

[Shri B. R. Bhagat]

salary. So, it is extension of a privilege and elimination of a possible feature of discrimination. So, I think it all goes to add to the freedom of the citizen, and not to take away the freedom of the people as has been misconceived. So, I think there is no point in his observation.

He also asked why the money paid even to the State Governments should not be attracted by this exemption. As I said while making the motion, the surrender of salaries is not only under the Act of Parliament, but also under similar legislation by the various States, and any payment made under them will be exempted by the law of the State. But here, as it concerns income-tax or exemption under the Central Act, certainly the Central Government will be there. That is the point.

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

"That the Bill be passed".

*The motion was adopted.*

14.14 hrs.

#### INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT BILL

**The Minister of Industry (Shri Manubhai Shah):** I beg to move:

"That the Bill further to amend the Industries (Development and Regulation) Act, 1951, be taken into consideration."

This is a very simple and very brief Bill which only seeks to extend the operation of the Act of 1951, which was passed under Entry No. 52 of the Union List, to the State of Jammu and Kashmir.

Only a few months ago, in order to get the fullest advantage of our guidance, advice and superintendence

in the industrial field, the Jammu and Kashmir State approached the Central Government for the extension of the Act to their State. We also believe and feel that as there are many advisory bodies and Development Councils and the Central Advisory Council of Industries, it will be most appropriate if the State which is so industrially under-developed comes under the purview of this Act, so that we can extend to them without any difficulty or technical formalities all the benefits accruing from the operation of this Act. I need not elaborate the need for such an extension. The State Government has agreed to it, and by a Presidential Order dated 2nd May, 1961, as the House is aware, Entry No. 52 of the Union List has already been made applicable to the State of Jammu and Kashmir. So, the moment the House kindly approves of this amendment, the benefits of the operation of this Act will be extended to the State of Jammu and Kashmir.

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

"That the Bill further to amend the Industries (Development and Regulation) Act, 1951, be taken into consideration."

*The motion was adopted.*

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

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

*The motion was adopted.*

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

**Shri Manubhai Shah:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

*The motion was adopted.*

**Mr. Deputy-Speaker:** Next item. Nobody to move it. Should I adjourn the House?

**Shri Rane (Buldana):** Two hours were allotted for the Bill.

**Mr. Deputy-Speaker:** Does the Government also want the House to be adjourned? The House is adjourned for 15 minutes.

15.15 hrs.

*The Lok Sabha then adjourned and re-assembled at Thirty minutes past Fifteen hours of the Clock.*

15.30 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT BILL

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** Sir, I beg to move:\*

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

This is a simple measure.

**Mr. Deputy-Speaker:** The measure is of course very simple but the hon. Minister ought to be present here.

**Shri Datar:** The earlier Bill, I understand, collapsed within two minutes though two hours had been fixed for it.

**Mr. Deputy-Speaker:** It has to be taken into consideration that it may happen sometimes.

**Shri Datar:** I was just on my way... (Interruptions).

**Mr. Deputy-Speaker:** At least the House expects that the hon. Minister who was not here should give some indication that he is sorry for that.

**Shri Datar:** I am sorry, Sir. The moment I received intimation I started.

So far as this Bill is concerned, it proposes to amend the main Act. In the Constitution certain provisions of a transitional nature had been made and then it was said that they would remain in force till Parliament makes a law. Parliament made such a law in 1954 but certain difficulties arose, especially in the case of serving Judges because of the definition of the word 'pension'. Normally it meant only a periodical payment—annual or monthly. But the word 'pension' has been defined in the Constitution itself as including not merely pension of the ordinary type in the sense of annual payment but also any gratuity or other sums.

The difficulty arose in this way. There are three types of High Court Judges—Judges from the bar, Judges from the former Indian Civil Service and Judges who had been working as district Judges under the State judicial service rules. The Judges from the bar were governed by provisions in part I of the schedule to the Act of 1954. But the Judges from the Indian Civil Service and the State judicial service would have been entitled to a certain pension even apart from their having been the Judges of the High Court because their period of service in the High Court would be taken into account as a continuation of their ordinary service in the Indian Civil Service or the State judicial service. In their cases, what was done by the Act of 1954 was to give them additional pension as mentioned in parts II and III. The pension that was allowed under Part I was a little higher and it

\*Moved with the recommendation of the President.