisions of this Act shall be binding on Government. But in the notes on clauses, it is stated that this provision is necessary to make the provisions of the Act applicable to the State Governments; it is only in the latter part that the cat is out of the bag. This legislation is intended to take away the existing rights of the State Governments, especially Kerala, who run such industries of monosite and ilmenite. They could have openly stated that. The question naturally arises whether the concurrence of the State Government has been received prior to bringing in this legislation before this House.

It takes away the existing authority of the labour department to enforce the provisions of the Factories Act 1948 from all the industrial establishments processing such minerals. It also nullifies such provisions of the Indian Electricity Act, 1910 and the Electricity (Supply) Act of 1958 in fixing up the terms and conditions for future working of the projects, making the State electricity boards subservient to the Central Electricity authority. That involves every State in India. If the States do not have any objection, I do not see any necessity to oppose it here.

Last, but not the least, the Bill is designed to endow the Department of Atomic Energy with limitless powers. With this end in view they have profusely borrowed the provisions from similar enactments of the world such as the New Zealand Atomic Energy Act, 1945; the United States Atomic Energy Act, 1954; the United Kingdom Atomic Act, 1946; the U.K. Radio active Substance Act, 1948 and the Patent Laws of Fascist Germany. They go all over the world searching for more and more powers vested in such commissions and accumulate them all

together in their own hands. That seems to be the main purpose of the Bill though it has not been openly stated in the *Statement of Objects and Reasons*. These are fundamental issues which not only this House but the entire country must consider. If the States do not have any objection, then this House may not object. On this particular issue, I am sure that my State has not been consulted. Kerala Government has been getting about Rs. 75 lakhs every year as royalty from this industry and the Central Government, a lakh of rupees as excise duty and Rs. 1.5 crores of foreign exchange. I would like to know whether this question has been placed before the State Government and whether they have conceded.... (An Hon. Member: Yes) The Prime Minister can say that. So far as I know, it has not been done and if so, this House should not consider this Bill, though it is presented by the leader of the House and the most important advocate of democracy in this country. Vesting so much power in administration is a thing which I fight shy of. You may remember that I raised certain complaints regarding the method by which the Commission was making Kerala a loser. They were buying from the State of Kerala monasite at £25 per ton and sold it to Tatas at £125 per ton who earned £175 per ton by selling it at £300 per ton in the European market. The Prime Minister refuted my statement impulsively but later on he found that it was correct. What is the result? The entire export was banned. Kerala Government and the people who got at least £25 per ton of monasite exported ceased to get that; the plants which were working there had to close down and the workers lost their jobs.

You may remember that in the 1953-54 Budget, there was reference to the provision of Rs. 2 lakhs for a project for producing titanium metal. I do not know why that project did not come up and that provision was not utilised. The Commission did not care to do it; it neglected it.

The market conditions were never studied; there was no research whatsoever conducted by this department regarding the other minerals that ought to be mined first before the monasite could be extracted. The technical side of atomic energy itself was the subject of controversy before this House and at the height of that controversy our Prime Minister had to reply to the remarks of the late lamented Dr. Meghnad Saha. For several years, the Atomic Energy Commission did not know that initial fission cannot be had from thorium. Therefore, thorium and monasite were held as very highly precious minerals to be guarded secretly. When Dr. Saha referred to these matters, he was dubbed as an outmoded scientist. It took them several years to realise this fact. Finally, Dr. Saha was invited by the American Government to visit their plant and when he came back he put up a lantern-show exhibition at the residence of the Prime Minister. I had the privilege of being invited to that show. Only then did the Government of India realise that thorium cannot be used for initial fission and that it can only be used as a medium. There was a chemist in charge of the department. I am glad now there is a nuclear physicist. Even that physicist is only one man. In this country there are eminent mathematical physicists like Dr. Bose and nuclear physicists like Dr. Roy Chaudhuri. Some of these people must be associated as advisers. You cannot depend upon one man so far as the technical side is concerned.

As far as inclusion of thorium among the list of substances which could not be refined or processed is concerned, I have got my objections. Thorium does not give initial fission. If it does not do so as in the case of uranium or plutonium, why should we bring it into this class and bring in other complications so far as Madras and Kerala are concerned? Naturally, Madras State is also concerned with this, because Manavala-kurichi has gone to the Madras State after the reorganisation of the States.

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So, the Governments of Madras and Kerala are very intimately involved in this, it is not an initially fissionable material. Thorium must be dropped the definition of the prescribed substances.

Mr. Speaker: The hon. Member should try to conclude now.

Shri N. Sreekantan Nair: I am finishing. These are matters in which I am interested and I have studied the subject. I want to place my points before the House because they are very important.

Mr. Speaker: I realise that.

Shri N. Sreekantan Nair: Now, it has been said that the question of internal working has been studied by the Atomic Energy Department. They want monazite and thorium; for thorium, they require monazite. But monazite cannot be economically and commercially treated without extracting ilmenite. Without finding out a market for ilmenite, you cannot process monazite economically or commercially. The market for ilmenite is no longer there. We have been producing 2½ lakh tons of it every year, and we were getting Rs. 1½ crores by way of foreign exchange. Nobody cared to make any enquiry about the changing conditions in the market or the complaints of the British and American companies, with the result that about 7,000 workers who were depending on this industry are now on the brink of starvation. About 4,000 to 5,000 workers have already lost their jobs. The contract between us and the Titanium Products Ltd. will be over by the end of next year technically, but practically by the end of April next year. Then the other remaining factories will also close down. There is an additional demand of 10,000 tons of ilmenite for the titanium company at Trivendrum. That is also in danger of closing down because the technical know-how which was being supplied by the British firm has been withdrawn. Our Atomic

Energy Department which claims to be so profoundly advanced and which has made such great strides in the field of atomic energy and in new techniques cannot provide the technical know-how. They have not also succeeded in providing for us some experts from some other countries to give us that technical know-how. So, the production of 10,000 tons of titanium pigments and the consequent gain in foreign exchange are also in danger.

Because of all these facts, I strongly press my motion. And we cannot afford to give the Atomic Energy Commission such vast powers, because there is the question of the existing rights and privileges including the financial rights of Kerala and Madras; also because the provisions of the Factories Act, the Electricity Supply Act and so many other Acts are being countered and nullified by this Bill. These questions must be gone into and the Bill must be circulated for eliciting public opinion thereon.

I request that my motion may be accepted by the House and by the Prime Minister because all these aspects to which I referred might have escaped his attention.

Shri Hem Barua: This Bill called the Atomic Energy Bill is a sign-post, and not a milestone as yet, of our development in the field of atomic energy. It signifies that we are stepping out of the age of the bullock-cart and stepping in to the age of atomic research. All contradictions between the traditional philisophy of timelessness and Dr. Einstein's world of "matter is equal to energy" is being obliterated, and a new world of atomic power is emerging before our eyes.

The title of this Bill says:

"to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith."

I would say that this is a unique and significant objective. I have gone through the Acts of the different countries like the United Kingdom and the U.S.A., and nowhere else have I come across such a categorical statement that atomic energy would be devoted to the cause of peace. In other countries there is a pronounced emphasis on the military aspect of it. I say that this is a tribute to our great country and a tribute to our great Prime Minister. I remember on a previous occasion the Prime Minister said that "under no circumstances will this country embark on nuclear weapons' programme, whatever might happen". This is what the Prime Minister said. These are brave words in themselves and it is fine idealism no doubt, but right or wrong, I have my apprehension: a Nehru might not be succeeded by another Nehru just as Asoka was not succeeded by another Asoka, nor Akbar was succeeded by another Akbar.

I have another point to make. I have seen the official statement on the high altitude tests of the United States of America. The statement says that "there was no danger to human life or hazardous levels of radioactivity on the ocean". On this point, because we have taken to peaceful pursuits as the objective of our atomic research, I would say that about radioactivity hazards no official pronouncement has come so far. No international commission of scientists has pronounced on this aspect of the matter, except that there are certain pronouncements made by individual scientists or groups of scientists. There was an international commission on radiological protection and it has made its recommendations. There was also another committee appointed under the chairmanship of Sir Harold Himsworth in Britain and it has also made its recommendations. This report, on the hazards of radiation, in the words of the United Kingdom Atomic Energy Authority, "provides a detailed summary of the biological effects of radiation and assesses existing and foreseeable levels of exposure to radia-

tion of the population in the United Kingdom." This is confined to the United Kingdom. Therefore, I say that there has been no official pronouncement, under the auspices of the United Nations Organisation, on the hazards of radioactivity.

On this account, because we are dedicated to the cause of peace and our dedication of atomic energy on the altar of peace is an illuminating chapter of our history, I would like to make a suggestion. Could not India introduce a resolution in the United Nations Organisation asking that international body to appoint an international commission of scientists to go into the question of radioactive hazards all over the world? I leave this suggestion to the Prime Minister for his consideration.

Again, I would say that when the world is wrangling today in the salubrious climate of Geneva over the question of a partial or a complete ban on high altitude tests or underground tests, our country has rather made a very revolutionary pronouncement. Yet, I would say that the title of the Bill is vague. It does not say what are the avenues on which our atomic energy research is going to concentrate itself, whether it is life sciences or physical sciences or both. I have gone through the United States Atomic Energy Commission Act. There, I find there is a statutory provision and it lays down definitely that it will concentrate precisely on the military aspect of it, and also on the aspect of life sciences and physical sciences.

I feel that this Bill has borrowed considerably from foreign sources. For example, clauses 9(1), 10(1), and 24(1)(d) are borrowed from the United Kingdom Atomic Energy Act. Clauses 4(1) and 5(1) are borrowed from the New Zealand Atomic Act; clause 2(f) from the Canadian Atomic Control Act, and clause 15(1) from the U.S.A. Atomic Energy Act and also clause 16 from the U.K. Radiation Substances Act, 1948. I do not

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have any objection for these clauses and the provisions of this Bill being taken from foreign sources. Why is it that we could not draw an inspiration from foreign sources, as other countries have done, to define the purposes, the peaceful purposes, the avenues—life sciences, or physical sciences or both—on which our atomic energy department would concentrate itself? That is my question.

13 hrs.

By its very nature, atomic research involves a process of borrowing, process of exchange of ideas and data. I do not have any objection to our borrowing from the Acts of different countries in formulating the provisions of this Bill. But what strikes me is why this basic idea of defining the purpose, that is enacted in Acts of other countries could not be borrowed also. Could we not draw inspiration from these sources?

Clause 10 empowers the Union Government to acquire the right to work the minerals necessary to carry out its programme. It is almost a verbatim reproduction of section 7 of the U.K. Atomic Energy Act, 1946. This is a very welcome provision and this power must be vested in the Central Government. Of our three reactors, Zerlina works on uranium fuel and it is computed that there are 30,000 tons of uranium resources in our country. So far the uranium resources in Rajasthan are not explored.

This wholesome provision is sought to be vitiated by another provision—clause 12 which says:

“Where the Central Government acquires in accordance with any law, any mine or part of a mine from which in the opinion of the Central Government any of the prescribed substances can be obtained, compensation in respect of such acquisition shall be paid in accordance with section 21.”

Clause 21 provides for an arbitrator in the case of a dispute between the Central Government and the individual or party concerned. When that dispute is not resolved even though the arbitrator gives an award, the party has a right to file a suit against the award in a law court. I am afraid this would involve a lot of delay. But then, the Minister might say that this has legal sanction and legal support of the Mines and Minerals (Development) Act and also of the Seventh Schedule of the Constitution. But what is our experience? Very recently we have seen the dispute going on between a certain State Government and the Mines and Fuel Ministry of the Central Government over the question of royalty and as a result, the exploration programme has suffered. I have some apprehension that if this long-drawn out process is allowed to operate, there is the danger of the work of the Atomic Energy Commission coming to a standstill. But we do not want the work of the Atomic Energy Commission to come to a standstill because we are embarking on a very laudable and ambitious programme and we want to succeed in the interests of our country.

Clause 15 also is full of ambiguity. I do not want to read it, but why is it that we could not draw inspiration from section 52 of the United States Atomic Energy Act, 1954, which vests all the powers so far as the quarries, minerals, prescribed substances, etc. are concerned, entirely in the hands of the Central Government? Section 52 of the U.S. Act says:

“All rights, title and interest in or to any special nuclear material within or under the jurisdiction of the United States now or hereafter produced, shall be the property of the United States and shall be administered and controlled by the Commission as agent of and on behalf of the United States by virtue of this Act.”

My complaint is that while clause 10 is laudable no doubt and inspiration is drawn from the U.K. Act, that has been vitiated by the addition of provisions like clauses 12, 21 and 15. The cumulative effect of all these restrictive provisions is that the work would suffer.

Clauses 22 and 23 visualise cooperation with other departments of the Government of India. For instance, they visualise cooperation of the atomic energy establishment with the Labour Ministry and Power Ministry. As far as I know, our Atomic Energy Commission is going to supply power to this country. But in atomic energy establishments of other countries like U.K., U.S.A., Canada and New Zealand, the ambit of cooperation is much wider. It ought to be wider. For instance, let us see for what purpose our Atomic Energy Commission would devote its work. It would devote its work to the production of radio isotopes and development work on their many applications, furtherance of basic nuclear science, work on health and safety problems, etc. These things would naturally bring the atomic energy establishment into contact with different departments of the Government. For instance, the atomic energy department would devote its research on eliminating salmonella food-poisoning organisms from the foodstuffs produced in this country. Other radio isotopes may be used for the improvement of our agriculture. That would naturally bring the atomic energy establishment into contact with the Food and Agriculture Ministry.

There are provisions in this very Bill regarding conditions of safety and radioactive hazards. Research on radioactive hazards and safety measures would bring it into contact with the Ministry of Health. Then, there is another purpose of this atomic energy commission to devote itself to the basic research in nuclear physics or nuclear science. But as far as I know, our Scientific Research and Cultural Affairs Ministry is engaged in that sort of work. Some univer-

sity laboratories are also engaged in that sort of work. But there is no provision in this Bill visualising any cooperation with these different departments of Government. What happens is, there is always duplication of work. On a previous occasion, I know the national laboratories were working on ceramics and the atomic energy department also was working on it. There was duplication of effort, which means wastage of national effort. Therefore, there should be some sort of provision in this Bill visualising cooperation with other departments also, as they have in other countries. I can quote, if necessary from the U.K. Atomic Energy Authority's report regarding the cooperation between the authority there and the other departments of Government. But there is no such provision in the Bill. Ultimately, I am afraid this would result in the issues being made more complicated.

Clause 20 says that inventions relating to atomic energy will cease to be patentable in India. The Prime Minister has made a reference to that. So far so good. But may I quote from the 7th annual report of the U.K. Atomic Energy Authority? It says:

"The Authority continued to protect inventions, resulting from their research and development work, by patents both in the U.K. and overseas."

I do not know why a provision of this sort could not be included in our Bill, because our atomic energy establishment also is going to invent things and these inventions must be protected as the U.K. has protected its inventions. But there is no provision like this here.

Clause 17 speaks about radio-active substances. It is a good clause. I like it. This has been framed entirely on the analogy of the Radio-Active Substance Act of U.K., 1948. This is all right. But besides radio-active materials, there are non-radio active materials of a toxic type. These non-radio

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active materials of a toxic type may also create a problem. There is no provision in this Bill to institute supervision so far as the working environment is concerned where this sort of research would be undertaken.

Sir, I find after a careful consideration of this Bill that there are certain loopholes and this Bill is not as comprehensive as it ought to have been. And, I would say, in all humility, to the Prime Minister that it is not as non-controversial as he visualises it to be. There would be some controversy, no doubt, because in spite of the fact that it is heavily borrowed from foreign sources, in spite of the fact that some of the provisions are verbatim reproductions from foreign Acts, this Bill is not as desirable as it ought to have been.

That is why, Sir, Shri Kamath, the deputy leader of our party, has submitted a motion asking that this Bill be circulated or sent to a Select Committee. I support that motion wholeheartedly, because in the interests of our atomic energy, in the interests of the progress that this Commission is making, and in the interests of the peaceful intentions that it visualises and the Prime Minister also visualises, this Bill should be sent to a Select Committee and then brought back to this House for consideration.

Shri Joachim Alva (Kanara): Sir, this Bill has brought a national and an international aspect before us. Further, our esteemed friend Shri Sree-kantan Nair has brought in a provincial or even a parochial view on it. I have very great sympathy with him and with his demands. But he forgets the recent quarrels and bickerings between one State and another. We fight on little pieces of land; we fight about a pipe line going from one State to another, we are not satisfied with the adjudication of one Minister and we even demand the adjudication of the Prime Minister, burdened as he is with any number of problems. Now it is a question of science and the

monozite, thorium or uranium sites in that great State of Kerala. We are happy and proud that Kerala has not only produced a man like Shri Sree-kantan Nair, a very strong and towering personality; but Kerala has also produced this priceless good material. India possesses the largest amount of thorium deposits in the world. That is something to be proud of. But that bit of national wealth belong to the nation. We have had enough of these quarrels between States and States

My esteemed friend Shri Hem Barua talked of heavy borrowings from foreign Act. We have borrowed from clause 6 of the Act of a tiny nation like New Zealand. It has also got a pattern to offer us in regard to the milk products. We have not only borrowed from clause 6 of the New Zealand Act, but we have taken more. We have gone beyond that. What is the mistake in borrowing from the United States Atomic Energy Act, from the British Atomic Energy Act, from the New Zealand Act, the Canadian Act or from any other Act?

But we have gone further. We should be proud of the title of this Bill. This title is something to be proud of; it is a crown of gold on our heads. We may not have armies and battalions in our defence forces. But this is something which comes out of our philosophy of non-violence; this is something which comes out of our love for peace and the great spirit of *Panchsheel*. It says that it provides for development, control and use of atomic energy for the welfare of the people of India. I would have liked to add, if I had been allowed to move an amendment, "for the welfare of mankind".

This is far ahead of the American Act, which came out early in the market—if I may use that phrase. I want to ask my hon. friend, why is he opposed to this clause in the Bill? Does he know that the Air Corporations Bill was passed by this

House on an afternoon? I cannot help remember that episode. My esteemed friend, Shri Kowshik, who was sitting there and who was one of the last speakers, was involved in an air crash within 12 hours and he died. We based that Bill on the British Act. Is the Air-India in any way an inferior airline? Whenever we go abroad we put up our heads with pride on seeing the Air India folks, flags and machines. Even the KLM, a mighty plane service like that, has had a loss of 20 million dollars only two years ago. The Dutch Government pay them very high subsidies. Not so the case with Air India at present. The Air India is making a profit.

I am sorry, Sir, I am going off the track. My hon. friend I should say, is ignorant of facts, of the many valuable and good acts from which we have borrowed.

Mr. Speaker: The hon. Member is also going a little off the track. Shri Hem Barua did not ask for not borrowing. He had no objection to borrowing. He rather wanted that something more could have been borrowed.

Shri Joachim Alva: That is what I understood him to be saying.

Shri Hem Barua: He has misunderstood everything, and he is wasting his thunder for nothing.

Shri Joachim Alva: In regard to our policy, in March 1947 the Prime Minister laid it down very clearly at the Asian Relations Conference that Asia would play her part in the atomic age not as a pawn but as a party. The modern world has been seized with fear of the bomb, and with that wisdom seems to have gone out of us. That is why in the American Atomic Energy Act the military clause is put. It is stated therein that atomic energy is capable of application for peaceful as well as military purposes. They justify the use of military weapons and they justify the use and exploitation of atomic energy for military

purposes. With all the precautions that America has taken in regard to atomic science after the senatorial investigations about the character of scientists, the scientists were equated with bombing and espionage. With all the precautions that America has taken, with all the water-tight compartments that America has, what has happened? Between 1958 December and November 1959, they exported radio-active isotopes to foreign countries. To Canada they exported 3555 isotopes, to Brazil 1225, to Japan 1120, to Cuba 865—Cuba stands fourth in the list—to India 105 and to Pakistan 23.

Why I am mentioning this is that with all the wisdom that scientists or politicians may concentrate to keep their goods together, something goes wrong somewhere. With all that, Cuba was ranking fourth in the countries wherein radio-active isotopes were exported by America upto 1959. You may do whatever you like. You may impose an iron curtain. You may have aerial Maginot lines. But that is not going to help us.

What have we done? The Indian Atomic Energy Act is something of which we should be really proud of. We have brought in no spirit of violence. The Indian Atomic Energy Act demands that everything shall belong to the State. Reactors and nuclear stations are run by private agencies in the United States. That leads to some trouble. That leads to demands for more defence appropriations. Even Ex-President Eisenhower on the eve of his retirement bitterly complained that the defence budget was very high and that private capitalists were trying to demand more and more appropriation for their own factories.

Now, this is the situation we are avoiding from the very beginning. We are trying to get the best from everybody. Unfortunately, we have not been able to get the Atomic Energy Act of the Soviet Union. It is worthwhile remembering that we have got to build up generations of boys and

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girls who will intensely be interested in the study of physics. We average citizens, do not know what is an atom, what is a neutron or the other modern technical terms. The television that we are trying to introduce should not be so much utilised for drama or other arts never for sex or crime stories. It should be utilised for programmes for our students so that through the television our students may start taking a great interest in physics. Our progress in science is not half as much as when Britain entered the war. Between Dunkirk and VE-Day, Britain produced a number of quality scientists, perhaps the best in the world. Great Britain discovered penicillin, then smashed the atom and then the radar. These are the three great inventions which have shaken up modern science. Then some of the scientists went away to the United States or Canada because Britain did not have the funds and Britain was under the power of the bombs on their heads. Our studies in physics are not so very advanced. They are advanced in fundamental research and others, but what I am talking of is not the progress at the top but the progress at the lower level, where we must make an intensive effort.

Barely two or three years ago, the Americans had a nationwide television programme of physicists for college boys and girls and they roped in mighty and eminent scientists and writers to speak on that programme. That programme was a wonderful success. In one single university, like the Pennsylvania university, which draws more scientists than others, the maker of the hydrogen bomb, Dr. Teller, whose lecture I had the pleasure of attending and whom I had opportunity to mention the last occasion when the debate on atomic energy was going on, gave a very instructive and illuminating lecture.

Today we are not satisfied with the quantity of quality scientists amongst us. We have quality scientists

amongst us but why not have more of their quantity? Why not Kerala produce more scientists of the top rank? I say this in all humility and not in a spirit of conceit that "I have got better" or "you have not got better". We should all concentrate on science. Science and power are going to make tremendous changes in India. Science and power will make a great difference in all our thinking.

We have got 26 national laboratories and we have produced about 700 patents. But we should not be content with this progress. America, at the end of the war, had 600,000 professional scientists and engineers. Before the War II, they had 375,000 scientists and engineers. Our number is not enough. We have to double our present number. The Russians, I need hardly say, were able to send two men to the moon, or almost near to the moon and they were able to talk to each other whilst in space. This feat of theirs was largely due to the young women in their laboratories who work very hard and who are not seen. In the same way, behind the scenes we must interest our young women in scientific training in laboratories so that they could be the power behind our scientific progress.

The Indian capitalists have not utilised the talents and resources of our scientists. How many companies can claim scientists on their board or as their chief advisers regularly? The Indian capitalists are very, very keen about collaborators. They are very keen of collaboration and their collaboration is all right to get us more foreign money. But what about collaboration with our own kind, of our own flesh and blood, of our scientists who can keep our country high?

Many of our scientists and engineers have gone to America and other countries to make money. Some of them are very good scientists, capable of producing many things. They need encouragement and a helping hand.

We must try to recall every scientist who has gone abroad to settle down and work here. He has gone there to get some dollars or some better salary. We must take care of their housing, their amenities for children, their medical charges, the amenities of their families, social welfare fund and so on so that they may be above need and thus make our country great.

Now after the bombing of Hiroshima subjects like neutron, proton, atomic fusion, chain reaction, radio activity and isotopes have all sprung up. So, today our Indian atomic energy establishment will have to take charge of the fall-out or the effects of radiation. It should not rest content by saying there is no radiation coming upon us or no fall-out is coming upon us. We have three kinds of fall-outs against which we have to guard ourselves. They are the close in fall-out, intermediate fall-out and the delayed fall-out. The delayed fall-out is of that radiation material that remains in the air for months and years. Unless we take care of this kind of fall-out, because the United States and the USSR would be going on with their nuclear tests with the consequent radiation effects, a time may come, when our people would be annihilated. So, our scientists have to take the necessary precautions against that in time. Just at present we are not seized with the problem of radiation and fall-out. But we do not know what sort of people will be around us, what sort of people will take care of us and what sort of designs other countries have on us. It is quite likely that our today's friends may turn into enemies of tomorrow and they may indulge in nuclear experiments. So, our scientists have to watch, experiment and see that thousands of our people are not in any way affected by the fall-outs.

Then we can make great use of this scientific knowledge, for genetics, pathology, agriculture, meteorology, oceanography, fisheries and disposal of radio-active waste. The disposal of radio-active waste is something

against which we must arm ourselves and be up against, especially when our nuclear stations will increase. Now there are 20 big nuclear stations in the United Kingdom and 140 reactors are operating in the USA. The problem posed by the large quantities of radio-active waste, coming out of these reactors is something which we have to face before long. There is, for example, banure from cow-dung which we can use but which we are not fully utilising, but something more will come in another shape which might cause our destruction against which our atomic energy body will have to take precautions.

The progress of our research is not as much as it ought to be. All the same, I should not fail to pay my tribute to our hon. leader, the Prime Minister who, by handling this Atomic Energy Department, has done an excellent job for all the fifteen years or over a decade. Over 300 scientists are taken every year by the atomic energy establishment and given training with some sent abroad. Here I will say that our quality downstairs must be first class, the quality in the middle better and the quality at the top should be best. I will also take this opportunity to pay my tributes to Dr. Bhabha and others who have trained a corps of scientists. But we should not be satisfied with training scientists in atomic energy. The other scientists also have to take care of the problems facing us.

While supporting the Bill, I have to say that I have great sympathy for my hon. friend, Shri Sreekantan Nair. To be frank and to take a common-sense point of view, I see no harm if we give a little percentage of what we get to them in the shape of royalties or whatever it is. Of course, I do not know how the phrase is to be drafted in the Bill. The State of Kerala being in possession of the largest deposits of thorium in the world, I think we shall have to do something for them in the shape of some subsidies or percentages in the profits or gross earnings. Being neither a busi-

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nessmen, nor an engineer or scientist I cannot suggest what exactly should be done to help that State, but something should certainly be done in that direction.

In the very title of the Bill we have used the words "atomic energy for the welfare of the people of India and for other peaceful purposes" and I hope we shall always keep this in the forefront. We should not forget that whether war comes or conflict comes we shall always keep the title of the Bill before us so that we can build a more strong nation, a great and strong nation which is unarmed but which, at the same time may be converted into a mighty power of resistance whenever any mighty power turns into our worst enemy.

Shri M. K. Kumaran (Chirayinkil): Mr. Speaker Sir, I am very glad that my hon. friend, Shri A. M. Thomas, is in charge of this Bill now because I can expect at least from him a sympathetic understanding of the feelings of the people of Kerala in regard to the implications of this Bill. Regarding the ultimate purpose of this Bill there is no controversy. As the Prime Minister has stated, it is a non-controversial Bill and as for the ultimate purpose or object of the Bill it is but proper that all of us should support the Government. We are all proud that our country is the only big country in the world which has accepted this policy of utilising atomic energy for peaceful purposes. So, in that respect I support the Government.

But, as regards other aspects, dealt with by Shri Sreekantan Nair and Shri Hem Barua, I say that this Bill should be circulated for eliciting public opinion. This Bill was circulated among Members only some five or six days ago and, now it has come up for discussion and it is going to be passed at 2.30 P.M. today, if I am not wrong.

Mr. Speaker: We can make it 3 O' Clock.

Shri M. K. Kumaran: If it is not an ultimatum which is going to expire at 2.30 or 3 P.M., I may appeal to the Prime Minister and the Government of India that this Bill may be circulated for eliciting public opinion and the Government and the people of Kerala be given time and opportunity to study the implications of this Bill and to get better treatment from the Government of India.

As my hon. friend has pointed out, the Government of Kerala was getting a royalty of Rs. 75 lakhs. During the days of the British rule; that is, when Travancore was a native State, we were getting very good terms even from the British Government. I remember one occasion when Sir C. P. Ramaswamy Iyer told the British Government that 'we would not give our mineral sands, unless you give the price that we demand'. That was the position that he took, and he strongly demanded better terms and he got them even from the mighty British Government. But, now, under an independent national Government, the Kerala State is not having even the status of a puny Native State in British India. That is a very deplorable thing.

My hon. friend Shri Joachim Alva, who is not here at the moment, began his speech like an all-India patriot, but he ended by saying that something should be done regarding the demand of the Kerala people. So, that is the opinion of most people; in whatever manner they may go on with their patriotic eloquence and oration, finally, they come to this conclusion that the Kerala State has got a legitimate claim in this matter.

In many ways, the people of Kerala think, and there is a feeling there, that they are not treated properly and they are not getting justice. In this matter, therefore, we should not give any room for that feeling to grow, and we must see that the Government of Kerala and if possible, the Legislature

of that State are consulted in this matter. This is a very important Bill which will affect the economic interests of the Kerala State.

We are now seeing so many disputes between the Central Government and some of the State Governments, namely the Assam Government, the West Bengal Government and the Orissa Government. The West Bengal Government are demanding the right to exploit their coal mines. The Orissa Government are claiming some share of the royalty or profit from the iron ore. The Assam Government are demanding increased royalty on oil. This is a pointer for the future. Even if we pass this Bill and even if the Central Government have the protection of the Constitution, they cannot go the whole way and expect that the States will surrender and agree to exploitation by the Central Government. So, we must draw a lesson from all these disputes, and see that we do not give scope for future disputes.

So, it is right and proper that this Bill be circulated for eliciting opinion thereon, so that the people of Kerala and the Government of Kerala will get an opportunity to go into the implications of this Bill. As far as my information goes, the Government of Kerala were not even consulted in regard to this matter. They are completely in the dark. So, in all fairness, I appeal to the Prime Minister and the Government of India this Bill be circulated so that the people of Kerala and the Government of Kerala will get two months to consider the implications of this Bill and come to an understanding with the Central Government.

I hope that before proceeding with this Bill, the Prime Minister, who is the greatest democrat in the world will see that it is circulated for eliciting opinion thereon.

Shri U. N. Dhebar (Rajkot): In the first instance, I would like to congratulate the Government of India and the Atomic Energy Commission for

bringing forward before this House a comprehensive Bill, not only claiming powers but placing a limitation on themselves, a limitation which explains the fundamental policy of this country, namely that atomic energy in this country will be utilised only for peaceful purposes. In the history of the world, in my opinion, an atomic Power is coming out with a declaration, and placing a limitation on its own self, a unilateral limitation, and I think that both the country and the Government can be congratulated upon placing that limitation on themselves unilaterally. I wish that what is stated in the Title of the Bill were also included in clause 3 of the Bill.

Shri N. Sreekantan Nair: On a point of information. May I know whether the Title of the Bill has got any legal binding in the enactment?

Mr. Speaker: He is not saying that; rather, he wants that it must be inserted in clause 3, so that it might become law.

Shri U. N. Dhebar: I am myself saying what Shri N Sreekantan Nair wants. It would have been better if it had been included in clause 3 of the Bill. I do not, for a moment, suggest that its non-inclusion takes away from the spirit of the policy of the Government, which is very clear.

It has been stated by the speakers from the Opposition that this Bill vests extraordinary powers in the Government. We should not forget that possession of atomic power by itself is a responsibility which will have to be regulated. It is not that anybody intends to curb the power or the freedom of the people of the country. But the very possession of an energy of a type which can be abused, and which can be used to the detriment not only of the people of the world but also of the people of India, if I may say so, requires to be regulated and controlled.

As the Bill itself makes it clear, the whole object is to control something

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which is capable of being abused to such an extent that the very life of the community may be extinct. I would, therefore, appeal to the Members of this House, especially the Members on the opposite side, to bear in mind this fact that we are inviting in this country an energy which will require readiness on our part to accept certain controls. All controls are not bad. Some controls will certainly be bad, as they may be opposed to the concept of freedom. But in this particular case, the control or the regulation is in the interests of the community, so that it may make for freedom of the country, so that this atomic energy may not be utilised to take away the freedom of the country. From that angle, I think that the controls and the regulations asked for in this Bill are salutary.

If there is any particular clause in the Bill where the control, in the opinion of the House, extends beyond what is necessary, that can be modified, but that is a question of amendment and not of circulation. It is a question of amendment and not of reference of the Bill to a Select Committee. For instance, I was just seeing the definition of the term 'prescribed substance' in clause 2 (1) (g).

I do not know whether this power is necessary. The definition reads thus:

"'prescribed substance' means any substance including any mineral which the Central Government may, by notification, prescribe, being a substance which in its opinion is or may be used for the production or use of atomic energy.."

—these terms 'production or use' are necessary—

"...or research into matters connected therewith."

Whether we should extend this to substances which may be used for research into matters connected therewith, whether we should go to that

extent or not, is a matter for the consideration of the House.

Shri N. Beekantan Nair: There are derivatives and compounds also.

Shri U. N. Dhebar: I think that derivatives and compounds should be included, but I do not think that substances used for research should be included.

What I am suggesting is that here is a question of balancing between the need of controlling certain things which can be abused and which can prove dangerous to the community and also the powers that may conflict with the liberties of the people of the country. I think that there may be small items here or there which can be rectified, and this balance can be maintained.

The country should know that we are entering an era which, on the one side, can prove hazardous and on the other can open out ways for the speedy development of this country, and it is necessary, in my opinion, that the Atomic Energy Commission and the Government of India, should, while they claim from the House and from the people these powers, also undertake the responsibility of explaining to the country both the hazards involved, and also the benefits likely to occur, in the development of atomic energy.

In my opinion, there is an imbalance in the world today in this respect. That imbalance is created because certain Powers in the world are not emphasising the peaceful uses of atomic energy but are thinking of the military aspect of it. Therefore, an atmosphere is created that everything connected with atomic energy is baneful or hazardous.

India is looking at this problem from a balanced angle. India's view is that there is no necessity for the world to be afraid of atomic energy for peaceful purposes. The danger lies in approaching the problem of developing atomic energy from the military angle. It is a

great crisis that faces humanity, a crisis not created by atomic energy but by a wrong approach to the concept of the use of atomic energy. From that angle, India has a great responsibility and also a great opportunity, great responsibility to emphasise this balanced approach and great opportunity to carry conviction to the world at large that atomic energy, if it is restricted to the welfare of the people, is a great boon, I do not know whether it lies within the scope of the functions of the Atomic Energy Commission or not, but I think it should be one of its functions to enlighten the people about this balanced approach.

I know Dr. Bhabha and his band of colleagues are working at the practical level. But this is a thing which is going to have such a revolutionary effect upon the social and economic welfare of the country. It is important not merely for what it counts to-day but what it counts also tomorrow and the day after. From that angle, it is necessary to educate the people of the country on the implications of atomic energy. The Atomic Energy Commission, in my opinion, is not merely concerned with putting up a few atomic energy plants but also bringing about that realisation and consciousness in the minds of the people that India has entered a new age. That age has very little to do with the age that we have left behind. Shri Hem Barua referred to the age of the bullock cart.

Shri Hem Barua: I also referred to India's traditional philosophy of timelessness.

Shri U. N. Dhebar: He said many other things.

In the context of the conditions obtaining in the country when nearly 70 per cent of the people are illiterate, to bring about that realisation about the change and the necessity to speedily assimilate the implications of that change is a great task. I do not know whether the Atomic Energy Commission has any contact with the Educa-

tion Ministry: I do not know if it is in touch with popular organisations in the country. It is necessary to harness the energies of all these institutions and bodies to the task of enlightening the country about the change that is coming over India. In a few years time, India will be studded with atomic energy stations everywhere. Let the people understand what this change signifies.

Finally, just now when I was listening to Shri N. Sreekantan Nair, I was asking himself whether we should look at this energy from the provincial angle or the national angle. A stage has come when India has to begin to think that so far as it relates to atomic energy it has to be viewed from an international angle. No other angle, in my opinion, can promote the peaceful uses of atomic power without those hazards. It may be that as time advances and other countries of the world also start setting up atomic energy plants, the question of sovereignty may also arise. Humanity will not be able to digest atomic energy unless it is prepared to subordinate, to a certain extent, not only provincial and regional interests but also national interests and the interests of humanity at large. That stage is coming. This legislation, in my opinion, therefore, is not merely one of the Bills coming before Parliament. I think this is a legislation which has such implications.

Shri N. Sreekantan Nair: Should not the States be consulted at least?

Shri U. N. Dhebar: I am sure the States must have been consulted or will be consulted. But we are also representing the States; it is not that we are not representing the States. To what extent does this Bill affect the economic and financial interests..

Shri N. Sreekantan Nair: The right of royalty is limited only to the expenditure incurred.

Shri U. N. Dhebar: We are assuring full compensation to everybody. The

[Shri U. N. Dhebar]

Bill implies that the interests of the States will be taken into consideration.

Shri N. Sreekantan Nair: I am sorry to interrupt. It is only concerned with profits...

Shri U. N. Dhebar: I am not conceding the floor to the hon. Member.

What I am saying is that the thing of the utmost importance to realise in the passage of this Bill is that a stage may come may be two years, three years, four years or ten years after, when we may have to consider to what extent we should be prepared, in the interest of peace in the world, in the interest of human security, to part with some of our sovereignty as we expect other countries of the world also to do

With these words, I lend my fullest support to the Bill and I am sure the Minister in charge of the Bill will consider, if it is possible, the need for embodying in clause 3 of the Bill the purpose set forth in the title of the Bill.

Shri V. B. Gandhi (Bombay Central South): I am glad that almost all the speakers who preceded me have seen the importance of the declaration that we have made in the long title of this Bill. My hon. friend Shri Hem Barua expressed a fear that perhaps in a contingency we might give up our stand or position declared in the long title. I can only assure him that his fears are unfounded. India is determined to maintain the position that she has always maintained in respect of atomic energy and its uses for peaceful purposes.

The Prime Minister has said that this Bill is non-controversial. That it perhaps is, but I know one thing, that this Bill is not easy to understand. It is comprehensive, but at the same time it also is somewhat difficult for us to understand. It has a diversity of ob-

jectives, and seeks to do a lot of thing. For instance, it restricts proprietary right to uranium; it seeks to state the method and scope of compensation; it develops a national policy in regard to atomic power; it suggests a pattern for co-ordination on a national scale on the electric power front; it takes over the duty of administering the Factories Act; it decides on a policy of refusing the grant of patents for inventions useful for or relating to atomic energy. There are a lot of other things it tries to talk about, such as strategic materials with military potential, radiation hazards and all such other things. This is a lot of doing for one Bill. Some of us have had to read the Bill more than once to understand its full implications. I wish Dr. Bhabha had helped the Members of this House by having some kind of an atomic energy orientation class that perhaps would have helped us some.

Anyway, in the field of atomic energy, I will repeat that we in India have achieved a certain position, have reached a certain point and we should remember that all this is principally due to the inspiring leadership of our Prime Minister, who has such great faith in science and scientific achievements.

Coming to some of the provisions of the Bill, I will first say a few words about the provision for refusing the grant of licences for inventions which have to do with atomic energy. Our first impulse on reading this provision about patents is not to approve it. We have a feeling that it seems to go against our grain. However, after studying the background of the whole question, one can now honestly say that on various practical considerations the provision in the Bill is, after all, a necessary provision that it is not going to do much or any violence to any of our ethical considerations. This question has already been examined by Justice N. Gopala Ayyangar. I have only seen a brief summary of his recommendations. Justice N. Gopala Ayyangar has frankly accepted the

position that in the circumstances of India we would be justified in preventing or in refusing the grant of licences in the atomic energy field. Here he states that there are three peculiar features to atomic energy inventions in India. One is that research and other technical work in this field are concentrated in Government establishments. And we see that the Bill provides that any invention conceived in any of the Government establishments will be deemed to belong to or to have been made by the Central Government. In this connection, we also know that most of the atomic research and development work in this country is being done under the sponsorship of the Central Government.

Secondly he states that all the applications in India are of foreign origin and relate to inventions evolved outside India. Thirdly, he points out that nearly 50 per cent of these applications are by foreign Government departments. Here we know and we have to remember that under the law a foreign government is not amenable to the jurisdiction of the Indian courts, and therefore no proceedings can be taken against such patentees either for revocation or for obtaining a compulsory licence. These patents are normally, under the circumstances that prevail all over the world, available to India. I do not have the time to go into the details, but because of certain provisions in our Act as well as because of the positions obtaining in the Acts of other countries, it is possible for us to have access to these patents, and therefore, there will be no sense in India incurring the expenditure in the first place in obtaining these inventions, and then paying money to have the advantage or the benefit of these patents.

14 hrs.

Finally, I would just say one word about the provision in this Bill to take authority to administer the Factories Act and to enforce its provisions. This authority is to be vested in the Central Government. It is of course necessary in consideration of the fact that

atomic energy development work had to deal with special hazards, and they alone have the capacity of qualification to provide the necessary protection against these hazards. Still, I would say that it is a large order that they are making on us and I only hope that everything will go on well in this matter of administering the authority of the Factories Act. With these words, I support the Bill.

Shri Krishnaopal Singh (Jalesar): Sir, it is unfortunate that on the one hand our Government has been committing blunders after blunders and, on the other, they have been receiving compliments after compliments from Members of this House. I will, with your permission like to allude briefly to the debate on the question of Ladakh the other day.

Mr. Speaker: Is that connected with this?

Shri Krishnaopal Singh: Yes, Sir. I wish to point out that instead of this Parliament trying to criticise the Government for making such omissions . . .

Mr. Speaker: He might just put his views on the Bill that we have got before us; he can take up the blunders at some other time.

Shri Krishnaopal Singh: No, Sir; I shall straightaway point out that there is a most glaring omission in this Bill. The Government has not even provided for the utilisation of atomic energy for defence purposes. We may be committed to the policy of utilising atomic energy to peaceful purposes. In the world in which we live today there was no harm in making some provision which later on, when the necessity arose, could be utilised for purposes of defence. That is the reason why I say that inspite of the Government's blunders most of us seem to view with one another in paying compliments to the Government. I would like to illustrate my point. The other day one of the hon. Members praised the Government in superlative terms for what they had done in Kashmir.

Shri Sham Lal Saraf (Jammu and Kashmir): What is its relevance to this subject?

Mr. Speaker: He says our borders are threatened and so we ought to have made provision for the use of atomic energy for war purposes also.

Shri Sham Lal Saraf: The purpose of the Bill is specific; let him refer to any specific provision here.

Mr. Speaker: He can say that it ought to be for war purposes also; he can argue for that.

Shri Krishnapal Singh: I shall illustrate my point. I am glad that the hon. Member whom I was going to refer has raised this objection. It was most astounding that coming from a part of the country where the Government has blundered most, not once or twice but over and over again, he should use such superlative terms for praising the Government. I shall now refer very briefly to what they did.

Mr. Speaker: He has now the liberty to use his own superlatives.

Shri Krishnapal Singh: I do not mean to do it. I was just mentioning that the Government was responsible for ordering a cease fire at a time when the last of the raiders were about to be driven out from that land. Not only that. They went out of their way to take the whole matter to the U.N.O.

Mr. Speaker: I might repeat my question.

Shri Krishnapal Singh: That is why I was saying that whatever be the composition of this House, we should not try to convert it into a sort of Moghul durbar where we are supposed in season and out of season to just offer compliments to the Government.

Mr. Speaker: It is not fair on his part to refer to the House as a Moghul durbar; there are responsible Members, including himself.

Shri Krishnapal Singh: I said 'like Moghul durbar'.

14.08 hrs.

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

I fail to understand why Government want to restrict the use of atomic energy to peaceful purposes. Why should they discourage private agencies from conducting research and developing this particular type of energy and not only place restrictions on research and development but to penalise certain actions? One of the hon. Members, speaking a few minutes earlier, said that they were doing it in order to impose certain controls which were necessary. We have sufficient experience of such controls and I do not think I am far wrong in saying on most of the controls imposed by the Government there is no control; there is no control over those controls. Control on various items of trade and industry, we know, leads immediately to their going into the black market. To extend these controls to other fields is most unfortunate. (*An Hon. Member:* There is no market for this commodity). There is a market.

I am not a lawyer but I wish to draw the attention of the House to one point. The term 'Central Government' used here is not clearly defined anywhere. I looked up the Constitution and did not find the term clearly defined there. For the "Central Government" they use either the "Union Government" or the "Government of India." Therefore, I do not know—I am subject to correction—if clause 3 will be all right in the face of this shortcoming.

As I said earlier, this provision of giving a sort of monopoly to the Government in the field of atomic energy does not seem to be justified when this energy is going to be used for peaceful means.

The third point that I would like to mention is that our research centres

for atomic energy should be located somewhere in the interior. It would be better if they were moved to the hills or the mountains. I think most of the countries who are conducting research on this subject have located their centres in different places, far away. Even England, apart from her plant at Calder Hall, not finding it desirable to put another in the whole country, transferred some plants to as far away as Canada. Therefore, for this important branch of our activity, whatever we may profess, we should locate our centres in places which are not easily accessible.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Krishnapal Singh: Lastly, I would like to refer to the rate of electrical energy which will be generated by the atomic station. Under clause 22, the Government will "fix rates for and regulate the supply of electricity from atomic power stations with the concurrence of the Central Electricity Authority." I think a proviso should be added to this and the point made clear. The proviso should be to the effect that they will do it only if the electricity generated is available at a lower cost than the electricity generated by other means. We know that the Government will have very great powers under this Act and they may even, if the atomic stations are not run efficiently, try to force the consumers to purchase the electricity at a higher rate than that produced by other means. So, I do agree with hon. Members who proposed that the Bill be circulated for eliciting public opinion. I think this is not such a non-controversial measure which should be passed in such a hurry by this House.

Therefore, I would certainly support hon. Members who want this Bill to be circulated. I hope the House will agree to it.

श्री बड़े (खारगोन) : उपाध्यक्ष महोदय, ऐटमिक एनर्जी बिल जो प्रधान मंत्री

यहां लाये हैं उस के लिये मैं उन का अभिनन्दन करता हूँ। लेकिन साथ ही साथ इस के प्रिएम्बल में जो यह लिखा है :

"To provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith."

उस के सम्बन्ध में मैंने इंग्लैंड का ऐक्ट भी देखा है, जहां ऐटमिक एनर्जी ऐक्ट, १९४६ का है, फिर रेडियो एफक्टव सन्सटन्सेज ऐक्ट है, रेडियो ऐटमिक एनर्जी ग्रयारिटी ऐक्ट है, उनको देखा। उन सब में यह है :

"to provide for the defence of our country."

आखिर इस बिल में आपने यह क्यों नहीं लिखा है मुझे तो इस का यही उद्देश्य मालूम होता है जैसा कि यहां भी जितनी स्पीचेज हुई, उन में कहा गया कि चूंकि शांति की रक्षा के लिये शांति के निर्माण के वास्ते, हम को किसी से लड़ाई नहीं करना है इस लिये ऐटमिक एनर्जी को डिफेंस के वास्ते, मिलटरी के वास्ते उपयोग में नहीं लाना है। जिस प्रदेश से मैं आता हूँ वहां पर जब मैं ग्रामों में जाता तो लोगों को यह कहते पाता हूँ कि उनके समझ में यह नहीं आता है कि जब चायना ऐटमिक वेपन्स लेकर हमारे सामने आता है पाकिस्तान ऐटमिक वेपन हमारे सामने लेकर आता है, गोआ में शांति के लिये हम गये लेकिन हम को वहां जब गोलियां खानी पड़ीं, तब यह जो आक्रान्ता राक्षस हैं, डेमन्स हैं, उन के सामने हम शांति शांति करेंगे तो वह शांति रहेगी। अपनी रक्षा करने के वास्ते यदि हम ऐटमिक एनर्जी से अपने डिफेंस और मिलीटरी वेपन्स तैयार करें, तो उस में कौन सा गुनाह है, कैसे वह शांति के खिलाफ जाता है, यह चीज मेरी समझ में नहीं आती। महात्मा जी ने जो ब्रह्मिहा हमारे सामने रखी

[श्री बड़े]

है, अगर हम उस अहिंसा और पंचशील को अपने सामने रखना चाहते हैं तो फिर मिंग विमानों की क्या जरूरत है? मिलिटरी की जरूरत क्या है, बन्दूकें तैयार करने की जरूरत क्या है? इतने बड़े मिलिटरी के इस्तेमाल के लिये डिफेंस कारखाने खोलने की क्या जरूरत है? जब आप गन पाउडर तैयार करते हैं, आप दूसरे शस्त्र तैयार करते हैं, जितनी मिलिटरी तैयार करनी चाहिये, उसे करते हैं, मिंग विमानों की तरफ झुक रहे हैं, तो एटमिक एनर्जी ने क्या गुनाह किया है कि उस का इस्तेमाल मिलिटरी की आवश्यकताओं के लिये नहीं हो सकता है? मेरी छोटी बुद्धि में यह प्रश्न आता है, गांव गांव के लोगों के मन में यह प्रश्न आता है कि इतने बड़े नेता जो राज्य करते हैं और कहते हैं कि हम संसार में पीस चाहते हैं, वे पीस के मंत्र को विरुद्ध जा कर एटमिक एनर्जी से मिलिटरी वेपन्स नहीं तैयार करते हैं, इस का कारण क्या है। जब आप ने इस में दूसरे देशों के ऐक्ट्स से कापी किया है तो इंग्लैंड में और यू० एस० ए० के ऐक्ट्स में जो डिफेंस का शब्द लिखा हुआ है, उस को आप ने क्यों नहीं लिया। इस डिफेंस शब्द को क्यों छोड़ दिया है यह मेरी समझ में नहीं आता।

मैंने अभी हाल में "हिन्दुस्तान टाइम्स" में पढ़ा :

"Big Headway by China, in the atomic field. The Chinese Foreign Minister, Mr. Chen Yi, said yesterday in a radio interview here that the Chinese have made great progress in developing nuclear power. He said that China possesses powerful organisations for research mainly for the peaceful uses of nuclear energy but also concerning the manufacture of the atomic bombs."

यह कामन पब्लिक के लिये अपील होगी। वह कहते हैं :

"We have to do this because the imperialists will consider us weak and despicable if we do not possess atomic bombs."

उनको दूसरे कमजोर समझें, इस लिये वह डिफेंस के वास्ते ऐटमिक एनर्जी के शस्त्र तैयार करते हैं। ऐसा वहा के फारेन मिनिस्टर श्री चैन यी कहते हैं। मैं पूछना चाहता हूँ कि यदि आप ऐटमिक एनर्जी से डिफेंस के वास्ते शस्त्र तैयार करें तो क्या हर्ज है? जब सब जगह ऐटमिक बम तैयार हो रहे हैं, शस्त्र तैयार हो रहे हैं तो रक्षा के नाते, प्रोटेक्शन के नाते यदि ऐटमिक एनर्जी से हम शस्त्र तैयार कर लें तो कोई हर्ज नहीं है।

लेकिन इतना कहने के बाद भी मेरे मित्र श्री कामत ने जो संशोधन रखा है सेलेक्ट कमेटी के निर्माण का, मैं भी उसका समर्थन करता हूँ। मैंने भी बहुत से अमेंडमेंट्स तैयार किये थे, लेकिन मैं समझता था कि पहले लैड ऐक्विजिशन ऐक्ट आयेगा और यह कल आयेगा। लेकिन जब मैंने आर्डर पेपर देखा तो पाया कि सब कुछ टाप्सी टर्बो हो गया, और यह बिल पहले आ गया।

मैं खास तौर से जो मंत्री इस से डील करते हैं उन के सामने दो तीन सुझाव रखना चाहूंगा। इस बिल में सेक्शन २५ है उस में लिखा हुआ है :

"'Company' means any body corporate and includes a firm and other organisations of individuals."

यह बहुत लूज डेफिनिशन है। लैड ऐक्विजिशन ऐक्ट में लिखा हुआ है जिस तरह से कि :

"'Company' means a company registered under such and such Act . . ."

उसी प्रकार से इस में डेफिनिशन होनी चाहिये थी :

"'Company' means any body corporate and includes a firm and other institutions of individuals."

कोई भी ऐसोसिएशन आफ इंडिविजुअल्स हो सकता है ।

Even if Mr. Kamath and myself go with our friends, it becomes a company.

कम्पनी में भी मनुष्य ही होते हैं । इस में इतनी लूज बडिम्स लिखी गई है कि अगर यह बिल सेलेक्ट कमेटी में जाता है तो कम्पनी के बराबर रख कर इस डेफिनिशन को सर्कमवेंट कर दिया जाता ।

दूसरी बात में सेक्शन २५ के बारे में कहता हूँ कि उस में बर्डन आफ प्रूफ क्या होगा ? इस में बर्डन आफ प्रूफ जूरिस्प्रूडेंस के प्रिंसिपल्स के तत्वों के खिलाफ रक्खा गया है । सेक्शन २५ में लिखा हुआ है :

"Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

निगेटिव बर्डन आफ प्रूफ साधारण जूरिस्प्रूडेंस के विरुद्ध रक्खा गया है क्योंकि इस में पाजिटिव सबूत होना चाहिये, निगेटिव सबूत नहीं होना चाहिये ।

दूसरा इस में डिफेक्ट यह है कि इसमें रिपीलिंग क्लॉज तो दिया हुआ है :

"The Atomic Energy Act, 1948 is hereby repealed."

लेकिन इसमें इसके साथ सेविंग क्लॉज नहीं दिया गया । सन् १९४८ के ऐक्ट के अनुसार बहुत से आर्डर्स और सरकुलर्स आदि दिये गए थे, उनके लिए इस ऐक्ट में सेविंग क्लॉज होना चाहिये जो कि इस प्रकार हो सकता था :

"Anything done or any action taken (including the orders, noti-

fications or rules made or issued) in exercise of the powers conferred by or under the Atomic Energy Act, 1948 shall in so far as it is not inconsistent with the provisions of this Act be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such thing was done or action was taken."

लेकिन इस प्रकार का सेविंग क्लॉज इस में नहीं है ।

दूसरा मेरा यह कहना है कि इसमें जो कम्पेन्सेशन का क्लॉज है वह डिफिनिटिव है । मैं ने दूसरे ऐक्ट्स में कम्पेन्सेशन का प्रावीजन देखा है, लेकिन इसमें उससे फर्क है । इसमें जो लोगों के राइट्स लिये जायेंगे उनके लिये कम्पेन्सेशन देने के लिये एक ग्यारान्टीर नियुक्त किया जायेगा और फिर केवल हाई कोर्ट में उसके फैसले की अपील हो सकेगी । बीच में कोई सीढ़ी नहीं रखी गई है । तो एक डिफेक्ट यह भी है ।

एक और डिफेक्ट है "प्रेसक्राइब्ड" नोटीरियल के बारे में । इस शब्द के आने से वकीलों को बहुत आसानी हो जायेगी । दूसरा शब्द है नोटीफाइ एरिया, इसके बारे में भी यही आपत्ति है ।

Prescribed substance means Government want to take powers in regard to any substance they like.

जब जब उनके दिमाग में आया कि इस नोटीफाइड एरिया या म्युनिसिपैलिटी को नोटीफाइड करना चाहिये क्योंकि इसमें प्रेस्क्रीब्ड सबस्टेंस है, वे ऐसा कर सकेंगे । यह बहुत बड़ी शक्ति गवर्नमेंट के पास रहेगी जिस चीज से भी एटांभिक इनरजी बच सकती है हर चीज को प्रेस्क्रीब्ड सबस्टेंस नोटीफाइड किया जा सकेगा । इसको सांफ करना चाहिये ।

[श्री बड़े]

इसके साथ मैं यह कहना चाहता हूँ कि इटामिक इनरजी के सम्बन्ध में अभी हिन्दुस्तान में पूरा रिसर्च नहीं किया गया है। हमारे यहां माइका माइन्स हैं जिनमें एक किस्म का पत्थर मिलता है। किसी ने अभी तक सर्वे नहीं किया है कि यह इटामिक इनर्जी पैदा करने के लिये काम में आ सकता है। यूरे साइंस का ज्ञान नहीं है लेकिन मैं ने सुना है कि माइका माइन्स में से जो पिच ब्लैक और वैरिल नाम का पत्थर निकलता है उससे इटामिक इनरजी पैदा हो सकती है। मध्य प्रदेश में झाबुआ में माइका माइन्स हैं उनका इस प्रकार सर्वे होना चाहिये।

हमारे यहां एक जर्मन ट्रस्ट आया था। उसने बताया था कि उनके यहां ट्रस्ट लोगों को सरकार की तरफ से जीगर कांउंटर नाम के यंत्र दे दिये जाते हैं जिनसे पता चल जाता है कि किसी अमूक पदार्थ से इटामिक इनर्जी निकल सकती है। ट्रस्ट इसकी खबर सरकार को देते हैं और फिर इसका सर्वे कर दिया जाता है। मेरा सुझाव है इस प्रकार का यंत्र हमारे यहां भी ट्रस्ट लोगों को दिया जाए। सतपुड़ा क्षेत्र में बहुत माइका माइन्स हैं और वहां का सर्वे किया जाए तो तो बहुत सा ऐसा मैटीरियल मिल सकता है जिसका इस काम के लिये उपयोग हो सके।

इस बिल को पास करने की जल्दी क्या है। इसको सिलेक्ट कमेटी के पास ६ या ७ सितम्बर तक के लिये भेज दिया जाए ताकि इसमें सुधार हो सके और तब इसको किया जाए। इसमें जनता के बहुत से राइट्स का सवाल है। इसलिये इसको पास करने की जल्दी नहीं करनी चाहिये।

मैं तो देखता हूँ कि कहीं की हॉट कहीं का रोड़ा ले कर इस भानभती के कुन्बे को बनाया गया है। अनेक एक्टों से प्राबीजन्स लेकर इसका बना दिया गया है। यह बहुत

लूज है। इसलिये मेरी प्रार्थना है कि इसको सिलेक्ट कमेटी के पास भेज दिया जाए।

Shri Heda (Nizamabad): Sir, I welcome this Bill. In the speech that the Prime Minister delivered while moving for consideration of this Bill, I expected that he would give some brief survey of the progress that we have made in the creation and progress of atomic energy. In fact, the other day while he was speaking on Ladakh, he made a very heartening statement that we are far ahead of China or for that matter of any other country in Asia in the creation of atomic energy and various aspects of its progress. So, I expected that while moving this Bill, he would give a brief survey of the progress that we have made.

The first Act was passed in 1948. Now we are in 1962. In the last 14 years, when we look back on the progress that we have made, there are a few landmarks that come to my mind. I remember that while we were in the Provisional Parliament, there was a fine speech and demonstration given by Dr. Bhabha and we were proud that our country has started manufacturing atomic energy. He gave us a hope which today in the context of the past looks vague. At that time there were high hopes that this atomic energy would come to our rescue and it is just possible that we would be able to use it in many fields.

I also remember a few years before the Prime Minister had made a statement—I do not say he gave an assurance—that in places where ordinary electrical energy could not reach—like far-off places in Rajasthan and other places which are far away—there atomic energy would come to their help, which would prove very beneficial. Therefore, I still feel that while we are making such a progress, while we are spending huge sums year after year, no doubt we are gaining

very useful experience, but at the same time some demonstration of the progress could have been given by utilising this atomic energy for some useful purpose in certain areas, at least in a village or two. That would have filled the hearts of Indian people with great joy. I still entertain that hope that this atomic energy will be put into use, particularly in the rural areas and areas which are very far and which cannot be provided with power from any other source.

As many Members have pointed, there is not much that has been mentioned in the Statement of Objects and Reasons; it is very brief. So was the Prime Minister's speech also. But some details are given in the Financial Memorandum. Mr. Kamath has made out a very good point, and therefore I need not refer to it. But I still feel that though we are not in a position to give accurate figures about the expenditure involved, at the same time there should have been some budgetary provision. It is no doubt true that we do not know what the arbitrator or the court will decide as compensation. They may decide any sum that they like. But at the same time the general practice is that in the estimates there is some provision for it. From that angle some provision should have been made.

The Financial Memorandum has been very well prepared. It goes to the extent of saying that there are two types of expenditure, and in the first type of expenditure they give so many details. And yet, they were not able, either in the first type of expenditure or in the second, to tell us as to what would be the expenditure involved and what would be the burden on the exchequer. Whatever the burden, nobody would have grudged—I mean, it would have rather given us a better idea. Today we have got only a vague idea about it. That would have given us a better idea, and therefore it is time that we take the people into confidence and give

them more and more information about the progress and about the money that we are spending.

So far as the progress is concerned, I may say a word or two about the Atomic Energy Commission. This Commission has been spending more and more money from year to year. The progress that it is making is such that one would be proud of it. But if one goes into some little details, as I have done, then one finds that all is not so well. A young man, a telecommunications engineer, joined the Atomic Energy Commission. He passed the test, and with great hopes he joined it. He was told that for the first two years he will have to undergo training. He was very happy. He went for the training. What was his experience? His experience was that a telecommunications engineer was given physics lectures, and physics which was fit for M.Sc. students. He was wondering why an engineer in telecommunications, which is in the line of electronics, is being taught physics and being given book knowledge when his hands were there to work and he wanted practical experience. He could not understand. He approached the professor and asked him. The professor could not say anything. Then he approached the highest person, that is Dr. Bhabha, and he went to the office and he found out that the scheme of training of these men was not properly planned, and in the implementation there was a lacuna. There was nobody else to teach, and therefore whoever was available was asked to teach whatever he could. That is why a professor who could teach physics came in very handy. Of course, those lessons would not have been lost, they would be of some use. But the point is, when these young men are picked up they should be told that they are going to be prepared for such and such job and right from the beginning they should get interested in those jobs. So far as this young man is concerned, he was rather disheartened and he left the Commission.

Now I shall come to a few of the clauses of the Bill. Clauses 5 and 6 may be discussed together, because both these clauses refer to compensation. There are general provisions for compensation and therefore it is not so easy to understand why—and there are a number of clauses which follow later on—they have got such an elaborate procedure for compensation, particularly when the matter relates to atomic energy, a matter of national importance. If anybody is in possession of a lease for mining or anybody has been given a lease for mining of a particular type of mineral and if by chance he comes into contact with something which has got thorium or other element which can produce atomic energy, then naturally he is not the owner of it, and that is why Government can easily take it over, and the question of compensation could not have arisen.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Heda: The last point that I would like to make is about clause 23. Under this clause the Factories Act, 1948 would cease to function or be administered whenever a Government factory would come and produce atomic energy. I do not understand why this provision has been made. The explanation given is also very vague. In fact the factory, when it comes, will have such nice working conditions and will have good wages that application of the Factories Act would not create any problem. Rather, I envisage that the working in such factory would be such that the people may not even remember about the Factories Act. Therefore there was no particular reason to take away the power of general supervision under the Factories Act from any factory that the Government may propose. So I still hope that Government may reconsider it and not give an impression that Government, in their own factory, would like to do something which they do not allow others to do.

Mr. Deputy-Speaker: Now, the reply.

Shri Hari Vishnu Kamath: I beg to move under Rule 292 that the time allocated for this Bill, in view of its importance, may be extended to four hours.

Mr. Deputy-Speaker: The Speaker has extended it by one hour.

Shri Hari Vishnu Kamath: I have moved a motion under Rule 292. You may kindly see the rule and decide it.

Mr. Deputy-Speaker: The Speaker has the discretion to extend it by one hour.

Shri Hari Vishnu Kamath: That is for him. But the House can decide. Kindly see Rule 292.

Mr. Deputy-Speaker: I think sufficient time has been given to this.

Shri Hari Vishnu Kamath: When I am making a motion under Rule 292, how can you dismiss it summarily?

Mr. Deputy-Speaker: The Speaker has not given his consent.

Shri Hari Vishnu Kamath: The Speaker may be consulted in his chamber.

Mr. Deputy-Speaker: Shri A. K. Sen.

Shri A. K. Sen: Sir, I am very glad to say, on behalf of the Government that we appreciate the welcome which has been given to this Bill. We are very happy also to note that there have been no amendments to the various provisions of this Bill, excepting a very minor one, and the only two amendments that we have before us are motions moved by Mr. Kamath and by Mr. Sreekantan Nair, one for reference to Select Committee and the other for circulation of the Bill for eliciting public opinion.

I regret to say that the Government finds it difficult to agree to either a

reference to a Select Committee or have circulation of the Bill for eliciting public opinion. This would have been necessary if either the principle of the Bill was in dispute or if there was any controversy about the various provisions of the Bill. All that Mr. Sreekantan Nair has said is that the Kerala Government might in certain eventualities be deprived of its right to receive royalties for working of certain atomic minerals in that State. That provision already exists in the present Act, the Act of 1948. Therefore it is not such a provision that a violent departure has been made from accepted principles or that we are going to change the law. Section 7 of the existing Act provides for the same thing as clause 13 of the present Bill, namely, that in certain eventualities the Central Government may substitute itself as a party to a contract for the operation of mines, and the right to receive royalty would be under a contract, in which the State Government would be entitled to receive royalties. But clause 13 itself contemplates compensation being paid in accordance with clause 21 of the Bill. Therefore I do not suppose that it is such a provision that a reference to a Select Committee is warranted. Apart from that, the larger interest of the country demands that the Central Government, which alone is competent to deal with atomic materials and the use of atomic energy including production and distribution of it, should be in complete control of all our atomic resources including the right to acquire such atomic materials as may be discovered and which in the opinion of the Central Government should be acquired.

We have made a departure from certain foreign Acts, in that we have not tried to declare that all atomic materials wherever they may be, whether known or unknown would automatically vest in the Central Government. We have not done it. On the contrary, we have followed, as Shri Hem Barua has already indicat-

ed, the scheme of the Act in the United Kingdom, which vests the Government with authority to acquire atomic materials as also substances which may be declared to be liable to acquisition on payment of compensation. I do not suppose that that principle had ever been disputed by anyone. It is, therefore, a question whether in any particular instance that power has to be exercised in accordance with the rules which may be framed under the Act itself and which rules would be placed before Parliament. If, therefore, there is no dispute about the principle underlying these provisions and if there are no amendments suggested to any of the provisions which are to be found in the Bill for carrying into effect the policy and principle which we all accept, I do not see why there should be a reference to a Select Committee at all.

Further, the provisions of the Bill had been circulated with an explanatory note to the members of the Informal Consultative Committee, and there have been no suggestions made after the circulation of the note that any of the provisions needed any alteration. That is further confirmed by the fact that none of the hon. Members have thought it fit to introduce any amendment to any of the provisions.

Shri Hari Vishnu Kamath: Our suggestion was that it should go to a Select Committee.

Shri M. K. Kumaran: Was it referred to the State Governments?

Shri A. K. Sen: A reference should be made only when the principle was in dispute and if any right of the State Government was going to be affected.

Shri M. K. Kumaran: There are so many disputes even now between the Central Government and the States.

Shri A. K. Sen: The hon. Member appears to know much more about the disputes than ourselves.

Shri M. K. Kumaran: Everybody knows.

Shri A. K. Sen: To our knowledge, Sir, there is no dispute with regard to the paramount principle which has been accepted by everyone that all atomic materials and the question of production and distribution of atomic energy must be done exclusively by the Central Government, and that the Central Government must be vested with authority to control production of materials which might contain atomic energy and which might be prescribed as such. And, further, all materials which are of an atomic nature would be subject to acquisition on payment of compensation. On these principles, I do not know of any dispute. If the hon. Member can refer us to any such dispute we shall be obliged to him and take note of it. Sir, I reiterate this principle and I make bold to say again that on these principles....

Shri Sreekantan Nair: Is there no dispute regarding mining operations and processing of minerals including monazite?

Shri A. K. Sen: There is no dispute. The only dispute will be in case any State Government's rights to receive royalty as a rent receiving interest is affected under the provisions of clause 13. But that is provided for in the Act. The dispute would be with regard to the quantum of compensation. As I said, that provision already exists in the existing Act. No dispute has arisen with regard to Section 7 of the existing Act uptil now. I would request the hon. Member to refer us to any dispute which may have arisen under Section 7 of the existing Act. We have no information of any such dispute.

Shri M. K. Kumaran: I was referring to similar subjects, not to the same subject.

Shri A. K. Sen: I am now obliged further, because I was dealing only with the instant case and not cases *pari materia*.

There are certain points which certain hon. Members want me to clarify. The question, first of all, is whether the Act contemplates taking over the ownership of mines etc. from a State which not only works the mines but controls the use of a prescribed substance. These are two different matters. A state may own mines which contain atomic materials. The present law of the country is that if certain lands are not owned by anyone, then the surface rights as also the sub-soil rights including the rights of minerals which they might contain underground would vest with the State Government. In such a case the State would be the owner of these materials, and under the provision of acquisition these materials may be acquired by the Central Government on payment of compensation subject to the same procedure for fixation of compensation as are laid in clause 21 of the Bill.

The next question is different from the ownership of the minerals, and that is about the question of controlling the mines. Well, under the Mineral Concession Rules the State Governments are generally vested with certain controls and the Act contemplates the acquisition of these for control of atomic mines by the Central Government subject to the payment of compensation if such taking over of control means divesting of any rights of the State Governments if such rights are capable of being assessed to pecuniary compensation.

Thirdly.—that is a different matter altogether—there is the question of taking over of the rent receiving rights or royalty receiving rights of the State Government. That again, as I have explained, would be subject to clause 13 and the payment of compensation which already exist under

the present Act. With this, Sir, I have disposed of the queries which have been raised from different sections of the House.

Now, with regard to some of the separate points which have been raised in the course of the discussion, may I refer to the provisions of the Bill. Some hon. Members have expressed apprehension about the method of compensation. Some have attacked the provision for an appeal to the High Court. Shri Hem Barua, for example, thinks that this would lead to delay. But I am afraid, the country expects, as also this House, that payment of compensation which would be assessed by arbitrators would not be final and it would be subject to appeal to the High Courts. In case there is an error, how would that error be rectified at all, especially when large interests may be at stake and particularly where State Governments might possibly be involved. It is, therefore, necessary that as in the case of other Acts of a similar nature, an appeal to the High Court is given. The only remedy is to see that these appeals are disposed of quickly and without delay. I remember, even under the Defence of India Rules, the compensation which was awarded by arbitrators to be appointed under the Defence of India Rules was subject to appeal to the High Courts. I am, therefore, quite convinced that this is a healthy provision, and simply the possibility of delay in the disposal of these matters does not justify making the awards of the arbitrators absolutely final without any further appeal.

Now, with regard to the other question as to whether we should not have defined what are the peaceful uses to which the Government may employ itself under the powers which would be given by the Act, I suppose it would be a very hazardous undertaking, to try to define the various peaceful uses to which the Govern-

ment may employ itself at this stage, specially when we know how the entire vista of atomic energy and its use is changing every day and every year.

Shri Hem Barua: May I draw the attention of the Government to the Atomic Energy Act of the United States where it has been specifically stated that we must concentrate on live sciences and physical sciences.

Shri A. K. Sen: It does not advance the matters. Simply because some Act has done so is no ground for supposing or inferring that we should do the same and say that we shall employ it for physical sciences or other sciences. I am not a scientist myself, like the hon. Member who has referred to it.

Shri Hem Barua: I have read a little of it.

Shri A. K. Sen: I have read very little of it, but I do not consider myself capable enough to answer that point.

Shri Hari Vishnu Kamath: Let the Prime Minister answer it.

Shri A. K. Sen: I do not think it is necessary.

Shri Hari Vishnu Kamath: He is a better scientist than you are.

Shri A. K. Sen: By employing commonsense we can answer this question and dispose of it more quickly; by employing words like "physical sciences" and so on we would not be advancing the case any farther. Therefore, it is unnecessary.

I do not think there is any other point to answer specially having regard to the fact that no amendments have been tabled apart from the general amendments for reference to a Select Committee or for eliciting public opinion.

It is necessary to inform the House the reason why this Act should be

[Shri A. K. Sen]

passed soon. The Government of India has decided to set up the second 200 mv electric generating station to generate power by nuclear energy at Pratapsagar near Kotah in Rajasthan and also at Tarapore in Bombay. The first one would be the Tarapore undertaking. It is absolutely necessary, therefore, that the Government should be equipped with all the necessary powers. These are heavy undertakings and without the powers which the Act purport to give to the Government it will be impossible to carry out these undertakings efficiently. It is, therefore, urgent that the Bill should be passed without much delay.

Mr. Deputy-Speaker: I will first put the motion of Shri Sreekantan Nair for circulation of the Bill for eliciting public opinion to the vote of the House.

The motion was put and negatived.

Mr. Deputy-Speaker: We will now take up the motion of Shri Kamath.

Shri Hari Vishnu Kamath: I am making an appeal to the Prime Minister that he should himself move a motion for reference of the Bill to the Select Committee in which case I will withdraw my motion. Otherwise, I want it to be put to the vote of the House.

Shri Jawaharlal Nehru: My colleague has already replied to that point. Naturally, we do not function separately in this matter.

Shri Hari Vishnu Kamath: A delay of two weeks would not matter much.

Mr. Speaker: The question is:

14.55 hrs.

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

"That the Bill be referred to a Select Committee consisting of 15 members, namely: Dr. M. S. Aney, Shri Ramachandra Vithal Bade, Shri S. M. Banerjee, Shri Homi F. Daji, Shri H. H. Maharaja Pratap Keshari Deo, Shri Kashi Ram Gupta, Shri Hem Barua,

Sardar Kapur Singh, Shri Harish Chandra Mathur, Dr. G. S. Melkote, Shri P. S. Nataraja Pillai, Shri Sham Lal Saraf, Shri Bishan Chander Seth, Shri Prakash Vir Shastri and Shri Hari Vishnu Kamath with instructions to report by the last day of the second week of the next session."

The Lok Sabha divided.

Mr. Speaker: The result of the divisions is: Ayes 30; Noes 119.

Shri T. Abdul Wahid (Vellore): I have wrongly voted for Ayes. I actually wanted to vote for Noes.

Shri S. Kandappan (Tiruchengode): I should be deemed to have voted for Ayes.

Shri Deshpande (Nasik): I have voted for Noes. It is not recorded.

Shri Gajraj Singh Rao (Gurgaon): My vote for Noes also has not been recorded.

Shri Ravindra Varma (Thiruvella): I am for Noes. It has not been recorded.

Shri Virbhadra Singh (Mahasu): My vote for Noes has not been recorded.

Shri Ram Harkh Yadav (Azamgarh): My vote for Noes has not been recorded.

Shri Manoharan (Madras South): My vote for Ayes has not been recorded.

Dr. Gaitonde (Goa, Daman and Diu): I am for Noes. It has not been recorded.

Shri D. S. Patil (Yeotmal): I am also for Noes. It has not been recorded.

Shri Gopal Datt Mangi (Jammu and Kashmir): My vote for Noes has not been recorded.

Shri Murlidhar Manohar (Ballic): I also voted for Noes.

Dr. Colaco (Goa, Daman and Diu):
I am for Noes, which has not been recorded.

Mr. Speaker: It is strange that so many votes have not been recorded.

Division No. 1]

AYES

[15.01 hrs.

Bade, Shri
Bagri, Shri
Banerjee, Shri S.M.
Barua, Shri Hem
Barua, Shri R.
Berwa, Shri
Chaudhuri, Shri Tridib Kumar
Daji, Shri
Dwivedy, Shri Surendranath
Gokaran Prasad, Shri
Gupta, Shri Kaabi Ram

Kachhavaia, Shri
Kamath, Shri Hari Vishnu
Kandeppan, Shri
Kohor, Shri
Krishnapal Singh, Shri
Kumeran, Shri M.K.
Kunban, Shri P.
Laxmi Dass, Shri
Mahida, Shri Narendra Singh
Manoharan, Shri

Mukerjee, Shri H.N.
Nair, Shri N. Sreekantan
Nair, Shri Vasudevan
Pillai, Shri Nataraja
Rajaram, Shri
Shastri, Shri Prakash Vir
Soy, Shri H.C.
Suresh Lal, Shri
Vahram Prasad, Shri
Warior, Shri

NOE

Abdul Wahid, Shri
Alva, Shri A.S.
Alva, Shri Joachim
Aney, Dr. M.S.
Arunachalam, Shri
Asad, Shri Bhagwat Jha
Bal Krishna Singh, Shri
Berkataki, Shrimati Renuka
Barupal, Shri P.L.
Basappa, Shri
Baswant Shri
Bhargava, Shri M.B.
Chanda, Shrimati Jyotana
Chaturvedi, Shri S.N.
Chaudhuri, Shri D.S.
Colaco, Dr.
Dafle, Shri
Daljit Singh, Shri
Das, Shri B.K.
Daasappa, Shri
Desai, Shri Morarji
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shri
Dhebar, Shri U.N.
Dube, Shri Mulchand
Dube, Shri R. G.
Gaitonde, Dr.
Gajraj Singh Rao, Shri
Gandhi, Shri V.B.
Goni, Shri Abdul Ghani
Guha, Shri A.C.
Hansda, Shri Subodh
Harvani, Shri Anwar
Heda, Shri
Himatsingka, Shri
Jadhav, Shri M.L.
Jain, Shri A.P.
Jamunadevi, Shrimati
Jedhe, Shri

Joshi, Shri A.C.
Joshi, Shrimati Subhadra
Jyotishi, Shri J.P.
Kamble, Shri
Karuthiruman, Shri
Kedari, Shri C.M.
Kindar Lal, Shri
Kisan Veer, Shri
Kripa Shankar, Shri
Kureel, Shri B.N.
Mahadeo Prasad, Shri
Mahishi, Shrimati Serojini
Mallick, Shri
Mandal, Shri Yamuna Prasad
Masuriya Din, Shri
Mathur, Shri Harish Chandra
Mehrotra, Shri B.B.
Mengi, Shri Gopal Datt
Mirza, Shri Bakar Ali
Mishra, Shri Bibudhendra
Mishra, Shri Bibhuti
Mohanty, Shri G.
Mohsin, Shri
Morarka, Shri
More, Shri K.L.
Murlu Manohar, Shri
Muthiah, Shri
Naik, Shri Maheswar
Nehru, Shri Jawaharlal
Nesamony, Shri
Paliwal, Shri
Pande, Shri K.N.
Pandey, Shri R.S.
Pandey, Shri Vishwa Nath
Paramesivan, Shri
Patel, Shri Chhotuabhi
Patel, Shri Man Singh P.
Patel, Shri Rajeshwar
Patil, Shri D.S.

Patil, Shri J.S.
Patil, Shri M.B.
Patil, Shri S.K.
Patil, Shri T.A.
Patil, Shri V.T.
Prabhakar, Shri Naval
Pratap Singh, Shri
Puri, Shri D.D.
Rai, Shrimati Subhadra Bai
Raju, Dr. D.S.
Ram, Shri T.
Ram Sewak, Shri
Ram Subhag Singh, Dr.
Ram Swarup, Shri
Rane, Shri
Rao, Dr. K.L.
Rao, Shri Jagannatha
Rao, Shri Krishnamoorthy
Ray, Shrimati Renuka
Reddiar, Shri
Roy, Shri Bishwanath
Saha, Dr. S.K.
Samanta, Shri S.C.
Sanji Rupii, Shri
Saraf, Shri Sham Lal
Satyabhama Devi, Shrimati
Sen, Shri A.K.
Sen Shri P.G.
Shah, Shri Manabendra
Sharma, Shri D.C.
Sharma, Shri K.C.
Shinde, Shri
Shree Narayan Das, Shri
Shukla Shri Vidya Charan
Singha, Shri G.K.
Sinha, Shri B.P.
Sinha, Shri B.P.
Sinha, Shri B.P.
Sinhason Singh, Shri
Sonavane, Shri

Subramanyam, Shri T.
Sumat Prasad, Shri
Swamy, Shri M.P.
Tiwary, Shri D.N.
Tiwary, Shri K.N.

Tiwary, Shri R.S.
Uikey, Shri
Upadhyaya, Shri Shiva Dutt
Valvi, Shri
Verma, Shri Ravindra

Venkatasubbaiah, Shri P.
Virbhadra Singh, Shri
Yadav, Shri Ram Harkh
Yusuf, Shri Mohammad

Mr. Speaker: The result of the voting is Ayes 32*; Noes 130. The motion is lost.

The motion was negatived.

Mr. Speaker: The question is:

"That the Bill to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith be taken into consideration."

The motion was adopted.

Mr. Speaker: Now, we shall take up the clauses.

The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Mr. Speaker: There is an amendment to clause 5. I find that the hon. Member concerned is not present here. I shall now put the other clauses together to vote.

The question is:

"That clauses 5 to 32 stand part of the Bill."

The motion was adopted.

Clauses 5 to 32 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri A. K. Sen: On behalf of the Prime Minister, I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

15:02 hrs.

MANUFACTURE AND SALE OF ADULTERATED AND SPURIOUS DRUGS

Mr. Speaker: Shri Bagri may now raise the discussion on the manufacture and sale of adulterated and spurious drugs.

श्री बागड़ी (हिसार) : अध्यक्ष महोदय मिलावटी और जाली दवाओं के ऊपर चर्चा करने के लिये जो प्रस्ताव मैं रख रहूँ उस के सम्बन्ध में मैं आप की मार्फत सदस्य में यह अर्ज करना चाहता हूँ कि जिस देनी के अन्दर इस तरह की जाली और नकल दवायें प्रचलित हो जाया करती हैं, उस की के अन्दर बाहर से किसी खतरे के आने की जरूरत नहीं रह जाती, नकली और फकी दवायें देना ही, मैं समझता हूँ, उस देश के जनता को जहर पिलाना है, उन्हें जहर क्य कर मारना है। इस तरह की दवाओं का इस्तेमाल करना उस के साथ पाप और अन्या है, और देश की भोली भाली जता के सब एक किस्म का धोका और फौड़ है।

मैं इन दवाओं को तीन हिस्सों में रखता हूँ और उन को तीन दृष्टिकोणों से विचार करने के लिये आप के सामने रखूँगा। पहला तो यह कि दो किस्म की दवायें इस देश में बहुत प्रचलित हैं, एक आयुर्वेदिक और दूसरी एलोपैथिक। आयुर्वेदिक दवायें तथा जड़ी बूटियाँ सूखी मिलती हैं, इस लिये उन में मिलावट बहुत कम है। एलोपैथिक दवायें कम्पनियों की मार्फत बनती हैं। इंजेक्शन बगैरह या डिस्टिल्ड वाटर जितने हैं, वह एलोपैथिक की मार्फत बनाए जाते हैं, उन के अन्दर मिलावट ज्यादा है। मैं अर्ज कर रहा था कि वह यह मिलावट न सिर्फ हमारे देश के अन्दर जान का खतरा पैदा करती

*The figure was subsequently corrected as 31 (*vide* Debates dated 22-8-62, Cols 3446).