

CORRECTION OF ANSWER TO STARRED QUESTION NO. 161

The Minister of Commerce and Industry (Shri Morarji Desai): In the supplementaries to Starred Question No. 161, answered in the Lok Sabha on the 19th July, 1957, regarding the procurement of steel, the following question was put by the Speaker:

"The question is whether this arrangement that the Railways have made to purchase all its steel applies to other requirements also or only a few items specially needed."

My answer to the question has been recorded as follows in the proceedings:

"It applies to iron and steel. Now, it is no longer a question of Commerce and Industry Ministry because the Iron and Steel Controller is under the Steel Ministry. That is different."

2. The correct position is that the Ministry of Railways is responsible for work relating to the procurement, by imports, of only certain specified items, viz. Rails (Track quality), Rails for points and crossings, Steel Sleepers including those for crossings, Fishplates and Bearing plates. The work relating to other items is now being dealt with in the Ministry of Steel, Mines and Fuel.

STATEMENT REGARDING SINKING OF 'WORLD SPLENDOUR'

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): I regret to inform the Sabha that fourteen Indian Seamen have perished as a result of explosion on Board the Tanker s.s. "World Splendour" of Liberian Registry, owned by Messrs. Niarchos (London) Ltd. The accident took place on the 20th August some 60 miles east of Gibraltar when there were a number of serious explosions on board the ship. There were 56 Indian Seamen

serving on the board at the time, of which 14 lost their lives; 3 others who sustained injuries were hospitalised in Gibraltar. One of the injured seamen has since been discharged from the hospital and repatriated, along with the rest of the survivors, to Bombay, from which port they were all recruited.

The dependents of the deceased seamen, as well as the injured and the other repatriated survivors will be entitled to compensation according to rules.

No information as to the cause of the explosion is available so far except what has been stated by the survivors who have arrived in India, namely, that there were three explosions on board the ship one after the other when a tank was opened for cleaning purposes. It is said that there was heavy wind at that time. The Shipping Master is in contact with the owners Agents in this connection

COMMITTEE OF PRIVILEGES

FIRST REPORT

Sardar Hukam Singh (Bhatinda):
I beg to move:

"That this House agrees with the First Report of the Committee of Privileges laid on the Table on the 12th September, 1957."

Shri Sadhan Gupta (Calcutta—East): I, of course, support the motion. I want to call the attention of the House and the country to the summons which has been issued to you by the Additional District Magistrate of Tiruchirappalli. It has been recommended in the report that when some documents in the custody of the House is to be called for in court, it should be by way of petitioning the House. That is a reasonable and proper proposition. What I wish to call the attention of the country, and particularly of judicial officer, is the language of authority in which the summons has been addressed, as set out in Appendix A, which should not be issued to any

[Shri Sadhan Gupta]

officer of this House for production of documents, and particularly to the Speaker of the House. If you look at Appendix A, the summons starts with the usual "Whereas" and ends with "hereafter fail not". I think this kind of language should not be used and every judicial officer should be careful that when a summons is issued, although it may be in the prescribed form and it may be a routine matter, especially when it is addressed to a legislature, whether this Parliament or the State Legislatures, that the language is such as not to offend the dignity of that Legislature.

So, I suggest we should draw the particular attention of all concerned to the recommendations of the Committee. There is no time to suggest any modifications, but I would suggest that the recommendations of the Committee, together with the motion accepting this recommendation, should be sent to every High Court in the State and to every District Judge and every District Magistrate for their information, so that they may know the procedure in respect of calling documents from the custody of this House.

The Minister of Law (Shri A. K. Sen): Sir, I have no objection against the procedure suggested by the hon. Member, Shri Sadhan Gupta if it finds favour with you

Mr. Speaker: Summons sent to ordinary individuals are different from summons to produce documents sent to collectors and other public officers. They are sent in the form of letters. The same procedure may be adopted here.

Shri A. K. Sen: It may be treated on the same footing.

Shri Sadhan Gupta: As a matter of fact, the Bombay City Civil Court actually sent a request.

Shri A. K. Sen: It appears it is more due to ignorance about the position of Parliament as such, rather

than due to any deliberate act on the part of the courts in the districts. They just issue the ordinary form of summons. In the Presidency towns the courts are more cautious in issuing summons to Assemblies or Parliament. I suppose in future it may be necessary to publicise the privileges which are prevalent in England and which automatically apply so far as we are concerned in the matter of production of documents or giving evidence regarding documents under the custody of Parliament, which may be sought to be used in courts either criminal or civil. It is more due to want of publicity and ignorance on the part of these courts that such preptory summons are issued. I do not think there is anything deliberate.

Mr. Speaker: No complaint is made. What Mr. Sadhan Gupta suggests is that Government may circularise all their offices.

Shri A. K. Sen: I should imagine the Home Ministry may be requested to publicise the privileges enjoyed by this House in the matter of production of documents to all the State Ministries of Law so that they may be distributed to different courts for their knowledge.

Sardar Hukam Singh: This is exactly what I wanted to submit to you. The Committee of Privileges had taken notice of this particular point. We were of the opinion that if any document was required the House should be petitioned, a motion moved to that effect, the pleasure of the House ascertained and then only the document given. The remedy that was suggested was exactly the one pointed out by the Law Minister. We had decided that after this motion was adopted we should request the Home Ministry that they should issue circulars, informing the courts and all concerned of this procedure. Perhaps it might be desirable to give them specific forms so that in future such things may not occur.

The Committee of Privileges did not think that it was any deliberate attempt on the part of the Ministry. They thought that perhaps these summonses were issued in a routine manner without taking care to see to whom these were addressed. Perhaps the forms were there and the summons server issued the notice on the same form. Perhaps there was no other form available under the Criminal Procedure Code; so he did not think anything special was required. The Committee of Privileges has decided that we may address the Home Ministry to take proper action so that such things may not occur again.

Mr. Speaker: I shall now put the motion to the vote of the House.

The question is

"That this House agrees with the First Report of the Committee of Privileges laid on the Table on the 12th September, 1957."

The motion was adopted.

INSURANCE (AMENDMENT) BILL

The Deputy Minister of Finance (Shri B. R. Bhagat): Sir, I beg to move:

"That the following amendment made by Rajya Sabha in the Insurance (Amendment) Bill, 1957, be taken into consideration.

'Clause 1

That at page 1, line 5, for the words and figures "It shall come into force on the 1st day of September, 1957" the words and figures "It shall be deemed to have come into force on the 1st day of September, 1957" be substituted."

As the House is aware, the principal agency system came to an end on the 31st August 1957 and this particular Bill was intended to enable the firms and companies who were acting as principal agents in the past to continue business as ordinary insurance agents. It was therefore desirable that there should be no interval

between the date when the principal agent should cease to exist and the date they became eligible to be granted licence for acting as ordinary insurance agents.

The Bill, however, could not be passed by both Houses of Parliament and receive the assent of the President before the 1st September 1957 which was the crucial date. It became necessary, therefore, to amend clause 1(2) of the Bill to read "It shall be deemed to have come into force on the 1st day of September, 1957". This is the amendment that was adopted by the Rajya Sabha. I move that this may be agreed to.

Shri Sadhan Gupta (Calcutta-East): Mr. Speaker, Sir, I cannot say that we are too happy with this amendment because we have not yet understood why we should be so anxious to continue the system of principal agents and therefore bring back the date of enforcement to 1st September. We are not keeping up the system of principal agents as such, but what we are seeking to do is to continue the principal agents that have functioned so long.

The ground given is that the general insurance companies have decided that their services should continue. As far as I am aware, many of these principal agents are none but creations of the very authorities who control the insurance companies.

Mr. Speaker: Is that not a principal that has already been accepted. When we passed the Bill we accepted it. The only point here is whether retrospective effect ought to be given to it or not. We should not go once again into the question whether this system should be allowed to continue or not.

That has been accepted by the House already.

Shri Sadhan Gupta: I am contending that we should not give retrospective effect. We have a right to throw away this amendment. If we have a right to vote against this