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Monday, September 2, 1974
Bhadra 14, 1896 (Saka)

LOK SABHA DEBATES

(Eleventh Session)



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LOK SABHA

Monday, September 2, 1974/Bhadra
11, 1896 (Saka)

The Lok Sabha met at Eleven of
the Clock.

[MR. SPEAKER in the Chair]

RE. ADJOURNMENT MOTION

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I have given notice of an Adjournment Motion. There are 300 starvation deaths in Assam alone. And all over the country there are numerous starvation deaths. Now, I am told, Intelligence Wing of the Food Ministry has envisaged that by November-December there will be food riots all over the country and they feel that there will be a requirement of import of 18 million tonnes of foodgrains. This is a fit case for an Adjournment Motion. There have been various cases of starvation deaths throughout the country especially in Bankura, Purulia etc. In Orissa, Madhya Pradesh, Assam, and in other places there have been various cases of starvation deaths. The House must discuss this matter. I want your guidance on this matter, Sir.

MR. SPEAKER: The House has already discussed it twice.

SHRI S. M. BANERJEE (Kanpur): The Minister must make a statement. There have been numerous reports in this regard.

SHRI JYOTIRMOY BOSU: 300 died of starvation in Assam. Please see the *Times of India* news item in the second page. Would you kindly allow my adjournment motion? (*Interruptions*)

MR. SPEAKER: There is no question of taking up the adjournment motion. This has been discussed already on two occasions.

SHRI JYOTIRMOY BOSU: Sir, you will agree that this news came out only yesterday. And this is a matter which happened very recently and when a paper like the *Times of India*, a leading daily of the country, has focussed the attention on this starvation death in Assam, it is a serious matter.

SHRI K. S. CHAVDA (Patna): There is a shortage of foodgrains in my part of the country. (*Interruptions*)

SHRI JYOTIRMOY BOSU: Is it or is it not a fact that the Food Intelligence Wing has warned the Government that eighteen million tonnes of foodgrains must be imported for just survival. We want this to be replied to by Government honestly and truthfully. We are distressed to see this news. (*Interruptions*)

MR. SPEAKER: Will all of you kindly sit down?

SHRI JYOTIRMOY BOSU: Sir, this is a news item in the *Times of India* with which, I am sure, you are also concerned about.

श्री मधु लिमये (बांका): मेरी दो प्रार्थनाएं हैं। पहली बात तो मैं यह जानना चाहता हूँ कि क्या 377 के तहत आप ग्रामाम और बिहार में जो लोग मर रहे हैं, 400 मर चुके हैं उस पर आप चर्चा उठाने देंगे ?

दूसरी बात यह है कि यह जो लाइमेंस के बारे में पार्लियामेंट्री प्रोब की बात चली थी और आप ने कहा था कि मैं फिर मौका दूंगा चर्चा

[श्री मधु सिन्घे]

करने का और प्रोमीजर ने डाउन करवा
शुष्ठी स्पीकर माहव ने भी परमों इग बारे में
झपने घाबजबेशन दिये हैं और यह इतना
महवार्ग मामला है कि यश्वारा में भी इस
की खर्चा हो रही है। इस पर जन्दी फिंगला
होना चाहिये महारवानी करके प्राप इस का
प्रोमीजर जन्दी तथ कीजिये और हम लोगों
को इस पर बहस करने का मौका दीजिये।

यम पूज इतना ही कहना है।

SHRI JPOTIRMOY BOSU: I hope you would have seen the observations of the hon Deputy Speaker. I have given a notice under Rule 388. That motion is before the House. The second privilege motion is also to be taken up for a discussion. So, I would like to know your observations on the motion under Rule 244, sub. (i) under Rule 388.

श्री मधु सिन्घे : गाव पूर पूर मवात वा
कैमला में जाइये।

MR. SPEAKER: All right. Please sit down. All of you have said what you wanted to say. Now, Mr. Munsu.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta—South): Sir, I would like to submit that in this hour of crisis, particularly in this economic situation, yesterday in Delhi the Communist Party workers and the Congress volunteers had gone on a de-hoarding drive.

MR. SPEAKER: That is another matter.

SHRI PRIYA RANJAN DAS MUNSI: So many hundred tonnes of foodgrains and cement were dehoarded. The police did not arrest a single hoarder. The volunteers who were involved in this alone were disturbed by the police. (Interruptions).

MR. SPEAKER: I am on the first one raised by Shri Bosu which has not yet been disposed of.

SHRI S. M. BANERJEE: Sir, I want to make a submission. (Interruptions)

SHRI PRABODH CHANDRA (Gurdaspur): Sir, everyday the hon. Members go on speaking without the permission of the Chair. I have given a privilege motion against the hon. Member who is obstinate and who wants to take away the time of the House every day. I won't name him. Everyday the hon. Member is taking the time of the House. This matter should be referred to the Privileges Committee.

MR. SPEAKER: You will please sit down.

SHRI S. M. BANERJEE: Sir, I want to make my submission in half a minute. This is the last week of the session. My friend, Shri Bosu moved an adjournment motion. This has arisen out of the starvation deaths that have taken place. Please allow the Minister to make his statement here and now either today or tomorrow. My second point is this. The hon. External Affairs Minister should also make his statement about the base in Diego Garcia island. The U.S. is going ahead with this.

MR. SPEAKER: You are now adding one more item to the ones that have already come up before the House.

SHRI S. M. BANERJEE: But there is no discussion. Let the Foreign Minister make a statement.

RE. QUESTION OF PRIVILEGEE

SHRI P. G. MAVALANKAR (Ahmedabad): Sir, I have written to you. Last week we had a discussion on the question of having a full Parliamentary probe on the alleged 21 signatures. On Saturday you said you would not be admitting any motion but on Monday you will be....

श्री शंकर दयाल सिंह (चतरा) : मेरा व्यवस्था का प्रश्न है नियम संख्या 31 के अनुसार प्रतिदिन सदन के मामले एक कार्य सूची तैयार करती है। लेकिन मैं बराबर देखता हूँ कि कार्य सूची में हम लोगों के हाथ में धरी रह जाती है और जिन के मुँह में जो बात आती है उससे वे शुरूआत कर देते हैं। यह ठीक नहीं है पहला कार्य प्रिजिस्टर का है और उसको लिया जाना चाहिये। जहाँ तक दूसरी बातों का संबंध है (अवधान)।

MR. SPEAKER: May I tell you, Mr. Bosu when we extended the time that was under certain compulsions because we were much behind the schedule of the official business. We decided we would sit for another three days.

SHRI MADHU LIMAYE (Banka): They have brought the new Constitution Amendment Bill.

MR. SPEAKER: Now, you have introduced many other things along with this. As for this adjournment motion we have discussed it. It is a continuous matter. All that I can ask is if there is any latest information, they should bring it before the House before it adjourns.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I have quoted from the *Times of India* of yesterday about starvation deaths in the Assam Town.

MR. SPEAKER: Please sit down. I have given my ruling.

SHRI JYOTIRMOY BOSU: Did you direct the Government to make a statement?

MR. SPEAKER: I have asked them.

SHRI JYOTIRMOY BOSU: Sir, kindly ask the Government to make a statement.

MR. SPEAKER: I have told them. Please sit down.

SHRI P. G. MAVALANKAR: Sir, last week you were kind enough to observe—I quote:

"We will continue this debate on some other day. In the meanwhile, I will try to find out what should be the procedure. Personally, I feel it is a very important subject over which we must apply our mind and settle down certain procedures. Now the rule is that when one member makes an allegation against another member, he should give notice to the other member. If some people go to the extent of getting even forged or fictitious signatures, we have to go into the matter thoroughly. We should not only consider the present case in its proper perspective and consider what action should be taken about it, but also, if such cases occur and the Minister is in possession of certain facts, whether it is not necessary that he should either ask for information from the member or at least convey to the Speaker that some members are involved like this and ask for his directions. These are the various issues over which we can have some views. I cannot give any off hand ruling at present. We will take up this subject again some other day. We will consider by that time what procedure should be adopted."

This was your observation. Now, my submission is this. On Saturday also, we had further discussion on this point. We had discussion on the privilege motion raised by my friends. Mr. Bosu, Mr. Madhu Limaye and others, namely, against the Prime Minister and also on the withdrawal of motions by some Members for a Parliamentary probe. You said on that

[Shri P. G. Mavalankar]

day that we should leave Saturday to regular business and that we will take up all these motions on Monday. Monday has arrived. Therefore, we have come before you with a request for a discussion. We want that the name of Parliament and of the Members of this House should be cleared not through any Governmental agency, but, we want a thorough and complete probe by a Parliamentary Committee. It is only Parliament which can say whether Members were responsible or not. I would like you not only to appoint a day for discussion but, I would also like you to proceed forthwith with the appointment of a Committee under your guidance and under your Chairmanship, which would go into the whole question. We should not leave this matter in the hands of the Prime Minister or this Government, because this is not a matter to be done by a majority. This has to be done by the entire House. This is my submission.

(Interruptions.)

श्री मधु लिमये : मैं आप का निर्णय दो सवालों के ऊपर चाहता हूँ। प्रिविलेज के नवाल पर थोड़ी बहुत खर्चा शनिवार को हुई थी लेकिन डिप्टी स्पीकर ने और आपने कोई निर्णय नहीं दिया। प्रधान मंत्री के खिलाफ हम लोगों ने विपेनाधिकार का, सदन ही मानहानी का प्रस्ताव दिया है और उसके ऊपर अब आप वाक्यावदा प्रस्ताव रखनेकी हमको अनुमति दें। दूसरा सवाल एक व्यापक सवाल है। 21 सदस्यों के हस्ताक्षर से जो आवेदन पत्र दिया गया उनमें से वीस ने कहा कि हमारे हस्ताक्षर जाली हैं। एक अब तक सदन के सामने नहीं आया। उसने सी.वी.आई. से कहा कि मेरे हस्ताक्षर हैं। इसलिये शायद वह यहाँ पर नहीं आया अब तरह तरह की बातें उठ रहीं हैं कि जिन ब्रॉस सदस्यों ने हस्ताक्षर किये क्या ये झूठ बोल रहे थे या सत्य बयानी कर रहे थे और इसके बारेमें सन्देह उत्पन्न हुआ है। ऐसी हालत में दोषी व्यक्तियों को छोड़ना बड़ा

अपराध होगा और जो सदस्य निर्दोष हैं उन के ऊपर यह लांछन या सन्देह पुरे मुक्त में फैलाने देना यह इस सदन की गरिमा के लिये अच्छा नहीं है तीन चार प्रस्ताव आ गए हैं आपने उनको स्वीकार भी कर लिया है और नुमेरिन नम्बर 2 में भी वे प्रकाशित हो गए हैं। अब एक प्रक्रिया आप तय करें जैसे डिप्टी स्पीकर साहब ने उस दिन कहा और आपने 28 तारीख को कहा कि यह कोई सी.वी.आई. या इन्वीजिंस एजेंसी के हाथ में देने का मामला नहीं है उनकी मदद हम लोग ले सकते हैं हैडराइटिंग एक्सपर्ट्स को भी बुला सकते हैं लेकिन अन्त में इसकी जांच और इसका फैसला इस मदग की कमेटी को ही करना चाहिए अगर निर्दोष लोगों को आप बरी करना चाहते हैं, मुक्त करना चाहते हैं तो यह जो कमेटी बनेगी उसका बेधरमेन विरोधी दल का होना चाहिये, कांग्रेस का, बहुमत एक का—आप रगिये और इसलिये मैंने कहा है कि नौ कांग्रेसी और आठ विरोध पक्ष के और विरोध पक्ष का बेधरमैन क्योंकि इस कमेटी की राय से जो मुक्त होंगे उनके बारे में कोई सन्देह देश में नहीं रहेगा कारण कांग्रेस पार्टी और विरोध पक्ष दोनों मिलकर इसका फैसला करेंगे इस वास्ते इस प्रस्ताव के बारे में अब आप अपना निर्णय दें।

यह अच्छी बात नहीं है कि प्रिविलेज का प्रस्ताव आया प्राइम मिनिस्टर के खिलाफ और सफाई दे रहे हैं संसद् कार्य मंत्री क्या इस तरह से प्रिविलेज के मामले में बोला जाएगा सरकार की ओर से? जिस व्यक्ति के खिलाफ प्रिविलेज मांगन आता है उसको आ कर सफाई देनी चाहिये आज भी प्रधान मंत्री नहीं आयीं हैं। प्रधान मंत्री इस सदन के बारे में कितनी तुच्छ राय रखती है इसका उनकी गैर-हाजरी से पता चलता है।

इन के मन में पार्लियामेंट के प्रति कंटेम्प्ट की भावना हैं इस को कब तक आप वर्दास्त कीजिएगा यही मैं जानना चाहता हूँ

SHRI PILOO MODY (Godhra): I want to declare on behalf of all of us here in the Opposition at any rate that we have no confidence in the CBI inquiry at all. It has been our experience over the last few years that the CBI is an instrument that the Government has invented in order to falsify evidence and whitewash its misdeeds and therefore to say that a CBI inquiry is going on as if that would pacify either us or the country is the height of absurdity. As a matter of fact not only have forgeries been taking place, but there has been perjury also and my information now is that they are trying actually to replace the original letter *in toto*. With these fears, for us to be satisfied by the Government announcing that there is going to be a CBI inquiry is utter nonsense.

SHRI MADHU LIMAYE: Seize all the documents य सिद्धाय त्रये वदनेन दास्यमसु त ।

SHRI JYOTIRMOY BOSU: I gave notice of a motion under rule 388 because today in the List of Business there is a privilege motion pending. Under rule 224(1), you cannot take up more than one privilege motion on the same day. Therefore I had requested under rule 388 that this particular rule be suspended to take up the privilege motion which was discussed already on Saturday. You had made an observation, as I see from the debate:

'Mr Speaker We will take all these motions and everything on Monday because we decided that today we will take only "

MR SPEAKER: You did not agree to it. Do not take half of it.

SHRI JYOTIRMOY BOSU: The hon. Deputy-Speaker made a very valuable contribution in this House particularly when he said that this

matter cannot be entrusted to an outside agency. Now fresh information has come to us that all the 7 firms in Pondicherry are perhaps non-existent. That is a new thing which has come to our notice that these firms are non-existent.

Yesterday I think the Prime Minister at a public meeting in Ambala had chosen to vilify the Opposition saying that they have found out four corrupt persons in this country, herself, her son, Shri Laht N. Mishra and Shri Bansilal. For our utterances in this House, she often takes the opportunity of vilifying us outside. If she and her party step out of office and institute an all-party parliamentary probe and if these charges of corruption are proved to be false, I shall resign my seat. Let a probe be instituted and then we shall find out.

This forged signature issue is a very serious matter, that we are being dubbed as frauds in the eye of the people. Mr Deputy-Speaker has clearly stated it, the entire country is talking about it, the press is talking about it and yet the thick-skipped Prime Minister considers that there is no corruption in the country. It is a serious matter and we should like you to constitute a parliamentary committee to probe into the alleged fraud committed by the Congressmen under the direction of a Minister under the very nose of the Prime Minister of this country.

SHRI N K SANGHI (Jalore): I am rising on a point of order. He is making wild allegations against the leader of our party on the floor of this House. He has to give a motion and then only he can say those things. How far is it permissible?

SHRI S M BANERJEE (Kampur): In this particular case 21 MPs—they are my brothers and sisters—are involved. Sarvaswari Shyamnandan Mishra, Madhu

[Shri S. M. Banerjee]

Limaye, Mavalankar, Sezhiyan, Dandavate and others have tabled this motion which is non-controversial. The motion does not say anything about the Prime Minister or the Minister of Parliamentary Affairs. It reads:

"That this House resolves to constitute a Committee of the House consisting of 15 Members to be nominated by the Speaker to undertake an enquiry to identify the persons, circumstances and factors that have tended to lower the dignity of the House as a whole as a result of the alleged association of the names of some Members of the House with the letter of recommendation for the grant of licence to the parties referred to in the reply to starred question No. 730 in the Rajya Sabha on the 27th August, 1974."

This is actually to save those Members from the embarrassing position. The country is not going to believe whether they signed it or not signed; they have to be exonerated by a Committee of this House, whatever the CBI may or may not do. If there is anything politically done, the persons concerned will have to be exonerated by those who are in politics, namely, a Committee of Members of this House presided over by a Chairman who belongs to the Opposition. My second point is this: If Members want to write something, some letter for any employee it is termed as political pressure. But it seems they can safely write for permits and quotas; there is no question of pressure in this! I would request you to accept this motion which you have already admitted, because it says here: the Speaker has admitted the following motion under rule 189. It can also serve the purpose of exonerating those Members whose names had been brought in for a CBI enquiry. They say the CBI has already done it. It seems proper that you should allow a discussion on this motion which is the least controversial.

श्री शंकर दत्त सिंह : अध्यक्ष महोदय, जेरा व्यवस्था का प्रश्न है नियम 352 (2) के तहत। माननीय सदस्य श्री मधु लिमये और ज्योतिर्मय बसु ने प्रधानमंत्री जो कि सदन की नेता भी हैं और सदस्य भी हैं, उन के बारे में यह कहा कि अभी उन्होंने किसी जनसभा में सम्बोधन करते हुए जो बातें कही वह अनुचित हैं, यह इन की सरासर गलत और भ्रष्टाचारिक बातें हैं। इस तरह से किसी भी सदस्य के सम्बन्ध में ये कुछ नहीं कह सकते हैं। यह सदन और सदस्य दोनों के लिए मर्यादा के विरुद्ध बातें हैं। इन्हीं शब्दों के साथ मैं यह भी कहना चाहता हूँ कि जो 20 जानी हस्ताक्षरों का मामला है उस सम्बन्ध में आप ने मोशन भी लिया है, हमारे दल के सदस्यों ने भी मोशन दिया है, उधर ने भी सदस्यों ने दिया है, उस पर जब डिस्कशन हो तब बातें होनी चाहिए। यहाँ रोज एक ही विषय के ऊपर बेबुनियाद बातें नहीं उठानी चाहिए। मैं अनुरोध करना चाहता हूँ कि जिन सदस्यों का नाम झूठ मूठ आया है उन के दिल पर उस से चोट पड़नी है, उन बातों का माननीय सदस्यगण अनभव करें। जब आप उस के लिए डेट और समय फिक्स करें तब उस पर डिस्कशन होना चाहिए। उन दोनों पर मैं आप की कालिग चाहता हूँ।

SHRI A. K. M. ISHAQUE (Basirhat): In the conduct of business of the House, time has been made the essence of every thing and we pay attention to time so as to accommodate every subject in the House. You Sir, prepare an Order and the business of the House is conducted according to that order. But in this House we have been seeing that everyone is indulging in repetitions. The motion was there and it is even now before the House. Whether one particular adjournment motion should be admitted or not. (Interruptions) That issue has been discussed.

SHRI K. S. CHAVDA (Patan): Mr. Bosu said, there are starvation deaths in Assam and you were kind enough to say that the Minister will make a statement. There is acute shortage of foodgrains, pulses, edible oils and other essential articles in Gujarat and the State is facing famine. The Minister should make a statement about that also.

MR. SPEAKER: So far as floods and starvation deaths are concerned, this was already coming through the questions and we also had a discussion. If there is any latest information, I have already said that I will be asking the minister to come with some statement before the end of the session.

As for the other matter, when it came, in a very brief time we tried to deal with it. I am very happy that the members of the opposition are so much concerned about the welfare and privileges of 21 members of the ruling party. It means that there is a lot of fraternity developing between both sides.

Secondly, I said that this is a matter about which I am not prepared to give an offhand ruling it concerns hon. members. I will consider it over and evolve some procedures. But before that could be done, there is already a privilege motion against the Prime Minister. Some of the members who sent their motions have withdrawn their motions. They have every right to withdraw them. Only when the House is seized of it by a regular motion and a discussion is allowed, we have to seek the pleasure of the House for withdrawing it. But when the members came with their personal explanation, there was no regular motion. I fail to understand why the name of the Prime Minister should be dragged into it and given so much publicity. Don't give a wrong picture to the country at any time. All your observations are not confined to this House. They go outside also. If

those Members who gave this notice come to the Speaker and say that they are being pressurized or coerced,—and they are the only right persons who can do that,—that is a different matter. They have a right to consult each other, they have a right to have a second thought's, they have a right to reconsider and withdraw what they have given. Why go out of the way and have far-fetched conclusions that so and so did it because so and so pressurized or coerced them? I fail to understand this. On the very first day we said that we will not consider it as on party lines. I said that we will try to evolve a procedure. But, before that, you enter into the question of privilege, you enter into a long debate and you make so many observations. There should be some sort of code for it. I do not understand all this fuss about it. There is no question of privilege involved in it.

SHRI JYOTIRMOY BOSU: You have not taken notice of what the Deputy-Speaker has said on the floor of the House.

MR. SPEAKER: What the Deputy-Speaker said was about a different matter. He did not support this. He did not give any finding on the privilege motion.

SHRI P. G. MAVALANKAR: He referred the matter to you.

श्री शंकर दयाल सिंह : मेरा प्वाइन्ट ऑफ ऑर्डर है। नियम 361 के अनुसार जब अध्यक्ष खड़े हों तो कोई भी सदस्य खड़ा नहीं होगा। मैं, मान्यवर, इस के बारे में आपकी कृतिंग चाहता हूँ—बारवार इस सदन में यह हो रहा है कि जब आप खड़े होते हैं तो दमियों सदस्य खड़े हो जाते हैं और आप बैठ जाते हैं—क्या इस तरह से हम लोग नियमों को मान कर चल रहे हैं। मैं चाहता हूँ कि जो सदस्य 361 का उल्लंघन करें उसकी बात रिकार्ड में नहीं आनी चाहिए—कृपा कर इस पर अपना कृतिंग दें।

MR. SPEAKER: Kindly sit down. I think this is over. As far as the other matter is concerned....

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, I am rising on a point of order.

श्री शंकर बबाल सिंह : अध्यक्ष महोदय, पहले मेरे प्वाइन्ट ऑफ़ ऑर्डर पर रूनिंग दीजिए ।

SHRI SHYAMNANDAN MISHRA: On the previous working day I had made a complaint of breach of privilege and contempt of the House against both the hon. Prime Minister and the hon. Minister of Parliamentary Affairs. So far as your observations today are concerned, I must say in all humility that you have not been fair to the complaint..... (Interruptions)

SHRI A. K. M. ISHAQUE: This is a clear reflection upon the Chair. .. (Interruptions)

SHRI SHYAMNANDAN MISHRA: If I could understand your observations, they amounted to maligning those Members who had made a complaint of the breach of privilege and contempt against the Prime Minister and the Minister of Parliamentary Affairs. This will be advertised to the whole world as if we are after the blood of the Prime Minister or after him....

MR. SPEAKER: You cannot make any comments on my ruling.

SHRI SHYAMNANDAN MISHRA: We have been maligned. I say that you have not been fair to us because something that fell from your lips today would amount to a censure of what we did on that day. We did it as a matter of duty. We do not think that attracted any such harsh observations as you have been pleased to make.

On that day, we did not base our complaint of the breach of privilege only on the withdrawal by the

hon'ble Members of that party of their motions which they had given to you. My motion of breach of privilege was pending against the hon'ble Commerce Minister. Then, there were other motions tabled by other hon'ble Members from the Opposition. They were also pending with you. You had, in fact, shown your inclination that you would like to go into depth so far as that matter was concerned. So, the House was fully seized of it. In this meantime, certain steps were taken by the hon'ble Minister of Parliamentary affairs and by the hon'ble Prime Minister which were reported in the press and which amounted to coercion and pressurisation. Therefore, we were quite in order in bringing a motion of breach of privilege. With all respect, we did not deserve the kind of harsh observations that you have made.

श्री मधु लिमये : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है ।

अध्यक्ष महोदय : किम बात पर ?

श्री मधु लिमये : जिन 8 कांग्रेसी सदस्यों ने प्रस्ताव दिया था जो बुलेटिन नम्बर 2 में छपा था इन लोगों ने व्यक्तिगत स्पष्टीकरण भी दिया है और उम में आप के संरक्षण की और इस मदन के संरक्षण की और दो सदस्यों ने पार्लियामेन्टरी प्रोब की माग की है। ऐसी हालत में अगर वह सिर्फ़ अपना प्रस्ताव वापस लेने हैं तो वह एक अलग बात होती है। लेकिन जब व्यक्तिगत स्पष्टीकरण उन्होंने किया, जो एक मेक्रेड प्रोसीजर है, और उम के विपरीत जब काम करते हैं और अपना प्रस्ताव वापस लेने हैं तो वह अलग बात है। अखबारों में जो छपा है उम ने माफ़ किया है कि प्राइम मिनिस्टर के घमसाने के बाद ही उन्होंने यह वापस लिया है, विद्वता किया है। इसलिए प्राइम मिनिस्टर के खिलाफ़ बिशेषाधिकार का प्रस्ताव बनना है।

MR. SPEAKER: I strictly hold to this view that Members are the masters of their own free will as to how they make up their own mind on

certain matters. Only the Members themselves can come here and say that they are under pressure. You come and say, 'A' did it or 'B' did it or 'C' did it or the Prime Minister did it. You bring the Prime Minister into the picture. This is going too far. It is a far-fetched thing, telling the people that, perhaps, something is going on, the Members are not the agents of their own free will, they are doing this way or that way. Where I do not agree. Unless they themselves come and say in this House that they are being pressurised. I will not take note of that. Only the Members themselves can come here and say in this House that they are under pressure. In that case, I will take strict notice of it. I invite those Members. Are they being pressurised?

SHRI JYOTIRMOY BOSU: Did you read the newspapers, *National Herald* and *Hindustan Times* (Interruptions).

MR SPEAKER: The press people have their own rights to comment.

Here, we are expressing our own views. The other day in this House when that question arose, I said, "I do not want to give an off-hand ruling. I will consider it."

Now, before we consider something, another motion comes that a Committee be appointed. You say, 'No, an opposition Member to be the Chairman of the Committee and the other people say 'No' and so and so should be the Chairman'. That is the atmosphere. I think there is a lot of change in that background and atmosphere and I will have to reconsider it. Even before coming here even during the last week so many things came and he gave it much earlier. If I were to take this objection now, that somebody says we will have a committee appointed by the Speaker and somebody comes and says 'Opposition Member should be the Chairman of the Committee', is it not a contempt

of the Speaker when all this is before the House? Every Member has got a right to express his own views. They express their own views and you express your own views. I really fail to understand why all this confusion.

SHRI JYOTIRMOY BOSU: Did you not read the *National Herald* and the *Hindustan Times*?

MR SPEAKER: No. I have my own views.

Interruptions

I hear you with the utmost respect because you come prepared and you should also hear me because sometimes I may differ with you. Many times I agree with the Opposition. Here I have given my views about it.

SHRI SHYAMNANDAN MISHRA: I have drawn your attention to a motion which has been signed by the representatives of many political parties to which the hon'ble Member Mr S M Banerjee also drew your attention earlier.

अध्यक्ष महोदय : एक मोशन ही ठीक है। यथा ना बहूत सारे मोशन्स है, सब को फिर से दोबारा देखना कि किस में क्या है। अभी 5 7 परमों छोड़ कर गया। मुंबह गाडी में उतर कर आया हूँ। 5 7 और पड़े हैं। किस में क्या निकलना है यह मुझ का हर एक में देखना है।

I have not committed. Take it in a very good spirit. It is a question of the whole House.

आगे इनमें क्या निकलना है, उसको क्या वापस लिया, उसका क्या होगा, किसने पीछे से तार हिनाई, किसने आगे से हिनाई उसको छोड़िये।

Take it as a question purely of the Members. From that objective point we will consider it.

SHRI JYOTIRMOY BOSU: My submission is that the *National Herald* which is a paper controlled by the Prime Minister and the *Hindustan Times* gave out elaborately how the M.P.s of the Congress Party were pressurised by the Prime Minister. That is what has created all this trouble.

MR. SPEAKER: Now, there is no question of privilege.

Prof. Madhu Dandavate.

11.49 hrs.

QUESTION OF PRIVILEGE—Contd

FAILURE OF GOVERNMENT TO LAY BEFORE THE HOUSE MEMORANDUM OF ACTION TAKEN ON SUGAR INDUSTRY INQUIRY COMMISSION REPORT—Contd

PROF. MADHU DANDAVATE (Rajapur): Before the hon Minister makes a statement, I would like to summarise within two minutes the points involved.

On 27th August when I sought your permission to raise the privilege issue against Shri C Subramaniam, Minister of Agriculture, I had pointed out to you and to the House that on 15th May, 1973, the Bhargava Commission had already submitted its report on nationalisation and on 27th February, 1974 the final report was submitted and you pointed out that that date should be considered the date of submission of the final report.

2 According to Section 3(iv) of the Commission of Inquiry Act, 1952 there is a mandatory provision which makes it obligatory on the Government to lay on the Table of the House within six months of the submission of the report, not merely the report that has been submitted but also a memorandum of action taken on the report.

3. On 28th August 1974, the Minister for Agriculture laid on the Table

of the House all the reports that were submitted by the Bhargava Commission. Along with that they also submitted a memorandum which they described as a memorandum of action taken on the report. My contention was that this memorandum of action was not a memorandum of action but it is a memorandum of inaction.

On page 3 of the memorandum which they described as memorandum of action, it is stated:—

“In view of the sizeable financial outlay and complex administrative issues involved, Government would need some more time to examine the matter in detail and arrive at a decision”

Not only they have not taken any decision, but they have sought your permission to have more time even to examine the report. When I raised the issue last time, you were kind enough to make a very significant observation which had appeared in the Lok Sabha proceedings of 27 August, 1974. When I said that this was not a memorandum of action in terms of section 3(4) of the Act, you said

“In my opinion also, this is not a memorandum”

These were the observations that you made on the last occasion. Therefore, my submission is that, as required by the provisions of the Act, the memorandum of action has not been submitted. On the contrary, they have pleaded their inaction, they have pleaded for more time, they have said that they need more time to examine the report and take a decision.

Normally if there is a lapse on the part of the Government on some other matter, there is no economic consequence. But when there is a serious lapse on such problems, when there is indecision on the part of the Government, there is economic consequence. Recommendations have been made by the Bhargava Commission;

some have recommended creation of a Sugar Authority; some have demanded outright nationalisation. I just now do not want to go into the merits of the case of nationalisation. The only procedural point is that if no decision is taken for one full year on nationalisation and on the entire report for six months, in that case, actually the issue remains in suspended animation, and as a result of that, because the entrepreneurs and the sugar magnates know that the recommendation for nationalisation has already been made, they do not feel any stake in the industry on the one hand and at the same time because the industry is not nationalised, also whatever gains could be accrued under nationalisation are not available. As a result, the productivity of the sugar industry suffers. This is the economic consequence of the lapse committed by the Government. It is a serious contempt of the House and, therefore, a breach of privilege. I seek your permission to raise this question of privilege against the Minister of Agriculture.

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY AND AGRICULTURE (SHRI C SUBRAMANIAM): Two points arise out of this. One is with reference to the content of the memorandum. Certainly the memorandum can give only facts and not fiction. Therefore, whatever action has been taken or has not been taken has been stated in the memorandum and, therefore, is factually correct.

Then, with regard to the charge that we should have been more expeditious in examining the report, that Government should have functioned in a more expeditious manner, if that is the charge which the hon Member is making, perhaps I may be inclined to agree with him. But certainly it is not a matter which can be raised as a privilege that this is not a memorandum.

Therefore, I respectfully submit that I have complied with the provisions of the Act. In the memorandum I have stated what is the present state of affairs with reference to this Commission's report, and there is no question of misleading the House by giving any wrong facts there. If there is a failure on the part of the Government, the hon Member is entitled to raise it in any form he likes, but certainly not as a matter of privilege.

श्री मधु लिमये : अध्यक्ष महोदय, यह जो शूगर टक्कायरी कर्मजान की रपट थी, डम के बारे में इन्होंने कहा है कि यह एक अनरिम रिपोर्ट थी। अनली सवाल यह है कि पार्ट (1) जिम को आप कहते हैं कि यह अपने में एक परिपूर्ण रपट है, उसके बारे में इतनी देर बाद भी कोई एक्शन नहीं लिया गया।

SHRI C SUBRAMANIAM: This matter has already been decided. (Interruptions).

श्री मधु लिमये अध्यक्ष महोदय, मैं यह कह रहा था कि जो अपने में परिपूर्ण रपट थी उसने वार में त्रिमी तरह का एक्शन नहीं लिया गया। केवल पार्ट (2) के बारे में कहा है कि डम ने कुछ एक्शन लिया है। मैं पार्ट (2) के वार में नहीं कह रहा हूँ। पार्ट (1) जिम का आप कहते हैं कि यह परिपूर्ण रिपोर्ट है इतने दिना बाद तक वार्ड कायमाती नहीं की गई है। इसलिए मेरा यह कहना है कि उस पर आप सचि और फैसला दें।

This is not a memorandum of action taken, this is a memorandum of inaction.

SHRI S M BANERJEE (Kanpur): Sir, I want to make a submission. When this was raised as a privilege motion, the report had not been laid on the Table of the House. Prof.

[Shri S. M. Banerjee]

Madhu Dandavate made his contention on the basis of the news which had come in the press.

He argued that this was not an interim report but this was a report which was full and complete report, self-contained report, regarding nationalisation of sugar industry. You will remember that Mr. N. N. Pandey also said this. This term of reference was added to their other terms of reference. This was down because all sections of the House, all hon. Members who participated, demanded nationalisation. On the basis of this specific demand made, this was included. So, this was added on to the other terms of reference and they were asked to report. On the basis of that, the Report was submitted. And the only report which was submitted to the Government was in 1973. Government should have taken action. Government has deliberately delayed the whole thing. This is just to give free-hand to mill magnates to do what they like. They try to convert the sugar mills into junk and after they have extracted the full profits only they will give it to the Government. Mr. Subramaniam has misled the House to this extent that he called that report as interim report. That is a self-contained report and the only report; therefore due to his omission and commission we consider that what he said was misleading the House.

श्री शंकर बयाल सिंह (च.र.) : इस सम्बन्ध में मैं एक निवेदन करना चाहता हूँ। यह जो चीनी उद्योग जाच आयोग की रिपोर्ट हम लोगों के सामने है, जिस पर हम विचार कर रहे हैं, यह आयोग 1970 में गठित हुआ था और 1974 के फरवरी में इसने अपनी रिपोर्ट दी है। आज गेंदा बाबू इस सदन में अपनी नहीं है, जिन का बराबर चीनी उद्योग के बारे में दर्द रहा है और बराबर सदन में वे इस के बारे में बोलने रहे हैं—अब वे सदन में आ गये हैं—मान्यवर, मैं यह कहना चाहता हूँ कि यह जो रिपोर्ट

हमारे सामने आई है, इस का हिन्दी बर्तन नहीं थाया है और क्योंकि इस में लिखा हुआ है, इसलिए मैं आपको बता रहा हूँ कि सदन के सामने यह पाना चाहिए। तभी हम इस पर विचार करेंगे।

अध्यक्ष महोदय : आप जिस तरफ चले गये हैं।

श्री शंकर बयाल सिंह : मान्यवर, मैं चाहता हूँ कि हिन्दी रिपोर्ट भी आनी चाहिए।

अध्यक्ष महोदय : आप हिन्दी बर्तन के बारे में हर जगह घुमेड देने हैं। अभी तो यहाँ पर और बात चल रही है। यहाँ पर एक टेक्निकल प्वाइंट पर बात चल रही है और आप 'हिन्दी' में पड गये हैं।

श्री शंकर बयाल सिंह : मैं डा के अंतर्गत ही इस का उठा रहा हूँ। इस में लिखा हुआ है और मैंने इस को उठाने में समय लगाया है।

अध्यक्ष महोदय : इस तरह में मन्टो-परपज ब्रेन रखना बड़ा मुश्किल है। यह तो एक तरफट्टी चलता है।

MR. SPEAKER: Prof. Dandavate, I appreciate very much your point of view

PROF. MADHU DANDAVATE: Please don't depreciate it now.

MR. SPEAKER: I appreciate it. I tried to know how it is a question of privilege. Because, privilege is something you cannot make by far-fetched means. It is on failure of the Government. Now, he has taken the interpretation in his own way and you have taken it in your own way,—according to the Action Taken Report this should have been included in the Memorandum,—and he says, it includes whatever up to that stage was there about the action taken.

12 hrs.

There are no rules as to what is the limitation for the action taken on the whole or part of the report. The whole thing I shall have to consider sometime in the meeting of the Rules Committee so that I may get the time and the guidance on the action taken report as to whether the action taken is available upto the date of presentation or is the action taken has to be completed before the date of presentation of the report.

I have consider this in all its aspects. The other day when I came before the House I could not come prepared Sir, I am now not in a position to accept it as a privilege. At the most it can be taken as a failure on the part of Government. And, if it is going to be a failure of the Government, I shall have to consider in what form it is a failure of the Government. I shall discuss this with you or some other Members and, in the Rules Committee I must have some idea before I could come with information. I have not got any information just now which will go down as a precedent for the future cases. A number of such reports come. Sometimes the report is not ready for want of holding some meetings. Earlier also, you know that in the case of Administrative Reforms Commission, we waited for their reports for many years. So, let us drop this at this stage.

PROF. MADHU DANDAVATE: You permit me to say this. You have said that one has to make up his mind about the stage at which the report has to be given regarding the action taken. I wish to point out to you one thing. That is, on page 3, paragraph 7, the report says that:

"We need some time for examining as well as deciding about the subject of.."

It means that this relates to nationalisation of the industry. As far as that is concerned, the report was submitted about one year back. You may consider that as an interim report.

MR. SPEAKER: We must have certain things definitely before us to guide us for the future also.

PROF. MADHU DANDAVATE: Unfortunately, when you say or when you feel that it is the failure of the Government, the Minister does not even have the courtesy to express his regret.

When it is a case of failure, the Minister does not say so. He says that he can only talk about the facts.

MR. SPEAKER: In my own opinion, I want to know at what stage it can be regarded that action taken has any justification.

PROF. MADHU DANDAVATE: The Minister is trying to ridicule by trying to say that he is concerned with the facts. He does not even regret for the failure.

MR. SPEAKER: There may be some genuine difficulties.

12 04 hrs.

[SHRI DINESH CHANDRA GOSWAMI in the Chair]

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I raise matter regarding the rape of one minority girl who was taken away from the custodian of Calcutta and who was raped by a local person....

MR. CHAIRMAN: Now, Papers laid on the Table. Shri Shastri.

THE MINISTER OF WORKS AND HOUSING (SHRI BHOLA PASWAN SHASTRI) rose.

SHRI JYOTIRMOY BOSU: Sir, let me complete what I want to say.

MR. CHAIRMAN: No, please.

SHRI JYOTIRMOY BOSU: I have given notice. (Interruptions).

MR. CHAIRMAN: Mr. Bosu, please listen to me. I am on my legs. You cannot compel the Chair since you are

[Mr. Chairman]
speaking without my permission. Whatever you say will not go on record.

SHRI JYOTIRMOY BOSU: (*).

MR. CHAIRMAN: I am on my legs. Please listen to me. When I am on my legs, Members are supposed to take their seats. Why don't you listen to me? (Interruptions). I have not said what you said is unparliamentary. Why don't you listen to what I am saying?

12.05 hrs.

[MR. SPEAKER in the Chair]

SHRI JYOTIRMOY BOSU: Sir, I have written to you about a minority community girl who was abducted from her relations in Calcutta and was raped. She was recovered after three hours. She comes from...

MR. SPEAKER: You must speak on the subject on which you are allowed. I do not mind such matters coming but they must come at the proper time and through some motion

SHRI JYOTIRMOY BOSU: The girl belongs to a minority community of Anglo-Indians. She was raped by local hooligans.

MR. SPEAKER: We have got so many minority communities in this country. It is a law and order matter and it is a State subject. There should be some method of bringing it.

SHRI FRANK ANTHONY (Nominated-Anglo-Indians): Sir, I rise on a point of order. I do not want to go into the merits of the allegation of

rape. But I was disturbed at the observation which came from the Chair that there are minorities and minorities in this country. Sir, when a Harijan woman is raped it is raised in the House and rightly so. If a Sikh woman is raped it is raised in this House. Suddenly because it is a minority community you say the matter is not important enough. I want an assurance. I deal with cases of rape and most of them are of Harijan women. I know what happens. They make reports. The caste Hindu investigating officers do not record them. On the other hand, they bring false counter cases against Harijans. I want an assurance that this case will be investigated by some kind of a special agency and will not be left to the mercies of some local people who will hush the whole thing. That is all I want.

SHRI JYOTIRMOY BOSU: What is the proper motion? We can give only notice under Rule 377 to reach you before ten O'clock

MR. SPEAKER: There are 50 motions. I agree for one. If you like, 50 can come every day. You don't know how many others are received which one is allowed, which one is permitted. Such matters could come on a subsequent day, if not today. I would not be denying it in any shape. Today, we had a privilege motion. There may be some other motions.

(*) Not recorded.

12.10 hrs.

PAPERS LAID ON THE TABLE

Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) Amendment Act, 1974 and Gujarat Government Orders under Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) Act, 1972.

THE MINISTER OF WORKS AND HOUSING (SHRI BHOLA PASWAN SHASTRI): I beg to lay on the Table:

- (i) A copy of the Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) Amendment Act, 1974 (President's Act No. 10 of 1974) (Hindi and English versions) published in Gazette of India dated the 7th August, 1974 under sub-section (3) of section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1974 together with an explanatory note [Placed in Library. See No LT-8365/74]
- (ii) (a) A copy each of the following Gujarat Government Orders under sub-section (4) of section 7 of the Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) Act, 1972, read with clause (c) (iii) of the Proclamation dated the 9th February, 1974 issued by the President in relation to the State of Gujarat:
 - (1) Order No VCT/SR/595/72, dated the 29th November, 1973 in the case of Shri Walter Jacob Christian and others.
 - (2) Order No. VCT/SR/15/72, dated the 29th November, 1973, in the case of Shri Abdul Karimbhai Hajinabibhai.
 - (3) Order No VCT/SR/579/72, dated the 29th November, 1973 in the case of Shri Dineshbhai Mohanlal Desai.
 - (4) Order No. VCT/SR/70/73, dated the 3rd December, 1973 in the case of Shri Lalbhai Devchand Shah.
 - (5) Order No. VCT/SR/11/13/14/72, dated the 5th December, 1973 in the case of Shri Chandrakant Chotalal Desai.
 - (6) Order No. VCT/SR/755 dated the 29th December, 1973 in the case of Shri Shankalchand Jaichandbhai Patel.
 - (7) Order No. VCT/SR/573/72 dated the 15th December, 1973 in the case of Shri Dhirubhai Ranchhodbhai Desai.
 - (8) Order No. VCT/SR/37/73 dated the 29th December, 1973 in the case of Shri Trikamlal Ranchhodas Panchal.
 - (9) Order No. VCT/SR/635/72 dated the 31st December, 1973 in the case of Shri Hamirbhai Kanjubhai Doriya.
 - (10) Order No VCT/SR/573/72 dated the 8th January, 1974 in the case of Adarsh Cooperative Industrial Estate Ltd.
 - (11) Order No VCT/SR/576/73 dated the 8th January, 1974 in the case of Shri K. N. Taneja.
 - (12) Order No. VCT/SR/78/73 dated the 3rd February, 1974 in the case of Shubhsegar Mills Pvt Ltd.
 - (13) Order No VCT/SR/29/73 dated the 3rd February, 1974 in the case of M/s. Rupam Cine Enterprise.
 - (14) Order No VCT/SR/77/73 dated the 13th February, 1974 in the case of M/s. Dugar Textile Mills Pvt. Ltd.
 - (15) Order No. VCT/SR/45/72 dated the 13th February, 1974 in the case of Mahalaxmi Metal and Rolling Factory.
 - (16) Order No. VCT/SR/740 dated the 13th February, 1974, in the case of Shri Vijay Steel Rolling Mills Pvt. Ltd.
 - (17) Order No. VCT/SR/696/72 dated the 19th February, 1974 in the case of Gravity Instrument Private Ltd.
 - (18) Order No. VCT/SR/644/72 dated the 28th February, 1974 in the case of Vishnu Cotton Jinning Factory.

- (19) Order No. VCT/3074/25904-V dated the 20th April, 1974 in the case of Shri Chandra Sinha Gambhirsinha Venkaneda Tal Palsana.
- (20) Order No. VCT/1474/17747-V. dated the 29th April, 1974 in the case of Shri Ramji Motiji Thakore, Chodasar Taluka City.
- (21) Order No. VCT/1473/85194-V dated the 11th April, 1974 in the case of Shri Naroda Satyanarayan Cooperative Housing Society, Ahmedabad.
- (22) Order No. VCT-2074/Kha/2152-V dated the 18th April, 1974 in the case of Shri Surajal Maganbhai Paneria, Panera Pardi Taluka Bulsar.
- (23) Order No. VCT-3073/Kha/4937-V dated the 21st April, 1974 in the case of Shri Santilal Rangildas Khandwala Surat.
- (24) Order No. VCT/2473/113882-V dated the 11th April, 1974 in the case of Shri Devjibhai Ambabhai. Junagadh.
- (25) Order No. VCT/1474/25599-V dated the 29th April, 1974 in the case of Shri Ranchodbhai Atmaram, Sola Tal Daskroi.
- (26) Order No. VCT/2673/26480-V dated the 18th April, 1974 in the case of Shri Patel Bhikhabhai Shankarlal, Visnagar.
- (27) Order No. VCT/3173/100063-V dated the 16th April, 1974 in the case of Shri Mahavir Cooperative Housing Society Ltd., Vidvan, Surendranagar.
- (28) Order No. VCT/3074/21742-V dated the 29th April, 1974 in the case of Shri Thakorebhai Kuberbhai Patel, Puna Tal Choriyasi.
- (29) Order No. VCT/1474/9179-V dated the 18th April, 1974 in the case of Shri Ishwarbhai Shivrul Patel, Narangpura, Taluka Daskroi, Distt. Ahmedabad.
- (30) Order No. VCT/1473/123874-V dated the 23rd April, 1974 in the case of Shri Ibrahim Daud Nabibhai, Jamaipur Chakla.
- (31) Order No. VCT/2373/43756-V dated the 29th April, 1974 in the case of Shri Rambhai Gigabhai & Bhanabhai Ratna, Junagadh.
- (32) Order No. VCT/SR/52/73 dated the 5th April, 1974 in the case of Shri Mahalaxmi Cotton Jinning Factory, Dholka.
- (33) Order No. VCT/SR/654/72 dated the 5th April, 1974 in the case of M/S. Rasik Cine Enterprise, Ahmedabad.
- (34) Order No. VCT/SR/130/73 dated the 7th April, 1974 in the case of Pinku Corporation, Ahmedabad.
- (35) Order No. VCT/SR/638/72 dated the 20th April, 1974 in the case of Associated Labour Corporation, Ahmedabad.
- (36) Order No. VCT/SR/89/73 dated the 22nd April, 1974 in the case of Gujarat State Fertiliser Company Ltd., Baroda.
- (37) Order No. VCT/SR/45/73 dated the 23rd April, 1974 in the case of Electro Engineering Products, Baroda.
- (38) Order No. VCT/SR/38/73 dated the 23rd April, 1974 in the case of Shri Epox Electricals Pvt. Ltd., Baroda.
- (39) Order No. VCT/SR/53/73 dated the 27th April, 1974 in the case of Smt. Navmalikaben Manubhai Kamdar, Baroda.
- (40) Order No. VCT/LND/WS/2228 dated the 19th April, 1974 in the case of Ambica Brick Industries, Godhra.

- (41) Order No VCT/SR/258/72 dated the 20th April, 1974 in the case of Smt Harigangaben Ishwarlal, Katargam, Surat
- (42) Order No VCT/RG/333 dated the 26th April 1974 in the case of Shri Ram Paper Mills Pvt Ltd Surat
- (43) Order No TNC/VCT dated the 5th April 1974 in the case of Vallabh Glass Works Vallabh-Vidyanagar
- (44) Order No TNC/VCT/SR/164/WS/3780 dated the 20th April 1974 in the case of M/S Krishna Metal Industries, Nadiad
- (45) Order No TNC VCT/SR/202/WS 3772 dated the 20th April, 1974 in the case of Shri Ravji-bhai Parsottam Uttarsanda Tal Nadiad
- (46) Order No TNC VCT/SR/175/WS 3805 dated the 30th April 1974 in the case of Bhagvati Cold Storage Nadiad
- (47) Order No TNC VCT SR/80/WS dated the 20th April 1974 in the case of Shri Chaturbhai Lallubhai Patel Moguri Tal Anand
- (48) Order No TNC VCT/SR 80/WS/3865 dated the 20th April 1974 in the case of Shri Vithal-bhai Lakhabhai Uttarsanda Tal Nadiad
- (49) Order No LND/VST/Slp-6590 WS 2337 dated the 19th April 1974 in the case of Gujarat Cables and Enamaled Products Pvt Ltd Ankleshwar
- (50) Order No VCT/1474/41648-V dated the 16th May 1974 in the case of Shri Sakaraji Udayi Thakore, Ambethi Tal Dholka
- (51) Order No VCT/3074/35848-V dated the 27th May, 1974 in the case of Shri Durlabhbhai Lallubhai, Sandhar, Tal Olpad
- (52) Order No VCT/2074/7511-V dated the 27th May 1974 in the case of Shri Navsari Vibhag Kushtarog Nivaran Mandali Navsari
- (53) Order No VCT/2074/1567-V dated the 1st June 1974 in the case of Shri Dhirubhai Ranchodji Desai Vapi Tal Pardi
- (54) Order No VCT/1874/37149-V dated the 1st June 1974 in the case of Shri Nathubhai Dhana-bhai Akwada Tal Bhavnagar
- (55) Order No VCT/1473/88747-V dated the 7th June 1974 in the case of Shri Ambaji Mataji Devasthan Managing Committee Palanpur
- (56) Order No VCT/1473/17882-V dated the 14th June 1974 in the case of Shri Hasumukhlal Keshavlal Patel Ahmedabad
- (57) Order No VCT/3074/45215-V dated the 5th June 1974 in the case of Shri Kalidas Dahyabhai, Ahmedabad
- (58) Order No VCT/1473/23044-V dated the 24th June 1974 in the case of Shri Popatlal Premchand & Subhodhchandra Popatlal Ahmedabad
- (59) Order No VCT 1473/89045-V dated the 25th June, 1974 in the case of Shri Jitendra Patel Chairman of Yashsagar Co-operative Housing Society Limited Ahmedabad
- (60) Order No VCT 2874/41649-V dated the 27th June 1974 in the case of Shri Vadaliya Rasulfateh Rajvadala Tal Vankaner Rajkot
- (61) Order No VCT-1774/37688-V dated the 27th June 1974 in the case of Shri Chaganbhai Punjabhai Patalwadia, Bill Tal, Baroda.

- (62) Order No. VCT-2072/1545-V dated the 27th June, 1974 in the case of the State Bank Staff Cooperative Housing Society (Proposed), Bulsar.
- (63) Order No. VCT/2473/113075-V dated the 28th June, 1974 in the case of S. T. Employees Cooperative Housing Society (Proposed) Borsad, Dist. Kaira.
- (64) Order No. VCT/2874/47806-V dated the 10th July, 1974 in the case of Shri Bhimsinha Gulabsinha Jadeja, Rajkot.
- (65) Order No. VCT/3073/141890-V dated the 16th July, 1974 in the case of Shri Jamnadas Maganlal, Surat.
- (66) Order No. VCT/1774/659-V dated the 17th July, 1974 in the case of The Krishna Cooperative Housing Society, Baroda.
- (67) Order No. VCT/SR/82/73 dated the 2nd May, 1974 in the case of Sukrut Cooperative Industries, Ahmedabad.
- (68) Order No. VCT/SR/705/72 dated the 6th May, 1974 in the case of Gangadhar Cotton Pressing Factory, Ahmedabad.
- (69) Order No. VCT/SR/705/72 dated the 6th May, 1974 in the case of M/S. Leubi Engineering, Ahmedabad.
- (70) Order No. VCT/SR/119/73 dated the 14th May, 1974 in the case of Madhavpura Market Shop and Ware Housing Cooperative Society Ltd., Ahmedabad.
- (71) Order No. VCT/SR/42/72 dated the 16th May, 1974 in the case of Shri Jamanadas Narayandas Jethanand Harijani, Ahmedabad.
- (72) Order No. VCT/SR/19/73 dated the 18th May, 1974 in the case of M/S. Continental Industries Ahmedabad.
- (73) Order No. VCT/SR/118/73 dated the 18th May, 1974 in the case of Shri Nathubhai Kuberdas Prajapati, Ahmedabad.
- (74) Order No. VCT/SR/507/72 dated the 30th May, 1974 in the case of M/S. Vadnagarwala Dying and Printing Works, Ahmedabad.
- (75) Order No. VCT/SR/508/72 dated the 30th May, 1974 in the case of M/S. Ganibhai Rahimji Vadnagarwala, Ahmedabad.
- (76) Order No. VCT/SR/138/73 dated the 17th June, 1974 in the case of Ellisbridge Shopping Centre Owners Association, Ahmedabad.
- (77) Order No. VCT/SR/178/73 dated the 6th July, 1974 in the case of Smt. Laxmiben Sivaji Thakore, Ahmedabad.
- (78) Order No. VCT/ Case No. 20 dated the 13th May, 1974 in the case of M/S. Indian Chemical Industries, Rajkot.
- (79) Order No. (Vacant land case) No. 29 dated the 13th May, 1974 in the case of Shri Dayal Mulji & Shri Ravji Mulji, Upletha
- (80) Order No. (Vacant land case) No. 16 dated the 20th May, 1974 in the case of M/S. Guldip Corporation, Kuvadva, Rajkot.
- (81) Order No. (Vacant land case) No. 30 dated the 30th May, 1974 in the case of Mohanlal Dayabhai Vadera, Rajkot.
- (82) Order No. (Vacant land case) No. 21 dated the 31st May, 1974 in the case of Shri Vasantlal Popatlal Malaviya, Gondal, Dist. Rajkot.
- (83) Order No. (Vacant land case) No. 10 dated the 6th June, 1974 in the case of Shri Hirji Ratna and others, Upletha.
- (84) Order No. VCT case No. 33 dated the 7th June, 1974 in the case of Kumari Shri Hit-

- endra Kumariba Rasikkumar
Sinhji Zala, Wankaner.
- (85) Order No. (Vacant land case)
No. 27 dated the 27th June,
1974 in the case of M/s.
Jagadamba Pottery Works,
Kankaner.
- (86) Order No. (Vacant land case)
No. 34 dated the 27th June,
1974 in the case of Shri
Bharat Re. factory, Morbi,
Distt., Rajkot.
- (87) Order No. Bhumi/VCT dated
the 1st May, 1974 in the case
of Shri Govindbhai Ranchod-
bhai Dalvadi, Broach.
- (88) Order No. LND/VCT dated the
1st May, 1974 in the case of
Shri Vasantlal Bhikhabhai
Mistry, Broach.
- (89) Order No. Bhumi/VCT dated
the 1st May, 1974 in the case
of Shri Hasmukhlal Maganlal
Shah, Chapra, Tal, Anklesh-
war.
- (90) Order No. LND/VCT dated
the 1st May, 1974 in the case
of Shri Jitendra Jashbhai
Patel.
- (91) Order No. LND/VCT dated the
1st May, 1974 in the case of
Shri R. C. Sodagar.
- (92) Order No. LND/VCT dated the
1st May, 1974 in the case of
Shri M. B. Dalwadi.
- (93) Order No. Bhumi/VCT dated
the 1st May, 1974 in the case
of Shri J. K. Pandya.
- (94) Order No. Bhumi/VCT dated
the 1st May, 1974 in the case
of Shri Jayantilal Bhikhabhai
Modi.
- (95) Order No. LND/VCT 44/74
dated the 8th May, 1974 in the
case of Shri N. C. Modi.
- (96) Order No. Bhumi/VCT dated
the 9th May, 1974 in the case
Shri P. A. Shah, Partner,
Anand Engineering Works,
Broach.
- (97) Order No. Bhumi/VCT/Wasi
dated the 16th May, 1974 in
the case of Shri V. M. Dodaji,
Director, Cowaran Pvt. Ltd.
- (98) Order No. VCT/SR/340 dated
the 3rd May, 1974 in the case
of Tapi Industrial Cooperative
Service Society (Proposed).
- (99) Order No. VCT/SR/296/73
dated the 7th May, 1974 in the
case of J & K Industries,
Surat.
- (100) Order No. VCT/SR/332 dated
the 9th May, 1974 in the case
of Shri Kantilal K. Thakore,
Partner of Kamal Tiles.
- (101) Order No. VCT/SR/279 dated
the 5th July, 1974 in the case
of Shri Ramkrishna Industrial
Cooperative Service Society
Limited, Surat.
- (102) Order No. VCT/SR/316 dated
the 5th July, 1974 in the case
of Shri Gulabchand Syamal,
Olpad, Distt. Surat.
- (103) Order No. VCT/SR/36/73
dated the 2nd May, 1974 in
the case of M/s. Inland Cryo-
genic Private Ltd., Baroda.
- (104) Order No. Ch. LND-I, VCT/4
691/74 dated the 17th June,
1974 in the case of Shri Jalram
Cold Storage-Ice Factory, Am-
reli.
- (105) Order No. Ch. LND/VCT/892/4
74 dated the 28th May, 1974 in
the case of Bharat Cement
Pipe Industries, Amreli.
- (106) Order No. VCT/SR/65/73
dated the 15th May 1974 in
the case of Shreyas Education
Trust, Baroda.
- (107) Order No. VCT/SR/15/73 da-
ted the 18th May, 1974 in the
case of Alembic Chemical
Works Company Ltd., Baroda.

- (108) Order No. VCT/SR/101/74 dated the 4th June, 1974 in the case of Sarabhai M. Chemicals (Telerad Private Ltd.,) Baroda.
- (109) Order No. VCT/SR/44/74 dated the 4th June, 1974 in the case of Shri Nitinbhai Chhotabhai Desai and Others, Baroda.
- (110) Order No. VCT/SR/42/73 dated the 4th June, 1974 in the case of Shri Haribhai Bhumbhai Naik and Others, Baroda.
- (111) Order No. VCT/SR/43/73 dated the 4th June, 1974 in the case of Shri Savailal Amritlal Seth, K. M. Haribhai Bhimbhai Naik
- (112) Order No. VCT/SR/23/74 dated the 26th June, 1974 in the case of Shri Amarsinha Ranchod Solanki and Others, Garadhia Tal, Savali.
- (113) Order No. VCT/SR/95/73 dated the 5th July, 1974 in the case of Shri Motibhai Kalidas Patel and Others.
- (114) Order No. VCT/SR/16/73 dated the 5th July, 1974 in the case of Shri Light Publication Ltd., Baroda.
- (115) Order No. VCT/SR/115/74 dated the 6th July, 1974 in the case of M/s. Fluid Controls, Baroda.
- (116) Order No. VCT/SR/114/74 dated the 6th July, 1974 in the case of M/s. Allied Castings, Baroda.
- (117) Order No. VCT/SR/112/74 dated the 6th July, 1974 in the case of M/s. Jyoti Limited, Baroda.
- (118) Order No. VCT/SR/34/73 dated the 6th July, 1974 in the case of Shri Suryakant Somabhai Patel.
- (119) Order No. VCT/SR/92/73 dated the 10th July, 1974 in the case of Shri S. P. Purohit, Attorney, Dhir Krishi Mangal-Society, Baroda.
- (120) Order No. LND-2-C 1481 dated the 26th June, 1974 in the case of Unity Industries, Junagadh, Junagadh.
- (121) Order No. VCT/SR/365 dated the 11th July, 1974 in the case of S. K. Industrial Coop. Service Society Ltd., (Proposed) Surat.
- (122) Order No. CH/VCT/SR-2/1974 dated the 1st June, 1974 in the case of M/s. Dayaram Metal Works Pvt., Ltd., Bellimora
- (123) Order No. CH/VCT/SR-31/74 dated the 8th July, 1974 in the case of the Amalgamated Electricity Co., Ltd., Bulsar
- (124) Order No. CH/VCT/SR/18/73 dated the 15th July, 1974 in the case of Ram Rolling Mills Pvt. Ltd., Navasari
- (125) Order No. LND/NA/M/1272 dated the 29th May, 1974 in the case of M/s Rajdeep Ceramic Industries, Maniari, Tal, Mehsana.
- (126) Order No. LND/NA/WS/969 dated the 16th July, 1974 in the case of Bal Jadiben, W/o. Gangaram Laludasa, The Proprietor of N. K. Brother, Unza Tal, Sidhpur.
- (127) Order No. TNC/VCT/SR-195/, WS/7346 dated the 13th May, 1974 in the case of Patel Export Co., Nadiad.
- (128) Order No. TNC/VCT/SR-212 dated the 20th May, 1974 in the case of Shri Rajendra Prasad Ishwarbhai Patel.
- (129) Order No. TNC/VCT/SR-72/, WS 735 dated the 31st May, 1974 in the case of Shri R. J. Patel of Umreth, Holding Powers of Attorney from Maniben W/o Punjabhai Jedhabhai Patel.
- (130) Order No. TNC/VCT/SR/77/WS/ 3637 dated the 31st May, 1974 in the case of Shri Chhotabhai Punjabhai Patel, Nadiad.
- (131) Order No. TNC/VCT/SR-111/WS/7396 dated the 31st May

- 1974 in the case of Shri Chandrakant Chunilal of Umroth Tal. Anand.
- (132) Order No. TNC/VCT/SR. 166/73 dated the 31st May, 1974 in the case of Shri Ambalal Hathibhai Patel, Pipal Tal. Nadiad.
- (133) Order No. TNC/VCT/SR-178/WS/7388 dated the 31st May, 1974 in the case of M/s. Nadiad Wire Netting Industries, Nadiad.
- (134) Order No. TNC/VCT/SR-87/WS/7422 dated the 7th June, 1974 in the case of Borsad Oil Mill, Borsad.
- (135) Order No. TNC/VCT/SR. 140/WS/7235 dated the 28th June, 1974 in the case of Borsad Taluka Cooperative Cotton Sale and Jinning and Pressing Society Borsad.
- (136) Order No. TNC/VCT/SR-92/WS/7532 dated the 28th June 1974 in the case of Eliraben, D/o Dudhubhai Jivabhai, Khadana Tal, Pefland.
- (137) Order No. TNC/VCT/SR-298/WS/7541 dated the 4th July, 1974 in the case of Shri Pitambar Das Jagjivandas Dalwadi, Nadiad.
- (138) Order No. TNC/VCT/SR-218/WS/7473 dated the 11th June, 1974 in the case of Shri Vijaykumar Chhanganlal Mohji, Tal, Mehmabad.
- (139) Order No. TNC/VCT/SR-216/WS/7471 dated the 11th June, 1974 in the case of Shri Ganeshyambhai Gulabsing Vaghela Mahij.
- (140) Order No. TNC/VCT/SR-217/WS 7472 dated the 11th June, 1974 in the case of Shri Ambalal Nagjibhai Patel, Mahiji, Tal, Mehmabad.
- (141) Order No. TNC/VCT/SR-240/WS/7467 dated the 11th June, 1974 in the case of Shri Vakhjibhai Lallubhai Patel, Nadiad.
- (142) Order No. TNC/VCT/SR-196/WS/5524 dated the 11th June 1974 in the case of Anand Taluka Coop. Cotton and Jinning and Pressing Society, Ltd., Anand.
- (143) Order No. TNC/VCT/SR. 78 dated the 11th June, 1974 in the case of Shri Chhotabhai Gokaibhai, Narsanda, Nadiad.
- (144) Order No. TNC/VCT/SR-210 dated the 12th July 1974 in the case of M/s. Patel and Co., Borsad.
- (145) Order No. TNC/VCT/SR-209/WS, dated the 12th July, 1974 in the case of M/s. Mukesh & Co. Borsad.
- (146) Order No. TNC/VCT/SR 103/WS dated the 12th July, 1974 in the case of Anand Patel Truck Factory, Anand.
- (147) Order No. TNC/VCT/SR. 250/WS 7916 dated the 12th July, 1974 in the case of Uttarsanda Kalavan Mandal, Uttarsanda.
- (148) Order No. TNC/VCT/SR. 125/WS/4004 dated the 15th July, 1974 in the case of Power Cables Pvt. Ltd., Nadiad.
- (149) Order No. VCT/V/1433 dated the 10th May, 1974 in the case of Emergency Mechanic Works Surendranagar.
- (150) Order No. VCT/V/57/74 dated the 14th May, 1974 in the case of Shri D. C. Industries Ltd., Limbdi.
- (151) Order No. VCT/V/1509/73 dated the 20th May, 1974 in the case of Shri Bharat Jinning and Pressing Factory, Surendarnagar.
- (152) Order No. VCT/V/56/74 dated the 10th June, 1974 in the case of Shri Saurashtra Steel Industries Ltd. Surendranagar.
- (153) Order No. VCT/V/475/74, dated the 21st June, 1974 in the

case of M/s Amba Mechanic works, Surendranagar.

(154) Order No. VCT/V/2968 dated the 27th June, 1974 in the case of Shri Mahavir Mandal Industries, Surendranagar.

(155) Order No. VCT/V/1117 dated the 6th July, 1974 in the case of Shri Surendranagar Udyog-nagar Sahakari Mandali Ltd., Surendranagar.

(156) Order No. VCT/V/1788 dated the 12th July, 1974 in the case of Shri Khatki Umarbhai Kalubhai.

(157) Order No. VCT/V/1637 dated the 15th July, 1974 in the case of M/s. Suketu Textiles, Surendranagar.

(b) A statement (Hindi and English version) showing (i) reasons for delay in laying the above Orders, and (ii) for not laying the Hindi versions thereof.

[Placed in Library. See No. LT-8365/74.]

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, kindly see Item No. 2, sub-para (ii) (1). The order is dated 29th November 1973. The subsequent two orders are also dated 29th November 1973. These should have come long ago before this House.

MR. SPEAKER: Which number is this?

SHRI JYOTIRMOY BOSU: We had the Budget Session. They had imposed President's Rule long ago. What was this hon Minister doing, sitting in his room? Does he not look after his work? I have grave doubts.

MR. SPEAKER: You just raise your objection.

SHRI JYOTIRMOY BOSU: Sir, he should explain this.

श्री भोला पास्वान शास्त्री : कारण तो दिया है, उन को समझना चाहिए। कारण यह है कि 9 फरवरी, 1974 को गुजरात में प्रेसीडेंट्स रूल लागू हुआ। वहाँ से 29 जुलाई, को हमारे वहाँ खबर आई। 29 जुलाई के बाद सदन का सेशन नहीं था, उसके बाद यही सेशन हो रहा है। 19 अगस्त को हमने पार्लियामेंट में पेश करने के लिए भेज दिया। इसलिए गवर्नमेंट की तरफ से धीरे धीरे विभाग की तरफ से कोई भूल नहीं हुई है।

श्री शंकर बवाल सिंह (चतरा) : मेरा व्यवस्था का प्रश्न है। मेरा कहना है कि हिन्दी में इस को इन्होंने नहीं रखा है। मैं जानना चाहता हूँ कि हिन्दी में इन का विवरण कब तक आएगा, यह मंत्री महोदय बताएं।

श्री भोला पास्वान शास्त्री : दो सवाल उठाए गए हैं। एक तो यह कि फरवरी-मार्च में सेशन था, उस में क्यों नहीं रखा गया? गुजरात में जिस वक्त प्रेसीडेंट्स रूल लागू हुआ, गवर्नमेंट की स्थिति साधारण नहीं थी इसलिए कागजात मेरे पास नहीं आए।

श्री ज्योतिर्मय बसु : क्यों नहीं आया?

श्री भोला पास्वान शास्त्री : इसलिये नहीं आया कि वहाँ पर प्रेसीडेंट्स रूल लागू हुआ, जब प्रेसीडेंट्स रूल लागू होता है, गवर्नमेंट में चेंज होता है तो कुछ दिक्कतें होती हैं, उस को सभालना पड़ता है। . . . (व्यवधान) . . .

जहाँ तक हिन्दी का सवाल है यह बात ठीक है कि हिन्दी में आना चाहिए। लेकिन गवर्नमेंट का आर्डर है धीरे धीरे मिनिसट्री का आर्डर है कि जो लोकल भाषा है जैसे गुजराती में पब्लिकेशन हुआ है, हिन्दी में नहीं हुआ है, हम यह नहीं कहते हैं कि हिन्दी में नहीं आना चाहिए, लेकिन इतना वास्तुगिनस वेपर

था कि हिन्दी में ट्रांसलेशन करते करते देर हो जाती, लेकिन जब गुजराती, लोकल भाषा वहाँ की है, अंग्रेजी और गुजराती में हो गया है तो ऐसा नहीं समझा गया कि जरूरी है कि हिन्दी में आना ही चाहिए। ... (व्यवधान)।

श्री शंकर ब्याल सिंह : संविधान का कैसे आप उल्लंघन करेंगे ? आप कहते हैं कि जरूरी नहीं समझा गया। आप कहिए कि हो रहा है, साएंगे, लेकिन यह आप कैसे कह सकते हैं ? संविधान का उल्लंघन कैसे करेंगे ?

अध्यक्ष महोदय : भाजकल का जमाना है कि अगर आप सच बोलेंगे तो उस की इतनी कदर नहीं है। आप उसी तरह कह दीजिए कि हिन्दी में भी आ जायेगा।

श्री भोला पास्वान शास्त्री : मैंने यह नहीं कहा कि हिन्दी में नहीं आना चाहिए।

अध्यक्ष महोदय : आप सच बोलें, उमे वह पसंद नहीं करते। आप बोलिए कि ठीक है, हिन्दी में आ जायगा।

श्री भोला पस्वान शास्त्री : मैंने कहा है कि हिन्दी में आना चाहिए। जहाँ तक सिद्धान्त का सवाल है, मैं माननीय सदस्य से एग्री करता हूँ।

SHRI SEZHIYAN (Kumbakonam): The hon. Minister said that he had received the notifications on the 29th July....

MR. SPEAKER: He has stated the factual position.

SHRI SEZHIYAN: Did they inquire from the officials of the Gujarat Government why they had delayed the sending of these till that date? Did they get any clarification from them?

MR. SPEAKER: Let him not be so strict.

NOTIFICATION UNDER GUJARAT PRIVATE FORESTS (ACQUISITION) ACT

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI B. P. MAURYA): Sir, I beg to lay on the Table a copy of the Hindi version of the Gujarat Private Forests (Acquisition) Rules, 1974 published in Notification No. GHKH-51; 74-PRF-1973-74-354—P in Gujarat Government Gazette dated the 4th April, 1974, under Sub-Section (1) of Section 22 of the Gujarat Private Forests (Acquisition) Act, 1972 read with clause (c) (iii) of the Proclamation dated the 9th February, 1974 issued by the President in relation to the State of Gujarat [Placed in Library See No LT-8367/74]

श्री ज्योतिर्भय बसु : यह गलत काम किया है। वह आर्डर 9 फरवरी, 1974 का है और आज दो सितम्बर हो गया, करीब 7 महीने होने वाले हैं।

Why was he there sleeping over this

अध्यक्ष महोदय : 7 महीने में क्या हो सकता है ?

श्री ज्योतिर्भय बसु : 7 महीने में बच्चा नहीं हो सकता है, यह तो मानूँ है ...

अध्यक्ष महोदय : एक साल तक हो जाता है। 7 महीने हुए हैं, पांच महीने और रहते हैं एक साल पूरा होने में।

श्री ज्योतिर्भय बसु : यह आप कैसे कहते हैं ?

MR. SPEAKER: I am not here only to say 'Yes' to whatever he likes. I have to give my suggestions also.

ANNUAL REPORTS AND AUDITED ACCOUNTS OF PUNJAB AGRO-INDUSTRIES CORPORATION LTD., CHANDIGARH, MYSORE STORE AGRO-INDUSTRIES CORPORATION LTD., BANGALORE AND HIMACHAL PRADESH AGRO-INDUSTRIES CORPORATION LTD., SIMLA, ETC.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ANNASAHEB P. SHINDE): I beg to lay on the Table—

(1) A copy each of the following Reports (Hindi and English)

[Shri Annasaheb P. Shinde]

versions) under sub-section(1) of section 619A of the Companies Act, 1956.—

- (i) Annual Report of the Punjab Agro-Industries Corporation Limited, Chandigarh, for the year 1971-72 along with the Audited Accounts and the comments of the comptroller and Auditor General thereon
 - (ii) Annual Report of the Mysore State Agro-Industries Corporation Limited, Bangalore, for the year 1972-73 along with the Audited Accounts to the comments of the Comptroller and Auditor-General thereon,
 - (iii) Annual Report of the Himachal Pradesh Agro Industries Corporation Limited Simla, for the year 1972-73 along with the Audited Accounts and the comments of the Comptroller and Auditor-General thereon,
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the Report mentioned at (i) above

[Placed in Library See No LT-8368/74]

SHRI JYOTIRMOY BOSU The first report to be laid under this item is that of the Punjab Agro-Industries Corporation Limited, Chandigarh for the year 1971-72, the second report relates to the year 1972-73 and the third report relates to the year 1972-73 and that is in respect of the Himachal Pradesh Agro Industries Corporation Limited Simla What was Mr Shinde doing there? Did he go to sleep, Sir?

SHRI SEZHIYAN (Kumbakonam) He has given the reasons already

SHRI JYOTIRMOY BOSU: I do not accept the reasons.

SHRI ANNASAHAB P. SHINDE:

I have explained the reasons.

SHRI JYOTIRMOY BOSU I do not accept the reasons

ANNUAL ACCOUNTS AND AUDIT REPORT OF PARADEEP PORT TRUST FOR 1972-73

THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI B SHANKARANAND) On behalf of Shri Pranab Kumar Mukherjee, I beg to lay on the Table a copy of the Annual Accounts of the Paradip Port Trust for the year 1972-73 and the Audit Report thereon (Hindi and English versions) under sub-section (2) of section 103 of the Major Port Trusts Act 1963 [Placed in Library See No LT-8369/74]

SHRI JYOTIRMOY BOSU Here too, it relates to the year 1972 73

12 21 hrs

STATEMENT RE OWNERSHIP OF LAND BELOW THE SEA WITHIN TERRITORIAL WATERS

MR SPEAKER Now, Mr Gokhale is to make a statement

श्री मधु लिमये : (बांका) : मेरा व्यवस्था का प्रश्न है कि यह किस प्रक्रिया, किस नियम के तहत हो रहा है? क्या यह 372 के तहत है? क्या यह डायरेक्शन 115 के तहत है? यदि ऐसा है तो मेरा पहले होना चाहिए। (व्यवधान) आप बीच में क्यों बोलते हैं? मैं एक एक नियम को लेकर बोल रहा हूँ। अभी खत्म करता हूँ।

क्या यह 357 के तहत है—व्यक्तिगत स्पष्टीकरण? अगर व्यक्तिगत स्पष्टीकरण है तो 115 (बी) डायरेक्शन का देख लीजिए।

अध्यक्ष महोदय : आप मेरी बात सुन लीजिए। आप ने जब उन का स्टेटमेंट आया तो कुछ और चीज इस में पैदा की जो कि उन्हें स्पष्टीकरण के लिए मैंने भेज दी।

श्री मधु लिमये : आप देख लीजिए, यह प्रिविलेज का सवाल बनता है या नहीं और इस के ऊपर मुझे सुनिए।

अध्यक्ष महोदय : आप ने स्पष्टीकरण मांगा वह मैंने दिना दिया, अब प्रिविलेज इस में क्या होता है क्या नहीं, जिस बात में आप को शक था, उन्होंने कहा कि इस में कोई फर्क नहीं है, फिर भी मैंने उन में कहा कि जो भी स्पष्टीकरण देना है दे दीजिए। आप एक तरफ एनराज उठाने है दूसरी तरफ कहते है कि स्टेटमेंट न दे।

SHRI MADHU LIMAYE How can you abdicate your responsibility?

मेरा प्रिविलेज

का सवाल है। मैं मुन्गा इन को। इस के बाद आप मुझ का सुनिए।

MR SPEAKER I did not find any ground for privilege in it I have allowed the hon Minister, and I shall allow the hon Member also to make his submissions.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): In my earlier statement made on 2nd May, 1974, I referred to the scheme of reclamation formulated by the Government of Maharashtra relating to the foreshore and stated that the right of the State Government to reclaim the foreshore land was based on the local legislation and that it did not contravene article 297 of the Constitution. I thus explained the legal position relating to reclamation of foreshore. I did not state then that

the Maharashtra Scheme was confined to foreshore only.

In a notice given on 8th May, 1974, the Member alleged that I had made a mis-statement that the Maharashtra Scheme was confined to the foreshore. On 8th August, 1974, I denied this allegation. Thereafter in a Notice dated 16th August, 1974, the Member made an attempt to prove how I had made a mis-statement I submit that I never said that the Maharashtra Scheme was confined to foreshore only. It was never my intention to deal with the factual aspect of the case, as I am concerned only with the legal aspect of the matter; nor do I propose to deal with the factual aspects, namely, whether the Scheme covers land beyond the foreshore.

श्री मधु लिमये : अध्यक्ष महोदय, मैं आप के सामने उन के 2 मई के वकनव्य में से एक जुमला—प्राखरी जुमला—पेश करता हूँ, जिस के आधार पर आप फैसला कर सकते है। गोखले साहब ने 2 मई के वकनव्य में कहा था—

"In conclusion, it might be stated that the reclamation of the foreshore by the Maharashtra Government under the scheme of reclamation formulated by them did not contravene article 297 of the Constitution".

क्या इस का मतलब यह नहीं होता है कि रिक्लेमेशन की स्कीम केवल फारशोर तक सीमित है . . .

कुछ माननीय सदस्य : नहीं, नहीं।

श्री मधु लिमये : नहीं कैसे? अध्यक्ष महोदय, आप फैसला कीजिए—इस का इम्पलाइड सीनिंग बिलकुल साफ है। मेरी यह गुजारिश है . . .

अध्यक्ष महोदय : आप मेरा फैसला मत मांगिये ।

श्री मधु लिखड़े : फिर किन का फैसला मांगूँ ;—क्या गोखले साहब का या इंदिरा गांधी का फैसला मांगूँ ? अध्यक्ष महोदय, मैं तो आप ही से फैसला मांगूंगा ।

MR. SPEAKER: I am not concerned with the decision on it. It is a legal question.

श्री मधु लिखड़े : अध्यक्ष महोदय, इस में यह स्टेटमेंट है—

“Scheme of Reclamation formu-
lated by them”.

By whom? By the Maharashtra Government. He stated:

“...did not contravene article 297 of the Constitution.”.

इसका साफ मतलब है कि इन की राय में बैंक वे रिक्लेमेशन स्कीम केवल फोरशोर तक सीमित है अगर वे मेरी इस कन्टैन्शन को मानते हैं तो मेरा कहना है कि इस टैरिटोरियल वाटर्स के नीचे जमीन भी इस रिक्लेमेशन में आई है मैं मैप्स ला कर आप के सामने रखने के लिये तैयार हूँ आप उन को भी बुला लीजिये । मैं नैबीके मैप्स पेश कर साबित करूंगा कि इस रिक्लेमेशन की स्कीम में टैरिटोरियल वाटर्स के नीचे की जमीन भी आई है जो आप की जमीन थी लेकिन आप महाराष्ट्र गवर्नमेंट को सर्टिफिकेट दिये जा रहे हैं । 2 करोड़ 80 लाख रुपये की रिफवत खाती 16 प्लाट्स की बिक्री में ली गई है । अध्यक्ष महोदय, कानून मंत्री हमारे अधिकारों की रक्षा नहीं कर रहे हैं । बल्कि उनको सर्टिफिकेट दे रहे हैं कि फोरशोर तक इन की स्कीम सीमित है ।

अध्यक्ष महोदय, यह फैक्ट्स का सवाल है आप गोखले साहब और सरदार स्वर्ण सिंह जी को बुला लीजिये मैं नैबी के मैप्स ले कर आता हूँ मैं इंप्रिन्ट टाइड टैबिलर और बम्बई रिक्लेमेशन स्कीम भी ले आता हूँ—मैं आप के सामने साबित करूंगा कि निश्चित रूप से इनके के कुछ व्याक्स ऐसे हैं जो टैरिटोरियल वाटर्स में हैं यानी साल भर, 24 घण्टे पानों के नीचे यह जमीन रहती है आप इस के बारे में अपना फैसला दीजिये मैं सारे दस्तावेज आप के सामने रखने का तैयार हूँ—आप उस में सरदार साहब को बुला लें, गोखले साहब को बुला लें और इधर से अपोजीसन वालों को भी बुला लीजिये मैं साबित करने को तैयार हूँ—मेरा बेलेंज है गोखले साहब को ।

MR. SPEAKER: I am not here to sit in judgment over it. I am not concerned with the legal aspect of it. I am not sitting here as a judge of a High Court. I am sitting here as the Speaker to allow the hon. Member to put his case and to allow the hon. Minister also to be put his case.

श्री मधु लिखड़े : इस क्या कानूनी सवाल है यह तो तथ्यों फैक्ट्स का सवाल है अगर इस तरह से मंत्री महोदय, गलन बयानी करते जायेंगे तो कैसे चलेगा ।

MR. SPEAKER: These are legal matters. I shall allow the hon. Member to put his case and not to go into the legal aspects and ask for a legal finding on it. You can just go to Shri Anthony, engage him, get his opinion and go to the court. He is a topmost lawyer. He will be very much helpful as a member of the Lok Sabha.

श्री मधु लिमये : आप हमारी बात सुन लीजिये अपने चेम्बर में इन दोनों मिनिस्टरों और अपोजीसन वालों को बुला लीजिये ।

अध्यक्ष महोदय : बीसियों बातों को यहाँ डील करना पड़ रहा है, अब आप चाहते हैं कि एक कोर्ट अन्दर लगा लूँ मेरे को तो यही बरदास्त करना मुश्किल है ।

श्री मधु लिमये : आप अक्मर चेम्बर में बुलाते हैं चूँकि यह मामला सरकार के लिये एबरेरेसिग है, इस लिये नहीं बुलाना चाहते हैं ।

MR. SPEAKER: I cannot accept that position.

श्री मधु लिमये : आखिर चेयर का फंक्शन क्या है ? चेयर सदन के अधिकारों की रक्षा करता है ।

The minister has told a blatant lie. a white lie.

ऐसा लगता है कि आप उन को बरी कर रहे हैं ।

अध्यक्ष महोदय : इस काम को मैं नहीं करूँगा

श्री मधु लिमये : आप नहीं करेंगे तो कौन करेगा यह सदन के विषेवाधिकारो का मामला है । चलिए आप को बरी कर दिया । गोखले साहब , आप बड़े भ्राम्यवान हैं ।

अध्यक्ष महोदय : आप बरी करने वाले कौन हैं ?

STATEMENT BY MEMBER RE:
 REPLY TO SUPPLEMENTARY ON
 S. Q. NO. 225 ABOUT PAYMENT
 TO RAILWAY EMPLOYEES FOR
 THE STRIKE PERIOD

SHRIMATI PARVATHI KRISHNAN
 (Colombatore): Mr. Speaker, Sir, On 6th August 1974 while replying to a supplementary arising out of starred question No. 225, Shri Mohd. Shaif

Qureshi gave an answer which is contrary to facts.

My supplementary question was as follows:

"Sir, I would like to know from the Honourable Minister, of these re-instated cases, how many have been demoted...?"

In his reply, the Minister stated that..... "All appeals are being decided on merits. All these people have been taken back on the original posts. There has been no case of demotion so far."

I have, with me, Sir, documents to prove that the Minister was not giving correct information in his reply. To quote only one example, on 16th July 1974, that is three weeks before the Minister gave his reply, the following order was served on one Shri J. P. Srivastava, an employee in the Allahabad Division of the Northern Railway:

"Letter No. 230. Elect|RSO|Conf|
 ZZ|74 (Appeal|127A|1974, dt.
 16.7.74)

From: D.P.O. N. Rly., Ald to Sr.
 J. P. Srivastava c/o T. F. R.
 Ald.

The Divl. Supdt. has considered your appeal quoted above in terms of Rules 1968 and passed the following order which may please be noted.

He was an active participant in the strike. He even gave press statement exhorting people to go on strike. We may take him back but revert him as fireman Gr. C. permanently break in service to be enforced.

You are accordingly directed to report to Loco Foreman, Ald. to take up your duty as fireman Gr. C. immediately. The intervening period between the date of your dismissal from service and date of reinstatement would be treated as break in service for all purposes."

[Smt. Parvathi Krishnan]

From this order which is a sample of many such orders it is quite clear that the Minister has misinformed the House and is himself ill informed of what is happening in his Ministry in respect of victimisation cases. Petty officials are using powers given to them to harass and humiliate the railway workers and this nodes ill for the future of normal working of the railways.

I request that the Minister be asked to correct his reply.

MR. SPEAKER: Shri Qureshi.

SHRI JYOTIRMOY BOSU (Diamond Harbour): On a point of order. Shri Lalit Narain Mishra is sitting at the back of the House. His name is on the list. Why should the Deputy Minister reply? This is very unusual. According to the list of business, Shri L. N. Mishra is to make the reply. But he is sitting at the back relaxing

MR. SPEAKER: She has mentioned Shri Qureshi's name.

SHRI JYOTIRMOY BOSU: Your direction is that if the Minister is in the House, he should reply.

अध्यक्ष महोदय : अगर दोनो इकट्ठे बैठ गए तो इनको तसल्ली हो गई । अगर पीछे बैठे थे तो इनको तसल्ली नहीं थी ।

SHRI JYOTIRMOY BOSU: In the list of business, Shri L. N. Mishra is to make the statement. He is here in the House.

अध्यक्ष महोदय : यह मवाल तो कुरेशी साहब का है ।

SHRIMATI PARVATHI KRISHNAN: Shri Shafi Qureshi gave the original reply.

MR. SPEAKER: Any other Minister can also give the reply.

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): During

the course of supplementaries to Starred Question No. 225 on 8th August, 1974, Smt. Parvathi Krishnan wanted to know the number of railway employees who have been demoted on their reinstatement. While replying I have conveyed the information that generally all these people have been taken back on the original posts, because to my knowledge at that time nobody had been demoted while being taken back.

I have subsequently checked up the position and I find that generally all staff have been taken back in their original designations without any demotion to a lower post. There has been one case on the South Central Railway where a Naik who was in the revised scale of Rs. 200—240, has been taken back as a Peon in the scale of Rs. 196—232. On the Southern Eastern Railway four Foremen Grade 'A', who were officiating in an *ad hoc* capacity, that is purely as a stop-gap measure, since they were not duly selected for the higher grade, were taken back as Foremen Grade 'B', which was their position before their *ad hoc* promotion.

As regards the case referred to by Smt. Parvathi Krishnan the facts are that Shri J. P. Srivastava, Asstt. Driver (Electric) was removed from service on 15th May 1974. On his appeal, he was taken back as Fireman on 16th July, 1974. He can again represent to the appropriate authority, when the matter will again be considered.

I had while replying Smt. Parvathi Krishnan mentioned clearly that all appeals are being decided on merits. On scrutiny of the appeals when it is found that the offence committed by the employee can be viewed leniently any of the lesser punishment provided for in the Discipline and Appeal Rules is given and the employee is put back to duty.

PROF. MADHU DANDAVATE (Rajapur): After the statement it has become clearer that the facts referred to by Mrs. Parvathi Krishnan are correct. There is not only one order; there are many orders where re-instated workers have been demoted. This is a new form of victimisation.. (Interruptions).

MR. SPEAKER: You cannot ask for clarifications now.

12.32 hrs.

INTEREST-TAX BILL*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): I beg to move for leave to introduce a Bill to impose a special tax on interest in certain cases.

MR SPEAKER: The question is:

"That leave be granted to introduce a Bill to impose a special tax on interest in certain cases".

The motion was adopted.

SHRI K. R. GANESH: Sir, I introduce† the Bill.

12.33 hrs.

SICK TEXTILE UNDERTAKINGS (NATIONALISATION) BILL*

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY AND AGRICULTURE (SHRI C. SUBRAMANIAM): I beg to move for leave to introduce a Bill to provide for the acquisition and transfer of the right, title and interest of the owners in respect of the sick textile undertakings specified in the First Schedule with a view to reorganising and rehabilitating such sick textile undertakings so as to subserve the interests of the general public by the augmentation of the production and

distribution, at fair prices, of different varieties of cloth and yarn, and for matters connected therewith or incidental thereto.

श्री मधु लिमये (वाका) : अध्यक्ष महोदय एक लम्बे समय के बाद यह विषयक हमारे सामने आया है, और इस पर मुझे खुशी है लेकिन इन की जो मुद्रावली की योजना है यह मेरी राय में ठीक नहीं है, और इसलिये मैं उम हिस्से का विरोध करना चाहता हूँ। वह उम का समर्थन किन कारणों को लेकर करना चाहते हैं इस का अगर मदन के मामले में विवरण और स्पष्टीकरण देंगे तो मेहरबानी होगी।

SHRI C SUBRAMANIAM: I do not know whether at this stage I should go into the merits of compensation, etc. When the Bill comes up for consideration, I shall explain.

श्री मधु लिमये : यह थोड़े ही है। जब सिद्धान्तों के सवाल उठाए जाते हैं तो जवाब आना चाहिये। मैंने केवल एक सिद्धान्त का सवाल उठाया।

अध्यक्ष महोदय : जब प्रन्मिपल्स आफ दी बिल कमीडरेशन स्टेज में जाते हैं तो उस समय जवाब दे सकते हैं। लेकिन अगर कोई लेजिस्लेटिव कम्पटीटम या कान्ट्रीट्यूशनल अमेडमेंट है तब तो आप जवाब अभी माग सकते हैं।

श्री मधु लिमये अध्यक्ष महोदय, दोनों कारणों को मैंने विरोध किया जाता है। मैं स्पष्टीकरण चाहता हूँ कि किन सिद्धान्तों के आधार पर उन्होंने कम्पेन्सेशन की योजना बनायी है।

अध्यक्ष महोदय : यह तो कंसीडरेशन स्टेज पर बतायेंगे।

श्री मधु लिमये : अगर नहीं आना है तो हम को अबोलिस कर दीजिए।

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 2nd September, 1974.

†Introduced with the recommendation of the President.*

MR. SPEAKER: He says he will make it clear at the consideration stage.

The question is:

"That leave be granted to introduce a Bill to provide for the acquisition and transfer of the right, title and interest of the owners in respect of the sick textile undertakings specified in the First Schedule with a view to re-organising and rehabilitating such sick textile undertakings so as to subserve the interests of the general public by the augmentation of the production and distribution, at fair prices, of different varieties of cloth and yarn, and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI C. SUBRAMANIAM: I introduce the Bill

12 36 hrs.

CONSTITUTION (THIRTY-SIXTH AMENDMENT) BILL*

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India"

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Constitution of India".

There are four persons who have sent their names who want to oppose this. I will call them in the order in which their names were received.

Shri Shyamnandan Mishra.

SHRI SHYAMNANDAN MISHRA (Begusarai): I have thought it my duty to oppose the introduction of

the Bill because it is our clear opinion that it goes against the very fabric of the idealism that inspired the founding fathers of our Republic. This spirit of idealism was reflected in the scheme of special relationship that was conceived by the founding fathers of our Constitution. They recognised the special problems of Bhutan and Sikkim. No less a person than Pandit Jawaharlal Nehru had moved a resolution in the Constituent Assembly which said that there had to be a recognition of the special problems of Bhutan and Sikkim. This special relationship was based on the basic rights and aspirations of the people of Sikkim as well as on the national good and interest of India.

This is also against the very concept of our Federation. The underlying concept of our Federation is its unity and cohesion. Let us be quite clear in our minds that by this amendment of the Constitution, you are loosening the very structure of our Federation, and thereby you are probably going to open a Pandora's box. It is, again, repugnant to the very ethos and personality of our Constitution. The Constitution speaks of a Federation; it does not speak of an Association. This is a new concept that is sought to be introduced in our Constitution. We have been accustomed only to the concept of a Federation and not to the concept of Association. Therefore, my humble submission is that it will knock out the very framework and structure of our Constitution. The Constitution will become either a strange animal or a zoo of strange animals. Why do I say so? The Constitution recognises only two kinds of entities. One is of that which will be admitted according article 2 of the Constitution. It says:

"Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit."

†Introduced with the recommendation of the President.

*Published in Gazette of India Extraordinary Part II, Section 3, dated 2nd September, 1974.

So, there are only two entities recognised. One entity would be created by the admission of a State and the other entity would be created by establishing a new State. All these entities will have to find a place in Article 1 of the Constitution. The categories that had been specified in Article 1 do not mention the category of an Associate State. So, it is repugnant to the concept embodied in article 2 of the Constitution and it is repugnant to article 1 of the Constitution as well.

Then I come to the scheme of the Constitution which gives representation in Parliament. There is a certain scheme adumbrated in the Constitution according to which anyone can find a place in Parliament. In my humble submission what we are seeking to do now is to provide representation to strangers in the House. The scheme of the Constitution is provided in article 84, which says:

"A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

- (a) is a citizen of India;
- (b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and
- (c) possesses such other qualifications...."

There are certain qualifications laid down in article 84 of the Constitution, and unless the requirements of article 84 of the Constitution are met, one cannot find a place in Parliament. This is the scheme of the Constitution.

Article 102 of the Constitution mentions the disqualifications attached to a Member of Parliament. What this Bill seeks to do is to abrogate article 102 of the Constitution. This Bill seeks to abrogate the disqualifications that would attach to the stranger from Sikkim. But the amendment does not speak anything about article 84 of the Constitution and that article remains

in tact; but the disqualifications are sought to be removed by this amendment.

I would again submit that the abrogation of article 102 of the Constitution does not mean automatic abrogation of article 84 of the Constitution. What article 102 of the Constitution lays down is of a negative nature, and negative applies only to a positive that has preceded before. Here the positive is allowed to remain in tact and the negative is sought to be removed from the Constitution. So, it would not mean an automatic removal of the positive requirements of the Constitution as contained in article 84.

Then, what is the force behind section 5 of the Amendment Bill? Section 5 of the Amendment Bill says:

"The provisions of this Schedule shall be in addition to, and not in derogation of, any other power, jurisdiction, rights and authority which the Government of India has or may have in or in relation to Sikkim under any agreement, grant, usage, sufferance or other lawful arrangement."

What is the force behind it? By this amendment Bill, this House, when converted into a Constituent Assembly, is sought to be equated with the representative Assembly of Sikkim. When we are seeking to amend the Constitution through this Bill, it is thought that the House converts itself into a Constituent Assembly. So my submission is that when we are doing this as a Constituent Assembly, that is sought to be equated with what has been done in the Assembly of Sikkim. If the same Assembly of Sikkim, which the Government says is asking them to take this step, takes a different attitude tomorrow, what would happen to our Constitution, what would happen to the amendment that we are seeking to introduce today? Therefore, even from the point of view of the assurances and guarantees that are contained in section 4 of this Bill, there is absolutely

[Shri Shyamnandan Mishra]

no assurance, no guarantee that they would be observed by the Sikkim Assembly.

It appears to me that our Constitution could not be based on the vicissitudes of political opinion in Sikkim. Are we going to base our Constitution on the vicissitudes of political opinion in Sikkim. There might be a particular political constellation prevailing in Sikkim at a particular point of time. But another constellation might come into being again. Should we be asked to amend our Constitution accordingly?

The founding fathers of our Republic had taken into account the basic urges and aspirations of the people of Sikkim. We should not go by temporary change in the direction in which the urges and aspirations of the people of Sikkim lie. What have you seen in India? Many of the States demand that the Centre should part with more powers, if not anything else. That is the political trend. The political trend in Sikkim is supposed to be to the contrary. I will not go into those aspects at the present moment.

At this stage, my points are of a constitutional nature. I am going into the constitutionality of this measure.

By this amendment of the Constitution, we are seeking to give representation to strangers in the House. Our laws will not apply to the people of Sikkim. Yet, they will be associated with all that we do in this House. They will not be the citizens of India; they will not be fulfilling the requirements of the Constitution. And yet, they will be made the Members of this House. The very concept of our federation will have been damaged beyond repair. They do not seem to realise what they are doing to the future of our federation. If they had given enough thought to it, they would not have gone by certain expediences at the present moment. Therein lies the immaturity and lack of balance in judgment on the part of the present leaders.

What I would like to submit is that we had certain reputation, at the time of Independence—of maturity and balance in our judgement. Our founding fathers, in spite of all the agitations that had been mounting in Sikkim for accession to India, at that stage, had not agreed to the accession to India. We will not, even now, be in favour of accession to India. We do not want to give an impression to the people outside that we are out for any bit of territory. It is not the intention of any hon. Members of this house to accuse that the Government, by any action, in the remotest fashion, would like to give that impression to the people. I will not attribute that motive or intention on the part of the Government at all. Therefore, the founding fathers of our Republic thought that there must be a special relationship between Sikkim and India and that relationship should be kept in tact. Otherwise, there might be repercussions.

[SHRI NAWAL KISHORE SINHA in the Chair]

12 48 hrs

Many people talk about international repercussions and so on. We will also refer to them at a later stage. What I was submitting was that this maturity and balance in their judgement, this foresight on their part that our future should lie in this kind of a special relationship should not be jeopardised by any action of the Government today. This amendment to the Constitution is something of a monstrosity.....

SHRI VIKRAM MAHAJAN
(Kangra): On a point of order, Sir.

At this stage, the hon. Member is supposed to raise only constitutional objections to the measure. He is not supposed to raise a debate on this issue; he is not supposed to go into the merits of the measure. They should confine themselves to the constitutionality of objections.

Secondly, I would say that there should be a time-limit; thirdly, they should not add adjectives to what they are saying; fourthly, they should not raise a debate and, fifthly, we should be permitted to counteract what they are saying.

MR. CHAIRMAN: You are free to answer his points. But, as far as his observations are concerned, I think, they are strictly within limits.

SHRI SHYAMNANDAN MISHRA: Let the hon. House realise that I am opposing the very introduction of this Bill and, therefore, I have to point out in a limited way, at this stage certain other aspects of the matter as well. When I was submitting that it was a Constitutional monstrosity, I was not indulging in exuberance of emotion. What you are trying to bring about is a disparate marriage between the ethos of a republic and the ethos of a monarchy as Sikkim has many attributes of a monarchy. There cannot be a marriage between the ethos of a republic and the ethos of a monarchy in that sense...

SHRI VIKRAM MAHAJAN: **

SHRI SHYAMNANDAN MISHRA:** I think that this would not stand the judicial scrutiny, and the Government would be well advised to withdraw this measure.

SHRI SAMAR GUHA (Contn): Sir, this kind of a joke in such a serious matter should not go on record. Their susceptibilities are involved.

MR. CHAIRMAN: I agree, it will not go on record.

Mr. Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, this is nothing but a denial of democracy and full autonomy to the people of Sikkim. I oppose the

suspiciously hasty move to absorb Sikkim. I want to know at the same time from the hon. Minister what is the specific reason for taking a hasty step like this at the moment. As I have said, it is a subversion of the people's aspirations for democracy. This is unconstitutional and undemocratic and gives rise to serious misgivings. The lot of the people should be decided by the people of Sikkim. This is ominous in its regional and global implications.

Let us look at our books of account. Article 84 clearly states:

"A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

- (a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;
- (b) is, in the case of a seat in the Council of State..." etc., etc.

The representatives from Sikkim will not fulfil any of those conditions. Then what will be the citizenship of these members? How can a Sikkimese citizen, under this article, become a Member of Parliament? Will they be given dual citizenship? Can non-Indian citizens—Sikkimese in this case elect non-Indian Members to our Parliament? The definition of 'citizen' is given in article 5 which clearly states:

"At the commencement of this Constitution every person who has his domicile in the territory of India and—

- (a) who was born in the territory of India; or
- (b) either of whose parents was born in the territory of India; or
- (c) who has been ordinarily resident..." etc., etc.

[Shri Jyotirmoy Bose]

"...shall be a citizen of India".

The Sikkimese representatives will not be fulfilling any of those conditions. We also want to know the nature of representation and responsibility. There, Article 81 clearly states:

"Subject to the provisions of Article 331, the House of the People shall consist of—

- (a) not more than five hundred members chosen by direct election from territorial constituencies in the States, and
- (b) not more than twenty-five members to represent the Union territories...." etc., etc.

That also is not at all fulfilled. A directly elected representative in Lok Sabha will thereby be directly responsible to the people. Is that going to be fulfilled? This is not the case here.

Clause 4(b) of the Schedule says:

"The representatives of Sikkim in the Council of States and the House of the People shall be elected by the members of the Sikkim Assembly."

That condition is not fulfilled

Then clause 4(d) of the Schedule says:

"Every representative of Sikkim in the Council of States or in the House of the People shall be deemed to be a member of the Council of States or the House of the People as the case may be for all the purposes of this constitution, except as respects the election of the President or the Vice-President."

Tell me. They are neither Indian citizens nor full Members of the Lok Sabha. You give them an opportunity but you do not give them the powers to elect President or Vice-President. They are neither fish nor flesh. What sort of an attempt is this?

Then, what will be his oath of allegiance? Why is all this done in indecent haste? This is a serious attempt to by-pass the Parliament. This is not a matter where you should give two days for us to consider the Bill and then bring the Bill and that too at the end of the session. There is no indication at all till the other day. This is very strange.

It is a very strange thing that there is a duality, supporting the Chogyal as also supporting the Legislature, an undemocratic and unusual character of an Assembly headed and dominated by an Indian bureaucrat. He is not elected but he enjoys full powers to dissolve the Assembly.

The popular aspirations are for a democratic rule, not for a merger because they gain nothing as their per capita income is much higher than what it is in India

If a referendum takes place on such a vital issue and in a case where the Nepalese population constitutes 70 per cent and the Bhutias and the Sikkimese are 30 per cent, how on earth could an Indian bureaucrat impose Section 144? I have a note before me which says.

"The imposition of Section 144 of the Indian Penal Code was one of the first actions taken by B. S. Das, the Indian bureaucrat who took over as Chief Administrator of Sikkim in April 1973...."

SHRI DINESH CHANDRA GO-SWAMI (Gauhati): It has nothing to do with the Bill under consideration.

SHRI VIKRAM MAHAJAN: What has Section 144 got to do with the Constitution?

SHRI JYOTIRMOY BOSU: I was reading a note. It further says:

"The leadership of the Sikkim Congress... (Interruptions).

MR. CHAIRMAN: Their objection appears to be that you should keep yourself limited to the Bill before the House.

SHRI JYOTIRMOY BOSU You read the various debates in the House and you be true to yourself and find out how many debates strictly confined themselves to the scope of the Bill I have covered the Constitution and I have also covered the Bill This is a very vital issue I am trying only to say

"The leadership of the Sikkim Congress, which is said to represent the popular and democratic aspirations of the people of Sikkim is of dubious background"

SHRI HARI KISHORE SINGH (Pupri) This should not go on record

SHRI VIKRAM MAHAJAN This should be expunged

MR CHAIRMAN This will be looked into

SHRI JYOTIRMOY BOSU The Bill will have serious international repercussions which I would like the hon Members to kindly consider coolly and dispassionately The historical precedents should be taken into account This will be a sure road to disaster and it may be charged that the Bill smacks of imperial pretensions (Interruptions) We may be dubbed, I am cautioning you, as expansionists and those who are anxious to criticise us, won't they get a chance to say that these are Hitlerite actions which took place in Austria/Czechoslovakia in 1938 on similar pleas?

SHRI VASANT SATHE (Akola) Only your godfather will say that

SHRI VIKRAM MAHAJAN The Chinese possibly may say

SHRI VASANT SATHE This is Indian Parliament This is not the politburo of China.

13 hrs

SHRI JYOTIRMOY BOSU The most important thing—the issue of improv-

ing our relations with China which is very very vital will perhaps receive a set-back This will affect our regional relations with small neighbours and Bangla Desh is no precedence, This will cost us in terms of relations with Nepal, Bhutan, Bangladesh, Pakistan, Ceylon, and Burma I would like the External Affairs Minister to consider these things The conclusion is This is a threat to our democratic system. This is subversion of democratic aspirations and movement in the Indian sub-continental region This is a threat to international peace and security This sabr-rattling policy will only undermine Indian quest for peace and security I oppose this Bill lock, stock and barrel

श्री मधु लक्ष्मणे (बावा) : सभापति महोदय, हालांकि सरकार इस महत्वपूर्ण मामले में जल्दबाजी कर रही है और शायद कुछ भ्रम-दिव्य कर के जनता का ध्यान इस वक्त देश में जो घाम धार्मिक सफ़ट है उस में विचलित करना चाहती है, लेकिन मैं फिर भी इस पर दलीय दृष्टिकोण से प्रेरित हो कर नहीं बोलना चाहता हूँ। यद्यपि आप के मोटिव के बारे में मुझे सन्देह है, लेकिन फिर भी मैं चाहूँगा कि इस को दलीय दृष्टिकोण का विषय न बनाया जाय, क्योंकि यह सरकार काज है कल नहीं रहेगी, लेकिन जो हमारे हिमालय के इलाके हैं, जो पड़ोसी है उन के साथ हम को हमदर्दी और दोस्ताना रिश्ते तो रखने ही हैं। इसलिए मैं दलीय दृष्टिकोण से नहीं बोलूँगा।

सभापति महोदय : पश्चिमी एशिया में पिछले कुछ वर्षों में हम लोगों ने एक्सेशन और यूनियन के बहुत सारे प्रयोग देखे हैं जो जल्दबाजी में किये जाते हैं। जैसे लीबिया और मिश्र का यूनियन बना—लेकिन आज क्या हालत है? जैसे मिस्र यमन और सीरिया का यूनियन बना, इस की हालत भी आज आप देख रहे हैं। एक

[सभापति महोदय]

व्यापक अरब यूनियन का प्रयास किया गया, उसकी हालत भी आज आप देख रहे हैं। इस लिए मैं पहली बात यह कहना चाहूंगा कि इस में जल्दबाजी से काम न कीजिए। सभी पहलुओं पर सोच-विचार कर के कदम उठाइये जिस से आगे चल कर पश्चाताप करने की नौबत आप पर और हम लोगों पर न आये।

सभापति महोदय, जो ढांचा हम लोगों के सामने रखा गया है उस के द्वारा एक नई बात हमारे संविधान में ये घुमेड़ना चाहते हैं, जिम के सभी पहलुओं पर मुझे लगता है कि सरकार ने भी विचार नहीं किया है। विरोधी पक्ष को तो आप ने मौका ही नहीं दिया है। भारत और सिक्किम का जो करार हुआ उस पर यहाँ कभी चर्चा नहीं हुई। इस लिए मुझे कुछ उद्धरण देने पड़ेंगे—मैं चाहूंगा कि समय के बारे में आप थोड़ा द्विनाई बरतियेगा।

सभापति महोदय, सिक्किम की जो नई असेम्बली है, यह उस का 11 मई का संकल्प है। इन के पहले कि मैं उस में से उद्धरण दूँ, मैं चाहता हूँ कि जो समझौता या करार भारत सरकार और सिक्किम के बीच हुआ था उस में जो 11वीं धारा है उस को पहले आप के सामने रखूँ। इस में कहा गया है—

“...The Government of India who are solely responsible for the defence and territorial integrity of Sikkim and who are solely responsible for the conduct and regulation of the external relations of Sikkim, whether political, economic or financial, reaffirm their determination to discharge these and other responsibilities for the benefit of the people of Sikkim, for their communal harmony, good administration and economic and social development. It is hereby reaffirm-

ed that they shall have the necessary powers for carrying out these responsibilities.’

यह इन का आधार है। इसके बाद उन का जो 11 मई का संकल्प है जिसे वहाँ की असेम्बली ने पाम किया था, मैं उस का पांचवाँ अनुच्छेद आप के सामने रखना चाहता हूँ —

“5. Reiterating its determination to further strengthen the relations between India and Sikkim, taking notes of the Government of India's responsibility for the security and defence of Sikkim, for its external relations, and for good administration in Sikkim, and bearing in mind the special interest and responsibility of the Government of India for the further democratic evolution and rapid economic and social development of Sikkim, this Assembly resolves and hereby requests the Government of India to examine the modalities of further strengthening Indo-Sikkim relationship as already agreed to in the Agreement of May 8, 1973 signed between the three parties and to take immediate steps for Sikkim's participations in the political and economic institutions of India.

अब उनके 6ठे अनुच्छेद को भी सुनिये—

6. The Assembly accordingly resolves and hereby requests the Government of India to depute immediately a Constitutional Adviser for (i) giving a legal and constitutional framework for the objectives of this Resolution, (ii) defining the powers of the Chogyal, the Chief Executive, the Executive Council and of the Assembly; and (iii) recommending to the Government of India specific proposals for further strengthening Indo-Sikkim relationship and for Sikkim's participation in the political and economic institution of India, as desired in this Resolution.”

13.04 hrs.

[Mr. SPEAKER in the Chair]

श्रव, अध्यक्ष महोदय, इस के प्राधार पर यह सविधान मे सशोधन करने वाला विधेयक बनाया गया है आज यह हमारे सामने आया है। इस मे कई मबाल उठते हैं। सब से पहले मैं आप की तवज्जह प्रिएम्बल की ओर दिलाना चाहता हूँ। हमारे सविधान का जो प्रिएम्बल है उस मे कहा गया है —

'We, the people of India having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens

Justice, social, economic and political;

Liberty of thought, expression belief, faith and worship, "

It is further said:

'Fraternity assuring the dignity of the individual and the unity of the Nation'

अध्यक्ष महोदय : इस मे क्याना यह है कि—वी दी पीपुल आफ इण्डिया—हम भारत की जनता। इस के साथ ही नागरिक हक की कल्पना तीसरी बात—यूनिटी आफ दि नेशन—राष्ट्र की एकता—इन बातों पर जोर दिया गया है। अब इस बिल के पास होने के बाद इण्डियन यूनियन का क्या स्वरूप होने वाला है—क्या इस के ऊपर हम लोगों को गम्भीरतापूर्वक सोचना नहीं चाहिए।

अध्यक्ष महोदय : आर्टिकल 1 मे भारत की कुल राज्य—इण्डिया क्षेत्र की ए यूनियन

आफ स्टेट्स कहा गया है, अब यह "एसोसियेटेड स्टेट्स" कहा मे बीच में आता है—क्या इस के लिए आर्टिकल 1 को बदलने के बारे में आप की सोचना नहीं चाहिए? क्या इस पर ईमानदारी से विचार नहीं होना चाहिए?

दूसरी बात—भारत का जो इलाका है, उसकी परिभाषा इस मे की गई है और उस मे यह कहा गया है कि तीन किस्म के इलाके भारत मे है या हो सकत है —

(a) the territories of the States,

(b) the Union of territories specified in the First Schedule, and

(c) such other territories as may be acquired

अध्यक्ष महोदय : क्या मिक्किम को हम एक्वायर करमे? क्या इस श्रेणी मे यह आ सकना है? मरी राय मे नहीं आ सकना है। ऐसी स्थिति मे आप उस मे (डी) का जाड़िये कि ऐस राज्य जा खशी मे इण्डियन यूनियन मे आ कर गम्भीर करना चाहते है। सोधी बात हानी चाहिए। अब जा गम्भेशन आफ टूटी हागा उस मे किसी राज्य का विजेष दजा देना चाहते है वह द सकत है। मरा मनलव यह नहीं है कि इण्डियन यूनियन के तहत अन्य राज्या की तरह रहे जो नया राज्य हागा उस को अगर स्पेशल स्टेट्स देना चाहत है तो उस के बारे मे इस सदन मे माचा जा सकता है। लेकिन जा पूरा सवैधानिक ढाचा है उस को जल्दी-बाजी मे बदलेगे तो उस के नतीजे बहन ही खनगनाक निकल सकत है—यह चेतावनी आज मैं देना चाहता हू।

अध्यक्ष महोदय : इस मे और बहुत सारे सिद्धान्त जुडे हुए हैं। आप जरा इन का विधेयक देखिए। ईसमें कही भी यह नहीं

[श्री मधु लिमय]

कहा गया है कि यह जो विधेयक हम लोग पास कर रहे हैं और सिक्किम को ऐसोशियेटेड स्टेट्स देने जा रहे हैं इस के बारे में सिक्किम को जो जनता है उस को राय ली जाय।

श्री एम० राव गोपाल रेड्डी (नजीमाबाद) ली गई।

श्री मधु लिमये : नहीं ली गई। सिक्किम की असेम्बली का चुनाव हिन्दुस्तान के साथ एसोशियेटेड स्टेट्स कायम करना है इस बिना पर नहीं लडा गया है। क्या वहा की जनता के सामने आप ने यह सवाल रखा था कि भारत के साथ ऐसोशियेटेड स्टेट्स लेना है या नहीं? इस के ऊपर सिक्किम की जनता की राय आप ने नहीं ली। जो चुनाव हुआ सिक्किम में उस का दूसरा अर्थ था कि सिक्किम में नाकतात्रिक ढांचा हो। इसलिए यह कहना कि सिक्किम की असेम्बली जनता के द्वारा चुनी गई है, और इसलिए असेम्बली का जो प्रस्ताव है वह हमारे लिए काफी है, मैं इस में सहमत नहीं हूँ। इस के ऊपर आप अगर चलना चाहते हैं तो चलिए, दो तिहाई राखनी बहुतम है आप का। लेकिन अगर तर्क से और राष्ट्रीय हित में बात करना चाहते हैं तो सिक्किम की जनता की राय एकत्रित करने का आप को पहले प्रयास करना चाहिए। अगर आप का ध्येय यही है कि आप हमारी बात नहीं मानना चाहते और चाहते हैं कि इस पर अभी विचार होना चाहिए और इस को पारित भी करना चाहिए, तो क्या यह अच्छा नहीं होगा कि ऐसोशियेटेड स्टेट्स वाली जो बात है नई इस के उपर तत्काल सिक्किम में रेफरेंडम लिया जाय? उस में 18 मास या उस से अधिक जिनकी आयु है उन की राय आप लीजिए, तत्काल ले लीजिए। इन को शामिल करने से पहले जीजिए, क्यों कि कश्मीर का अनुभव हमारे सामने है। इसलिए अद्यत्तले रेफरेंडम लीजिए।

इतना ही नहीं जो स्टेट्स होगा उस में यदि भविष्य में परिवर्तन करना है तो सिक्किम की जनता को आप आश्वस्त कीजिए कि हम तरह का परिवर्तन आप की रजामन्दी के बिना और नये रेफरेंडम के बिना नहीं होगा। तो ऐसोशियेटेड स्टेट्स के लिए रेफरेंडम कीजिए। अब हिन्दुस्तान की तो मैं नहीं कह सकता था, आप कहते कि अडबेबाजी कर रहा हूँ, लेकिन कम से कम जो नया राज्य आ रहा है वहां की जनता की जो राय लेनी चाहिए। और भागे परिवर्तन भी करना है तो उसके लिये भी उन की राय लेनी चाहिए। स्पष्ट आश्वामन हम को देना चाहिए।

आगे चल कर अध्यक्ष महोदय, इस विधेयक में कही भी मैं यह नहीं देख रहा हूँ कि दायित्व के सिद्धान्त को आप ने माना है। सारे अधिकार सरकार ने हाथ में लिये हैं और पार्लियामेंट के अधिकारों को आप ने हम मामले में सीमित किया है। सिक्किम का एक प्रतिनिधि राज्य सभा में लेना चाहते हैं जो कि असेम्बली के द्वारा चुना जायगा। ठीक है हमारी राज्य सभा के प्रतिनिधि भी असेम्बलियों के द्वारा चुने जाते हैं। लेकिन इस लोक सभा से आप असेम्बली के द्वारा नामजद सदस्य को लेंगे। अध्यक्ष महोदय, लोक सभा की जो बुनियाद है उसी के ऊपर यह कुठाराघात कर रहे हैं। मैं तो जो दो नौमीनेट्स सदस्य हैं उनके भी खिलाफ हूँ। हालांकि आपको दो चुनाव वाली आरक्षित जगह उनको दे दे, ऐग्लो इंडियन्स के लिये, मुझे कोई एमराज नहीं है, लेकिन नामजदगी के सिद्धान्त का मैं विरोध करता हूँ, और उसी आधार पर सिक्किम असेम्बली के द्वारा चुने हुये किसी प्रतिनिधि को यहां पर बुलाना बैठने के लिये मुझे अच्छा नहीं लगता। यह अक्षय के विपरीत है। इस सब का जो

ढांचा है उसके खिलाफ यह बात जाती है। इसलिये इस के ऊपर भी अध्यक्ष महोदय, इन को विचार करना चाहिए।

उसके बाद अध्यक्ष महोदय, आपने सिक्किम असेम्बली का नया प्रस्ताव देखा है 29 जून का? मैं माननीयश्यामनन्दन मिश्र और माननीय ज्योतिर्मय बसु का ध्यान उस और खींचना चाहता हूँ। इसमें उनका जो सिक्किम ऐक्ट है, जो एक माने में उनका संविधान है, उसमें उन्होंने दो परिवर्तन चाहें हैं और उसमें कहा है कि मैं आप को मूल धारा और उसका संशोधन भी पढ़ कर सुनाना चाहता हूँ। 31 में कहा है :

“All judges shall be independent in the exercise of their judicial functions and such functions shall be discharged in accordance with law.”

और इसमें यह परिवर्तन चाहते हैं :

“The ultimate appellate jurisdiction against the judgment of the High Court of Judicature in Sikkim should lie with the Supreme Court of India.”

और जहाँ तक (32) का सवाल है :

“All sections of the people of Sikkim shall enjoy the basic human rights and fundamental freedoms without discrimination;

(2) The Government of Sikkim shall make every endeavour to secure for the people of Sikkim the enjoyment of the aforesaid rights and to maintain and promote communal harmony;

(3) Notwithstanding anything contained in the aforesaid provisions, special provisions shall be made for the advancement or the protection of the aboriginal inhabitants of Sikkim and other minorities.”

इसमें यह जोड़ना चाहते हैं 32 (1) :

“as enjoyed by the Citizens of India under Part III of the Indian Constitution.”

तो क्या केवल सिक्किम ऐक्ट के तहत ही आना चाहते हैं? अपने संविधान में क्यों नहीं डालते हैं कि फंडामेंटल राइट सिक्किम की जनता को भी मिलें? एसोशियेटेड स्टेट्स के माने क्या है। इंडियन यूनियन के नागरिकों को जो फंडामेंटल राइट्स हैं वह आप सिक्किम की जनता को देने के लिये तैयार हैं? उन को नागरिक बनाने के लिये तैयार नहीं है। अगर आप उनको एसोशियेटेड सिटिजन ही बनाना चाहते हैं तो इसमें आप को प्राविधान करना चाहिये। तो फंडामेंटल राइट्स को लेकर सिटिजनशिप को लेकर बहुत बुनियादी सवाल उत्पन्न होते हैं, जिससे हमारे संघ राज्य के पूरे ढांचे पर असर पड़ेगा। इसलिये अध्यक्ष महोदय, मैं अधिक न बोल कर केवल मंत्री महोदय से प्रार्थना करूंगा कि जल्दबाजी के चक्कर में न पड़ कर हम लोग भी चाहते हैं कि हिमालय के पड़ोसी देशों के साथ हमारा रिश्ता हो और उनकी जो इच्छा है कि भारत के पोलिटिकल और इकोनामिक इंस्टीट्यूशन में उन को हिस्सेदारी मिले उसका भी आदर हो। यह जो उनकी सदइच्छा है उस का मैं स्वागत करता हूँ। यह जो सदइच्छा पहली चुनी हुई असेम्बली ने दिखाई है उसका मैं स्वागत करता हूँ, लेकिन यह मामला बड़ा गंभीर है और इसलिये भावना में आकर हम लोगों को काम नहीं करना चाहिए।

मैं तो एक छोटा सा आदमी हूँ, बड़े बड़े देश हमारी आवाज कहां से सुनेंगे, लेकिन मुझे इस बात पर बड़ा दुख है कि चीन म माओ-त्से-तुंग के नेतृत्व में पीपुल्स रिपब्लिक कायम होने के बाद हिमालयन स्टेट्स के बारे में चीन

[श्री मधु लिसये]

के द्वारा गलत नीति अपनायी गई। उस नीति का मैं विरोध कर रहा हूँ। और उन्होंने तिब्बत को अपने देश का ही एक हिस्सा बनाने का और तिब्बत की जो आजादी थी उस को कुचलने का जो प्रयास किया है उसका मैं विरोधी रहा हूँ और मेरे नेता डा० राम मनोहर लोहिया भी रहे हैं। उनके नेतृत्व में हम लोग अपनी हिमालय नीति की बात कहते थे। अगर वह नहीं होता तो कितनी अच्छी बात हो जाती कि तिब्बत, नेपाल, भूटान, सिक्किम इन सभी लोगों को सार्वभौम स्वतंत्रता प्रदान की जाती, न्यूट्रलाइज्ड स्टेट्स उनका बनाया जाता। और अगर ऐसा हो जाता तो इन इलाकों में जो जनता हिमालयन स्टेट्स में रहती है वह भी शान्ति में रह सकती थी और आज इन बातों पर विचार करने की हम लोगों को आवश्यकता ही नहीं होती। कोई दूसरी ही बात हो जाती। लेकिन यह नहीं हो पाया। अब आप सिक्किम के साथ एक नया रिश्ता कायम करने की कोशिश कर रहे हैं तो जल्दबाजी में कोई कदम न उठाये और जल्दी में इस बिल को पास न कीजिये। जॉइंट पार्लियामेंटरी कमेटी में इन सभी पहलुओं पर विचार करने का मौका दीजिये। इस मसूले में यह पास नहीं होगा तो कोई बात नहीं है। और जो भी स्टेट्स और नये कीजिये रजामन्दी में कीजियेगा और सिक्किम की जनता की उसके ऊपर राय ले कर कीजियेगा।

इतना ही मुझे कहना है।

SHRI P. G. MAVALANKAR (Ahmedabad): Even while the Constitution (Thirty-sixth Amendment) Bill is at this introductory stage, I wish to rise and express my views in no unmistakable terms about the strong objections on constitutional, legal, political, moral and parliamentary grounds, that I wish to raise on this important and vital issue.

* cannot be charged of the criticism

that I am against the good-will and good relationship that ought naturally to exist and even be enhanced between the peoples of the various Himalayan kingdoms and autonomous regions and ourselves. But this is not to mix up one issue with the other. Those of us who want better relations and stronger relations with our neighbours of the Himalayan kingdoms and regions want them all to be achieved by true understandings, which are arrived at after a thorough understanding of the constitutional, legal and political implications involved.

My first objection, therefore, is this. Shri Swaran Singh in the Statement of Objects and Reasons appended to this Bill says:

"With a view to giving effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim co-operation and inter-relationship, the Bill seeks to amend the Constitution to provide for the terms and conditions of association of Sikkim with the Union".

But he does not mention why it is necessary to amend our Constitution and go about having the peculiar constitutional arrangement which he seeks to introduce through this special legislation with a view to having better relationship between the people of Sikkim and those of India. Since he has not made that clear the Statement of Objects and Reasons is, therefore, to that extent, inadequate and incomplete.

Some days ago, in this House, in reply to a starred question, Shri Swaran Singh had replied in some such words that:

"When the matter will come with regard to Sikkim's political and economic association with India we will consider it at that time and at the appropriate levels."

That was the reply that he gave. Unfortunately, we did not have any

occasion during this session to have any debate on foreign affairs, and, therefore, we were unable to raise this issue at any time. He had only stated his view point, with that, and nothing has happened thereafter, and, therefore, my submission is that this House has not been given any opportunity, and this Parliament has not been given any opportunity, to go into the details of the various implications of this important provision which the Government of India wants to introduce through this Constitution Amendment Bill

Now, Sir, Article 1 of our Constitution says

- (1) India, that is, Bharat, shall be a Union of States
- (2) The States and the territories thereof shall be as specified in the First Schedule,
- (3) The territory of India shall comprise—
 - (a) the territories of the States,
 - (b) the Union territories specified in the First Schedule and
 - (c) such other territories as may be acquired"

As far as the things go, at present, we have only the territories mentioned in sub-clauses 3 (a) and 3 (b) of article 1, and there has been no mention so far of 'such other territories as may be acquired' referred to in sub-clause 3(c) of article 1

From the Bill which the hon Minister has brought forward for introduction, it is not clear whether this scheme will mean having Sikkim's association as a part State of the Indian Union. He has not mentioned it but my submission is that it could be at best an associate status. I want to ask this fundamental question whether the makers of our Constitution ever thought of giving at any later stage

the status of an associate territory or associate State to any territory neighbouring India. Surely, they did not do it. If however, there has to be some association, then it should have been as a fullfledged part State of the Indian Union like any other State. I would like the hon. Minister to explain this point, whether Sikkim is going to be a part and parcel of the territory of the Indian Union and if so, whether the people of Sikkim will get all the rights and privileges and whether they will have to be under all the obligations and duties as all other citizens of the Indian Union, and if so, how he expects this kind of parallel and almost double citizenship, double responsibilities and parallel responsibilities within the same Indian Union and within the same Federation to function smoothly within our constitutional scheme.

If Sikkim is going to be an integral part of India, I would like Government to clarify whether it is once and for all and finally going to be an indestructible part of the indestructible Union that is Bharat that is India. If India that is Bharat that is the Union of all States is indestructible, and if we are not sure that the new State which is going to be associated with it is or is not going to be an indestructible part of the Union of India, how can we accept this fundamental change in the whole constitutional scheme and framework that our Constitution-makers thought of and provided? This is my second major objection

All that the Minister has done through the various provisions of this Bill is to give the impression not only to some people in India but to many people abroad that it is almost a near annexation! Do you want that Sikkim should be annexed? Do you want India to be charged with expansionism? If not, let us make it very clear as to what kind of constitutional, political, economic, social

[Shri P. G. Mavalankar]

and popular relationship is going to obtain between the people of Sikkim and the people of India.

My next objection is to the extraordinary rush displayed, especially at the fag end of the extended current monsoon session of the Lok Sabha. If Government were honest and sincere and if they have nothing to hide, if their intentions were clear, then they could jolly well have said; 'All right, let us leave this to Parliament; let us go into a detailed consideration and let us come back at the next session and then go over the whole matter'. Instead of that, what Government are doing is to rush with this Bill. They are already hard-pressed for time—the Minister of Parliamentary Affairs has been complaining, you have been saying that so much government business is waiting in the three or four remaining days of this session—then I ask why this extraordinary additional rush and hurrying up to introduce such an important fundamental Bill which goes at the very root and makes the constitutional frame work of India so much disturbed? Because, after all, the Constitution-makers have made our Federation, so delicately balanced, so well-balanced and so reasonably balanced that I am afraid this new Bill sought to be introduced by the Minister of External Affairs is going to disturb and dilute that very delicate framework of our Constitution.

Then, again, have the Government of India thought it proper to consult public opinion in India? Apart from what Shri Limaye has said that the people of Sikkim have not been consulted, have the people of India been consulted? Should the Government of India, because they at the moment happen to have a majority adequate for amending the Constitution, go on the assumption that the people of India have agreed to it? Was this union between Sikkim and

India, a peculiar union, a strange union, a very interesting concept of union, part of the election manifesto in Sikkim? Was it also part of the election manifesto in India when elections to the Lok Sabha were held in 1971? Were the people of India told that Sikkim was going to be a part of India's federation? Was this an election issue? No.

Therefore, if at all the Government of India want to go ahead with this Bill, they should hold a referendum on this issue and seek a clear mandate from the people and not merely go by the two-thirds majority which they happily for then, happen to have in order to amend the Constitution.

Then as regards the representation given to the people in Parliament, one member in the Lok Sabha and one member in the Rajya Sabha, they have all rights except that they cannot vote at the Presidential and Vice-Presidential election. It means that the representation is not equal. Do we have two types of members in this House, some with one set of rights and some other with another set of rights? Why this kind of inequality of rights? Therefore, I oppose it on that ground also.

If Sikkim's representation in Parliament is going to be the kind of representation which the Minister of External Affairs has stated, then their position in this House will at best be that of observers but not full participants in the parliamentary and other procedures and processes that obtain in our House.

Finally, if this kind of major and fundamental amendment of the Constitution is going to be made, let Government not take an attitude of replying only on their two-thirds majority, that because they have a two-thirds majority, they can amend the Constitution as they like. The Constitution-makers had provided for a two-thirds majority mechanism on

this premise that we must have a substantial majority in favour of an amendment and on all matters basically referring to the whole pattern and framework of the Constitution and the democratic republic, it is even necessary that they will have—near unanimity if not complete unanimity. I would even say complete unanimity on such an amendment. Since they have not done so on this matter, I very strongly oppose on the ground I have already narrated, the introduction of this Bill by the Minister of External Affairs.

SHRI SEZHIYAN (Kumbakonam): There can be no two opinion that we all desire close and friendly relations between Sikkim and India. We are also appreciative of the aspirations of the people of Sikkim and also sympathise with their relentless endeavour to improve the democratic content and the representative character of the Government they have. We also share the feeling that we should extend goodwill and neighbourly feelings to the people of Sikkim in their efforts to improve their economic conditions. But on that score there is no valid reason why we should rush through a Bill the implications of which appear to be historical and far-reaching. It is not an ordinary amendment to the Constitution; it is an amendment to the basic character of the Constitution itself. From the federal, we are changing to the confederal one. After the introduction and acceptance of the 36th amendment, many clauses of our Constitution Bill become nullified. Article 84 says that a person shall not be qualified to be chosen to fill a seat in Parliament unless he is a citizen of India. Article 102 is more emphatic,

it says a person shall be disqualified for being chosen as a member of Parliament if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State. I can quote many other clauses which are going to be nullified by this amendment. That is why I feel that they should not hustle and hurry through this Bill. We should know the full implications and possible repercussions. If this Bill becomes law a person who is not subject to the rule of law of this country will be allowed to make a law for this country. The plea that they want to have close and permanent relationship with Sikkim is not new. Even when Pandit Jawaharlal Nehru was there and when the Constitution of India was being drafted, there were certain moves to closely knit Sikkim with India within the constitutional framework but ultimately those moves were dropped. A new concept is being introduced—associateship. All these things require sober and consistent thought. We cannot rush where India's constitutional character is concerned. I do not know whether it is for the better or for worse. But the federal character is being changed. I do not know why they should rush through this Bill, introducing it on Monday and getting it passed on Wednesday. That is why I implore them that they should bestow some more wise and sober thought before changing the basis of the Constitution.

PROF. MADHU DANDAVATE (Rajapura): Propriety as well as procedure demand that I should not raise political issues; so I shall confine myself to the constitutional aspects of the Bill. One very significant aspect has been totally discarded in the drafting of this Bill. While I welcome the general desire of the people of Sikkim to have closer relations with India I want to say that this desire must not be mixed up with the claims and requirements of the Constitution. Article 1(3) (a), (b) and (c) in Part I specifically mentions the territory of India shall comprise of the territories of the States, the Union Territories specified in the First Schedule; and such other territories as may be acquired. I am sure the Bill does not suggest that Sikkim is a territory acquired. There is no reference to an additional category like Associate State. So, if the Constitution stands as it is, probably some constitutional difficulties will be created in the very first article.

No doubt it is said in the Statement of Objects and Reasons that on the 10th June, 1974, after passing the Government of Sikkim Bill, The Sikkim Assembly resolved unanimously that measures should be taken amongst other things for seeking representation for the people of Sikkim in India's parliamentary system. Though the Sikkim Assembly has unanimously expressed its view in this regard, it must be made explicitly clear that we cannot leave the constitutional issues to the vagaries of the change of political system and the political climate there. Today the Assembly has adopted this resolution. In some other political set-up, there is no guarantee that the same attitude will continue. Therefore, in order that the relationship should be indetractable and irreversible, some constitutional provision should be made by which the will of the people of Sikkim regarding their association with

India must be firmly and irreversible expressed. Some provision like a referendum in Sikkim will be able to give us the final and irreversible verdict of the people so that at some later stage if there is a change in the political set-up there, the representation of Sikkimese people in our Parliament may not have to undergo a change.

In our sovereign Parliament, we cannot have two categories of membership those directly elected by the people and those elected or selected by the Sikkim Assembly. This will create further difficulties and it will be a paradox.

Lastly, due to the constitutional complexities, it is better that we have a wider consultation with the various parties and groups in the House. All the lacunae and the loopholes should be completely removed, so that if the amended Constitution is subjected to judicial scrutiny, no further trouble may arise at a later stage. Therefore, while welcoming the general desire of the people of Sikkim to have closer relationship with India, I would very much like that you should not rush through the Bill hurriedly. You should have wider consultation with all the parties—ruling as well as the opposition—and after a complete examination of all the constitutional issues, the Bill should be brought in a redrafted form.

SHRI S. M. BANERJEE (Kanpur): Sir, the opposition members had two meetings with the Prime Minister. The last one was today at 9.30 A.M. Some of my hon. friends were unfortunately not present. I do not know whether they did not go there or could not go there. All these points were raised by the members who were present at the meeting. On behalf of the CPI, we made it clear that we are very much opposed to this sort of rushing through.

We are not opposed to the spirit or substance of the Bill. We requested the Foreign Minister that even without going through the Select Committee—we agree that once it goes to the Select Committee it will delay matters—we could have a discussion and we could bring some amendments which might make the Bill fool-proof. I have read the Bill. I am not a lawyer. But even as a layman I feel that certain clauses of the Bill need amendment. I hope that both the Law Minister and the Foreign Minister, who have agreed to discuss the Bill with the opposition, will bring in some amendments to improve the Bill.

The main question is whether this House and the Government of the land are with the people of Sikkim or the Chogyal. Because, in today's newspapers there is a report:

"Kazi Lhendup Dorji of Sikkim today asked Prime Minister Indira Gandhi to ignore the Chogyal's last minute attempts to impede giving representation to Sikkim in the Indian Parliament."

Can we shut our eyes to the fact that the Chogyal, because of his monarchy, bled the people white, suppressed and oppressed the people? So, the people of Sikkim revolted against the palace in a very correct manner. We went to the help of the people of Sikkim and we helped them in getting the Constitution and the Assembly. If they pass a resolution in their Assembly saying that it is their desire to have representation in the Indian Parliament, we must help them.

My hon. friend, Shri Shyamandan Mishra said something about far-reaching implications. There will be far-reaching implications for everything. When we supported the cause of Bangladesh, it was almost a story that we were supporting a fiction. When we support a correct cause,

which has far-reaching implications, there will be all sorts of criticism.

It is mentioned in the Statement of Objects and Reasons:

"After the promulgation of the Government of Sikkim Act, the Chief Minister of Sikkim has made formal requests to the Government of India to take such steps as may be legally or constitutionally necessary to give effect to the Government of Sikkim Act, 1974 and the resolutions passed by the Assembly and particularly providing for representation for the People of Sikkim in Parliament."

Shri Madhu Lamaye said, "Let there be a referendum, if not in this country, at least in Sikkim so that we can know the will of the people. I oppose this. Let the people choose between the Chogyal and the Constituent Assembly, between the monarch who ruled the country for years together, keeping Sikkim backward, and the representatives of the people. After all, if we cannot pass this measure on the 4th, we can do it on the 6th or 8th. Let us first remove the defects in the Bill.

We definitely welcome the spirit of the Bill. If the people of Sikkim want to remain with us, if they want our help in planning their economy, we should not hesitate to help them. By making them an associate member so that they can retain their liberty and independence as a sovereign State, we are not doing something against the Constitution. The Constitution can be amended. The fathers of the Constitution never anticipated the emergence of Bangladesh. The fathers of the Constitution never anticipated the vast changes taking place in the country. Is the Constitution going to be static? Should the Constitution be so rigid that it cannot take note of any political change either in this country or in other countries?"

[Shri S. M. Banerjee]

I would say, the founding fathers of the Constitution in their wisdom framed the Constitution. They may be fathers of the Constitution but the sons and daughters of the Constitution who are today living in the country can change the Constitution.

SHRI VIKRAM MAHAJAN rose—

MR. SPEAKER: I think, quite a few of you have already expressed your views.

SHRI JYOTIRMOY BOSU: There are certain vital things involved here. The Attorney-General should be called before the House.

MR. SPEAKER: He has given a motion. I do not think I can decide it myself. He says that the Attorney-General should be called.

SOME HON. MEMBERS: No, no.

SHRI SHYAMNANDAN MISHRA: Probably, his opinion has already been taken earlier. So, I think there is no need of that.

MR. SPEAKER: I think, the opinions expressed by various hon. Members have been very much concrete. There is no question of ambiguity attached to an interpretation of any article of the Constitution quoted here. They have been quoted quite elaborately without any question of any ambiguity being attached to their interpretation.

SHRI VIKRAM MAHAJAN: Sir, the basic fallacy on the basis of which the hon. Members have been putting forward their points of view is that they have taken the Constitution as a static Constitution. They think that the Constitution once framed is permanent, rigid, once and for all. I humbly submit that the basic concept of the Constitution is that it is flexible. Each generation has a right to decide what type of Constitution it wants. The Constitution, in fact, reflects the aspirations of the people of each generation. Now, this generation feels that there should be a closer relationship

between India and Sikkim and that is why they have brought this particular amendment.

My submission is that with all these articles of the Constitution which have been quoted they presuppose that we keep the Constitution as static and then see whether this amendment falls within the four corners of the provisions of the Constitution. They forget that the amendment of the Constitution is for amending the Constitution or changing the Constitution according to the new aspirations of this generation. Once we understand the basic concept, then we need not quote article 4 or Article 3 or Article 84 of the Constitution.

MR. SPEAKER: You have oversimplified it.

SHRI VIKRAM MAHAJAN: That is exactly the difficulty that the Opposition leaders do not understand the basic concept ...

MR. SPEAKER: The objections raised here are not so simple as you think.

SHRI VIKRAM MAHAJAN: Let me finish by submissions and then you can make your observation.

MR. SPEAKER: I am not making any observation. I was thinking that you were going to meet the observations made by them. But you are doing it in a very broad way without touching any particular observations made by them.

SHRI VIKRAM MAHAJAN: Let me make my basic submission first and other submissions will be on the basis of the basic submission.

Once you agree that the Constitution can be changed and each generation has a right to decide what type of Constitution it needs or wants, then the next question arises, if the Constitution is not static, and amendment of the Constitution can

change the Constitution. Article 2 of the Constitution says that there shall be new States, A Class States, B Class States, Associate States, territories and so on. This is an amendment which adds to that particular list a new State. Similarly, an amendment of the Constitution can add new types of States, new types of Members who can come to this House. These are the amendments which can change the Constitution and which need not be in consonance with the articles of the Constitution which are already in existence. The new generation is going to change the whole Constitution. Therefore I submit that these objections have been raised on the basis or on the fallacy that the Constitution of India must be kept static and I humbly submit that there is no force in their arguments.

PROF. S L SAKSENA (Maharajan). I was a member of the Constituent Assembly and my feeling is this. When we drafted the Constitution, we tried to incorporate the ideas acceptable to us in the Draft Constitution. Our experts were fully competent to incorporate those ideas in the Draft Constitution. Just now my friends have raised Constitutional objections to the introduction of this Constitution (Amendment) Bill. But the whole question is whether we agree with the spirit or the purpose of this Amendment. I feel that the Prime Minister and the Minister of External Affairs should be congratulated on their courage in bringing forward this bill. Our Constitution will be changed as and when we desire to incorporate into it new ideas that arise and that are acceptable to us. There is no Constitutional difficulty which cannot be removed. If we are satisfied that what we are doing is correct, then we can incorporate those things in our Constitution. The question is simple, as Mr Banerjee said. Shall we support Mr.

Chogyal or shall we support the people of Sikkim? I think, we have done a great job in helping the people of Sikkim in obtaining a democratic Constitution and we should not leave them in the lurch when they want our help. The fundamental purpose of our action should be applauded and we should do all that we can to help the people of Sikkim —by amending our Constitution to accede to their wishes. I do not think that there is any insuperable difficulty in modifying the articles of the Constitution or filling up the lacuna. The real purpose of the Amendment should be applauded.

श्री शार० बी० बड़े (वरगा) : अध्यक्ष महोदय, मैं इसका विरोध नहीं करता हूँ, केवल इतना ही कहना है कि अभी जो मेम्बरो ने कहा है कि हममें मजबूत से वाम करना चाहिए और जल्दी नहीं बरनी चाहिए, उससे मैं सहमत हूँ। अगर ऐमॉशियेट स्टेट्स माग रहे हैं तो संविधान के दूसरे अनुच्छेद में संशोधन करना चाहिए।

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH): Mr. Speaker, Sir, although the discussion at this stage has covered more aspects of the new Constitution (Amendment) Bill than is normally the scope at the introduction stage, I do not want to take any technical objection. I do concede that this amendment of the Constitution does postulate a new concept, a new idea, and, therefore, I welcome the discussion. The various ideas that have been put forward by the hon. Members are important ideas and I would like to assure the hon. members that we have already, in our internal discussion before we came to Parliament, gone over these matters and several others, and I will not be giving out any secret if I were to say that some

[Shri Swaran Singh]

of these aspects which have now been raised have already received our attention and we have tried to weigh the validity of these points and then after taking a very careful and overall look, we have come to this hon. House with the present proposal for amending the Constitution.

The basic point if I may say, on which this House has first to make up its mind is in our relationship with Sikkim where even without any amendment of the Constitution, there are certain responsibilities that we carry. Those responsibilities are that we are solely responsible for their external relations, for defence, because defence of Sikkim and defence of India are very much inter-connected and there is mutuality of interest in that respect. Even in the matter of communications and also in relation to internal law and order, and to ensure good administration, there are responsibilities that we carry to-day in relation to Sikkim.

It is for the first time that there have been elections on the basis of adult franchise in Sikkim and it is a tribute to the maturity of the people of Sikkim that they have established an Assembly which has 31 Members belonging to one Party and there is only one Member in the opposition. What is important is the Constitution that they have adopted, that is the Sikkim Act...

PROF. MADHU DANDAVATE: There is no such maturity in our House?

SHRI SWARAN SINGH: I would be very happy if we could get it. It all depends upon how we act and how you act.

What I am saying is that it is of importance that the new Constitution of Sikkim has been adopted by all the 32 Members unanimously—31 belonging to one Party and the only

one Member who was in the opposition also supported the Constitution. It is also important to note that the requisite assent according to their Constitution and according to their practice, had been accorded by the Chogyal. After that, there was the formal request made to us that according to their Constitution and according to their resolution they want what they have desired, namely, representation in the Indian Parliament....

SHRI JYOTIRMOY BOSU: Who made this request?

SHRI SWARAN SINGH: The head of their administration.

SHRI JYOTIRMOY BOSU: The Indian bureaucrat?

SHRI SWARAN SINGH: No. The Chief Minister who is the leader of the largest political party there. Then, he has made a formal request on what they have adopted, namely that they should have a representation in the Indian Parliament and would also like to be associated in the economic main-stream of India and they would also have other facilities like entering our services, even the highest services—the administrative service and the defence service and certain other matters. These are all details into which I do not want to go now.

So, the basic point before us is: are we to respond positively to this urge expressed unanimously by all the elected representatives of Sikkim in order to build our relationship on a firmer basis? The answer to this is positive. And, from the observations which have been made I could not detect much dissent on this point. They may have said, well, it is a new concept, we should consider whether it should be there or not, we should

give greater thought to it, etc., but, by and large, there is a desire to respond positively to this basic urge of the people of Sikkim unanimously expressed through their elected representatives.

14 hrs

SHRI SHYAMNANDAN MISHRA: If this basic political urge is expressed by another political set-up in a different way, would you respond?

SHRI SWARAN SINGH: We should not deal with such hypothetical matters. The present position is that this is their request and if we have to respond positively, then, we have to make certain arrangements in our own Constitution to enable them to have representation in our Parliament, in the Lok Sabha and in the Rajya Sabha. Now, to bring about that thing, we have made certain proposals which are before this honourable House in the form of this Constitution Amendment Bill. It is true that a new concept is being introduced. But this new concept is to meet a new situation, namely, a desire expressed by the people of Sikkim to be associated with our Parliamentary system, in the form which they have suggested. So, I will say, in all humility, a new concept cannot be judged by the provisions that are already existing. If the new concept could be implemented by the existing provisions of the Constitution, it will not be necessary for me to come for amendment of our Constitution. The precise reason why I am seeking the indulgence of this honourable House to agree to this amendment is according to the provisions of our Constitution as they exist today, that wish, expressed by the unanimous desire of the representatives of Sikkim to which I presume there is a consensus that we should respond, positively,—that objective—cannot be realised unless the Constitution is amended.

Now, Sir, our own Constitution, if I may say so, is a dynamic and a living Constitution. There are several hon. Members here who are very senior. Prof. Shibban Lal Saksena has already intervened. There are several other hon. Members who were associated with the process of Constitution-making. It is a matter of history that our own Constitution went through several changes, from the very beginning. We had Part I States, then Part II States. We also had the concept of the Rajpramukhs. Later where we were dealing with the new problems as they emerged, new political realities as they took shape in our country, we progressively evolved our Constitution to find an answer to the new political situation and the aspirations of the people. So, in this way, our own Constitution when through several changes. Now you can see, there is a more or less unified picture of the country and there is more or less a similarity of the relationship and the internal situation in the various constituent States. What has already been mentioned by one hon. Member and which is known to all of us is that we also in our own Constitution have not hesitated to make even unorthodox provisions for example regarding nomination. There are two nominated Members who are Members of this House, for historical reasons, which I need not go into, to represent the Anglo Indian community. Then also, in both Houses, there are categories of Members who do not participate in the election of the President or the Vice-President. That also is a pattern which is known to us. If I may say so, this is the great virtue of our Constitution, that is not so rigid.

SHRI JYOTIRMOY BOSU: Do you mean to say that under the Indian Constitution they can take part in the election of the President of this country?

SHRI SWARAN SINGH: I am saying that they are not Members by virtue of the process of election I am on that point

Now, if you amend the Constitution, then the Sikkimese will have the right. Much depends upon the view that you take on this Bill which seeks to amend the Constitution

SHRI K S CHAVDA (Patan)
When a person is not a citizen of India he cannot be a Member of Parliament

SHRI SWARAN SINGH You can decide about it. I was only trying to deal with the question of election *versus* nomination—direct *versus* indirect election

MR SPEAKER He is not following the virtue of the Constitution

SHRI SWARAN SINGH Therefore, our Constitution is a dynamic Constitution. Mr Banerjee raised a valid point and several other Members too have raised a point that there should be willingness to discuss and a concrete suggestion might be available in order to either tighten any particular clause or to improve its phraseology or if there is any new idea I am not shutting out that. In fact I have already had two discussions with my colleagues and with the leaders of the Opposition and I would like to say that the general approach was very constructive this morning when we had a fairly exhaustive discussion about the various aspects of the new Constitution Amendment Bill. I have already agreed that I am prepared to sit with the hon.

Members who may have any ideas as to how to improve the text and by introducing an amendment, to improve the text. We have already agreed that there would be a meeting at which any hon Member, who might be interested in this aspect, is most welcome. We are having that meeting tomorrow in the morning and that has already been agreed upon.

Then, Sir, several ideas have been put across. At this stage I do not want to enter into those aspects which, I think touch the merits of the new Bill and which I am sure, can be discussed at considerable length when the stage for consideration of the Bill comes. Therefore at this stage, I would like to say that the competence of this Parliament is not challenged as to whether, in the exercise of that sovereign right, they should actually amend or not. There are questions which relate to the merit of the amendment of the Bill for which there would be an ample opportunity when we discuss the Bill at the consideration stage.

So I would appeal to this hon. House that at this stage—this is only a stage when a Bill may be introduced—we should primarily concentrate on the legislative competence and nothing that has been urged that this Parliament is not competent to undertake the amendment.

It is true that, for instance, Shri Mishra has raised a point that this is a new concept.

SHRI SHYAMNANDAN MISHRA: This is not only a new concept but it concerns the very frame and structure of the Constitution.

SHRI SWARAN SINGH: If I may say so, if the right to amend is there, the question as to the extent up to which that right is exercised, becomes a matter relating to the clauses of the Bill and not the basic structure. So, when you can argue whether this or that provision goes beyond the concept, it can be voted upon, it can either be accepted or not accepted. So, if I may say so, there are a large number of matters which relate to the provisions of the Bill but not about the legislative competence or the right of Parliament to amend the Constitution

श्री श्वरन चिन्तरे : श्री टमको जगडट
पात्रिय मेट्टी कमेटी: में भे जण ।

SHRI SWARAN SINGH: I would urge that this is not just a drafting matter but a matter of substance on which the whole House would like to participate. Therefore, I am not in favour of remitting it to the Joint Select Committee.

SHRI JYOTIRMOY BOSU: Because you cannot afford to delay.

SHRI SWARAN SINGH: Sir, we are not at all rushing the Bill. The Sikkim Amendment Bill was passed practically two months back. After that they made a request and they have been reminding us and this re-

quest has been pending for more than a month. We have taken all this time to consider this and several other aspects in drafting this Bill and we took the earliest opportunity to open discussions with the Leaders of the Opposition. We already had two discussions with them. So, there is no desire to rush the Bill. I agree with the observations made by the several Members opposite that this is not a party matter. It is a matter of national importance and is in that spirit that I would appeal to the hon. Members to cooperate with us to give real content to the desire of India to respond positively to the democratic urges of the people of Sikkim as unanimously expressed through their elected representatives. I know the Chowgyal of Sikkim has taken exception to certain provisions but we have to take into consideration the basis fact he himself gave his assent to the Sikkim Act and the provisions of this Constitution flow from the provisions of the Sikkim Act.

For all these reasons, I suggest the matter is basically a political matter and not a matter of legal niceties. They can be dealt with. We will respond positively if there is basic agreement that we should respond to the democratic urges of the people of Sikkim.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The Lok Sabha divided:

AYES

Division No 17]

[14.17 hrs

Aga, Shri Syed Ahmed
Agarwal, Shri Khirkrishna
Ambesh, Shri
Ansari, Shri Ziaur Rahman
Azad, Shri Bhagwat Jha
Bade Shri R V
Banera, Shri Hamendra Singh
Banerjee, Shri S M
Barman Shri R. N
Basumatai, Shri D
Berwa, Shri Onkar Lal
Bhagat, Shri B R
Bhagat, Shri H K L
Bhattacharyya, Shri Chapalendu
Bheeshmadev, Shri M
Brahmanandji, Shri Swami
Brij Raj Singh-Kotah, Shri
Chakleshwar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C K.
Chand'ashekharappa Veerabasappa,
Shri T V
Chaturvedi Shri Rohan Lal
Chhotey Lal, Shri
Chowhan, Shri Bharat Singh
Daga, Shri M C
Das, Shri Anadi Charan
Deshpande, Shrimati Roza
Dhamankar, Shri
Dixit, Shri G C
Dumada, Shri L K
Dwivedi, Shri Nageshwar
Engt, Shri Biren
Gancsh Shri K R
Gangadeb Shri P
Gogoi Shri Tarun
Gohain, Shri C C

Gokhale, Shri H. R
Gomango, Shri Giridhar
Gopal, Shri K
Goswami, Shri Dinesh Chandra
Gotkhunde, Shri Annasaheb
Gowda, Shri Pampan
Hari Kishore Singh, Shri
Hari Singh, Shri
Jeyalakshmi, Shrimati V
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Joshi Shri Jagannathrao
Joshi, Shri Popatlal M.
Kadam, Shri J G
Kadannappalli Shri Ramachandran
Kader, Shri S A
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kamakshatah, Shri D
Kapur, Shri Sat Pal
Kathamuthu, Shri M
Kotoki, Shri Liladhar
Krishnan Shrimati Parvathi
Lutfal Haque Shri
Mahajan Shri Vikram
Majhi Shri Kumar
Malhotra, Shri Inder J
Malikarjun, Shri
Mandal, Shri Jagdish Narain
Manhai, Shri Bhagatram
Manjhi, Shri Bholu
Mehta, Dr Mahipatray
Mirdha Shri Nathu Ram
Mishra Shri Bibhuti

Misra, Shri Jagannath
Misra, Shri S. N.
Mohammad Tahir, Shri
Nanda, Shri G. L.
Negi, Shri Pratap Singh
Nimbalkar, Shri
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Krishna Chandr
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Panigrahi, Shri Chintamani
Paokai Haokip, Shri
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patil, Shri Anantrao
Patil, Shri S. B.
Peje, Shri S. L.
Radhakrishnan, Shri S.
Raghu Ramiah, Shri K.
Rai, Shrimati Sahodrabai
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Rao, Shri M. S. Sanjeevi
Rao, Shri Nageswara
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Reddi, Shri P. Antony
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. V.

Reddy, Shri Sidram
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saksena, Prof. S. L.
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Sayce, Shri P. M.
Sen, Dr Ranen
Sethi, Shri Arjun
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma Shri A. P.
Sharma, Shri Nawal Kishore
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenov, Shri P. R.
Shivnath Singh, Shri
Sinha, Shri R. K.
Sonan Lal, Shri T.
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swarar Singh, Shri
Tarodekar, Shri V. B.
Tiwari, Shri R. G.
Tulsiram, Shri V.
Uikey, Shri M. G.
Vekaria, Shri
Verma, Shri Sukhdeo Prasad
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Zulfiquer Ali Khan, Shri

NOES

Bhattacharyya, Shri Jagadish
Bosu, Shri Jyotirmoy
Chavda, Shri K. S.
Dandavate, Prof. Madhu
Dutta, Shri Biren
George, Shri Varkey
Haider, Shri Krishna Chandra
Huda, Shri Noorul
Mavalankar, Shri P. G.
Mehta, Shri P. M.
Mishra, Shri Shyamnandan
Misra, Shri Janeshwar
Parmar, Shri Bhaljibhai
Patel, Kumari Maniben
Ramkanwar, Shri
Sen, Shri Robin
Sezhiyan, Shri

MR. SPEAKER The result of the division is:

Ayes: 140; Noes: 17.

The motion was adopted.

SHRI SWARAN SINGH: I introduce the Bill.

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL), 1974-75—
Contd.

MR. SPEAKER: The other day, I saw the objections raised by hon. Members about certain expenditure of the previous year. I think that is a subject matter for Excess Grants. I hope the hon. Minister will come forward with the Excess Demands for Grants.

We adjourn now to meet again at 3 P.M.

14.20 hrs.

The Lok Sabha adjourned for Lunch till Fifteen of the Clock.

The Lok Sabha re-assembled after Lunch at five minutes past fifteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL), 1974-75—
Contd.

MR. DEPUTY-SPEAKER: We resume discussion, on the Supplementary Demands for Grants in respect of the Budget (General) for the year 1974-75, along with the cut motions moved.

Shri Ganesh to finish his speech.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): In the course of discussions on the First Supplementary Demands for Grants 1974-75 in Lok Sabha on Saturday, the 31st August, 1974, Shri Era Sezhiyan, raised a point of order in regard to Constitutional propriety of regularisation, by way of Supplementary Demands for Grants, of expenditure incurred in the previous year by obtaining advance from the Contingency Fund in that previous year. S/Shri Madhu Limaye and S. M. Banerjee also supported the point of order raised by Shri Era Sezhiyan and sought a ruling from the Chair.

As I understand, Sir, the main issues raised by the hon. Members were—

- (i) Supplementary Demands for Grants come within the purview of clause (a) of article

*The following Members also recorded their votes:—

AYES: Shri Kartik Oraon.

NOES: Shri Shiv Shanker Prasad Yadav.

115(1) of the Constitution, which specifically refers to "current financial year"; and

- (ii) Consequently, expenditure incurred, without due appropriation, in a particular year, if sought to be regularised in the following year, has to take the form of Excess Demands for Grants, coming within the scope of clause (b) of article 115(1) of the Constitution.

It is the contention of the hon. Member that of the four items of expenditure met by obtaining advances from the Contingency Fund which are proposed to be regularised through this batch of Supplementary Demands for Grants, the item at (b) in Demand No. 48 on page 11, having been incurred by obtaining an advance from the Contingency Fund on 13th March, 1974, i.e. during the financial year 1973-74, is not an item which can appropriately come within the scope of Supplementary Demands for Grants in 1974-75 within the purview of clause (a) of article 115(1) and ought to have come before the House in the form of Demand for Excess Grants relating to the year 1973-74.

It appears to me that there is some misunderstanding in the minds of some hon. Members with regard to the provisions in the Constitution relating to Contingency Fund and Excess Expenditure. Article 267(1) of the Constitution envisages establishment of the Contingency Fund in the nature of an imprest to be placed at the disposal of President to enable advances to be made by him for the purpose of meeting unforeseen expenditure pending authorisation of such expenditure by Parliament under article 115 or 116. Article 115 of the Constitution has two parts, namely, clause (a) dealing with Supplementary or additional expenditure required to be in-

currred during the current year and clause (b) which deals with money spent during a financial year in excess of the authorised appropriation granted for a year. Items of Contingency Fund advance cannot and do not come under the provisions of clause (b) of article 115 relating to excess expenditure.

There are three forms in which expenditure is incurred, namely,—

- (a) Annual Demands for Grants voted by Parliament and expenditure from the Consolidated Fund of India authorised through Appropriation Act;
- (b) Grants for supplementary or additional expenditure authorised in the course of the year as contemplated under article 115(a). Here also, the appropriation is from out of the Consolidated Fund; and
- (c) Expenditure incurred from advances taken from the Contingency Fund of India which is to be regularised as required by Constitution by obtaining Supplementary Grants. The Supplementary Grants in such cases are also covered by appropriation from the Consolidated Fund of India.

Any expenditure incurred by Government which does not fall in any of the three forms is excess expenditure.

As you are aware, Sir, we have, as in British pattern, a well established procedure for regularisation of excess expenditure. I would like to invite attention to British procedure on Excess Grants described on page 747 of the Seventeenth Edition of May's Parliamentary Practices. As in Britain, the excess expenditure, if any, incurred are reported upon by the Comptroller and Auditor General in his Report, which, after it has been laid before Parliament is examined at length by Public Accounts Committee. It is only

[Shri K. R. Ganesh]

after the Committee, after examination, submits its Report recommending regularisation of excess expenditure that the Demands for Excess Grants are presented to the House for voting and the connected Appropriation (Excess Grants) Act passed by both Houses of Parliament. In Britain, according to May, this is done by about March of the following year. Here, to cite an example, the excess expenditure incurred from the Consolidated Fund of India in Civil Departments in 1969-70 was reported upon by the Comptroller and Auditor General in March 1971. The excesses disclosed in the Report of the Comptroller and Auditor General were examined by the Public Accounts Committee, under the distinguished Chairmanship of my hon friend Shri Era Sezhiyan and the Report of the Committee recommending regularisation of the excess expenditure, was presented to the House in December 1971, whereupon, the Demands for Excess Grants in respect of 1969-70 were presented to this House in March, 1972.

I would specially bring to the notice of Hon Members that these expenditures, reported upon by the Comptroller and Auditor General examined by the Public Accounts Committee and recommended for regularisation through Demands for Excess Grants, did not include expenditure of the order of Rs 110 lakhs, comprising four items incurred towards the end of 1969-70, not from the Consolidated Fund of India but by obtaining advances from the Contingency Fund. The additional expenditure so incurred by obtaining advances from the Contingency Fund in March 1970 was regularised by obtaining Supplementary Grants in the next financial year in August, 1970.

I presume the distinction between excess expenditure and expenditure incurred from advances from Contingency

Fund is now clear. The only point which remains to be clarified is the propriety of including the items relating to previous year in the Supplementary Demands presented this year. There is nothing either in article 267(1) of the Constitution or in the Contingency Fund of India Act 1950 to bar regularisation of items of Contingency Fund advances relating to previous year by obtaining supplementary grant in the subsequent year. By its very nature, an advance from the Contingency Fund is made to meet unforeseen expenditure—may be, unforeseen even at the time when the last batch of a year's Supplementary Demands for Grants is presented to the House. The need for making an advance may arise on any day, including the last day of the financial year and this happened on several occasions. For instance of the four items of advances from the Contingency Fund made towards the end of 1969-70 about which I referred to earlier, two were made on the 31st March 1970 one on the 30th March 1970 and the other on the 26th March, 1970—all the four being made after the presentation of the last batch of Supplementary Demands for Grants for 1969-70. Once it is conceded that the expenditure incurred by obtaining Contingency Fund advance is different from 'Excess', it would follow that it has to be regularised by obtaining supplementary grant either in the same year or in the subsequent year depending on the circumstances.

There is thus, little substance in the point of order raised by my friends and I submit Sir, that it may be ruled out.

MR DEPUTY-SPEAKER In the first place I must say it is not possible for me to digest the mass of material and references given by the hon minister. It is a rather technical question relating to finances and obviously he has come fully prepared, which he should do Day before yesterday, when this

point was raised, he, I think very wisely and discreetly, postponed giving an answer to the point, because he himself was not quite sure about it and he wanted to look into the matter closely and get the briefing from his department, which was only natural and normal. Today he has come with a fairly long explanatory statement, which is welcome. On the other hand, on this matter for me to say that I have digested everything that he has said also would not be fair. I am not being humble, but I think any person sitting in this Chair, unless he himself had been the Comptroller and Auditor-General for years together, for whom it is meat and fish, any other person will find it difficult to comprehend so soon.

SHRI MADHU LIMAYE (Banka):
Meat and fish have become expensive.

MR. DEPUTY-SPEAKER: Literally, yes; figuratively, they are not. So, I do not know how to settle this matter, if I open it again for discussion, then it is this way or that way. Shri Sezhiyan had raised this and, obviously, after hearing the Minister, he might have certain other things to say. In that case, it becomes another debate and it becomes very difficult. Then, ultimately, the whole matter has to be decided by the Chair.

Now, in this respect, my task has been made very much easier because the Speaker before leaving the Chair this morning, this afternoon rather, before recess, had made some observations on this. Obviously he must have had a copy of Shri Ganesh's statement. He must have studied the statement in his chamber; I do not know. He has made certain observations which amount almost to a ruling.

SHRI S. M. BANERJEE. (Kanpur):
When was it made?

MR. DEPUTY-SPEAKER: In this House just before its adjournment. The difficulty is that you never put your ear phone. At that time you

should have put your ear phone. This is what the Speaker said: ... this has been given to me by the Table just now—

"The other day I saw the objections raised by hon. Members about certain expenditure of the previous year. I think that is a subject matter for the excess grants. I hope the hon. Minister will come forward with an excess Demands for Grants.

We adjourn now to meet again at 3 p.m."

So, I think we should not go back. No more argument is necessary, although there may be arguments this way or that way. When the Speaker has said this is an excess demand, then clause (b) of article 115 is attracted, which reads as follows:

"(1) The President shall—

.....(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year"

—it does not say from which fund, whether it is the Consolidated Fund or Contingency Fund; it only says if money has been spent in excess—

"cause to be laid before both the Houses of Parliament another statement showing the estimated amount of that expenditure or cause to be presented to the House of the People a demand for such excess, as the case may be."

The Speaker's ruling attracts this provision of the Constitution. It follows that the Government will have to come with another excess demand and should take this out from the present supplementary demands. I am not going into the details. If we go by the Speaker's ruling, as we should, then it

[Mr. Deputy-Speaker]

needs a closer look. Demand No. 48 is a clear case to me, about 50 and 51, I do not know; it has to be looked into; so also Demand No. 53 has to be looked into very carefully. And if these are to be taken out, then I do not know how do we proceed.

SHRI MADHU LIMAYE These are charged items. They are not votable. They should be taken out. Minus these items, the Demands should be put to the vote of the House. The Appropriation Bill should be withdrawn

MR DEPUTY-SPEAKER. We have to deal with these things in a very responsible way because it involves money.

I would, again, say that the hon Members of this House have done a very great service to this House and also to this nation. This House is the watch-dog of everything Money is the most important thing. You are doing your duty for which I am very grateful. The nation has to be grateful to you all for doing your duty. Nothing can be taken for granted. This House cannot be taken for granted by anybody. Anybody anywhere having to do with the administration of this country will commit a very grave mistake if he takes this House for granted. There are hon Members, very hard working and very watchful. It takes a lot of pains, a lot of work, to go into all these details. I really admire them.

We have to deal with these things in a responsible way. To say that we must take these out and pass the rest, I think, we will be doing it in a little hurry and in a little irresponsible way. We have to have a close look at them. A lot of clerical work has to be done. I really do not know what to do. I would like the hon Minister to enlighten me on this as to how we proceed in the matter.

SHRI K. R. GANESH Sir as you said, since the Speaker has given a

ruling, there is nothing else for me to say as far as the merits of the points raised by Shri Sezhiyan and others are concerned.

I have very extensively tried to put the view that we in the Ministry of Finance have on this question. It was our firm opinion that these do not constitute Excess Demands. I am here to abide by the Speaker's ruling. But, I think, it is also necessary for me to just re-state the position that as far as we in the Ministry of Finance are concerned, we feel that these are not Excess Demands, that article 115 applies to the Consolidated Fund of India

SHRI S. M. BANERJEE Sir I rise on a point of order

MR DEPUTY-SPEAKER Let him finish I will allow you later on

SHRI K. R. GANESH As you rightly indicated, these are very delicate financial matters and delicate financial matters have got to be gone into depth and these delicate financial matters have also an integrated approach to various problems. Though the Speaker's ruling has got to be accepted by the House, I think it is also necessary that the points that I have tried to put this has been a very long statement and I will try to summarise it

SHRI S. M. BANERJEE On a point of order, Sir

After hearing all of us, Shri Sezhiyan, Shri Limaye and myself—our arguments were practically the same—the Speaker in his own wisdom has given a particular ruling and you have read out the ruling, after giving a full hearing to Shri Ganesh. The Finance Department may do whatever they like. After all, we are guided by the ruling given by the Speaker. All of us are supposed to abide by it.

The only course left for the hon. Minister is to separate these Excess Demands. He should bring another

list of Supplementary Demands It is a question of printing only Excess Demands should be brought separately Let us not have a discussion again But to pass a thing knowing fully well that these are Excess Demands by no stretch of imagination they can come under these Supplementary Demands how can we possibly become a part of them?

My submission is that you Sir, direct the hon Minister to bring two things separately one Supplementary Demand for 1974-75 and other Excess Demands for 1973-74

MR DEPUTY-SPEAKER I think we cannot do anything except go by the Speaker's ruling I am just making a suggestion for the consideration of the hon members that in view of the Speaker's ruling the Government should sort it out with the Speaker and after sorting it out with him, the Minister may come again with new Supplementary Demands and a new Appropriation Bill He will have to convince the Speaker in view of his ruling Therefore I do not think we can proceed in the matter

श्री मधु लिमये उपाध्यक्ष महोदय मैं
प्रस्ताव करना चाहता हूँ अन्तर क्रम 340
(अवधान)

We should postpone the discussion on this

MR DEPUTY-SPEAKER I have already said that in view of the Speaker's ruling the Government should sort it out with the Speaker convince the Speaker which are the excess grants to be taken out and come with the new Demands and new Appropriation Bill

Then we go on to the next item

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU-RAMIAH)

This morning I was not here Did the Speaker give a ruling on this?

MR DEPUTY SPEAKER Yes, I will read it out again

SHRI MADHU LIMAYE It is not necessary (Interruptions)

MR DEPUTY-SPEAKER I am not changing anything Do not get excited I am just clarifying the position for the benefit of my good friend, Mr. Raghu Ramiah because he is the Minister of Parliamentary Affairs and he has special responsibilities he is very hard working he has to run here there and everywhere He was not here at the beginning Naturally he is entitled to hear I will read out what the Speaker has ruled before leaving the Chair

'The other day I saw the objections raised by hon members about certain expenditure of the previous year I think that is a subject-matter for excess grants I hope the hon Minister will come forward with Excess Demands for Grants'

In view of that the best thing is to sort out with the Speaker and come with one Supplementary Demands, and another Excess Demands for Grants two Appropriation Bills, one for Supplementary Demands and another for Excess Demands That has to be sorted out Even Excess Demands have to be discussed separately

SHRI K. R. GANESH These are delicate financial matters Let there be a discussion Since the text of the ruling itself is before you I cannot challenge it But I distinctly remember that when the Speaker left—if this ruling had been there then there was no question of my going through the motion—when the Speaker left he asked me to put forward the view of the Ministry and then the House adjourned for Lunch This was the impression that I got Of course you

[Shri K. R. Ganesh]

have now read out the recorded version, the text itself. But at that time everything was done in a hurry and he left. None of us could hear each and every word of what he had said. But I distinctly got the impression that the Speaker wanted me to satisfy the House. This is, I might submit in all fairness to the House, what has actually happened, and then he suddenly left and because I got the impression that he indicated that I have to satisfy whether these are Excess Grants or not. (Interruptions) Just I am submitting. There is nothing going to be lost by thrashing out the whole thing. I did not go for lunch. I sat here to see once again all the books which I have collected, to satisfy the Speaker that these are not Excess Grants. If that was the ruling, then I would not have been foolish enough even to lose my lunch.

MR. DEPUTY SPEAKER I will tell you. I must say that when I came here, I was also under the impression that the Speaker had asked you to answer the points of Shri Sezhiyan and that is why I called you and you have made a statement, but half way through or when you were about to finish the statement, the Table brought me this piece of paper in order to tell me that this is already what the Speaker has decided.

I will tell you what happened. The whole morning was in confusion. You saw me there, I came here and I thought he asked me to come and relieve him and I had to stand there half a minute and I went back, and then the Speaker said something and adjourned the House. This is on record and we cannot go back. (Interruptions) We have to go by the record.

We might have all impressions like the seven blind men and the elephant, one telling that it is trunk of a tree, another says that it is like a wall, like that. But the only thing on which it

has to be decided is the authentic document supplied to me from the Table from the reporters. We cannot do anything else.

SHRI K. R. GANESH: May I make another suggestion? Since these items which are there on which there has been objection and on which one has to establish whether they are Excess Demands or otherwise . . . (Interruptions).

MR. DEPUTY SPEAKER: Why are you impatient? Let him clarify.

SHRI K. R. GANESH: Since this is not a charged item and in any case, it is not to be voted.

MR. DEPUTY SPEAKER: That is no question. 113 is very clear. Even if it is not to be voted, nothing prevents it to be discussed.

"So much of the estimates that relate to expenditure charged upon the Consolidated Fund of India shall not be submitted to the vote of Parliament. But nothing in this clause shall be construed as preventing a discussion in either House of Parliament of any of the estimates."

It may not be voted, but the House can discuss. Therefore I do not know how to get out of it.

SHRI K. R. GANESH: One way could be that those items, on which there is a difference and on which the Speaker has given a ruling, those items could be taken out from the Appropriation Bill and the rest of the Appropriation Bill passed.

MR. DEPUTY SPEAKER: There I do not know, because the Speaker's ruling is very vague. He has not pointed out to any particular items in his ruling. He is only accepting the fact that there are Excess Demands, but what are those Demands, he has not said. Therefore, he has directed the Minister to come forward with an Excess Demand. But what are the Excess Demands, how can one decide it here? One has

to go into the demands very very carefully. Therefore, the whole matter has to be sorted out with the Speaker.

I am sorry. We now take up the next item.

SHRI MADHU LIMAYE: Now, this is finished.

SHRI K. RAGHU RAMAIAH: Nothing is finished. This is only adjourned till tomorrow.

SHRI MADHU LIMAYE: You cannot decide that.

SHRI K. RAGHU RAMAIAH: The Chair has said that we have to sort it out with the hon. Speaker. Let it be postponed till tomorrow.

MR. DEPUTY SPEAKER: We will take up the next item—Supplementary Demands for Grants for Gujarat.

SHRI S. M. BANERJEE: After Gujarat, Sir, we are having Pondicherry. In Pondicherry also, it is full of Excess Grants.

MR. DEPUTY SPEAKER: When we come to Pondicherry we shall be in Pondicherry.

SHRI MADHU LIMAYE: You may please direct him to correct all Demands.

SHRI SEZHIYAN (Kumbakonam): There is a point of order in Gujarat Demands. There are many items for which expenditure has been made in the previous year. But this is included in the Demands for Grants, 1974-75. Take Roman (i), Para 2 is there relating to Supplementary Demands for Grants. It says:

... "The Supplementary Demands for Grants for expenditure from the Consolidated Fund of Gujarat included in this volume, which is the first instalment.."

SHRI K. R. GANESH: Excuse me for interrupting you. May I submit that because of this ruling of the Speaker which is there, which we have to

accept, in Gujarat as well as in Pondicherry, the same problem will come.

MR. DEPUTY SPEAKER: Will it mean, in Pondicherry also?

SHRI K. R. GANESH: Yes, Sir.

MR. DEPUTY SPEAKER: All right. We skip over those items. (Interruptions).

Order please. We take up Demands for Railways.

AN HON. MEMBER: The Railway Minister is not here....

MR. DEPUTY SPEAKER: Let us understand very clearly that, accepting the Speaker's ruling, the Minister says, he is aware that there are elements like that in Gujarat, in Pondicherry Demands. And also, all these things must be sorted out together in order to save the time of the House, which, I think, is very reasonable....

So, now we take up the Demands for Railways. The Minister is not here. Then we take up the Oil Industry (Development) Bill. Mr. D. K. Borooah is not here.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): I am here..

SHRI S. M. BANERJEE: About the subject matter of Railways, Sir....

MR. DEPUTY SPEAKER: We are skipping over.

SHRI S. M. BANERJEE: The Minister may not be here. Mr. Madhu Limaye is here.

MR. DEPUTY SPEAKER: The Minister of Finance cannot speak on behalf of the Minister of Railways.

SHRI S. M. BANERJEE: It is not necessary that the Minister has to initiate the discussion. It is left to the Members to initiate the discussion. Then reply will be given by the Minister of Railways.

MR. DEPUTY SPEAKER: There have been occasions in this House when I have had to adjourn the House for five minutes or so because the Minister concerned with the matter under discussion could not be present. And therefore I do not want to break from that tradition to discuss anything where the Minister in charge is not there. Of course it is not his fault because nobody could anticipate that we would reach this item so quickly. It is not his fault. And therefore, we postpone discussion on this.

15.40 hrs.

OIL INDUSTRY (DEVELOPMENT)
 BILL—Contd

MR. DEPUTY SPEAKER: How we come to the famous secret Bill, of Shri D. K. Borooah and I do not know whether we should... (Interruption) Mr. Shahnawaz Khan, a bulky man, a prominent man is there; why don't you see him

SHRI P. G. MAVALANKAR (Ahmedabad): How did he know that it will come at this stage?

MR. DEPUTY SPEAKER: Any Minister can take it up, it does not matter. I was only going to say, this is a famous and secret Bill and I do not know whether we shall discuss it in secrecy or we shall discuss it with our tongues in our cheeks or in whichever way you put it. I think we can take it up and discuss this...

SHRI S. M. BANERJEE (Kanpur): Before that, let us have quorum. Sir.

MR. DEPUTY SPEAKER: Now, the quorum is there. Now, Mr. Shahnawaz Khan.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN): Sir, on behalf of Shri D. K. Borooah, I beg to move:

"That the Bill to provide for the establishment of a Board for the development of oil industry and for that purpose to levy a duty of excise on crude oil and natural gas and for matters connected therewith, be taken into consideration."

श्री मधु लिमये (वाका) : उपाध्यक्ष महोदय, मैं जानना चाहता हूँ कि क्या बरूआ जी ने प्रापको लिखकर दिया था कि उन की जगह पर यह बोलेंगे ?

MR. DEPUTY SPEAKER: I have understood what you said. We see the difficulty. The difficulty with me sometimes is that I have not only sympathy but also empathy; empathy goes much more than sympathy. We can read into the mind of a Member. It is a fact that Shri Borooah has not written to me. But, having regard to the exigencies of the situation in the House, I have exercised my residuary powers to allow the Minister of State to initiate the discussion.

SHRI S. M. BANERJEE: If you read it again you will find that it is a further consideration of the motion moved by Shri Borooah. He has already moved it and so, it is a continuing matter.

MR. DEPUTY SPEAKER: I think he only moved it. I do not know whether he has made a speech. But, still, if he wants to enlighten this House by speaking on it. I think, we should welcome it.

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): Sir, it was a very innocuous Bill.

MR. DEPUTY SPEAKER: If it is innocuous, why do you call it 'Secret'. Secret is an unusual thing.

SHRI D. K. BOROOAH: It is innocuous in the sense that it only wants to impose a cess of Rs. 60.

SHRI MADHU LIMAYE: I rise on a point of order. This is most irregular.

MR. DEPUTY SPEAKER: You can make your point of order.

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न है। उराध्यक्ष महोदय, मिनिस्टर आफ स्टेट बॉलने के लिये खड़े हो गये और मैं भी व्यवस्था के प्रश्न पर खड़ा हो गया लेकिन आप ने मुझे एन्टीसिपेट कर दिया और अभी इस बीच में यह आ गये, तो श्री शाह नवाज खा का क्या हुआ, उनके भवण का क्या हुआ ?

MR. DEPUTY SPEAKER: Now, let us take it a little seriously. Now, it has been a very unusual day. These kinds of things never come frequently to Parliament. I think that this adds spice to Parliament. It also reinforces that Parliament is the real House. You have succeeded. I do not think the Opposition has ever succeeded so far as it has succeeded to-day. It has been able to scuttle the entire Supplementary Demands for Grants in General, you have scuttled the Appropriation Bill, you have also scuttled the Demands for Grants for Gujarat, you have scuttled the Demands of Pondicherry, you have scuttled the Demands of Railways. What else do you want? As very very vigilant watch-dogs of this nation, you have done your duty. But, it has been very unusual. Therefore, it was fortunate that the Minister of State happened to be here. I think he had some premonition or had some dream last night that something would happen and you might vote it down. The whole thing would have been scuttled if he would have got a well earned holiday. Let us take it this way. In the meantime the senior Minister has come. When the Minister of State makes his speech and the senior Minister comes in the meanwhile. The Minister of State has begun his speech. Then comes the senior Minister. Let all this be recorded for posterity.

2014 LS—5.

SHRI D. K. BOROOAH: This is perhaps the only way our names can be recorded for posterity.

Sir, this Bill is basically a very innocuous Bill. As the hon. Members by now have known its main purpose is to impose a levy on the crude in order to provide funds for the development of the oil industry in its various ramifications. Before I go into the contents of the Bill, I would like to bring to your notice only one point which has aroused some degree of, if I may say so, doubt in the minds of the hon. Members, namely, why this Bill introduced as a secret Bill. As you know this question was gone into by the hon. Speaker and then he gave a general ruling that this Bill is a Finance Bill without being a Money Bill. Sir, our rules provide for a secret Bill. In fact, there is one precedent. Why it was introduced as a secret Bill, the reason being if you had imposed this tax and followed the regular procedure of giving notice of three to four days the people would have known that such and such tax was going to be imposed and there was some suspicion, that partially if not wholly, there would have been some evasion of this tax.

Ordinarily, that doubt should not have arisen because oil is mostly in the public sector. Four million tonnes of crude oil is produced by ONGC. So, there was no reason of ONGC avoiding tax. Three million tonnes of crude oil is produced by Oil India which is again 50 per cent Government and 50 per cent Burmah Oil Company. There also the chances of evasion are very very remote. But we have one small thing—Assam Oil Company—which has a small refinery in Digboi and there they process half a million tonnes of crude. The capacity of the refinery is about 48,000 tonnes. Supposing the movement they knew there was going to be imposition of Rs. 60 per ton and suppose they had put 48,000 tonnes from the pipe-

[Shri D. K. Borooah]

line into the refinery they could have avoided imposition of Rs. 60 per ton on 48,000 tonnes. I do not say they would have done it but, Sir, there was a possibility. This could have been done. There are various ways of evasion of tax. We cannot stop all the embezzlement by punishing people, but we can plug the holes so that we could prevent evasion. Therefore, we thought, as a measure of abundant caution, that we should take special steps so that there was no risk even a remote risk, of anybody avoiding this tax. That is why, it was introduced as a secret Bill. The moment it is introduced, immediately, collection of tax starts, so that there is no time gap during which somebody can draw out some crude oil and put it into the refinery. This is one aspect.

We considered this matter very seriously and we did not want to take any risk. Even if a small quantity was avoided may not be 48,000, but 10,000 or 5,000 it would have been open for the hon. Members to ask 'Why did you not take abundant precaution?'. It was only by way of abundant precaution, this was introduced as a secret Bill. Otherwise, there is nothing secret about it. Technically speaking, it may be called a secret Bill. This was done only in order to avoid delay in processing and bringing this Bill before the House. That was the only purpose. I hope, Sir, now it has become public. Technically, under the Rules, we may use the word 'secret':

So, Sir, the main purpose of this Bill, as I said, is to generate some funds for the development of the oil industry, in all its ramifications. Sir, this arises out of what the Malaviya Committee had suggested that here should be a fund, which should be generated by levying a tax on the petroleum products. We thought that instead of levying a tax on the petroleum products where collection would be more complicated and the chances

of evasion would also be more, the best thing was to levy a tax on the crude oil itself so that collection would be easier and chances of evasion of tax would also be 'Nil'. That is why, instead of levying this tax this cess on the petroleum products, as suggested by the Malaviya Committee, we are levying this cess on the crude oil. This is the basic difference.

The second aspect is, how to utilise this money, the amount that will be collected on the basis of this cess. Today, we are producing 7 million tonnes or a little more than that. The amount that would accrue annually would be Rs. 60 per tonne x 7 or 8 million tonnes. How to utilise this money? The Malaviya Committee went into the question. They really went into the question of on shore drilling and they suggested that Government should provide adequate funds for it. Sir, because of the problem of non-availability of crude oil and the high prices the Planning Commission made an allotment of about Rs. 700 crores for drilling during the next five years. So, here is no dearth of funds for drilling. But, Sir, drilling means on shore drilling. On shore drilling would also be accommodated in that. The basic point is, the development of oil industry has to be undertaken in a comprehensive manner because it is not enough if we undertake drilling; it is not enough if we undertake exploration, but we must also draw the oil out of the holes put it in the pipeline and then get it into the refinery. Wherever we have struck oil, we must also provide for utilisation.

Therefore, we thought that this amount, in addition to the Rs. 700 crores already made available to ONGC, should be made available with a view to utilising the crude that we may be able to produce in this country.

I will give one example. Now we are striking oil not in a very big way

but in a substantial way—may be it might develop into a very substantial big way—at Galki. We have got a well there dug in collaboration with Russian experts. As hon. members may know, a Russian team headed by their Minister for Oil who himself is an expert visited the site there and said this is a very prospective area. We have struck oil there. The daily production would be 150 tonnes a day. The average in this country for our wells is only 20 tonnes a day, but here in one well at Galeki we are getting 150 tonnes a day. Our expectations are that we may get half a million. than one million and. may be, 2 million tonnes also.

The problem then would be how to utilise the crude. It has to be carried to some refinery or the other. For that we need pipeline. As you know, the present pipeline from Naharkatia to Barauni carries only 3 million tonnes. So if you strike oil in a big way, you must expand the pipeline. If you have to carry about 8 million tonnes, we need about Rs. 17 crores for expanding the capacity of the pipeline by having booster pumps, then the crude has to be air-conditioned because in winter it congeals in Assam and it has to be heated up to make it movable along the pipeline. Where to find the Rs. 17 crores? It is not enough to drill. We have also to get the crude on to the doorsteps of the refinery.

Then it may be that we will have to expand the refinery capacity also to utilise the oil. If members from Tripura were here, they would have told us that gas has been found there. The Minister of Mining had announced it even before I did in Rajya Sabha. We are getting gas 1,00,000 cubic metres a day, natural gas. That is enough to produce 10 megawatts of power. This is in one well only. We are drilling more. How to utilise the gas? It must be utilised in some shape or other. That investment will have to be made immediately; otherwise we will

have to flare the gas, wasting it. I am sorry to say in India, in Assam particularly, we have been wasting a lot of our gas because we do not have the resources or plans to utilise the gas. Today it is no longer possible to waste any asset which is a product of the petroleum industry.

Similarly, we are now striking oil in Bombay High. There has to be expansion of offshore drilling. Now we are drilling with only one rig. We are going to by one more, a big rig. Other companies are coming there. The oil has to be brought to the shore. We will have to buy tankers to carry the oil. If you strike oil, you must also make arrangements or utilising it by providing financial resources.

Therefore, we thought the utilisation of this money should not be confined to drilling, but the other processes after oil has been struck.

16 hrs.

Now gas is as valuable as oil. In fact, in many West European countries, they consider gas as more valuable than oil because it provides all the requirements of the petro-chemical industry. In this country, we are producing fertiliser from naphtha. There are two plants, one in Nunmati in Assam and the other the Gujrat Fertilisers where we are using natural gas and converting it into fertilisers. we use it as feedstock for fertilisers. Suppose we strike oil or gas in a big way in Tripura we will have to put up a petro-chemical complex and even a fertiliser plant there. We are now drilling in Jaisalmer and we may strike gas. What shall we do? It has to be converted into fertiliser or petro-chemicals. These contingencies have to be provided for. It is not only a question of drilling for oil or getting oil: you must also provide for the utilisation of oil in all its manifestations. Gas is one manifestation of oil. What is the position today? Italy is buying natural gas from the Soviet Union and bringing it by pipeline. America is

[Shri D. K. Borooah]
 buying in a large way natural gas energy from Algeria, Great Britain and France too. Japan is buying from the Gulf areas. We must make arrangements for all our products. Today we are flaring very valuable natural gas in the oil fields of Assam. It is a sad sight for us to see.

The question is how will the money be utilised? This money will be collected and put into the consolidated fund of India. It will come under the control of the Board and the Board will use it according to its discretion and certain norms which will be fixed by the Government. Such expenditure will be scrutinised by the Comptroller and Auditor-General of India and his reports will be submitted to Parliament every year. It will thus be under the financial control of the Public Account Committee and Parliament.

The Board will consist of thirteen members. Clause 3 deals with the composition of the board, not more than three members to be appointed by the Central Government to represent the Ministry or Ministries of the Central Government dealing with petroleum and chemicals, two members to be appointed by the Central Government to represent the Ministry of the Central Government dealing with the finance; not more than five members to be appointed by the Central Government to represent the Corporations, being Corporations owned or controlled by the Central Government engaged in activities referred to in clause (k) of section (2) that is, production of fertilisers and petro-chemicals, not more than two members to be appointed by the Central Government from amongst persons who, in the opinion of the Central Government have special knowledge or experience of oil industry, one secretary to the Board. The Central Government will appoint one of the members representing the Ministry or Ministries of Petroleum and Chemicals as the Chairman of the Board.

There has been a complaint that with this Bill the Minister had abdicated all powers. As regards financial allotment, it is only meet and proper that the Minister should not be there. I find that in such matters it is better. There are representatives from the Ministry of Finance as well our Ministry, there are also five representatives from corporations who have experience in these matters such as the ONGC, Indian Oil Corporation, Fertiliser Corporation of India, Petro-Chemical Corporation, etc. We have two petro-Chemical Corporations, one in Assam and another in Gujrat. There are more corporations of this type and we can have five from them. Two of them would be nominated by the Government of India. As a gesture to the working class, I thought one of them should represent workers. One of the leaders of the trade union movement should be included because I want that the workers should be involved in the development of this country. It is a question of absolute social necessity. In this country the major part of the wealth is created by labour because we do not have the technology which the western countries have. Just 8 per cent of the people grow the food for the entire people of America and they export it also. Here 70 to 80 per cent of the people are engaged in agriculture. So in this country we can develop only with the close collaboration and cooperation of the working class. If labour theory value has any application in any country, it is here. Therefore, labour should have a high place in the management of our industries.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South). It should be a labour, not labour leader. Leader may be an MP who may not know anything of the industry. If he is unconnected with the industry, he may even spoil it.

SHRI D. K. BOROAH. We are in Parliament because people have elected us. A labour leader is one in whom

the working class has confidence. My experience has been that labour has co-operated with us and we have been functioning without a hitch. I am only giving an assurance here that out of the two to be nominated, one will be closely associated with the welfare of labour.

SHRI NATHU RAM MIRDHA (Nagpur): You want Rs. 1700 crores for expansion. But you are asking for only Rs. 48 crores. Why so low?

SHRI D. K. BOROOAH: We have already been allotted Rs. 700 crores for oilfields.

SHRI NATHU RAM MIRDHA: When you need Rs. 1700 crores, Rs. 700 crores is nothing. You need so much money.

SHRI D. K. BOROOAH: It is not a question of allotment of money. The capacity to utilize that money has also to be taken into account. We will have to build up that capacity. We have to build up mechanical, engineering, drilling and pipe-laying capacity. Therefore, whatever we can set our heart to in the development of oil industry in all its ramifications, we will be able to manage within this. I would like to hasten slowly. This is in addition to what has already been allocated. I would be grateful if the hon. Members vote more money. This is only a beginning. I have to take into account the over all picture, the technical capacity, the possibility of fabricating equipment, the possibility of importing equipment. If we find we can go faster, certainly the House would not grudge any money, because this forms part of the strategy of survival. But, as I said, we must take into account our capacity, which is of a different nature our industrial capacity, the capacity of man-power and various skills, because oil industry is a very complicated industry where you require from welders to drillers.

Therefore, I would sum up by saying that our effort is to build up an Oil Development Fund, to be administered by a Board of experts in which the Minister need not be involved. Secondly, whatever allotment of funds is there, it has to be done according to certain norms. Whatever money is spent, it has to be audited by the Comptroller and Auditor-General and it would be subject to scrutiny by this House and its instrument, namely, the Public Accounts Committee. Therefore, I would suggest that the hon. Members might consider the acceptance of this Bill.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the establishment of a Board for the development of oil industry and for that purpose to levy a duty of excise on crude oil and natural gas and for matters connected therewith, be taken into consideration."

There are two amendments to this motion. Are they being moved?

SHRI C. K. CHANDRAPPA (Telli-cherry): I beg to move:

"That the Bill to provide for the establishment of a Board for the development of oil industry and for that purpose to levy a duty of excise on crude oil and natural gas and for matters connected therewith, be referred to a Select Committee consisting of 15 members, namely, Shri R. Balakrishna Pillai, Shri Jyotirmoy Bosu, Shri M. C. Daga, Shri Darbara Singh, Shri Indrajit Gupta, Shri Shahnawaz Khan, Shri P. G. Mavalankar, Shri Shyamnandan Mishra, Shri Pilloo Mody, Shri Priya Ranjan Das Munsai, Shri Vayalar Ravi, Shrimati Maya Ray, Shri Era Sezhiyan, Shri R. K. Sinha and Shri Atal Bihari Vajpayee with instructions to report by the first day of the next session." (54).

SHRI SHYAMNANDAN MISHRA (Begusarai). I beg to move:

"That the Bill to provide for the establishment of a Board for the development of oil industry and for that purpose to levy a duty of excise on crude oil and natural gas and for matters connected therewith, be referred to a Select Committee consisting of twelve members, namely, Shri S. M. Banerjee, Shri C. K. Chandrappan, Shri Madhu Dandavate, Shri Jambuwant Dhote, Shri Samar Guha, Shri Niraj Enem Horo, Shri Shahnawaz Khan, Shri Janeshwar Mishra, Shri Ajit Kumar Saha, Shri Era Sezhiyan, Shri Atal Bahari Vajpayee and Shri Shyamnandan Mishra with instructions to report by the first day of the next session" (55).

SHRI PRIYA RANJAN DAS MUNSHI The hon. Minister said that in the Board 40 members would be taken out of which five would be representing the Central Government. I want to know whether those five are from the technocrats from the Ministry or the general administration people.

MR. DEPUTY SPEAKER He will reply when he replies to the debate.

Shri Chandrappan.

SHRI C. K. CHANDRAPPAN (Tellicherry). Mr. Deputy-Speaker, Sir, I am in full agreement with the purpose for which the Bill has been moved by the hon. Minister.

Broadly speaking, the Bill seeks to set up an Oil Board and an Oil Industry Development Fund for the development of the oil industry as a whole in our country. Both these are provided with a view to achieve self-reliance in matters of oil and other raw materials in the country. But I am not very enthusiastic in welcoming this Bill because the way in which this Bill provides for the Board and its approach to the prob-

lems of oil exploration and oil industry, it is not very much acceptable.

16.16 hrs.

[**SHRI VASANT SATHE** in the Chair]

First of all, the hon. Minister, while speaking in the House has made a welcome assurance that there will be representatives of the workers in the Board which he is visualising to be constituted under the Bill. But regarding the Board I have certain doubts. If the hon. Minister will be able to convincingly explain, then I will have no quarrel about it. As regards the Board, as it is visualised by the Bill and the powers the Board will enjoy I have every reason to believe that it will be a highly bureaucratic set-up. It has got enormous powers. I could have understood, if in the other part in relation to the functioning of the Board the Government were more clear, then, perhaps this danger of bureaucratic functioning of the Board could have been avoided. By that what I mean is that the Bill seeks the development of the oil industry as a whole, while the hon. Minister has sufficiently explained that point, he has not emphasized that there will be prospecting, that there will be off-shore drilling, on-shore drilling, etc. Apart from that, he visualises the development of a big complex of oil industry in our country which will take us to the goal of self-reliance.

I am not an oil expert. But I try to understand what happens in matters of oil exploration in other countries. He himself said that the Soviet Union is one of the countries which has developed oil industry in a very big way. Their exploration in Siberia; one can say, it is classic in itself, the way they have done it. If he has the chance to read the book called "Glimpses of Siberia" which is available in our Library, he will understand how great emphasize they have laid on the ques-

tion of oil exploration, prospecting and drilling of oil, oil exploration as such with all the other surveys. That has later proved to be one of the most vital aspects of the development of oil industry. I am not underplaying the other aspects of developing the industry. But, first of all, when you plan to develop the oil industry, the oil utilisation in our country, you must be able to locate where the oil is available, you must be able to explore and drill the place where oil is located. Only then the other question will arise, whether you are going to utilise the oil properly. I think, in this aspect, this Bill is extremely weak. That is my first criticism.

Here, certain questions which may not be strictly relevant but nonetheless relevant should be brought to the notice of the House. You spoke of the new attempts being made by Government to explore oil. We all understand because we have been hearing Government's policy declarations every day. In the recent period Government have heavily leaned on the multinational corporations for oil exploration and prospecting in our country. It is one of the most dangerous aspects which is developing in our economy because oil plays a vital role in the development of the economy as a whole. In the recent period we have witnessed, in several parts of the world, a move against multi-nationals in this field. Our friendly oil rich country, Iraq, the country with which we have deals in crude oil and other things, has nationalised the oil industry. That means, they have kicked out the multi-nationals from the oil scene. It created an uproar in the international oil world. But, strangely enough it is in that very period, when the multi-nationals were thrown out of the developing oil countries, India has opened its gates and has welcomed with red carpets the multi-national corporations to our country. My surprise is this. Personally also, I feel, the hon. Minister should not have

been the person to lay the red carpet welcome those multi-nationals to our country. I tried to understand, within the limitations that I may have, as to what were the conditions under which he was inviting the multi-nationals. How 'dangerous' are the conditions? I would not use more harsh words. I do not say you have leased our country to the multi-nationals. But it is very near to that. Look at the long term agreements—30 years or even more, the Minister can correct me. 60,000 kms. of Indian atmosphere will be under the surveillance of the multi-national corporations under the agreement that you have signed. It means a lot. Multi-nationals never came for oil exploration alone. It is invariably and inherently connected with espionage and sabotage. It happened in countries like Chile. In the name of helping the country develop the economy, the neo-colonials, in the shape of multi-nationals, entered the economy. I must warn you, about the experience of Chile where the multi-national Corporations were in the field of copper. That experience should not have been forgotten. But the forgetting is very costly. I think you have forgotten that.

Then again, coming to the Bill, how is it relevant to the Bill? I understand the Government will argue that they went to the multi-nationals because they did not have the technical know-how and the money. These are the two arguments. There, I say the Malaviya Committee's report was more forthright and more correct in its understanding. They visualised the development of oil exploration in a very different manner. This Bill is drafted basically basing on that report. They said in their report was that emphasis should be on the prospecting and drilling of oil. It is a fact and I do not deny the fact which the Minister placed before the House while he said at that time the concept was only to have an intensive exploration of oil on the on-shore and now what is add-

[Shri C K. Chandrappan]

ed is the off-shore drilling and intensive efforts in that line. There comes, may I use the expression, the cat out of the bag. It is out because the entire off-shore drilling has been sold away to the multi-nationals which should not have happened. It will not happen if this Bill itself would have had another concept, the concept which was rightly stressed in the Malaviya Committee's report which said that we should give emphasis to the drilling, prospecting and other aspects of the development of crude. Here, by bracketing exploration and prospecting with oil industry, another sin you have committed also and that should be told to the House. That is the petro-chemical industry or any other industry connected with oil. It is just like any other industry like steel, mining or any other industry which can develop on its own legs. It can compete with their industries. I will not agree with you if you say, 'No'. It can compete on its own legs and it can show the merit. It can present its case even before the Planning Commission with a claim. It is an industry which is prospering. So, it can claim money from the various governmental bodies including the Planning Commission. But oil prospecting and exploration is not like that. I am sure the hon. Minister will agree with me when I say that this is a highly risky venture, oil exploration, because you may explore in the Arabian coast, but no result. But you have to do that if you want oil and you have to drill every possible sedimentary basin or the possibility to see whether oil is available or whether some little bit of crude or gas will be available there. The expenditure is inevitable. The result is not certain and there is so much of uncertainty. If you go by the experience of countries which have developed their oil industry, it is more interesting than reading an adventure novel the way in which it was done. This aspect has been lost sight of.

As a result of that, what happened now is that the oil development fund will be claimed by the petro-chemical industry and various other industries connected with oil and only one of the claimants will be the ONGC for prospecting and exploring oil.

MR CHAIRMAN Please conclude

SHRI C. K. CHANDRAPPAN
Please give me five minutes more
There may not be many speakers

What I was trying to tell was that the ONGC will be one of the claimants along with the fertiliser industry, the petro-chemical complex and all that. They will claim that they have made wonderful performance and profit is there. After all, these are judged on the basis of profits. I am not costing any aspersion on it. What happens is this. Even the Planning Commission will ask what is your performance? What is the result? If they say, we have drilled the whole of Arabian Sea, no result, they will say, don't drill next year, no fund next year. That will be the sort of answer they will get. This sort of bracketing of industries with ONGC was wrong. But this Bill gave emphasis to that thing. The Malaviya Committee report rightly warned Government that it should not be done like that. This is another point. You talk about lack of fund. But whenever fund is provided, what is the result? We find Government is keeping itself away from taking sufficient and proper initiative. I am not making any local issue. We feel very strongly on these points. Government should have taken more programmes for oil exploration. Take for example the Western coast, the Kerala coast. Just now my friend was telling about Tamilnadu. There are reports to Government regarding possibilities of oil exploration. The same is the case in Tripura also. So, that is there. So

many claims are there. So many possibilities are there. Government is not in a position to spend for that. So, the Government will say, we will give you another priority, not top priority. But my feeling is, most of these should have been given top priority keeping in view that you want primarily crude oil, and visualise a stage where we will be self-reliant in oil. If we have enough oil then there are many ways open to our friends for developing the oil industries and work for their development.

Regarding workers representative I have moved an amendment to that effect. But if you move an official amendment to make it clear that there will be a workers' representative, to make way for workers' representation, I think, it would be much more than an assurance that you will be given to this House, because, the hon. Minister Mr. D. K. Borooah is good. He has a feeling for the workers, I know but may be, another Minister will come, who may not have the same feeling.

SHRI M. C. DAGA (Pali): I request the Minister to include that clause in the Bill.

MR. CHAIRMAN: I request you to make that point when your turn comes, your name is already there in the list.

SHRI D. K. BOROAH: So far as that point is concerned,....

MR. CHAIRMAN: Similar points may be raised by others too. You can reply to all of them at the proper time instead of replying every time.

SHRI C. K. CHANDRAPAN: There is one amendment in my name, seeking that this Bill should be sent to a Select Committee.

I know that with all the technicalities that the Government is facing,

they have put that Bill before us a few days back. Otherwise it will not come into operation and it will create a difficulty. Considering the fact that we are dealing with a vital aspect of our economy, if we have a little more study, it would help the Government. We are not speaking in the spirit of opposition for opposition sake but it would help the Government if it is sent to a Select Committee; I do not know whether the Minister can concede that point.

Lastly, you may, in your reply, explain how you are going to eliminate the bureaucratic functioning of this Board. This is a point which I raised at the beginning. Malviya Committee visualised a Committee. If this is done, the whole constitutional set up of the Committee would have been different. He visualised a Committee headed by a Member of the Cabinet rank. Here I am not saying that this Minister or that Minister makes a difference. It can make a difference only if a bureaucrat sits in judgment. Here the Bill seeks to create a Board where men like the Secretary of a Ministry will sit in judgment over everything and I do not think that will create a congenial atmosphere.

These are some of the reservations that we have about this Bill and about the purpose of the Bill for achieving self-reliance. For achieving that purpose, to set up a Board and also to raise a fund is a welcome proposal of the Government. I hope that the Minister will try to explain these points, particularly, about the multi-national Corporation at least in the long run as to what is his idea about eliminating the Multi-national Corporation from the sphere of oil industry.

श्री शिवनाथ सिंह (झंझन): सभापति जी, यह प्रायल इंडस्ट्री डेवलपमेंट बिल जिस भावना से यहाँ पेश किया गया है, उस भावना से कार्य रूप में लाया जाय, तो जरूरी है।

[श्री शिवनाथ सिंह]

इसमें एक आशका जरूर है कि इस तरह से हम हर इंडस्ट्री के डेवलपमेंट के लिये यदि सेम लगाना शुरू कर देंगे तो पब्लिक को हम किनना टक्स करते जायेंगे, लेकिन फिर भी मैं यह कहना चाहता हूँ कि आज हमारे देश में और तमाम दुनिया के अन्दर जो तेल का सफट है और इस तेल के सफट को भीट आउट करने के लिये अग्र देश के रिमोसिज को बढ़ाया जाय और हमारा तेल का प्रोडक्शन बढ़े और इसके लिये अग्र सरकार सेस लगा कर अपने रिमोसिज को बढ़ाती है और अपने फंड्स का इकीज करती है, तो हम इसको एक स्वागत योग्य कदम कह सकते हैं।

इस बिल के मसल में मैं दो तीन बातें छोटे रूप में आपके सामने निवेदन करना चाहता हूँ। इस बिल में आपने यह रखा है कि एक बोर्ड का कास्टीट्यूशन होगा और बोर्ड के अन्दर जैसा कि मेरे पूर्व वक्ता ने कहा है कि लेबर के आदमी हो सकते हैं। क्लॉज (डी) में आपने यह रखा है कि दो आदमी ऐसे होंगे जिन को गवर्नमेंट एपाइन्ट कर सकती है। किसी एकपार्टी को वह एपाइन्ट कर सकती है और लेबर के आदमियों को भी कर सकती है। इस मसल में यह निवेदन करना चाहता हूँ कि अगर आप का लेबर को रेप्रेजेंटेशन देना है, तो सही रूप में आप उस को रेप्रेजेंटेशन दीजिये। इस क्लॉज को रखने से लेबर के दिमाग में यह आशका उत्पन्न हो सकती है कि उनके आदमी रखे भी जा सकते हैं और नहीं भी रखे जा सकते हैं। इसलिये जब मंत्री महोदय जवाब दे तो यह बताना कि अगर इस वक्त अगर ऐसी क्लॉज नहीं है, तो एग्जम्पल के मारफत ऐसा कोई स्पेसिफिक प्रोवीजन बे इस में रखे, जिन से उनको रेप्रेजेंटेशन मिल सके। आप एव ही सदस्य लेबर का इसमें रखें लेकिन इस के लिये सोचना चाहिए कि यदि आप लेबर को

इसमें एसोशियेट करना चाहते हैं, तो आप इस में साफ तौर से रखिये ताकि उनमें यह भावना जाये कि उत्पादन में उनकी उपयोगिता है और इस तरह से आप को उन का सही उपयोग करना चाहिए। अगर आप ऐसा करेंगे, तो उनका सहयोग आप सफलता पूर्वक प्राप्त कर सकते हैं। आपने इसमें ला मिनिस्ट्री के रिप्रेजेंटेटिव रखे हैं फाइनेंस के रखे हैं और मैन्युअल गवर्नमेंट के रिप्रेजेंटेटिव रखे हैं। यह सब ऊपर का मिलसिला है और जो मजदूर बहा पर काम करते हैं उन लोगों को इसमें सतोष नहीं होगा। इसलिये फुल रेप्रेजेंटेशन उन का मिले इस बात की तरफ आप का ध्यान देना चाहिए।

सभापति महोदय अब मैंने जा खाम तोर पर आबजेरेशन नजर आता है वह इस बिल को क्लॉज (6) पर है। इस क्लॉज (6) के अन्दर यह रखा गया है कि जितना भी फंड इस बोर्ड के पास होगा जो डेवलपमेंट फंड के रूप में होगा उसको आप किसी का एडवांस कर सकते हैं। इसमें यह दिया गया है

“(a) making grants on advancing loans to any oil industrial concern or other person who is engaged or is to engage in any activity referred to in clause (k) of section 2;”

इसमें आप मरगन (2) के क्लॉज (7) को देखिये तो इसमें साफ तौर पर लिखा है कि किसी भी प्राइवेट इन्डिबिजुअल को, जो आपन का काम करना है उसका एडवांस या लोन मिल जायेगा और मुझे आशका इस बात की है कि इसमें जो यह क्लॉज रखा गया है, उससे धन का दुरुपयोग होगा। इस क्लॉज को सख्त रूप में मैं आप के सामने रखना चाहता हूँ और उसका जो आबजे-रगनेबिल पार्टी है, वह यह है

हम पब्लिक को टैकम करना चाहते हैं। लेकिन उसके साथ साथ हम को यह भी देखना चाहिए कि जा घन हम इस तरह में प्राप्त करने उसका दुरुपयोग न हो। जिनने फइज हम आयल इंडस्ट्री के डिबेलपमेंट में प्राप्त करना चाहते हैं या हम को प्राप्त होंगे कही ऐसा न हो कि जो लोग आयल की मार्किटिंग का काम करते हैं उनको हम में से रुपया दे दिया जाए। इस तरह में घन का दुरुपयोग होगा। इस क्लाइज से घन के दुरुपयोग की आशंका हो सकती है। फटिलाइजर की कीमते बढ़ी। प्राइवेट कंसन्ड्रं का इमक पहले से आभास हो गया था, उनको मालूम हो गया था कि दाम दुगुने होने वाले हैं, यह भी ठीक है कि ग मैटीरियल जो हम में इस्तेमाल होता है उसकी कीमते भी बढ़ी हैं लेकिन उतनी नहीं बढ़ी हैं जिनकी फटिलाइजर की बढ़ी हैं और उन्होंने फटिलाइजर का बहुत भारी स्टॉक इकट्ठा कर लिया। आबर नाइट हाईड बन गया और जैम हा कीमते बढ़ी, इस फटिलाइजर को उन्होंने बढ़ा हुई कीमता पर बेचना शुरू कर दिया और इस तरह में पुराने काया कमाय। पर पुराने भाव वाला फटिलाइजर नए भावों पर उन्होंने बेचा। आप इस पर नियंत्रण नहीं कर मके पुराने स्टॉक का पुराने भाव पर बचने की आप व्यवस्था नहीं कर मके। यह चीज आपको देखना चाहिए थी लेकिन आपने देखी नहीं। यहां भी आपने कोई फूल प्रूफ मिस्टम नहीं अपनाया। जो फइज प्राप्त हो उनका दुरुपयोग न हो पाए इसके बारे में आपको प्रावधान करना चाहिए था। आपने बताया है कि जा पैसा आएगा वह किस तरह से खर्च होगा और उसके बारे में आपने क्लाइज 18 रखी है। आपने कहा है कि एक्सप्लोरेशन के लिए आयल प्रोडक्शन के लिए इसका उपयोग होना चाहिए। साथ ही आपने मार्किटिंग एण्ड अपर

एक्टिविटीज भी रखा है। मैं नहीं समझत हूँ कि मार्किटिंग एण्ड अपर एक्टिविटीज पर यह खर्च होना चाहिए आप यह टैक्स एक एक्सट्रा-आडिनरी टैकम के रूप में लगा रहे हैं। यह साधारण टैकम नहीं है। जिस तरह में एक्सट्राइज ड्यूटी बढ़ाई जाती है या लगाई जाती है उस तरह में इसको आप नहीं बढ़ाया लगा रहे हैं। यह स्पेशल टैक्स है और स्पेशल नीडज को मीट आउट करने के लिए आप लगा रहे हैं। यह इसको भी बरदाशत करने के लिए नैयार है लेकिन जिस मुद्दे को पूरा करने के लिए आप इसका लगा रहे हैं, उमी भूद्दे पर आप इसका खर्च करने की भी व्यवस्था करे दूसरों पर न करे।

आयल डिबेलपमेंट का जहां तक मवाल है इसमें कैरोसीन आयल आता है, फटिलाइजर आता है पैट्रोल आता है डीजल आता है। अब आप आयल इंडस्ट्री पर सैस लगाने जा रहे हैं। गावों में लोगों के दिमाग में मजदूरी के दिमाग में आसका उत्पन्न हो गई है। वहां पर लागू को कैरोसीन आयल भी नहीं मिलता है लालटेन या डिबरी जलान के लिए, राशनो तक करने के लिए, माप और बिच्छू आदि से अपनी रक्षा करने के लिए। जिनका कैरोसीन आयल पैदा होता है उसका दमदा हिम्मा भी गावों को नहीं मिल पाता है। महीनो महीनो तक वहां इसके दर्शन नही होते हैं। कहा यह मिलता है, दिल्ली, बम्बई, मद्रास कलकत्ता आदि बड़े बड़े देश के शहरो में आप देने हैं। वहां इसकी कजम्पशन होती है। अधिकतम हिम्मा बम्बई को दिया जाता है। वहां अच्छे अच्छे लोग रहते हैं। वहां रोगनो करने के लिए इसकी जरूरत नहीं होती है साथ य, बिच्छू का डर नहीं होता है, रमाई पकाने के लिए, उनको कैरोसीन आयल चाहिए होना है, इस वाले चाहिए होना है कि कोयले से या लकड़ी से खाना पकाने

[श्री शिवनाथ सिंह]

वहा उनकी बहू बेटियों के हाम गदे हो जाते हैं, उनके स्वच्छ और साफ कपड़े बदे होने नहीं चाहिए, इसलिए उनको प्राप कीरोसीन प्रायल देते हैं और किसान को धबेरे मे रखते हैं। स्टेट्स का तेल का कोटा प्राप कन करने जा रहे हैं। मैं प्रार्थना करता हूँ कि कीरोसीन प्रायल की व्यवस्था प्राप गावो मे भी करे, उनको प्राप प्राथमिकता दे, इसका डिस्ट्री-ब्यूशन बहा पर भी करे।

अन्त मे मैं यही कहना चाहता हूँ कि आपने फर्टिलाइजर को कोमते जा बढाई उसके साथ साथ प्रापको यह भी देखना चाहिए था कि जो पुराना स्टॉक फर्टिलाइजर का पडा है वह पुराने दामो पर ही बिके। स्टेट गवर्नमेन्ट इसको कंट्रोल नही कर पाई। प्राये से मैं चाहता हूँ कि चाहे कोई विशेष कानून के जरिये हो लेकिन प्रापको यह देखना चाहिए कि जब कीमतेँ इस तरह से बढाई जाती हैं ता जो पुराना स्टॉक होता है वह पुरानी कीमता पर ही बिके, इसकी व्यवस्था प्रापको करनी चाहिए। पुराने स्टॉक पर बढो हुई कीमतो का लाभ प्राप प्राइवेट कंसर्न्स को मन जाने दीजिए।

आपने बोर्ड मे सभी गवर्नमेन्ट आफिसर्स रखे हैं, कोई एक्सपर्ट या पब्लिक के आदमी नहीं रखे हैं। अफसरों के प्रति देश मे जागो के दिनों मे जिस प्रकार की भावनाएँ हैं वं किसी मे छिपी हुई नहीं हैं। एक वृष्णा की भावना है। पब्लिक के आदमी, चुने हुए आदमी तब तक बोर्ड मे नहीं लाए जाएंगे बोर्ड का फकशनिंग ठीक नही होगा। फाइनैस, पैट्रोलीयम एण्ड कैमिकल्ज तथा दूसरी मिनिस्ट्रीज के अफसर आपने इस मे रखे हैं। उनके प्रति देश से मद्भावना का वातावरण नहीं है। उस मे पार्लियामेन्ट और असेम्बलीज या जो लोकल पब्लिकमैन हैं, उनको भी

आपको रिप्रेजेंटेशन देना चाहिए था। जहा कही प्राप पब्लिकमैन की अतिस्टेंस लेते हैं वहा घोटाला कम होता है, गडबडी कम होती है और काम ठीक होता है।

आपने स्टैंडिंग कमेटीज का भी प्रावधान रखा है। बाई के कुछ मैम्बर हो स्टैंडिंग कमेटी के मैम्बर होंगे। इससे कोई लाभ नहीं होगा। स्टैंडिंग कमेटीज मे एक्सपर्ट लोग होने चाहिये, वह एक्सपर्ट बाडी होनी चाहिए। स्टैंडिंग कमेटी का जो भी राय होगी आखिर को वह बाई के पाम हो तो जाएगी। इस वास्त बाई को जा भी राय स्टैंडिंग कमेटी से मिले वह एक्सपर्ट ओपिनियन होनी चाहिए। इस वास्ते प्रापको चाहिए था कि स्टैंडिंग कमेटी मे एक्सपर्ट लोग रहते।

इस बिल का भावना का मैं समर्थन करता हूँ। कितना चैक प्राप सरकारी अफसरों पर रख पाएंगे और कौना काम कर पाएंगे उसी से इस बिल को हम जज करेग।

श्री आर० बी० बड़े (सरगोन) : यह जो बिल लाया गया है, इसका मैं समर्थन करता हूँ। इसका उद्देश्य जो है वह अच्छा है। उद्देश्य मे आपने यह कहा है

"It is, therefore, proposed to levy by way of a cess duties of excise on crude oil and natural gas so as to create an Oil Industry Development Fund. This Fund would be used exclusively to provide financial assistance to the organisations engaged in development programmes of the oil industry in all its aspects from the exploration for, and the production of, crude oil to its refining, further down-stream processing..."

यह ज़रूरी तो अच्छा है। इस में 'यह' भी कहा है कि प्रायल इण्डस्ट्रीज में जो संस्थायें हैं उन को मदद देने के लिए 60 खर्चें टन का सस लगाया है। लेकिन अभी माननीय चन्द्रप्पन जी ने कहा—जो मल्टी नेशनल इण्डस्ट्रीज होती हैं, जो गवर्नमेंट की कारपोरेशन में कम्पिट करती हैं जिन में फारेन-यंसा लगा होता है, उन को इस में से क्यों मदद देना चाहते हैं। मैं चाहता हूँ कि सरकार इसके बारे में विचार करे।

प्रायने बोर्ड के बारे में कहा है—

"The Board shall consist of the following members, namely—

"not more than three members to be appointed by the Central Government....

"not more than five members to be appointed by the Central Government....

"not more than two members to be appointed by the Central Government from amongst persons who in the opinion of the Central Government have special knowledge or experience of oil industry".

प्रायने कहा है कि ये जो दो मेम्बर्स हैं ये मजदूरों के व्यक्ति होंगे—यह अच्छी बात है, लेकिन दो ही क्यों रखे? प्रायने यह भी कहा है कि इन में से एक व्यक्ति ऐसा होगा जो यूनियन्स का होगा, लेकिन दूसरा व्यक्ति कहाँ से लेंगे? मेरी दृष्टि में तो ज्यादा रखना चाहिए—प्रायने स्वयं क्यों नहीं रखा—इस का कारण क्या है? मेरे विचार से तो प्रायने बोर्ड का कांस्टीचूशन ठीक नहीं है, ऐसे आधमी इस में ज्यादा होने चाहिए।

इस में आगे कहा गया है—

"where an oil industrial concern or other person, in breach of any agreement, makes any default in repayment of any loan or advance or any instalment thereof or in maintaining its or his obligations in relation to any other assistance rendered by the Board or otherwise fails to comply with the terms of the agreement with the Board or where the Board requires in oil industrial concern or other person to make immediate repayment of any loan or advance and the concern or other person fails to make such repayment, then

इसमें जब प्रायर्टी की हाइपोथिकेशन हो गई है तो प्राय कहते हैं :—

"without prejudice to the provisions of sec. 69 of the Transfer of Property Act, 1882. any officer of the Board generally or specially authorised by the Board in this behalf may apply to the court for one of more of the following relief, namely:

"for an order for the sale of the property—pledged, mortgaged, hypothecated or assigned to the Board as security for the loan or advance;

"for an *ad interim* injunction where there is apprehension of the machinery of the equipment being removed from the premises of the oil industrial concern or other person without the permission of the Board".

यह जो अनलिमिटेड प्रचारिटी रखी गई है कि कोई भी प्रचारिटर कोर्ट में मूव कर के अटैच कर सकता है—यह तो उचित नहीं है। इसमें किसी रिबीजन या एपेलेट प्रचारिटी का प्रावीजन नहीं है, सीधे कोर्ट में जा कर नीलाम करा देंगे, इस के बारे में प्रायने को विचार करना चाहिए। इस में ऐसी व्यवस्था होनी चाहिए कि एपेलेट प्रचारिटी

[श्री अर० बी० बाबे०]

उस पर विचार करे और वह मंजूरी दे तब कोर्ट में जाना चाहिए ।

क्रूड आयल के बारे में आप ने कहा है—

'Crude oil' means petroleum in its natural stage before it is refined or otherwise treated but from which water and foreign substances have been extracted"

इस डेफिनीशन के बारे में मुझे कहना है कि इसमें पेट्रोलियम शामिल है क्या ? आप ने जो 60 रुपये टन का सेस लगाया है क्या इस का पेट्रोलियम और क्रूड आयल पर असर पड़ेगा । मैं तो यह समझ पाया हूँ कि इस का असर खरब पड़ेगा, ऐसी स्थिति में हमारे जो काश्तकार भाई हैं जो डीजल और क्रूड आयल का उपयोग करते हैं उन के लिए बहुत महंगा हो जायगा । आप ने इस में वही भी नहीं बताया है कि इस का असर काश्तकारों पर कितना पड़ेगा । आज किसानों को डीजल मिलना मुश्किल हो गया है और अब जब कि आपने सेस बढ़ा दिया है उनके लिए बहुत ज्यादा कठिनाई हो जायगी ।

फटिलाइजर भी महंगा हो जायेगा । वह कितना महंगा होगा, उस पर क्या असर पड़ेगा—यह भी आप ने नहीं बताया । फटिलाइजर का दाम बढ़ने से भी गरीबों पर असर पड़ेगा—मैं जानना चाहता हूँ कि यह असर कितना पड़ेगा ? यदि कोई भी असर पड़ता है तो मैं इस का विरोध करता हूँ ।

मैं पिछले दिनों अपने क्षेत्र में गया किसानों ने कहा कि 60 रुपया टन सेस लगाने से डीजल और क्रूड आयल ज्यादा महंगा हो जायगा । हम ने कहा कि शासन

ने सेस लगाया है और यह पास भी हो जायगा, लेकिन मैं कह नहीं सकता कि इस का कितना असर पड़ेगा । आप ने अपने भाषण में यह नहीं बतलाया है कि इस का कितना असर पड़ेगा ।

अन्त में मुझे यही कहना है कि आप का उद्देश्य अच्छा है, लेकिन इस का नतीजा जो होने वाला है, वह खराब होगा क्योंकि किसानों को इस में बहुत कठिनाई होगी । इस देश में किसान ज्यादा रहते हैं उन को ही ज्यादा कठिनाई उठानी पड़ेगी । इस पर गम्भीरता में विचार करना चाहिए ।

श्री मूलचन्द्र डागा (धाली) - महापति जी, आयल और नैचरल गैस कमीशन के काम में आप का मनोष नहीं हूँ। डम लिए आप ने बोर्ड की स्थापना करने का निश्चय किया । सब से पहले तो यह देखना है कि बोर्ड पर खर्चा कितना होगा—इस के बारे में आपन कुछ नहीं बताया । मैंने सारे बिल को पढ़ा है उस में यह वही नहीं बतलाया है कि बोर्ड का एडमिनिस्ट्रेटिव एक्सपेंडिचर कितना होगा । आयल एण्ड नैचरल गैस कमीशन पर कितना खर्च होता था और इस बोर्ड को बनाने के लिए कितना टैक्स लगाया है और उस पर कितना खर्च पड़ेगा ? आप ने सिर्फ इतना कहा है कि सरकार का परंपरा यह था कि हिन्दुस्तान में इस प्रकार की शीघ्र करे कि कहा कहा पर तेल या गैस मिल सकती है । सवाल एक्सप्लोरेशन का था, चाहे जैमलमेर हो या दूसरी जगह हो—कितनी गैस कहाँ से मिल सकती है और इस लिए आप को ज्यादा खर्च चाहिए, 700 करोड़ रुपया लेना चाहते हैं । मैं पूछता हूँ—आप इतने सालों से क्यों चुप रहे ? आज हम कह रहे हैं कि हमें तेल का एक्सप्लोरेशन करना है, गैस निकालना जरूरी है, लेकिन इतने साल क्या करते रहे ?

आप ने अपनी स्पीच में एक बात ऐसी कही है जो मुझे बिलकुल अच्छी नहीं लगी। आप कहते हैं कि मंत्री को वित्तीय मामलों में अलग रहना चाहिए—ह क्या बात है? आज कल शासन करने का एक नया तरीका निकला है जिस में कहा जाता है कि मंत्री महोदय को वित्तीय मामलों में अलग रहना चाहिए। मैं कहना हूँ कि मंत्री महोदय को वित्तीय मामलों में शामिल रहना चाहिए। हमारे शासन में एक काम अवश्य हुआ है—जहाँ जहाँ मंत्री लोग काम नहीं कर सकते, वहाँ बोर्ड और कार्पोरेशन बना देने हैं। आप ने इनके सारे डलैक्ट्रीसिटी बोर्ड बनाये हैं, सब घाटे में चल रहे हैं। आप कहते हैं कि आटोनामस बाडीज है, इनके मामले में हमें दखल नहीं देना चाहिए। आप के पाम हर साल रिपोर्ट आ जाती है—बस काफी है। वे क्या करते हैं, क्या नहीं करते हैं—कोई देखने वाला नहीं है। जहाँ काम नहीं करना वहाँ बोर्ड इन्स्ट्रिक्शन कर दिया जाय पब्लिक में ऐलान कर दिया जाता है कि आज में बोर्ड बन गया है, इस लिए गैस का एक्सप्लोरेशन ज्यादा हो जायगा। यह बात मेरे दिमाग में नहीं बैठती है। मेरे विचार में तो मंत्री महोदय को खुद देखना चाहिए। मैंने देखा है कि आज भी 78 परसेंट हमारा रेवेन्यू इन्कम एडमिनिस्ट्रेशन पर खर्च होता है जो कुछ आप कमाने है। जो भो करना चाहते हैं उसमें यही होना है कि नौकरिया कैसे बढ़ाई जाये, आखिर वह क्या सलाह देते हैं? आप को एक सेक्रेटरी चाहिए, एक बोर्ड का च्येयरमैन चाहिए, फिर 13 मम्बरो का टी एंडी ए का खर्चा, फिर स्टिपेंडियर कमेटी उसके सेक्रेटरी की पोस्ट—इन सारी बातों में ही खर्चा हो जाता है। इस सेक्रेटरी की जगह डूड लो, एक च्येयरमैन की जगह डूड लो पाच हजार रुपए वाली लेकिन मैं इसको ठीक नहीं मानता। आपका एक ही है कि चायल एक्सप्लोरेशन हो। तो चायल इन्डस्ट्री

के बारे में आप क्या करना चाहते हैं? जैमलमर में क्या हो रहा है? वहाँ जो काम करने वाले हैं वह जाधपुर में रहते हैं। हाईली वह मान ने दानीन मर्चनि वर्क बागने है क्योंकि उन पर कोई ध्यान देने वाला नहीं है। आप कहते हैं जैमलमर में बड़ा शोध हो रहा है लेकिन वहाँ शोध मंत्रालय नहीं है क्योंकि वहाँ पर उनके रहने के लिए मकान है और न दूसरी सुविधायें हैं। वह मुश्किल में माल में तान महीने ड्यूटी पर जाते हैं और उनको मारा पैसा मिलता है।

आपने एक नई योजना बनाई है कि एक बोर्ड की स्थापना की जायेगी, लेकिन सारे बिल में एक खूबसूरती यह है कि स्टेटमेंट आफ आइजक्ट्स वही नहीं लिखा है कि बोर्ड की स्थापना करना चाहते हैं। आपने कहा है जो अमेंटर हैं वह एप्रूव्ड स्कीम पर रूटिलाउज होंगे। आपने वहाँ भी नहीं लिखा है कि हम बोर्ड इन्स्ट्रिक्शन कर रहे हैं जिसकी ड्यूटीज यह होगी। बोर्ड का रिसा फार्मेशन होगा उसके फ्रेशन और ड्यूटी क्या होगी यह नहीं लिखा है। स्टेटमेंट आफ आइजक्ट्स एंड रीजन्स में वही नहीं लिखा है कि बोर्ड बनाना जरूरी है क्योंकि कामीशन फोन हो गया है पहले जो मशीनरी थी वह काम नहीं कर रही है।

फिर बोर्ड पर जिनका खर्चा होता वह नहीं लिखा है। मैंकसम आप देखे उसमें बोर्ड का फार्मेशन लिखा है लेकिन उसमें कौन च्येयरमैन होगा जो टैक्नीशियन नहीं होगा। मुझे बड़ा दुख है कि जो टैक्नोक्रेटन है, जो एक्सपर्ट्स हैं उनको आप डंपराइव कर देते हैं। जो बोर्ड का फार्मेशन है वह क्लाज (3) में आप देखें

The Central Government shall appoint one of the members referred to in clause (a) of sub-section (3) as Chairman of the Board?

[श्री सुख चंद डांग]

मैंने कहा है,

why not appoint a person from among the above who in the opinion of the Central Government has special knowledge and experience of the industry?

लकिन आपने कहा

"Not more than three members to be appointed by the Central Government to represent the Ministry or Ministries of the Central Government dealing with petroleum and chemicals".

What about these experts who have not expert knowledge in the industry?

आप चाहते हैं जो टेक्नोक्रेटम हो, जो आयाल के एक्सपर्ट्स हों वह चेयरमैन न बने। मैंने बार बार कहा है— लेकिन आपने लिखा है

"not more than two members to be appointed by the Central Government from amongst persons who, in the opinion of the Central Government, have special knowledge or experience of oil industry."

यह बड़ी अजीब बात है कि जो आयाल के एक्सपर्ट हैं वह शासन में न आये। एक तरफ तो आप कह रहे हैं वह बड़ा अच्छा कर रहे हैं। लेकिन की रिप्रेजेंटेशन देना चाहते हैं फिर जो आयाल एक्सपर्ट्स हैं उनको आप चेयरमैन क्यों नहीं बनाना चाहते हैं? जो उस काम को जानने नहीं हैं उनको आप चेयरमैन क्यों बनाना चाहते हैं? जो टेक्नोक्रेटम और एक्सपर्ट्स हैं, जो उस काम के लिए अपनी जिन्दगी देना चाहते हैं उनको आप ऊपर क्यों नहीं लाना चाहते हैं? हमारे बहा तो जो एक काम को बही जानते बही ऊपर आकर बैठ जाते हैं और वही टेक्नोक्रेट्स पर और एक्सपर्ट्स पर हुकूमत करते हैं। इसलिए मैं प्रार्थना कर रहा हूँ कि यह क्या हो रहा है। एक छोटी सा काम है लेकिन एंज नहीं मालूम। स्टैंडिंग कमेटी का क्या वर्ज होना। एक छोटी सी

कमटी है, एक बोर्ड बनाया है और उसके लिए आपने लिखा है स्टैंडिंग कमेटी को वर्क इन्ट्रस्ट किया जायगा। क्यों किया जायगा? आखिरकार हम लोगों को समझने की कोशिश करनी चाहिए। आखिर जो स्टैंडिंग वर्क हो वह आप चेयरमैन को इन्ट्रस्ट करें। जिसको आप फुल टाईम सैलरी दे रहे हैं उसको यह काम आप क्यों नहीं देते हैं, स्टैंडिंग कमेटी को स्टैंडिंग वर्क देने की क्या जरूरत है।

लेबर रिप्रेजेंटेशन के बारे में जैसा आपने कहा है उसके लिए आप एक क्लान लाईव या अमेन्ड-मेंट कीजिए। आपने जो एग्जोरेस दिया है कि बोर्ड का एक मेम्बर लेबर का रिप्रेजेंटेटिव होगा तो मैं समझता हूँ आपका यह एग्जोरेस काम आयेगा। एक नयी बात होगी। एक बात और है कि इसका चेयरमैन कोई और बन सकता है तो फिर आपही क्यों नहीं बन जाते। अगर आप नहीं बनना चाहते तो बोर्ड क्यों बनाना चाहते हों। बोर्ड की जरूरत ही क्या है। मैं फिर कहता हूँ जब आप इतना रुपया खर्च करना चाहते हैं, 700 करोड़ आप को प्लान से मिलेगा, और रुपया भी आप लेना चाहते हैं तो बोर्ड बना कर आप खर्चा क्यों बढ़ाना चाहते हैं। मैं समझता हूँ आप को ऐसा काम नहीं करना चाहिए।

SHRI SHYAMNANDAN MISHRA (Begusarai): Mr. Chairman, the Bill even today has come almost in a secret way. None of us was prepared for this subject today but, after the collapse of some important items on the Order Paper, it has descended upon us much too suddenly, probably to the advantage of the hon. Minister.

SHRI D. K. BOROOAH: To the disadvantage of the Minister, because he was not here.

SHRI SHYAMNANDAN MISHRA: In the first place, I would like to say that it is against the recommendations

of the Review Committee in a very important matter. The Review Committee had recommended that a cess be levied on petroleum products and that all the accruals from the cess be transferred to a national fund for oil exploration. That was the specific recommendation of the Review Committee. The rationale behind this special fund for oil exploration was that in this industry there were high risks and uncertainties involved. The risks in other industries are not comparable. But it beats me why all these things are being lumped together indiscriminately. Why should there not be a specific fund for research and development in every industry? That is what is done when there is a good progressive management for any industry. Of course, oil exploration stands in a different category and on a different footing. It is a special kind of industry. If it has to stand in the queue, competing with other claims, it is obvious that this industry would suffer immensely, and the future of oil exploration in the country would not be very promising. We attach, naturally, a great deal of importance to the development of oil in our country.

The second thing that strikes me is that there is much less in common amongst the industries that are being joined together almost in a kind of forced marriage. What is the commonality between exploration, refinery, fertiliser, petro-chemicals, the chemical group of industries? The only commonality is the personality of the Minister. But about that also, I am a little doubtful whether he will have an effective say as the things are going. This is bound to affect every industry individually.

Oil exploration is based on Earth Science—Geology, Geophysics, Drilling Technology, Crude production technology. The discipline or science and technology required for refinery, fertiliser and other industries are

completely different. To put these dissimilar things in the same basket would, to my mind, be doing a great deal of damage to all these industries individually. One would not understand the other and yet have a say in the other. The member concerned with one industry will not know what the other industry is about. Yet, he will be poking his nose into the other industry. So, an ignorant man would try to have his say in an industry in which he is not concerned in an expert way. Therefore, my submission would be that the hon. Minister should think even at this stage whether this kind of a forced and disparate marriage should be brought about of all these industries.

There seems to be the Holding Company idea in another form. It may not be called a holding Company as such. But in essence, it represents the Holding-Company idea. It is the SAIL many times over. We have had the taste of SAIL, our experience with regard to SAIL has not been very happy. To say the least, it has acted in the least beneficial way so far. We have yet to see the result. The same person happens to be the Head of the SAIL and the Secretary in the Ministry. The Holding Company idea is good on the whole. If one asks me whether the holding company idea is good, theoretically I will say that there is nothing objectionable about it. But it helps only if there are other companies competing with each other. That is what happens in Italy. There are other companies in competition. This would not be the case here. Therefore, if the hon. Minister is adopting the holding company idea in one form or another, he has to bear in mind that it may not work in the same way in which it has been working in countries like Italy.

Why do I say that it is virtually a holding company idea? Its function is so wide-ranging that it is nothing short of a holding company. The

[Shri Shyamnandan Mishra]

Bill speaks of its power to dispense "financial and other assistance" for the promotion of such measures as are in its opinion conducive to the development of oil industry. Apart from its wide financial powers, one does not know what "other assistance" means. So, its functions are very wide-ranging and sprawling. Therefore, I make bold to say that it is a holding company idea and its results are bound to be such as may not be in the interest of all the industries.

Then, it is clear that the stranglehold of the Board on the Companies is going to be total. I have no doubt that by such an arrangement, the flexibility in action would be very much jeopardised. It would be very much a centralised body. Its amplitude for expertise and experimentation would be curtailed. The autonomy in management would be very much diluted. That appears to me on the face of it when I go through the scheme of this Board. This centralisation, therefore, I repeat, is bound to stifle the voice of real men who know their job, who know their business.

It appears that the Head of this Board would be again a bureaucrat. I do not have a special dislike for bureaucrats because a Minister also seems to function many a time much worse than a bureaucrat. I really do not know whether the Minister has, by this time, picked up sufficient knowledge in order to make his influence sufficiently felt on the bureaucrats.

So, with these few remarks, I hope that the hon. Minister would persuade himself to agree to the idea of the Bill being referred to a Select Committee. The Bill requires a much deeper considerations than what we are able to bestow during the course of 1½ hours. It is rather

ridiculous that during 1½ hours, the House should be expected to do justice to such an important measure. I would request the hon. Minister to consider whether he would, even at this stage, agree to the reference of the Bill to a Select Committee.

SHRI B. V. NAIK (Kanara): Mr. Chairman, Sir, I welcome this Bill. At the same time I would like to make clear my own mind as well as that of the hon. Minister, so that the fear of ghosts which this country has been having is dispelled.

My first point is about the constitution of the Board as such. The Chairman of this Oil Industry Development Board, as provided in Clause 3, is going to be your Secretary or Joint Secretary or one of these people who will be nominated by the Central Government. If he is going to be a member of the Ministry, I do not see as to what are the disabling conditions today for him to function effectively in the matter of oil exploration and development, what are the handicaps, what are the obstacles, that will be removed soon after he goes on this Board as a nominee of the Government and starts functioning as an extremely good Chairman in charge of the development of oil industry. I have neither any special preference nor any special dislike for bureaucrats. But the question is whether, in a field like oil exploration, we should have people who have come through the entire process of regulated thinking. Actually, oil is one such industry which, either in the East or in the West, has been taken as a special field or a sort of play-ground of these people who believed in *laissez faire*, free enterprise, except, as was stated by Mr. Chandrappan, that the whole of Siberian coal and oil-fields are being explored today—with whom are the Russians collaborating today—with the Japanese. With the

Japanese. With the Communist people. I do appreciate that the multi-national corporations have done almost a tremendous mischief in the economic world particularly the poor countries much more than the hon. Member has contributed in both the positive and negative sides. I would say that they have done it. But, in which country? South America. And through whom did they do it? Through the Chilean Army. This country after all had only been subjected by another multi-national corporation. That was called the East India Company, which virtually, for a hundred years controlled this country. I have no fears about the capacity of a multi-national corporation or any Western company to play any mischief in this country. As long as the Indian Army is what it is, as long as the patriotism and loyalty of our soldier, our sailor and our airman is there to defend the freedom and integrity of this country, I am not going to be worried that a General Electric General Manager or an Exxon or Texas Oil Company, these Johnnies will be in a position to interfere with the Indian democratic processes as long as the people like us, the hon. Members are in charge of Indian politics. We hold no fears about the Western capitalist managerial talent trying to come and subvert it. We can tell them. 'We want your expertise, not your advice and guidance as how to run our State.'

This ghost of multi-national corporations in this country has been overplayed. I would request you to take special cognisance that the multi-national corporations are being opposed in this country not only by our leftist political groups but they are also being opposed by the Indian capitalists themselves. The Indian monopoly capitalists and the Indian leftists are united on this one ground that we should have no entry to these multi-national corporations in this country.

At a time when we are dealing with the multi-national corporations, let us also have a look at our multi-State corporations in our own country. The amount of mischief from State to State where the multi-State corporations in this country have been causing is immense. Under the circumstances, if it is going to give us the capital and know-how, import of technology—even in that behalf, we may not be wanting—but it is the import of sophisticated instruments, capital equipment and machinery, as long as we can discipline them, I should personally feel very different about these multi-national corporations, because when we are thinking in terms of a sixty crore investment, is it not a fact that some of the oil companies in the West have made 60 billion dollars as their annual profit? I think Texaco's net profit is Rs. 60 crores multiplied by so many times. It is nearly 60 billion dollars which gives a fantastic sum of Rs. 35,000—36,000 crores of profits. It is simply unbelievable. But it is there.

I would like to submit one more thing for your consideration. Now, the Arabs have come in this oil world. Is there any provision for this Oil Industry Board to make use of the tremendous amount of petro-dollars. The hon. Minister has made a deep study of these Arab countries. Since they do not have the capacity to absorb and they are not ready to invest it in the banking structure of the Western countries on the basis of long-term investment and the Western banking system is unable to absorb them because the moment they draw cheque, the bank's financial condition is in trouble what are we going to explore as a possibility of the investment of the oil kings and sheikhs. There are tremendous amounts which are accumulating at a fantastic rate. Is there any scope for us in the case of our investment whether in this country or with our friendly Arab

[Shri B. V. Naik]

countries? The Persian Government or the Iranian Government has shown interest in some of our projects like Kudremukh for the exploration of iron ore and processed ore. The strategy of our economic development will have to change. They have to be given assurance that we will not do like what Col. Gaddafi, the Libyan strongman did, namely, taking over the oil industry, saying, we will pay the bill when the time comes. This is the position. A country's basic policies are based on that country's own enlightened self-interest. We should explore the possibility of investing of funds from outside sources. This again raises another controversy namely the sea-bed controversy. I had more than once tried to draw the attention of the Minister of External Affairs and the Minister of Petroleum to this aspect.

Will we be hold in clearcut terms what will be our compromise formula? There are vast sea-bed areas which lie within the sovereignty of particular country. That may be, according to international law, upto a distance of 1061/2 kms. Now China has raised the controversy that this should be extended to 200 kms miles. It is not today's problem, it is a futurist problem. Whether we agree with China or not, the Arabian Sea is considered to be such a storehouse of wealth, that I am reminded of this story in our *purana* where it is said, the sea-bed is the abode of the Lord of the Wealth, Kubera. He has got his abode under the sea. That is to say, the sea-bed is the biggest storehouse and it is going to be a storehouse not only for petroleum but for so many other things.

MR. CHAIRMAN: I hope you are not going into the *puranic* aspect of *samudramanthan* as an oil exploration.

SHRI B. V. NAIK: Even that could

be relevant. I prefaced my remarks by saying this is not present day problem; it is not only for the present day, but we have to be relevant also with all time to come and this is precisely what my endeavour is today.

Therefore, what I am trying to submit is that if the Chinese Sea as well as the Indian Ocean and the Bay of Bengal are extremely rich, I think it would be right for this country to back up completely the Chinese stand on the sea-beds. Otherwise, we see here that our own Multi-National Corporation would like to change this and, there would be a tremendous amount of pressure in trying to parcel out from the international scene in the world to see to it that they become their areas of development. In the latest Twentieth Century, later half, they will be the hunting ground of the Multi-National Corporation.

I would now say that let us approach the Multi-National Corporation and the rights backed by them tooth and nail at the U.N. And let us back China. Their position and posture, for a flexible response depends upon our own national interests. These are three things that I want to urge on the hon. Minister who, with his detailed knowledge and with his familiarity with the subject, would be able to enlighten us at the time of passing of the Bill.

I support this Bill.

***SHRI J. MATHA GOWDER** (Nilgiris): Mr. Chairman, Sir, on the Oil Industry (Development) Bill, 1974, I rise to express my views.

At the very outset, I would refer to Clause 15, which provides for a levy of cess as prescribed in The Schedule. The maximum rate at which duty of excise may be collected is Rs. 100 per tonne of crude oil and Rs. 50/- per thousand cubic metres of natural gas. But, to begin with, it is proposed to recover by way of a cess in the form of a duty of excise

*The original speech was delivered in Tamil.

of Rs. 60/- per tonne on crude oil alone. If the creation of such a Development Fund is so essential, I do not understand why no cess has been levied on the natural gas as mentioned in the Schedule. I am also unable to understand why only Rs. 60/- per tonne of crude oil is being levied, while the maximum rate proposed is Rs. 100/- per tonne of crude oil. Is it the intention of the Government to levy the remaining amount of Rs. 40/- per tonne of crude oil at a later date by issuing a Notification behind the back of this House? While I welcome the legislative effort of the Government for developing oil industry, I do not appreciate the manner in which the Government have proposed to levy the cess. The Government should have been explicit with this House.

Sir, I wish also to point out that Clause 3 refers to the establishment and constitution of the Board. According to the provision, all the Members of the Board are going to be nominated by the Government. The Government will be nominating 5 bureaucrats as the Members of the Board. The remaining Members of the Board will be representatives of the oil industry. Though in his introductory speech, the hon. Minister of Petroleum stated that there will be representation of workers on the Board, yet there is no specific mention of this in the Bill. The entire House would have appreciated if it had been specifically mentioned in the Bill itself.

In spite of this deficiency, I welcome wholeheartedly the proposition of the hon. Minister in the matter of giving representation to the workers on the Board. I only wish that the hon. Deputy Minister of Railways, Shri Gureshi, follows the footsteps of Shri Borooh and gives representation of the workers on the Railway Board. Shri L. N. Mishra, the hon. Railway Minister, who was just now sitting

next to Shri Borooh, has left the House. I am sure that almost all the problems being confronted by the Railways would be solved if Shri L. N. Mishra gives representation to the Railway workers on the Railway Board. I hope that such a happy day comes about in the very near future.

Here, I would like to make a pertinent point. I would not be happy if such a representation of the workers is confined to Indian National Trade Union Congress, which is controlled by the ruling Congress Party. In fact, INTUC is just the labour wing of the Congress Party. The representation of workers on this Board should be broad-based. Since Shri Borooh has made this pioneering proposition, I hope he would also set the pace for giving representation of workers from recognised bodies like All India Trade Union Congress which also has a large number of workers on its rolls. Instead of limiting workers' representation only to INTUC alone, the proposed Board should also have representation of workers from trade union bodies like AITUC. Then alone this Board will bear genuine representative character of the workers.

This Bill refers to the cess in the form of a duty of excise. When it is so clear that the collection of excise duty will constitute this Development Fund, I do not know why the Government should fight shy of saying that this is a taxation measure. Nobody can dispute that this cess is an indirect taxation. In the recent past, we have seen the steep rise in the price of petroleum products. While the upper middle class people have stopped the use of their cars because of the prohibitive cost of petrol, the Government have got plans to produce small cars and they also give encouragement to the production of small cars like Maruti. I wonder whether there will be any market at all for these small cars in

[Shri J Matha Gowder]

view of the steep rise in the price of petrol I refer to this because, if as a result of this development the price of petroleum products goes up still further, the country will be wasting its production capacity in manufacturing small cars. If through this the oil industry develops and the price of petroleum products comes down, then some worthwhile purpose would be achieved. Otherwise, if the price of petroleum products continues to rise, there will be less and less demand for petroleum products, which will also indirectly affect our country's economic growth. I would like to know from the hon. Minister whether any long-term plan has been chalked out for augmenting the indigenous production of crude oil and for gradual reduction in the price of petroleum products.

Here, I would like to know whether the Government have got a concrete plan for covering the entire coast-line of our country in regard to off-shore prospecting of oil. In Tamil Nadu we have the longest coast-line from Madras to Kanya Kumari. It is not enough that prospecting is done in the off-shore of Bombay coast. We should become self-sufficient in oil by prospecting for oil on the entire coast-line of our country, especially in the long coast-line of Tamil Nadu. We should have concrete proposals for reducing our dependence on foreign countries like Iran or Iraq in this matter. I want to know what steps have been taken in this direction by the Government.

Sir, it is reported that this Bill is based on the recommendations of the Malaviya Committee. The Malaviya Committee has also recommended that the powers which are concentrated in the hands of Oil and Natural Gas Commission should be decentralised. The Committee has also quoted the instances of Drilling Engineers having to wait inordinately for the sanction of the ONGC even if they want to drill one foot more in the bowels of

the earth. Naturally this delays the prospecting of oil within the country. I want to know what steps have been taken by the Government to decentralise the powers which are now with the ONGC.

We heard recently that oil has been struck in the offshore with the help of Sagar Samrat. It is also reported that two or three more Sagar Samrats would be required to cover the entire offshore on our long coast-line. I would like to know whether this Development Fund will be in a position to finance the purchase of two or three more Sagar Samrats, so that indigenous production of oil could be augmented substantially.

In the end, I would like to have a categorical assurance from the hon. Minister that this Bill will not lead to further increase in the price of petroleum products. I would also like to know from him whether the Government have formulated any long term programme for the development of oil industry, simultaneously with the creation of this Fund.

श्री नाथूराम भिर्वा (नागौर) : महापति जी, यह बिल जो बरुआ साहब ने इस सदन में पेश किया, इसके पीछे जो भावना है और जिस तरीके से इस उद्योग का विकास करने की देश को आवश्यकता है उससे मेरी महमति है। पर जिस तरीके में बिल बने लाये, एक सीक्रेट बिल, क्योंकि रूल्स में प्रोविजन था कि सीक्रेट बिल आना चाहिए, उसके जो उन्होंने अभी रीजन्स दिए कि चार मिलियन टन तो उत्पादित होता है जो एन० जी० सी० के जरिए बाकी उत्पादन होता है कुछ इंडियन आयल के जरिए और 48,000 टन उत्पादन होता है बर्मा जन के जलिया ता वह शायद कुछ गड़बड़ कर दें हममें, टैक्स इन्वेजन हो जाता इसलिए प्रोटेक्शन के तौर पर सीक्रेट बिल बने लाये। उनकी यह दलील हमारे गले उतरती नहीं। जिस इन्डिया के साथ वह इन्को लाये उसकी साथ-

शक्यता नहीं थी। आप सुबह कम्पनी के पास अपना एक आदमी भेज कर दिला देते वह देखता क्या स्टॉकम हैं और उसका पता लगाकर आप यह कर सकते थे। यह बहुत सिम्पल चीज थी। पर सामने ड्रामा किया। और जो भी आपके आर्गुमेंट्स हैं वह ऐसे बढ़िया आर्गुमेंट्स नहीं हैं जिन्हें कि हम को मन्तोष हो जाये। वह हमारे गले उतरे नहीं। खैर, वह स्टेज तो चली गई।

अब इस बिल के जर्निंग जो आपने कहा है कि एक बोर्ड बनायेगा और उसकी रचना कैम्पनी होगी उसका आपने विवरण दिया है। दूसरे आपने एक टन पर 60 रुपए टैक्स लगाया है। कुल मिलाकर आपको 48 करोड़ रुपए मिलेंगे। मालवीय कमेटी कीजें। मशा थी, उसके पीछे भावना थी कि पेट्रोलियम प्राइकटम पर आप सेंग लगाये तो उसका एकाउन्ट बड़ा बनता। पेट्रोलियम प्राइकटम बहुत है, उस पर आप एक दो पैसा भी लगाते तो उसमें इन्वेजन की गुंजाइश भी नहीं थी और वह रुपया तादाद में बहुत बड़ा होता। ज्यादा रुपए की आपकी जरूरत भी है आपने बताया 1700 करोड़ रुपया खर्च करने की गुंजाइश है क्योंकि आपने कहा है कि गैस निकाली है, कृत्रिम खोदा है फिर उसको गैस के काम में लाना है या नेल निकाले तो उसको पाइप-लाइन में जोड़ना है और फिर रिफाइन करना है। यह लम्बा प्रोसेस है जिसके लिए रुपए की जरूरत है। अगर उस तरीके में आप लगाने तो ज्यादा रुपया आपको मिलता पर आपने एक सिम्पल तरीका देखा। खैर जो तरीका आपको सूझा वह आपने किया क्योंकि आपने भी देखा कि बहवी गंगा है मैं भी हाथ धो लूँ। देश में एक हवा बह रही है कि आर्थिक स्थिति खराब है इसलिए चव्हाण साहब भी आ गए, मिश्रा जी भी आ गए और आप भी आ गए कि हम देश के विकास के लिए आये हैं, मशरया हल करने के लिए आये हैं पर मुझे यकीन नहीं होता, रुपया आप लेते हैं, अभी आप कह रहे थे कि बड़ी

मुसीबत है, हमारे पास यह नहीं है, वह नहीं है, हम खर्चा नहीं कर पाते हैं। आपके मन्त्रालय से हमें विशेष तौर से शिकायत है कि फटिलाइजर का जो प्रोडक्शन चौथी योजना में होना चाहिए था उसमें आप मिजरवनी फेल हुए हैं। आपके जो कारखाने शुरू हुए, उनको जिम टाइम पर खत्म होना था वह अभी तक भी बनकर तैयार नहीं हो पाये हैं वह पाचवी योजना के मिडिल या अन्त तक तैयार होंगे। इसलिए आपके मन्त्रालय के परफॉर्मन्स से मुझे बड़ा असंतोष है। सदन के और किन्तने लोगों को असंतोष है, मैं कह नहीं सकता। मैं समझता हूँ आपके लिए रुपए की कोई प्राब्लम नहीं है, आपकी प्राब्लम है आपका काम करने का तरीका, आपका उलको आइडिशन। आपके सारे तौर तरीके जो हैं, आपका जो काम होता है उसमें मनी प्राब्लम नहीं है बल्कि काम करने का तरीका ही प्राब्लम है। अभी आप 48 करोड़ रुपए के माय यह शर्क लेना चाहते हैं कि बोर्ड बनायेगा। बोर्ड बनायेगा किन लोगों का? तीन आपके मन्त्रालय के, दो विन्त मन्त्रालय के, पांच कार्पोरेशन्स के, एक के लिए आप लेबर पर जोर दे रहे हैं और फिर एन कोई और हो जायगा जिमको भी आप बना देंगे। मेरी समझ में नहीं आता यह बोर्ड क्या योग्यनी करेगा? मुझे यकीन नहीं है आपके वार्ड। यह किस तरह का बोर्ड है, किस तरह का ढांचा है, किसको चेयरमैन बनायेंगे, क्या दफ्तर होगा क्या खर्चा आयेगा, यह मार्गरेस-फने लिया जो है मैं समझता हूँ आप इस पर खर्चा बड़ा देंगे। जो 48 करोड़ रुपया आयेगा वह कसालिडेटेड फंड में चला जायगा। उसमें किन्तना आपको मिलगा, बोर्ड क्या योजनाये देगा—वह नक्शा हमारे सामने नहीं है। इससे आयल की बढोतरी होगी या नहीं, पता नहीं। इतनी कम्पनियां कार्पोरेशन और इतने एक्सपर्टमेंट होते हुए हलाकि पेट्रोलियम का उत्पादन बढ़ा है पर न के मुकाबले में पर आज जितनी जरूरत है उसके मुकाबले में आप भी मानते हैं वह कुछ भी नहीं है—सिर्फ एक जिहाई है। पेट्रोलियम के

[श्री: नाथूराम मिश्र]

जो और प्रोडक्ट्स हैं, जैसे खाद है उसकी प्राज देश में कमी है। इसमें बोर्ड कोई नयी योजना करेगा, यह बात मेरी समझ में नहीं आई बिल आप लाये हैं लेकिन अगर आप 48 करोड़ रुपया ही लेना चाहते थे तो और तरीके से भी ले सकते थे। इस बिल को इतने पेरॉफर्न-लिया के साथ लाने की क्या जरूरत थी? आप कहते 60 रुपया ज्यादा लगेगा और उसके लिए आप एक क्लॉज ही ले आते।

इसलिए यह जो बोर्ड बन रहा है, इसमें कितने टेकिनिकल आदमी होंगे या नहीं होंगे क्यों। यह सारा काम टेकिनिकल है पर आप जिस और को बिठा देंगे। आपने कहा मंत्री टमसे प्रलग रहेंगे, क्यों प्रलग रहेंगे मंत्री जी को तो सबसे बड़ी जिम्मेदारी है। लेकिन आप रहेंगे प्रलग, बन्दूक रखेंगे दूसरे के कंधे पर और आपको चनायेगा कोई तो यह तरीका ठीक नहीं है। मेरे खयाल में इस बोर्ड से इस देश की बड़ी समस्याएँ हल होने नहीं जा रही हैं। आपका मन्त्रालय पर बड़ी जिम्मे-दारिया है। रुपया होते हुए भी उनको नहीं निभाया गया है — प्राज तक का यह हमारा तजुर्बा है। बांड के जर्जिंग कैंमे इसको निभायेंगे इसका मुझे पता नहीं। मैं यह निवेदन करना चाहता हूँ कि यह रुपया कन्सल्टेंट्स फंड में जायेगा आपके हाथ में कितना जायेगा यह भी नहीं कह सकते। वह तो देश की जो प्रायर्टीज है उनके साथ जुड़ेगा। आप मांगेंगे ना प्राजका भा दस करोड़ मिल जायेगा। कन्सल्टेंट्स फंड में जाने के बाद वह रुपया विकास में ही लगे इस बात की क्या गारन्टी है ?

खासतौर से उधर बैठने वाले एक साथी ने जो मोशन दिया और उसके साथ में जो अपनी दलील भी मैं कहना चाहता हूँ कि उनको एक ही चपत्ता लगा रहा है। आपने भी कहा कि रूस वालों ने हमारी बड़ी मदद की। गैमिनिकल गर्ड, कृषि बना रहे हैं तो वह बड़ी अच्छी बात है। रूस वाले हमारे दोस्त हैं, आप उनके लिए भागते

हैं तो मैं हल भी समझते हूँ कि पर दुनिया के एक बड़े विशाल क्षेत्र में जहाँ लोगी के पास नालेज है जहाँ धन है जहाँ साधन हैं अपनी अकल से उनका बूझ करने की क्षमता रखते हैं उनके पीछे अनन्त सैसरी डर होना—वह भी आपकी यह कालेजियम में देखने की प्रवृत्ति का होना इस देश के लिए घातक है और मैं उसका भी बहुत बोर विरोध करता हूँ। इसके लिए मैंने काफी कह दिया और ज्यादा कहने की जरूरत नहीं है।

आप इस बोर्ड में मजदूरों का प्रतिनिधि बढाना चाहते हैं तो मजदूरों से हमारा कोई बँर नहीं है पर जैसा डागा ग्री ने कहा हमारा तजुर्बा बहुत खराब है। जैमलमेर में एक कुवा ले 1 र बैठे कब में कह रहे हैं वहाँ तेल है पडोम में तेल निकला है तो हमारे प्रायल एक्सप्लोरेशन की हालत बिल्कुल खराब है। आपके सभी लोग जोषपुर में पड़े रहते हैं। तीन चार महीने आपका कोई मजदूर रिज पर नजर नहीं आया। आप उनकी तारीफ कर रहे हैं हमें भी खुशी है आप बोर्ड में मजदूरों का प्रतिनिधि बैठकर इस देश का भला करे तो उसपर कोई एनराज नहीं है। पर जैसा शिवनाथ मिश्र जी ने कहा गांधी से एक एक बोलत मिट्टी के तल के लिए रोने है। जनता का कोई आदमी आप बोर्ड में रखे जिसको ज्ञान हो और वह आपसे सवाल पूछ सके लेकिन आपने तो व्यूराकॉट्स का प्रमेला बनाकर खडा कर दिया है जिसमें कोई लाभ होने वाला नहीं है। मेरा मत है कि इसके कम्पो-जीशन को ठीक करने की जरूरत है। आप जिम्मेवारी लीजिए। अगर आप प्रलग ही जायेंगे तो वह गैर-जिम्मे दारी की चीज होगी। आप इसके बेयरभैंत बने ताकि हम आपसे पूछ सकें कि इस बोर्ड ने क्या काम किया है। मैं तमनापूर्वक निवेदन करना चाहता हूँ कि भावना हमारी भी वही है कि इसका विकास आप करे क्योंकि आज दुनिया में काइसिड हो

क्या है एनर्जी का। गंगा बह रही है आप बोलें से मत चूको आप भी करो। और ज्यादा करो। पर काम आप का खराब है और उस को ठीक करने के लिये जब तक आप खद प्रयत्नशील नहीं होंगे सारा मामला पेट्रोलियम इन्डस्ट्री का बिगड़ा हुआ रहेगा। यह मैं आम तौर से कहना चाहता हूँ।

*SHRI BIREN DUTTA (Tripura West): Mr. Chairman, Sir, I have carefully listened the speech of hon. Minister wherein he was detailing the objects of this legislative measure. I have also heard carefully the preceding two speeches of the hon. Members belonging to the Congress party. A few days ago the hon. Minister had given us to know about the scheme of exploration of the oil resources of the country with our own resources. Unfortunately the ideas of the hon. Minister do not find a proper reflection in the present Bill. I would like to say it very clearly that the Soviet-Japan Cooperation is just one thing and keeping in view the prevailing economic situation in the country, it would be altogether a different thing if we invite the multinational companies to our country for the purpose of exploration of the oil resources. It may be that with the assistance of these multinational companies we may be benefited a little but in the long run there is no doubt that our independence and the national interests are bound to be put into jeopardy. In this world today, no one bothers for the weak. The hon. Members from the Congress party have already stated that the members of the Board which this Bill proposes to set up, will not care for anyone and there will be no direct parliamentary control on them. In these circumstances we cannot rule out a situation where these multinational companies will develop and exert an all pervading

influence and use these members as their own tools and make them work against the interest of the nation. We have already even how these multinational companies have gone to the extent of changing established Governments in the different parts of the country and also how they have succeeded in installing puppet Governments into power which served their own interests. I would therefore, very strongly oppose the views of the hon. Congress Members who were trying to champion the cause of the multinational companies and I would urge that it would not be a step in the right direction and not in national interest. In view of all these, it would be prudent, right at the very outset to be cautious and to move carefully in this matter.

Now, I would like to say a few words about the provisions of this Bill. Sir, the hon. Minister had stated that gas has been located in Tripura and that a Central team will be sent there. I had a talk with the Chairman of the ONGC. First he said that he did not get the report about the discovery of gas in Tripura. Of course, there was a lot of bungling in the administrative set up of the ONGC in Tripura, and I must acknowledge with gratitude that the hon. Minister had taken steps to remove the project manager from there. The Chairman had stated that the gas found at Tripura can be exploited on commercial basis and if it is done then the entire cost of oil exploration can be met out of that earning.

*SHRI D. K. BOROOAH: So you are supporting the Bill.

*SHRI BIREN DUTTA: Yes, I support the Bill but while doing so I would like to tell him that some provisions should have been made in the Bill which would have helped the backward States of Tripura and

* The original speech was delivered in Bengali.

[Shri Biren Dutta]

Assam, which are oil rich, to get some positive benefit out of the earnings that is contemplated in this Bill but unfortunately no such provision is there. I would request the hon. Minister that the difficulties of these backward States, which contribute substantially in catering to the oil needs of the country should be kept in view and suitable provisions for financial allocations for oil exploration etc. may be made in the Rules when they are framed.

While introducing the Bill the hon. Minister has spoken about the need for soliciting workers' cooperation in running the Board and he has categorically stated that at least one workers' representative will be there in the Board and I must congratulate the hon. Minister for this. Though the Bill itself does not provide for this, the hon. Minister will introduce this provision through his own amendment. Now the question is who will be the representative? Which category of workers he will represent? These questions have also been raised by my friends in the Congress benches. The whole controversy and uncertainty could be eliminated if it was made clear in the amendment, the categories of workers who would be eligible to choose their representative to be represented in the Board. But we are keeping it vague. Sir, the hon. Minister has rightly stated that aided by workers' cooperation, the working of the Board would become very easy. But I am sorry to say that the officials of ONGC do not equally share his view. Even when the recognition is given to an union, the local officials ignore it and create obstacles.

*SHRI D. K. BOROOAH: Which Union you are talking off?

*SHRI BIREN DUTTA: There is only one Union in Tripura. They have been recognised by the ONGC.

at Dehradun but the local authorities at Tripura do not appear to respect the authority and orders of the head office at Dehradun who has not recognised them. I have personal knowledge about the working of this Union. So far there have been any strike and the worker members are all imbued by feelings of national interest and they sincerely want and they are, in fact, trying their best to push up production. In these circumstances, I do not understand why the local ONGC authorities should try to ignore the recognition which has already been given by the head office of the ONGC. I would request the hon. Minister to kindly look into the matter personally and set right the things and fully enlist the workers cooperation which is so essentially needed now.

Sir, according to an Oil India publication there are many areas in the country which have prospects of oil resources. In many of these places, oil exploration work was taken in hand but unfortunately they were withdrawn just when a little more progress, would have yielded positive results. This was so in West Bengal and in other places too. I would therefore urge upon the hon. Minister that he may please make suitable provisions in the rules so that priority should be given to these areas which have been identified as being a perspective oil bearing area and where preliminary work was undertaken and make suitable financial allocations so that the exploration work which remained unfinished, are undertaken once again, and completed successfully.

With these words, Sir, I would conclude my speech.

SHRI RAJA KULKARNI (Bombay—North-East): Sir, I no doubt welcome the Bill. The step that has

been taken in creating a fund and having a new machinery in the form of a Board is no doubt a very right step at the right time. The oil industry, in its development, has to fight both at the international level and at the national level. At the international level, for the last 2 years, we were struggling not only on the question of price but also on the question of availability. Fortunately, with the efforts of our Petroleum Ministry and the Minister in particular—to whom I pay my compliments—we have been able to get into Government to Government level agreements. Within 18 months, we had

three or four international agreements with the Middle East countries and the question of availability is resolved to a large extent. Not only here but even in the Middle East countries, we have entered into agreements for offshore exploration.

MR CHAIRMAN: He may continue on the next day

18 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, September 3, 1974/Bhadra 1896 (Saka)