

Proviso to
Rull 66

अध्यक्ष महोदय : माननीय सदस्य को कोई खतरा नहीं होना चाहिये । उन का रेजोल्यूशन जरूर लिया जायेगा ।

श्री यशपाल सिंह : इस के अतिरिक्त मैं यह भी निवेदन करना चाहता हूँ कि हम सात आठ साथी ऐसे हैं, जो हमेशा चाइना के मुताल्लिक कार्लिंग-एटेंन्शन नोटिस देते हैं—मैं ने बीस, पच्चीस दिये हैं—और उस के जवाब में हमें कहा जाता है कि चाइना के सम्बन्ध में जो डीबेट होगी उस में हम को मौका दिया जायेगा । लेकिन हम देखते हैं कि बहस में हम को टाइम नहीं मिलता है ।

अध्यक्ष महोदय : माननीय सदस्य अपने ग्रुप के लीडर को कहें कि वह उन का नाम भेजें ।

श्री यशपाल सिंह : लेकिन रिजेक्ट तो आप करते हैं ।

अध्यक्ष महोदय : ग्रुप के लीडर की तरफ से जो नाम मुझे भेजे जाते हैं, मैं उन्हीं को बुलाता हूँ । मैं समझता हूँ कि यह शिकायत किसी को नहीं होगी कि मेरे पास एक माननीय सदस्य का नाम भेजा गया और मैं ने किसी दूसरे माननीय सदस्य को बुला लिया । जहाँ तक कार्लिंग एटेंन्शन नोटिसिज का ताल्लुक है, अगर किसी सबजेक्ट पर डीबेट एक दो दिन में आ रही हो, तो मैं उस के बारे में कार्लिंग एटेंन्शन नोटिस की इजाजत कैसे दे सकता हूँ । यह बात हमारे रूल्स में है ।

श्री यशपाल सिंह : चाइना के बारे में जो पच्चास के करीब शार्ट-नोटिस क्वेस्टियन दिये हुए हैं, उन को तो मौका देना चाहिये ।

अध्यक्ष महोदय : माननीय सदस्य कार्लिंग एटेंन्शन से अब शार्ट-नोटिस क्वेस्टियन पर आ गये हैं, जो कि एक अलग सबाल है । माननीय सदस्य को पता होना चाहिये कि इस बारे में आखिरी फैसला मिनिस्टर के पास है । अगर वह कहे कि मैं शार्ट-नोटिस क्वेस्टियन

एक्सेप्ट नहीं करता हूँ, तो मेरे पास कोई ताकत नहीं है कि मैं उस को जवाब देने के लिये मजबूर करूँ ।

Shri Hari Vishnu Kamath: Sir, with regard to your ruling which you were so good to give a minute earlier, you observed that you were bound by the decision made two days ago that both these Bills should be taken up today. May I be permitted to say you that we were not then aware of the position with regard to the suspension of the rule that might come up today. Nothing was said about that then.

Mr. Speaker: Well, I am bound by the decision of the House.

The question is:

“That the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Emergency Risks (Factories) Insurance Bill, 1962 be suspended.”

The motion was adopted.

13.19 hrs.

EMERGENCY RISKS (FACTORIES)
INSURANCE BILL

The Minister of Finance (Shri Morarji Desai): I beg to move:

“That the Bill to make provisions for the insurance of certain property in India against damage by enemy action during the period of emergency, be taken into consideration.”

This Bill, like the other one relating to goods which has just been moved, is based on a similar scheme which was in existence during the last world war, but have introduced a few changes in order to provide for the developments in the Indian economy since the end of that war. The main change which has been made is that in view of the growth of our mineral

[Shri Morarji Desai]

oil industry in recent years and the somewhat special position and importance of the tea industry in Assam, we are acquiring the power to provide, in case it becomes expedient or desirable to do so, insurance cover in respect of the plant, machinery and equipment of the oil companies or the standing tea crops, as the case may be, in addition to any other insurance which may be available in the normal course.

The Bill, Sir, is of particular interest to the people of Assam, who have been understandably anxious that we should take all reasonable steps to provide for the safety of property located in that State, which may be exposed to the risk of loss or damage as a result of enemy action, but the problem is really a national one and it has to be tackled on that basis. I am glad to be able to tell the House that there has been widespread appreciation of this fact and that there is no tendency on the part of any one concerned with this scheme to look upon it as one which is of merely local interest.

The notes on clauses are fairly detailed, and are intended to explain as cogently and clearly as possible the basic outlines of the scheme with which this Bill is concerned. I will not, therefore, waste any time in dealing with minor points. It will be more useful, if I were to refer instead to certain major question of policy arising out of the present scheme.

We have made it clear in this Bill that Government property is not insurable. The reasoning on which this exemption is based is that Government, unlike any other private owner of property, will be in a position to bear the risk of loss or damage, as and when it arises. I should, however, like to point out for the information of the House that this exemption in favour of the Government is available only in respect of factories or other property which is departmentally owned and that the autonomous

public sector undertakings and enterprises will, according to the scheme of this Bill, be subject to the same burdens and be eligible for the same rights as other units in the private sector.

We have deliberately taken this decision, as it will not be appropriate or desirable to introduce any element of discrimination as between public sector units which are intended to run on commercial and business principles and other private sector undertakings with which the public sector undertakings may in fact be competing in a number of cases. The implication of this decision, as the House will appreciate, however, is that the burden of the insurance scheme will be shared by the public and private sectors alike, and there will be no distinction as regards this matter, between the two sectors.

I would like to indicate at this stage our intentions regarding premium rates. The considerations which have been mentioned in relation to goods insurable under the Emergency Risks (Goods) Insurance Bill, 1962, which has just been moved, are equally relevant in regard to the factories and we have given notice of two amendments to indicate the ceiling rates which will be operative and have beyond which premiums cannot be levied in any circumstances. Within these limits, we shall try to fix rates which will not exceed in any case two per cent per annum in the case of factories and three per cent per annum in the case of inland vessels, but before arriving at any final decision, we shall, I need hardly say take into consideration any views which may be expressed in this House.

Sir, a scheme of insurance like this, prepared within a few days and brought into force immediately, because the circumstances demand such a course, is bound to add very considerably to the strain on various persons who are concerned with it as

administrators or contributors and beneficiaries. We are fully aware of the complexity of this problem; and the Oriental Fire and General Insurance Company, which is going to be our agent, will be making adequate arrangements for the persons who are liable to take out policies of insurance under this Act, to get any information or clarifications which they may need and to pay the premium and to receive the policies or other benefits without inconvenience or delay. As far as the contributors and beneficiaries themselves are concerned, I have every hope that they will continue to offer their co-operation to the Government and to the authorities administering the scheme in this endeavour to protect our industry and trade from the consequences of enemy action.

I would like to conclude, if I may, with an appeal to all those, who are liable for insurance under the present schemes of insurance, to extend their co-operation particularly in maintaining or reducing the price line, in spite of any additional burden which these schemes may involve.

Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to make provisions for the insurance of certain property in India against damage by enemy action during the period of emergency be taken into consideration."

So, both the motions are now before the House.

Shri Prabhat Kar (Hooghly): Mr. Speaker, Sir, I welcome both these two Bills. These two Bills are naturally a corollary from the existence of the emergency situation in India due to Chinese aggression.

So far as the provisions of these Bills are concerned, they are more or less like the provisions in the old Bills that were passed during the Second World War. So far as the other points about how the goods,

factories and plants are to be insured are concerned, they are almost the same.

The only point that I want to suggest is this. Under the two Bills that are before the House, the Government will apparently be the agent who can entertain and issue insurance policies. It has been just now mentioned that the agents will be the Oriental Fire and General Insurance Company. I am glad that this has been given to them because it is a subsidiary of the Life Insurance Corporation of India I have seen from the Press that various other private companies doing general insurance are making efforts saying that they should be given the agency. It is being said that it will not be possible for the Life Insurance Corporation and its subsidiary to cope up with the situation. I know, so far as the Oriental Fire and General Insurance Company is concerned, it has long experience of general insurance, and this being the subsidiary of the Life Insurance Corporation, it is quite fair that it has been granted to them. Under no circumstances, this agency should be given to any other company.

Another point I want to stress in this connection is, so far as the valuation of the goods either in transit or in store in factories is concerned, already there must be in existence certain fire insurance and general insurance policies taken out on them with private insurance companies. It is a well known fact, so far as the functioning of general insurance today is concerned, that valuations are inflated and there are other malpractices also. I would like that in the case of war risk insurance the Government should have its own valuer or assessor and the goods should not be taken at the same value as given by the private companies without proper verification. Proper steps should be taken by the Government in that regard.

[Shri Prabhat Kar]

So far as the provisions for compulsory insurance are concerned, goods of value to the extent of Rs. 50,000 have been exempted and anything more than Rs. 50,000 in value must be compulsorily insured. No doubt, there is an option given that it may be insured or it may not be insured, but in the case of these goods being hypothecated to the bank they must be insured. Whatever goods are hypothecated to the bank must be covered by war risk insurance.

Shri A. P. Jain (Tumkur): It is open to the bank.

Shri Prabhat Kar: It is true. But I would suggest that from the day this particular Bill will come into operation, the banks should not accept any hypothecation of goods unless they are covered by war risk insurance.

So far as the other provisions are concerned, I am in complete agreement with those provisions. So far as the premium is concerned, they have stated that it is not possible at this moment to say what the percentage will be but the maximum limit will be three per cent. It is not the intention of Government to raise finance by passing this Bill and enforcing compulsory insurance. So no one need misunderstand the intentions of Government that by providing compulsory war risk insurance they are trying to raise money for war purposes. Therefore, these two Bills are very very necessary at this stage. So far as the implementation part is concerned, it should be done by a Government agency, not by anybody else. I am sure, Oriental General and Fire Insurance Company will function well as an agent of the Government in this matter.

Government have stated that the risk covered will be 80 per cent of the insurable value of the property. We cannot expect anything more than that from this scheme. The risk

which Government are taking in this matter is a welcome one. So far as the duration of the policy is concerned, it may change from time to time. One cannot say with any certainty as to how long the war risk insurance scheme should continue.

Lastly, though these Bills are being passed and they are necessary, I am quite confident that there would be no occasion to take advantage of this scheme, because the enemy will not dare to damage any of our goods or factories. So, our production will not in any way be hampered by enemy action.

Shri D. C. Sharma: How do you say that?

Shri Prabhat Kar: There will be no occasion for anyone to suffer as a result of enemy action, particularly the production of goods with these words, I welcome these Bills.

Shri Narendra Singh Mahida (Anand): I welcome both the Emergency Risks (Goods) Insurance Bill and the Emergency Risks (Factories) Insurance Bill. They are welcome and necessary measures during this emergency. I am glad that the Finance Minister has included insurance companies both in the public sector and the private sector for this purpose.

Here I have a suggestion to make to the Government. While it is a good thing that they have included both goods and factories under these Bills, it is necessary to cover agriculture and cattle also. We should pay our attention not only to the interest of the business community but to the welfare of the agricultural class as well. I am glad that the tea plantations in Assam will be covered by this Bill, as stated by the Finance Minister.

In a major war, it is very difficult for Government to protect everything. So, it is a good thing that important

industries and factories will be covered by this scheme. Therefore, it is a welcome measure. I am also glad that, unlike many other Bills, this is applicable to the State of Jammu and Kashmir.

A perusal of these Bills will disclose that very wide powers have been taken by Government in their hands. Of course, they are very necessary in this emergency. There are clauses in the Bill for damages by explosion, scotched earth policy etc. which are welcome.

It is a good thing that a Bill has been brought forward in respect of goods insurance. Normally, in peace time, Government never undertakes such measures. During war time such measures are inevitable.

Coming to goods insurance, I fail to understand what the total amount involved would be. Though there will be a consolidated fund, what the amount will be is not mentioned here.

I enquire from the hon. Finance Minister what amount will be involved in it. I know from the financial memorandum that a sum of about Rs. 1.5 lakhs will be spent for each of these. The cost on both these is a separate item and I think that if they are brought together the expenses can be lessened.

As far as the factories are concerned, I learn that they will be covered in the urban as well as in the rural areas. I also observe that measures have been taken to inspect these factories and to see that they have proper methods of estimation. I also know that those factories which are under construction will also be covered by this scheme.

So, on the whole I welcome this Bill and give my whole support as also of my party.

Shri A. P. Jain (Tumkur): Mr. Speaker, Sir, the two Bills now under discussion in the House have come very timely and like the two

previous speakers I welcome both these Bills. They are an absolute necessity for the war conditions through which we are passing. In fact, a few days ago when I was in Assam some businessmen saw me and complained that the banks were shy of advancing credit and that unless there was a scheme for the insurance of goods against war risks the banks will continue to feel shy. I conveyed these feelings of the Assamese to the hon. Finance Minister and I must congratulate him on the promptness with which he has brought forth these two very desirable measures.

13.37 hrs.

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

I also welcome the assurance given by the hon. Finance Minister that the coverage of the insurance risk will not be used for raising taxation. These are purely insurance Bills and are not meant to raise money for governmental expenditure.

These Bills cover certain types of properties. The Bill in respect of factories covers factories and the definition of 'factory' is fairly comprehensive. It can be extended to mines and the necessary implements connected with mines. It can also be extended to tea gardens and it can cover inland vessels too. The other Bill in respect of goods insurance covers goods for sale and goods in transit. That is good so far as it goes, but war is a national emergency and anything that occurs during war through an attack of the enemy as also any loss which occurs on account of that must be shared by the nation at large. It is on this principle that these two Bills have been formulated.

The hon. Member who preceded me referred to agricultural crops. Besides agricultural crops there are two other types of properties, namely, residential houses and shop buildings. I know that there are some obvious difficulties in framing a more com-

[Shri A. P. Jain]

prehensive scheme but under this emergency we shall have to do it. In the definition of 'war risks' is included precautionary or preparatory measures taken under proper authority with a view to denying facilities to the enemy. That is what is popularly known as the 'scorched earth policy'. This 'scorched earth' policy may apply to tea gardens as also to a small farmer. Moreover, our cities may be bombed. Many of our important cities, like, New Delhi and Calcutta and many more, are within the bombing range and one cannot rule out the possibility of residential buildings and houses being destroyed.

The hon. Finance Minister carries a big burden and I hope that he will have the big courage to carry this big burden and bring forth at the appropriate time another scheme of war risks insurance which will cover agricultural crops as also residential houses and shop buildings.

Shri Narendra Singh Mahida: And cattle wealth also.

Shri A. P. Jain: This is nothing new that I am saying. In the Second World War, in the U.K., I understand that a much more comprehensive scheme of war risks insurance was undertaken, and it covered risks in respect of the residential houses and shopping buildings. I do not know whether they covered crop, agriculture was not so important in the U.K. If I am permitted, I would like to make a practical suggestion that the Finance Minister may make a beginning with the big cities, because it is the big cities which are more susceptible to bombardment from air, and he may select big cities, say, cities with a population of a lakh and over. He may exempt small buildings, just as he has made an exemption in the case of small business, and all the buildings over and above that value may be compulsorily insured, so that in the event of a bombardment and some of the buildings being destroyed the losses

may be shared by a larger section of the society.

There are one or two things about this Bill which I would like the Finance Minister to explain. I refer to page 5, clause (c)—of the Factories Bill—which says that "payments due under a policy of insurance under the Scheme may be postponed to any time before the expiry of one year from the date on which this Act ceases to be in force, or, subject to payment of interest at the rate of two per cent. per annum from the expiry of the said year, to any later date." I have not been able fully to appreciate the implications of this clause. People take out insurance so that in the event of suffering a loss they may be able to make good the loss immediately. If it is to be postponed till one year after the expiry of the Act, or if it could be postponed still further, though subject to payment of a small interest, then the main object of insurance is gone.

If we look to sub-clause (3) of clause 1 we find that this Act "shall remain in force during the period of operation of the Proclamation of Emergency issued on the 26th October, 1962 and for such further period as the Central Government may, by notification in the Official Gazette, declare to be the period of emergency for the purposes of this Act". It is not only the period of emergency which was declared on the 26th of October 1962, but the Government has further power of enlarging this period of emergency.

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

Shri A. P. Jain: All right, Sir, I will try to hasten.

Now, I would like the Finance Minister to explain what he really means by it. Because, any delay caused in the payment of compensation would defeat the scheme.

It is true that the Bills are a very beneficial measure. But the real insurance against war risk is the pre-

paration for war. We cannot rule out the possibility of bombardment. In fact, most of our towns are susceptible to it; they are within the bombing range of the airfields in Tibet. We are going to have a prolonged and difficult period and, therefore, we must be prepared for the worst. We are placed in a somewhat disadvantageous position, for the Chinese territory of Tibet across the Himalayas is practically uninhabited. We cannot retaliate air bombing by air bombing. Perhaps to some extent we can do it by cutting off their line of transport and by bombing the army concentrations. But we will certainly be in a disadvantageous position. So I take this opportunity of pressing upon the Finance Minister to give special attention to the Air Force. We must build up our Air Force. We must have a large number of fighters and bombers, particularly fighters, so that in the event of the Chinese resorting to aerial warfare we may be able effectively to combat them and save our cities. The fighters have never been able to provide full protection to the cities, but nonetheless situated as we are we must raise our fighting aerial power so as to reduce the damages on account of any aerial attack from the enemy.

श्री बड़े (खारगोन) : उपाध्यक्ष महोदय, ये जो दो बिल इमरजेंसी रिस्क्स (फैक्टरीज) इश्योरेंस बिल और इमरजेंसी रिस्क्स (गुड्स) इश्योरेंस बिल, पेश किये गये हैं मैं इनका समर्थन करता हूँ ।

१५ साल के बाद यह नया मौका आया है कि हमारे ऊपर शत्रु ने हमला किया है । इस वकन जो कानून बनते हैं वह, कानून, जैसा कि मैं ने कल कहा था, हैपटैगार्ड तरीके से लाये जा रहे हैं । लेकिन ये बिल ऐसे नहीं हैं । इन बिलों में बहुत से अच्छे प्रावीजन हैं । इसलिये मैं माननीय फाइनेंस मिनिस्टर को धन्यवाद देना हूँ । लेकिन साथ साथ मेरी कुछ कठिनाइयाँ हैं जिनको मैं ह.उम के सामने रखना चाहता हूँ ।

गुड्स बिल के पेज ८, क्लॉज ७, में एक प्रोवाइजो दिया गया है जो इस प्रकार है :

Page 8, clause 7—

"Provided that the Scheme shall not restrict the carrying on of business as aforesaid by any person, if and so long as the value of all goods insurable under this Act which are for the time being owned by him within one and the same Presidency town or district in the course of that business does not exceed fifty thousand rupees."

इसका अर्थ यह है कि अगर माल एक जिले से दूसरे जिले को ले जाया जायेगा और अगर वह ५० हजार से नीचे की कीमत का है तो उसका बीमा करवाना होगा । जैसे अगर इंदौर से धूलिया को माल जाता है और अगर वह ५० हजार से नीचे का है तो उसको इश्योर करना होगा । लेकिन अगर एग््रीकल्चरल गुड्स हो और उसको इंदौर से पास के जिले को ले जाना है तो उसको इश्योर करना पड़ेगा या नहीं । अगर उसको इश्योर करना पड़ेगा तो इससे एग््रीकल्चरल बलाम पर और छोटे व्यापारियों पर बड़ी मुसीबत आयेगी । मैं एक उदाहरण देना चाहता हूँ । अगर इंदौर से धूलिया जाने वाले माल को इश्योर करना पड़ता है तो उस माल पर इश्योरेंस का खर्चा भी जोड़ा जायेगा और तब उसको रिटेल में बेचा जायेगा । यह इश्योरेंस एक ही स्टेट में एक जिले से दूसरे जिले को माल ले जाने पर कराना होगा चाहे वे जिले एक दूसरे से लगे हो । इस पर विचार करना चाहिये कि क्या ऐसा करने से दाम नहीं बढ़ेंगे । मेरा सुझाव है कि इस प्रावीजन के बजाये यह प्रावीजन किया जाता तो ज्यादा अच्छा होता कि यह इश्योरेंस एक ही स्टेट में एक जिले से दूसरे जिले में माल ले जाने पर न होकर उस माल पर किया जाता तो कि एक स्टेट से दूसरी स्टेट को ले जाया जाय ।

[श्री बड़े]

इसके बाद मुझे अपील के अधिकार बारे में कुछ कहना है। इसमें अपील के सम्बन्ध में यह प्रावीजन है :

"A person against whom a determination is made under-sub-section (1) may, within the period specified in the Scheme, appeal against such determination to the Central Government whose decision thereon shall be final."

सेंट्रल गवर्नमेंट एक अपील कर देगी जो कि फाइनल होगा। इसके ऊपर कोई अपील नहीं हो सकेगी, कोई सीकिड अपील के लिये प्रावीजन नहीं रखा गया है। मुझ को यह प्रावीजन ड्रास्टिक लगता है।

इसके बाद इसमें यह प्रावीजन है कि सेंट्रल गवर्नमेंट जब चाहे इस स्कीम को बदल सकती है। इस सम्बन्ध में इसमें यह प्रावीजन है :

Page 7—

"The Central Government may, by notification in the Official Gazette, add to, amend or vary any Scheme made under this Act."

यानी जब सेंट्रल गवर्नमेंट को जरूरत पड़ेगी तो वह इस स्कीम को बेरी कर सकेगी, इसको अमेंड कर सकेगी और इसमें ऐड कर सकेगी। चूंकि यह कम्पन्सरी इश्योरेंस का प्रावीजन है इसलिये इस बारे में जनता के सामने डेफिनिट योजना रखनी चाहिये।

इस के बाद यह गुड्स की डैफिनीशन है

"“goods” means any materials, commodities or articles and includes materials, commodities or articles used in or for the construction of any ship up to the time at which the ship after construction is launched;"

(The Bell rings).

Mr. Deputy-Speaker: There are about 10 speakers. Five minutes each.

Shri Bade: I have to speak on two Bills.

Mr. Deputy-Speaker: Everybody has to speak on two Bills; not only yourself.

Shri Bade: Only five minutes?

Mr. Deputy-Speaker: Yes.

Shri Bade: That was not decided by the House.

Mr. Deputy-Speaker: Three hours have been allotted. We have to take up Non-official business. The hon. Member knows it.

श्री बड़े : इस में गुड्स के बारे में जो डैफिनीशन दी गई है उस में एप्रोक्लचरल प्रोड्यूस नहीं शामिल है और जहाँ तक मैं समझता हूँ कौटिल्स और प्रोडिंग क्रॉप भी इस डैफिनीशन में नहीं आती हैं और अगर आती हों तो मंत्री महोदय मुझे बतला दें।

लड़ाई के वक्त में जैसा कि एक मेम्बर ने कहा स्कोर्चड अर्थ पालिसी चलती है, इस प्रकार की यदि एक पालिसी चलती है और उस में इश्योरेंस करने का प्राविजन रक्खा है तो मैं उस का समर्थन करता हूँ।

जहाँ तक फैक्टरीज के बारे में प्राविजन है, मैं ने देखा है कि छोटी छोटी फैक्टरीज व रहने का निवास स्थापन रहता है वह फैक्टरीज ऐक्ट के नीचे भी रहती हैं और वहाँ भी फैक्टरीज होंगी तो दोनों के वास्ते प्राविजन होना चाहिये। रेजिडेंशियल क्वार्टर्स होंगे। उसके वास्ते भी इश्योरेंस करना जरूरी है। लेकिन यदि बमबारी हो जाय तो उसका कोई प्राविजन नहीं है। मैं ने मूवमेंट आफ गुड्स फ्रॉम वन डिस्ट्रिक्ट टु अदर के काम में एक अशांति पैदा होगी और उस से माल की कीमत बढ़ेगी। यदि मंत्री महोदय इस बारे में कुछ प्रकाश डालेंगे तो ठीक होगा। चूंकि आप अधिक समय दे नहीं रहे हैं इसलिये और अधिक न कहते हुए मैं इन दोनों बिलों का इन शब्दों के साथ समर्थन करता हूँ।

Sari Humatsingka: I am only suggesting. Whether that can be helped or cannot be helped, I do not know. Whether that is covered by sub-clause (f)(i) or not is a thing that should be taken into consideration.

Shri Morarji Desai: He will get it back some time.

Mr. Deputy-Speaker: Shri Kashi Ram Gupta.

Shri Tyagi: May I request you to read out the list which you have got so that those who are not in the list.....

Mr. Deputy-Speaker: It is only for my guidance.

Shri Tyagi: I would like to know.

Mr. Deputy-Speaker: Whoever catches my eye will have the chance.

Dr. L. M. Singhvi: I hope I will catch your eye.

श्री काशी राम गुप्त (अलवर) :
उपाध्यक्ष महोदय, इन दोनों बिलों का स्वागत करने हुए मुझे दो, चार बातें मंत्री महोदय के सामने रखनी हैं। पहली बात तो यह कि जो इमरजेंसी रिस्कम (गुड्स) इश्योरेंस बिल है उस के पेज ८ पर दूसरे पैरे में यह दिया हुआ है :—

“Provided that the Scheme shall not restrict the carrying on of business as aforesaid by any person, if and so long as the value of all goods insurable under this Act which are for the time being owned by him within one and the same Presidency town or district in the course of that business does not exceed fifty thousand rupees.”

यह जो पहला पैरा है उस से सम्बन्धित है और उस में लिखा हुआ है :—

“...after such date as may be specified in this behalf by the Central Government by notification..... shall not carry on business.” इस का तात्पर्य यह है कि ५०,००० से कम का माल कैंरी करता है वह बिजनेस तो कैंरी कर सकता है

लेकिन उस को इश्योरेंस कराना होगा। जो शब्दावलि है उस से यह जाहिर होता है कि उस पर भी बीमा होगा और वह उस से बरी नहीं होगा। ऐसी ध्वनि इस से नहीं निकलती है कि वह इश्योरेंस से फ्री रहेगा और यह उस पर अट्रिब्यूटरी नहीं होगा। मैं इबारत की तरफ ध्यान दिलाना चाहता हूँ कि यह पहले से सम्बन्धित हो कर पढ़ी जाय।

दूसरी बात यह है कि जो गुड्स इन ट्रेजिड होते हैं वह इस ५०,००० की कैटेगरी में नहीं आते हैं क्योंकि जो ५०,००० को एक डिस्ट्रिक्ट में सीमा रखी है वह जो माल बाहर भेजा जाता है उस का डम से सम्बन्ध नहीं है और बाहर जाने वाला माल ५००० का भी हो तो भी उस के ऊपर पूरा बीमा लग जायेगा। इसलिये इस में ऐसा संशोधन आना चाहिये कि कम रकम के जो गुड्स इन ट्रेजिड हों उन का बीमा न हो और वह उन को फ्री कैंरी कर सकें।

जहाँ तक फैक्टरीज का प्रश्न है मेरा निवेदन है कि अभी एक माननीय सदस्य ने कहा कि गांवों में जो फैक्टरीज हैं उन का इश्योरेंस होना चाहिये, मैं उस के थोड़े विरोध में हूँ क्योंकि गांवों में जो मकानात हैं वे छोटे और ग्रामतौर कच्चे होते हैं। अभी हमारे श्री ए० पी० जैन कह रहे थे कि बड़े बड़े शहरों के मकानों का बीमा होना चाहिये। गांव में बीमा एक तो संभव ही नहीं है क्योंकि छोटी छोटी फैक्टरी गांव में लगी है, घरों में लगी है और उस का बीमा यदि २०-३० हजार रुपये का करते हैं और वह केवल इसलिये कि सरकार की मद में रुपया आ जाय तो एक तो न तो वह कवर ही होता है और गांव में अगर एक कहीं इस तरीके से वारदात हुई तो सारे गांव को नुकसान होगा है और कोई पैसा उस में गवर्नमेंट को मिलने वाला नहीं है। इस के अलावा वहाँ गांवों में छोटी छोटी पूंजी होती है और उस पूंजी के लिहाज

से वह काम करते हैं और यदि आप टैकम करने लगे तो उस में डिस्क्रिमिनेशन कहाँ तक कर सकेंगे, उस पर कितना बॉन्ड पड़ेगा, यह भी व्यापहारिक नहीं होगा। मुझे याद है कि अंग्रेजों के जमाने में जो बिल बनाये गये थे, उन का एक ही परपञ्च था कि किसी तरह ज्यादा से ज्यादा रुपया लिया जाये, क्योंकि अंग्रेज बाहर बैठे हुए थे, लड़ाई बाहर हो रही थी, लड़ाई इस देश में नहीं हो रही थी। लेकिन आज तो स्थिति बदली हुई है। आज लड़ाई हमारे देश में होने वाली है। इसलिये जो स्कीमें या कानून अंग्रेजों ने बना दिये थे, उन को वैसे ही लागू नहीं कर देना चाहिये। होना तो यह चाहिये था कि पिछली स्कीमों में जो बातें उन्होंने रखी थीं, वे भी इस के साथ ही हाउस में पेश की जातीं, ताकि देखने में असानी हो जाती। ऐसा नहीं किया गया है। आईन्दा के लिये यह निवेदन है कि यह देखा जाये कि यह स्कीम इस तरह लागू की जाये, जिस से गांवों के लोगों और छोटी फ़ैक्ट्री वालों को तकलीफ़ न हो।

गवर्नमेंट ने इंडस्ट्रियल एरियाज बना दिये हैं। इस में लिखा है कि जो आक्रुपायर है, अगोर का भी पैसा उस से लिया जायगा और वह वसूल करेगा लेकिन जब गवर्नमेंट अगोर करती है, तो उस का पैसा वसूल तो होना है, इसलिये गवर्नमेंट खुद ही क्यों न दे, क्योंकि गवर्नमेंट ने प्राइवेट और पब्लिक अंडरटेकिंग में डिस्क्रिमिनेट नहीं करना है, यह मंत्री महोदय ने बता दिया है। इस अवस्था में इंडस्ट्रियल एरिया के बीमे और उस के मकानों के बीमे का आक्रुपायर से सम्बन्ध नहीं होना चाहिये, बल्कि वह सीधा गवर्नमेंट से सम्बन्धित होना चाहिये।

यदि सब जगह का बीमा हो, देहातों का बीमा हो, तब तो उन अगोर कास्ट माइन्ज, और उन में भी छोटी छोटी माइन्ज और उन की मशीनरी और दूसरी छोटी छोटी

फ़ैक्ट्रीज को भी इस व्यवस्था में शामिल कर लिया जाये, जोकि देहातों में बहुत दूर होती है और जिन को आम तौर पर खतरा नहीं होता है। मैं निवेदन करना चाहता हूँ कि देहातों में जो मकान बनते हैं, उन की मार्केट वैल्यू नहीं होती है, चाहे वह फ़ैक्ट्री हो या कुछ और हो। जब उस की मार्केट वैल्यू नहीं होती है, तो वह मकान वैसे ही है, जैसेकि दूसरे किसान का मकान होता है। यदि देहातों को इस में शामिल नहीं किया जाता है और किसानों और दूसरे गरीब लोगों को इस से राहत नहीं मिल रही है, तो ऐसी छोटी जगहों पर, जहाँ की आवादी एक, दो, चार हजार है, फ़ैक्ट्रीज को इस कानून से मुक्त रखना चाहिये।

Shri Tyagi (Dehra Dun): I heartily welcome this Bill. In fact, it is in response to the universal demand in the area where there was risk recently, and I must congratulate the Finance Minister on his having acted so promptly in response to the call of the people.

There are certain matters which I would like to emphasise. In the first place, premia have to be realised compulsorily by law. So, one cannot get away from the fact that the Bill is a taxation measure, pure and simple. If there were no compulsion and it was left to the factories to voluntarily insure, then I could understand this measure; otherwise, it is a pure and simple taxation measure. As soon as you say that every factory compulsorily shall have to pay a certain premium, then it becomes a tax.

Also, I do not think that this Bill should be treated only as an insurance measure. And let us be quite straight-forward with regard to this tax. The tax has to be realised from these factories, because compensa-

[Shri Tyagi]

tion is to be paid to them in case there is any mishap. So, this Bill must be treated as a taxation measure. Moreover, these factories can be saved only by Government expending a lot of money on defence. So, it is not as if it is like an insurance company which collects the premia and which is waiting for an accident and which pays the amount only when there is an accident and not otherwise. Factually speaking, this is an insurance in respect of which every day Government will have to pay lakhs and lakhs of rupees for defence purposes; therefore, Government will go on spending on defence every day, and the compensation will be an extra cost to Government. Therefore, I say that the Bill should be given a definite and clear shape as a taxation measure, and it should be stated clearly that all these premia which are collected will go towards defence. It is not necessary to take the sanction of Parliament for the disposal of extra funds. Those moneys should directly go into the Government exchequer and shall not be returned. If there is no war, and there is no bombing, then the question arises as to what will happen. It may be stated that we have compulsorily realised premia to the extent of crores of rupees, and it may be asked how we can usurp that money and where it will go, because people were forced to insure and pay the premia only because a scare was created; and, therefore, that is a case of extortion of money, unless we say that this is a taxation measure, and these moneys will go for the general insurance of the whole country meaning thereby that they will go towards defence, and Government will incur the expenditure on defence out of these premia collected, besides the moneys collected through other taxes. Over and above this, if there is any risk faced by any factory, damages will be paid to it.

Let us say also quite frankly that Government should not act as an insurance company under this Bill, but they should act as Government and pay the compensation and also spend the premia on defence, because defence is the only security. Otherwise, the difficulty will arise when there is no risk at all, and there is no bombing at all; and people may ask that they were promised coverage of the risk, but there was no risk, and, therefore, what would happen to all the premia collected, since no compensation would then be payable to them. Therefore, let us say quite frankly that as soon as the premia are collected, they will directly go into the exchequer.

As regards the rates, I am afraid that they cannot be left to Government. It will be bad on the part of Parliament to allow the discretion to Government to fix any rates they like. This is more or less a taxation. I was very much worried over it till the hon. Minister spoke today, and I am glad that he has come forward with an amendment. Otherwise, in my opinion, the Bill was out of order, and it was ultra vires the Constitution. But the Finance Minister in his wisdom has already given notice of an amendment whereby he seeks to provide that the rate of premium will not be more than 3 per cent. I think that even 3 per cent is on the high side. I can agree to it only on the condition that all these premia realised will directly go into the exchequer or the Government coffers. But if it is to be treated as just an insurance premium, if Government takes over this function only as an insurance company, then 3 per cent will be too much and too high, and to give discretion to Government in such a case will not be healthy.

Shri Himatsingka: Will it make any difference?

Shri Tyagi: If it goes to Government coffers, it would be all right, because it goes to meet the defence expenditure, and it is a sort of defence expenditure.

Then, I quite agree with my hon. friend Shri A. P. Jain that this should be made compulsory, and food crops, big markets and other things also might be covered. But it may not be made compulsory in the case of agricultural or food crops, because perhaps people may not like it; only those who want to get the risk covered may voluntarily pay the premia.

Clause 15 relates to the power to exempt factories. This again wants a little clarification. I hope the hon. Minister will kindly make note of it and clarify it to the House. What is the meaning of exemption of factories? Under what conditions shall the factories be exempted? Will it depend upon their incapacity to pay? What categories of factories will be exempted? The hon. Minister may clarify what he has at the back of his mind.

Clause 4 relates to employment of agents. I hope that these agents will not be like insurance agents, because here the business and policies have not to be canvassed. Insurance agents get their commission because they canvass for clients. Here, there is no question of canvassing for clients. The clients have been provided by Parliament itself, and, everybody will have to insure compulsorily. Therefore, why unnecessarily have an agency? If the intention is that some insurance company will act as an agent, then that is a different thing altogether; otherwise, it requires clarification. Why have agents? Why not have Government officers themselves? Why not have extra officers appointed on payment, so that they may be responsible for all types of irregularities, for accounting etc. directly to Government?

Then, clause 7(4) which relates to the disposal of excess funds also re-
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quires a little clarification. It reads thus:

"If at any time the amount standing to the credit of the Fund exceeds the sum which, in the opinion of the Central Government, is likely to be required for the making of payments out of the Fund, the excess shall be disposed of in such manner as the Central Government may think fit."

Why? This is not necessary. Let all that excess go to government coffers. There is no question of Parliament being consulted again. Even if they have to pay extra, Government will somehow or other pay the extra. It is only paying to our own people. Therefore, that is not necessary.

I hope the hon. Minister will clarify these issues.

Shri Hem Barua (Gauhati): I welcome these two Emergency Risks Insurance Bills because they are likely to contribute to rectifying the economic instability that is overwhelming the country today because of the enemy knocking at our door. The stringent situation was also brought about by the stringency of working capital due to the Reserve Bank rules and all that.

The Finance Minister while moving for the consideration of these Bills also made a reference to conditions in Assam. I just want to make a passing reference to those conditions. What has happened because of the Chinese knocking at the gates of Assam is that there has been a deadlock or stalemate in the economy of the State, and till now the economy of the State is in the doldrums, to a certain extent. Apart from substantial stocks of tea lying idle and the failure of the tea industry to contribute to our economy because of the withdrawal of financial assistance facilities by banks, I would make a reference to another cash crop, a dollar earner, jute. What about jute? My information is that at present 3 lakh bales are lying idle

[Shri Hem Barua]

in Tezpur and around about. Because of the transport bottleneck and the absence of insurance facilities, the trade has come to a standstill. There was a branch of the State Bank operating in a place called Karuputia. This place is supposed to be the nerve-centre of the jute industry. The branch of the State Bank there closed from 21st November to 2nd December, because Government ordered all the offices and banks to be closed in view of the threatening aggression and all that. Because of the very fact that the banks are withdrawing their credit facilities which they used to offer to the tea and jute industry, particularly these two dollar earning cash crops are facing a sort of deadlock or stalemate. This has been caused by the absence of insurance facilities.

It is in this context, that I welcome these two measures as they would contribute to stabilising our economy to a certain extent. Besides this, there has been a depression on the stock exchange also brought about by the absence of insurance facilities. In the context of that circumstance, I would say that these measures are already delayed. That is why there is some sort of stalemate in our economy, and the sooner these measures are adopted, the better for the country.

There is a provision in one of the Bills to insure goods carried by inland vessels. I was reading the U.K. War Risks Act, 1939. There they had made provision for insuring ship machinery also, that is, goods other than the cargo that it carries belonging to the ship, for instance, furniture and all that. Therefore, the ambit of these insurance measures ought to be widened so as to embrace all these things so as to give a certain amount of stability and security to the people involved.

While there is provision for goods carried by ship, there is no provision in these measures for any insurance of

goods carried by aircraft. We are in a war and the air services will have to be utilised for transport of goods and other things. These should be covered. I would say that there should be provision for insuring even agricultural products, even livestock; or else there will be some sort of difficulty.

My hon. friend, Shri Tyagi, has already referred to the premium rates. When these rates are fixed, it should be done in the context of some sort of realistic appraisal.

There is a talk that this legislation visualises the agency of the LIC. Instead of entrusting the agency to the LIC, it will be better, as they did in England during the last war years, if we entrust this responsibility of agency to the Board of Trade. I say so because the LIC is already heavily worked, and the Board of Trade can discharge this responsibility better.

Another thing is about replenishing the fund of insurance. This will come from contributions from the Consolidated Fund of India. But I feel there should be some measure visualised so that we might go in for taxation, if necessary, in order to replenish the fund, whenever occasions arise. And there will be occasions arising like that. Therefore, I agree with Shri Tyagi that it should be a taxation measure.

I must congratulate industry also because it is not trying to make war profits. In spite of that this should be a sort of taxation measure, a taxation measure that would contribute to our defence fund.

Shri Sham Lal Saraf (Jammu and Kashmir): I welcome these two Bills. They are essential and important at the moment in order to create a greater sense of security in the country.

Luckily, these Bills have followed the Bill we passed yesterday with re-

gard to personal injury etc. In that Bill, provision has been made for compensating personnel engaged in the war effort and others when they suffer injury to themselves. It was natural therefore that this cover should be extended to other fields concerned with the war effort, factories, products of factories, raw materials, goods and so on. It is good that the Finance Minister has come speedily with these Bills which will certainly create in the country generally a greater sense of security as far as the war effort operations are concerned.

One or two hon. friends have suggested that this should have been a fiscal measure. I do not agree with them. These Bills are purely security measures. We must separate security measures from fiscal measures and not create confusion by trying to mix up the two. As far as bringing security is concerned, these two measures are very welcome.

It has been suggested that the cost of insurance, that is, the premium rate for insuring material, factories and other units should be 3 per cent. or less than 3 per cent. I would submit that it should be a little less and should not go beyond that.

There is another important factor, that is what will be the agency implementing this legislation. Some hon. friends have suggested particularly one insurance company. I would submit that in our country we have several general insurance companies whose record is absolutely good. They are in no way inferior to other companies. Maybe one or more may have more funds with them and more assets with them, but as far as their functioning is concerned, some of them have done pretty well and they can be compared very favourably with foreign companies working here or outside the country.

As far as the passing of these two Bills is concerned, it has been made absolutely clear that these will cover war risks, and war risks have also

been very nicely and well defined in these Bills. Therefore, there is not much to be said in regard to that.

This has also been made clear that this measure will continue till the emergency lasts or some near date which the Government thinks is necessary. That should be agreed to.

As my hon. friend Shri Mahida has said, this Bill, unlike some others that we have passed during this session, will apply to Jammu and Kashmir, the State from which I come. I heartily welcome this, and am glad that without waiting for that State or the Government of that State to pass such a legislation, Parliament is passing this measure in such a way that it will apply to that State also. I would like to say to some of the doubting Thomases with regard to the emotional integration of that State with the rest of India under the Constitution, that this is how the State has come nearer and nearer to the Centre and will ultimately come as the other States, maybe after some time. Therefore, from that angle also I welcome it.

I am glad that this Bill and the Bills we have already passed would really create an atmosphere of security in the country which will ultimately go to build up the war effort and help it, and help in ultimately throwing out the enemy.

Dr. L. M. Singhvi (Jodhpur): I have seen in these two measures the underlying idea and the implied suggestion that was contained in a question I had tabled more than two or three weeks ago. Indeed, in my humble view these measures are somewhat belated, because they should have been brought immediately after the promulgation of the emergency in this country. We have known these measures before in this country and therefore there should have been no difficulty whatever in bringing them immediately after the emergency was promulgated. Anyway, I welcome these two measures, congratulate the hon. Finance Minister for bringing them be-

[Dr. L. M. Singhour]

fore the House during this session, and express the hope that they would be on the statute-book before we adjourn.

Under these two enactments, there is, as is obvious, the widest conceivable scope for delegation. We grant these wide powers for discretionary action to the Government ungrudgingly and most willingly in view of the present situation, but I should like to express the hope that from time to time the Government would not only be responsive to suggestions from the public in general and the hon. Members of this House in particular, but would also take this House into confidence in regard to the various matters of detail in the administration of these measures. I hope that the power of Parliament, in spite of the wide delegation of powers involved in these two measures, would not in any case be whittled down and I have every hope that the Finance Minister, the wise statesman that he is, will always see to it that he has Parliament with him even in the scheme that he formulates and puts into force.

I should like to say that the Minister's assurance that these measures will not be exploited as taxation measures is a very wholesome one. I should like to say that this is an assurance which is the fundamental underlying principle of such measures. I would strenuously oppose the suggestion made by a couple of my friends here, and in particular the suggestion made by Shri Tyagi that this should be turned into a measure for raising resources. This is an instrument for bringing about stability, this is an instrument for providing for the rehabilitation of those who may suffer on account of the war situation, on account of enemy action, and therefore for the State to try to exploit the situation for raising resources would indeed be unthinkable and inconceivable in my opinion.

I think that at the same time it should be seen that the premium rates

should not be raised to an excessive or prohibitive degree. It should be the effort of the Government to see, in spite of the fact that in the Bill as originally introduced in the House the limitation about the premium rate was not contained therein, to see to it that a limitation regarding the premium rate would be specifically placed, and it would be placed not above two per cent.

In my opinion, it would have been better if a single comprehensive enactment had been brought forward to cover all war risks arising during the period of the emergency. As it is, I think that some of the words had to be stretched, the definitions of some of the expressions used in these measures had to be stretched to a degree which does not strike us as happy or sound.

Take for example the definition of the word "goods" introduced in this Bill. It appears it has been stretched to an excessive degree when goods are defined as meaning any materials, commodities or articles and includes materials, commodities or articles used in or for the construction of any ship up to the time at which the ship after construction is launched. This definition of goods is certainly one which does not accord with the common meaning which we give to the term.

I should like to say in the end that these wide powers which are granted to the Government, particularly in the matter of the framing of the scheme which finds mention in the Memorandum on Delegated Legislation appended to these Bills, should be exercised in response to the suggestion specifically made by the Members of this House, as I said earlier, as also in consultation with the various interests which are affected by these provisions. I will take half a minute more.

I would also like to mention that there are certain drafting infirmities in these measures. In particular, I should like to say that the definition

of "enemy" attempted in these two measures is really speaking more confusing and confounding. It is admitted by all scholars of international law that the enemy character remains somewhat unsettled and undefined, and even the attempt that has been made is foredoomed to failure and is bound to be very inadequate.

Mr. Deputy-Speaker: He should conclude now. He said half a minute.

Dr. L. M. Singhi: There are Members who have taken ten minutes. I am trying to finish, but certainly it cannot be tailored in an exact fashion.

I would like to draw the attention of the hon. Finance Minister to the related UK Act, namely the Restriction on Advertisements (War Risks Insurance) Act, 1939. Although an arrangement has been provided in clause 12 of the Emergency Risks (Goods) Insurance Bill, still a provision for an advisory committee such as was provided in the UK Act has not been made.

I hope these measures will be efficacious as measures of stability, particularly in the case of those who are unfortunately affected by the Chinese invasion.

Shri P. C. Borooah (Sibsagar): I wholeheartedly welcome these two very urgent and important Bills, and I thank the hon. Finance Minister for them.

It would have been in the fitness of things if these Bills had come a bit earlier than now, because in the absence of this very necessary insurance to cover business, the borrowers find it difficult to persuade their bankers to lend them money, and as a result already there is some dislocation in the industrial and trade activities in the frontier State of Assam, mostly arising out of tea finance. The financing banks estimate the prospective crop of the year and fix the amount for advance against the hypothecation of the crop in the month of December preceding the year of the working of the garden.

For that purpose a schedule is prepared for enabling the garden to draw the money monthly. The gardens go on drawing their money from January to July. Without knowing whether the crop will come to Calcutta at all or what the crop is, the bankers advance money to the extent of even Rs. 30 crores, every year from January to June. The difficulty of the bankers is this. Suppose there is resumption of hostilities in the Assam front or the production programme is disturbed or on account of the running away of the workers of the garden or tea cannot be packed or despatched or the despatched tea does not reach Calcutta safely, in such a case the bankers fall into a serious position. Some of my hon. friends who preceded me express satisfaction that they have covered the losses in tea. But it is of a capital nature. What about the working losses. If this is not covered, the bankers will find it difficult. I request the hon. Finance Minister to consider this question whether the bankers will advance Rs. 30 crores without any cover. It is not covered by the present position in the Bill. In 1952 when the price of tea came very much down and the existence of the gardens was almost at stake the Government came out with a scheme of guarantee and the crisis was overcome. Some such arrangement may be made in the present case also. That should be done without any loss of time because this is the time, from the middle of December the tea gardens need this facility. If that is not available, there will be trouble in the gardens which will affect the product which is the highest foreign exchange earner and there will be other chaos in Assam by the non payment of the wages to the labourers in time. With these words, I support the Bill and request the hon. Minister to enlighten us on that.

श्री ह० च० सोण (फिरोज) :
उपाध्यक्ष महोदय, इन दोनों विधेयकों का मैं

[श्री ह० च० सोय]

सामान्यतः समर्थन करता हूँ। वैसे तो शान्ति काल में भी हमारी इकनामी ठीक तरह से चलनी ही चाहिए, मगर इस वक़्त तो इस बात की और भी जरूरत है कि हमारी इकानमी ठीक तरह से चले और लोगों के अन्दर लड़ाई के कारण खतरे की भावना उत्पन्न न होने पावे, बल्कि उनके अन्दर यह भावना रहे कि उनका माल तो इश्योर्ड है।

मैं दो तीन चीज़ों की तरफ सदन का ध्यान आकर्षित करूँगा। फैक्टरीज़ इश्योरेंस बिल के सैक्शन १० में कहा गया है कि यदि सेंट्रल गवर्नमेंट किसी कारखाने को एक जगह से दूसरी जगह ले जाना चाहेगी तो उसके लिए जो इश्योर्ड सम है उसके अलावा वह ले जाने का खर्चा भी देगी। इसमें यह भी कहा गया है कि अगर ऐसा करने में फैक्टरी का कुछ सामान कम हो जाए तो उसके खर्चा भी सरकार देगी। मैं समझना हूँ कि इसमें सरकार अपने ऊपर जरूरत से ज्यादा जिम्मेदारी ले रही है।

सैक्शन १५ में सरकार ने यह अधिकार लिया है कि वह विशेष प्रकार के कारखानों को इश्योरेंस से बरी कर सकती है। मैं उम्मीद करता था कि इसके कारण पर माननीय मंत्री जी अपने भाषण में जो उन्होंने इस बिल को प्रस्तुत करते समय दिया था कुछ प्रकाश डालेंगे। मैं चाहूँगा कि इस सम्बन्ध में सरकार प्रकाश डाले। मैं यह नहीं समझ पाया कि क्यों ५० हजार से कम के कारखानों को बरी किया जाए और उन को इश्योर न किया जाए।

अन्यथा इन जनरल में इन दोनों विधेयकों का समर्थन करता हूँ। इसमें यह कहा गया है कि इश्योरेंस फंड में हमारे कंसालिडेटेड फंड से खर्चा नहीं होगा। जो प्रीमियम दिया जाएगा उस के अन्दर ही से रिस्क पूरा हो जाएगा। जो मारा खर्चा है वह डेढ़ लाख का

है। इसलिए मैं इन दोनों विधेयकों का समर्थन करता हूँ।

Shri A. N. Vidyalankar (Hoshiarpur): Sir, there cannot be two opinions that these are essential and welcome measures. My only regret is that they are not much more comprehensive. The idea is to see that the businessmen and factory owners and others in these areas continue to function properly and should not run away due to panic. But there are other sections of the people who also require protection and some kind of assurance. Suppose the peasants lose some of their cattle. There are persons whose capacity to bear the loss is very low and they also require some kind of help and protection. So, I suggest that we make two kinds of provisions. Where there are essential industries, essential from the Government's point of view or from the defence point of view, in such essential cases, insurance should be compulsory; in other cases it should be voluntary. We might make some provisions for insurance on a voluntary basis. It is not clear whether the banks would get any protection under this insurance. Similarly in the case of standing crops, there is no insurance. I think some kind of voluntary provision for insurance should be made with regard to the standing crops also.

My other point is that decisions with regard to the rate system should be placed at least on the Table of the House. Some kind of control by this House is essential. Similarly, some kind of parliamentary control over the whole business management should be there. In these two Bills there is no provision for this. I think some kind of provision is necessary. The annual reports of the business managements with regard to these two insurance measures should be placed on the Table of the House, and some kind of parliamentary control should be provided for them.

श्री रामेश्वर टाटिया (सीकर) : उपाध्यक्ष महोदय, पिछले एक महीने से असम में वार इंड्योरेंस को ले कर बैंकों ने ऐडवांस देना बंद कर दिया या तो अगले साल की ऐडवांस ऐप्लीकेशनम लेंगे । मैं वित्त मंत्री महोदय को धन्यवाद देता हूँ कि वह यह दो बिल सदन में लाये । इन बिलों के बारे में मुझे यह कहना है कि यह खाम कर अभी असम में लागू होते हैं । असम में सब से बड़ी जो इंडस्ट्री है वह चाय की है । चाय में आप ने स्टैंडिंग क्राप के लिये तो कहा है परन्तु बैंक जो रुपया देते हैं वह स्टैंडिंग क्राप के सिवा जो अगले साल की क्राप होगी उस के ऊपर रुपया देते हैं । स्टैंडिंग क्राप में अगर पौधा आता हो तो फिर बैंकों को एक डिफ-कल्टी रहेगी ।

अभी बरुवा साहब ने जो कहा तो उन का यह कहना है कि बैंक जनवरी से रुपया देते हैं अगले साल की जो फ़सल होती है उस पर वह फ़सल के एग्ज़ेक्यूटिव के हिसाब से अगर गवर्नमेंट वार रिस्क ले तो बैंक शायद रुपया देने में आनाकानी नहीं करेंगे । यह बहुत जरूरी चीज़ है क्योंकि चाय हमारे देश के लिये बाहर से १२५ करोड़ रुपया लाती है । इस के अलावा चाय इस देश का नेशनल पेय है । मैं निवेदन करूंगा वित्त मंत्री को कि इस स्टैंडिंग क्राप के सिवाय जो चाय होती है जिस पर बैंक रुपया देते हैं इस साल जो चाय होने वाली है उस का बीमा भी इस वार रिस्क इंड्योरेंस लिस्ट में आ जाय ।

श्री त्यागी ने जो यह कहा कि वार रिस्क इंड्योरेंस को टैक्स के रूप में समझना चाहिये । तो मैं नम्रतापूर्वक उन के इस कथन का विरोध करना चाहूंगा । सरकार को यदि टैक्स की जरूरत है तो वह सीधे आमदनी पर जितना भी उसे दरकार हो युद्ध के समय सरकार द्वारा लगाया जा सकता है और लोग खुशी से उसे देंगे । परन्तु जो इंडस्ट्री कमा ही नहीं रही है उस पर आप एक ही तरफ़

टैक्स कैसे लगा सकते हैं ? इंड्योरेंस के हिसाब से उस के लिये एक अलग फंड रहना चाहिये और यह नहीं है कि टैक्स में आ कर खर्च हो जाय क्योंकि उस का नुक्सान भी बड़ा हो सकता है और फ़ायदा भी हो सकता है इसलिये टैक्स में न ले कर इस को एक बीमे के हिसाब से लेना चाहिये और उस अनुपात में उस को रखना चाहिये ।

तीसरी बात जो श्री प्रभातकार ने कही कि ओरियंटल ने गवर्नमेंट के एजेंट के तौर पर यह काम करने को और किया है तो मैं कहना चाहता हूँ कि अकेले ओरियंटल ही क्यों मेरे खयाल में कोई २६ कम्पनियों ने अपनी सविसेज इस काम के लिये बिना कुछ लिये गवर्नमेंट को और की है । वे यह काम करने को तैयार हैं और वगैर कमिशन लिये करने को तैयार हैं । हमलिय मुझे तो इस में कोई भी आपत्ति नहीं लगती कि अगर दूसरी कम्पनियाँ, उन के पास स्टाफ़ है और अगर वह इस काम में सहयोग दें तो हम उन का सहयोग क्यों न लें ? मेरी समझ में तो उन दूसरी कम्पनियों का भी सहयोग सरकार को लेना चाहिये जिस से यह काम जल्दी हो । अगर उन के पास ओरियंटल का जितना स्टाफ़ न हो तो भी उन का सहयोग लेने में कोई हर्जा नहीं है ।

मैं एक वार फिर वित्त मंत्री महोदय को धन्यवाद देता हूँ कि वह यह जरूरी बिल सदन में लाये । इसी के साथ मैं उन से यह निवेदन करूंगा कि असम में दिसम्बर में जैसे कि बरुवा साहब ने कहा कि टी प्लांट्स पर जो रुपया व्यय होता है और चाय के सम्बन्ध में जो कठिनाई है उस को ध्यान दे कर दूर करे और टी प्लांट्स को भी इंड्योरेंस से कवर करे और स्टैंडिंग क्राप में अगर वह आ जाते हैं तो कोई हर्ज की बात नहीं है और इस में यह जोड़ दें कि चाय की स्टैंडिंग क्राप के साथ जो अगले साल की फ़सल है वह भी इस के भीतर रहेगी ।

श्री बिशन चन्द्र सेठ (एटा) :

आदरणीय उपाध्यक्ष महोदय, सब स पहले तो मैं इस बिल का स्वागत करता हूँ परन्तु मुझे कुछ बड़ी आवश्यक बातें इस के सम्बन्ध में निवेदन करनी हैं। मेरा विश्वास है कि आदरणीय वित्त मंत्री महोदय उन पर ध्यान देंगे। पहली चीज तो खेती के सम्बन्ध में है। मैं बिलकुल जरूरी नहीं समझता कि उस का इश्योरेंस किया जाय। जब बम वगैरह गांव और खेतों में नहीं डाले जायेंगे, अगर उस की नौबत आती है तो वह शहरों पर ही पड़ेंगे। इसलिये खेती के ऊपर यह इश्योरेंस का टैक्स कम्पलसरी करना मैं उचित नहीं समझता और इस से व्यर्थ में गांव वालों के के लिये एक नया अजीब काम बढ़ जायेगा इसलिसे मैं इस का विरोध करता हूँ जिन सज्जनों ने अभी तक उस के पक्ष में कहा है मैं उन से महमत नहीं हो सकता कारण मैं इस को उचित नहीं मानता।

दूसरी चीज मुझे यह निवेदन करनी है कि जिस तरीके से आज हमारे देश की परिस्थिति चल रही है लाइफ इश्योरेंस कारपोरेशन ने आज तक कभी आग अथवा और इसी क्रिसम के दूसरे बीमों का काम नहीं लिया है। हमारे देश के जितने बड़े बड़े जहाज हैं, हवाई जहाज हैं, वे दूसरे देशों की बीमा कम्पनियों के पास इश्योर्ड हैं। अतः मैं यह निवेदन करना चाहता हूँ कि दृजाय इसके कि इस कार्य को हमारी सरकार स्वतः वहन करे, हमें दूसरे देशों की कम्पनियों पर, जोकि बड़ी समृद्ध और धनवान हैं, उन को यह कार्य सौंप देना चाहिये ताकि हमारे ऊपर रिस्क न आये और उन के सुपुर्द करने से सब से बड़ा फायदा यह होगा कि इस का रेट कम हो जायगा। जो रेट हमारे मंत्री महोदय ने रक्खा है मैं समझता हूँ कि वह बड़ा गलत है। यह बहुत बड़ा बोझा होगा। १०० रुपये पर तीन रुपये तकड़े

के माने तो हैं कि एक लाख पर ३००० रुपये करोड़ अगर है तो ३ लाख रुपये प्रतिवर्ष देना पड़ेगा। इस स्थिति में यह कार्य हमारे देश की सरकार को न ले कर और जैसाकि हमारे अन्य मित्रों ने भी अभी कहा, बहुत सी विदेशी कम्पनियां आज भी हमारे इस देश में अपना कार्य कर रही हैं, उन के जिम्मे यह काम सौंप दिया जाय। विधान के अन्तर्गत उन विदेशी कम्पनियों को यह कार्य सौंप दिया जाय ताकि हमारे देश की सरकार पर कार्य का बोझा भी न बढ़े और साथ ही साथ आर्थिक बोझा भी न पड़े। इसलिये उचित यह होगा कि हम दूसरों के कंधे पर यह काम का भार डाल कर पूरा करा लें।

दूसरी चीज मैं यह निवेदन करना चाहता हूँ जैसाकि इस बिल में अनुमान किया गया है, ईश्वर न करे, अगर हमारे देश पर बमबारी होती है तो पहले बड़े बड़े शहर ही उस के शिकार होंगे, सारे मकानात, दुकानें और जो बड़े बड़े व्यवसायिक केन्द्र हैं वे बमबारी के टारजेट बनेंगे इसलिये उन को भी इस बिल के अन्तर्गत ले लेना चाहिये। बड़े बड़े व्यावसायिक सेंटर्स, बड़ी बड़ी इमारतें दुकानें जिनमें अरबों रुपये का दौलत पड़ा हुआ है उनको सुरक्षित रखना भारत सरकार का प्रथम कर्तव्य है।

इस के साथ ही मैं एक चीज और निवेदन करना चाहता हूँ। मैं अभी समझता हूँ कि इस बिल में एक मुख्य उदासीनता है और वह यह है कि बैंकों के पास जो भी सामान हमारे व्यवसायिक वर्ग का गिरवी है वह सारे का सारा इश्योर्ड होना चाहिये। बैंकों हेतु कोई भी छूट नहीं होनी चाहिये। किसी व्यापारी का ५००० का काम है, दूसरे व्यापारी का ७५००० का काम है तो किसी तीसरे का २ लाख का। बैंकों के पास तो एक ही गुदाम होता है और यह मुमकिन नहीं है कि छोटे और बड़े व्यापारी का सामान अलग अलग गोदामों में रक्खा जा सके, बैंक के उसी एक गुदाम में एक ही जगह पर अनेक आद-

मियों का सामान जब रक्खा है, लिहाजा यह जरूरी है कि बैंक के पास जितना भी सामान गिरवी रक्खा है वह सारा का सारा इश्योर्ड हो ।

अन्त में मैं एक और छोटी सी बात कहना चाहता हूँ । अभी इस बिल के सम्बन्ध में यह कहा गया कि एक जगह से दूसरी जगह ट्रान्सपोर्ट किये जाने वाले सामान का इश्योरेंस होना चाहिये । मैं इस को बिलकुल गैरजरूरी मानता हूँ क्योंकि नित्य के कार्य में एक तो सारे व्यापारी उस का लाभ उठावेंगे और चीजों के भाव बढ़ जायेंगे और बड़ी दिक्कत हो जायगी । ऐसी स्थिति में छोटे छोटे डिस्टेंस के लिए जैसे एक बड़े शहर से पास के छोटे शहर में सामान जाता है जैसे कानपुर से लखनऊ समाप्त आता है अथवा दिल्ली से गाजिपदाद जाता है, उस ट्रान्सपोर्टेड गड्स पर इश्योरेंस को मैं आवश्यक नहीं मानता । इन शब्दों के साथ और इन परिवर्तनों के साथ मैं इन बिलों का समर्थन करता हूँ और आप को धन्यवाद देता हूँ कि आपने मुझे अपने विचार प्रकट करने का अवसर दिया ।

Shri D. C. Sharma (Gurdaspur):
 Mr. Deputy-Speaker, Sir, this Bill has been welcomed on all hands in this House and I also extend my welcome to it. I feel that this is a Bill which brings us very near the socialist pattern of society. I also feel that this is a measure of social insurance. I do not know how people can confuse a measure of social security with a measure for taxation. I cannot understand that. I know there are certain countries in which there is insurance for all, and I think in our country too, a time will come when there is insurance for all. But I cannot understand how some people say that this is a measure of taxation. This is a measure which gives a guarantee to those people who are going to undertake some kind of risk on account of the war, a brutal war that has been started by the ruthless Chinese. This can-

not be thought of as a taxation measure.

I welcome the provision of compulsion. The element of compulsion will be extended to some other things also, which are productive of social benefits in the largest possible measure. I think something should be done for the farmers. It is true that this Bill is going to keep the wheel of industry, trade and commerce in motion all the time. But our agricultural front should not be neglected and I would request the Minister to bring some measure which can give some kind of protection to the agriculturist, who ploughs the field, the person who reaps the harvest. If something cannot be done on a big scale, at least there should be some kind of a token measure, so that the peasant can also work in the field. My friend was saying that only big cities will be bombed. Nothing can be farther from the truth. When bombing takes place, villages, towns, urban and rural citizens, will be involved. Therefore, it is no use creating this kind of distinction between big cities and small towns. So, something should be done for the agriculturist also. Of course, so far as the factories are concerned, this concession has been extended to them.

I am glad that the Finance Minister has given us the assurance that the incidence of this insurance premia will not fall on the consumer. I think the consumers will be very thankful to the Finance Minister for this. Regarding rates of premia, there should be a sliding scale and the optimum should be resorted to in as few cases as possible. I hope the rates of premia will be placed on the Table of the House, so that we may have a look at them.

It is true it is not possible for the Finance Minister to cover the entire physical wealth of the country. But I believe as time passes, emergency or no emergency he will take measures to cover these things also.

I had an amendment, but I was too late. I want to bring that amend-

If hypothecation is not done and all the goods are with the bank when this comes into force, then the bank can take it. I am quite sure that will be done; I do not think there will be any difficulty about it.

My hon. friend Shri Bade was saying that when the goods are in transit from one district to another district and if the value of goods in one district passes the figure of Rs. 50,000, the liability to take out an insurance policy will begin to operate. I do not know what exactly is the difficulty.

Shri Kashi Ram Gupta: There is no exemption for goods in transit.

Shri Morarji Desai: It is difficult to cover goods in transit. But if goods in one district are worth Rs. 50,000 or more and in another district less than Rs. 50,000, in one district it will be covered and in another it will not be covered. That is the scheme.

15 hrs.

Shri Kashi Ram Gupta: The limit of Rs. 50,000 covers only stock in an area and not goods in transit. Goods in transit can be in another district.

Shri Morarji Desai: If he wants to cover it nobody is going to object to that.

Then, my hon. friend Shri Barua raised a question whether goods which are transported by planes will be covered. They will be covered if they are transported by planes from Assam.

We are also going to cover the tea crops in Assam. Therefore, the question about the banks' doubts and difficulties in giving advances will be solved. I am very sorry to have found that the banks hesitated in doing this. I am afraid it was not a good action on the part of the banks to hesitate in giving advances because they were afraid of their money. In the time of crisis everybody ought to take risks and respond to the call, and see that trade and business are not disrupted.

Shri D. C. Sharma: Only nationalised banks will do so.

Shri Morarji Desai: They will not hesitate.

Shri Narendrasingh Mahida: Why only Assam, why not Kashmir?

Shri Sham Lal Saraf: There is no such difficulty in Kashmir.

Shri Morarji Desai: I am sure the bankers will now, in view of this Bill, see that the difficulties are removed and tea estates receive their advances as promptly as they were receiving before.

My hon. friend, Shri A. P. Jain, said that the payment of the amount should be made immediately and not within one year as it is provided here. How can any claim be paid immediately without making any verification? Therefore, within one year, as it is fixed in the Bill, if the payment is made, I think it is quite proper. It is not possible to do it immediately.

It was argued by some hon. friends that we should also cover agricultural crops everywhere, and in some cases houses also in some cities. I do not think that these two fall within the scope of these two Bills. But if it is said that I should consider that I will certainly consider that. I have considered that so far and have not thought it proper to cover them. If I am able to change my view in future and I find that it is practicable to do so, we shall certainly consider it. As it is, we are not able to have any scheme for covering agricultural crops. An experiment is being made in the Punjab, and when that experiment is succeeding or is found to succeed perhaps we will find out a way how to do this.

It was also suggested that cattle ought to be covered. Sir, everything cannot be covered. Then, why should all men not be covered, I do not know. All these things become difficult. It is necessary to see that trade and business and factories are not dis-

[Shri Morarji Desai]

rupted, because the life of the country depends much on them, the economic condition of the country depends much on them, and therefore these are essential things which ought to be covered. That is what we have done.

Sir, I am again very thankful to the hon. Members in this House for giving prompt consideration to these Bills, for waiving the rules and for giving full-hearted support to them.

Dr. M. S. Aney (Nagpur): Sir, before the hon. Minister sits down I want him to give some clarification on one small point. I want to invite his attention to the definition of "emergency risks" given in sub-clause (f) of clause 2. It is said here:

"(f) "emergency risks" means such risks arising from—

(i) action taken by an enemy....."

that one can understand. Then it is said:

"...or action taken in combatting an enemy;...."

That also one can understand. But afterwards it is said:

"...or in repelling an imagined attack by an enemy;"

That also we can understand. But by whom? Supposing it is an imagined attack by an enemy, the repelling must be by persons authorised by the Government. If somebody else imagines an attack, then it is likely to create some difficulty. The wording should be made perfectly clear. The wording here is: "or in repelling an imagined attack by an enemy". This should be done only by persons who are authorised by the State or under orders of the State. If there is an attack like that, of course, that can be taken as coming under the definition of "emergency risks". Otherwise, Sir, somebody else might be able to create some mischief. I

think such an amendment is necessary here and it should be only by persons authorised by Government. All others should be excluded from this.

Shri Morarji Desai: Sir, if my hon. friend, with his usual keenness which is almost extraordinary and worth emulating by everybody, has pointed out something which shows that some advantage will be taken by somebody because it is not specified here by whom the action is to be taken, naturally it means action taken by Government or any person authorised by Government. But in some cases it may be possible that some private citizens may find that they cannot wait for any authority from Government and some action is required to be taken by them at that time. In such cases, if the Government is satisfied about it they will also be certainly covered. Why should they not be covered? They should be covered if Government accepts them, not otherwise.

Mr. Deputy-Speaker: We shall take up the Emergency Risks (Goods) Insurance Bill first. The question is:

"That the Bill to make certain provisions for the insurance of goods in India against damage by enemy action during the period of emergency be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The House will now consider* the Bill clause by clause. There are no amendments to clause 2 of the Bill. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (Goods insurable under the Act)

Mr. Deputy-Speaker: What are the amendments to clause 3.

*Emergency Risks (Goods) Insurance Bill.

Shri Krishnapal Singh (Jalesar):
Sir, I beg to move:

Page 3, line 39,—

add at the end—

“and a copy of such notification shall be laid on the Table of the House of the People for a period of 30 days or duration of the session, whichever is less.” (1)

Mr. Deputy-Speaker: Does he want to say anything?

Shri Krishnapal Singh: No, Sir. There is not very much to be said about it.

Shri Kashi Ram Gupta: Sir, I beg to move:

Page 3,—

after line 39, insert—

“(2A) The Central Government may also fix a minimum exemption limit from insurance, of the value of goods, which may be covered by the Scheme under the Act.” (7)

Sir, I only want to say this much, that from my point of view the goods in transit are not covered by the provision mentioned on page 8 of the Bill, and hence it is necessary to put in this clause 2A here saying that the Central Government may also fix a minimum exemption limit which may be covered by the scheme of the Act and this may apply to the goods in transit.

Mr. Deputy-Speaker: Are you accepting any of them?

Shri Morarji Desai: About a copy of the notification being laid on the Table of the House, I would certainly like it to be accepted but I would like it to be worded like this:

Page 3, line 39,—

add at the end—

“and a copy of such notification shall be laid after it has been made on the Table of each House

of Parliament when such House is in session for a period of thirty days or for the duration of the session in which it is laid, whichever period is less.”

Mr. Deputy-Speaker: Are you accepting it?

Shri Ranga: Yes.

Mr. Deputy-Speaker: What about the amendment of Shri Kashi Ram Gupta?

Shri Morarji Desai: I cannot.

Mr. Deputy-Speaker: Is the hon. Member pressing it?

Shri Kashi Ram Gupta: No, Sir; I withdraw.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his amendment No. 7?

Amendment No. 7 was, by leave, withdrawn.

Mr. Deputy-Speaker: I shall now put amendment No. 1, as modified by the Finance Minister, to the vote of the House.

The question is:

Page 3, line 39,—

add at the end—

“and a copy of such notification shall be laid after it has been made, on the Table of each House of Parliament when such House is in session for a period of thirty days or for the duration of the session in which it is laid, whichever period is less.” (1 as modified)

The motion was adopted.

Mr. Deputy-Speaker: The question is:

“That clause 3, as amended stand part of the Bill.”

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5.— [*Emergency Risks (Goods) Insurance Scheme*]

Amendment made:

Page 7, line 21,—

for “such rate as may, for the time being”, substitute

“a rate not exceeding three per cent per annum of the sum insured as may.” (9)

(*Shri Morarji Desai*)

Shri Krishnapal Singh: I beg to move:

Page 7, line 29,—

add at the end—

“and a copy of such amendments shall be laid on the Table of the House of the People for a period of 30 days or the duration of the session, whichever is less.” (2)

Shri Morarji Desai: As in the case of clause 3, I will accept amendment No. 2 in a modified form, which will read as follows:—

Page 7, after line 29, insert—

“(6) Every Scheme shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the sessions in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the Scheme.”

Mr. Deputy-Speaker: I will now put amendment No. 2 as modified by Government to the vote of the House.

The question is:

Page 7, after line 29, insert—

“(6) Every Scheme shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the sessions in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the Scheme.” (2 as modified)

The motion was adopted.

Mr. Deputy-Speaker: The question is:

“That clause 5, as amended, stand part of the Bill.”

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Shri Hari Vishnu Kamath: Sir, may I make a request to you? After you have said that a particular clause do stand part of the Bill you may kindly sit down for a few seconds, and see whether anybody wants to say anything on that clause.

Mr. Deputy-Speaker: I am always looking around.

Shri Hari Vishnu Kamath: You are only looking at the Bill and papers.

Clause 7.— (*Power to make insurance compulsory*)

Shri Kashi Ram Gupta: I am not moving amendment No. 8.

Shri Krishnapal Singh: I beg to move:

Page 8, lines 13 to 15,—
omit "and with further fine which may extend to five hundred rupees for every day after the first on which the contravention continues." (3)

Shri Morarji Desai: The punishment ought not to be lessened. If at all, it has to be enhanced.

Mr. Deputy-Speaker: Do you press it for a vote?

Shri Ranga: We want to press it.

Shri D. C. Sharma: I want that on page 8, line 11 for the words "exceed fifty thousand rupees" the words "exceed thirty thousand rupees" to be substituted. , !*]]

Mr. Deputy-Speaker: The question is:

Page 8, lines 13 to 15,—
omit "and with further fine which may extend to five hundred rupees for every day after the first on which the contravention continues." (3)

The motion was negatived.

Mr. Deputy-Speaker: I will now put clause 7 to the vote of the House.

Shri Ranga: What about the suggestion of Shri Sharma?

Shri Morarji Desai: If the House has no opposition, I will accept it.

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): But there is no amendment.

Shri Ranga: We are getting confused. Shri Sharma was saying..

Mr. Deputy-Speaker: But he has not tabled any amendment.

Shri Ranga: But the Minister says that he is prepared to accept it if the House has no objection.

Mr. Deputy-Speaker: Order, order. No amendment has been moved to that effect.

Shri Ranga: Is the Finance Minister not in favour of it?

Shri Morarji Desai: I said that I am in favour of it, if it is acceptable to the House.

Shri Ranga: That is exactly what we have been saying. Surely, the House wants it.

Shri Morarji Desai: If the House wants it, I will make the motion.

Mr. Deputy-Speaker: Unless there is an amendment, how can I put it to the vote?

Shri Ranga: The Finance Minister can move it.

Mr. Deputy-Speaker: He has not moved it so far.

Shri Morarji Desai: I beg to move:

Page 8, line 11,—
 for "fifty" substitute "thirty" (10).

Mr. Deputy Speaker: The question is:

Page 8, line 11,—
 for "fifty" substitute "thirty" (10)

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 7, as amended, stand part of the Bill"

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

(Restrictions on carrying on of certain insurance business)

Shri Krishnapal Singh: I beg to move:

Page 8,—

omit lines 40 and 41. (4).

Shri Morarji Desai: I do not accept that amendment.

Shri Krishnapal Singh: Then I would like to withdraw it.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his amendment?

Some Hon. Members: Yes.

Amendment No. 4 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 9 stand part of the Bill"

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 11 were added to the Bill.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

Clauses 14 to 17 were added to the Bill.

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

Shri Morarji Desai: Sir, I beg to move:

"That the Bill, as amended, be passed"

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed"

The motion was adopted.

Mr. Deputy-Speaker: We will now take up the Emergency Risks (Factories) Insurance Bill. The question is:

"That the Bill to make provisions for the insurance of certain property in India against damage

by enemy action during the period of emergency, be taken into consideration."

The motion was adopted.

15.20 hrs. .

Mr. Deputy-Speaker: The House shall now take up clause-by-clause consideration of the Bill. There are two amendments to clause 2 notice of which has been given by Shri Guha and Dr. Singhvi. Both of them are not here; so, they are not moved.

The question is:

"That clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—[*Emergency Risks (Factories) Insurance Scheme.*]

Shri Krishnapal Singh: Sir, I beg to move:

Page 5,—

(i) in lines 3 and 4,—

omit "at which the policy of insurance was taken out, or"

(ii) in line 4,—

omit "whichever is less" (1)

Page 5,—

omit lines 8 to 12. (2)

Page 5, line 28,—

add at the end—

"and such scheme shall be laid on the Table of the House of the People for a period of thirty days or the duration of the session, whichever is less" (3)

Shri Narasimha Reddy (Rajampet): I am not moving my amendment (No. 15).

Amendment made:

Page 4, line 20,—

for "such rate as may, for the time being," substitute—

"a rate not exceeding three per cent per annum of the sum insured as may" (16)

(Shri Morarji Desai)

Shri Morarji Desai: Sir, I do not accept the other amendments.

Shri Krishnapal Singh: Sir, I withdraw them.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his amendments Nos. 1, 2 and 3?

Amendments No. 1, 2 and 3 were, by leave, withdrawn.

Shri Morarji Desai: But may I say about the Scheme to be laid on the Table of the House that I should certainly like to accept that as modified by the other amendment.

Shri Bade (Khar gone): What is that amendment?

Mr. Deputy-Speaker: It is regarding the laying of the Scheme on the Table of the House.

Amendment made:

Page 5, after line 28, insert—

"(7) Every Scheme shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the sessions in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may

be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the Scheme." (18)

(Shri Morarji Desai)

Mr. Deputy-Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5—(Duty of owner of factory to insure against emergency risks)

Shri Krishnapal Singh: Sir, I beg to move:

Page 6, lines 31 to 35,—

omit "and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention or failure continues, and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure" (4)

Shri Kashi Ram Gupta: I beg to move:

Page 6, line 14,—

add at the end—

"Where the ownership of any factory building vests in the Central or State Government, Corporation or a Co-operative Society, or any Industrial Area or Estate, the respective owner shall be responsible for payment of insurance amount on the value of the building. In such cases, the occupier shall be held responsible only for insurance amount payable on machinery and other articles covered by the Act and owned by him." (10).

[Shri Kashi Ram Gupta]

उपाध्यक्ष महोदय, इस बिल में जो इबारत है उस के मुताबिक आकुपायर रिसर्पासिबिल होगा अनर का पैसा देने के लिये अगर उस की अपनी इमारत नहीं है और अनर की है। लेकिन भारतवर्ष में गवर्नमेंट ने बहुत सी इंडस्ट्रियल एस्टेट्स बना ली हैं। कुछ ऐसी एस्टेट्स राज्य सरकारों की हैं, कुछ केन्द्रीय सरकार की हैं और कुछ कारपोरेशन्स की हैं। इन में अनर का पैसा आकुपायर देगा यह बात ठीक नहीं से बैठती है। यह कैसे होगा मेरी समझ में नहीं आया। इस पर या तो माननीय मंत्री जी प्रकाश डालें या मेरे अमेंडमेंट को स्वीकार कर लें।

Shri Morarji Desai: I cannot accept the amendment because cannot make all these distinctions. It will be seen that the person who has to pay is the proper person.

Shri Kashi Ram Gupta: I could not hear what he said.

Mr. Deputy-Speaker: He is not accepting it.

Shri Kashi Ram Gupta: What is the reason for it?

Shri Morarji Desai: The reason is that it is not necessary to make this distinction. Government will be taking care to see that the proper person pays. If we cannot take it from the proper person, we must take it from the other person. But we will not take it from both.

Mr. Deputy-Speaker: Are the amendments being pressed?

Shri Krishnapal Singh: Sir, I wish to withdraw my amendment No. 4.

Shri Kashi Ram Gupta: Sir, I also wish to withdraw my amendment No. 10.

Mr. Deputy-Speaker: Have the hon. Members the leave of the House to withdraw their amendments?

Amendments No. 4 and 10 were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 9 was added to the Bill.

Clauses 10 to 13 were added to the Bill.

Clause 14 was added to the Bill.

Clause 15— (Power to exempt factories.)

Shri Kashi Ram Gupta: Sir, I beg to move:

Page 10,—

after line 36, insert—

"(3) The factories categorised under Small Scale Industries and situated in rural areas (villages or towns) having a population of less than five thousand persons shall remain exempted from insurance under this Act, without having the necessity of notification to this effect in the Official Gazette, subject to the following conditions:

- (i) that the face value of such factory buildings is below forty thousand rupees;
- (ii) that the factory employs less than twenty persons under the Factories Act." (11)

जो गांव ५००० से कम आवादी के हैं उनमें लोग अपने घरों में फ़ैक्टरियां बना लेते हैं और उनका बीमा नहीं कराते। यदि कोई एक्सीडेंट होता है तो सारे गांव पर उसका प्रभाव होगा। और वह इतनी थोड़ी रकम होगी कि उसका बीमा करने की व्यवस्था में भी गड़बड़ होगी और उनका हित नहीं होगा। मेरा निवेदन है कि सारे गांव का बीमा हो तो ठीक होगा। एक गांव में एक आदमी छोटी सी फ़ैक्टरी लगाकर बैठता है, उसके पास बीमा कराने की सुविधा नहीं होती और न बीमा करने की उसकी कैपसिटी होती है। और अगर गवर्नमेंट केवल उसको कवर करे और सारे गांव को कवर न करे तो भी उचित नहीं है। इससे लोगों में अशान्ति फैलेगी।

Shri Morarji Desai: It is not possible for me to make a distinction between small factories in villages and small factories in cities. I do not know how this exemption has to be made. As a matter of fact, it was suggested by some hon. Members also that no exemption should be made or the exemption should be specified. There is no intention to exempt any factory in this matter because all factories ought to be included. If there is any case at any time of exempting any factory, certainly a notification will be made and that will be laid before the House.

Shri Kashi Ram Gupta: Sir, I withdraw the amendment.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his amendment No. 11?

Amendment No. 11 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

Clause 17— *Power of Central Government to extend the Act and Scheme to undertakings)*

Shri Kashi Ram Gupta: Sir, I beg to move:

Page 11,—

After line 17, insert—

"Provided that open Cast Mines not employing any machinery or employing machinery of value below twenty thousand rupees shall remain exempted from the application of this Act." (12)

इसमें लिखा है कि ऐसी खदानें जिन में मेशिनरी नहीं होगी वह इसमें शामिल नहीं होंगी। मैं चाहता हूँ कि जिनमें बहुत थोड़ी मेशिनरी लगी हो उनको भी एग्जैम्प्ट करना चाहिए। वह इसमें कवर नहीं होनी चाहिए।

Shri Morarji Desai: Where there is no machinery, how is it a factory? I cannot include it in this.

Mr. Deputy-Speaker: Does he press the amendment?

Shri Kashi Ram Gupta: No. I withdraw.

Amendment No. 12 was, by leave, withdrawn.

Mr. Deputy-Speaker: The motion is:

"That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18 — *(Powers of Central Government to extend the Act to inland vessels)*

Amendment made:

Page 13, line 14,—for "to a factory", substitute "to a factory":

Provided that the rate of premium so fixed shall not exceed three per cent per annum of the sum insured." (17).

(Shri Morarji Desai)

Bill

Mr. Deputy-Speaker: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19, was added to the Bill.

New Clause 20

Shri Morarji Desai: I would substitute the following for the amendment which is there (No. 14) which seeks to insert new clause 20.

I beg to move:

Page 13, after line 21, insert—

"Notifications under sections 15, 17 or 18 to be laid before Parliament.

20. A copy of every notification made by the Central Government under sections 15, 17 or 18 shall be laid after it has been made, on the Table of each House of Parliament when such House is in Session for a period of thirty days or for the duration of the Session in which it is laid, whichever period is less."

Shri Ranga: Thanks very much.

Mr. Deputy-Speaker: The question is: . . .

Shri Hari Vishnu Kamath: On a point of clarification, Sir, may I ask the Minister whether, according to the usual formula, the House or both Houses will have the right to modify or annul if also?

Shri Morarji Desai: In one it is given the right specifically. If the House modifies, it will come into effect.

Mr. Deputy-Speaker: New clause 20 as moved by the hon. Finance Minister. The question is:

Page 13, after line 21, insert—

"Notifications under sections 15, 17 or 18 to be laid before Parliament.

20. A copy of every notification made by the Central Government under sections 15, 17 or 18 shall be laid after it has been made, on the Table of each House of Parliament when such House is in Session for a period of thirty days or for the duration of the Session in which it is laid, whichever period is less."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That New Clause 20 be added to the Bill."

The motion was adopted.

New Clause 20 was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

Shri Morarji Desai: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri Ranga (Chittoor): I have only two observations to make. I wish to thank the Finance Minister for having helped the House to have this new clause 20 added on to the Bill as it was introduced. It does not generally happen that Members do not themselves take the initiative in the direction in which this clause 20 wants the Bill to be amended. But, it has happened on this occasion and it speaks well indeed of the sense of duty and initiative of my hon. friend the Finance Minister that he should have thought of it on his own and suggested this amendment. Therefore, I wish to thank him as well as to congratulate him.

Secondly, I would like to make one observation which will cover not only this Bill, but various other Bills in regard to the manner in which our Secretariat is expected to deal with these amendments. In addition to stating as they are stating here, page 3, line 30, and stop there and give the text of the amendment. In addition to that, I would like them to mention the number of the clause and sub-clause in which we want this particular amendment to be made. If it is put in that way, it will be very easy to keep pace with the Chair as and when you take us these things. Otherwise, they will be put to...

Mr. Deputy-Speaker: Hon. Members must be alert having tabled amendments.

Shri Ranga: There is a limit to our alertness also. That is why, in fact..

Shri Hari Vishnu Kamath: You should be a little less fast.

Shri Ranga: I am not criticising.

Mr. Deputy-Speaker: I have been asking hon. Members if there is any amendment to be moved.

Shri Ranga: Even then, the Member has got to turn to the Bill.

Mr. Deputy-Speaker: You cannot accuse me that I am too fast.

Shri Ranga: I am only making a suggestion. The earlier practice was to say in clause such and such, for the words such and such, substitute the following. Instead of that, a new practice is developing here. It may be a little simpler. Nevertheless, I want the clause also to be mentioned.

Mr. Deputy-Speaker: It is put there. Against every amendment the clause is put. The hon. Member does not see. It is not my mistake.

Shri Morarji Desai: The clause is mentioned here. for every amendment.

Shri Ranga: It is put in such a statistical manner that it is not so very

easy. Formerly, it used to be put in that way. It is much better to put it in that manner. You are only economising a few words.

Mr. Deputy-Speaker: As against every amendment, the clause to which it relates is mentioned.

Shri Hari Vishnu Kamath: It is given in the margin. It should be in the body itself, he says.

Shri Ranga: I would like it to say, in clause such and such, in sub-clause such and such, page 3....

Mr. Deputy-Speaker: This is emergency economy. We have to save time, paper and printing charges.

Shri Ranga: Thank you.

Dr. M. S. Aney (Nagpur): Sir, only one remark I have to make in regard to this Bill. I support the motion that the Bill, as amended, be passed. In doing that, I want to make one observation about the words 'emergency risk' about which I have made some remarks in the course of the discussion on the last Bill. I think I was not quite intelligible to the Members when I made the speech.

The words 'emergency risk' should be clearly understood. These two Bills deal with emergency risks. The definition of 'emergency risk' is given in clause 2 (1). I want to bring out the fact that it is some risk that has arisen out of action taken by an enemy or action in combating an enemy or in repelling an imagined attack by an enemy. In imagined attack by a person, somebody attacks, and how to repel the attack. The Government has to take up this position for the sake of training their men as to how to attack the enemy. Imaginary situations are resorted to for the purpose of training the people. Therefore, these attacks are attacks under proper authority. Imagined attacks by an enemy are made by persons under proper authority. If any risk arises out of that, that is covered by emergency risk. But, if a private person makes an attack, what happens? The hon. Minister said that even a private person may do it,

[Dr. M. S. Aney]

there may be nobody to give him authority and even that risk must be covered. I cannot imagine how a private person can think of repelling an imagined attack by an enemy. If he does that, it is for a different purpose. I want him to at least add the words "under proper authority".

Mr. Deputy-Speaker: We have passed the Bill.

Dr. M. S. Aney: In giving effect to this section, when the rules are framed, he should make some such suggestion and then the difficulty will be solved. That is all

Shri Morarji Desai: May I say that this imagined attack will apply only in cases of attack which has to come and the people are asked to vacate something, which is a thing which can be covered and that ought to be covered. That would be only if the Government authorises them to do so. Unless the Government authorises, nobody is going to pay.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

15-39 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
(TWELFTH REPORT)

Shri Hem Raj: I beg to move:

"That this House agrees with the Twelfth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th December, 1962."

Mr. Deputy-Speaker: Motion moved:

"That this House agrees with the Twelfth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th December, 1962."

Shri D. N. Tiwary: I would suggest that the time for the discussion of this Resolution should be extended.

Mr. Deputy-Speaker: Afterwards, I will come to that.

Shri Hari Vishnu Kamath: He wants to speak on the motion.

Shri D. N. Tiwary: I want that the time allotted for Shri Yashpal Singh's resolution should be extended.

Mr. Deputy-Speaker: The hon. Member is referring to the pending resolution. That is a different matter. I shall now put the motion regarding the report of the Committee on Private Members' Bills and Resolutions to vote.

The question is:

"That this House agrees with the Twelfth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th December, 1962."

The motion was adopted

15.41 hrs.

RESOLUTION RE: AYURVEDIC SYSTEM—contd.

Mr. Deputy-Speaker: The House will now take up further discussion of the following resolution moved by Shri Yashpal Singh on the 23rd November, 1962, namely:—

"This House is of opinion that allopathic system of medicine be replaced by the Ayurvedic system in the country."

The time allotted is 1 hour. Six minutes have already been taken, and there is a balance of 54 minutes.

Shri D. N. Tiwary: The time for this resolution should be extended.

श्री विश्वनाथ सेठ (एटा) : एक घंटे में सब माननीय सदस्य कैसे बोल सकेंगे ?