

Pandit G. B. Pant: Sir, I introduce the Bill.

(Some hon. Members left the House)

Shri H. N. Mukerjee: Sir, you will forgive me just to intimate to you with great regret after this exhibition of the Government's temper in regard to civil liberties, we consider it our duty to leave the House.

(Shri H. N. Mukerjee left the House)

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PARLIAMENT (PREVENTION OF DISQUALIFICATION) BILL*

The Minister of Law (Shri A. K. Sen): Sir I beg to move for leave to introduce a Bill to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of Parliament.

Mr. Speaker: Whichever hon. Member wants to leave his seat may do so gently. No hon. Member shall leave or stand while I am standing. I am exceedingly sorry that hon. Members do not observe rules of decorum in this House. No hon. Member shall stand while I am standing. Even the Members of the opposition have left the House in an orderly manner. I cannot understand why hon. Members on this side should make such disorder and go out making a lot of noise.

The question is:

"That leave be granted to introduce a Bill to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of Parliament."

The motion was adopted.

Shri A. K. Sen: I introduce the Bill.

INDIAN TELEGRAPH (AMENDMENT) BILL

The Minister for Transport and Communications (Shri Lal Bahadur Shastri): Sir, I beg to move:

"That the Bill further to amend the Indian Telegraph Act, 1885, as passed by the Rajya Sabha, be taken into consideration."

The basic objective of the amending bill is to terminate the present individual hiring contract system between the Telephone Department on the one hand and our subscribers on the other, and to substitute in its place statutory rules for the governance of this relationship. It would be readily appreciated that the entering into of individual contracts on each occasion, when a telephone has to be provided or some other change has to be made, entails considerable unnecessary work and makes for delays which we are anxious to avoid. The old arrangement was all right when the number of telephones was relatively small and the larger telephone systems were run by private concerns. At that time it was necessary to have individual contracts laying down the rights of the two parties. The situation has now changed completely in so far as the entire telephone system is now run by Government. Apart from this, the number of telephone connections has shown a rapid increase in recent years, and the present arrangements for individual hiring contracts have proved very cumbersome and dilatory. Hon. Members may be interested to know while on 31st March 1947 the number of telephones was 1,23,149, on 31st March 1957 the number exceeded three lakhs.

[Shri Lal Bahadur Shastri]

[MR. DEPUTY SPEAKER in the Chair]

12:28 hrs.

Clause 2 of the Bill provides for the insertion in sub-section 2 of Section 7 of the Indian Telegraph Act, sub-clauses (e) to (K) for the purpose of regulating the telephone business under statutory rules. I would like hon. Members to know that the proposed amendment would not *ipso facto* apply to the existing contracts.

Attention in this connection is drawn to the provisions of clause 3 of the amending Bill. The existing contracts will for the present continue to be governed by their own terms and conditions, but the intention is that gradually these would also be replaced. These provisions have been included in the Bill in order to enable a smooth change over from the old system to the new.

May I also point out another important provision in the Bill in Clause 3, which refers to arbitration in case of a dispute between the telephone authorities and the subscriber. In such cases an arbitrator would be appointed by Government to give a binding award. It is hoped that this would make for speedy decisions in such cases where otherwise long delays may take place.

Sir, as I mentioned in the beginning the relationship between the subscribers and the authorities would be governed by statutory rules.

It is important to mention that whatever rules Government frame would be laid before both Houses of Parliament and they would have complete discretion and authority to make any changes or modifications that may be desired.

You will thus observe that the measure which is now before the House is of an entirely non-controversial character and is intended to serve the better interests both of the subscribers as well as the Department. I, therefore, hope that the Bill would be passed by the House unanimously.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Indian Telegraph, Act, 1885, as passed by Rajya Sabha, be taken into consideration."

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, Sir, I welcome this Bill. Several times on the floor of this House I have taken objection to the words 'non-controversial Bill'. I have always said that the hon. Minister should not make too frequent use of this word 'non-controversial'. As the hon. Home Minister was pleased to say this morning, if a thing is non-controversial, it becomes monotonous. But, I would submit very respectfully that this Bill is really non-controversial in the best sense of the word.

Shri Naushir Bharucha (East Khandesh): I am not quite sure of that.

Shri D. C. Sharma: You are not quite sure of that; but, I am quite sure of it and, therefore, there is an honest difference of opinion between you and me.

I was saying that this Bill, apart from the administrative procedure that it undertakes to change, gives us also a picture of the extension of the telephone system that we have had during the last 10 years. I congratulate the Department on that.

Several times I have had the honour of writing to the hon. Minister to open a public call office here and there in my constituency. I hope that during the last 2 years further call offices have been opened in some of the out of the way places which might never have had the use of the telephone or which might never have had the idea of what a telephone is and how it works and to what use it can be put. During the last Parliament I was representing two of the tahsils of Kangra district. Unfortunately, we are in the habit of saying that the Kangra district is a backward district; and the two tahsils I represented were really backward. I was representing

Haripur and Hamirpur tahalls and I can assure you that the joy of the people of Hamirpur knew no bounds when a public call office was opened there. Therefore, it is a matter of congratulation to us that our telephone work is expanding apace. Of course, I should like that it should expand more fast than it does at present. We should like to have more telephones.

For instance, on the floor of this House, we have been putting questions as to how many applications for telephones have been tendered by the inhabitants of Delhi, Calcutta and other big cities; how many of them have been granted and how many have been rejected.

When we look at this picture from that angle we do not feel very very happy. But, all the same, there has been expansion in the telephone supply so far as the Indian sub-continent is concerned. Of course, I would like that this should be expanded at a greater pace than it is being done at the present. Therefore, I am glad that India is supplying to its inhabitants some of those services which are necessitated by the conditions of modern civilisation, of the 20th century.

At the same time, I say that this Bill is going to do away with some of those administrative delays for which, I think, democracies and governments are known all over the world. For instance, here I find you have to enter into an agreement with the subscribers. That procedure is going to be changed and I think that it would make for quicker results, for the quicker implementation of contracts and for other things.

I believe Government has done well in introducing this clause that whenever there is a dispute between the Government and the subscriber, it should be referred to arbitration. As a democratic country, as a country which loves peace, as a country which is devoted to non-violence, we want that the principle of arbitration should be there. If I can use that expres-

sion—in widest commonality spread—it should be there. I am glad that in this Bill the principle of arbitration has been given the official approval. I hope that the disputes arising between Government and individual subscribers would not have to go to courts of law and other legal bodies for adjudication.

One note of warning I would like to strike and it is this. On the face of it, the Bill appears to be a very simple measure. It is a simple measure so far as the intentions go. But, I feel that so far as implementation is concerned, it will involve many procedural details. It will mean a very complicated set of rules. It will also mean so many details that will have to be worked out with regard to Government and the subscribers. I would, therefore, say that so far as delegated legislation is concerned, it should be done with utmost care. I have sometimes found that this rule-making power which we give to our executive in these Bills is used in a very absent-minded manner—it is used in a manner which is not very efficient. I find that the rules are framed—I do not know what word to use and I do not want to use a harsh word—I would say they are framed in a very faint-hearted manner. We have revision of these rules again and again.

I would urge upon the hon. Minister that the rule-making authority so far as this Bill is concerned should look at this problem from all points of view, from a multiplicity of angles so that there is no loophole or defect left. This would mean that Government have to make use of their powers more amply and also more circumspectly.

I welcome this Bill and I hope that the day is not far off when our telephone industry, which is already expanding at a very satisfactory pace, will expand much more and that India will have in larger numbers telephones than it has at present.

Shri Ajit Singh Sarhadi (Ludhian):
 Mr. Deputy-Speaker, Sir, I have got to make two small observations with regard to the Bill. So far as the necessity of this Bill is concerned, there can be no two opinions. This was called for for a long time. It is necessary that statutory shape should be given to the individual contracts that are being entered into now. That is a fact. But, I have got to submit one thing about this principle of delegating the power of legislation. So far as the Government is concerned, whether it is a healthy function has to be considered by the Minister. Practically all the powers that are given in clauses (e) to (k) in clause 2, section 7 are being given to the Government. It was very easy for the Government to have a schedule of the contract between the Telephone Department and the subscriber and define also the powers. I would submit that it is not a healthy convention that the Government should incorporate this delegation of power in the legislation.

Secondly, what I would like to say is this. As my hon. friend Shri D. C. Sharma said, is it healthy to call this clause, clause 7B as an arbitration clause? It is a misnomer, because the individual that is appointed to go into the dispute is an official of the Government. The party concerned, that is, the subscriber, has got to say in the appointment of the official. Why the arbitration has been put in here, I possibly cannot understand. It could have been easily said that such and such official will be appointed for the purpose of enquiring into the dispute and his opinion shall be final and binding. Nobody can say that arbitration clause, really made, is not good. It is just and reasonable, because the other contracting party has got something to say. When it is an arbitration clause, he must have a say in the appointment also. But I am afraid that clause 7B is a misnomer. Instead of this, it could have been easily said that the Government can appoint an official.

Even now, I feel that if the Minister feels inclined he can bring in an amendment so that there may be a provision giving a voice to the subscriber in the appointment of the individual concerned. The arbitrators may be two, one by the subscriber and the other by the telephone authorities, and the appointment of the third person may be made by the Government. With these submissions, I support the Bill.

Shri Naushir Bharucha: Mr Deputy-Speaker, while I appreciate that for reasons of administrative difficulties, it may be desirable to regulate the terms of contract of hire of a telephone by legislation or rules rather than by individual contracts, I cannot understand how the Government propose to solve the difficulty with regard to the disputes which may arise between the user of the telephone and the Government.

In Bombay city, we have got a very bitter experience not only on the introduction of the six digit system but afterwards also. Since that introduction, the telephones there have been working awfully badly. But nobody seems to pay any attention to the complaints made, and to the complaints made they only get printed replies that the defect has been attended to, while we know that the defect is not attended to for a matter of weeks together. I am speaking from personal experience. Nobody takes notice of it.

The second point is, calls are charged for at random. I have got the experience of the BEST Committee on which I was working, where we found that the BEST had wrongly charged calls to the extent of 1,60,000 calls. I want to know if under clause 7 (B) the Government only appoints a person, presumably the Government alone refers the dispute. Therefore, I have not got even the power to refer the matter to the so-called arbitrator as my hon. friend Shri Ajit Singh Sarhadi pointed out. It is a misnomer to call it an arbitration. If it is an arbitration, not only have I power of a

say in the appointment of the arbitrator but I have got the power to take the initiative to refer the dispute to the arbitrator.

I want to know from the Minister in charge of the Bill whether, if I have power to refer the dispute to the so-called arbitrator, the Government will be bound by it. Who is going to fix up the terms of reference to the arbitrator? Will the Government settle or are we to jointly settle them? Nothing is mentioned in this clause 7(B). Therefore, I submit that if the Government is genuinely anxious to deal justly with the telephone users, it is not enough to have this so-called arbitration. There must be regular telephone tribunals established all over the country. Any party that is aggrieved must have the right to have a complaint lodged before the telephone tribunal.

I do not know why the hon. Minister does not include in this Bill a provision for establishing telephone tribunals specifically to hear telephone complaints, if at all intention is to give justice to the telephone users, I am afraid that, while I appreciate that part of the Bill which is acceptable obviously on account of the administrative difficulties, the second part is totally unsatisfactory. I hope the Government will see their way to change it.

वंडित ठाहुर दास भांब (हिमार)

जनाब डिप्टी स्पीकर माहब, जहा तक इस बिल का ताल्लुक है यह बिल हाउस के सामने एक दिन भी ज्यादा जल्दी नहीं आया है। इस की सख्त जरूरत थी और इस वास्ते जहा तक इस बिल के उमूल का सवाल है मेरे क्वाल में मारा हाउस इस को बिलकम करेगा और बैलकम ही नहीं करेगा, बल्कि हम सब को एक किसम का प्राइड मालूम होता है जब कि हम देखते हैं कि हमारे देश में टेलीफोन का मिस्टम रोजबरोज तरक्की पकड़ता जा रहा है और ऐसे बहुत सारे मेटम जो कि पहले धनकनेक्टर थे अब कनेक्ट होने जा रहे हैं। यह निहायत ख़ुशी की बात है कि देश के घनदर

ऐसा टेलीफोन का ज़ाल बिख जाये कि जित से लोगो को इस तरह के कम्युनिकेशन में हर तरह की सहूलियत हासिल हो। लेकिन यह कुदरती बात है कि जहा इतनी सहूलियते हासिल होगी तो उन के इन्तिजाम में और इयूज के कलेक्शन में बहुत सी दिक्कत पैदा होगी। अगर काम करने का वही तरीका जारी रहता है जो कि आज है तो इमकान यह है कि सरकार को घसफरों और घदालतों की बहुत ज्यादा तादाद बढ़ानी होगी जिन के पास कि कम्प्लेट्स जायेंगे और जो कि उन का फंसला करेंगे और तनाजात का फंसला करने में भी काफी बक्त लगेगा। इसलिये मैं निहायत ख़ुशी में यह प्रज्न करता हूँ कि इस बिल में यह उमूल रखा गया है कि स्टेट्यूटरी क्लस के जरिये झगड़ों का फंसला होगा। यह बड़ा मुबारक कदम है। इस में कोई शक नहीं कि जो प्रचारिटी इन को स्टेट्यूटरी क्लस बनायेगी वही एक तरह से इस सारे मिस्टम को चलाने वाली होगी। और इस तरह में जो दूसरे लोग यूज करते हैं उन के ऊपर एक तरह की फौकियत रखेगी। इस में कोई शक नहीं कि क्लस बनाये जायेंगे वह एक महीने तक हाउस की मेज पर रखे जायेंगे। लेकिन हम देखते हैं कि जो क्लस बनते हैं उनमें बहुत कम तबदीली होती है। उन की तरफ हाउस में कोई ज्यादा तबज्जह नहीं देता और न उन में इंटेरेस्ट लेता है और न कोई उन में तबदीली कराने की कोशिश करता है। जो इंड बिजुअल यूजमें में उन को न इतना इल्म होता है और न उन की इतनी पहुच होती है कि वे जान सकें कि उन क्लस के जरिये किस तरह की दिक्कत या सहूलियत पैदा होगी। उन के लिये इस को फोरमी करना मुश्किल होता है। तो एक दफा हाउस में बिल पास होने के बाद क्लस में बहुत कम तबदीली होने की गुंजाइश रहती है। इसलिये जो प्रचारिटी इन क्लस को बनाये उस की खिदमत में मैं यह प्रज्न करता हूँ कि वह पबलिक की सहूलियत का पूरा पूरा क्वाल रखे और ऐसे क्लस बनाये कि जिन में पबलिक को किसी किसम का

[पंडित ठाकुर दास भार्गव]

डिस्ट्रिक्टसफैक्शन या डिस्कम्पर्ट पैदा न हो ।

इस बिल के अन्दर इस बात की सहूलियत और रखी गयी है । ऐसे हालात में कि जिन के अन्दर हायरिंग काट्रेक्ट करना मुकीद हो वहा उस के लिये गवर्नमेंट ने पावर्स रखी हैं । जहा दोनो फरीक के वास्तं हायरिंग काट्रेक्ट मुकीद हो वहा एसी पावर्स का कायम रखता अच्छी बात है और गवर्नमेंट को यह पावर्स रखनी चाहिये । जो ट्रांजीशनल पीरियड है उस के वास्ते भी प्रावीजन होगा ।

जब में दफा ३ की तरफ आता हू तो में ७ ए के वास्ते प्रानरेबिल मिनिस्टर साहब को मुबारकबाद देना हू कि उन्हो ने एक बहुत अच्छा उसूल कायम रखा । उन्हो ने क्लस के जरिये जो पुराने काट्रेक्ट हैं उन को नल एड वाइड करार नहीं दिया है । और न हायरिंग काट्रेक्ट में दूसरे फरीक के मुकाबले कानून के जरिये एकतरफा तबदीली करने का कोई फायदा हासिल किया गया है । बडी खुशी की बात है कि उन के जितने हकूक थे वे सब कायम हैं और गवर्नमेंट क्लस के जरिये उन को मुस्तरद नहीं करना चाहती । लेकिन जब में दफा ७ बी की तरफ आता हू तो उस में यह दिया गया है कि झगडो का फैसला अदालत में नहीं बल्कि आरबिट्रेशन से होगा । लेकिन यह आरबिट्रेशन अजीब सा है । जैसा कि मुझ से पहले दो साहिबान ने फरमाया, फिलवाक्या जो बीज सब से पहले मुझे स्ट्राइक हुई वह यह कि यह एकतरफा आरबिट्रेशन है । आरबिट्रेशन में आम तौर पर दो या दो से ज्यादा फरीक होते हैं और आरबिट्रेशन की अपील नहीं होती, और उस में एकीटेंस ऐक्ट के और दूसरे कानून के प्रोसीज्योर नहीं होते जिस के मानी यह है कि आरबिट्रेशन में अदालत के मुकाबले ज्यादा अच्छा इन्साफ भिन्न जाता है ।

12.51 hrs.

[MR. SPEAKER in the Chair]

लेकिन यह आरबिट्रेशन फरीकन की मरजी से होता है । इस के अन्दर जो प्रावीजन रख गये हैं में नहीं जानता कि उस के बारे में क्या रुल बनेगा । इन में लिखा गया है :

“ . . the dispute shall be determined by arbitration and shall, for the purposes of such determination, be referred to an arbitrator appointed by the Central Government either specially for the determination of that dispute or generally for the determination of disputes under this section ”

इस के दो नतीजे निकलते हैं । एक तो यह कि ऐसे क्लस बने कि आरबिट्रेटर के मुकर्र करने में दूसरे फरीक को भी मौका दिया जाये और दोनो फरीक की मरजी से आरबिट्रेटर मुकर्र किया जाये या चुना जाये । इन में कोई ऐतराज नहीं हो सकता कि गवर्नमेंट आरबिट्रेटर मुकर्र कर दे बशर्ते कि दूसरे फरीक की भी मरजी ले ली गई हो । गवर्नमेंट के मुकर्र करने भर में कोई फर्क नहीं पडता । लेकिन आरबिट्रेटर जो मुकर्र होना चाहिए वह ऐसा क्लस हो जिस को कि दोनो फरीक कबूल करे । लेकिन जब में इन को पढता हू

“specially for the determination of that dispute or generally for the determination of disputes under this section ”

जहा लफ्ज “जनरली” आता है वहा में समझता हू कि यह डर ठीक है जो मेरे दोस्त ने जाहिर किया है कि यह आरबिट्रेटर शायद गवर्नमेंट का नौकर या अफसर होगा क्योंकि अगर सब कैसेड के वास्ते एक ही क्लस को मुकर्र किया जायेगा तो वह उन अशाखास की मरजी से तो मुकर्र नहीं होया जो इन डिस्प्यूट्स के फरीक होंगे । जहा तक “स्पेशली” का सवाल है यह मुझको है कि गवर्नमेंट ऐसा क्लस बना दे कि दूसरे फरीक की मरजी भी जाकूद कर ली जाये

धीरे यकीनन ऐसा किया जायेगा, लेकिन जब मैं "जनरली" पढ़ता हू तो मुझे डर पैदा होता है कि गवर्नमेंट एक प्रारबिट्रेटर मुकर्रर कर देगी जो ग्राम तौर पर इन प्रगणों का फैसला किया करेगा। उस को प्रारबिट्रेटर कैसे कहा जा सकता है। वह तो गवर्नमेंट का अफसर होगा उस को प्रारबिट्रेटर का नाम क्यों दिया जाता है। प्रारबिट्रेशन का तो यह मतलब है कि दूसरे फरीक को भी यह यकीन हो कि उस के साथ इन्साफ होता है। यह उस हालत में मुमकिन नहीं हो सकता जबकि आप एक अफसर मुकर्रर कर दें और वह फैसला करे। आप उस को प्रारबिट्रेटर का नाम क्यों देते हैं। कहिये कि गवर्नमेंट एक अफसर मुकर्रर कर देगी और वह फैसला करेगा। मैं अदब से अर्ज करूंगा कि जहा काट्टेक्ट्स का सवाल है यह रूल ठीक नहीं है। आप के पास सारे अस्तियार हैं, अर्ज करने का अस्तियार है और जो कुछ आप करना चाहे उस का आप को अस्तियार है। जोकि किसी मामले में खुद फरीक हो अपनी तरफ से अकेले प्रारबिट्रेटर कैसे मुकर्रर कर सकता है।

Nobody can be a judge in his own cause

जहां तक काट्टेक्ट्स का सवाल है यह उसूल गलत है कि गवर्नमेंट अकेले अपनी तरफ से प्रारबिट्रेटर मुकर्रर कर दे। मैं जानता हू कि गवर्नमेंट के काट्टेक्ट्स में ऐसे उसूल होते हैं। लेकिन अगर कोई शक्स आप के सामने बोल नहीं सकता तो उस के बारे में आप जैसा चाहे प्रारबिट्रेटर मुकर्रर कर सकते हैं और फैसला कर सकते हैं। लेकिन यह मुनासिब नहीं है। हिन्दुस्तान में प्रारबिट्रेशन का लपज एक सास मतलब रखता है। पंथों में कहावत है पच परयेस्वर होता है। इसलिये मैं चाहता हू कि ऐसे रूक्स बनाये जायें कि दोनों की धरती से प्रारबिट्रेटर मुकर्रर होगा। अगर आप ऐसे रूक बग्य दें तो लोगों को गवर्नमेंट में बहुत

कॉन्फिडेंस होगा और बड़ा सैटिसफैक्शन होगा। मैं अदब से अर्ज करना चाहता हू कि जोकि यह एक नान कंट्रोवर्शल बिल है लेकिन इस के अन्दर यह तरभीम कर दी जाये।

इस के साथ ही मैं एक मजीब अर्ज करना चाहता हू जोकि इस के अलावा है। वह डिस्प्यूट्स के बारे में नहीं है। मैं उम्मीद करता हू कि अफसरान रूलज को बनाते वक्त पब्लिक की ज्यादा से ज्यादा कन्वीनियंस और उम के फाद का ख्याल रखेंगे। हम देखते हैं कि बाज धीकत पब्लिक में बजा और जायज शिकायत पैदा होती है। क्या हम नहीं जानते कि कई बार ऐसा होता है कि लाइन खुली पड़ी है, लेकिन जवाब दिया जाता है कि लाइन खराब है। किमी को तग करने के लिये भी ऐसा किया जाता है, और जब कोई दूसरा उस लाइन को यूज करना चाहता है, तो वही लाइन खुनी मिलती है।

यह भी देखा गया है कि काल्ज को एक बड़े प्रारबिट्रेरी तरीके से गिना जाता है और कोई भी हम सिलसिले में की गई शिकायत को सुनने को तैयार नहीं होता। टैलिफोन को दुस्त करवाने के लिये पाच छ काल्ज करनी पडती है, लेकिन फिर भी उस को दुस्त नहीं किया जाता है। इस में कई कई दिन लग जाते हैं। यह मुनासिब है कि जिस का टैलिफोन दुस्त न हो, उस को मुआबजा दिया जाय, क्योंकि किराया तो आप पूरे महीने का लेते हैं, इसलिये कोई बजह नहीं है कि टैलिफोन वक्त पर दुस्त न हो।

इसलिये यह जरूरी है कि गवर्नमेंट कुछ कम्प्लेंट्स आफिसर मुकर्रर करे और वे आफिसर प्रारबिट्रेरी तबियत के न हों—वे जा कर कम्प्लेंट्स को देखें और सुनें और वही फैसला करे। जब तक यह नहीं होगा, तब तक इस सिस्टम के नक़ायस से पब्लिक को शिकायत रहेगी और वह समझती रहेगी कि रूक्स तो बन गये, लेकिन हम बेबस हैं। मैं अर्ज करना चाहता

[पंजित 5 कुर टास भ नंब]

हू कि इस डेमोक्रेसी के जमाने में किसी भी आदमी को यह फील करने का मौका नहीं होना चाहिये कि गवर्नमेंट के डिपार्टमेंट में ऐसा एडमिनिस्ट्रेशन होता है कि पब्लिक की शिकायत की समायत नहीं होती है। जब आप नये कायदे बनाने लगे, तो आप ऐसा बंदो-बस्त करे, जिसे में कि लोगो की शिकायत की मुनवाई होने लगे और इस मिलाने में जो झगड़े हो उन का फैसला इल्मिनान और इन्फा के साथ हो। अगर आप इन दो उसूलो को कायम रखेंगे, तो हम में कोई शक नहीं कि पब्लिक आप की बहुत हुई एक्टिविटीज का वैलकम करेगी।

श्री श्री० सि० सहगल (ज गी०)
प्रध्यक्ष महोदय, जो इंडियन टेलीग्राफ (अमेडमेंट) बिल, १९५७ इस सदन के सामने पेश किया गया है, उसका मैं स्वागत करता हू। लेकिन इस के साथ ही इसके स्टेटमेंट आफ प्रावजेक्ट्स एंड रीजन्स के बारे में अपने कुछ विचार रखना चाहता हू। उसका नास्ट पैराग्राफ यह है—

“A provision as to arbitration is also considered necessary for the settlement of disputes that may arise between the telegraph authority and the telephone subscribers after the system of individual hiring contracts is replaced by the system of statutory rules”

आप देखेंगे कि आरबिटरेटर मुकदमों करने का सारा अधिकार सरकार को रहेगा। मैं कहना चाहता हू कि वह इस अधिकार को जरूर रखे, लेकिन इसके लिए डिस्ट्रिक्ट एंड मैजिस्ट्रेट्स जज के रैंक के किसी आदमी को मुकदमों किया जाय। मैं समझता हू कि हमारे यहां जो ला-कोर्ट्स हैं, उनकी काफी इज्जत है और दूसरे देशों के लोग भी उनको बड़े मान की दृष्टि में देखते हैं। अगर आप डिस्ट्रिक्ट जज को आरबिटरेटर मुकदमों करेंगे, तो किसी को भी आपत्ति न होगी—

न टेलीग्राफ अथॉरिटीज को और न इस्तेमाल करने वालों—सबस्क्राइबर्स—को।

इसमें कहा गया है—

“With the growing number of telephones it is necessary to do away with the individual hiring contracts and to replace them by statutory rules”

स्टैच्यूटरी रूलज बनाने वकत इस बात का जरूर ध्यान रखना चाहिए कि बे-जन-हित के लिए हो, लोगो के लिए हो और उसके मायने—उसके अर्थ इस तरह में, न लगा लिए जाय, जिसमें जनता का अहित हो सके। इस लिए मैं चाहूंगा कि आप इन रूलज को इस तरह में बनाइयें कि कोई भी आदमी किसी तरह की आपत्ति न कर सके।

जहां तक शिकायतों का तात्त्विक है, मैं इस हाउस के सामने ज्यादा कुछ नहीं कहना चाहता हू लेकिन, जैसा कि मैंने मित्र भागवत जी न कहा है, यह बात विन्कुल ठीक है कि कभी-कभी जब हम उनको बताते हैं या कम्प्लेंट करने हैं, तो जिस तरह में कम्प्लेंट मुनी जानी चाहिए, उस तरह से नहीं मुनी जाती है। ऐसा तजुर्बा शायद इस हाउस के कई लोगों को होगा। यह हो सकता है कि कार्य ज्यादा हो लेकिन अगर हम वहां पर कोई कम्प्लेंट्स आफिसर बिठा देते हैं, तो उसका यह कर्तव्य हो जाता है कि वह निश्चिंत कि क्विग नम्बर की कम्प्लेंट है और फिर यह दर्याफ्त करे कि वह कम्प्लेंट दर-शसल ठीक है या नहीं। जितनी भी हमारी कान्ज होती है, उनके बारे में हमें पूरा इल्मिनान होना चाहिए, और अगर उसके बारे में किसी किसिम का एतराज हो, तो कम्प्लेंट्स आफिसर का यह कर्तव्य है कि वह उसको दूरस्त करने की कोशिश करे।

जो कन्डीशन्स इस वकत हैं, उनको ठीक ठीक तरह में कंट्रोल करने के लिये ही इस बिल

के जरिये इंडियन टेलिग्राफ ऐक्ट, १८८५ के संशोधन ७ में तरमोम की जा रही है। हमारे लिए यह बहुत जरूरी है कि जिन छोटी छोटी बातों पर लोगो को एत एज होता है, वे न होने पायें। मंत्री महोदय इस बात का अच्छी तरह से ख्यान करे। जब कि हम अपने टेलिफोन सिस्टम को इतना बढा रहे हैं, तो हमें यह भी देखना चाहिए कि छोटी-छोटी कम्प्लेन्ट्स को सुनवाई हो सके और उनको दूर करने की कोशिश की जाय।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

13 hrs.

Shrimati Ila Palchoudhuri (Nabadwip). I welcome this Bill because we all realise that telephones are a means of bringing a lot of welfare to the community. That the telephones have increased during the past year or two is a matter of great satisfaction to us. There are just one or two things in this Bill that I want to draw the attention of the Minister to.

Pandit Thakur Das Bhargava has already said, and I fully agree with him that the arbitrator to be appointed only by the Central Government is surely a thing which cannot really be fair to the subscriber. The subscriber also should have some voice and the various parties concerned must also have some voice as to the appointment of the arbitrator. Because, after all, if the Government is going to plead its own cause and if there is any cause of dispute and the arbitrators are appointed by the Government, then surely the subscribers have no chance at all. So I hope that this point will be looked into.

There is another thing that I would like to bring to the notice of the Minister, and that is entirely from a welfare point of view. We all realise that telephones bring us the means of the large benefits that are available to us. Particularly, as the Minister knows, when there is a call box in a distant place in the country and there

is an accident and there is no way of getting at anything, it is the call box that is the life saver. I have always pleaded for a telephone at Swarupganj Ghat where many accidents happen. So I hope he will take this point into consideration when this Bill is accepted, as I hope it will be—I am all in favour of it.

There is one thing more. The telephone industry is one of the few industries that has appointed blind workers in Bangalore and I hope that can be expanded, because the mechanics of the telephone need delicate hands and the blind are able to do this. A number of blind people are earning their livelihood in the Bangalore Telephone Factory, and I hope that this scope will be given to more blind people if the opportunity should occur.

Lastly, when you look into the welfare work that the telephone does to the general public, I hope the welfare of the people who are in it, namely the telephone operators, will not be lost sight of; because the premises where the telephone operators work in small district towns—I hope the Minister will some day make a trip and see—leave much to be desired. The premises are small and the conditions are unhealthy. The operating of the telephone, as everybody knows, is a nerve-racking job, and if there is no space and there are no amenities and the place is hot and very uncomfortable, the health of the operator suffers. If the Minister will make a trip some day to some of the small district towns like Krishnagar, he will be able to see the unhappy conditions of the telephone operators. So I hope this point will be borne in mind.

With these words I thoroughly support the Bill and I hope it will lead to more and more amenities for the subscribers concerned.

Shri S. C. Samanta (Tamluk): I also gladly welcome the Bill. At the same time I would request the hon. Minister to carefully examine this ar-

[Shri S. C. Samanta]

bitration clause on which comments have been made by my friends earlier and to see whether the consent of the opposite party can be provided for when the rules will be made.

As regards the other portions of the Bill I have no objection, but I would like the hon. Minister to tell us something about this telephone work. This work has been extended up to sub-divisional towns of districts. There the public call offices are situated, there the grievances will come from the general public. After this Bill is passed I want that the general grievances from the public must be recorded in the respective offices, and those will be referred to the arbitrator.

We are trying to extend this up to sub-divisional towns. To my knowledge there are some P.C.Os. which have been started two or three years back, but they are not working well because of the equipments used. We know that we are in want of good equipments. Still the benefit or privilege that we are going to provide to the public should be looked into. Even the copper wires have been replaced by iron wires.

In this connection I would also request the hon. Minister to examine the jurisdiction of the Telegraphs including the Telephones overlapping in many cases. The same place is being administered by different Telegraph Circles. This has created difficulties. I referred this matter to the former Minister also. I would request the hon. Minister to go into this matter so that the telegraph engineering work in one Circle is done by that Circle and not by a man remaining in some other Circle. For this reason, the telephonic connection, at times, goes to that Circle and from there to another place in other Circle. There are difficulties. I would be thankful if the hon. Minister could look into this.

Again, I wholeheartedly support this Bill.

Shri Ghosal (Uluberia): Mr. Speaker, though this Bill has been brought to replace the existing system of individual contract hiring by introducing a system of statutory rates, there are some points which have to be placed before the hon. Minister.

In West Bengal, the lapses of the telephone section are very well known. The people of West Bengal are not getting proper facilities in getting connections, especially in those areas where there is no automatic system. It is very difficult to get a connection in spite of attempts for even half an hour. Whenever the attention of the authorities is drawn to these grievances, we are told that the telephone operators have got to work in such conditions with such work loads, in a procedure which is quite embarrassing for them and without some amenities and that is why these delays occur. I would like to draw the attention of the hon. Minister to these points.

Sometimes it becomes difficult to get our connections repaired for several days though the office is informed regularly. If a telephone gets out of order, even after 10 or 15 days, in spite of intimation, we do not get it repaired. That is also due to the defect in the system of procedure which should be simplified.

Regarding the provisions of this Bill, I would like to draw the attention of the hon. Minister to clause 2 (1) (a) and (b): There it has been stated that the subscriber has to pay compensation if he does not perform his part of the contract. But, we often find that even in spite of due notice given to the Telephone department, the procedure is so cumbrous, dilatory tactics are also sometimes adopted, that in spite of notices given, the people are made liable to pay compensation. This provision should be amended so that, those who give notice should be exempted from the payment of compensation.

Coming to my last point, it has already been stated by Pandit Thakur

Das Bhargava: that is about the arbitrator. When the jurisdiction of the court is being ousted, there must be some proviso as regards the appointment of an arbitrator on the lines urged by Pandit Thakur Das Bhargava.

With these remarks, I would like to draw the attention of the hon. Minister to the difficulties that are being experienced by subscribers in those areas of West Bengal where there is no system of automatic telephones.

Shri Thanu Pillai (Tirunelveli): Sir, the Bill seeks to replace the present contract. But, the present contract itself is a one way traffic where the subscriber has no chance of stipulating his conditions. The terms are almost for the Government to impose conditions, but not the subscriber to contribute anything towards it except payment and suffer the disabilities to which the subscriber is subjected today.

More so on the manually operated telephone exchange system. The operators often plead that the work load is high, that in view of certain policies of the department, trained men are not available or untrained line men are put in as operators and therefore difficulties are experienced. The telephone operators' complaint, if conveyed to the supervisor, it is directed to some other operator and not to the supervisor. What is happening in the telephone exchange, we cannot say. If there is any dispute and if we ask why so much delay, they simply say, number engaged.

As far as possible, I would submit to the Government, to avoid manual operation and give us automatic exchanges. In the automatic exchange, if there are any difficulties or defects, they are mechanical. We can understand that. Here it is deliberate, we know.

Hon. Members spoke about the difficulties of operators. There is the other side of the picture also. The operators are having a jolly good time, listening to music from some other station and other places and not attending to their

work properly. There have been cases of that kind. Both sides have to be taken into consideration. If we complain to the superior officers, they say, we can't do anything, it is all trade unionism and disciplinary rules. They are relatively best paid people and most responsible people. But, then, sometimes they are so irritatingly behaving towards the public that the people think of discontinuing their connection and not having a telephone at all.

Coming to the trunk call business, in some places, they are not able to understand even the names of places. I think something should be devised: as in the case of the number system, some sort of numbers for particular regions I had an experience of this. I booked a call to Tirunelveli. I was given a connection to Trichinopoly. There was no reply. I again asked the operator in Bombay or somewhere. He says, Oh God, I gave the connection to Trichinopoly and not Tirunelveli. Again they had to book a call. So much of inefficiency is there. It is not because of the rules, but because of the human element which has not been handled properly. We have rather surrendered too much. That is my grievance. Of course, you may give them better pay and better conditions. But better discipline should also be maintained.

Coming to the clauses of the Bill, will the subscriber be subjected to pay for the loss of material of the whole line or only in his premises? Somebody robs, the line comes to a particular number and the Government thinks that that should be compensated by the party. If somebody robs, it is the police and the Government who must protect, not the subscriber. These conditions will have to be looked into.

श्री भक्त दर्शन (गढ़वाल): अध्यक्ष महोदय, इस वर्तमान विधेयक का स्वागत और समर्थन करते हुए मुझे मंशेष में दो तीन बातों की ओर इस सदन का और माननीय मंत्री महोदय का ध्यान आकर्षित करना है।

[श्री भक्त दर्शन]

पहली बात तो यह है कि इसका मूल अधिनियम सन् १८८५ में बना था और चूंकि उसको बन बहुत काफ़ी समय गुजर चुका है तो क्यों न एक बार बैठ करके उसका सम्बन्ध में अच्छी प्रकार से विचार कर लिया जाय और इस तरह के छोटे मोटे संशोधन जो बार-बार प्रतिवर्ष लाये जाते हैं, उन सबको एक बार ही ला करके नये मिररे में एक नया पूर्ण अधिनियम बना दिया जाय, क्योंकि ऐसा होने से जनता को भी सुविधा होगी।

दूसरी बात जो मुझे कहनी है वह इस विधेयक की धारा ७(बी) में सम्बन्ध रखती है और जिसमें कि ऑटोरेटर की व्यवस्था की गई है। उस पर बोलते हुए एडिन टाकुर दाम भागवत ने ठीक ही यह बात कही कि उसमें ग्राहकों की सुविधा का भी ध्यान रखा जाना चाहिए। उसमें इस बात का ख्याल नहीं रखा गया है कि जो ग्राहक लोग हैं उनकी सुविधा का भी ध्यान रखें। मैं इस सम्बन्ध में यह मुझाव देना चाहता हूँ कि गभीर बड़े नगरों में टेलीफोन ऐडवाइजरी कमिटीज पहले से बनी हुई हैं और उनमें ग्राहकों के प्रतिनिधि अच्छी संख्या में मौजूद हैं अगर मंत्री महोदय मेरे इस मुझाव पर विचार करें कि इन टेलीग्राफ ऐडवाइजरी कमिटीज के परामर्श में टन ऑटोरेटर की नियमित हो तो मैं समझता हूँ कि इससे जनता को काफ़ी सन्तोष होगा।

तीसरी बात जो मैं यहां पर रखना चाहता हूँ वह यह है कि यद्यपि मंत्री महोदय ने बताया कि देश में इस समय टेलीफोनो की संख्या लगभग ३ लाख के पहुंच चुकी है और यह बहुत अच्छी प्रगति का सूचक है और इसके लिए विभाग को निरन्तर भी बर्बादों दे देना चाहते हैं और वह उपयुक्त होंगे, लेकिन उन सम्बन्ध में मैं स्वयं तौर पर यह कहना चाहता हूँ कि बहुत सी शिकायतें और मित्रों ने की हैं और उनको मैं अपने

दृष्टिकोण में रखते हुए यह कहना चाहता हूँ कि बड़े बड़े शहरों में जो हजारों टेलीफोन लग रहे हैं, उनके लगने के साथ-साथ जो दूर-दूर बहुत से ऐसे इलाके बचे पड़े हैं और जहां कि नये जीवन का विकास हो रहा है, उनका भी ख्याल रखा जाना बहुत उपयुक्त है। उत्तर प्रदेश का हमारा इतना बड़ा प्रान्त है लेकिन वहां पर अभी तक शायद २०, २२ तहसील ऐसी हैं, तहसील हेडक्वार्टर्स जहां पर सबडिवीजल ऑफिसर की अदालत है, जहां पर म्युनिसिपैल्टी है और जहां पर इंटरमीजिएट कालिज है, लेकिन वहां पर कोई तारखर नहीं है, टेलीफोन का तो कहना ही क्या है। इसलिए इस बात का भी ध्यान रखा जाय कि नये-नये इलाके जिनका कि विकास हो रहा है और नये केन्द्र विकसित हो रहे हैं, वहां टेलीग्राफ ऑफिस व टेलीफोन की सुविधा भी देने की ओर ध्यान दिया जाय।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

Ch. Ranbir Singh (Rohtak) The provisos of the Bill do not call for many comments. I know many of the arbitrary actions of the department but I do not rise to complain against them.

The department is being handled by the Central Government. A large number of people in this country live in the rural areas, and the Government has some responsibility for these rural folk also. Although there may be some complaints against the arbitrary actions of the department, I wish to remind the hon. Members that we look for the day when the telephone system reaches the villages of this country, where 80 per cent of the population remains.

As my friend, Shri Bhakt Darshan, has just now pointed out, there are many markets where there are no telephone connections and the villagers are not able to get the proper price

for their produce. There is a complaint and there is the fear that the lower agricultural production of the country may upset the targets of our Second Plan. One of the reasons for lower production is that the agriculturists are not able to get a proper price, and for that I presume the telephone can make some contribution. If telephones are set up in the villages, I presume the villagers will get knowledge and will be able to get a proper price for their produce, and they will get an incentive to produce more food-grains and other agricultural commodities.

I would request the hon. Minister to examine that aspect and see that telephones reach the villages as early as possible.

Shri Lal Bahadur Shastri: I am thankful that the Bill has been welcomed by every section of the House. I shall only deal with two matters, about which certain points have been raised by hon. Members.

The first is regarding rules—clause 4(5). I am glad I was able to get a hint from Shri Sharma because he generally does not like the Ministers using the word "non-controversial" in connection with any Bill, but he did say that this was really a non-controversial measure, and I have found that the general opinion in the House is also the same.

श्री भवन दर्शन : अध्यक्ष महोदय, मैं एक प्वाइंट राफ़ आर्डर पेजु करना चाहता हूँ और वह यह है कि क्या कोई माननीय सदस्य हमारे इस सदन की टेबल पर बड़ी देर तक बैठ सकते हैं ?

Shri D. C. Sharma: I did not want to come between you and the speaker. Therefore I was sitting here.

Mr. Speaker: It is not right. Hon. Member will get back to his seat. Except when he wants some information.

Shri D. C. Sharma: I thought I would be getting between you and the

speaker, because all the speakers are from that side. That is why I was here.

Mr. Speaker: Whenever they want to get information, for a few minutes they can stay there.

Shri Lal Bahadur Shastri: I might assure the House that in so far as the framing of the rules is concerned, we will take the utmost care to frame them in a way which will not injure the interests of the subscribers. I may also inform the House that we are already taking steps to appoint an officer on special duty for six months to go into this matter immediately and frame the rules.

It has already been provided in the Bill that the rules should be placed before both Houses of Parliament, and the House will have full authority to revise them. I think that should satisfy the hon. Members of this House, but if they so desire, I am even prepared to consult them informally, the Members of both this side and the Opposition, before the rules are actually finalised.

The other clause to which reference has been made is 7B regarding arbitration. Shri Bharucha said that the subscribers should also have the authority to refer a particular matter to arbitration. He will realise that we have to deal with a large number of subscribers. Ours is a very big executive department, and the number of subscribers has gone up to three lakhs. If the arbitrator is to be appointed separately for each dispute and the subscriber has a choice, the settlements will be naturally delayed. I would, therefore, suggest that he should have full faith in the officers appointed by Government. I might also inform him that even during the last few years we had very few disputes, about ten or twelve disputes in a year which were settled by the Director-General or some one else on his behalf, and those decisions have been gladly accepted by the subscribers. So, even when the old arrangement was there, it was not very difficult

[Shri Lal Bahadur Shastri]

to decide the disputes amicably to the satisfaction of both the parties. So, I do not think that with this amendment and a different set of rules there will be any special difficulty experienced by the subscriber.

It has been clearly said that whatever the recommendation of the arbitrator, it would be accepted by Government. Pandit Thakur Das Bhrgava, is very well aware of the fact that Government officers or officers appointed by Government are settling disputes between Government on the one hand and members of the public on the other in many departments. For example, land acquisition officers decide very big and important matters involving moneys worth lakhs sometimes. Judicial officers are also there for civil cases between Government and private individuals. At present so many corporations are being established, industries are being taken over, industries are being nationalised. In all these cases, of course major matters apart, all the minor disputes are referred to officers, maybe judicial officers and sometimes others too, or to committees of officers and some non-officials also appointed in the committees.

Here, as I said, generally matters of dispute would be minor involving very little cost or money. Therefore, I personally thought, that in order to expedite matters, it would be better that these disputes are referred to government officers. If we find that there is any complaint we may have an officer from some other department. But in case there is satisfaction amongst the subscribers the matter should be in a general way decided by the officer of the P. & T. Department because he is aware of the technicalities of the problem and it would be possible for him to quickly dispose of these cases. But in case it is found necessary we can certainly appoint an officer who does not belong to the P. & T. Department.

Except big or major cases which could be referred to a separate ar-

bitrator, we can refer the general cases to an officer appointed for this purpose. So there should be no doubt in the mind of the hon. Member that these cases would not be dealt with in a just and fair way. I can even go further and assure him that I shall watch the working of the arbitrators in so far as our P. & T. disputes are concerned. The rules etc., relating to the appointment of the arbitrator and the procedure of their working will be framed. In case there is some complaint or genuine grievance the rules will be revised and we will reconsider or rethink over the matter.

Regarding the case of compensation, I am not aware of the specific case. If there is any specific case it should be brought to our notice. If there is a difference of opinion on these matters of compensation they could also be treated as dispute and referred to arbitration. I do not want to take much of your time, but these are three basic points which were referred to during the course of the discussion—rules, arbitration and payment of compensation. I have tried to give my views on the matter and, I hope, it will satisfy hon. Members and remove any suspicion that they had in their mind so far.

Two or three specific matters have been referred to Shrimati Ila Palchoudhuri mentioned about some P. C. O. telephone at Swarupganj Hat. I should say she is quite clever in this regard. Whenever she gets to speak on P & T she suggests the opening of a Public Call Office at one place or the other. I might for her satisfaction inform her that in the last Budget speech she had mentioned about P.C.O. at Kharanpur. She will be glad to know that this is being done this month.

Shrimati Ila Palchoudhuri: Thank you

Shri Lal Bahadur Shastri: As regards the P.C.O. telephone at Swarupganj, referred to just now, I might tell her that this is also under examination and will be expedited.

Shrimati Ha Palchoudhuri: Thank you.

As regards the blind boys, I shall be very glad to give them all encouragement possible.

Regarding the buildings of Telephone Exchange offices, that is a common affair in so far as the Post Offices and the Telephone Exchanges are concerned. She may go to any State and she will find that the conditions of offices and the living accommodation are very unsatisfactory in so far as this Department is concerned. We are trying to do something in the matter. Funds have also been provided, but let us see how far we succeed.

Shri T. B. Vittal Rao (Khammam): Funds are always provided but they lapse.

Shri Lal Bahadur Shastri: It has been lapsing but, I hope, it may not lapse in future. I think, the hon. Member will feel satisfied if this does not lapse this year.

Shri T. B. Vittal Rao: Certainly, I will be grateful.

Shri Lal Bahadur Shastri: I need not go into details. The hon. Member perhaps more than anyone else is aware of the difficulties. It is not entirely in our hands to construct buildings and carry on construction works; we have to depend on some other departments. The Railways are in that matter very fortunate. They have got their own Building Section, Engineering Section, Civil Works Section. They build quarters for their staff as well as officers, whereas in the case of P. & T. Department we have to depend on the C.P.W.D. which have to follow certain rules and regulations. For starting construction at a particular place, each and every proposal has to get financial sanction also. So, these things come in our way. Still, I have had discussions with the C.P.W.D. Minister. I am also glad the Finance Minister is also helpful, and I hope, things would be better this year.

Mr. Samanta mentioned one or two matters with which I shall not be able to deal. I would like him to give one or two specific cases to me. For

example, he said that there is some overlapping in the Engineering Section. I shall be glad to get specific cases, and I would certainly look into them.

An hon. Member from West Bengal said something about automatization of telephones. There also, if he has any specific grievances he should send them on to me. He will be glad to know that the manual system which is at present working in Calcutta will be converted into Automatic system very soon, perhaps, by the end of this month. Our general policy is to expand the telephones to the farthest nook and corner and we are trying to do that. But, I need not say that the problem of limitation of funds is there. Therefore, we will have to go gradually according to the programme of expansion, which we have placed before us, or which has been included in the Second Five Year Plan. We will try to go to the villages also, the new idea about which Chaudhuri Ranjit Singh just now spoke. He said that our agriculture could improve if the telephone system was expanded to the villages. Of course, it has already gone to sub-divisions and Tehsil headquarters, and, we hope, it may go to the community project centres also. So, we have that thing in our mind. We will try to expand it and serve the people as best as we can.

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Telegraph Act, 1885, as passed by the Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Speaker: Let us now proceed to clause-by-clause consideration. I find there are no amendments. So, I shall put all the clauses together.

The question is:

"That Clauses 1, 2 and 3, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 1, 2 and 3, the Enacting Formula and the Title were added to the Bill.

Shri Lal Bahadur Shastri: Sir, I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) AMENDMENT BILL

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): Sir, I beg to move:*

"That the Bill to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957, be taken into consideration."

The Coal Bearing Areas (Acquisition and Development) Act, 1957 was passed in the May-June session of Parliament. It received the assent of the President on the 8th of June, 1957 and came into force on the 12th June, 1957. The discussion that took place on the floor of this House took place quite recently and it is not my intention to take the House through the details of the parent Act. I would, however, like to draw attention to a few salient features of the parent Act.

13.42 hrs.

[SHRI BARMAN in the Chair]

The scheme of the Act briefly is that there will be a preliminary notification respecting intention to prospect under section 4 of the Coal Bearing Areas (Acquisition and Development) Act. Thereafter, there is a provision under section 6 for compensation for any necessary damage done under section 4. This, from the very nature of the circumstances, will be more or less of a preliminary character and that does not by itself vest any title

in the Government except the right to enter and to do the prospecting.

Then, under section 7 of the Act, there is power to acquire land or rights in the land which had been notified under section 4. This provides that the Central Government could give notice of its intention to acquire the whole or any part of the land or of any rights in or over such land, as the case may be.

Under section 8 of the Act, there is a provision that objections may be lodged against this proposed acquisition by Government and it also provides for an enquiry to be made into any such objections. And, under section 9, the Central Government has been given the authority to consider the report, if any, made under section 8 of the Act and thereafter the land or rights in or over such land can be acquired and a declaration in the usual form would then issue.

The first important amendment which is contained in clause 4 of the present amending Bill relates to a modification of the procedure which I have just mentioned. It is to this effect. If the Central Government is satisfied that it is necessary to acquire immediately the whole or any part of the land notified under sub-section (1) of section 4 or any rights in or over such land, the Central Government may direct that the provisions of section 8 shall not apply, and if it does so direct, a declaration may be made under section 9 in respect thereof at any time after the issue of the notification under section 7.

From the very nature of this amendment it will be seen that it is to provide against an emergency and contingency. If the Central Government is satisfied that the land should be acquired straightaway, then, this power is being taken so that the usual obstructionist tactics that might be adopted by an interested party may be got rid of and a declaration may straightaway be made that the land in

*Moved with the recommendation of the President.