

**Eighth Series, Vol. I, No. 10**

**Tuesday, January 29, 1985**

**Magha 9, 1906 (Saka)**

# **LOK SABHA DEBATES**

## **(English Version)**

**First Session**  
**(Eighth Lok Sabha)**



*(Vol. I contains Nos. 1 to 11)*

**LOK SABHA SECRETARIAT**  
**NEW DELHI**

*Price : Rs. 4.00*

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**[ORIGINAL ENGLISH PROCEEDINGS INCLUDED IN ENGLISH VERSION AND ORIGINAL HINDI PROCEEDINGS INCLUDED IN HINDI VERSION WILL BE TREATED AS AUTHORIZATIVE AND NOT THE TRANSLATION THEREOF.]**

## **PREFACE**

This is the first Volume of the Lok Sabha Debates for the Eighth Lok Sabha. Upto the end of Seventh Lok Sabha, two versions of Lok Sabha Debates were brought out, viz., (i) Original Version containing the proceedings of the House in the languages in which they took place except that in the case of speeches made in regional languages, their English/Hindi translation was added and the Urdu speeches were put in Devnagri script and their Persian script was also given within brackets, and (ii) Hindi Version containing the Hindi proceedings, Urdu proceedings in Devnagri script and Hindi translation of English proceedings and also of speeches made in regional languages.

2. With effect from the First Session of Eighth Lok Sabha, in pursuance of a decision of the General Purposes Committee of Lok Sabha, two versions of Lok Sabha Debates are being brought out, viz., (i) English Version containing Lok Sabha proceedings in English and English translation of the proceedings which take place in Hindi or any regional language, and (ii) Hindi Version in its present form except that Urdu speeches are being put in Devnagri script and their Persian script is also being given within brackets.

3. In addition, Original Version of the Lok Sabha proceedings is being prepared and kept in Parliament Library suitably bound for purposes of record and reference only.

4. In both the English and the Hindi Versions, an appropriate indication is being given to specify where a particular part of the proceedings is original in English/Hindi or a translation,

5. It is hoped the two independent Hindi and English Versions will be found useful by Members and others interested.

**NEW DELHI ;**  
*January, 1985*

**SUBHASH C. KASHYAP,**  
*Secretary-General.*

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# LOK SABHA DEBATES

1

## LOK SABHA

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*Tuesday, January 29, 1985/Magha 9, 1906 (Saka)*  
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*The Lok Sabha met at Eleven of the Clock.*

[MR. SPEAKER *in the Chair*]

WELCOME TO H.E. LIC. MIGUEL  
GONZALEZ AVELAR, PRESIDENT  
OF THE GREAT COMMISSION OF  
THE UNION, MEXICO

[ *English* ]

MR. SPEAKER : Hon. Members, at the outset, I have to make an announcement.

On my own and on behalf of the hon. Members of the House, I have great pleasure in welcoming His Excellency Lic. Miguel Gonzalez Avelar, President of the Great Commission of the Union, Mexico. He is accompanied by a staff member of Mexican Embassy. They are now seated in the Special Box. We wish him a very happy and fruitful stay in our country. Through him we convey our greetings and best wishes to the Parliament, Government and the friendly people of Mexico.

11.01 hrs.

## OBITUARY REFERENCES

[ *English* ]

MR. SPEAKER : I have also to inform the House of the sad demise of Shri K.T.

2

Kosalram, a sitting Member and a former Member, namely, Shri Bholaram Paradhi.

Shri K.T. Kosalram was a sitting Member of Lok Sabha. He was elected from Tiruchendur Parliamentary Constituency of Tamil Nadu. He was also a Member of the Sixth and Seventh Lok Sabha during 1977-84 from the same constituency. Earlier he was a Member of the then composite Madras State Legislative Assembly during 1946-56 and Tamil Nadu Legislative Council during 1957-62. He was a Member of Tamil Nadu Legislative Assembly during 1962-67.

A veteran freedom fighter, he actively participated in the freedom movement from an early age and was imprisoned for several years.

A well-known social worker, he tirelessly worked for the uplift of Harijans and working class people. He organised the first Rehabilitation Centre for Sri Lanka Repatriates at Nazareth in 1954.

An agriculturist and an active small scale industrialist he took special interest in the establishment of small industries in rural areas and was especially committed to scientific development and rural development.

A widely travelled person, an educationist and a journalist, he was Editor of two Tamil newspapers.

Last year, he happened to be with me in Seoul as a Member of my delegation ; and his death was so sudden that all of us feel his absence and it is such a shock to us.

PROF N.G. RANGA (Guntur) : He was here last Friday.

MR. SPEAKER : Yes, only the other day, he was speaking here on the floor of the House, hale and hearty and energetic. He was such an amiable person and I enjoyed his company and his wit so much that I just felt lost when I heard about his sudden death.

Shri K.T. Kosalram passed away suddenly on 27th January, 1985 at New Delhi at the age of 69 years.

Shri Bholaram Paradhi was a Member of the Third Lok Sabha during 1962-67 representing Balaghat constituency of Madhya Pradesh.

An agriculturist by profession, Shri Paradhi was active in public life all throughout the period 1922—51.

A well-known social worker, he was associated with several social organisations besides being President of Nyaya Panchayat, Lalvari and member of Balaghat district Council for 15 years.

Shri Bholaram Paradhi passed away on 23rd January, 1985 at the age of 87 years at Balaghat.

We deeply mourn the loss of these friends. I am sure the House would join me in conveying our condolences to the bereaved families.

The House may stand in silence for a short while to express its sorrow.

*(The Members then stood in silence for a short while).*

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PROF. MADHU DANDAVATE (Raipur) : Mr. Speaker, Sir, before you take up the next item, I wish to make a submission that this House had passed in 1971 the Prevention of Insult to National Honour Act.....

MR. SPEAKER : I have to find out. I do not know whether this is what it is. I shall find out.

PROF. MADHU DANDAVATE : Let me make my submission for a minute ; you can reject it.

PROF. K.K. TEWARY (Buxar) : Sir, this House should not encourage this trend.

MR. SPEAKER : There is no question of encouragement. I will find out, if there is anything.

PROF. MADHU DANDAVATE : There is no question hour today. You do not know, you have forgotten. We are straight-way beginning with the business. But, Sir, I do not want to take advantage of his ignorance.

MR. SPEAKER : He is so engrossed with Parliamentary work that he just forget it.

PROF. MADHU DANDAVATE : I have done my homework all right. Sir, just only one submission. There is the Prevention of Insults to National Honour Act, 1971.

In front of a National Rayon Corporation in Kalyan, crowds had assembled on the Republic Day, for Flag Celebration. They were fired upon...

*(Interruptions)*

MR. SPEAKER : I will find out Professor... One thing, it is a State subject. But I will find out.

PROF. MADHU DANDAVATE : Sir, there cannot be a worse insult to the National Flag...

*(Interruptions)*

MR. SPEAKER : I will find out.

PROF. MADHU DANDAVATE : I am satisfied with it. Kindly instruct the Home Minister to enquire into the matter.....  
*(Interruptions)* An Inquiry Committee should be appointed.



MR. SPEAKER : I will find out. I said that. I do not know anything. I will ask the Home Minister.

SHRI AMAL DATTA (Diamond Harbour) : Sir, you had promised that we would get a chance to discuss the espionage matter.

MR. SPEAKER : We have already decided. So do not worry about it.

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11.06 hrs.

### PAPERS LAID ON THE TABLE

[English]

#### Notifications under Cantonment Act, 1924

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE, (SHRI JANARDHANA POOJARY) : on behalf of Shri P.V. Narsimha Rao, I beg to lay on the Table—A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 281 of the Cantonments Act, 1924 :—

- (1) The Cantonment Fund Servants (Second Amendment) Rules, 1983 (Hindi and English versions) published in Notification No. SRO 284 in Gazette of India dated the 29th October, 1983 together with Corrigenda thereto published in Notification Nos. SRO 11 dated the 7th January, 1984 and SRO 126 dated the 2nd June, 1984 together with an explanatory memorandum.
- (2) SRO 24 (E) published in Gazette of India dated the 28th February, 1984 specifying powers and duties of an Executive Officer which a Cantonment can authorise to any of its members or officers to exercise or perform in the absence of the Executive Officer, together with an explanatory memorandum.

[Placed in Library. See No. LT-301/85].

Ninety-fifth Report of Law Commission on Constitutional Division within the Supreme Court—A proposal for Hundred and Fifth Report of Law Commission on Quality Control and Inspection of Consumer Goods, Central Wakf Council (Amendment) Rules 1984, Annual Report and Review on the working of Central Wakf Council for 1983-84.

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : I beg to lay on the Table—

- (1) A copy of the Ninety-Fifth Report (Hindi and English versions) of Law Commission on Constitutional Division within the Supreme Court—A Proposal for.

[Placed in Library. See No. LT-302/85].

- (2) A copy of the Hundred and Fifth Report (Hindi and English versions) of Law Commission on Quality Control and Inspection of Consumer Goods.

[Placed in Library. See No. LT-303/85].

- (3) A copy of the Central Wakf Council (Amendment) Rules, 1984 (Hindi and English versions) published in Notification No. GSR 1264 in Gazette of India dated the 22nd December, 1984, under sub-section (3) of section 8D of the Wakf Act, 1954.

[Placed in Library. See No. LT-304/85].

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Central Wakf Council for the year 1983-84 along with Audited Accounts.

- (ii) A statement (Hindi and English versions) regarding Review by the Government on the working of the Central Wakf Council for the year 1983-84.

[Placed in Library. See No. LT-305/85].

**Notifications under Essential Commodities Act, 1966**

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT (SHRI BUTA SINGH) : I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (6) of section 3 of the Essential Commodities Act, 1955 :

- (1) GSR 617 (E) published in Gazette of India dated the 21st August, 1984 regarding fixation of prices of Ammonium Sulphate and Calcium Ammonium Nitrate (25 per cent N).
- (2) GSR 653 (E) published in Gazette of India dated the 7th September, 1984 regarding fixation of price of Calcium Ammonium Nitrate (26 per cent N).
- (3) The Fertilizer (Movement Control) Amendment Order, 1984 (Hindi and English versions) published in Notification No. GSR 707 (E) in Gazette of India dated the 1st October, 1984.
- (4) GSR 840 (E) published in Gazette of India dated the 31st December, 1984, regarding appointment of Inspector of Fertilisers under Fertiliser (Control) Order, 1957.

[Placed in Library. See No. LT-306/85].

**Annual Reports and Reviews on the working of Board of Practical Training Eastern Region, Calcutta for 1983-84, Board of Apprenticeship Training (Western Region) Bombay 1983-84, Board of Apprenticeship Training (Northern Training) (Southern Region) Madras for 1983-84, Board of Apprenticeship Training (Northern Region) Kanpur for 1983-84, Technical Teachers Training Institute Western Region, Bhopal for 1983-84 etc.**

THE MINISTER OF EDUCATION (SHRI K. C. PANT) : I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the

Board of Practical Training, Eastern Region, Calcutta, for the year 1983-84 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Board of Practical Training, Eastern Region, Calcutta, for the year 1983-84.

[Placed in Library. See No. LT-307/85].

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Board of Apprenticeship Training (Western Region) Bombay, for the year 1983-84 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Board of Apprenticeship Training (Western Region) Bombay, for the year 1983-84.

[Placed in Library. See No. LT-308/85].

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Board of Apprenticeship Training (Southern Region) Madras, for the year 1983-84 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Board of Apprenticeship Training (Southern Region) Madras, for the year 1983-84.

[Placed in Library. See No. LT-309/85].

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Board of Apprenticeship Training (Northern Region) Kanpur, for the year 1983-84 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Board of Apprenticeship Training (Northern Region) Kanpur, for the year 1983-84.

[Placed in Library. See No. LT-310/85].

(5) (i) A copy of the Annual Report (Hindi and English versions) of the Technical Teachers' Training Institute, Western Region, Bhopal, for the year 1983-84 along with Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Technical Teachers' Training Institute, Western Region, Bhopal, for the year 1983-84.

[Placed in Library. See No. LT 311/85].

(6) (i) A copy of the Annual Report (Hindi and English versions) of the Teachers' Training Institute (Eastern Region) Calcutta, for the year 1983-84.

(ii) A copy of the Annual Accounts (Hindi and English versions) of the Technical Teachers' Training Institute (Eastern Region), Calcutta, for the year 1983-84, together with Audit Report thereon.

[Placed in Library. See No. LT-317/85].

(iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Technical Teachers' Training Institute, (Eastern Region) Calcutta, for the year 1983-84.

[Placed in Library. See No. LT-312/85].

(7) (i) A copy of the Annual Report (Hindi and English versions) of the Technical Teachers' Training Institute Southern Region, Madras, for the year 1983-84 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Technical Teachers' Institute, Southern Region, Madras, for the year 1983-84.

[Placed in Library. See No. LT-313/8 ].

(8) (i) A copy of the Annual Report (Hindi and English versions) of the Technical Teachers' Training Institute (Northern Region), Chandigarh, for the year 1983-84.

(ii) A copy of the Annual Accounts (Hindi and English versions) of Technical Teachers Training Institute (Northern Region), Chandigarh, for the year 1983-84 together with Audit Report thereon.

(iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Technical Teachers' Training Institute (Northern Region), Chandigarh, for the year 1983-84.

[Placed in Library. See No. LT-314/85].

(9) (i) A copy of the Annual Report (Hindi and English versions) of the School of Planning and Architecture, New Delhi, for the year 1983 84 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the School of Planning and Architecture, New Delhi, for the year 1983-84.

[Placed in Library. See No. LT-315/85]

(10) (i) A copy of the Annual Report (Hindi and English versions) of the Society for the National Institutes of Physical Education and Sports, Patiala, for the year 1983-84 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Society for the National Institutes of Physical Education and Sports, Patiala, for the year 1983-84.

(11) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (10) above.

[Placed in Library. See No. LT-316/85].

(12) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Advanced Study, Simla, for the year 1983-84 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Institute of Advanced Study, Simla, for the year 1983-84.

[Placed in Library. *See* No. LT-317/85].

- (13) (i) A copy of the Annual Report of the National Institute of Foundry and Forge Technology, Ranchi, for the year 1983-84 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute of Foundry and Forge Technology, Ranchi, for the year 1983-84.

[Placed in Library. *See* No. LT-318/85].

- (14) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Institute of Technology, Jamshedpur, for the year 1983-84.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Institute of Technology, Jamshedpur, for the year 1983-84.

[Placed in Library. *See* No. LT-319/85].

- (15) A copy of the Annual Accounts (Hindi and English versions) of the Kendriya Hindi Shikshan Mandal, Agra, for the year 1983-84, together with Audit Report thereon.

[Placed in Library. *See* No. LT-320/85].

- (16) A copy of the Annual Report (Hindi and English versions) of the Central Institute of Hindi, Agra, for the year 1983-84.

[Placed in Library. *See* No. LT-321/85].

- (17) (i) A copy of the Annual Report (Hindi and English versions) of the Karnataka Regional Engineering College, Srinivasnagar, for the year 1983-84.

- (ii) A copy of the Review (Hindi and English versions) by the Government

on the working of the Karnataka Regional Engineering College, Srinivasnagar, for the year 1983-84.

[Placed in Library. *See* No. LT-322/85].

- (18) (i) A copy of the Annual Report (Hindi and English versions) of the Sardar Vallabhbhai Regional College of Engineering and Technology, Surat, for the year 1983-84.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Sardar Vallabhbhai Regional College of Engineering and Technology, Surat, for the year 1983-84.

[Placed in Library. *See* No. LT-323/85].

- (19) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Kurukshetra, for the year 1983-84.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Regional Engineering College, Kurukshetra, for the year 1983-84 together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Kurukshetra, for the year 1983-84.

[Placed in Library. *See* No. LT-324/85].

- (20) (i) A copy of the Annual Report (Hindi and English versions) of the Malaviya Regional Engineering College, Jaipur, for the year 1983-84.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Malaviya Regional Engineering College, Jaipur, for the year 1983-84.

[Placed in Library. *See* No. LT-325/85].

- (21) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Tiruchirapalli, for the year 1983-84.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Tiruchirapalli, for the year 1983-84.

[Placed in Library. See No. LT-326/85].

- (22) (i) A copy of the Annual Report (Hindi and English versions) of the Visvesvaraya Regional College of Engineering, Nagpur, for the year 1983-84.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Visvesvaraya Regional College of Engineering, Nagpur, for the year 1983-84 together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Visvesvaraya Regional College of Engineering, Nagpur, for the year 1983-84.

[Placed in Library. See No. LT-327/85].

- (23) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Warangal, for the year 1983-84.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Regional Engineering College, Warangal, for the year 1983-84 together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Warangal, for the year 1983-84.

[Placed in Library. See No. LT-328/85].

- (24) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Rourkela, for the year 1983-84.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Regional Engineering College, Rourkela, for the year 1983-84 together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Rourkela for the year 1983-84.

[Placed in Library. See No. LT-329/85].

- (25) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Calicut, Kerala, for the year 1983-84.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Regional Engineering College, Calicut, for the year 1983-84 together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Calicut, for the year 1983-84.

- (26) A statement (Hindi and English versions) showing reasons for delay in laying the Annual Report Audited Accounts of the Regional Engineering College, Rourkela, Calicut, Kurukshetra, Warangal, Nagpur, Surat, Tiruchirapalli, Jaipur, Surathkal, Jamshedpur, Regional Institute of Technology, Jamshedpur, Maulana Azad College of Technology, Bhopal, National Institute of Foundry and Forge Technology, Ranchi, School of Planning and Architecture, New Delhi, Board of Apprenticeship Training, Kanpur, Madras, Bombay, Calcutta, New Delhi, Technical Teachers Training Institutes, Chandigarh, Calcutta, Madras and Bhopal and Educational Consultants India Limited, New Delhi for the year 1983-84.

[Placed in Library. See No. LT-330/85].

- (27) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Technology, Delhi, for the year 1983-84, under subsection (4) of section 23 of the Indian Institute of Technology Act, 1961.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Insti-

tute of Technology, Delhi, for the year 1983-84.

[Placed in Library. *See* No. LT-331/85].

(28) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Technology, Madras, for the year 1983-84 under sub-section (4) of section 23 of the Indian Institute of Technology Act, 1961.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Institute of Technology, Madras, for the year 1983-84.

[Placed in Library. *See* No. LT-332/85].

(29) A copy each of the following papers (Hindi and English versions) under subsection (1) of section 619A of the Companies Act, 1956 :—

(i) Review by the Government on the working of the Educational Consultants India Limited, New Delhi, for the year 1983-84.

(ii) Annual Report of the Educational Consultants India Limited, New Delhi, for the year 1983-84 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. *See* No. LT-333/85].

(30) A statement (Hindi and English versions) showing reasons for delay in laying the Annual Report and Audited Accounts of the Indian Institute of Advanced Study, Simla for the year 1983-84.

[Placed in Library. *See* No. LT-334/85].

**Notification under Major Port Trust Act 1963, Annual Reports of Madras Dock Labour Board for 1983-84, Visakhapatnam Dock Labour Board for 1983-84, Seamen's Provident Fund Scheme 1966. Review on the working of Cochin Shipyard Ltd. for 1983-84 etc etc.**

**THE MINISTER OF STATE OF THE  
MINISTRY OF SHIPPING AND TRANS-**

**PORT (SHRI Z.R. ANSARI) : I beg to lay on the Table—**

(1) A copy of Notification No. G.S.R. 15 (E) (Hindi and English versions) published in Gazette of India dated the 9th January, 1984 approving the Kandla Port Employees (Grant of Advances for Building Houses) Amendment Regulations, 1985 as set out in the Schedule to the Notification, under sub-section (4) of section 124 of the Major Port Trust Act, 1963.

[Placed in Library. *See* No. LT-335/85].

(2) A copy of the Annual Report (Hindi and English versions) of the Madras Dock Labour Board for the year 1983-84.

[Placed in Library. *See* No. LT-336/85].

(3) A copy of the Annual Report (Hindi and English versions) of the Visakhapatnam Dock Labour Board for the year 1983-84.

[Placed in Library. *See* No. LT-337/85].

(4) A copy of the Annual Report (Hindi and English versions) on the working of the Seamen's Provident Fund Scheme, 1966, under sub-section (1) of section 3 of the Seamen's Provident Fund Act, 1966.

[Placed in Library *See* No. LT—338/85].

(5) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :—

(a) (i) Review by the Government on the working of the Cochin Shipyard Limited, for the year 1983-84.

(ii) Annual Report of the Cochin Shipyard Limited, for the year 1983-84 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. *See* No. LT-339/85].

(b) (i) Review by the Government on the working of the Hindustan Shipyard Limited, for the year 1983-84.

- (ii) Annual Report of the Hindustan Shipyard Limited for the year 1983-84 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-340/85].

- (6) A copy of the Solatium Fund (Amendment) Scheme, 1984 (Hindi and English versions) published in Notification No. S.O. 803 (E) in Gazette of India dated the 22nd October, 1984 sub-section (4) under of section 133 of the Motor Vehicles Act, 1939.

[Placed in Library. See No. LT-341/85].

- (7) A copy of Notification No. G.S.R. 813 (E) (Hindi and English versions) published in Gazette of India dated the 12th December, 1984 approving the Paradip Port Employees (Classification, Control and Appeal) (Amendment) Regulations, 1984, under sub-section (4) of section 124 of the Major Port Trust Act, 1963.

[Placed in Library. See No. LT-342/85].

**Sales Tax (Amendment) Rules 1985.  
Notifications under Customs Act, 1962**

THE MINISTER OF STATE IN THE  
MINISTRY OF FINANCE (SHRI  
JANARDHANA POOJARY) : I beg to  
lay on the Table—

- (1) A copy of the Delhi Sales Tax (Amendment) Rules, 1985 (Hindi and English versions) published in Notification No. F. 4(3)/85-Fin (G) in Delhi Gazette dated the 23rd January, 1985 under section 72 of the Delhi Sales, Tax Act, 1975.

[Placed in Library. See No. LT-343/85].

- (2) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962 :—

- (i) GSR 27(E) published in Gazette of India dated the 16th January, 1985, together with an explanatory memorandum making certain amendments to Notification No. 215/76—Customs dated the 2nd August, 1976 so as to

withdraw the customs duty exemption of liquid nitrogen refrigerators and flasks upto 60 litre capacity.

- (ii) GSR 28(E) and 29(E) published in Gazette of India dated the 16th January, 1985, together with an explanatory memorandum regarding exemption to components required for the manufacture of light, medium and heavy commercial motor vehicles and of tractor, and the goods other than basic raw material required for the manufacture of such components from basic customs duty in excess of 25 per cent from auxiliary duty of customs in excess of 20 per cent *ad valorem* and from the whole of the additional duty.

[Placed in Library. See No. LT-344/85].

**Annual Reports and Reviews on the  
working of Sangeet Natak Akademi, New  
Delhi for 1983-84 and centre for Cultural  
Resources and Training, New Delhi for  
1983-84.**

THE MINISTER OF STATE IN THE  
DEPARTMENTS OF PERSONNEL AND  
ADMINISTRATIVE REFORMS AND  
CULTURE (SHRI K.P. SINGH DEO) :  
I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of Sangeet Natak Akademi, New Delhi, for the year 1983-84 along with Accounts.  
(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Sangeet Natak Akademi, New Delhi, for the year 1983-84.

[Placed in Library. See No. LT-345/85].

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Centre for Cultural Resources and Training, New Delhi, for the year 1983-84 along with Accounts.  
(ii) A copy of the Review (Hindi and English versions) by the Government

on the working of the Centre for Cultural Resources and Training, New Delhi, for the year 1983-84.

[Placed in Library. See No. LT-346/85].

#### Annual Plan 1984-85

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI K.R. NARAYANAN) : I beg to lay on the Table a copy of the 'Annual Plan 1984-85' (Hindi and English versions).

[Placed in Library. See No. LT-347/85].

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### MESSAGES FROM RAJYA SABHA

[English]

SECRETARY-GENERAL : Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha :

- (i) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 25th January, 1985, agreed without any amendment to the Representation of the People (Amendment) Bill, 1985, which was passed by the Lok Sabha at its sitting held on the 23rd January, 1985."
  - (ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 25th January, 1985, agreed without any amendment to the Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Bill, 1985, which was passed by the Lok Sabha, at its sitting held on the 23rd January, 1985."
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MR. SPEAKER : Members are aware that today Beating Retreat function will be held. In order to enable Members to witness the Beating Retreat, I propose to adjourn the House at 4 P.M. today. I hope the House agrees.

I may also remind the Members that tomorrow at 11 A.M. two minutes silence will be observed by the House in memory of those who gave their lives in the struggle for India's freedom. The Speaker will take the Chair a little before 11 A.M. The Members may kindly take their seats in the House by 10.55 A.M.

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### MATTERS UNDER RULE 377

[Translation]

- (i) Survey of residential land in Outer Delhi and need to ban its acquisition

SHRI BHARAT SINGH (Outer Delhi) : Mr. Speaker, Sir, with your permission, I want to bring to your notice the difficulty of the residents of Outer Delhi. The land is acquired by the Delhi Administration for residential purposes. The land so acquired already has some built-in houses. So, it is necessary that before going in for such acquisition, a survey of the built-up areas is undertaken and such areas exempted from acquisition. At the same time provision should also be made for community and civic amenities, like parks, drainage etc. The notices already served on the owners of such houses under sections 4 and 6 may be withdrawn, so that the poor people are saved from the complications of litigation.

- (ii) Need to preserve ancient fame and glory of old Delhi

SHRI JAI PARKASH AGARWAL (Chandni Chowk) : Mr. Speaker, Sir, Delhi has a special status among the Metropolises of the world. Various rulers of India made it their capital. Everyday, tourists from all over the world visit Delhi to see its historical monuments and places of architectural and cultural importance. But with the passage of time the distinctive character of ancient Delhi is becoming extinct. The



saying of Zauq, a contemporary of Bahadur Shah Zafar, "*Kaun Jai Zauq Dilli ki gallan Chhod kar,*" is no longer relevant now. Chandni Chowk is now totally devoid of its old grandeur and beauty. High rise buildings have come up there hampering proper passage of air and light. There are unending crowds everywhere. The ever-increasing influx of population is engulfing the splendour, glory and beauty of the capital. The ancient character of Delhi city is on the decline. Its identity is getting lost in the struggle between old and new. It is the duty of all of us to preserve and protect the traditional character, grandeur and unique beauty of old Delhi. I request the Central Government to take immediate and effective steps in the matter.

- (iii) **Scarcity of Drinking water in Barmer, Jaisalmer, Jodhpur and Bikaner districts and need to make provision in 7th Plan for supply of drinking water through Rajasthan Canal.**

**SHRI VIRDHI CHANDER JAIN** (Barmer): Mr. Speaker, Sir, there is acute shortage of drinking water in the desert areas and the border districts of the country. Even after spending crores of rupees, the position in respect of drinking water has become worse in most of the villages in the districts of Barmer, Jaisalmer, Jodhpur and Bikaner.

Rural water supply schemes were formulated under the Sixth Five Year Plan and provision for drinking water through tubewells was made in hundreds of villages. But the villages are spread in an area of 25 square kilometers to 200 square kilometers and the rural population living in "dhonis" has also to be provided drinking water.

Some tubewells in Lathi Series have proved to be successful. Most of the tubewells have a capacity of 500 to 3,000 gallons which is insufficient to meet the requirements of rural areas and thus a number of villages are deprived of drinking water. The water in the tubewells is also drying up which may lead to a situation in 10 to 20 years where the tubewells would dry up completely because of their over use. In a number of villages tubewells have not proved a success.

A permanent solution of the drinking water problem lies in Rajasthan Canal which is now known as Indira Canal. Lift canals and Flow canals can serve Saiba (Ganganagar, Churu) and Gajner and Kolayat, Fa'audi, Pokaran and Mohangarh and Gadhra Road. So, I request the Central Government to make provision in the Seventh Five Year Plan for supply of drinking water by lift canals in Barmer, Jaisalmer, Jodhpur, Bikaner, Ganganagar and Churu Districts.

- (iv) **Cooking gas agencies for Renukot, Obra and Robertsganj towns, district Mirzapur (U.P.).**

**SHRI RAM PYARE PANIKA** (Robertsganj): Mr. Speaker, Sir, there is great resentment among the people in connection with the action that the Central Government have been taking during the last few years for providing cooking gas facility in Renukot, Obra and Robertsganj towns of Mirzapur District because in the absence of cooking gas in these industrial towns, the people are facing a grave fuel problem. The decision to allot gas agency in Renukot has been revoked and second advertisement has not been given in this regard. Similarly, second advertisement has not been given for Robertsganj and undue delay is being caused in respect of Obra. In respect of Chunar also, no advertisement has so far come out while the Government has a policy to provide cooking gas facility to the towns having a population of less than 20,000. So, while inviting the attention of the hon. Petroleum Minister towards the said problems, I demand that action may be taken to allot gas agencies in these towns at the earliest

[English]

- (v) **Need for clearance by Department of Environment for Construction of Varadarajaswamy Project in Kurnool District (A.P.)**

**SHRI V. SOBHANADREESWARA RAO** (Vijayawada): Varadarajaswamy Project in Kurnool district, Andhra Pradesh was approved by Planning Commission long back. Government of Andhra Pradesh has taken up construction and substantial amount was spent on that project. Meanwhile the Department of Environment has objected to the project stating that it would

inundate nearly 40 acres of forest land. Rayalaseema is a permanently drought hit area and so this project will help thousands of farmers and lakhs of agricultural labourers. Hence there is urgent need for the Ministry of Environment and Forests to look into the matter and give clearance to enable the completion of Varadarajaswamy project at the earliest.

11.15 hrs.

SUGAR UNDERTAKINGS (TAKING  
OVER OF MANAGEMENT) AMEND-  
MENT BILL

(As passed by Rajya Sabha)

[English]

MR. SPEAKER : Now we take up items Nos. 11 and 12 together, for which one hour has been allotted. Dr. A K. Patel. Hon. Member is not present. Rao Birendra Singh.

THE MINISTER OF FOOD AND CIVIL  
SUPPLIES (RAO BIRENDRA SINGH) :  
I beg to move\* :

“That the Bill further to amend the Sugar Undertakings (Taking Over of Management) Act, 1978, as passed by Rajya Sabha, be taken into consideration.”

This is a very simple amending Bill to replace an Ordinance we promulgated in November. It is intended to increase the period of take over of mills from six to seven years, so that Government can further discuss the matter, or handing them back to the owners, after considering properly as to what safeguards can be provided so that the mills do not again become sick and Government dues also may be recovered.

I hope the House will also pass this Bill unanimously.

MR. SPEAKER : Motion moved :

“That the Bill further to amend the Sugar Undertakings (Taking over of Management) Act, 1978, as passed by Rajya Sabha, be taken into consideration.”

Mr. V.S. Rao, would you to speak on this Bill ?

SHRI V. SOBHANADREESWARA RAO (Vijayawada) : Mr. Speaker, Sir, I disapprove of this Sugar Undertakings (Taking Over of Management) Amendment Bill because the Government of India which is expected to show the same interest regarding the Sugar problems pertaining to the sugar industry in all the States, is unfortunately taking greater interest in the problems of the sugar industry in Uttar Pradesh. There are many other sugar factories which are closed, which are not functioning, which have to pay crores of rupees as arrears to cane growers, and which are not taken over by the Government of India. The five factories which have been taken over under this Act, recently, are all in Uttar Pradesh. The original Act had contemplated to take over some factories and it was expected that they would take them over for three years. Subsequently it was increased by another three years. Now, in the seventh year they want to take over some more. I would like to bring to the notice of the hon. Minister that one factory the Chellapalli sugar factory in Krishna District, Andhra Pradesh, had to pay Rs. 1.5 crores to the sugar cane growers as dues. It has not worked during the last season. It is not working during this season and it owes to the workers a sum of Rs. 50 lakhs as arrears of wages.

I request the hon. Minister to take over the management of Chellapalli sugar factory because it satisfies all the requirements of this Act, as mentioned in the objectives, and fulfils the conditions which are mentioned for taking over of management of factories under this Act.

I also want to mention that by extending the period by one more year, it is not going to solve the problem of sugar industry. Mr. Speaker, Sir, you are well aware that several cooperative sugar factories as well as some sugar factories in that public sector are incurring losses to the tune of crores of rupees because of the unrealistic anti-peasant policy that is being pursued by the

\*Moved with the recommendation of the President.

Government of India. With all respect to the hon. Minister I would like to submit that in spite of the fact that the Agricultural Prices Commission has recommended Rs. 16.50 as minimum statutory price for sugarcane and one hon. Member on behalf of the peasants in the A.P.C. Chaudhry Ranbir Singh, recommended Rs. 25/- on a recovery of 10 per cent, the Government has not accepted the judgment of this expert body. Because of the unrealistically low price, the cooperative sugar factories and those in the public sector are incurring losses worth crores of rupees. The State Governments have to help them by way of advance under ways and means scheme or as loan. In fact, the State Government of Andhra Pradesh has given nearly Rs. 35 crores to these factories. I request the Government to give a remunerative price to the cane growers. The sugar price should also be increased. What is the logic in keeping the price of sugar at a low level? The sugar cane price is even lower than that of firewood. The consumers are not subsisting only on sugar. They are taking rice, cloth and other items of daily use. Whereas you are allowing increase in prices in respect of other commodities, you are keeping the prices of sugar at a low level just to help the upper class people and salaried people. These people are being helped and not the poor cane growers, agricultural workers, etc. I request the Minister to take an impartial view so that the sugar industry can grow. It is an agro-based industry which is helping millions of people. This price increase will help not only the cane growers but also the agricultural labourers to get more wages.

I request the Minister to take over the management of Chellapalli sugar factory which satisfies all the conditions and requirements under this Act. I request the Minister to take a decision in this regard.

PROF. N.G. RANGA (Guntur) : I have a few points to make on this Bill. I agree with my hon. friend from the opposition that this Chellapalli sugar mill should be taken over by the Government.

He has stated quite correctly that the farmers have been made to suffer because of non-payment of the dues to them. So also

workers have had to suffer. I do not know why the Government is delaying any action to protect the interest of the farmers.

11 24 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

It is high time that some definite decision was taken by the Government.

In regard to other things I cannot say anything because it is for the Minister to give answers to all the points. But the remunerative price has to be there. Whether what the Agricultural Prices Commission has suggested is enough or not I cannot say anything here and now. But I do know that there is a need for maintaining two prices—one for the low income people all over the country and the other free market price. The free market price and the procurement price that is paid by the Government, should be such as to leave sufficient margin for the sugar mills to make a reasonable profit and at the same time allow remunerative price to be paid to the growers.

I hope and trust that my hon. friend will try to review the policy that has been followed till now and see if there is any scope for improvement so that the farmers as well as the workers could be protected and the sugar mills would not have to go on losing, if they are losing at all. I would also like the hon. Minister to look into the managements of the sugar mills. Why is it that so many sugar mills, even the cooperative mills, should be losing so heavily that they are not able to pay to the cane-growers the prices fixed by the Government and agreed to by the mill owners?

SHRI THAMPAN THOMAS (Mavelikara) : Mr. Deputy-Speaker, Sir, I would like to bring to the notice of the hon. Minister the problems of the sugar industries, especially those of the agriculturists. They are not getting back even the expenses which they incur for cultivating sugarcane. On the one hand, there are no such activities by the Government which can support the cultivators and, on the other hand, the workers working in sugar factories, are getting very low wages. Now some of the industries, especially the industries based on by-pro-

ducts, are facing crisis because of the policy of the Government in not giving sufficient return for their production. I have seen two major sugar industries in Kerala—one in my constituency, Travancore Sugar Mills, Tiruvella and the other Chittoor Sugar Mills, Palghat. Both these mills are facing very big crisis because they are not getting sufficient quantity of molasses and whatever quantity they are getting is being allotted to them from U.P. though it is available in Karnataka or in Maharashtra. So, the Government has no uniform economic policy to safeguard the interests of the workers. That is why I say that the agriculturists as well as the workers connected with this industry are facing problems. When the Government wants the period to be extended by one year more, it should at least take necessary steps to see that the interests of both the workers and the agriculturists connected with this industry are properly safeguarded. I would like to point out that instead of the management being in the hands of bureaucrats who are not aware of the style of functioning of the industry and the agricultural sector, it may be better to set up a forum where the representatives of both the workers and the agriculturists are there who may formulate a coordinated policy for industry and where the interests of both the workers and the agriculturists can be properly safeguarded.

SHRI R P. DAS (Krishnagar) : Sir, this Bill has been brought to extend the period of take-over of the management of sugar undertakings from six to seven years and for framing new rules and modalities. I do not support the crucial statement of the Minister in which he says that the mills would be returned to the owners. The original Bill had stated that the sole purpose of the Bill was to reduce the outstanding arrears of the eight sugar units and to see that the mills ran continuously so that the interests of the workers and the employees and the farmers were properly safeguarded and the sugar-consuming public could also derive their interests from the continuous running of the mills.

Now we find that the Minister wants to give back all these benefits to the owners,

which was not intended in the original Bill, which was not the purpose when it was taken over from the management.

Since the sugar industry is one of the most important industries, which produces an essential commodity, it should be nationalised. When the management of these units was taken over, it was felt that the ultimate decision would be to nationalise them. But the Minister intends otherwise.

The main reason for the sickness of these mills is bad management. The managements are inefficient and sometimes corrupt. The owners of the mills never provided proper management. Whenever the Managing Director or the management found a downward trend in the profitability of an undertaking, they generally went in for some other business. In other words, they always tried to transfer the funds from one business to another.

Further, there was no attempt at modernisation of the mills. These mills were run with old and outdated machinery, which could not ensure profits. Without modernisation, none of the mills can be run profitably, nor could the mills attain economic viability. This modernisation can be effected only when the mills are under the control of the Government.

Besides that, the sugar mills have to establish industries for the by-products. Without the establishment of the industries for the by-products, these mills cannot be run at a profit.

It is also noticed that the managements of these sick mills were maintaining very bad relations with labour and the farmers who supply cane to the mills.

The owners of the mills never cared to pay a remunerative price for the sugarcane, so that the farmers will be encouraged to produce more cane. That is why there was a hue and cry for nationalisation of these mills from all round. I would like to know from the hon. Minister the total outstanding arrears due to the cane growers from the mills and whether it has been completely liquidated. There may be arrears for the

workers also in the form of wages, bonus or other dues. Have those arrears been liquidated ?

Finally, I would say that the cane prices should be adjusted in such a fashion that the farmers get a remunerative price. At present, they are not paid a remunerative price. Further, the yield from cane in this country is low, compared to other countries. Also, the cane production in Bihar and UP is less compared to that of Andhra and Maharashtra. The cane production in West Bengal is far less than its production in other States. Therefore, I would point out that for better cane production remunerative cane price should be ensured to the farmers. Without remunerative prices to the farming community, farming unit cannot be made viable. Therefore, in the end I would demand that the sick units should be retained under Government control and finally they should be nationalised. Their nationalisation should be the first step towards nationalisation of the entire sugar industry.

SHRI B. K. GADHVI (Banaskantha) : Mr. Deputy Speaker, Sir, I rise to support this measure. When we talk in this House or outside, we always talk in terms of the farmers. It is a fact that our country is predominantly a farming country. Eighty per cent of our population is dependent on farms. Therefore, even in the sphere of industries, particularly those which are agro-based, a scientific approach is required. Up till now, it appears the trend of the thinking for industries is mostly in favour of those which are not agro-based. In fact, most of our industries in India, whether they are sugar, textile or jute, are agro-based industries. But, particularly with regard to sugar industries you would appreciate that majority of the farmers, whether they are in the North, or in the East, or the South or in some parts of the West, or even in Central India, find that sugarcane growing is becoming more and more unprofitable. It is true that in some of the States where there is canal irrigation or where there is perennial cheap irrigation, people do plough sugar. Sugar is one of our agricultural produce which heavily supports our Exchequer. Moreover, because of the sugar production we are in a position to maintain

the stability of prices in the country. Therefore, my primary submission would be that we should realise that this industry should survive, progress and prosper. Its maladies and the causes of its sickness have got to be tackled. For quite a long time we have been hearing complaints from the farmers that they are not being paid sugar cane prices in time and further that the sugar-cane prices are becoming more and more unremunerative to them. It is unfortunate, that in this country whether it is profitable or not the farmer is compelled to go on growing his farming products. That is his weakness. He cannot think in other terms. If you apply cost benefit ratio principle here, you will find unlike other industries, the farmer has got no choice to divert to other fields. Therefore, this industry needs the utmost attention by the Government.

My friend from the opposition rightly said that it is well-known how the profits and capital of these sick industries have been siphoned off. Today we know that 600 textile mills are suffering because of its maladies and sickness. We know that millions of people are out of job and that they are likely to be out of job because of this malady. Similarly, if you do not give scientific attention to the sugar industry, the fate of the farmers and workers in the sugar factories would be in jeopardy. Therefore, my submission is that until we make the entire farming community stand on its own legs, our goal of making our economy self-reliant as early as possible will not be achieved.

Therefore, Sir, my submission is that today we export our sugar at a subsidised rate. People also say that sugar should be made available at cheaper rates in cities. No doubt, the consumers' interests have to be protected.

The something is happening even with regard to milk industry, our dairy industry. The farmers and the women who are rearing animals do not get remunerative prices for milk and milk products. But we want to provide them at cheaper rate because butter should be available at the table for the morning breakfast. Ghee should be available at the dining table at cheaper rate.

All these are the demands made by the vocal people. And so far we are going on yielding to the demand made only by the vocal people and not by the people who are perspiring and toiling on the soil. So far, we have not paid any attention to the difficulties of the farmers. I come from a village and I know the difficulties of villagers. There is no 8-hour shift. There is no dearness allowance with the rise in the price index level. There is no *hartal*. Indian farmers cannot go on *hartal*. But does it mean that he should not get even the remunerative price for the products he provides—may be sugarcane, may be milk, may be foodgrain, may be castor oil, may be pulses or anything. Now, the time has come when we have to pay attention to their needs and aspirations.

Of course, I welcome and support this Bill. But I would say it will be in the strict relevance of the situation, if I impress upon the hon. Minister, and the Agricultural Department in the Government of India to pay more attention to the difficulties of our farmers. Now the time has come that even with regard to agriculture and agro-based industries, a scientific approach and thorough examination has got to be done. Otherwise, the discontent and the poverty that you want to eradicate, you would not be in a position to eradicate.

In the sugar industry, modernisation is not there. Depreciation funds which are being collected are not used properly. Siphoning out of funds, as already mentioned, is done for the other industries. And the farmers who sell the sugarcane are not paid in time. What should we do with those industries? We will nationalise those industries. They wish it. Sometimes the management and the industry behave only with the motive that it should be nationalised so that they would go scot-free. I think, a penal provision has got to be inserted that if anybody or the management deliberately renders any unit sick or non-viable, then they should be punished. There should be recovery of arrears. There should be penal provisions as well as a provision for the recovery of loss sustained by the factory, from the management people. But, as it is, I am afraid the management would go on behaving in a recalcitrant manner despite

all these measures. Therefore, now the time has come to put some penal provisions in regard to that.

Since you have rung the bell, I would not take much time. But I would once again urge that the agro-based industries—not only sugar industry but all industries—should be given scientific attention and thorough examination so that our agriculture can flourish, farmers as well as the workers can benefit and we can alleviate the problem of shortage of foodgrains and price-rise so far as essential commodities are concerned.

[*Translation*]

SHRI MOOL CHAND DAGA (Pali) : Mr. Deputy Speaker, Sir, we have been hearing for the last so many years that all sugar mills in the country would be nationalized but I understand that the Government have so far taken no decision in the matter. We have already taken a decision and have repeatedly stated and debated in the House that sugar industry should be nationalized but today when we go through the present Bill, we find that it speaks only of the taking over of the management. I think the Government should take a decision to nationalize the entire sugar industry in the country, which is consistent with our policy so that cane-growers may get remunerative price for their produce, the problems of workers are solved and they may devote themselves to their work. In the statement of objects and reasons of the Bill, it has been stated that originally a period of three years was stipulated for the takeover of the management which was later extended to six years and now it is being extended by one year more. It further says —

[*English*]

“for administrative and logistic considerations.”

[*Translation*]

What are those considerations? Would the Government tell us whether after the expiry of seven-year period, the Government would restore management to them? What is the scientific base for extending time-limit again and again? What has been

stated is not a base, but it reflects your ideology. May I also know the extent of investment, that the Government has made in those industries for which you propose to extend the time-limit? What are the figures of profit earned or loss incurred by the Government after such investment? What is the amount that has been earned by sale of sugar and what is the number of machines purchased with that money? What is their financial position at present?

May I also know from the hon. Minister whether the workers have been paid bonus as per the labour laws in the Sugar industries under Government management and if so, the number of persons paid bonus? What means are being adopted to improve the condition of agricultural labourers? What wages are being paid to agricultural labourers working in sugar industry and what is the minimum wage? I want this information about U P, Madhya Pradesh and Rajasthan. I understand that they do not even implement the provisions of Minimum Wages Act. They do not pay bonus also. We want that the Government should nationalize the entire sugar industry. This will benefit the workers. It would be better if we proceed in this direction.

**SHRI RAM NAGINA MISHRA** (Salempur): Mr. Deputy Speaker, Sir, I rise to support this Bill. I would, however, like to draw the attention of the hon. Minister to the problems being faced by the sugarcane-growers in the country.

Laws have been formulated on the subject before also. There is a Sugarcane Purchase Act also which *inter alia* provides that if a sugarcane grower supplies sugarcane to the sugar mill and the mill fails to make payment therefor within 15 days, it would be liable to pay interest to him. I know about Uttar Pradesh. Not millions but hundreds of crores of rupees of sugarcane growers are outstanding there. I want to know from the hon. Minister whether he is aware of a single instance where even a penny had ever been paid to the sugarcane-growers on account of interest? It has never been paid.

The position is that the sugarcane grower is not paid for years together for the

sugarcane he grows and supplies to the sugar mills. If he fails to pay Government dues, be it land revenue or bank loans, his belongings are attached and he is put behind the bars. What sort of law is this? I would request that the provisions of the Sugarcane Purchase Act should be enforced strictly. The sugarcane growers should be paid interest by the sugar mills on the arrears which run into billions of rupees. I cannot think of any department where payment is not made for the goods supplied. It is only this unfortunate sugarcane grower, who toils for growing sugarcane and supplies it to the mills and then waits helplessly for years for his dues.

Last year, the dues ran into hundreds of crores of rupees in Uttar Pradesh and the Government of India had to advance loan and the State Government had to give about Rs. 70 crores as grant to the Mills. Why are the public as well as private sector factories of Uttar Pradesh in North India in bad shape? I would like to be enlightened whether even a single factory is not in the red? Sir, there are many types of factories; we have mills in the private sector; some are corporation mills; some co-operative mills and there is one mill named Kanpur Sugar-workers Limited mill also in which Government have 48 per cent shares and others 52 per cent. The condition of this concern is such that dues amounting to Rs 15 crores are outstanding against it in Uttar Pradesh only. Recently, four factories were not paying a sum of Rs. 4-1/4 crores on account of cost of sugarcane. The Government of India also refused to pay, and a lot of efforts had to be made to clear this amount of 4-1/4 crore. I, therefore, think that this factory is neither in the public sector nor in private sector. It is a new kind of factory.

I would request the hon. Minister to order an enquiry into the working of the 6 factories of Kanpur Sugar Works Limited—three in Bihar and three in Uttar Pradesh. None of these factories is such as may not owe crores of rupees. When the arrears will mount to such an extent that the Government will not be able to get even the sum equivalent to the cost of a nut, then the Government will say that they are taking it

over. I would like to suggest that when the Government already have 48 per cent shares, they should acquire 2 to 3 per cent more shares and take it over. There are officers there who are drawing a monthly salary of Rs. 8 to 9 thousand. I would like to submit that certain officers there had been drawing salaries on two posts while the rule is that Government Officer cannot draw salary on two posts. And when the Government of India raised an objection, their designations were changed and their pay was raised by Rs. 1-1/2 thousand and now they are being paid Rs. 9-1/2 thousand while the condition of the factory has been worsening.

As regards the position of sugarcane, there are thousands of cane-crushers in Uttar Pradesh, particularly in the Western Uttar Pradesh, which are paying lower price to the growers than that paid by sugar factories and the recovery is also lower which amounts to national loss. Some rules should be framed to ensure that, as in the case of sugar mills, sugarcane should be supplied to the cane-crushers only through sugar cane growers unions and the growers should be paid at a rate not less than the rate being paid by the sugar factories. A study should also be conducted to make these cane-crushers viable. Suitable measures should be adopted to ensure that they do not incur loss and run smoothly, sugar cane-growers get remunerative price and national loss being incurred is also made up. These measures should be enforced strictly. The sugarcane grower must get his money within 15 to 20 days or a month after the supply has been made.

I come from Uttar Pradesh. I am a sugarcane grower myself. I can tell you that due to non-payment of their dues in time, the growers have to suffer untold woes. They have to mortgage their sugarcane receipts on a very prohibitive rate of 15 per cent interest to meet their pressing needs, such as paying of fees of their wards or meeting expenditure in connection with marriage ceremonies. Sometimes, they cannot arrange money for meeting their needs even with these receipts and are put to avoidable hardships. There should be strict orders that the grower be paid for the supply of sugarcane immediately. Other-

wise, all the factories in North India would be closed down. I want that a survey should be conducted because the position of the factories in North India is deteriorating constantly. The position of such factories in South India is better because of better recovery factor, higher production and lower cost of production. There are co-operative factories there and the growers also get bonus. The position in North India is just the reverse. The cost of production is higher, recovery percentage is lower and the canegrower is not paid remunerative price. Therefore, the growers have stopped cultivation of sugarcane. I would say that it is because of non-payment of dues that the production of sugarcane and sugar in North India has gone down even though half of the sugar factories in the country are in Uttar Pradesh and Bihar. Therefore, I would like to request that with a view to save sugar factories of North India, small units with outdated machinery and lower recovery should be modernised and at the same time Government should state clearly whether their policy is to nationalise these factories or they are against nationalisation. The advantage would be that mill owners would instal new machinery and modernise their mills. What happens is that when the mills are worn out, they request the Government for take-over and the Government takes them over. We have three mills which are running in the Central Sector. The Government's policy is that they take over mills when these are in the red and once they start looking up, their management is handed back. I think it is a policy of wasteful expenditure. Therefore, I would like the Government to declare clearly whether they want to nationalise them and if so, they should do it. A controversy has been going on for long. It should end. In my opinion, Government should go in for nationalisation of all those small units which are in bad shape and in the red, and all the existing rules should be enforced strictly and vigorously. With these words, I support this Bill.

SHRI PRAKASH V. PATIL (Sangli) :  
Mr. Deputy Speaker, Sir, references have been made about sugar factories in Maharashtra. These factories are running very well and recovery is also very good which has given a fillip to the sugar industry there. About a question just raised by hon. Member,



I want to say that in the beginning we had taken 5 to 6 crores of rupees from Government but within a short span of 15 to 16 years, we have deposited with Government 100 crores of rupees by way of revenue. This is the position.

As far as Uttar Pradesh is concerned, the sugar industry there is not on sound footing because of poor recovery factor and out-dated machinery and you may go on investing any amount—we know you are making investment with a view to generate employment—mill owners cannot manage them properly and earn profit under these circumstances. Therefore, a Committee should be appointed to ensure proper management, some sort of co-operatives should be encouraged in place of private ownership in the interest of their proper management or they should be nationalised to make them profit-earning units. This will also ensure profit to growers. As some hon. Member [has said, some other factories should be set up there. They would work better there. You should also think of affecting certain modifications in those mills which do not work profitably. Some new factories should be set up there keeping in view the abundant supply of water. Some other type of industry, such as tobacco, oil, etc. should be considered for being set up in the co-operative sector because it is impossible to earn profit from sugar industry due to poor recovery.

[*English*]

SHRI K.S. RAO (Machilipatnam) : Sir, while supporting the Sugar Undertakings (Taking Over of Management) Amendment Bill, I wish to mention about one factory in Andhra Pradesh where crores of rupees have been invested—Challapalli Sugar in Krishna District. It is unfortunate that it has become sick for the last more than two years, and a couple of crores of rupees are to be paid by the millowners to the local farmers. This is causing a great hardship to the farmers whose resources are very meagre and who had high hopes on this factory. No action has been taken to take over this mill by the Government. I am sorry to find that this undertaking is not included in the proposed units to be taken over by the Government. Here not only are the farmers suffering very heavily, but

12.00 hrs.

even the workers, a good lot of them are on starvation for want of work and the employees—even the skilled people were not put to use for the last couple of years. A good amount of public money is being lent to this big unit only with the impression that the management will be able to create more employment and improve the production and all that is in vain. I understand that some vested interests connected with the factory are coming in the way of taking over of the unit. It would be extremely advisable and it is in the interest of the public that this particular unit also must be included in the units proposed to be taken over by the Government and it should be taken over immediately.

One good thing I understand is that a lot of machinery installed in the factory is of the latest technology. Particularly, this machinery which could be put to optimum use, if it is to be kept idle, for some time, for some years, then this also may become a junk causing great loss to the people in the area and also to the nation at large. So I request this unit also to be included along with the other undertakings.

SHRI B. B. RAMAIAH (Eluru) : I want generally to speak on the principle of sugar industry also and not about any particular undertaking only. As our friends on both sides of the House mentioned about the Challapalli Sugars in Andhra Pradesh, this is a very important unit and that should be included in the Bill and it should also be taken over.

The sugar industry in India three years back produced more than 8 million tonnes of sugar and now it has come down to as low as 6 million tonnes. We were exporters only a few years back but this year we had to import a huge quantity of sugar because of our sugar policy.

As our friends on both sides mentioned, the price of sugar cane is not properly remunerative in spite of the Agricultural Prices Commission recommending prices taking into consideration the basic aspects like the price structure and various other costs. It is repeatedly mentioned that the

Government will be able to announce the sugar cane price at least one year ahead so that the farmer should be able to decide what is the remunerative price and what crop he should plant. In spite of discussing this policy for so many years and repeatedly laying stress on it, even this year the sugar cane price was not announced even at the start of the sugar cane crushing season. That puts the farmers in a confusing stage and our sugar production is going down in spite of our capacity and efficiency. As I mentioned earlier, we have to incur a lot of expenditure of foreign exchange for import of sugar—not encouraging our own industry, not encouraging our own farmers. It is a most unfortunate thing and this is a policy matter the Government has to consider and deal with.

As some of our friends have mentioned, we have to see what is the performance in the factory being taken over, whether they will be able to give efficient management and whether they will be able to modernise it, whether they will be able to run it up to the mark, whether they have got enough technology and scientific management—all these have to be looked into.

What is going to happen to this industry? This is one of the basic agro-based industries and it is going on for a long time. I may assure you on behalf of the technicians and scientists that we have got enough talent in our country. It is a policy matter in the hands of the Government. If they take the policy decision, we can not only increase our production to 8 million tonnes and we would have reached by now more than 10 million tonnes. But this is a policy matter to be considered by the Government. Simply taking over the units will not do. It should improve the efficiency, the management and the technique and also give a remunerative sugar cane price. Sugar is produced in the farm and unless the Government is able to give a remunerative price, sugar cannot be produced. The factory can only extract it. They will recover the sugar available in the cane. So the Government should see that the farmer is encouraged to produce better varieties of cane. Better prices should be given. Then only you can improve our sugar industry and you can have a better performance.

With these words, I request the government to take more interest in the sugar industry and take a policy decision as early as possible.

SHRI R.S. MANE (Ichalkaranji) : Mr. Deputy-Speaker, Sir, I am supporting neither the nationalisation of the sugar factories nor the private sector industries. I want that all sugar factories should be brought in the cooperative infra-structure. Wherever there is no possibility to run the factories in cooperative infra structure they should be taken over by the Government of India but remunerative prices must be given to the farmers.

Secondly, Sir, I would like to say that prices should be paid in one lot at a time. At present they are paying in two-three lots. It is an undesirable practice and not conducive to the interests of sugar producers.

My next point is that modernisation and good management are the basic needs of this industry, then there is a flaw in the issue of licences. I want wherever there is a bumper sugar crop, sufficient irrigation potentiality and better recovery licences should be issued liberally irrespective of the guidelines. Guidelines have got to be revised. I would also like to submit that one expert from the sugar growers should be taken on the Agricultural Prices Commission. Sugar industry is a very important industry and I would like to suggest to the hon. Minister, Rao Birendra Singh to appoint a study team or a Commission to examine the new sugar policy. Till now the policy of the sugar industry is being implemented on trial and error basis. This is not desirable. A scientific and modern study of this industry has got to be made.

SHRI NISSANKARA RAO VENKATARATNAM (Tenali) : Mr. Deputy-Speaker, Sir, as far as taking over the sugar industry is concerned I want to draw the attention of the Central Government to one particular case in Andhra Pradesh. Challapalli sugar factory is one of the renowned sugar factory in Andhra. It is the second season since it has been closed. This factory has to pay arrears of Rs. 1.5 crores and also Rs. 50 lakhs are due to the workers. It is a fit case

for the Central Government to take over this factory thereby we will be saving the rights of the workers and also the industry in that area. People in that area have appealed to the State Government to see that this factory is not purchased by private management, though the private management is able to come to their rescue. It is not that the Government is not in a position to take over the unit. So, I would request the hon Minister for Agriculture kindly to consider taking over the unit by the Central Government. It is a most befitting case for the Central Government to take over Chellapalli sugar unit.

[*Translation*]

SHRI BANWARI LAL PUROHIT (Nagpur) : Mr. Deputy Speaker, Sir, I rise to support the Bill introduced by the hon. Minister in the House. However, I would like to submit that some radical changes are required to be made in the sugar policy in view of the fact that while the prices of sugar fluctuate very frequently, the prices of sugarcane remain fixed. I fail to understand as to why it happens. Why the prices of sugar fluctuate when the prices of Sugarcane are fixed. This needs serious consideration.

We have also seen that the problem has not been resolved even after bringing the sugar factories under the cooperative sector. The cooperative sugar factories having efficient management are working well but in the factories where the management is not good, the farmers are not getting due benefits because office-bearers are filling their own pockets. This should also be given a serious thought.

It has also been observed that many sugar mills are incurring losses. The point is why are they incurring losses? I feel that their modernisation is imperative. We will have to ensure that the yield does not fall short. Otherwise, we shall not be able to provide remunerative prices to the farmers. The outmoded and obsolete machines should be replaced by modern machines. I would suggest that a survey of all the sugar factories be conducted and wherever old machines, responsible for causing losses, are found, they should be replaced by modern

ones and the Government should give all possible assistance for such replacements.

Another important point that I want to bring to the notice is that wherever the sugar factories have by-product units, such as alcohol factory or paper factory, in their vicinity they always earn profit but where such arrangements do not exist or where the waste has to be moved to distant places, the mills are deprived of this profit because of the transportation cost. I would, therefore, suggest that every sugar factory should have its by-product units nearby. This will ensure more profits as well as remunerative price to farmers. Some of my colleagues have suggested increased price for sugarcane. I fully support their suggestion but I would like the Government to consider the measures which will enable the factories to give enhanced price to the farmers for their sugarcane.

The sugar being distributed by Government at fair price through public distribution system is not reaching the consumers. Several black marketeers take undue advantage of it and the sugar does not reach the consumers. This should also be looked into. The Government should utilise one year time available to it for making radical changes in the sugar policy and make such arrangements as would ensure that not only the consumers get sugar at fair price but the farmers also get remunerative price for their sugarcane. Hoping that right policy will soon be formulated by the Government, I once again extend my support for this Bill.

SHRI ANOOPCHAND SHAH (Bombay North) : Mr. Deputy Speaker, Sir, I rise to support the Bill introduced in the House to provide for the takeover of management of sugar undertakings, but in view of our experience of Maharashtra, I would like to say a few words. Whenever any industry is in difficulty, the only solution that is put forth is nationalisation. Is nationalisation the only remedy for all the ills an industry suffers from? Sugar factories are running efficiently in Maharashtra on cooperative basis and if they are kept away from politics, they will continue to work efficiently. But the people at the helm speak in two veins. In urban area, they will advocate low price

for sugar and among cane-growers they will plead for remunerative price for their produce and in factory areas they will demand enhanced wages for workers. We do agree that a cane-grower should get good return for the hard work he puts in and a worker should also not be deprived of the justified wages but at the same time we cannot say that sugar should be made available at the rate of Rs. 2.50 per kg. at which it was being sold during Janata regime. We all had seen the results of this the following year. Since the cane-growers did not get remunerative price for their produce, they reduced the sugarcane cultivation area with the result that there was considerable fall in production. I would, therefore, like to submit that merely by following the policy of nationalisation we cannot give a better management or increase production in those factories which are showing good results under cooperative sector. In view of our experience of textile industry we should proceed with utmost caution. I would, therefore, submit that a decision should be taken as soon as possible as to the basis on which we propose to run this industry. If the entire sugar industry of the nation is to be nationalised, then a decision in this respect will have to be taken at the earliest. Leaving aside the factories that are being run on cooperative basis, the other factories have been brought to such a state that in case the Government takes them over they would be in difficulty.

While supporting this Bill, I would only submit that we should formulate a sound policy for the entire nation. If some sugar mills are not running as efficiently in certain areas as they are running in cooperative sector and the cane-growers are not being paid remunerative prices and the workers their wages, and the concerned people or workers are willing to run them on cooperative basis, such an arrangement needs to be given preference.

I conclude my speech with the hope that the hon. Minister will consider the points made by me.

**SHRI MADAN PANDEY (Gorakhpur) :**  
Mr. Deputy Speaker, Sir, I am grateful to you that you have given me an opportunity to speak for the first time. Since the time

allotted to me is only five minutes, I would like to draw the attention of the hon. Minister to a few points.

In the sugar-industry-based economy in North India, particularly in U.P. and Bihar, people mainly depend upon sugarcane as a cash crop. Therefore, while formulating any policy in this regard, this fact should be kept in view. The sugar factories of North India are facing all sorts of problems and if proper arrangements are not made to bring about improvements in the sugar factories, the economy of North India would be in shambles. Most of the sugar factories of North India were set up in the decade between 1930 and 1940 and since then technology has advanced considerably. The entire funds of Government are simply being dumped in the factories that are being taken over. I say so because these funds are not being utilised as prudently as they should have been. I would cite an example in this regard.

There is a sugar factory at Siswa Bazar in Gorakhpur. The owner turned the factory into a sick mill and when the Government tried to take it over, the owner remained silent but later involved the Government in litigation. The Government have paid the arrears amounting to about Rs. 2 crores and 32 lakhs to the farmers but there is no hope of its being commissioned this year also. This is only one example which I have quoted, but you will find hundreds of such examples where huge funds of Government are being wasted.

I, therefore, request the hon. Minister that while taking over the factories, efforts should also be made to modernise them. Some amount should be earmarked for the modernisation of the factories that have been taken over and new machines be installed in two or more sugar factories each year. The modernisation of the remaining sugar mills should be accordingly carried on every year. In this way the lot of labourers and cane-growers can be improved with the money that Government invest in these factories.

Sir, I would like to draw your attention to one more point. At present sugar factories in U. P. are running in four sectors—private

sector, cooperative sector, State sector and Central sector. I suggest reduction in the number of these sectors. The factories running in State and Central sectors maintaining separate systems should be brought under one sector either State sector or Central sector. This will bring down the losses being suffered due to dual management. This is my suggestion.

I would also like to suggest to the hon. Minister that while taking over a sugar factory, necessary provisions should also be made to clear the dues of the worker. We are not concerned whether the dues are cleared by the owner or by the Government. The workers must be paid their dues. There are two factories in U.P., namely, Siswa Bazar and Ghughali, which still owe lakhs of rupees to the workers on account of their gratuity and provident fund. The workers are suffering because of mismanagement on the part of the owners. The Government should make such an arrangement that the provident fund amount of the workers deposited with the owners is given back to the workers at the time of the takeover of a factory so that the workers may feel that they too have been benefited with the takeover of the factory by the Government. The Government should make immediate arrangements to ensure payment of arrears of gratuity, provident fund and wages etc. due to the workers. This will go a long way in removing the difficulties of the workers.

With these words, I support the Bill and thank the hon. Minister.

[English]

SHRI ANANDA GAJAPATHI RAJU (Bobbili) : Mr. Deputy-Speaker, Sir, I rise today to speak on the Sugar Undertakings Amendment Bill. I would like to make only two points.

There is a sugar factory in my constituency Bobbili, which has been running on very unsound lines for the last several years. After the Nizam Sugar Factory took it over, the working of this undertaking turned out to be a little better. And therefore, I request that all sugar undertakings, in view of the bad economics and in view of the mounting

losses, should be taken over by the Government, because the Government wants to look after the economy from the commanding heights. Government wants to nationalise the banks with a view to organise the economy on a more sound footing. Therefore, there is a necessity to take over this factory because it has been very badly managed. I request the hon. Minister to kindly consider this and I would definitely furnish him with further details regarding this matter.

The second point which I would like to make is that sugar industry *per se* is running into a big problem. You find that the pricing is very unremunerative. Nevertheless, there is a certain urban subsidy that has to be given. In urban areas, sugar has to be subsidised. Therefore, the only avenue left is to see that the by-products of sugar are priced in such a way that sugar pricing is done on a more rational basis. Again, exports of sugar need not help us a lot because the price in the international market is very low. So, taking into consideration the bad economics of running the sugar factories, taking into consideration the international position and taking into consideration the fact that sugar industry provides a lot of employment and a number of families are dependent on sugar factories, I would request the hon. Minister to consider taking over of these factories for running them on scientific lines.

[Translation]

SHRI MURLIDHAR MANE (Nasik) : Mr. Deputy Speaker, Sir, I support the Bill. In Maharashtra, sugar factories in the cooperative sector are running efficiently. The Central Government have suggested that those sugar factories in the Private Sector, which are not working efficiently, should be brought under the co-operative sector. I would like to draw your attention towards one thing, i.e., when the stock of the sugar factories was weighed, it was found short with the result that the farmers were paid less. The farmers, in turn, started sowing sugarcane in lesser area and factories started getting lesser quantity of sugarcane which resulted in losses to the factories.

The biggest hinderence in the way of the

farmers in increasing production of sugarcane is the scarcity of water. If water is made available in sufficient quantity, production of sugarcane can be increased to a great extent. The prices of the fertilisers used by the farmers should be reduced. This aspect should be given a serious thought.

Besides, sugar factories had been asked to maintain a buffer stock but the insurance claim and subsidy which become due to them have not been paid to them so far by the Central Government. If that amount is released immediately, that will help the sugar factory managements in tidying over the financial difficulties. So, this work is required to be done soon.

With these words, I support the Bill and thank you for giving me time to speak.

[ English ]

THE MINISTER OF FOOD AND CIVIL SUPPLIES (RAO BIRENDRA SINGH) : Mr. Deputy-Speaker, I am thankful to the hon. members opposite and also on this side of the House for participating in the debate on this very simple amending measure that I have put before the House. They have all supported the amending Bill for increasing the time of take-over of sugar mills from 6 years to 7 years. At the same time, they have brought into focus the problems faced by the farmers, the workers and the factories in general. This is a very simple measure. Six year period elapsed in November last. We have taken over 8 mills in the year 1978-79, soon after the main Act was passed by the Parliament. The limited object of this amending Bill is to gain more time, to think how the factories that government has been managing for the last 6 years or so could be handed over to the owners, to the erstwhile managements, whether co-operative or private and the future of the workers and the cane growers could also be ensured simultaneously; at the same time, they could guard against, if possible, these mills going sick again.

This Act is a sort of a deterrent against mills going sick by various methods. Some of them are fraudulent methods, I do not hesitate in saying, as several of my friends have pointed out. There is leakage of revenues, there is manipulation of accounts and losses are shown in the balance-sheets

by methods which are not so desirable. At the same time some old mills run into genuine difficulties and we do not want that the farmers of those areas who cannot immediately switch over from one pattern of cultivation to another should suffer. We try to help the industry as well as the farmers and workers through this measure.

Hon. Members from both sides have pointed out several difficulties. Sir, I admit that this temporary take-over is no remedy for bringing back to permanent health these mills. Ultimately the Government either has to think of nationalisation or of putting pressure on the managements to modernise these mills.

PROF. N.G. RANGA (Guntur) : Change the management.

RAO BIRENDRA SINGH : The question of nationalisation has been raised in this House from time to time. Even today, some of my friends have suggested that we should resort to nationalisation of sugar industry. One hon. Member Shri Mane suggested setting up of a commission to evolve a long-term policy for sugar. All I can say at the moment is that nationalisation of sugar industry cannot be thought of in isolation from the policy as regards the other sectors of industries. We have to take one view and we have opted for a mixed economy ; public sector as well as private sector. And, I am not in a position to say that nationalisation even if Government thinks of it will solve the problem. Because we know that our experience with the public sector also is not very happy. Everybody will admit it. Therefore, we have to try and help the industry wherever possible bringing in public sector. That is what we are doing.

As regards sugar industry we are giving preference to cooperatives. In the matter of licensing of new mills they will be under the cooperatives as far as possible. If in an area where no cooperative societies are set up or public sector comes up but there is enough sugarcane then only we agree to new licences to be given to private sector.

Now, hon. Members will appreciate that the cooperative sector has done very well in

the matter of sugar production. More than fifty per cent of our sugar production comes from cooperatives. We heard a short while ago one hon. Member from Maharashtra asking for nationalisation, another Member was opposing nationalisation. He is also from Maharashtra. I do not know how these two views can be reconciled. We have to see that the farmers get remunerative prices. We also agree that there should be a long-term policy on sugar.

SHRI B. K. GADHVI  
(Banaskantha) : We also oppose hospitalisation.

RAO BIRENDRA SINGH : Sometimes it becomes necessary. Sir, there have been difficulties created on account of wide fluctuations in sugar production from year to year. We have seen shortages for years in the past. We have also seen times of glut. After the period of Janata rule, the sugar production had come down to only 38 lakh tonnes from a previous high production of more than 64 lakh tonnes. Within two years, on account of the policies pursued to give remunerative prices to farmers and to help the industry to modernise, the production came up to 84 lakh tonnes in the year 198.-82. That was the highest production in any country in the world. In the year after that also it was 82 lakh tonnes. But then again within a year, it came down to only 59 lakh tonnes. This year we hope to produce between 65 to 70 lakh tonnes. I would not commit myself at this stage because the season is on. By 7th January the sugar production was two lakh tonnes over and above the last year's production during the same period. The trend is good.

Members have complained that farmers are not getting remunerative prices. They have quoted the figure of Rs. 14/- that is taken into account as a statutory minimum price accepted by the Government on the recommendation of the A.P.C. in the earlier current year. There was a slight deviation last year. But Rs. 14/- is not the price to be paid to the sugarcane growers. This is only relevant for fixing the price of levy sugar for the mills. 65 per cent of the sugar

is taken over by the Government as levy sugar. This is one of the factors that go into the cost. This 65 per cent is distributed through the public distribution system at a fixed price of Rs. 4/-. 35 per cent is for free sale. We try and control the price in free sale also by applying the mechanism of release from month to month so that if the prices tend to go high, then more sugar is released from the factory. We try to see that the difference between the price of levy sugar that goes through the public distribution system and the price in the free market does not become very big. On account of certain measures that we have taken in the past few days to try and limit the stock, to monitor in a better way the release of sugar from the factories and sale by the stockists, better supervision of the fair price shops through the State Governments—I have written to the Chief Ministers and I am trying to enforce the decisions of the Government—results have accrued and prices are not rising. They have come down slightly. We try to maintain the prices in the free market at a reasonable level.

The real problem with the sugar industry is that most of the mills that go sick are very old. Unless they are modernised, it will not be very profitable for the owners to run them like this. For that we provide financial assistance. We have the Sugar Development Fund. Unfortunately, the mills have not taken full advantage of these facilities. Sometimes probably they deliberately allow the mills to go sick if they do not find that they are very profitable. I would not accept the suggestion that sugar industry does not make any profits and that all mills are running at a loss. If that were so, there will be no rush for new licences for which people are coming forward everyday, even from the same area also. People want to set up more and more mills. If they were not profitable, why should there be applications for more licences from almost all over the country, from the cooperative sector and from the private sector, for new mills and for expansion of the capacity of the existing mills? If they want to expand the capacity, that means they are making profits and they want to make more profit by expanding their capacity because it becomes more economical to run a larger mill. Therefore, I would go to the extent of saying that it is abso-

lutely necessary that we look closely into the economics of these mills.

**PROF. N.G. RANGA :** What about commission ?

**RAO BIRENDRA SINGH :** I do not think commission would help because Government has plenty of powers given by this Parliament and we can take steps to see that accounts are properly maintained, and the mills try and modernise their machinery as soon as possible.

We have heard the Members asking for certain information which would not be very relevant on this occasion. Shri Mool Chand Daga wanted to know what wages were paid in each mill and what bonus was paid by each mill. All I can say is that wages are paid according to the Acts prevalent in different States. Bonus is also paid according to rules. If the mills do not make any profit, 8.33 per cent is paid as minimum bonus. But during the years when some of these eight taken-over mills made profits, bonus was paid at a higher rate as per rules. I hope that will satisfy Shri Daga. But it remains a fact that at present all these eight taken over mills are running at a loss. There is demand for nationalisation. Central Government, so far as our policy goes, is not finding it possible or practical to take over mills in different parts of the country and run them and manage them efficiently from Delhi because we have seen that, whether it is industry or agriculture or any other business, unless the people who have a stake in the matter are on-the-spot supervising the operations, it is not possible always to run a business or a mill or a factory profitably. But we had to take certain steps to take over these mills, to clear the arrears of the sugarcane growers, to clear the outstanding dues of the workers, and I am happy to say that in these taken-over mills, all dues of the past years have been cleared. Dues for the current season also, I hope, will be cleared because the season is still on. There is nothing outstanding for the previous years.

Some hon. Members wanted to know the total arrears outstanding at present for the

whole country. We are at present not concerned with the entire number of 323 odd mills, we are only talking about the eight taken-over mills. But I can say that, according to information that I have with me, the arrears were reduced last year and came to only Rs. 14 crores and something for the whole country. That was only 1.3 per cent of the total price paid for sugarcane, which is not a very big percentage, as compared to earlier periods. Government tries to see that arrears do not accumulate. But I would like to emphasize that the initiative in this must come from the States.

Some hon. Members have demanded that certain sick mills, like Chellapalli in Andhra, some in Kerala, UP and Bihar should be taken over. We do not want that the States should be completely absolved of the responsibility in the matter. The States also have power to take over the mills. They can take them over temporarily or nationalise them. UP and Bihar have taken over a number of mills. Some of the States have set up corporations. The States should first take steps to see that the sugar industry in their respective States is managed properly.

[Translation]

**SHRI RAM NAGINA MISHRA** (Salempur) : In Kanpur Sugar Works Ltd. you have 48 per cent shares.

**RAO BIRENDRA SINGH :** Not shares. It might be an advance and it will be recovered.

[English]

As I said, the Central government want that the initiative must come first from the States. If the States want to take over the sick mills, we shall help them. We cannot go on adding to our responsibility. That is why we are thinking of returning even these 8 mills, which we have taken over. We shall not be very willing to take over any number of mills that the hon. Members may like to suggest. They should first put pressure on their State Governments, because the State Governments can supervise them better, as they are on the spot. They have also got all the powers.



[Translation]

SHRI RAM NAGINA MISHRA : You said that loan has been given. The loan has actually been given for making payment of sugarcane dues. You have 48 per cent share therein.

[English]

RAO BIRENDRA SINGH : I will find out the position. Probably, they have some textile units also.

AN HON. MEMBER : Only sugar units.

RAO BIRENDRA SINGH : I will get the information and let the hon. Member know later on the particulars.

But, as I said, all these things are not very relevant at this juncture. All the same, I am thankful to the hon. Members for high-lighting some of the problems that the sugar industry is facing.

PROF. N.G. RANGA : Kindly bring this to the notice of the State Governments.

RAO BIRENDRA SINGH : I will do that.

We try to give a remunerative price. As I was mentioning earlier, Rs. 14 is not the price paid to the cane-growers. At present, on an average, they are getting Rs. 22 for sugarcane ; some States are paying a little more, some a little less. These prices are fixed by the States, and not by the Centre. The Centre fixes only the statutory minimum price for sugarcane.

It is for the States to see that the arrears are not allowed to accumulate. They have to take action against the erring mills. They can bring it to the notice of the Central Government only in such cases where they have no power in the matter. They have also to see that interest for overdues over 14 day's period is also paid by the mills. For that, action has to be initiated by the State Government, and not the Central Government.

Since hon. Members have already indicated that the Government should be armed

with these powers, I hope the House will give unanimous support to it. If in future any mill needs to be taken over, and there is no help forthcoming from any quarter, we still have powers under the Act, and we shall continue to enforce it. Instead of for six years, it will be for seven years. In case in future we find that it is necessary to take over any mill, we will take it over.

SHRI V. SOBHANADREESWARA RAO : Sir, I have given notice of Amendment.

MR. DEPUTY SPEAKER : You cannot move it now. The Minister has finished his speech already.

AN HON. MEMBER . I would like to ask one thing from the hon. Minister. Maharashtra sugar factories have made claims on account of the subsidy amount and insurance for the buffer stock ; but that has not been paid to them so far.

RAO BIRENDRA SINGH : You write to me and I will reply.

SHRI V. SOBHANADREESWARA RAO : Sir, I have already given the Amendment. It had been given on the 26th.

MR. DEPUTY SPEAKER : We have already discussed this. There is no question of it now. Please sit down.

The question is :

“That the Bill further to amend the Sugar Undertakings (Taking Over of Management) Act, 1978, as passed by Rajya Sabha, be taken into consideration.”

*The motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

“That Clauses 2 and 3 stand part of the Bill.”

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

*Clause 1 was added to the Bill.*

*Enacting Formula*

*Amendment made :*

page 1, line 1, for "Thirty-fifth" substitute  
"Thirty-sixth" (1)

(Rao Birendra Singh)

MR. DEPUTY SPEAKER : The question is :

"That the Enacting Formula, as amended, stand part of the Bill "

*The motion was adopted*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

RAO BIRENDRA SINGH : I beg to move :

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

MR. DEPUTY-SPEAKER : The question is :

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

*The motion was adopted.*

MR. DEPUTY SPEAKER : Now we go to the next item.

SHRI V. SOBHANADREESWARA RAO (Vijayawada) : Sir, I have given notice of an Amendment.

MR. DEPUTY SPEAKER : We have already completed it. That has been disallowed.

SHRI V. SOBHANADREESWARA RAO : When it is within the provisions of the Act, how has this not been allowed ?

MR. DEPUTY SPEAKER : Please sit down.

AN HON. MEMBER : Sir, I rise on a point of order.

MR. DEPUTY SPEAKER : We have taken up the next item. There is no point of order. Please sit down.

SHRI V. SOBHANADREESWARA RAO : I was trying to submit to you, but you did not allow me.

AN HON. MEMBER : Let me raise a point of order. During the course of the third reading, if the hon. Member wants to make a short speech, he should be permitted to do that. It is not that since it is the third reading, he should not be allowed.

MR. DEPUTY SPEAKER : He has already spoken on the Bill. He was not allowed because it is beyond the scope of the Bill.

AN HON. MEMBER : But he wanted to speak on the Bill.

MR. DEPUTY SPEAKER : The amendment was not allowed. That is why he was not allowed.

SHRI V. SOBHANADREESWARA RAO : My point is different. I have seen the original Bill.

MR. DEPUTY SPEAKER : Already everything is over and I have given one hour more than the allotted time and all the Members have spoken so much on it. Now, it is not allowed.

SHRI V. SOBHANADREESWARA RAO : But how can you disallow when it is within the scope of the Act ?

MR. DEPUTY SPEAKER : No discussion on the Act. Now we have gone to the next item.

12 55 hrs.

GANGTOK MUNICIPAL CORPORATION (AMENDMENT) BILL

[English]

THE MINISTER OF WORKS AND

**HOUSING (SHRI ABDUL GHAFOR) :**  
I beg to move :

“That the Bill further to amend the Gangtok Municipal Corporation Act, 1975 as passed by Rajya Sabha, be taken into consideration.”

According to sub-section (3) of section 3 of the Gangtok Municipal Corporation Act, 1975, the first Councillors were nominated by the Government of Sikkim to the Municipal Corporation for a period of four years from the date of the first meeting of the Corporation viz. 18-12-75. Their term expired on the 17th December, 1979. Under sub-section (5) of section 3 of the said Act, the State Government is empowered to appoint, if no new Councillors are elected, an Administrator for the Corporation for a period of four years or until the reconstitution of the corporation, whichever is earlier. The said sub-section (5) further provides that the State Government can extend the period of appointment of the Administrator for a further period of one year. Accordingly the State Government appointed an Administrator under sub-section (5) for a total period of five years which expired on 17th December, 1984.

On the 25th May, 1984, the President issued a proclamation under article 356 of the Constitution assuming *inter alia* to himself all functions of the State Government and all powers vested in or exercisable by the Governor of that State. It was also declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. By a separate order, the President directed that all the functions of the Government of the State of Sikkim and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President under the said proclamation shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State.

The Government of Sikkim informed in December, 1984 that it was not possible to hold elections for reconstitution of the Corporation before the 17th December,

1984 and that the State Government was left with no alternative but to extend the period of appointment of the Administrator by promulgation of an ordinance by the Governor. It is, therefore, proposed that the power of the State Government to enhance the period of appointment of the Administrator of the Corporation may be extended by amending the Gangtok Municipal Corporation Act, 1975 through promulgation of an ordinance. In the light of the above circumstances, Gangtok Municipal Corporation (Amendment) Ordinance, 1984 was, with the prior instructions of the President, promulgated by the Governor on 17th December, 1984 empowering the State Government to extend the period of appointment of the Administrator for a further period of one year at a time but not beyond a total period of two years in place of the power of the State Government to extend the period for a further period of one year. In other words, the State Government could appoint an Administrator for a total period of six years which in this case would expire on the 17th December, 1985.

It is now proposed to replace the Gangtok Municipal Corporation (Amendment) Ordinance, 1984 by a Bill to be enacted by Parliament. The amending provisions in the Bill are the same as in the Ordinance.

With these few words, I commend the Bill for the consideration of the House.

**MR. DEPUTY SPEAKER :** Motion moved :

“That the Bill further to amend the Gangtok Municipal Corporation Act, 1975 as passed by Rajya Sabha, be taken into consideration.”

We adjourn for Lunch now. We meet again at 2.00 p.m.

12.59 hrs.

*The Lok Sabha then adjourned for Lunch till Fourteen of the Clock.*

—————  
*The Lok Sabha re-assembled after Lunch at Fourteen of the Clock.*

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

**GANGTOK MUNICIPAL CORPORATION (AMENDMENT) BILL—Contd.**

[*English*]

MR. DEPUTY SPEAKER : The hon. Minister has moved the motion for consideration of the Bill and spoken on it.

Now, I request Shri Ananda Pathak to speak.

SHRI ANANDA PATHAK (Darjeeling) : Mr. Deputy-Speaker, Sir, although the scope of the Bill seems to be limited to extend the period of appointment of Administrator of Gangtok Municipal Corporation for another one year, yet it smacks of the undemocratic attitude of the Government towards democratic institutions, like Assembly, Municipality and other local bodies.

Gangtok is a small but beautiful town. It attracts thousands of visitors and tourists every year. So, it requires better administration, beautification and necessary amenities. These can be ensured only through an elected body of Councillors. But the election of Councillors of Gangtok Municipal Corporation has not taken place for the last several years. Instead of holding the election of the Municipal Corporation, the Central Government has undemocratically dismissed even the democratically elected State Government, the Chief Minister of which was none else but the leader of the Congress (I) Party itself.

Why was this Government overthrown ? It was because the Chief Minister had voiced some of the longstanding demands of the people of Sikkim which was not palatable to the Congress(I) Party as well as the Central Government.

Now, the Assembly elections have been declared. It is all right. I am happy at it. But without settling some of the burning issues of the people of Sikkim how can the elections be held fairly and democratically ? The burning issues of the people are (1) solving the problem of reservation of seats in the State Assembly, (2) granting the citizenship rights and voting rights to thousands of domiciled inhabitants of Sikkim

and (3) Constitutional recognition of Nepali language and its inclusion in the Eighth Schedule of the Constitution.

Sikkim is the youngest and the smallest State of India. It is in the process of integration. Hence it deserves proper nourishment and assistance. We have always to keep its distinction and sentiments in mind while deciding anything pertaining to that State. It is situated in a sensitive border area. Therefore, the democratic urge and aspiration of the people of Sikkim should not be ignored.

I therefore, urge upon the Government to consider their longstanding demands as stated above before the Assembly elections are held and hold the election to Gangtok Municipal Corporation also as early as possible.

With these words, I conclude my speech.

[*Translation*]

SHRI MOOL CHAND DAGA (Pali) : Mr. Deputy-Speaker, Sir, I do not accept this principle of appointing Administrators in Municipal Committees and Municipal Corporations. Elections to these bodies should also be held like Parliament and State Assemblies. The practice of appointing Administrators in Municipal Committees and Corporations should be done away with. Today India is adopting new techniques and breaking new grounds. Tomorrow anti-defection Bill is also going to be taken up. We do not want that any Administrator should be thrust upon us.

In his statement, the Minister has described the condition of Gangtok Municipal Corporation. I had asked for the Bill but the same has not been made available to me. You have stated that there has been an Administrator for the last five years. I do not think that any Parliament in the world would support the idea that Administrators be posted in democratic institutions. We are totally against it. We cannot tolerate this attitude. Wherever Administrators are posted, they themselves swallow all the earnings and become rich. I would like to tell about my own town. In Pali Municipal

Corporation there has been an Administrator for the last eight years and the result is that we are not getting all our civil rights.

**THE MINISTER OF WORKS AND HOUSING (SHRI ABDUL GHAFOOR) :** There is a popular Government.

**SHRI MOOL CHAND DAGA :** Of course, popular Government is there but the basis of democracy lay in local institutions. The public institutions, Municipal Committees and Panchayats.....

*(Interruptions)*

I would like to draw the attention of the hon. Minister to what I am saying because he is busy in talking to the Minister of State. The hon. Minister has been the Chief Minister of Bihar and he knows as to where and in how many Municipal Corporations in the country, Administrators have been appointed and when were they appointed. They are in Madhya Pradesh, Karanataka and Delhi..... *(Interruptions)*. This has resulted in curtailment of our rights. Who is responsible for taking away the rights of the people in democracy? You are the protectors of the rights of the citizens in democracy but you yourself have come with a Bill with the plea that since there is no popular Government, the term of the Administrator may be extended for a further period of one year.

**SHRI ABDUL GHAFOOR :** Since there is President's rule, we are responsible to look into this aspect. Otherwise we have no responsibility in this regard.

**SHRI MOOL CHAND DAGA :** I want that the law should be amended because these local bodies, Municipal Committees, etc. are the foundations of our democracy. The whole of the democratic set up is based on these units but you appoint Administrators in local bodies and you have brought a Bill here to extend their term for a further period of one year, after five years. There is Administrator in Calcutta also. That is why I say that it is a matter of principle and unless you implement it properly, it is not going to be beneficial. I want that a provision should be made to the effect that

the elections to Municipal Committees and Municipal Corporations at all places will be held in the same manner as in the case of the Legislative Assemblies, and the Election Commissioner should be empowered to hold these elections. You should not keep the power of holding elections with you and it should vest in the Election Commission so that elections are held in time. We do not want that the system of elections should come to an end. This should not happen as it is seen that sometimes Chief Minister does not agree and sometimes the Minister for Local Bodies does not agree to hold elections. What I feel is that you did not want to pilot this Bill but you have introduced it reluctantly and now you want to get it passed.

*[English]*

I want that they should pass a legislation that there should be no administrator so far as local bodies are concerned, they should be ruled by elected persons.

*[Translation]*

You have come forward with this Bill, so I support it. But in conclusion I would like to say that Municipal Committees and Corporations should not have any Administrator. With these words I conclude.

*[English]*

**MR. DEPUTY SPEAKER :** The next speaker is Mr. Girdhari Lal Vyas.

Now, the Minister of Parliamentary Affairs wants to make an announcement.

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI H.K.L. BHAGAT) :** The Constitution (Amendment) Bill was due for consideration by the House today. The Prime Minister had a meeting with the leaders of Opposition Groups, and as a result of some discussion it has been agreed that the Bill will be taken up tomorrow, not today. So, we take up the Administrative Tribunals Bill today. The Constitution (Amendment) Bill will be taken up tomorrow. For this, I want the permission of the House.

**MR. DEPUTY SPEAKER :** The Con-

stitution (Amendment) Bill. will be taken up tomorrow and not today. I hope the House agrees.....

SEVERAL HON. MEMBERS : Yes.

SHRI ABDUL RASHID KABULI (Srinagar) : We have suffered a lot because of defections. I want an assurance from the hon. Minister that this Bill will be passed in this very Session.

SHRI H.K.L. BHAGAT : I wish to make it clear that the Government's intention is to get the Bill passed in this Session. Government's intention is very clear. It is not proper for me to disclose it. This Bill will be taken up tomorrow.

SHRI S. JAIPAL REDDY (Mahbubnagar) : We are prepared to cooperate with the Government in respect of expeditious passage of this Bill. In this context, I would like to make one submission. It may be taken up tomorrow, but sufficient time for discussion must be given. It must be extended even upto the day after tomorrow.

MR. DEPUTY SPEAKER : One day has been allotted for this. For full day tomorrow it can be discussed.

Mr. Vyas.

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Deputy-Speaker, Sir, I support the Gangtok Municipal Corporation (Amendment) Bill which has been introduced in this House.

In the Statement of Objects and Reasons of the Bill, it has been stated that under the Gangtok Municipal Corporation Act, 1975 the Members were nominated for a period of four years and those nominated Members worked for four years. Thereafter another provision was made in the Act and in accordance with that provision an Administrator was appointed for 4 years. He also worked for 4 years. Later on, his term had to be extended for a further period of one year. Now a provision has been made in this Bill to extend his term for one year

more. All these things about the constitution and functioning of this Municipal Corporation have been mentioned in the Statement of Objects and Reasons.

Mr. Deputy-Speaker, Sir, you know it very well, and Mr. Daga has also stated, that Municipal Committee or the Panchayat is the basic unit of our democracy. If these are not administered by the elected representatives then those areas are not properly developed. The provision made in this Bill and also the previous Bill show clearly that so far the Corporation has been administered by the bureaucrats and they have not done anything through the Gangtok Municipal Corporation which would have resulted in the progress of Gangtok.

In the case of Municipal Committees or Corporations not having elected representatives, the earnings of corporation, etc. by way of taxes etc. are spent on the salaries of the staff appointed by the Administrators. The government officials do not bother to make arrangements for sanitation, drinking water and other things. Therefore, it is very necessary that such institutions should have elected Members so that city or area concerned is properly developed. You should, therefore, ensure that such an arrangement is made.

Since there is no elected Government in that State you had to bring this Bill. I do not have any objection to this Bill. The present system will continue for one year more, to which I do not object but you should see that the bottlenecks which have been coming in the way of development works so far are not allowed to come in their way in future. You should make definite arrangements to the effect that in all such Municipal Corporations or Panchayats or other such public bodies elections are held in time and these institutions speed up the development of their areas.

It is true that at present no elected government exists there. Therefore, you will not be in a position to hold election to this body. But such conditions should not continue for ever as it might hamper the development there.

One hon. member has just now stated

that Sikkim Government was toppled and President's rule imposed there. The hon. Member knows this fact very well that the Government there was not functioning properly. Due to mismanagement of that Government, President's rule was imposed. Now elections will be held there and a new Government will be formed. The new Government will properly manage this corporation. We have every hope that the new Government will hold the elections of the Corporation also at the earliest.

The hon. Member went to the extent of saying that the elected Government was toppled and the President's rule was imposed there. But he did not mention that the Government was not discharging their duties properly. Did that Government not commit any irregularities and illegalities? It is a border State and if in any border State such a Government is formed which do not function properly and thereby cause harm to the nation, the President and the Government have the power to impose President's rule there in order to safeguard the interests of that region so that the people inside and outside might not cause any harm to our country. The Central Government have been given the specific power to make such arrangement and to stop such harmful activities. It is very commendable that our Government have discharged their duty. Whatever the hon. Member said in this regard was out of sheer malice and was politically motivated. I have no hesitation in saying that his only aim was to criticise the Central Government. The administration there was not functioning properly. Many times it has been brought to your notice that the Government of West Bengal is not functioning properly. In view of the prevailing mismanagement, the Government there should not continue even for a single day. In this regard we have been repeatedly saying that the Government of West Bengal is not complying with the orders of the Government of India and is misusing the funds and resorting to overdraft. In order to stop these irregularities, it is the duty of the Government of India to impose President's rule in West Bengal also as has been done in the case of Sikkim so that the Administration there is run properly. They do not realise this fact and that is why they say that the

dissolution of the Government of Sikkim was not proper.

There are many causes of the dissolution of Government of Sikkim. Several charges had been levelled against it, and there were financial irregularities also and funds were being misused. It was due to these causes that the Government of India took this action. It was absolutely necessary to take this action. Without it, the administration there could not be run properly. It was due to this that all this action was taken.

Besides, I think election to the local institutions, should be held within the scheduled time so as to speed up development there because it has been experienced that in the States, where the elections to Municipalities and Panchayats are not held in time, development is retarded. As elections to Municipalities and Panchayats in Rajasthan have not been held for the last 13 years, the entire development had stopped there. As soon as elections to Municipalities and Panchayats were held, things were speeded up and development is taking place there. Wherever slums exist, they are being removed. Roads are being repaired. Wherever there is shortage of electricity, it is being supplied and wherever there are no roads, they are being built. Whatever facilities are to be provided to the public, they are being provided to them. In view of this experience, it is absolutely necessary to hold the election to these institutions. These elections must be held. Besides, in those States, where elections to Municipalities and Panchayats have not been held, they should be held immediately so that development takes place in those States.

Besides, it has been stated in the statement of Objects and Reasons that :

[*English*]

"The term of the Administrator so appointed was due to expire on 17th December, 1984. Since it was not possible to hold elections for the reconstitution of the Corporation before 17th December 1984, the Governor of Sikkim, with the prior instructions of the President, promulgated an Ordinance on 17th December, 1984 amending the Gangtok

Municipal Corporation Act, 1975 so as to empower the State Government to extend the period of appointment of the Administrator for a further period of one year at a time but not beyond a total period of two years."

[*Translation*]

Under this provision the Administrator will continue for 6 years. There was already a provision to extend the period for one year but now it has been extended for a further period of one year. The appointment of Administrator for 6 years will definitely hamper the development there. You know this fact very well. When bureaucracy is installed it only works according to rules. Rules stand in the way of progress and hamper development of cities. You are giving powers to the bureaucracy which is not proper. Bureaucracy weakens our democratic machinery through which we want to move ahead. We accept this legislation, but henceforth such a provision should not be applied to other Corporations so that our machinery is not weakened and we continue to move ahead. I hope our hon. Minister will take note of it. With these words I support this Bill.

SHRI ABDUL RASHID KABULI (Srinagar): Mr. Deputy Speaker, Sir, I do not agree with the Bill brought by Government to provide for the extension of the term of the Administrator of the Gangtok Municipal Corporation for a further period of one year. I think it is against the spirit of democracy to give extension to the Administrator every year and thus impose bureaucracy on the public. I think it is a negation of our administrative set up. I would also like to say that the Municipal Corporations have assumed great importance because now the Corporations are autonomous to a great extent. Besides, the population of cities has considerably increased. Srinagar, the capital of Kashmir was having a population of 2 1/2 lakh previously. Now its population is seven lakh. Similarly three to four lakh people live in Jammu. Population in cities all over the country is increasing considerably because rural population is migrating to cities. Thus in cities, work of the administrative machinery is increas-

ing. With the increase in population, problems of people have also multiplied. The people living in the cities are concerned with the Municipal Corporations for their problems. This is why people instead of looking towards the Government, are looking towards the Municipal Corporations for their problems. I would like to remind that in a country like Greece cities were considered States. There cities were countries. Population of our cities has increased. After increase in the population, the problems in the Corporations are generally the same which a Government have to solve for the entire country. Basically there are problems of transport, sanitation, ration, water, electricity, etc. I think it is high time that in the changed situation we should realise that now the Municipal Corporation has become an important body. Corporations should have a representative character and should be constituted in accordance with the will of the people and with their help. I would like to draw the Minister's attention to my State. Elections to the Municipal Committees and Town Area Committees were held there at the time when there was the Government of Dr. Farooq Abdullah. Subsequently a Government of defectors came into power which do not command majority. It has been thrust upon us. It immediately dissolved the Municipal Committees. I would like to ask the Government whether people do not cast their vote in the elections to a Municipal Council with this hope that it will run for five years. We are elected by the people for Lok Sabha or Parliament for five years. Similarly they elect us for the Assemblies in the States. But as soon as a new Government is installed in a State they dissolve the Municipal Corporations or Councils because State Governments have been given these powers unnecessarily. Here I am not talking about my State alone but it is happening in other States also in the country. When a new Government is installed, they appoint Administrator of their own will and thus they impose this Administrator on the people. They have got the powers to dissolve the Municipal Corporations or Council. Mr. Deputy Speaker, Sir, I want to mention here that they have got excessive powers with which they are murdering democracy in the whole country. Therefore, I would like to point out as one



hon. Member in the House has stated that it is the need of the hour that at present elections to the Municipal Corporations should be conducted under the supervision of the Election Commission. Wherever elections to Corporations or Councils are held or wherever such type of administrative set up exists, elections should invariably be conducted through the Election Commission so that the sanctity of the vote is maintained. It is necessary for this reason also that whichever Council or Corporation is constituted, it will function for five years though it does not function for this period. People cast their vote with the hope that it will serve for five years but it is not so. The reason is that in our country such type of authoritarian tendencies have come up, powers to such an extent have been given that whenever a new Government is installed, it dissolves Municipal Corporations or Councils.

Sir, I would, therefore, urge upon the Government to bring a comprehensive Bill before the House wherein it should also be provided that elections to these bodies shall be conducted under the supervision of the Election Commission and whenever a new Government is installed, they shall not dissolve Corporations, Councils or Town Area Committees for which people have extended their cooperation and cast their votes. I know it from my own experience that people suffer as a result of the dissolution and as the administrator is appointed, the Corporations lose their representative character and are dominated by the bureaucracy and thus corruption starts breeding there. It has been my experience that as soon as a new administrator comes, vested interests begin to surround him for their own gains and as a result, the people at large do not get the benefits in any way of the earnings of that Corporation. Nor is anybody left with any right to question the assets of the corporation. Therefore, I would submit that this concept of yours is wrong. It is true that there is President's rule in Sikkim, but who prevents you from conducting elections to the Gangtok Municipal Corporation. At least, you can extend this facility to the people there. Nobody can prevent you. It is, therefore, not proper to extend the tenure of administrator every year. I oppose this Bill and hope that the Govern-

ment will consider all these points and introduce a comprehensive Bill in this House providing for elections to all corporations, councils or town area committees in the entire country under the supervision of the Election Commission.

[English]

SHRI N. TOMBI SINGH (Inner Manipur): Sir, I rise to support the Gangtok Municipal Corporation (Amendment) Bill, 1985. I can appreciate the exigencies under which this Bill has been brought by the Government. The Bill is for a very limited scope, namely, to empower the State Government to extend the period of appointment of the Administrator. Certainly, some very important issues of policy have been involved. It is, therefore, in the fitness of things that this House should go into all the details as far as policies are concerned, leaving aside the exigencies which have compelled the Government to bring this Bill.

My hon. friends, Shri Daga and Shri Vyas have pointed out that a good Government can be no substitute for a popular Government, because a bureaucratic Government and a democratic Government stand in different categories; the difference is not of degrees.

The difference is in class. Therefore, it has been rightly said that a good government cannot be a substitute for popular government. Sikkim is a very strategic and frontier State. It is one of the newcomers in the Comity of States in the Indian Union. It deserves special consideration in respect of everything.

Sir, when we consider the question of the municipal corporations, town committees, ect, we are reminded of Gandhiji's principle of decentralisation of administration and power. Here the underlying idea is that the power and administration of development particularly of the urban and town areas should be decentralised. Functioning under the very nose of the State Government, the Municipal Corporations of all the capital cities of the State are having their own sphere of democracy, their own sphere of autonomy and they should have a say in controlling their own affairs. So, this

underlying idea cannot be overlooked. If we do so, in the normal conditions, we shall be ignoring the basic principles which we have inherited, which we claim to have inherited from the Father of the Nation. By way of discussing the broad principles, I would like to refer to those broad principles and how they are being implemented today. The reference is not only to Sikkim but to many other States in the country, particularly in the Eastern States where development started very late, the development and administration of the municipality committees, town committees and notified areas in this region deserve a special study because of the prolonged neglect it has suffered so far.

Referring to Sikkim, I am constrained to make a comparison with one of the States in the North-Eastern region, there a similar condition prevails. I represent the State of Manipur and we have many things in common. Both Manipur and Sikkim are hilly States. Both are late-starters. So far as the administration is concerned, they are new States. Sikkim became a State only just a decade ago. Therefore, I would like to make this comparative study referring to my own State, where similar things happen and similar conditions prevail. We have as many as 6 municipal bodies and as many as about 49 notified areas. These municipal bodies and notified areas exist only in name. The State Government, due to paucity of funds, provides only the amount needed for the administration, i.e. the basic needs of the administration to meet the expenses of clerical staff and other staff, etc. So, this does not at all contribute to the development of the so-called municipalities or towns. In fact, Sir, I am one of those who are opposed to urbanisation as such. But development of town committees and municipal corporations and boards does not merely aim at urbanisation. Certain basic amenities, which cannot be provided for the whole of the country, for the whole of the State, have to be provided in the town areas. So, now I would suggest to the hon. Union Minister of Housing is that the nation should have a policy for speedy development of town in backward areas. They do have a policy. But then, if we come to the concrete implementation of this policy, the share received by the small town

committees that are coming up in different States is, I should say, so negligible. I would like to propose, in this context, is that we should provide more funds for the development of these small town committees and municipality committees, particularly in the hilly regions like Sikkim and the States and Union Territories of North Eastern areas like Manipur. By doing so, we shall be able not only to increase the amenities given to the people, but we shall also be able to develop the tourist attractions—because these small States and Union Territories in the outlying areas have to be developed thus, because if you cannot develop them through heavy industries or any other means you have to develop them as tourist centres. As tourist towns, the first priority should be to provide these towns and municipalities with minimum requirement—in respect of water, electricity, hotel facilities etc. In this process, we shall be able to uplift these so far neglected and late-starting Union Territories and States economically.

Regarding Sikkim particularly, it has been the focus of our attention all these years. Parliament has rightly enacted the grant of statehood to Sikkim some years ago. My hon. friend who spoke from the other side referred to the administration in Sikkim, and to the dismissal of the democratic Government there. This, as I said, in the context of the municipal corporation, refers to the entire State administration; but we should agree that a certain extraordinary situation prevailed in that State, and we should appreciate it. By and large we should all agree that there must be normal, democratic rule in every State—not only in Sikkim. In Sikkim we should appreciate that an extraordinary situation prevailed, and the Government of India had to act. So, a certain action which would not have been normally justified by the democratic norm, had to be taken; the Government of India had full justification to act in that manner. But we would not encourage the idea that in normal circumstances, such an action should be taken, every time and in every situation. Such an action should be taken sparingly.

The Gangtok municipal corporation by itself remains, as far as we can see from a

remote angle. I do not belong to Sikkim, the little that we have seen and heard about it tells us that this Gangtok corporation remains more of an administrative unit. Development-wise and also from the point view of development of tourism, as I have just mentioned, many of these aspects remain neglected. If, in spite of the continuance of this bureaucratic regime and set up in the Gangtok municipal corporation, Government of India could increase the number of developmental activities, and could take certain concrete steps to increase the facilities given to tourists like water, power and others, perhaps Government would certainly be justified, despite all the criticism, in taking the action it has done so far if it can enhance the attractiveness of the town as a tourist spot.

I would, therefore, appeal to the hon. Minister of Housing that taking a lesson from Sikkim, we should have a broader framework of policy which will apply not only to Sikkim, but to the rest of the country, so that the notified areas, small town committees and the municipal committees that have come up all over the country, with particular reference to the outlying States of the north-eastern area, and also Sikkim should be given proper treatment in this respect ; giving special allocation of funds. Today, we see, from year to year, the Ministry of Housing, Government of India, is making a special selection of Town Committees according to certain rules from different States it is good. We see that there is no special treatment being given to the backward area of northeast and Sikkim in this selection. I do not know the reasons why they are being neglected so far.

Now, I would suggest that the Ministry of Housing, Government of India, should have a special policy for the backward areas because they are not being properly treated in respect of development of small towns with special emphasis on development of tourism in this area. I am grateful to you for giving me an opportunity to speak on this Bill.

[*Translation*]

**THE MINISTER OF WORKS AND**

**HOUSING (SHRI ABDUL GHAFOR) :** Mr. Deputy Speaker, Sir, the views expressed by my friend and by Shri Kabuli, sitting opposite me have not much relevance to the present measure. All the corporations, municipalities and gram panchayats are not covered by it. It is the duty of the State Government to conduct elections. Now why this particular Bill about Gangtok has been brought in Parliament ? These things would have been relevant if we had brought a Bill covering all the corporations in all the States. This has been brought under special circumstances. You know that this ordinance was promulgated by the Governor on 17-12-84 with the consent of the President because the State is under President's rule. The Councillors of the Gangtok Municipal Corporation were functioning as per the provisions of the Act of that Corporation. Now their term has expired. An Administrator has now been appointed as per the provisions of the same Act. He is in office but his term is also fixed. In the meantime President's rule was promulgated. The President's rule is going to end on the 29th May 1985. So, in order to maintain the continuity and to ensure that the people do not suffer, his term is being extended by one year and when the next popular Government comes, it will conduct elections to the Corporation. Then they may dispense with the services of the Administrator and make good arrangements for sanitation or electricity. So we shall have to replace the ordinance by an act with a view to remove the lacuna in the Gangtok Municipal Act relating to the extension of the term of the Administrator by one year so that continuity is maintained. President's rule will end on the 24th May, 1985 and after conducting the elections they may do whatever they deem fit.

So I think there are no more complications and now I move that the Bill be taken into consideration.

**MR. DEPUTY SPEAKER :** The question is :

“That the Bill further to amend the Gangtok Municipal Corporation Act, 1975, as passed by Rajya Sabha, be taken into consideration.”

*The motion was adopted.*

MR. DEPUTY-SPEAKER : The House will now take up clause-by-clause consideration of the Bill. The question is :

"That clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

*Clause 1 was added to the Bill.*

**Enacting Formula**

*Amendment made*

1. Page I, line 1,—

for "Thirty-fifth" substitute "Thirty-sixth" (1)

(Shri Abdul Ghafoor)

MR. DEPUTY SPEAKER : The question is :

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

MR. DEPUTY SPEAKER : The question is :

"That the Title stand part of the Bill."

*The motion was adopted.*

*The Title was added to the Bill.*

SHRI ABDUL GHAFOOR : I beg to move :

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

MR. DEPUTY-SPEAKER : The question is :

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

*The motion was adopted.*

14.52 hrs.

**ADMINISTRATIVE TRIBUNALS BILL**

[*English*]

MR. DEPUTY SPEAKER : Now we take up Item No. 15.

THE MINISTER OF STATE IN THE DEPARTMENTS OF PERSONNEL AND ADMINISTRATIVE REFORMS AND CULTURE (SHRI K P. SINGH DEO) : I beg to move\* :

"That the Bill to provide for the adjudication of trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government and for matters connected therewith or incidental thereto, be taken into consideration."

Article 323-A of the Constitution provides for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government and for matters connected therewith or incidental thereto. The Administrative Tribunals Bill, 1985, is intended to give practical shape to these provisions of the Constitution. The Bill provides for the

\* Moved with the recommendation of the President.

setting up of Central Administrative Tribunals for dealing with grievances relating to service matters of the members of the All India Services and other Central Government employees. Likewise, there is a provision for setting up of State Administrative Tribunals for dealing with the grievances relating to service matters of the State Government employees. There is also a provision to extend the jurisdiction of the Tribunals to the employees of local bodies, corporations etc. which are under the control of Government. The Bill provides for the setting up of State Administrative Tribunals by the Central Government on receipt of a request in this regard from the State Government. There is also a provision for setting up of Joint Administrative Tribunals for two or more States if they so desire. As mentioned in Article 323-A of the Constitution, on the setting up of such Tribunals, the jurisdiction of all courts, except the jurisdiction of the Supreme Court under Article 136, would be excluded with respect to matters relating to recruitment and conditions of service of members of the All India Service, the Central Government employees and the State Government employees.

It is estimated that there are at present over 63,000 cases--to be exact 63,880 cases -- relating to Central and State Government employees which are pending in the various High Courts all over the country. The setting up of Administrative Tribunals to deal exclusively with service matters would not only reduce the present burden on the courts, thereby enabling them to devote more time to other cases, but also provide speedy relief to Government employees for redressal of their grievances relating to service matters.

It is proposed that every Tribunal will consist of a Principal Bench and such number of additional Benches as may be necessary. The Principal Bench is to be presided over by the Chairman and is to consist of a Vice-Chairman and three other Members. The additional Benches will also consist of at least two other Members. Provision has been made for a three-Member Bench in order to ensure objectivity in dealing with the cases that come up before the Tribunal and for ensuring that

all aspects of the grievances are looked into adequately before a decision is taken. However, provision has also been made for constituting Single-Member Benches to deal with routine cases of a simple character.

The Bill provides that serving or retired Judges of the High Courts or those who are holding or have held posts at the level of Secretary to the Government of India or posts under the Central or the State Governments carrying a scale of pay not less than that of a Secretary to the Government of India for two years, can be appointed as Chairman or Vice-Chairman. Similarly, persons who are, or have been, or are qualified to be judges of High Courts, and those who have held posts of the level of Additional Secretary to the Government of India for two years or a post of Joint Secretary to the Government of India for three years or a post under the Central or a State Government carrying a scale of pay not less than that of an Additional Secretary to the Government of India for two years or Joint Secretary to the Government of India for three years are eligible to be appointed as Members of the Tribunal. The term of the office of the Chairman/Vice-Chairman and Members of the Tribunal will be five years subject to the age limit of 65 years in the case of Chairman/ Vice-Chairman and 62 years in the case of Members.

In order to ensure objectivity and impartiality of the Tribunal, it has been provided that the Chairman/Vice-Chairman and Members are debarred from any other appointment under the Central or State Government on their ceasing to hold such office and that they cannot also appear or plead before a Tribunal in which they have held office.

With the establishment of the Administrative Tribunals all the cases pending before the courts, except for appeal cases pending before any of the High Courts or the Supreme Court would get transferred to the Tribunal. This is in accordance with the provisions contained in Article 323A of the Constitution.

The final orders of the Tribunal will be

binding on both the parties and either party aggrieved by any order of the Tribunal can go in appeal to the Supreme Court as provided in Article 136 of the Constitution.

The passing of the Administrative Tribunals Bill, 1985 by Rajya Sabha in their last session, was to fulfil the long-felt need of a body to deal exclusively with service matters of public servants so as to provide them with speedy justice. I am sure that this Bill will be welcomed by all sections of this House. I therefore, commend this Bill for consideration and passing by this House.

Incidentally, the Bill had been passed by Rajya Sabha. But before the Bill could be introduced in Lok Sabha, the term of Lok Sabha was terminated and, therefore, it has been brought as a fresh legislation.

**MR. DEPUTY SPEAKER :** Motion moved :

“That the Bill to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government and for matters connected therewith or incidental thereto, be taken into consideration.”

**SHRI NISSANKARA RAO VENKATARATNAM (Tenali) :** Mr. Deputy-Speaker, Sir, it is a welcome feature that the Administrative Tribunals are constituted all over the country to solve disputes relating to service matters. Previously the only difficulty that the public servants were facing was that when a judgment was given by the tribunal, it was not binding on the State Government. The State Government might neither reject nor accept that judgment. That is why a large number of cases are pending in the courts.

Of course, it is a welcome feature, as I heard from the hon. Minister, that the

decision or the judgment of the Tribunal is binding on both the parties. Previously, there were so many decisions which were not accepted by the State Governments.

15.00 hrs.

There were so many cases, which were rejected by the State Governments, which were pending with the various tribunals. I would request the hon. Minister to see that they also come within the purview of this Bill. That will give relief to the Government servants. There are thousands of cases, which are accepted by the Tribunal, which are rejected by the State Governments. If you give retrospective effect to this Bill and make it binding for both cases, it will give relief to Government servants. Clause 30 says :

“All proceedings before a Tribunal shall be deemed to be judicial proceedings within the meaning of sections.....of the Indian Penal Code.”

Here I would request the hon. Minister to add “and binding on both the parties, irrespective of qualifications”. I would also request the hon. Member to give it retrospective effect so that all the cases that were rejected by the State Governments will come within the purview of this Bill.

**SHRI PRIYA RANJAN DAS MUNSHI (Howrah) :** Mr Deputy-Speaker, Sir, no doubt, this is a very good Bill, which seeks to provide relief to the Government servants engaged at the national or State level. It is very well directed. But I would like to highlight some points.

The most important point is regarding the composition of the Tribunal. According to the Bill, and also the statement made by the hon. Minister, there will be a Chairman, 16 Vice-Chairmen and 33 members. Coming to their qualifications, the Bill says :

“A person shall not be qualified for appointment as the Chairman unless he—

(a) is, or has been, a Judge of a High Court, or .....

- (c) has, for at least two years, held the post of a Secretary to the Government of India or any other post under the Central or State Government, carrying a scale of pay, which is not less than that of a Secretary to the Government of India."

Similarly, a member of the Tribunal can be an Additional Secretary or Joint Secretary. Keeping in view the very spirit of jurisprudence, if you want to deal with the cases of Government servants before a tribunal and provide them adequate relief, it will not be fair to appoint an existing or retired Secretary as Chairman or Additional Secretary as member or in any other capacity. Suppose I was an Under Secretary in a particular State Government and, during my tenure, I was victimised by my departmental boss, at that time the Secretary to Government in the State. It so happens that my suffering started under his leadership for various reasons, personal or otherwise. Now when I approach the Tribunal, I find that particular officer is heading the Tribunal. Without imputing any motive to bureaucracy or casting any aspersion on any officer, if you want to adopt a fair practice in jurisprudence, then it is an absolutely unjust and unfair provision. How can this person, who has worked under the very same senior officer and has suffered, get justice if that senior officer is heading the tribunal? I can understand your appointing High Court Judges, but not existing or retired Secretaries or Additional Secretaries, if you really want to provide relief to the officers concerned. So, my first objection is to the very composition of the Tribunal.

I know any number of cases, where the officers have suffered, not because of the Ministers or politicians, but because of the inter-service rivalries in the department. Some officers suffer in the matter of promotion or transfer because of these inter-service rivalries, thanks to the performance of the Janata Government, when they came to power, because it is they who inducted politics in the whole bureaucracy and started shifting people here and there. That process is still continuing throughout the country. Under those circumstances, if

you have senior officers in the composition of the Tribunal, that would defeat the very object of this Bill. So, I would request the hon. Minister to delete that provision.

15.05 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

I oppose the provision for appointment of retired Judges. Why should you go in for retired Judges for this purpose? There are enough efficient members in the bar, who are competent to be appointed as members of the Tribunal. Why do you not appoint them to the Tribunal? Don't you think that there are dynamic people outside who can be inducted into the Tribunal? Why do you follow the same old British tradition of appointing retired officials, on a salary of Rs. 4,000, where they can continue for three years, enjoy and do whatever they like? This is not fair. We cannot afford in this country the luxury of appointing retired people. Personally, I have no hatred against them, but I want you to adopt a new approach.

You have stated that the Chairman and Vice-Chairman shall continue in office till they reach the age of 65 and the members till they reach 62. Why do you have this discrimination? Does it mean that the members, who are also Judges of the High Court, are inferior or they will reach senility earlier, within two years, while the Chairman and Vice-Chairman will reach senility only after five years? I cannot understand this. Whether it is 5 years or 2 years, it should be applicable to all. I would request the hon. Minister to clarify this.

The hon. Minister has stated that cases now pending in the High Court cannot be transferred. Suppose I have got a fair judgment from a single judge and my opponent has filed an appeal before a division bench, and that bench is in the process of giving a judgment very soon. In such cases, what principles are you going to follow? Can they be transferred? Is it logically correct? Will it not impair the very basis of justice? This requires clarification.

Then, there are some part-heard cases,

where the concerned High Court Judges have been transferred. In such cases, how will you treat them? Will they be transferred to the Tribunal?

Thirdly, suppose a writ has been issued but it has not been disposed of. In those cases, how will you shift or transfer the case? These points should be clarified by the hon. Minister, while replying to the debate, as they vitally concern the Government servants.

As I understand, the Tribunal enjoys the same status as a High Court. It has been mentioned in the Bill and also in the statement of the Minister. But, under article 226, one has got the right to approach the High Court by special leave. You cannot stop that; so, that object is defeated. If the Government servant is convinced that the composition of the Tribunal is such that he will not get justice, he will rush to the High Court under article 226. Then the Tribunal can simply sleep and enjoy a good time. That is why I say that the composition of the Tribunal will have to be such that it will carry conviction to the employees that here is a body to which you can go for real and speedy justice.

Again, coming to the composition, if you want to appoint judges for a State Tribunal, kindly see to it that the judges are not from that State. I am not casting any aspersion on the judiciary, but it is a fact of life that today the social compulsions, the political, regional and caste compulsions make the situation so horrible that it will not be fair to appoint a sitting or retired judge from a particular State in that State Tribunal. This is my other suggestion to the Minister.

Now I speak in regard to the Police officers. I can cite four States—Assam, Bihar, Punjab and West Bengal. Due to regional, social, political, emotional and cultural and, in Bihar, caste compulsions, the appointment and transfers of the officers are made in such a naked manner by their senior bosses that they aggravate the problems of the State and the region. I cite the example of Monghyr in Bihar. I have gone through a number of stories. If a dacoit belongs to a particular caste and the head of the Police belongs to that caste, that

dacoit will not be detained. You can obtain information in this regard from the Members of Parliament representing those areas. This has been a long practice in Bihar. Suppose I am from the Uttar Pradesh Cadre and I go to Monghyr and turn against a man. He goes and makes a fictitious complaint against me. So, the Administrative Tribunal should also look into this type of matter. Where the administration at every level is polluted by caste or regional considerations, in a State, unless you get rid of this evil your tribunal cannot render justice. Most of the riots in some parts of Uttar Pradesh are conducted partly by the Provincial Armed Constabulary by their very dangerous sentiments against the Muslims or any other community. While I was Youth Congress(I) leader, I had been to the affected areas. I have seen that with my own eyes how they behaved and functioned. They provoke the people to go and loot. This has happened in Bihar on many occasions.

Now, I take up Assam. Assam is a very sensitive State. If an officer is appointed there deliberately to insult or ignore the culture of Assam, their utterances and speeches to the constables, to deputies, go to the market, go to the society, go to the Universities and the situation flares up. Many times it happens. I have seen this in Assam especially. Since you are in charge of the Administrative Reforms, I would urge apart from giving training, first you provide national integration training to the Members of the bureaucracy to learn what India's culture is. A member who goes from UP to Assam must know how to respect the festivals of Assam. A member from Assam, when he goes to UP, must know how to honour the Holy festival in that part of the land. These are the basic things which are lacking on the part of the Administrative Officers and creating serious problems in the country and contributing to the disintegration of the country. This part of the training programme is not there. I do not want to mention names. A man from the Civil service was promoted as a Governor of West Bengal. He was the Governor of West Bengal. On the Birthday of Raja Ram Mohan Roy, he told many people that he did not know who Raja Ram Mohan Roy was. And he was promoted as Gover-



nor ! So, such kinds of people are therein the administrative arrangement.

Now, I come to West Bengal. I do not blame anybody. Members of the Opposition should not feel about it. Rightly or wrongly West Bengal is a politically sensitive State and the political shadows do come to the officers, employees and the Police. Why ? Because in West Bengal, as you know, Students Union movement has been permitted since the British days and I welcome it. Due to the activities of the student movement, its having been affiliated to A or B bloc, when they come out from the big colleges and get laurels, they have a big turn-out in the IAS or IPS examination. But, whatever may be their feeling, they cannot just forget their past days. The result is that it has a direct bearing or reflection on the total administrative arrangement. For instance, I cite one example. During the elections to the Lok Sabha, one Superintendent of Police\*\* in the presence of the State Election Commission observers mercilessly started beating the members of the electorate, roughly telling that he had been instructed to do so and that he would do so. Twenty thousand members of the electorate in the queue were beaten and thrown out.

SHRI AMAL DATTA (Diamond Harbour) : Why were they beaten ?

SHRI PRIYA RANJAN DAS MUNSHI : Why are you shouting ? I am not mentioning you. I am talking of the Superintendent of Police.

*(Interruptions)*

SHRI PRIYA RANJAN DAS MUNSHI : Now, Mr. Chairman, Sir, they are caught in the trap. I am not mentioning their names. I did not mention any party. I mentioned the Superintendent of Police. Now they are exposed. I am glad, Mr. Chairman,

*(Interruptions)*

Mr. Chairman, Sir, you have to protect me. Mr. Chairman, Sir, I am talking of the

Superintendent of Police, not party. Why are they defending him ?

*(Interruptions)*

SHRI AMAL DATTA : What actually happened, he has to explain.

SHRI PRIYA RANJAN DAS MUNSHI : I will explain that.

*(Interruptions)*

I am not yielding.

SHRI AMAL DATTA : Sir, I would like to know if a member can speak like that without notice. This will demoralise the officials of the Government. What is your ruling ?

*(Interruptions)*

SHRI PRIYA RANJAN DAS MUNSHI : Seven days before the election that Officer publicly said : "Hindi speaking people will vote for Indiraji's hand symbol. I will not tolerate them in Howrah, and he started beating them in the morning dispersing them from the queue.

*(Interruptions)*

Mr. Chairman, Sir, these are the Officers I refer to who continue to disrupt the national programme. These are the officers who are polluting the administration.

*(Interruptions)*

Why are you shouting ? I am not attacking your party.

SHRI AMAL DATTA : I would like to know whether it is permitted under the rules.

MR CHAIRMAN : Please address the Chair and speak on the Bill.

SHRI PRIYA RANJAN DAS MUNSHI : I am confining myself to the Bill. *(Interruptions)*

I am grateful to you. Because of my intervention they have come out in their true colours. I am glad they have established their connivance with the Officer i.e. the S.P. of Howrah.

I would again request the Minister that before officially passing this Bill my suggestions should be taken into account. And for West Bengal if any request comes for the tribunals, he should see that the judges are appointed from outside the State and not from within West Bengal and no departmental civil servant should be allowed. Such officers of the police service should be dealt with firmly as are trying to humiliate the electorate and people in the State by using their force. This is what I say. I am grateful to Mr. Amal Datta ; at least he has identified his connection with the police.

**SHRI AMAL DATTA :** The whole allegation against the concerned officer should be deleted because no notice has been given.

**SHRI PRIYA RANJAN DAS MUNSHI :** Thank you for defending him.

**SHRI AMAL DATTA :** I am not defending him, I am defending the rules of the House. You are violating the rules and you should be ashamed. Rules do not permit you to allow this. Please delete it from the proceedings.

**MR. CHAIRMAN :** He has not given name of official.

**SHRI SAIFUDDIN CHOWDHURY :** If this type of allegations continue, where will they speak ?

**DR. KRUPASINDHU BHOI :** I want to make a submission.

**MR. CHAIRMAN :** No submission at this stage.

**DR. KRUPASINDHU BHOI :** Just a point of order, Sir.

*Yatha badhti badhte rajan,*

*Tatha skandh na bandhte.*

**SHRI AJOY BISWAS (Tripura West) :** Mr. Chairman, Sir, I do not understand why the Government is in so much hurry to bring this Bill in Parliament. I find so many lacunae in the Bill. This Bill actually will cover about eighty to ninety lakhs of the State and Central Government employees. So, I think before bringing this Bill in Parliament, Government should have discussions with the All-India organisations of the Central and State Government employees.

Sir, I am connected with the State Government employees. I know the affairs of the State Government employees and the Employees' Federation. They wrote to the Central Government several times for discussion on the matters which are connected with the State Government employees, but actually the Central Government is not paying heed to their demand.

The main argument of the Government is that there are so many cases pending before the High Courts and that is why this Administrative Tribunals Bill has been brought forward. If this plea, is taken by the Government in respect of other cases also, I do not know what the Government will do. Many cases in connection with land disputes and other types of cases are also pending before the High Courts. I do not know whether the Government will bring forward such type of Bills for setting up Tribunals in respect of those cases also. There are many cases pending in the High Courts. But what is our experience about the Industrial Tribunals ? There are already Industrial Tribunals set up. We see that many cases are pending before the Industrial Tribunals also for years together. So, the main reason is that there is a shortage of Judges in the High Courts and there is a shortage of Judges in the Tribunals also. I am afraid the same thing will happen in the case of Administrative Tribunals. What is required is the appointment of more Judges to dispose of the cases early.

The Bill has been prepared in consonance with Article 323A as a result of which the

jurisdiction of the High Courts and the Supreme Court is taken away in respect of the cases of retirement, promotion, leave, etc. All these types of cases have been included in the jurisdiction of the Administrative Tribunal. But I feel that the Government should have had a discussion with other organisations concerned and should have brought forward a comprehensive Bill. Otherwise, some of the lacunae which are there will not be removed.

Another point that has been made by my hon. friend Mr. Priya Ranjan Das Munshi, which is pertinent to this Bill is who will be the Chairman of this Administrative Tribunal. The Bill provides that a retired Judge will be the Chairman or a retired Secretary or Additional Secretary to the Government will be the Chairman of the Tribunal. If a Secretary or an Additional Secretary will be the Chairman of this Tribunal, then there is an apprehension that the employees may not get justice because he will not be having judicial thinking. The judgment of the Tribunal may be of an administrative nature. When an Officer of the rank of Secretary or Additional Secretary takes action against an employee and, after retirement, he is made the Chairman of the Tribunal, at that time, definitely, he will not be in a free state of mind. At that time, his every judgment, his every notion, his every thinking will be guided by the administrative way of thinking. So, this kind of provision should be changed. Otherwise, the very purpose of the Administrative Tribunals Bill will be defeated and it will not serve any purpose at all.

Another point that I would like to make is that there is a provision that an employee may appear in person or take the assistance of a legal person of his choice to present the case before the Tribunal. If an employee is not conversant with the rules and regulations of the Tribunal and if he is not able to pay the fees of a legal person, in that case what will be the provision in the Bill? That is not clear in the Bill. In that case, whether he will not be able to appear before the Tribunal or not has to be made clear.

In this connection, I want to point out one thing that there is a system still in Central Government and State Government

that on behalf of the employee, another employee can appear before the proceedings of the Central/State Governments Department. If that is included here that on behalf of the employee, another employee of the Central or State Government can appear before the Tribunal, that will be helpful for the State and Central Government employees.

Another point is if the employee will not get any redress in the tribunal, then only he can go the Supreme Court. It is a serious thing. Class III and Class IV employees cannot go the Supreme Court. You know what is the cost involved in the Supreme Court. If a Class IV employee will not get redressal in the Tribunal, then his only alternative is to go to the Supreme Court. Is it possible for him to go to the Supreme Court for getting justice from the Supreme Court? I think that this Tribunal Bill, particularly this provision, is not helpful for the employees of the Central and State Governments.

My last point is that I shall request this Government to withdraw the Bill and discuss with all the organisations of the Central and State Governments' employees and bring a comprehensive Bill. That will be helpful for the Central and State Government employees. Otherwise, the purpose of this Bill will be defeated.

[Translation]

SHRILALIT MAKEN (South Delhi): Mr. Chairman, Sir, I welcome the Administrative Tribunals Bill moved in this House. As has been stated here, there are about 63,000 cases relating to the employees either of the State Governments or the Central Government pending in different courts of India awaiting decision and the Administrative Tribunals have been set up to dispose of such staggering number of cases speedily. I think it is a good move in this direction. It will provide justice to those thousands of employees of the State Governments and the Central Government who are waiting for justice and whose cases are pending in various courts. I feel, with the constitution of these tribunals they will get quick justice and their rights will be protected.

As has been mentioned here, Administrative Tribunals would be constituted to

improve the recruitment and service as well as working conditions of government employees. The more welcome feature is that their decision will be binding on both the parties, the Government as well as the employees. I think the object of the Bill is laudable but there are certain lacunae in the Bill and I would like to draw the attention of the House to them.

One of my friends from the Opposition has stated here that after decision of the Tribunal, the employees will be able to move only the Supreme Court and this will harm their interest. But I do not agree with this argument. On the contrary, I think it will be beneficial for them because generally we see that if an employee wins a case in the lower court, the Government takes it to the High Court and if he wins it in the High Court, the Government takes it to the Supreme Court. I think after the passage of this Bill one stage will be eliminated and Government employees will be saved from moving the High Court where the cases used to be kept pending for years involving a lot of expenditure and time of the employees. Now they can directly seek justice in the Supreme Court.

We already have Labour Tribunals in the country just like the proposed Administrative Tribunals. If you look at them you will find that thousands of cases have been pending for years together. I want that the condition of these Administrative Tribunals should not be as bad as prevailing in the Labour Tribunals. I would like to request that these Tribunals should be made time-bound. Some time should be prescribed for different types of cases to achieve the aim of providing speedy justice.

Clause 6 of this Bill says that Secretaries and Joint Secretaries can also become Chairmen of the Tribunals. I strongly oppose it. As my friend has also said, if any retired Secretary or Joint Secretary, who had victimised any employee while in the office, is appointed as Chairman of the Tribunal and if the same victimised employee goes to the Tribunal seeking justice, he will be victimised again. This is a simple matter. I even go further to say that attitude of bureaucracy all over India is anti-employees.

I would like to state here that these bureaucrat Secretaries and Joint Secretaries in the State/Central Government offices have the same biased attitude towards the employees as the big industrialists and factory owners have towards their workers. Therefore, this is the question of different systems, different sections of the society. They are two different categories of people. So bureaucracy is responsible for injustice and inflicting atrocities. If the future of the victimised employees is to be decided by the same persons who have committed injustice, then I can say that they will never be able to get justice.

Clause 6 provides for appointment of Secretaries and Joint Secretaries as Chairmen. But I think that these are judicial organisations and bureaucrats should not be associated with them in any manner. If you want to provide justice to Government employees, I would request you that in no case should the Secretaries and Joint Secretaries be appointed as Chairmen of these Tribunals.

I have found the biggest lacuna in clause 3 in which it is mentioned that any victimised employee can approach the Tribunal to safeguard his rights. In the case of Labour Tribunals, the representative unions fight the case, put forward the charter of demands to the management and if no agreement is reached with the management, the case is referred to the Labour Tribunal and a decision is taken. But no such provision has been included in this Bill.

There is no such provision in this Bill under which associations of State or Central Government employees can put forth their charter of demands, disputes, which could not be decided in J.C.M., departmental Council, States, before the tribunal. Therefore, I would urge upon the hon. Minister that a suitable provision for the same should be made in this Bill. If no reference is made about the Associations in this Bill it would amount to great disrespect to the Trade Unions. As in the case of industrial disputes Employees Associations have been allowed to take their cases to Industrial Tribunals and Labour Tribunals, similarly, Government employees associations, whether they are Central Government employees associa-

tions or State Government employees' associations, should be given right to put forth their views before the Tribunal

Section 2 refers to those employees who are not covered under this Bill. It says that besides naval, military and airforce personnel, Lok Sabha and Rajya Sabha employees are also not covered under this Bill. There is another category of employees in India which is not taken into account at all as they are neither covered under public service commissions nor treated as defence employees. These are the employees of Border Roads Organisation whose number is in lakhs in India at present. They construct roads at the height of 20 to 25 thousand feet. They work day and night in winter at places where temperature is 10 degree and construct roads for our soldiers. I am sorry that no mention has been made about them anywhere in this Bill. They demand all the facilities.

During the Janata regime, the then Defence Minister had stated that the Border Roads Organisation employees can form their associations. After this statement of the Defence Minister, they formed their associations and thereafter during the Janata regime they were sent to jails and their services were terminated. Therefore, I request that the concerned officers should be asked to include them in the category of military personnel so that they can also avail of all those facilities. With these words, I conclude.

**SHRI ZAINUL BASHER (Ghazipur) :** Mr. Chairman, Sir, I welcome this Bill in many respects. It is a fact that today a large number of cases of Government employees are pending right from lower courts to Supreme Court. These cases have been pending there for years. Some cases have been pending for as many as 20 to 25 years and have not yet been decided. The fate of the Government employees is hanging in balance. Hon. Minister has stated that after the setting up of this tribunal the position will not remain like this. This Bill provides for judicial proceedings but as has been said by my friends earlier that purpose would not be served if Government Officers, particularly like Secretary, Additional Secretary are appointed to this tribunal. This Bill is drafted by

Secretaries and Government employees. I am not aware whether at the time of drafting this Bill, this department was under the hon. Minister or not and whether he had made any contribution in drafting this Bill. If he had applied his mind to the Bill, he would have definitely grasped the objections raised by our friends here. When judicial process is involved in it, only judges should be appointed to this Tribunal. All the Government employees, whether they are Government Officers, Secretaries, Joint Secretaries or Additional Secretaries, in the first instance, go in for appeal. There is a procedure for that also. When their appeal is not accepted, they go to courts. If these very Government Officers who might have already heard the appeals are appointed to the Tribunal and if they have to hear the case already heard by them, the aggrieved party may not get the justice. They might not be involved in that case personally but there might be some of their friends, there might be a person about whom they think that he cannot give wrong decision, hence justice cannot be done. Therefore, I request the hon. Minister to reconsider this point.

Secondly, I would like to point out particularly that the army, navy and airforce personnel have not been brought under the jurisdiction of this Bill. This is a very big disciplined force. There is no doubt that in this force there is discrimination in promotion, pay fixation and in many other matters. Hon. Minister has been our Defence Minister also. He is aware that armed forces personnel have taken many cases to the High Court and Supreme Court.

Several cases of armed forces personnel are also pending in courts. Therefore, I would suggest that he should think about setting up a separate Tribunal for these personnel in the armed forces itself, so that these people who have to run to courts time and again in connection with their promotion cases and other cases and have to face great hardship, may get speedy justice.

So far as the employees of Parliament and courts are concerned, I understand the position because there the Speaker is the final authority for hearing and redressal of grievances and I think the Speaker, whether he is of Parliament or a Legislature, always

does justice. Therefore, keep them out of the jurisdiction of this tribunal but if you do not want to include the armed forces personnel in it, you should set up a separate tribunal for them.

In this context, I would like to add one thing. This tribunal is being set up for Government employees and Officers but Government officers and employees do injustice to the people, do not behave properly with them or when there are complaints of corruption and violation of rules against them. I would like to know whether he has under consideration a proposal to set up a tribunal to go into all such complaints against them? It has been seen that if any person levels a charge of corruption against any Government employee or officer, and files application against him, the same application goes to the same officer for examination against whom complaint has been made. We are Members of Parliament. I myself have experience and many of us might also be having the same experience that when we make complaint against any officer, the complaint goes to the same officer for examination. I would, therefore, like to know whether the hon. Minister is going to set up any Tribunal for this purpose also? Home Minister is a very efficient person and as Defence Minister he has discharged his duty very efficiently. Therefore, I would also like to know whether he proposes to set up a tribunal which should go into the public complaints against Government officers and employees and take action thereon? He should make efforts to set up such a tribunal. I hope that he will consider it.

\*SHRI R. ANNA NAMBI (Pollachi) : I am thankful to you, Mr. Chairman, for giving me an opportunity to say a few words on behalf of my party the All India Anna Dravida Munnetra Kazhagam on the Administrative Tribunals Bill, 1985.

Sir, this Bill should have been brought long ago. It would have reduced the burden on the Courts of Law. It would have ensured expeditious decisions on issues relating to the Government employees. Consequently, the Courts would have been enabled to lay greater emphasis on cases of

common people.

Though this Bill is belated, yet I welcome it because it is for the good of Government employees. The Tribunals are going to be set up both at the Centre and in the States. The Government employees are not able to get redressal of their genuine grievances expeditiously. They are running from pillar to post. They are to manage the court cases and their families within their limited means. They are suffering manifold misery on account of inordinate delay in the settlement of their disputes. The Courts cannot be blamed because they are burdened with thousands of cases. Only the other day in reply to a Starred Question raised by late Shri K.T. Kosalram, whose death we mourned today morning, the Government have indicated the total number of cases pending before the Courts of law. It will take several years for the Courts to dispose of all these cases. On behalf of Shri K.T. Kosalram and on my own behalf I must thank the hon. Minister for having brought forward this legislation, which will be beneficial both to the common people and to the Government servants.

The common people will have a sigh of relief because they are also to wait for decades to get judgments on their cases. It so happens that their witnesses even disappear in between. They have to arrange for new witnesses. The intermediaries eat away all their money. With the taking away of cases relating to Government employees from the purview of Courts, the Courts will be able to deliver speedier justice. Hereafter, there will be no room for saying that justice delayed is justice denied.

Now I would like to point out that for each and every thing we need not appoint Judges as the Chairman. It is not that Judges alone are omniscient. I suggest that a Secretary who has served the Home Department either at the Centre or in the State for five years and more should be appointed as Chairman of the Tribunal. The Vice-Chairman should be a public man of eminence evoking the confidence of the Government employees. Similarly, a repre-

sentative of the Government employees duly elected by them should be made a Member of the Tribunal. I suggest that it is very necessary to have common tenure for the Chairman and for the Members. It should be uniformly five years for the Chairman and Members of the Tribunal.

I extend my wholehearted support to the laudable effort of our hon. Minister. He has proved by bringing forward this Bill that the interests of Government employees are uppermost in his mind and he is committed to the redressal of their grievances.

With these words I conclude my speech.

[English]

THE MINISTER OF STATE IN THE DEPARTMENTS OF PERSONNEL AND ADMINISTRATIVE REFORMS AND CULTURE (SHRI K. P. SINGH DEO) : Mr Chairman, Sir, at the outset, I would like to thank the hon. Members for their very good suggestions and their apprehensions which give me an opportunity to reply to some of the questions that have been raised by them. At the same time, I am extremely grateful to the hon. Members for supporting this piece of legislation. First and foremost, I would like to mention that this Administrative Tribunal has been brought forward after it had been deliberated upon at every step. The Staff Association has been consulted during the initial stages, the State Governments have been consulted, the Legal Department has been consulted and then the Cabinet has brought forward this piece of legislation.

The Bill had been passed in the Rajya Sabha, but because the life of the 7th Lok Sabha had ended, the Bill has been brought afresh here now.

Many hon. Members have raised certain apprehensions regarding the composition and jurisdiction of the Tribunal. They have also suggested that the Tribunal should also include certain categories of persons.

I would like to mention that the Administrative Tribunal is different from a High Court in one essential respect and that is, while the High Courts deal with cases relating to all kinds of laws affecting the public,

the proposed Tribunal will deal exclusively with service matters of Government employees. Therefore, the examples and the comments made by the hon. Members regarding including various people as well as associations and the Armed Forces are not relevant and would be outside the jurisdiction of this. For the armed forces, there are the Army Act, the Navy Act and the Air Force Act, and there are other provisions also. However, all the points mentioned by the hon. Members have been taken note of. Of course, a debate is also going on regarding setting up a Tribunal for the Armed Forces. But it is for them to decide, not for this Ministry. This Bill, as I said, does not have jurisdiction over the Armed Forces. Even the Border Roads Organisation does not come within the purview of this. That is a different set up. They are governed by the different Acts, and are under the Ministries of Defence and Shipping and Transport. Let us not complicate matters; that is not relevant to this.

Regarding composition of the Tribunal, many hon. Members, particularly Shri Priya Ranjan Das Munshi, have raised a lot of apprehensions. I would like to assure them it is only because of objectivity and justice that the composition of the Tribunal has been kept in the manner it has been incorporated in the Bill. It is an enabling provision to have Secretaries, serving or retired Judges to act as Chairman, or as proposed. It is to make them eligible. The President will be the sole appointing authority in respect of the Central Tribunal and he will take into consideration all aspects which have been raised by the hon. Members. As far as the State Tribunals are concerned, he will do so in consultation with the Government concerned, and the Governor will take into consideration all the relevant aspects, for example from the justice point of view, as also the various apprehensions raised by the hon. Members.

The Tribunals are not going to be parallel High Courts, but they will be doing the work of the High Courts as far as the problems and cases pertaining to the service conditions of the employees are concerned. Therefore, to bring in objectivity, even the Supreme Court had opined that senior civil servants, who have experience and who

know the various intricacies of the service conditions should be included in these Tribunals, and according to Article 323 of the Constitution, which is the enabling clause that has given rise to this legislation.

Regarding internal rivalry and victimisation of certain Officers, I would say that these are very unkind remarks and we cannot generalise all Officers of the administrative services to fall into this category. There are blacksheep everywhere, but due care will be taken to see that this does not occur.

One hon. Member said about the shortage of judges, and because of that a lot of cases are pending. That is exactly the reason, why we are bringing this legislation to have speedier justice, and to relieve the High Courts of these sorts of cases, which are taking their time. Some hon. Members said correctly that justice delayed is justice denied.

This is exactly what we seek to redress by having speedy justice.

Regarding Associations, which has been mentioned by hon. member Mr. Lalit Makan, it is for individuals or for a party to think. This is not for associations. For associations, courts are there. Administrative Tribunals are for service matters, service conditions of individuals, those in service. This point is outside the purview.

Sir, most of these are common points. There was one point raised by Shri Priya Ranjan Das Munshi as to why there is a discrimination, the age limit being 62 for members and 65 for Chairman. This is to enable the member after one tenure to be a chairman or a vice-chairman....

*(Interruptions)*

I did not disturb you when you were speaking and I hope I get the same courtesy.

This is exactly the pattern followed in the UPSC.

I think I have answered to most of the points that have been raised. Some of them

are common. So, I seek the indulgence of the House and commend that this Bill be passed.

MR. CHAIRMAN : The question is :

“That the Bill to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government and for matters connected therewith or incidental thereto, be taken into consideration.”

*The motion was adopted.*

MR. CHAIRMAN : The House will now take up clause-by-clause consideration of the Bill. The question is :

“That clauses 2 to 37 stand part of the Bill.”

*The motion was adopted.*

*Clauses 2 to 37 were added to the Bill.*

*Clause 1 was added to the Bill.*

#### Enacting Formula

*Amendment made :*

Page 1, line 1,

for “Thirty-fifth” substitute “Thirty-sixth” (1)

(Shri K.P. Singh Deo)

MR. CHAIRMAN : The question is :

“That the Enacting Formula, as amended, stand part of the Bill.”

*The motion was adopted.*



*The Enacting Formula, as amended,  
was added to the Bill.*

*The Title was added to the Bill.*

SHRI K.P. SINGH DEO : I beg to  
move :

“That the Bill, as amended, be  
passed.”

MR. CHAIRMAN : The question is :

“That the Bill, as amended, be  
passed.”

*The motion was adopted*

MR. CHAIRMAN : May I remind the  
hon. Members that tomorrow the House  
will be meeting at 10.58 hours ? Now, we  
will adjourn.

15.58 hrs.

*The Lok Sabha then adjourned till Fifty-  
eight minutes past ten of the Clock  
on January 30, 1985/Magha 10,  
1906 (Saka).*