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# LOK SABHA DEBATES

(Fourth Session)



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LOK SABHA SECRETARIAT

NEW DELHI

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## LOK SABHA DEBATES

1

### LOK SABHA

Tuesday, December 23, 1980/Pausa 2,  
1902 Saka)

The Lok Sabha met at Eleven of  
the Clock

[MR. DEPUTY-SPEAKER in the Chair]

#### OBITUARY REFERENCE

(Death of Shri Hoti Lal Agarawal)

MR. DEPUTY-SPEAKER: I have to inform the House of the sad demise of one of our former colleagues, Shri Hoti Lal Agarawal, who passed away on 13th September, 1980, at Kanpur at the age of 79.

Shri Hoti Lal Agarwal was a Member of the First Lok Sabha during the years 1952-57.

He was a Member of Uttar Pradesh Legislative Assembly during the years 1937-39, 1946-52 and also during 1962-67 and 1969-74. He also served as Deputy Speaker of Uttar Pradesh Legislative Assembly during the years 1962-67.

A freedom fighter, he took part in non-cooperation movement and suffered imprisonment. He was deeply interested in rural uplift, agriculture and adult education.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

3099 LS-1.

2

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

The Members then stood in silence for a short while.

श्री मनोराम बागड़ी (हिसार) :  
उपाध्यक्ष महोदय, श्री रवीन्द्र वर्मा, मेम्बर, लोक सभा गिरफ्तार कर लिये गये हैं और आप ने कोई इंटीमेशन सदन को नहीं दी । . . . . (इयबधान) . . . .

SHRI DHANIK LAL MANDAL (Jhanjharpur): Sir, I am on a point of order.

MR. DEPUTY-SPEAKER: There is no point of order. Let me tell you one thing. Now, every one of you are getting up. Of course you have your own grievances. I have the greatest respect to the grievances which you want to represent here or the problems of the people of our country. But the question is the way you are going to mention them so that you may do justice to the problems which you want to mention here and I could also hear what you want to say. If you don't mistake me, in a civilized manner we can settle the problems. I will call you one by one. Now, Mr. Mani Ram Bagri.

श्री कृष्ण दत्त (शिमला) : उपाध्यक्ष महोदय, कलकत्ता में कांग्रेस (आई) के कार्यकर्ताओं पर लाठी चार्ज हुआ है और उनको नाजायज तरीके से गिरफ्तार किया है ।

**MR. DEPUTY-SPEAKER:** I will also call you.

*(Interruptions)*

**THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE):** Sir, you can allow them after the Papers are laid, as they have got to go to the other House also.

**MR. DEPUTY-SPEAKER:** There is a request from the Government that let the Papers be laid because they have got to go to the other House also.

**SHRI MANI RAM BAGRI:** Because you have already announced my name.

*(Interruptions)*

**SHRI MANI RAM BAGRI:** Are you going back? You have called me. Listen to me first.

**MR. DEPUTY-SPEAKER:** According to the agenda, Papers to be Laid on the Table is the next item.

Here is a request. Please allow me to permit the Ministers to place the Papers on the Table of the House. I can give you more time later.

**PROF. MADHU DANDAVATE (Rajapur):** On a point of order. Please see Speaker's Direction No. 2. There you will find that actually the order in which the items should be taken up has been mentioned. Those who have given adjournment motions and after that those who have given privilege motions, always get preference. After these items are disposed of then only laying of the papers comes up. It is not as if we are begging for priority, it is according to the Speaker's direction that we are entitled to get priority. Therefore, we should be permitted to make our submissions.

**SHRI VASANT SATHE:** I agree with Prof. Dandavate that after the Obituary Reference priority would be to Questions, which is not here today,

and then leave to move an adjournment motion; if you have got a motion previously moved to which you have given consent, not otherwise, then only it will get priority. Then comes the question involving a breach of privilege. That too, under rule 222, unless consent is given by the Speaker first, it cannot come before the House. After that comes Papers to be Laid on the Table of the House. So, if you have these two items to which consent has been given already, only then precedence can be given to them.

**PROF. MADHU DANDAVATE :** I am thankful to the hon. Minister for supporting my point of order.

**SHRI VASANT SATHE:** In the name of raising an important point under rule 377 or anything else, they cannot get priority. Therefore let us go according to the rules.

**MR. DEPUTY-SPEAKER:** Both Prof. Madhu Dandavate and Shri Sathe have referred to Direction No. 2. I want to know from Prof. Dandavate whether in the items they want to raise there is any item for asking for leave of the House to move an adjournment motion or any question involving breach of privilege.

**PROF. MADHU DANDAVATE:** Yes.

**MR. DEPUTY-SPEAKER:** We have already informed the Members concerned that no privilege motion has been allowed. There is no question involving a breach of privilege here. Therefore, I allow the Papers to be laid on the Table.

11.00 hrs

#### PAPERS LAID ON THE TABLE

STATEMENT RE. PURCHASE OF RESIDENCE OF THE HEAD OF MISSION IN HONG KONG

**THE MINISTER OF EXTERNAL AFFAIRS (SHRI P. V. NARASIMHA RAO):** I beg to lay on the Table a

statement (Hindi and English versions) regarding drawal of an advance from the Contingency Fund of India for the purchase of residence of the Head of the Mission in Hong Kong. [Placed in Library. See No. LT-1717/80].

ANNUAL REPORT OF AND REVIEW ON UNIVERSITY OF DELHI, REGIONAL ENGINEERING COLLEGE, SRINAGAR, KASHMIR, ETC.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHRI S. B. CHAVAN): I beg to lay on the Table:—

(1) (i) A copy of the Annual Report of the University of Delhi, for the year 1979—Volumes I to III.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the University of Delhi, for the year 1979.

(2) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the Report mentioned at (1) (i) above.

[Placed in Library. See No. LT-1718/80].

(3) A copy of the Annual Accounts (Hindi and English versions) of the Aligarh Muslim University, Aligarh, for the year 1977-78 along with Audit Report thereon. [Placed in Library. See No. LT-1719/80].

(4) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Srinagar, Kashmir, for the year 1979-80.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Srinagar, Kashmir, for the year 1979-80.

[Placed in Library. See No. LT-1720/80].

(5) A copy of the Annual Report (\*\* Hindi version) of the Regional Engineering College, Tiruchirappalli, for the year 1979-80 along with Annual Accounts and the Audit Report thereon. [Placed in Library. See No. LT-1721/80].

(6) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Calicut, for the year 1979-80.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Calicut, for the year 1979-80.

[Placed in Library. See No. LT-1722/80].

(7) A copy of the Annual Accounts (Hindi and English versions) of the Motilal Nehru Regional Engineering College, Allahabad, for the year 1979-80. [Placed in Library. See No. LT-1723/80].

(8) (i) A copy of the Annual Accounts (Hindi and English versions) of the Central Tibetan Schools Administration, New Delhi, for the year 1978-79 along with Audit Report thereon.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (8) (i) above.

[Placed in Library. See No. LT-1724/80].

(9) (i) A copy of the Annual Accounts (Hindi and English versions) of the School of Planning and Architecture, New Delhi, for the year 1978-79 along with Audit Report thereon.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (9) (i) above.

\*\*English version of the papers was laid on the Table on the 22nd Decem-



(10) (i) A copy of the Annual Report (Hindi and English versions) of the School of Planning and Architecture, New Delhi, for the year 1979-80.

(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 1979-80.

(11) A statement (Hindi and English versions) explaining reasons for not laying the Accounts along with the report, mentioned at (10) (i) above.

[Placed in Library. See No. LT—See No. LT—1726/80].

(12) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Foundry and Forge Technology, Ranchi, for the year 1979-80.

(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 1979-80.

(13) A statement (Hindi and English versions) explaining reasons for not laying the Accounts along with the Report, mentioned at (12) (i) above. [Placed in Library. See No. LT—1726/80].

(14) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute for Training in Industrial Engineering, Bombay, for the year 1979-80.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute for Training in Industrial Engineering, Bombay, for the year 1979-80.

(15) A statement (Hindi and English versions) explaining reasons for not laying the Accounts along with the Report. [Placed in Library. See No. LT—1727/80].

(16) (i) A copy of the Annual Report of the Indian Institute of Technology, Kharagpur, for the year 1979-80.

(ii) A copy of the Review by the Government of the working of the Indian Institute of Technology, Kharagpur, for the year 1979-80.

(17) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the documents mentioned at (16) above.

[Placed in Library. See No. LT—1728/80].

(18) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Silchar (Assam), for the year 1979-80.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Silchar (Assam) for the year 1979-80. [Placed in Library. See No. LT—1729/80].

(19) A copy each of the following Notifications under sub-section (3) of section 59 of the Children Act, 1960:—

(i) The Pondicherry Children (Amendment) Rules, 1980, published in Notification No. G. O. Ms. 13380-HEW (SW) (GSR 7) in Pondicherry Gazette dated the 22nd July, 1980.

(ii) The Pondicherry Children (Amendment) Rules, 1980, published in Pondicherry Gazette dated the 12th August, 1980.

[Placed in Library. See No. LT—1730/80].

(iii) The Dadra and Nagar Haveli Children (Amendment) Rules, 1980, published in Notification No. ADM/LAW/242(26)/80 dated the 26th July, 1980.

[Placed in Library. See No. LT—1731/80].

(iv) The Andaman and Nicobar Islands Children Rules, 1979, published in Notification No. 48/38/77-MHF in Andaman and Nicobar Gazette dated the 28th November, 1979.

(v) The Andaman and Nicobar Islands Children (Management, Functions and Responsibilities of Special Schools, Children's Home and observations Homes) Rules, 1979, published in Notification No. 48/38/77-MHF in Andaman and Nicobar Gazette dated the 28th November, 1979.

(20) A statement (Hindi and English versions) showing reasons for delay in laying the above Notifications and for not laying the Hindi versions thereof.

[Placed in Library. See No. LT—1732/80].

(21) (i) A copy of the Suppression of Immoral Traffic in Women and Girls (A&N) Islands Rules, 1980, published in Notification No. 115/1980/21.1.76-80 Home in Andaman and Nicobar Gazette dated the 20th August, 1980, under sub-section (4) of section 23 of the Suppression of Immoral Traffic in Women and Girls Act, 1956.

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

[Placed in Library. See No. LT—1733/80].

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

(i) Review by the Government on the working of the Artificial Limbs Manufacturing Corporation of India, Kanpur, for the year 1979-80.

(ii) Annual Report of the Artificial Limbs Manufacturing Corporation of India, Kanpur, for the year 1979-80 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—1734/80].

ANNUAL REPORTS AND ACCOUNTS OF AND REVIEW ON CHILDREN'S FILM SOCIETY FOR 1979-80.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE) : I beg to lay on the Table.—

(1) A copy of the Annual Report (Hindi and English versions) of the Children's Film Society, India, Bombay, for the year 1979-80.

(2) A copy of the Annual Accounts (Hindi and English versions) of the Children's Film Society, India, Bombay, for the year 1979-80 along with Audit Report thereon.

(3) A copy of the Review (Hindi and English versions) by the Government on the working of the Children's Film Society, India, Bombay, for the year 1979-80.

[Placed in Library. See No. LT—1735/80].

REVIEW ON AND ANNUAL REPORT OF HINDUSTAN PETROLEUM CORPORATION LTD., BOMBAY, FERTILIZER (PLANNING AND DEVELOPMENT) INDIA LTD., SINDRI, NATIONAL FERTILIZERS LTD., NEW DELHI FOR 1979-80, ETC.

THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILIZERS

(SHRI P. C. SETHI): I beg to lay on the Table:

(1) 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 Hindustan Petroleum Corporation Limited, Bombay, for the year 1979-80.

(ii) Annual Report of the Hindustan Petroleum Corporation Limited, Bombay, for the year 1979-80 along with the Audited Accounts and the comments of the Comptroller and Auditor-General thereon.

[Placed in Library. See No. LT—1736/80].

(b) (i) Review by the Government on the working of the Fertilizer (Planning and Development) India Limited, Sindri, for the year 1979-80.

(ii) Annual Report of the Fertilizer (Planning and Development) India Limited, Sindri, for the year 1979-80, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—1737/80].

(c) (i) Review by the Government on the working of the National Fertilizers Limited, New Delhi, for the year 1979-80.

(ii) Annual Report of the National Fertilizers Limited, New Delhi, for the year 1979-80 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—1738/80].

(2) (i) A copy of the Annual Report (Hindi and English versions) of the Oil Industry Development Board, New Delhi, for the year 1979-

80 along with the Audited Accounts, under sub-section (4) of section 20 of the Oil Industry (Development) Act, 1974.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Oil Industry Development Board, New Delhi, for the year 1979-80.

[Placed in Library. See No. LT—1739/80].

(3) A copy of the Petroleum and Natural Gas (Amendment) Rules, 1979 (Hindi and English versions) published in Notification No. GSR 1457 in Gazette of India dated the 8th December, 1979 together with Corrigendum thereto published in Notification No. GSR 1188 in Gazette of India dated the 15th November, 1980, under section 10 of the Oilfields (Regulation and Development) Act, 1948.

[Placed in Library, See No. LT—1740/80].

REPORT ON GENERAL ELECTIONS TO THE HOUSE OF THE PEOPLE AND LEVISLATIVE ASSEMBLIES AND VICE-PRESIDENTIAL ELECTION, 1979

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANAR): I beg to lay on the Table a copy of the Report (Hindi and English versions) on the General Elections to the House of the People and the Legislative Assemblies 1979-80 and Vice-Presidential Election, 1979—Volume I (Narrative).

[Placed in Library. See No. LT—1741

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (SHRI CHANDU-LAL CHANDRAKAR): I beg to lay on the Table a copy of the International Airports Authority (Terms and Conditions of Commencing Capital) Rules, 1980 (Hindi and English versions) published in Notification No. S.O. 895(e) in Gazette of India dated the 17th November, 1980, under sub-section (3) of section 36 of the Inter-

national Airports Authority Act, 1971.  
[Placed in Library. See No. LT—1742/80].

**NOTIFICATION UNDER ESSENTIAL COMMODITIES ACT.**

**THE MINISTER OF AGRICULTURE AND RURAL RECONSTRUCTION AND IRRIGATION (SHRI BIRENDRA SINGH RAO):** I beg to lay on the Table a copy of Notification No. G.S.R. 656(E) (Hindi and English versions) published in Gazette of India dated the 18th November, 1980 regarding sale of fertilizers to the registered fertilizers dealers in the States, Union territories and Commodity Gardens mentioned in column I of the schedule thereunder, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT—1743/80].

**ANNUAL REPORT OF AND REVIEW ON INSTITUTE OF APPLIED MANPOWER RESEARCH, NEW DELHI FOR 1979-80**

**THE MINISTER OF PLANNING AND LABOUR (SHRI NARAYAN DATT TIWARI):** I beg to lay on the Table:—

(1) A copy of the Annual Report (Hindi and English versions) of the Institute of Applied Manpower Research, New Delhi for the year 1979-80 together with Audited Accounts.

(2) A copy of the Review (Hindi and English versions) by the Government on the working of the Institute of Applied Manpower Research, New Delhi, for the year 1979-80.

[Placed in Library. See No. LT—1744/80].

**REVIEW ON AND ANNUAL REPORT OF BHARAT LEATHER CORPORATION LTD., AGRA FOR 1979-80, CEMENT CORPORATION OF INDIA FOR 1979-80, INSTRUMENTATION LTD., KOTA AND NOTIFICATIONS UNDER INDUSTRIES (DEVELOPMENT AND REGULATION) ACT.**

**THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V. PATIL):** I beg to lay on the Table:—

(1) 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) Statement regarding Review by the Government on the working of the Bharat Leather Corporation Limited, Agra, for the year 1979-80.

(ii) Annual Report of the Bharat Leather Corporation Limited, Agra, for the year 1979-80 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—1745/80].

(b) (i) Statement regarding Review by the Government on the working of the Cement Corporation of India Limited, New Delhi, for the year 1979-80.

(ii) Annual Report of the Cement Corporation of India Limited, New Delhi, for the year 1979-80 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—1746/80].

(c) (i) Statement regarding Review by the Government on the working of the Instrumentation Limited Kota, for the year 1979-80.

(ii) Annual Report of the Instrumentation Limited, Kota, for

the year 1979-80 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—1747/80].

(2) A copy each of the following Notifications (Hindi and English versions) under proviso to sub-section (2) of the Industries (Development and Regulation) Act, 1951:—

(i) S.O. 749(E) published in Gazette of India dated the 5th September, 1980 extending the period of take-over of the management of Messrs India Belting and Cotton Mills Limited Serampore.

(ii) S.O. 855(E) published in Gazette of India dated the 23rd October, 1980 extending the period of take-over of the management of Messrs Carter Pooler and Company Private Limited, Calcutta.

[Placed in Library. See No. LT—1748/80].

(3) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 18AA of the Industries (Development and Regulation) Act, 1951:—

(i) S.O. 603(E) published in Gazette of India dated the 1st August, 1980 regarding continuance of management of Messrs. Engel Machine and Tools Limited, Calcutta by the Secretary, Closed and Sick Industries Department of the Government of West Bengal.

(ii) S.O. 838(E) published in Gazette of India dated the 7th October, 1980 regarding continuance of management of Messrs Eastern Distilleries Private Limited, Calcutta by the Secretary, Closed and Sick Industries De-

partment of the Government of West Bengal.

[Placed in Library. See No. LT—1749/80].

**ANNUAL REPORT AND REVIEW ON KHUDA BAKSH ORIENTAL PUBLIC LIBRARY, PATNA FOR 1979-80**

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRIMATI SHEILA KAUL): I beg to lay on the Table:

(1) A copy of the Annual Report (Hindi and English versions) of the Khuda Baksh Oriental Public Library, Patna, for the year 1979-80 along with the Audited Accounts.

(2) A copy of the Review (Hindi and English versions) by Government on the working of the Khuda Baksh Oriental Public Library, Patna, for the year 1979-80.

[Placed in Library. See No. LT—1750/80].

**ANNUAL REPORT AND REVIEW ON THE WORKING OF ENGINEERING EXPORT PROMOTION COUNCIL, CALCUTTA FOR 1978-79**

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KHURSHEED ALAM KHAN): I beg to lay on the Table:—

(1) (i) A copy of the Annual Report (Hindi and English versions) of the Engineering Export Promotion Council, Calcutta, for the year 1978-79.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Engineering Export Promotion Council, Calcutta, for the year 1978-79.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT—1751/80].

**STATEMENT RE. REVIEW ON AND ANNUAL REPORT OF HINDUSTAN AERONAUTICS LTD., BANGALORE FOR 1979-80.**

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V. PATIL): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(1) Statement regarding Review by the Government on the working of the Hindustan Aeronautics Limited, Bangalore, for the year 1979-80.

(2) Annual Report of the Hindustan Aeronautics Limited, Bangalore, for the year 1979-80 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—1752/80].

**STATEMENT RE. REVIEW ON 2ND ANNUAL REPORT OF NATIONAL RESEARCH DEVELOPMENT CORPORATION OF INDIA, LTD., NEW DELHI FOR 1979-80**

THE MINISTER OF FINANCE (SHRI R. VENKATARAMAN): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(1) Statement regarding Review by the Government on the working of the National Research Development Corporation of India, New Delhi, for the year 1979-80.

(2) Annual Report of the National Research Development Corporation of India, New Delhi, for the year 1979-80 along with the Audited Accounts and the comments of the Comptroller General thereon.

[Placed in Library. See No. LT—1753/80].

**REVIEW ON AND ANNUAL REPORT OF HINDUSTAN FERTILISER CORPORATION LTD., NEW DELHI FOR 1979-80.**

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZERS (SHR DALBIR SINGH): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(1) Review by the Government on the working of the Hindustan Fertilizer Corporation Limited, New Delhi, for the year 1979-80.

(2) Annual Report of the Hindustan Fertilizer Corporation Limited, New Delhi, for the year 1979-80 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT—1754/80].

**NOTIFICATIONS UNDER REGIONAL RURAL BANKS ACT, ANNUAL REPORT, ETC. OF INDUSTRIAL DEVELOPMENT BANK OF INDIA FOR YEAR ENDING JUNE 30, 1980 AND NOTIFICATION UNDER CENTRAL EXCISES AND SALT ACT**

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI MAGANBHAI BAROT): I beg to lay on the Table:

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (1) of section 29 of the Regional Rural Banks Act, 1976:—

(i) The Ellaquai Dehati Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3132 in Gazette of India, dated the 15th November, 1980.

(ii) The Surguja Kshatriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3133 in Gazette of

India, dated the 15th November, 1980.

(iii) The Sree Anantha Grammeena Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3134 in Gazette of India, dated the 15th November, 1980.

(iv) The Bastar Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3135 in Gazette of India, dated the 15th November, 1980.

(v) The Kanpur Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3136 in Gazette of India dated the 15th November, 1980.

(vi) The Sravasthi Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3137 in Gazette of India, dated the 15th November, 1980.

(vii) The Mithila Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3138 in Gazette of India, dated the 15th November, 1980.

(viii) The Durg-Rajnandgaon Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3139 in Gazette of India, dated the 15th November, 1980.

(ix) The Etawah Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3140 in Gazette of India, dated the 15th November, 1980.

(x) The Samastipur Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3141 in Gazette of India dated the 15th November, 1980.

(xi) The Palamau Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3142 in Gazette of India, dated the 15th November, 1980.

(xii) The Kisan Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3143 in Gazette of India, dated the 15th November, 1980.

(xiii) The Kshetriya Kisan Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3144 in Gazette of India, dated the 15th November, 1980.

(xiv) The Kalahandi Anchalka Gramya Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3145 in Gazette of India, dated the 15th November, 1980.

(xv) The Jhabua Dhar Kahtriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3146 in Gazette of India, dated the 15th November, 1980.

(xvi) The Ranchi Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3147 in Gazette of India, dated the 15th November, 1980.

(xvii) The Baitrani Gramya Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3148 in Gazette of India, dated the 15th November, 1980.

(xviii) The Kashi Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3149 in Gazette of India, dated the 15th November, 1980.

(xix) The Lakhimi Gaonla Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3150 in Gazette of India, dated the 15th November, 1980.

(xx) The Basti Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3151 in Gazette of India, dated the 15th November, 1980.

(xxi) The Balasore Gramya Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3152 in Gazette of India, dated the 15th November, 1980.

(xxii) The Allahabad Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3153 in Gazette of India, dated the 15th November, 1980.

(xxiii) The Pratapgarh Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3154 in Gazette of India, dated the 15th November, 1980.

(xxiv) The Nadia Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3155 in Gazette of India, dated the 15th November, 1980.

(xxv) The Faizabad Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3156 in Gazette of India, dated the 15th November, 1980.

(xxvi) The Fatehpur Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3157 in Gazette of India, dated the 15th November, 1980.

(xxvii) The Sagar Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3158 in Gazette of India, dated the 15th November, 1980.

(xxviii) The Bareilly Kshetriya Gramin Bank (Meetings of Board) Rules, 1980, published in Notification No. S.O. 3159 in Gazette of

India, dated the 15th November, 1980.

[Placed in Library. See No. LT-1755/80].

(2) A copy of the Annual Report (Hindi and English versions) of the Industrial Development Bank of India together with the Audited Accounts of the General Fund and Development Assistance Fund for the year ended the 30th June, 1980, under sub-section (5) of section 18 and sub-section (5) of section 23 of the Industrial Development Bank of India Act, 1964. [Placed in Library. See No. LT-1756/80].

(3) A copy of the Central Excise (Seventeenth Amendment) Rules, 1980 (Hindi and English versions) published in Notification No. G.S.R. 1262 in Gazette of India, dated the 13th December, 1980, under section 38 of the Central Excises and Salt Act, 1944. [Placed in Library. See No. LT-1757/80].

OPEN LINES (RAILWAYS IN INDIA)  
GENERAL (AMENDMENT) RULES, 1980

THE DEPUTY MINISTER IN THE  
MINISTRY OF RAILWAYS AND IN  
THE DEPARTMENT OF PARLIAM-  
ENTARY AFFAIRS (SHRI MALLI-  
KARJUN): I beg to lay on the Table  
a copy of the Open Lines (Railways  
in India) General (Amendment)  
Rules, 1980 (Hindi and English ver-  
sions) published in Notification No.  
G.S.R. 1303 in Gazette of India dated  
the 20th December, 1980. [Placed in  
Library. See No. LT-1758/80].

ANNUAL ACCOUNTS ETC. OF COOPERATIVE  
STORE LTD., (SUPER BAZAR), DELHI,  
1976-77

THE DEPUTY MINISTER IN THE  
MINISTRY OF CIVIL SUPPLIES  
(SHRI BRAJAMOHAN MOHANTY):

I beg to lay on the Table:

(1) A copy of the Annual  
Accounts (Hindi and English ver-  
sions) of the Cooperative Store  
Limited, (Super Bazar) Delhi, for  
the year 1976-77 along with Audit  
Report thereon.



(2) A statement (Hindi and English versions) showing reasons for delay in laying the above Accounts. [Placed in Library. See No. LT-1759/80].

11.12 hrs.

**MESSAGE FROM RAJYA SABHA**

**SECRETARY:** Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

"I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Monday, the 15th December, 1980, adopted the following motion in regard to the Joint Committee on Offices of Profit:—

"That this House concurs in the recommendation of the Lok Sabha that a Joint Committee of the Houses to be called the Joint Committee on Offices of Profit be constituted for the purposes set out in the motion adopted by the Lok Sabha at its sitting held on the 25th November, 1980 and communicated to this House, and resolves that this House do join in the said Joint Committee and proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, five members from among the members of the House to serve on the said Joint Committee."

2. I am further to inform the Lok Sabha that in pursuance of the above motion, the following members of the Rajya Sabha have been duly elected to the said Joint Committee:—

1. Shri Robin Kakati
2. Shri Dinesh Goswami
3. Shri Syed Rahmat Ali
4. Prof. N. M. Kamble
5. Shri Lakhan Singh."

11.14 hrs.

**PUBLIC ACCOUNTS COMMITTEE  
SECOND, FOURTH, FIFTEENTH AND  
TWENTY-THIRD REPORTS**

**SHRI V. N. GADGIL (Pune):** I beg to present the following Reports (Hindi and English versions) of the Public Accounts Committee:—

(1) Second Report on Action Taken by Government on the recommendations contained in the Hundred and thirty-fifth Report (Sixth Lok Sabha) on D.C. Electric Tractions.

(2) Fourth Report on Action Taken by Government on the recommendations contained in the Hundred and twenty-fifth Report (Sixth Lok Sabha) on Restoration and construction of Railway Lines.

(3) Fifteenth Report on Action Taken by Government on the recommendations contained in the Ninety-first Report (Sixth Lok Sabha) on collaboration agreement for manufacture of diesel engines for shunters.

(4) Twenty-third Report on Action taken by Government on the recommendations contained in the Seventy-fifth Report (Sixth Lok Sabha) on import of wheel sets.

**PROF. MADHU DANDAVATE (Rajapur):** I am on a point of order.

I had raised a point of order. You have given a ruling. What we propose to do is perfectly within the jurisdiction of your ruling. You ruled that according to the Speaker's direction adjournment motion, privilege, etc., they get priority. I had not given a notice for Privilege Motion. I had given notice for Adjournment Motion.

**MR. DEPUTY-SPEAKER:** I have already said about Adjournment Motion.

(Interruptions)

**SOME HON. MEMBERS:** No.  
(Interruptions)

**PROF. MADHU DANDAVATE:** My point of order was regarding the priorities to be given to various items. You are saying that you have already informed. Let me tell you that yesterday the hon. Speaker of this House gave every one a few seconds to all of those who had given Adjournment Motion. Everyone put forward before the House what was the subject matter of Adjournment Motion. To each one of them he said that on such and such grounds he was disallowing. All that I am saying is that certain developments have taken place. Within the jurisdiction of your ruling I am only raising a point that C.R.P.F. has indulged in firing in Asam. Many people have died and in Maharashtra an hon. Member of this House Shri Ravindra Verma has been arrested. A new repressive policy is being followed. As a result of this I protest. I have given Adjournment Motion.

**MR. DEPUY-SPEAKER:** There is no point of order. What I have said is under rule—that the first priority will be given to the Papers to be Laid.

**PROF. MADHU DANDAVATE:**  
How can that be done?  
(Interruptions)

**SHRI DHANIK LAL MANDAL** (Jhanjharpur): You do not listen to our point of order. (Interruption). Why do you not listen to us?

**THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE):** Subject to the provisions of these rules, a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. 'Consent of the Speaker'—this is very important. You have already informed that the Speaker has not given his consent. So, legally, there is, therefore, no adjournment motion either by Prof. Madhu Dandavate or by anybody before you. How can this matter get priority? (Interruptions).

**MR. DEPUTY-SPEAKER:** Prof. Dandavate, on your point of order I have already expressed my view.

**SHRI DHANIK LAL MANDAL:** I have to say something on this very point.

**MR. DEPUTY-SPEAKER:** Please sit down.

**SHRI DHANIK LAL MANDAL:**  
Please listen to me.

**MR. DEPUTY-SPEAKER:** When I am on my legs, you please sit down. All of you have to sit down. You have got to sit down when I am on my legs. Nobody can stand up. I will not permit.

I have told Prof. Dandavate that after obituary reference there should be questions. But there are no questions to-day. Then comes leave to move Motion for Adjournment of the Business. No leave has been given. Certain Adjournment Motions have been disallowed. Then comes question allowing a breach of privilege. There is nothing like that. Therefore, I went to another item. Let this item be over, I shall come to you. (Interruptions). You will be given a chance. Let me complete this.

11.17 hrs.

#### COMMITTEE ON PUBLIC UNDERTAKINGS FIFTH REPORT

**SHRI NIREN GHOSH (Dum Dum):**  
I beg to present the Fifth Report (Hindi and English versions) of the Committee on Public Undertakings on Action Taken by Government on the recommendations contained in the Forty-Fifth Report of the Committee on Public Undertakings (Sixth Lok Sabha) on Tea Trading Corporation of India Ltd.—Export Performance (Ministry of Commerce—Department of Commerce).

(Interruptions)\*\*

**MR. DEPUTY-SPEAKER:** When the Papers are being laid on the Table, no other remark or no other speech shall go on record.

11.18 hrs.

**COMMITTEE ON WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES**

**FIRST, THIRD AND STUDY TOUR REPORTS**

**SHRI R. R. BHOLE** (Bombay South-Central): I beg to present the following Reports (Hindi and English versions) of the Committee on the Welfare of Scheduled Caste<sub>s</sub> and Scheduled Tribes:—

(1) First Report: Action Taken by Government on the recommendations contained in the Twenty-First Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Sixth Lok Sabha) on the Ministry of Railways (Railway Board)—Reservations for, and employment of, Scheduled Castes and Scheduled Tribes in Northern Railway and Award of Petty Contracts to Scheduled Castes and Scheduled Tribes in Northern Railway.

(2) Third Report—Action Taken by Government on the recommendations contained in the Thirty-eighth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Sixth Lok Sabha) on the Ministry of Petroleum, Chemicals and Fertilizers (Department of Petroleum)—Reservations for, and employment of, Scheduled Castes and Scheduled Tribes in Indian Oil Corporation Limited (Marketing Division).

(3) Report of Study Tour of Study Group I of the Committee on its visit to Madras, Pondicherry, Rameshwaram, Madurai, Tirunelvell, Kanyakumari and Trivandrum during October, 1980.

(4) Report of Study Tour of Study Group II of the Committee on its visit to Calcutta, Puri, Paradip, Visakhapatnam and Hyderabad during October, 1980.

(5) Report of Study Tour of Study Group III of the Committee on its visit to Bangalore, Mysore, Coorg, Manipal, Mangalore, Goa and Bombay, during October, 1980.

(Interruptions)

**MR. DEPUTY-SPEAKER:** Many hon. Members stood up. After this item on the agenda is over, I shall allow one or two minutes to each of the Member who wants it.

**SHRI DHANIK LAL MANDAL:** I rise on a point of order.

**MR. DEPUTY-SPEAKER:** Under what rule? The former Home Minister is on his legs.

**SHRI DHANIK LAL MANDAL:** Under rule 60. When Mr. Dandavate raised a point of order, you pointed out certain priorities and how the agenda will be followed.

**MR. DEPUTY-SPEAKER:** I have ruled that out of order.

**SHRI DHANIK LAL MANDAL:** Mr. Sathe also pointed out certain rules. He said, adjournment motion has certainly priority and you also agreed that adjournment motion has priority over the laying of papers on the Table of the House.

**THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE):** Provided consent was given by the Speaker.

**SHRI DHANIK LAL MANDAL:** You do not listen to others. We are listening to you.

**MR. DEPUTY-SPEAKER:** Why can't you do that with a smile?

(Interruptions)

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI B. VEN-**

**KATASUBBAIAH):** He should not look at the Press Gallery all the time.

**SHRI DHANIK LAL MANDAL:** Sir, you agree that adjournment motion has priority. Now what Mr. Sathe has argued in this House is that because the Speaker has not given his consent to certain motions given notice of by hon. members of this House, therefore, the question does not arise. He was on rule 56. I am on rule 60. I have got the Hindi version of the rules. Rule 60 says:

मैं नियम 60 का परन्तुक पढ़ रहा हूँ :

परन्तु यह भी कि यदि अध्यक्ष उसमें उल्लिखित मामले के बारे में पूर्ण तथ्यों से अवगत न हो तो वह अपनी सम्मति देने या इन्कार करने से पूर्व उस प्रस्ताव की सूचना को पढ़ कर सुना सकेगा और संबंधित मंत्री और / या सदस्यों से तथ्यों पर संक्षिप्त विवरण सुन सकेगा और उसके बाद प्रस्ताव को स्वीकार करने के बारे में अपना निर्णय देगा ।

What does Mr. Shakhder say in his interpretation? I have not got the book with me just now. Mr. Shakhder says, when it is a border line case and the Speaker thinks it is on the border line, whether it is admissible or not, the hon. Speaker will listen to the members first and then give his ruling. I have given notice of an adjournment motion on Assam situation and also violence on the farmers' agitation. (*Interruptions*). Mr. Sathe, you are not the Speaker. You cannot decide it.

**MR. DEPUTY-SPEAKER:** You address the Chair.

**SHRI DHANIK LAL MANDAL:** My submission to you is, this is a border line issue. You will say that the Assam situation is not the responsibility of the Central Government. We have pointed out that the CRP and other central forces have been sent there to aid and abet....

**MR. DEPUTY-SPEAKER:** On your point of order, let me give the ruling. "Once a member is informed of the Speaker's decision with holding his consent, no discussion or point shall be permitted to be raised in the House either on the subject-matter of the notice or the reasons for disallowance thereof."

**SHRI DHANIK LAL MANDAL:** We have not been informed.

(*Interruptions*).

**SHRI BAPUSAHEB PARULEKAR (Ratnagiri):** On a point of order, Sir. It is very important. It is under rule 353.

**SHRI K. LAKKAPPA (Tumkur):** They are repeating the same thing.

**SHRI BAPUSAHEB PARULEKAR:** Sir, I am not in the habit of repeating. This is not concerning what the Minister for Information and Broadcasting said; I will come to it subsequently. Unfortunately, we heard a remark from the Chair which is defamatory to all the hon. members of the opposition. You have said at the commencement of the sitting that, "if you members of the opposition behave in a civilised manner, I will hear one by one." You see the record, Sir. I will request you to expunge that remark of yours. (*Interruptions*).

**MR. DEPUTY-SPEAKER:** I want to correct you and put the record straight. I said, "If we can conduct the affairs of the House in a civilised manner.....". That is what I said. The proceedings are there. If anything defamatory has been said, I will myself expunge it. Don't worry. (*Interruptions*). If anything defamatory or derogatory against any member has been said, I shall expunge it myself.

**SHRI BAPUSAHEB PARULEKAR:** You said, to the members, "You speak in a civilised manner." That is not the way of addressing the members.

**MR. DEPUTY-SPEAKER:** I have not said like that. (*Interruptions*). "Civilised manner" is parliamentary. I have already given a ruling like that in the last session. What I said and what I requested the members is fully parliamentary and therefore, there is no question of anything being unparliamentary in what I said.

If you are interested in giving importance to the problems of the people, because this is the last day of the session, I would request you to mention your points one by one. I will give two minutes to each. I will call everyone, this side and that side.

**SHRI SATYASADAN CHAKRABORTY** (Calcutta South): You said that "civilised manner" is parliamentary and you are entitled to say it. Are we also entitled to say that the Chair should also behave in a civilised manner?

**MR. DEPUTY-SPEAKER:** There is no harm. I had ruled that "civilised manner" is parliamentary. It is applicable to the entire House, including the Chair.

**DR. SUBRAMANIAM SWAMY** (Bombay North East): I will say one word in your defence. When you said "civilised" I remember you looked on that side. Therefore, we have no objection.

**MR. DEPUTY-SPEAKER:** I have never said "uncivilised behaviour" in regard to any member, nor have I said that any member behaved in an uncivilised way. I have said "let us conduct the affairs of this House in a civilized manner". This is parliamentary. I also said that I should not be misunderstood.

श्री मनोराम बागड़ी (हिसार) : डिप्टी स्पीकर साहब, मैं पार्लियामेंटरी और गैर- पार्लियामेंटरी शब्द के बारे में कहना चाहता हूँ कि शब्द तो तमाम पार्लियामेंटरी है लेकिन यह देखा जाता है कि किस शब्द का उपयोग किस नाते किया गया

है। "गधा" शब्द भी पार्लियामेंटरी है। अगर कोई कहे कि "गधा रास्ते में अटक गया था", तो गैर-पार्लियामेंटरी शब्द नहीं है। आपका "सिविलाइज्ड" शब्द गलत था। आपको नहीं कहना चाहिए था। मैं तो चाहता हूँ कि वह शब्द रिकार्ड पर रहे, ताकि आने वाले लोग देखें कि सदन में हमारे पुरखे कैसे थे। मैं किसी लफ्ज़ को काटने के हक में नहीं हूँ। डेमोक्रेसी में सब शब्द रिकार्ड पर रहने चाहिए, ताकि सारी कौम उस पर विचार कर सके।

मैं आपसे यह जानकारी चाहता हूँ कि जब सदन का कोई माननीय सदस्य गिरफ्तार हो जाये, और उसकी खबर अखबारों में भी आ जाये, तो क्या उसकी सूचना सदन को भी दी जानी चाहिए या नहीं। मैं आपका प्रोटेक्शन चाहता हूँ, मैंने इस बारे में एक एजर्नमेंट मोशन दिया है कि महाराष्ट्र में किसान लंबी यात्रा और सत्याग्रह के दौरान श्री रवीन्द्र वर्मा, जो इस सदन के सदस्य हैं, गिरफ्तार किये गये, लेकिन आपने सदन को उसकी इत्तिला नहीं दी। आपको हम लोगों को प्रोटेक्शन देना चाहिए। सदन को गिरफ्तारी की इत्तिला देनी चाहिए। मैं इसपर आपका रुलिंग चाहता हूँ। आपका क्या रुलिंग है? व्हाट इज यूअर रुलिंग आन दिस पायट?

**MR. DEPUTY-SPEAKER:** Everything will be done under the rules.

**PROF. MADHU DANAVATE:** I may draw your attention to the fact that yesterday when we raised the question of the arrest of Shri Y. B. Chavan, at that time it was pointed out that if certain irregularities are there, they should also be a part of the statement that should be read out by the Chair. Only the arrest and the release was actually mentioned, but the judgement of the Judicial Magistrate... (*Interruptions*).

Again we find that in the Long March of the Peasants another Member of this House, Shri Ravindra Varma, who is the Chief Whip of the Janata Party, has been arrested along with others only to foil the march. At the same time, repressive policies continued throughout the country. In Assam, it is not the State Police but the CRP that has been responsible for killing men. At the same time, the former Chief Minister of Assam, Shri Bolap Borgora, has been arrested and lakhs of people are staging *satyagraha* in protest. I have actually given notice of an adjournment motion. You may or may not grant me permission to move the motion but, after all, it is my duty as the representative of the people to do it because what happens outside in anger and hunger of the people must get reflected in this House. Therefore, I have raised it.

SHRI K. LAKKAPPA (Tumkur): \*

MR. DEPUTY-SPEAKER: This will not go on record. Because, it is against another Member. It is an allegation. I am sorry.

SHRI RATANSINH RAJDA (Bombay South): My only submission is that the proceedings of this House are watched by the entire country. Whatever we speak, or you speak from the high pedestal, is of great significance. The moment you say "let us conduct the affairs in a civilized manner, means you pre-suppose something and there are certain implications. That is why I would very humbly submit that you ought not to have used those words because all the members—I do not say this side or that side—we are all supposed to behave with dignity and decorum in this House; and when I say "we" I am including you also. You are the custodian of our dignity and decorum; so, I do not spare you. It is a question of the dignity and decorum of the entire House. Therefore, I would like to submit that the moment

you say "let us behave in a civilized manner" the impression that would go out of this House is that many of our members, or some of the members, of this House is that many of our members, or some of the members, of this House, may be on this side or that side, are behaving in an uncivilized manner.

MR. DEPUTY-SPEAKER: I never said that.

SHRI RATANSINH RAJDA: But there was no necessity to utter those words.

MR. DEPUTY-SPEAKER: I also said that this should not be misunderstood. No misunderstanding.

SHRI RATANSINH RAJDA: What I submit is that you should not pass such remarks. Coming as it does from the Chair....

MR. DEPUTY-SPEAKER: I have given my ruling. "Civilized" is a parliamentary word.

SHRI RATANSINH RAJDA: It is a parliamentary word, but sometimes we have to take precautions before using such words, because there are implications. By implication you may impute some motives, which should not be done. So, these remarks should be expunged.

SHRI C. T. DHANDAPANI (Pollachi): I gave notice of an adjournment motion on the atrocities committed on harijans in Tamil Nadu. I gave notice of the adjournment motion because on many occasions my Calling Attention Notices have not been admitted. Three

\*\*Not recorded.

[Shri C. T. Dhandapani]

harijans were burnt to death in Tamil Nadu in Tanjore district by Marxist Communist Party members. Fire was set on the houses of harijans belonging to a particular party by the CPM members. The CPM members were standing around the house so that the ladies and children could not escape through the backdoor. They were burnt to death....

(Interruptions)

We have to face the realities.... (Interruptions)

Then, one IAS officer.... (Interruptions)

MR. DEPUTY-SPEAKER: No, this will not go on record.

SHRI C. T. DHANDAPANI: \*\*

MR. DEPUTY-SPEAKER: I am not permitting. Nothing will go on record. \*\* (Interruptions)

श्री राजेश कुमार सिंह (फिरोजाबाद) :  
उपाध्यक्ष महोदय, मैं नियम 60 के अन्तर्गत व्यवस्था का प्रश्न उठाना चाहता हूँ। इस नियम के तीसरे पैराग्राफ में जो लिखा है उसको आप सुन लीजिए। (व्यवधान) आज आसाम में इतना बड़ा आन्दोलन चल रहा है, महाराष्ट्र, तमिल नाडू और उत्तर प्रदेश में किसानों का आन्दोलन शुरू हो गया है। 23 तारीख चौधरी साहब का जन्मदिन है, सारे देश के किसान उठ खड़े हुए हैं। मैंने एक कार्य-स्थगन प्रस्ताव दिया है। अगर आप तथ्य से अवगत नहीं हैं तो नियम यह कहता है कि आप, जिसने कार्य-स्थगन प्रस्ताव दिया है उस माननीय सदस्य को सुन लें

या मंत्री जी से पूरी जानकारी देने के लिए कहें.... (व्यवधान)

MR. DEPUTY SPEAKER: It says:—

“Once a member is informed of the Speaker's decision withholding his consent, no discussion or point shall be permitted to be raised in the House either on the subject-matter of the notice or the reasons for disallowance thereof.”

(Interruptions) \*\*

SHRI V. S. VIJAYARAGHAVAN (Palghat):\*

MR. DEPUTY-SPEAKER: This will not go on record.

(Interruptions) \*\*

MR. DEPUTY-SPEAKER: Please sit down. Hon. Members, you are all aware that today is the last day of this Session. Therefore, I would very much request you, in whatever manner you want me to request I am prepared to request. Are not the problems of this country more important than these things? I could allow one by one, but if there is not going to be any order, then I will go to the next item.

(Interruptions)

MR. DEPUTY-SPEAKER: Now, I am going to the next item in the agenda. Calling Attention. Mr. Jalil Abbasi.

MR. DEPUTY-SPEAKER: Nothing else will go on record. I have gone to Calling Attention. I am not permitting anybody now. Mr. Jalil Abbasi. Nothing else will go on record.

(Interruptions) \*\*

**CALLING ATTENTION TO MATTER  
OF URGENT PUBLIC IMPORTANCE :**

**REPORTED SCARCITY OF DIESEL IN U.P.  
AND OTHER PARTS OF THE COUNTRY**

श्री काजी जलील अब्बासी (हुमरियागंज) :  
उपाध्यक्ष महोदय, मैं अविलम्बनीय लोक-  
महत्व के निम्नलिखित विषय की और  
पेट्रोलियम, रसायन और उर्वरक मंत्री का  
ध्यान दिलाता हूँ और प्रार्थना करता हूँ कि  
वह इस बारे में एक वक्तव्य दें :

“उत्तर प्रदेश और देश के अन्य भागों  
में डीजल की कमी, जिसके परिणामस्वरूप  
किसानों के लिए गम्भीर संकट उत्पन्न हो  
गया है, का समाचार”

**THE MINISTER OF PETROLEUM,  
CHEMICALS AND FERTILIZERS  
(SHRI P. C. SETHI):** Sir, Honour-  
able Shri Jalil Abbasi and four other  
Members, have drawn attention re-  
garding the reported scarcity of die-  
sel in U.P. and other parts of the  
country resulting in a serious crisis  
for the farmers. The position is in-  
dicated below:

The system of monthly allocations of  
High Speed Diesel (HSD) to different  
States and Union Territories was first  
introduced from October, 1979. This  
worked satisfactorily and during the  
monsoon months in this year the State  
Governments withdrew the regulatory  
measures due to adequate availability  
of the product and a slump in demand.

During the last week of September  
this year, there was a sudden spurt  
in demand largely due to panic buying  
following the outbreak of Iran-Iraq  
war. In order to effectively control the  
situation the State Governments were  
asked in October to regulate the dis-  
tribution of diesel once again giving  
the highest priority to agriculture.

The allocations of diesel for the  
months of October to December 1980  
have been made at a level 5 per cent  
higher than original allocations of the

product in the corresponding months  
of the previous year. Ad-hoc extra  
allocations were also made from time  
to time to different States as per their  
requirements. Thus, the allocations of  
HSD for October and November, 1980,  
were increased from 684,000 tonnes  
and 736,000 tonnes by 14,000 tonnes  
and 40,000 tonnes respectively. The ori-  
ginal allocation for the month of Dece-  
mber, 1980, was 757,000 tonnes which  
has been further increased by 52,000  
tonnes to the needy States.

In order to ensure availability of  
the product, required imports have  
been made and with constant li-  
aison with the Railways sufficient  
movement of the product has been  
maintained for all the States. Road  
movement, where necessary, has also  
been augmented.

As regards Uttar Pradesh, the ori-  
ginal allocation of 78,800 tonnes of  
HSD for October, 1980 was raised by  
3,200 tonnes. The November and De-  
cember allocations have been main-  
tained at very high levels of 94,000  
tonnes and 92,000 tonnes respectively.

The situation of all the States is  
monitored on day-to-day basis and  
where necessary further product is  
provided.

I would like to assure the Honble  
Members that there is no shortage of  
the product in the country. We have  
sufficient stocks and, if required, fur-  
ther imports would be made. I may  
once again stress that the distribution  
of HSD within the States is done by  
the State Governments who have been  
repeatedly impressed upon to give the  
first priority in the allocation of HSD  
for agriculture and to ensure that agri-  
cultural requirements do not suffer on  
account of any other constraints. The  
State Governments have also assured  
us in the meetings recently taken with  
the Secretaries of the State Govern-  
ments that there is no problem of  
supplies for agriculture, as requisite  
allocations have been made for that  
sector.



MR. DEPUTY-SPEAKER: Mr. Kazi Jalil Abbasi...

(Interruptions)

SHRI DHANIK LAL MANDAL: As a protest against your behaviour, I walk out, Sir.

Shri Dhanik Lal Mandal and some other hon. Members then left the House.

MR. DEPUTY SPEAKER: Mr. Kazi Jalil Abbasi. You please put your questions...

(Interruptions)

DR. SUBRAMANIAM SWAMY (Bombay North-East): On a point of order, Sir. Rule 360 says:

"The Speaker may himself, or on a point being raised or on a request made by a member, address the House at any time on a matter under consideration in the House with a view to aid members in their deliberations, and such expression of views shall not be taken to be in the nature of a decision."

SHRI K. LAKKAPPA (Tumkur): Sir, how do you allow a point of order during Call Attention? It is a convention in the House that during call attention no points of order are allowed. When we raise from this side, you do not allow. How do you allow him to raise, Sir?

MR. Deputy-Speaker: Does it relate to the call attention, Dr. Subramaniam Swamy?

DR. SUBRAMANIAM SWAMY: It relates to the business before the House.

MR. DEPUTY-SPEAKER: No, no. This is Call Attention. It has nothing to do with it.

Mr. Kazi Jalil Abbasi.

DR. SUBRAMANIAM SWAMY: Sir, as a protest I walk out, Sir.

Dr. Subramaniam Swamy then left the House.

SHRI K. MAYATHEVAR: (Dindigul): Mr. Deputy Speaker, Sir, yesterday I was also present on the atrocity of... \*\*

SHRI K. MAYATHEVAR: (Dandi-not go on record.

Mr. Kazi Jalil Abbasi.

SHRI NIREN GHOSH (Dum Dum): I have walked out and come back.

SHRI K. MAYATHEVAR: \*\*

MR. DEPUTY-SPEAKER: It will not go on record.

श्री काजी जलील अब्बासी : उपाध्यक्ष जी, यह जो मैंने ध्यानाकर्षण प्रस्ताव दिया है, उस के जवाब में मंत्री जी ने यह कहा है :

"I may once again stress that the distribution of HSD within the States is done by the State Governments who have been repeatedly impressed upon to give first priority in the allocation of HSD for agriculture."

मैं यह पूछना चाहता हूँ कि जब आपने एक बार यह कह दिया था कि एग्रीकल्चर को प्रायोरिटी दी जाएगी और हमारे पास डीजल की कोई कमी नहीं है, तो देहातों के अन्दर जो पेट्रोल पम्प हैं, उन को कोटा कम क्यों मिल रहा है। डीजल का जो कोटा आप दे रहे हैं, वह शहरों में जो पेट्रोल पम्प हैं, उन को ज्यादा दे दिया जाता है। जितना एलोटमेंट होता है, वह सब शहरों में चला जाता है और देहातों में कोटा बहुत कम पहुँचता है। जब कि देहातों को डीजल की बहुत ज्यादा जरूरत है और वहाँ पर प्रायोरटी देने की बहुत जरूरत है। इस वक्त जो डीजल दिया जा रहा है, उस की कमी के कारण हमारे यहाँ देहातों में वैसी ही

लाइनें दिखाई देती हैं जैसी कि 1977 में जनता पार्टी के जमाने में दिखाई देती थीं। उसी तरह के जमाने से आज हम गुजर रहे हैं। इसलिए मेरा कहना यह जो कोटा आपने एलाट किया है, उसको बेहरवानी कर के आप बढ़ाए। मैं आप को कुछ फीगर्स देना चाहता हूँ। अप्रैल में हमारे प्रदेश का कोटा 90 हजार मीट्रिक टन था, मई में 1 लाख मीट्रिक टन, जून में 88,800 मीट्रिक टन, जुलाई में 88,800 मीट्रिक टन, अगस्त में 70,700 मीट्रिक टन, सितम्बर में 76,300 मीट्रिक टन हो गया, अक्टूबर में 82,000 मीट्रिक टन और फिर नवम्बर में 94,000 मीट्रिक टन और अब दिसम्बर में आप ने फिर 92,000 मीट्रिक टन कर दिया है जब कि हमारे यहां की डिमाण्ड 1 लाख 25 हजार मीट्रिक टन की है। मई में आप 1 लाख मीट्रिक टन दे चुके हैं लेकिन उसके बाद आपने इसमें कटौती कर दी। अब फिर आपने इसको बढ़ाया है लेकिन हमारे यहां की डिमाण्ड 1 लाख 25 हजार मीट्रिक टन से कम नहीं है। इतना बड़ा हमारा प्रदेश है और उसके लिए जो कोटा आप दे रहे हैं वह बहुत कम दे रहे हैं।

दूसरी बात मैं यह कहना चाहता हूँ कि जो कोटा आप दे रहे हैं, वह सही जगह पर नहीं पहुंच रहा है। शहर के बड़े बड़े लोग सारा कोटा ले लेते हैं और देहात के लोगों तक वह नहीं पहुंच रहा है। वे दो इम्पोर्टेंट बातें हैं, जो मैंने आपके सामने रखी हैं। इसी सिलसिले में एक बात मैं यह और कहना चाहता हूँ कि अक्टूबर में अखबारों में आपका बयान छपा है कि एग्रीकल्चर को इस मामले में प्रायरीटी दी जाएगी। मैं ज्यादा तफ़्सील में इस वक्त नहीं जाना चाहता क्योंकि यह तफ़्सील देने का मौका नहीं है लेकिन इतना ही कहना चाहता हूँ कि एग्रीकल्चर को आप प्रायरीटी दीजिए।

एक चीज और कहना चाहता हूँ कि बम्बई के 8 नवम्बर के अखबारों में यह निकला था :

'Black-market in Diesel in Bombay.'

बम्बई का कोटा हमारे यहां से बहुत ज्यादा है और वहां पर ब्लैक मार्केटिंग भी होती है। उनको ज्यादा कोटा मिलता है जब कि यू० पी० को सबसे ज्यादा कोटा मिलना चाहिए। मैं और ज्यादा न कहते हुए, आपकी तवज्जह इस बात की तरफ़ दिलाना चाहता हूँ कि हमारे प्रदेश का कोटा बढ़ाया जाय।

एक बात और कहना चाहता हूँ और वह यह है कि डीजल का जो डिस्ट्रीब्यूशन होता है, उसके लिए इण्डियन आयल वाले कभी 1978 को बेस मान लेते हैं और कभी 1979 को बेस मान लेते हैं। बड़े बड़े पेट्रोल पम्प वाले, जो शहरों में हैं, उनको ही ज्यादा सुविधाएं दे दी जाती हैं और आप इस चीज की तरफ़ देख नहीं पाते हैं। कुछ मखसूस किस्म के लोग ज्यादा कोटा ले जाते हैं और हमारे यहां देहात के लोगों को कोटा बहुत कम मिलता है। इस तरफ़ आपकी तवज्जह दिलाना चाहता हूँ और जो थोड़ा सा कोटा आपने बढ़ाया है, उसके लिए आपको धन्यवाद देता हूँ लेकिन जितनी हमारे यहां डीजल की जरूरत है, उसके हिसाब से आप कोटा दीजिए।

एक और बात यह कहना चाहता हूँ

[श्री काजी जलोल ग्रम्बासी]

कि देहातों में जहाँ पर पेट्रोल पम्प नहीं हैं, वहाँ पर नये पेट्रोल पम्प खोले जाएं। आप के यहाँ से काफी भ्रसों से नये पेट्रोल पम्प का खोलना बन्द हो गया है। पेट्री डीलर्स के द्वारा जो तेल दिया जाता है, वह कुछ जगहों पर ही मिलता है और उसमें हर ड्रम में दस, दस और बारह, बारह लीटर का नुकसान हो जाता है। इसलिए देहात के इलाकों में पेट्रोल पम्प खोले जाएं और शहरों के पेट्रोल पम्पों के मुकाबले में उनको ज्यादा कोटा दिया जाए और 1978 और 1979 के कोटे का ख्याल न कर के देहातों की जरूरतों के मुताबिक उन को कोटा दिया जाए। इसके साथ मैं यह भी चाहूंगा कि इसमें जो ब्लैक-मार्केटिंग होती है, उसको रोका जाए। मैं मंत्री जी से आग्रह करता हूँ कि वे इस तरफ विशेष ध्यान दें क्योंकि देहातों में अब जब हम जाएंगे तो वहाँ पर हमको लम्बी-लम्बी लाइनें लोगों की लगी हुई मिलेंगी। इस के अलावा हर हफ्ता हमारे पास तार और टेलीफोन से सूचना आ रही है कि वहाँ पर डीजल की बहुत परेशानी है। उन लोगों को परेशानी न भुगतनी पड़े, इसका आप इन्तजाम कीजिए।

मान्यवर, मैं आपका बहुत मशकूर हूँ कि आपने मुझे अपनी बातें कहने का मौका दिया और मंत्री जी ने जों सहूलियतें दी हैं उसके लिए उनको धन्यवाद देता हूँ। मैंने जो प्रश्न पूछे हैं, उनके बारे में मंत्री जी बताएं।

**पेट्रोलियम, रसायन और उर्बरक मंत्री**  
(श्री प्रकाश चंद्र सेठी) : माननीय उपाध्यक्ष महोदय, जैसा मैंने अपने मूल बयान में कहा है कि पेट्रोलियम प्रोडक्ट्स की स्थिति देश में असम बंद की वजह से, इराक-ईरान की लड़ाई की वजह से काफी खराब हो जानी चाहिए थी, इस बात को मद्देनजर रखते हुए भी खराब नहीं हुई क्योंकि प्रधान मंत्री जी ने अपने असरात का उपयोग किया

और उसकी वजह से हमारी स्थिति काफी सुधरी और क्रूड की और पेट्रोलियम प्रोडक्ट्स की अब कोई कमी नहीं है।

असल में पेट्रोलियम प्रोडक्ट्स में पांच परसेंट ग्रीथ का हिसाब लगा कर देखें तो यह मुनासिब है और यही ग्रीथ रेट होना चाहिए। यह दूसरी बात है कि कभी सूखे की वजह से, कभी पावर जनरेशन में कमी की वजह से डीजल की मांग बढ़ जाती है और वह भी कुछ इलाकों में बढ़ जाती है कुल मिलाकर देखें तो डीजल की इफ़ारात है, कोई कमी नहीं है। हमने पांच परसेंट ग्रीथ रेट के हिसाब से पिछले साल के मुकाबले में इस साल कहीं ज्यादा दिया है 1979 के अक्टूबर के मुकाबले में हमने सारी स्टेट्स को इस साल अक्टूबर में 6 लाख 98 हजार टन दिया, पिछले साल नवम्बर के मुकाबले में 7 लाख 76 हजार टन दिया। इन दो महीनों में सारी स्टेट्स को इतनी हमारी अलोकेशन थी। इससे आप अन्दाजा लगाइये कि पांच परसेंट ग्रीथ रेट के हिसाब से भी हमने कहीं ज्यादा इस साल अलोकेशन की है।

जहां तक उत्तर प्रदेश का ताल्लुक है इस साल अक्टूबर में हमने 82 हजार टन दिया था, नवम्बर, में 12 हजार टन बढ़ा कर 94 हजार टन दिया। 18 दिसम्बर तक 53 हजार 739 टन जा चुका है। 55 हजार 517 टन जो डिपो के पास था वह भी उन्होंने बेचा है। इस तरह से जो एकचुअल एलोकेशन था उस से भी ज्यादा वहां बिक चुका है। इस तरह से अगर आप हिसाब लगा कर देखें तो करीब करीब एक लाख टन के करीब य०पी० का एलोकेशन आ जाता है जो उसी एलोकेशन के बराबर है जो चौधरी चरण सिंह ने जब कि वे प्रधान मंत्री थे तब उनके कहने से केवल उत्तर प्रदेश के लिए किया गया था। उस समय उनके कहने से केवल उत्तर प्रदेश को एक लाख टन का कोटा अलोट कर दिया गया

था। जबकि और सब राज्यों का 15 से 25 परसेंट तक काट दिया गया था।

इस चीज क. मद्दे नजर रखते हुए उत्तर प्रदेश को इस साल काफी कोटा अलौटा किया गया है। किसी जगह पर यह शिकायत हो सकती है कि पेट्रोल पम्पों पर माल नहीं बिकता हो। मनिटरिंग स्टेट गवर्नमेंट करती है। हम बराबर स्टेट गवर्नमेंट का ध्यान आकर्षित करने रहते हैं कि खास कर एग्जिक्यूटिव सेक्टर को प्रायोरिटी दी जानी चाहिए। अगर उसमें कोई कठिनाई हो तो उसके लिए हमसे किसी महीने के लिए कोई विशेष अलोकेशन मांगना चाहे तो वह भी हो सकता है। दो-तीन बार मुख्य मंत्री जी मुझे से मिल चुके हैं और जो अलोकेशन हुआ है उससे वे संतुष्ट हैं। माननीय सदस्य के किसी खास ग्रामीण इलाके में यदि कोई खास कठिनाई हो तो उसके बारे में वे मुझे लिखें। मैं कोशिश करूंगा कि उत्तर प्रदेश सरकार द्वारा कठिनाई का कोई हल निकाला जाए।

श्री हरिदेव बहादुर (गोरखपुर) : माननीय उपाध्यक्ष जी, माननीय मंत्री जी ने जो उत्तर दिया वह पूर्णतः असंतोषजनक है। जो लोग कह रहे हैं, उसके विपरीत काम हो रहा है देश के अन्दर डीजल का भयंकर दुर्भिक्ष पड़ा हुआ है। डीजल के बगैर किसान जिस तरह से परेशानी उठा रहे हैं उसकी जानकारी मंत्री जी को भी होगी क्योंकि वह मध्यप्रदेश से आते हैं।

हमारे उत्तर प्रदेश में किसान हर डीजल के पम्प पर दो-दो दिन तक लाइन लगा कर खड़े रहते हैं। पुलिस की लाठी भी उन्हें खानी पड़ती है, चोरबाजारियों के गुण्डे सताते हैं। भूखे दम किसान लाइन लगा कर खड़े रहते हैं लेकिन उन्हें डीजल

नहीं मिलता है। इतनी बुरी हालत आज है जबकि रबी की फसल की सिंचाई का काम चल रहा है। आज उन्हें अपने पम्पिंग सेट चलाने के लिए भी डीजल नहीं मिल रहा है।

सरकार ने गांवों में बहुत से डीजल पम्प सैंक्शन पम्प किये हैं मैं माननीय मंत्री जी का ध्यान इस और विशेष रूप से आकर्षित करना चाहता हूं कि गांवों में डीजल पम्प सैंक्शन किये गये हैं लेकिन उनका कार्यान्वयन रोक दिया गया है। जो डीजल पम्प इस समय गांवों में हैं उन्हें डीजल का कोटा कम दिया जाता है और शहरों में जो डीजल के पम्प हैं उनको ज्यादा कोटा दिया जाता है। माननीय मंत्री जी जब अपना उत्तर दें तो यह भी बताएं कि क्या गांवों में डीजल पम्प सैंक्शन किये गये हैं और उन्हें कब तक काम करने की इजाजत दे दी जाएगी ?

कब तक उनका निर्माण कार्य पूरा उठो जाएगा और इस दिशा में सरकार क्या कदम उठाने जा रही है ? डीजल की चोर-बाजारी रोकने के लिए सरकार क्या कदम उठाने जा रही है, इस पर भी माननीय मंत्री जी प्रकाश डालें। अभी 90 हजार लीटर डीजल उत्तर प्रदेश के मुल्तानापुर जिले में पकड़ा गया, लेकिन जो चोर-बाजारिए ये उनको छोड़ दिया गया और जिन अप्सरों ने 90 हजार लीटर डीजल पकड़ा था, उनका तबादला कर दिया गया। सत्ताधारी दल के लोगों की साजिश से चोर बाजारी हो रही है, इससे जनता को परेशानी हो रही है। यह बड़े शर्म की बात है सत्ताधारी दल के लोग इसमें इन्वाल्व हैं। इसलिए माननीय मंत्री जी निश्चित तौर पर जांच करवाएं और देखें कि क्या असलियत है।

मान्वर मैं आगे यह कहना चाहूंगा कि गोरखपुर जिले के अंदर डीजल की कमी

[श्री हरिकेश बहादुर]

के विरोध में छात्रों किसानों ने आंदोलन किया तो सरकार ने पुलिस से कह कर उनको लाठियों से पीटाया और तामम लोगों को जेलों में डाल दिया, बजाए इसके कि किसानों की कठिनाइयों को दूर करने के लिए आवश्यक कदम उठाते, लोगों को पीटना और जेल में बंद करना ज्यादा आसान और सही समझा गया और यही काम ये कर रहे हैं। पूरे देश के अन्दर जगह-जगह लोगों को मारा जा रहा है, जान से मारा जा रहा है और सताया जा रहा है।

मान्यवर पूरे उत्तर प्रदेश में और खास-तौर से गोरखपुर वाराणसी मण्डलों में भयंकर कठिनाई डीजल की है और बिहार के अंदर काफी कठिनाई है। अभी

कुछ दिन पहले हमने अखबारों में देखा था कि "ओपेक" द्वारा प्राइसेस बढ़ा दी गई है, मेरे स्थान में भारत को भी अपने इंपोर्ट बिल में 6 हजार करोड़ रुपया देना पड़ेगा, लेकिन मैं माननीय मंत्री जी से स्पष्ट रूप से जानना चाहता हूँ कि "ओपेक" द्वारा तेल मूल्य में वृद्धि के कारण क्या आप भी डीजल के मूल्य में वृद्धि करने जा रहे हैं? दूसरी बात यह पूछना चाहता हूँ कि "ओपेक" द्वारा, तेल मूल्य में की गई वृद्धि में क्या भारत को कोई छूट दी जाएगी? तीसरी बात मान्यवर मैं यह जानना चाहता हूँ कि पूर्वी उत्तर प्रदेश गोरखपुर-वाराणसी बिहार और पूरे उत्तर प्रदेश में डीजल की कमी को दूर करने के लिए क्या सरकार एक्स्ट्रा कोटा देगी?

मान्यवर, एक विशेष न्यूज आयटम हमने न्यूज पेपर्स में देखा था कि 34 विदेशी कंपनियों को तेल की खोज के लिए यहां बुलाया जा रहा है, इसमें क्या सच्चाई है? ओ० जी० सी० आखिर क्या कर रहा है? बाहर से कंपनियों को

बुलाना पड़ रहा है। ये कंपनियों जो कोटा कलेक्ट करेंगी क्या वह ओ० एन० जी० सी० को देंगी? क्या इनको पैसे के अतिरिक्त उत्पादन में भी हिस्सा देंगे? इन तमाम सवालों का जवाब आना चाहिए। सरकार ने चुप्पी साध ली है, कुछ नहीं किया जा रहा है। पूरे देश में तेल संकट है, उत्तर प्रदेश में और पूरे हिन्दुस्तान के अंदर विशेष रूप से किसानों में डीजल का गहरा संकट है। इसलिए मैं चाहूंगा कि जितने प्रश्न मंत्री जी से पूछे हैं उनका वे स्पष्ट रूप से उत्तर दें और बताएं कि क्या उत्तर प्रदेश को एकस्ट्रा कोटा अलाट करेंगे?

श्री प्रकाश चन्द्र सेठी : - उपाध्यक्ष महोदय, तेल के इस दुनियाभर के भीषण संकट के समय में भी भारतवर्ष में तेल का संकट नहीं है, मगर यह दुर्भाग्य की बात है कि चन्द राजनीतिक दलों ने और व्यक्तियों ने किसानों को भड़काने और जहां कमी नहीं है वहां कमी दिखलाने का एक रास्ता अपनाया है।

श्री हरिकेश बहादुर : उसमें आपकी पार्टी भी शामिल है।

श्री प्रकाश चन्द्र सेठी : मैंने आंकड़ों से बताया है कि डीजल की पेट्रोल की और किराी चीज की कोई कमी नहीं है। न केवल अक्टूबर में जो दिया था उसे नवम्बर में बढ़ाया है लेकिन नवम्बर में जो दिया था उसे दिसम्बर में भी बढ़ाया है। मेरी

प्रार्थना है कि इस स्केरस कमोडिटी के बारे में कोई स्कारसिटी की फ़िजा पैदा नहीं की जानी चाहिए। अगर नहीं कमी है तो मदद करके उसको हल करवाने की कोशिश होनी चाहिए। मेरी प्रार्थना है कि कम से कम तेल के एक खाते को तो आप छोड़ दें जिस में आन्दोलनों का रवैया न अपनाएं और हकीकत को देख कर काम करें। फारेन एक्सचेंज खर्च करके तेल मंगाया जा रहा है और किसानों को हम मदद दे रहे हैं। डीजल की कोई कमी नहीं है। कैरो-सीन आयल के बारे में तो यह कहा जाता है कि इसको चोरी छिपे डीजल में मिलाया जाता है लेकिन डीजल की चोरी की बात कुछ नई लगती है। हो सकता है कि कहीं कोई एक आघ्र ऐसी घटना हुई हो लेकिन यह राज्य सरकारों के देखने का काम है। राज्य सरकारों ने जब जब कोटा बढ़ाने की बात कही है मैंने कोटा बढ़ाया है और आगे भी अगर आवश्यकता होगी तो उसको बढ़ाया जा सकता है। मूल व्यान में भी मैंने कहा है कि डीजल की कोई कमी किसानों के लिए नहीं होने दी जाएगी और अगर उसका और अधिक आयात करना पड़ा तो वह भी किया जाएगा। मेहरबानी करके वितरण के काम में मदद करने की आप कोशिश करें बजाय इसके कि जवर्दस्ती स्केरसिटी की आबोहवा फैलाएं।

ओपेक ने कीमतेँ बढ़ाई है, यह सवाल इस में से नहीं उठता है। यह प्रश्न कार्लिंग एटेंशन में नहीं आता है —

श्री हरिकंश बहादुर : बता तो सकते हैं।

श्री प्रकाश चन्द्र सेठी : फार्नेशियल मेटल में पहले से कोई बताता है ? आप तो समझदार आदमी हैं।

डा० सुब्रह्मण्यम स्वामी : आप गलत-फहमी में क्यों हैं ? आप की समझदारी पर सन्देह हो गया है।

श्री प्रकाश चन्द्र सेठी : आप हमेशा करते रहते हैं। इसका मेरे पास कोई इलाज नहीं है।

जहां तक 34 तेल कम्पनियों को बुलाने का सवाल है वह सवाल भी इस में से नहीं उठता है। लेकिन उसके बारे में मैंने बार-बार कहा है और यह कोई छिपी हुई बात नहीं है कि देश में तेल की खोज को तीव्र करने के लिए विदेशी कम्पनियों को हमने आमंत्रित किया है। प्री-क्वालिफाई करके 67 में से 34-35 कम्पनियों को शार्ट लिस्ट किया है। उन से बहस मुबाहिसा हो रहा है। हमारी टीम पेरिस और वाशिंगटन गई हुई है। ऐसी सूरत में जब उन से सब शर्तें और शर्तनामा तय नहीं हो जाता है यह कहना मुश्किल है कि किन कंडिशन पर काम शुरू होगा। लेकिन ओ एन जी सी और आयल इंडिया के लिए भी काफी काम है और उनके काम को आगे बढ़ाने का भी प्रोग्राम रखा है। दोनों के काम को आगे बढ़ाते हुए देश में तेल की खोज को तेज करने के उद्देश्य से इन कम्पनियों को आमंत्रित किया गया है।

SHRI NIREN GHOSH (Dum Dum):  
Sir, the policy of the Government on Oil has been a disastrous policy for our country. Would the hon. Minister tell us that there has been a scarcity of diesel or scarcity of petrol products? A huge amount of foreign exchange has already been spent and more will be spent in the coming months for importing Oil and petroleum products. Why have you given up the idea of coal based industries? Many industries have been converted into diesel base industries in order to give Indian money on a platter to the

[Shri Niren Ghosh]

foreign multi-nationals. Now, would you reverse this policy so that the precious foreign exchange can be kept in reserve? I know for certain that many industrial concerns would get whatever quantity of diesel they want from the depots, for the petrol pumping stations at a premium of 25 per cent more price. So, this is sold in black-market. I want to know whether the hon. Minister is aware of this fact or not. That is low diesel is being distributed. Would you kindly make a surprise check of those depots and pumping stations where blackmarketing is being done? This practice is going on throughout the country. Now, there is a big rise in petrol price and over and above that a good percentage of excise duty is also added. The Government should cut the excise duty so that the price of diesel is within the reasonable limit and the common man and the agriculturists are able to purchase these products. They are now forced to pay such high prices. The Government must make serious efforts to do away with the blackmarketing in diesel. I would like to know whether for this purpose you would introduce rationing system for diesel throughout the country with proper book-keeping and proper check-up. So, that diesel or petrol cannot be sold in the black market as it is being done now. This would also ensure adequate supply to the consumers.

Further, is it also a fact that you have allotted different quantities of diesel to different States in a discriminatory manner? Whereas some States have got one lakh tonnes of diesel per month, some States get as less as 34,000 tonnes. For example, though the demand for diesel in West Bengal is 85,000 tonnes per month minimum, and they were getting 65,000 tonnes, now, you are giving them only 55,000 tonnes per month. I have myself seen with my own eyes very long queues at the diesel retail outlets of trucks and lorries. Sometimes these lorries do not ply for two or three days for want of

diesel. These queues are very very long. If this is what has happened in West Bengal, obviously, it would be the case in other parts of the country also. You have made a mess of the whole distribution system of diesel and petrol.

I do not know why you have engaged 34 foreign countries for oil exploration in the country. The country has been divided in them. A very little work has been left for the ONGC.

Will you give an assurance that though there is a hike in the OPEC prices of oil, the price of diesel will not be raised further so that it remains within the limit of purchase by common people? Whereas the States are complaining of diesel shortage, on the contrary you are saying that you have supplied them the sufficient quantities. It is an untrue statement.

As I said, in order to ensure proper and adequate distribution of diesel would you introduce rationing of diesel and would you give up dieselization on a vast scale? Will you keep on to coal, wherever you can?

SHRI P. C. SETHI: I may draw the attention of the hon. Member to the fact that whereas West Bengal got the allocation of 43,746 tonnes of diesel in the month of November, 1979, we gave them 45,900 of diesel in November 1980. Therefore, to say that 5 per cent growth rate formula has not been applied to West Bengal is not correct.

I would also like to inform his that when the Chief Minister of West Bengal saw me in this connection and I made the allocation from 45,000 to 50,000 tonnes, he was more than satisfied. Then came a further request and I raised it from 50,000 to 54,000 and now the Chief Minister is absolutely satisfied and if there is a communication gap between you and him, I cannot help.

SHRI NIREN BHOSH: The State Transport Minister told me a few days ago that they were getting a supply of 65,000 tonnes; that has

been reduced to 55,000 tonnes and it is very difficult to manage with that.

**SHRI P. C. SETHI:** The Chief Minister was more than satisfied with the allocation which I have made to him and with the surplus quota which I have given. But, if there is any difficulty, if the Bengal Government comes forward with any further request of any *ad hoc* allotment, we shall definitely consider it.

Sir, as far as the question of rationing is concerned, I have said it more than once that we are not in favour of any rationing. It creates more problems. It creates a scare. The panic buying starts and the black-market also starts. Therefore, as far as possible, as far as we can try to tide over the difficulty, we would not introduce rationing in this item.

Sir, as far as the distribution to the various areas is concerned, I fully agree with the Hon. Member that the dieselisation of the various units and even of the Railways, should be considered from the point of view of the national requirement. The only answer to change of dieselisation is not going back to coal because that would lessen the speed of the trains. The only answer to the removal of dieselisation is the electrification of the track and that can alone help.

But, as far as the industries are concerned, I would like to remind the Hon. Member that we are trying to cut the fuel oil which is required by the industry and requesting them to use coal wherever they can but, on account of transport bottlenecks, many of the industries are not in a position to get coal in time and, therefore, for example, the Dhuvaran Power Stations at Gujarat, has not been able to switch over only because coal cannot reach them. However, the situation is improving and we are trying our best to replace fuel oil, wherever we can.

Sir, as far as these companies are concerned, I would again like to request Mr. Ghosh that he has to see

the whole problem from a very broad perspective because the consumption of petroleum and crude today is in the vicinity of about 33 to 34 million tonnes but, at the speed at which we are increasing our demand and the growth-rate is coming up, by the year 2000, we would be in the vicinity of about 93 million tonnes and, therefore, our problem is that we will be completely exhausted and drained if we do not produce oil resources and it is not only the question of producing oil resources, but producing it in time, so that we can meet the requirement of the country. It does not necessarily mean that we should not try to conserve and check the growth-rate which is increasing at a fast pace, but the same time research for oil is absolutely essential. There may be difference of opinion. There may be difference of outlook. But, the Government has taken a decision that these companies must be invited and we should increase the search for oil in a big way.

Sir, as far as the price-hike is concerned, the question of any assurance or any declaration whether price rise is coming, or any assurance that price rise would never come, is not possible, because it does not revise because of the calling attention notice.

प्र० सत्य देव सिंह (छपरा) : उपाध्यक्ष महोदय, यह बात सही है कि ईरान ईराक युद्ध के बीच हमारे मंत्री महोदय ने और भारत सरकार ने पेट्रोलियम की आपूर्ति का काफी सुन्दर ढंग से इन्तज़ाम किया है, और इसीलिए वे धन्यवाद के पात्र हैं, लेकिन मैं माननीय मंत्री का ध्यान आकृष्ट करना चाहता हूँ कि 20-सूत्री कार्यक्रम समन्वय समिति की बैठक जो छपरा में हुई, उसमें ऐसा कहा गया था कि बिहार प्रदेश के कोटे में कटौती की गई है और सारण जिले में कटौती इसी कारण हुई है। इसी के चलते हमारे क्षेत्र में डीज़ल की बहुत कमी है और किसानों में काफ़ी परेशानी है। सरकार ने संभवतः काफ़ी मात्रा में डीज़ल की आपूर्ति



[श्री० सत्य देव सिंह]

की है, किन्तु किसानों को डीजल पर्याप्त मात्रा में नहीं मिल पाता, इसका कारण यह है कि वहाँ के जिला पदाधिकारी जो कि बड़े-बड़े ऊँचे-ऊँचे पदों पर विराजमान हैं, सब चोरबाजारी में लिप्त हैं। इसके कारण वहाँ पर संकट बहुत बढ़ा हुआ है। किसानों को एक डीजल पम्प के लिए सप्ताह में पांच या दस लिटर डीजल मिलता है, जिससे काम नहीं चलता है। मैंने परामर्शदात्री समिति में भी मंत्री महोदय से आग्रह किया था कि उनका काम डीजल की आपूर्ति करना तो है ही, साथ ही साथ वह ऐसी व्यवस्था भी करें कि अगर प्रदेश सरकार के पदाधिकारी कोई गोल-माल करते हैं, तो वह उन पर नियंत्रण रख सकें। यह एक अत्यन्त महत्वपूर्ण काम है, जिसकी ओर मैं मंत्री महोदय का ध्यान आकृष्ट करना चाहता हूँ। अगर उनके पास इस समय कोई प्रावधान नहीं है, तो वह ऐसी व्यवस्था करें कि किसानों को जो डीजल दिया जा रहा है, उससे उनको लाभ हो सके।

श्री प्रकाश चन्द्र सेठी : उपाध्यक्ष महोदय, बिहार राज्य का भी कोटा बढ़ाने का प्रयत्न किया गया है। अक्टूबर में बिहार को 30,280 मीट्रिक टन डीजल प्राप्त हुआ था। नवम्बर में 37,000 मीट्रिक टन दिया गया और दिसम्बर में उसको बढ़ा कर 41,000 मीट्रिक टन कर दिया गया। हम यह मानिटर कर रहे हैं कि एलोकेशन के मुताबिक सामान वहाँ पर पहुँच जाये। मेरी सूचना के हिसाब से सामान एलोकेशन के मुताबिक पहुँच रहा है। जहाँ तक राज्य में वितरण का प्रश्न है, कौन से जिले में कितना भेजा जाये, यह स्थानीय सरकार तय करती है। अगर किसी जिले या तहसील में कोई कठिनाई हो, तो माननीय सदस्य केन्द्रीय सरकार का ध्यान भी उसकी तरफ आकर्षित कर सकते हैं। अगर उनकी तरफ से कोई विशेष सूचना आयेगी, तो हम राज्य सरकार के साथ

उसका निर्णय करने की कोशिश करेंगे। माननीय सदस्य ने राज्य सरकार के अधिकारियों द्वारा कुछ गड़बड़ किये जाने की शिकायत की है। यह मसला तो उन्हें राज्य सरकार के साथ ही उठाना होगा।

12.37 hrs.

ALIGARH MUSLIM UNIVERSITY  
(SECOND AMENDMENT) BILL

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHRI S. B. CHAVAN): Sir, I beg to move for leave to withdraw a Bill further to amend the Aligarh Muslim University Act, 1920.

MR. DEPUTY-SPEAKER: Motion moved:

"That leave be granted to withdraw a Bill further to amend the Aligarh Muslim University Act, 1920."

DR. SUBRAMANIAM SWAMY (Bombay North-East): Sir, I beg to leave of the House to oppose the withdrawal of the Bill. I will explain. The Aligarh Muslim University is a very important institution. It is an institution of national importance, and we would like to see it flourish. When the Janata Government was in power, we brought in a Bill which was, in effect, to satisfy the aspirations of the students of that University and, in particular, the community of Muslims who regard this as a very important centre for them. Earlier on, when the previous Indira Gandhi Government was there, some amendments were brought in, which made them very unhappy. And, therefore, in order to remove that unhappiness, we brought in a Bill. Then the House was dissolved, and the whole thing lapsed.

Now, this Government has already brought two Bills. It brought in one Bill, withdraw it and brought in another. Now, they are withdrawing it.

and want to bring in yet another. Are they confused? Is the House going to be taken in like this? What should have been done is that they should have made up their mind as to what the aspirations of the Muslim community are, which is what they are speaking about in the Statement of Objects and Reasons. Instead of coming in with a Bill, finding its reactions and giving a little more, and finding reactions, it would have been much better to allow this to stay; and accept the amendments coming from the Opposition in the discussions, and incorporate the amendments and then pass the Bill. There is no material reason, except gross incompetence on the part of the Government, and gross lack of sensitivity to the problems of the Aligarh Muslim University—which is making them go through this process. And, therefore, I oppose the withdrawal of this Bill, in order to censure this Government.

SHRI RASHEED MASOOD (Saharanpur): *rose*

DR. SUBRAMANIAM SWAMY: Sir, Mr. Rasheed Masood has also a very important point. I am sure you will give him also an opportunity to speak. In view of the fact that this Government is taking Parliament in a very casual manner, is taking the problems of Muslim community in a casual manner and is bringing this Bill on the last day, I strongly oppose the withdrawal of this Bill as a protest against this lackadaisical attitude of the Government.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHRI S. B. CHAVAN): I do not think that the hon. Member should have said the things that he had said just now. This Bill is withdrawn but another Bill is going to be introduced. The whole exercise was to have the statutes also with the original Bill. When the Bill was introduced by Janata Government, and then by the Government in March—July, 1980, it was done in a

particular way. When the Janata Government introduced the Bill, it was just one-line Bill wherein they wanted to change the definition of the University and give it the minority character. Thereafter, two Bills were introduced. In those Bills also there was no provision for amendments of the statutes, that was the position when this Bill was introduced in August, 1980. Thereafter we received a large number of representations wherein they brought to our notice that according to 1972 Aligarh Muslim University Act, the Court was just a deliberative body and they did not have powers to pass statutes, it was necessary that statutes also should be introduced with the Bill. There is no inconsistency in this. We have made up our mind and we know the mind of the people who would like to have this Bill passed. There is no confusion and I do not think any more clarification is necessary.

DR. SUBRAMANIAM SWAMY: Mr. Rasheed Masood wants clarification.

MR. DEPUTY-SPEAKER: He should have given notice.

DR. SUBRAMANIAM SWAMY: Why did this point not occur to them in March, in July, 1980? Why is it occurring now?

MR. DEPUTY-SPEAKER: Why did this point not occur to you when you made your first submission?

SHRI S. B. CHAVAN: We were under the impression that the Executive Council of the Aligarh Muslim University would be able to pass statutes. Later on, we saw that the executive council gets dissolved with the creation of the Court and we would not like to do that. That is why this Bill; I have explained it earlier also.

MR. DEPUTY-SPEAKER: The question is:

“That leave be granted to withdraw a Bill further to amend the

[Mr. Deputy Speaker]

Aligarh Muslim University Act,  
1920"

*The motion was adopted.*

SHRI S. B. CHAVAN: I withdraw  
the Bill.

12.33 hrs.

ALIGARH MUSLIM UNIVERSITY  
(THIRD AMENDMENT) BILL\*

THE MINISTER OF EDUCATION  
AND SOCIAL WELFARE (SHRI S. B.  
CHAVAN): I beg to move for leave to  
introduce a Bill further to amend the  
Aligarh Muslim University Act, 1920.

DR. SUBRAMANIAM SWAMY  
(Bombay North-East): I am not oppos-  
ing it.

MR. DEPUTY-SPEAKER: You can-  
not; you have not given any notice.  
The question is;

"That leave be granted to intro-  
duce a Bill further to amend the  
Aligarh Muslim University Act,  
1920."

*The motion was adopted.*

SHRI S. B. CHAVAN: I introduce  
the Bill.

12.35 hrs.

MATTERS UNDER RULE 377

MR. DEPUTY-SPEAKER: We take  
up matters under 377.

SHRI RAMAVATAR SHASTRI  
(Patna): On a point of order....

MR. DEPUTY-SPEAKER: There  
cannot be any point of order on mat-  
ters under 377. Please come and meet  
me in the Chamber if you have got  
anything to say....(Interruptions)

SHRI RAMAVATAR SHASTRI:..  
..\*\*

MR. DEPUTY-SPEAKER: This will  
not go on record. You can come and  
see me in the Chamber. Shri Mani  
Ram Bagri under rule 377. Other  
things will not go on record. You have  
a misunderstanding. So, you come and  
see me in my Chamber. The problem  
cannot be solved in this House. So, I  
request you to see me in the chamber.

SHRI RAMAVATAR SHASTRI:\*\*

MR. DEPUTY-SPEAKER: Nobody  
is being permitted. Mr. Bagri.

SHRIMATI PRAMILA DANDAVATE  
(Bombay North-Central): rose—

MR. DEPUTY-SPEAKER: If there  
is anything with regard to any matter,  
please come to my chamber.

(Interruptions)\*\*

MR. DEPUTY-SPEAKER: Do not  
record anything.

(Interruptions)\*\*

MR. DEPUTY-SPEAKER: I am not  
allowing anybody. I have called Mr.  
Bagri.

I am asking them to sit down. They  
do not sit down. You go on reading.

(Interruptions)\*\*

MR. DEPUTY-SPEAKER: I will not  
hear you. You have not taken my  
permission.

(Interruptions)\*\*

MR. DEPUTY-SPEAKER: Shri Siva-  
prakasam.

Nothing but what Shri Sivaprakasam  
says will go on record.

(i) HOLDING OF ELECTIONS OF LOCAL  
BODIES IN TAMIL NADU

\*Published in Gazette of India Extraordinary, Part II, section 2,  
dated 23-12-80.

\*\*Not recorded.

**SHRI D. S. A. SIVAPRAKASAM** (Tirumelveli): Under Rule 377, I am making a statement.

According to subsection (iv) of article 40 of the Constitution of India, every state shall take steps to organise village Panchayats. This article and part IV are contained in Directive principles of state policy. According to article 37, though provisions contained in this part are not enforceable by any court of law, the principles therein laid down are fundamental in the governance of the country. It shall be the duty of the State to apply these principles in making laws.

It is a matter of great regret that in a large number of the States in India this democratic form of Government is not functioning. For instance in Tamil Nadu, no election has been held for the local self-Government institutions for more than ten years. I understand that the situation in other States is also the same. India is a democratic Republic. The democratic form of Government should function not only in the legislature but also in the cities, towns and villages. In many States elections to the Cooperative institutions are not held. Many state Governments postpone election to the village Panchayats, Municipalities and co-operative institutions on one excuse or another. I think that due to the fear of another political party getting majority in these institutions, the elections are not held. The Honourable Minister take the oath of office that they have faith and owe allegiance to the Constitution of India. Therefore, it is my opinion that the central Government has responsibility to have early elections for the local bodies.

I request that the Central Government should give suitable instructions or directions to the State Government to activate the defunct local body institutions. If there is no such provision in the Constitution of India, I request the Government to bring suitable

amendments to the constitution in such a way that the state Governments carry out the directions regarding conducting elections to local bodies.

**MR. DEPUTY-SPEAKER:** Shri Jatiya.

*(Interruptions)\*\**

**MR. DEPUTY-SPEAKER:** All of you may please take your seats.

*(Interruptions)\*\**

**MR. DEPUTY-SPEAKER:** I have called Shri Jatiya. I have not called you. All these things will not go on record. I request all of you to please take your seats. Nothing will go on record.

*(Interruptions)\**

Don't challenge the Chair.\*

*(Interruptions)\**

No point of order when matters under rule 377 are being raised. Let this be over. Then, he can raise his point of order.

*(Interruptions)\**

Mr. Ram Avtar Shastri, I have told you to come to my chamber.

**SHRI RAMAVATAR SHASTRI:\***

**MR. DEPUTY-SPEAKER:** I am not permitting; don't record. I have asked you to come to the Chamber. *(Interruptions)....*

**PROF. MADHU DANDAVATE** (Rajapur): One submission; let me try to solve the problem.

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH):** I want to make a submission. The Members cannot threaten the Presiding Officer and cannot hold the entire House to ransom. There are rules and regulations according to which you are conducting the business of the House. Mr. Harikesh Bahadur was all the time on his legs and would not sit down he thinks that the entire House is to be run according

[Shri P. Venkatasubbaiah]

to his wishes. It is not proper. You are the Presiding Officer. You have to conduct the House. We are prepared to give all co-operation to you, Sir.

PROF. MADHU DANDAVATE: We want to give full cooperation. They are interested only in raising issues of public importance. His contention is that, yesterday, you said, 'I will allow you to raise the issue tomorrow'. He wants to know, even if you do not want to allow, the reason for the inadmissibility of that particular issue. In that case, the problem can be solved by telling the hon. Member why...

MR. DEPUTY-SPEAKER: Now that you have raised it, I will reply. Mr. Ramavatar Shastri came late yesterday. As soon as he entered the House, he came to me saying, 'It seems my name was called; would you call me again?'. I said, 'If your name had been called, definitely I would try to help you'. (Interruptions) Please listen. As soon as he entered the House he came to my seat and said that his name was called and because his train came late, he could not be present in the House. I told him, 'If your name has been called, definitely, you please give it in writing; I will include it either today or tomorrow. Then he gave it in writing. It was here. I referred to the record and found that he was not actually called yesterday. Then he wanted to be called today. We have considered. We have decided this for all parties, because today is the last day of this Session. There were about 38; and we have allowed, as a special case, today 18.

To his Party also we have allowed...

(Interruptions)

If under Rule 377 any Member is not allowed, this is not the method. I tell him to come to the Chamber.

SHRI RAMAVATAR SHASTRI: Was I not promised by you?

SHRI INDRAJIT GUPTA (Basirhat): May I make a suggestion? We have heard just now what took place yesterday. I am not aware of that and any conversation which might have taken

place between Mr. Shastri and you in the Chair will not be on the record.

The Member has got a certain impression rightly or wrongly that his 377 notice would be admitted to-day and when you do not allow him, he is very much agitated. Sir, there is one 377 submission in my name for to-day and I am willing to withdraw that and you can allow him in that place.

MR. DEPUTY-SPEAKER: His 377 notice is not according to the rules. That is why I ask him to see me in the Chamber.

SHRI RAMAVATAR SHASTRI: It is a question of the National Library. How can you say that it is not admissible?

MR. DEPUTY-SPEAKER: Mr. Gupta, you may also see it. I will place that and you tell me. There is a lot of misunderstanding.

SHRI INDRAJIT GUPTA: You could have told him straightaway.... Sir, if some individual's name is mentioned, he is willing to omit it.

MR. DEPUTY-SPEAKER: You, as party leader, come and see. It is an individual grievance, it is not a matter of public importance.... (Interruptions) Whatever a Member gives under Rule 377, should I admit it?... (Interruptions) Mr. Subramaniam Swamy, it is all over, please help me.

DR. SUBRAMANIAM SWAMY: You said that 377 notices are allowed on the basis of parties. It is against the rules.

MR. DEPUTY-SPEAKER: When there are 38 notices, what can we do? We wanted to give equal opportunities.

DR. SUBRAMANIAM SWAMY: This should not go on record that you allow 377 matters to be raised on the basis of party strength.

MR. DEPUTY-SPEAKER: Whatever has been decided I told you. It can go on record.

DR. SUBRAMANIAM SWAMY: Under rule 360, you please have a look

at it. You do not give this direction because it is a dangerous direction.

MR. DEPUTY-SPEAKER: We will look into it.

Mr. Shastri, now please sit down. You meet me in the Chamber. Should you not respect it?

SHRI RAMAVATAR SHASTRI: No. no. I am not going to sit down.

MR. DEPUTY-SPEAKER: What should be done, Mr. Gupta?

DR. SUBRAMANIAM SWAMY: I object to this treating it as a party affair.

MR. DEPUTY-SPEAKER: He says he will not resume his seat.

DR. SUBRAMANIAM SWAMY: You throw him out then.

MR. DEPUTY-SPEAKER: That I will never do. I will request him, I very humbly request him. But I will not do that which you want me to do.

Now, Mr. Maniram Bagri.

(ii) DEATHS DUE TO CONSUMPTION OF SPURIOUS LIQUOR IN NARWANA (HARYANA)

श्री मनीराम बागरी (हिसार) :  
नरवाना जिला जिद. हरियाणा. में सरकारी ठेके से शराब की 700 बोटल खरीदी गई और फलस्वरूप पीने वाले लोग अंधे हुए या मर गये। मरने वालों की तादाद हमारी जानकारी के मुताबिक 28 हो चुकी है। यह दुर्घटना हरियाणा में दूसरी है। केन्द्र सरकार का कर्त्तव्य है कि मुकम्मिल शराबबन्दी देश में की जाए लेकिन खराब शराब पिलाकर लोगों को मारा जा रहा है। लोगों ने शिकायत की है कि सरकार ने इस मामले को दबाने की कोशिश की। 8300 लिटर स्पिट का कोटा एक फर्म को फोटो का कागज तैयार करने के बहाने में दिलाया गया जिसमें से अर्धी स्पिट इस शराब में बनने में जा चुकी है। शराब के ठेकेदार बहुत बड़े ठेकेदार हैं और एक

ठेकेदार ब्लैक लिस्टिड है इनको गिरफ्तार नहीं किया गया। अधिकारियों ने उनके अपने सामने से गया दिया। तमाखी में 20 कार्क मिले और बाकी सामान बुर्द-बुर्द कर दिया गया। इस मामले की न्यायिक जांच चीफ़ हार्ड कोर्ट के जजों द्वारा सुनारा कराई जाने और दोषी व्यक्तियों को फौरन गिरफ्तार किया जाए। सरकार को ऐसी बटनाएं रोकने के वास्ते ज़ेस्त करके उठाने चाहिए।

MR. DEPUTY-SPEAKER: Now, the House stands adjourned to meet at 14.05 hours.

14.05 hrs.

*The Lok Sabha adjourned for Lunch till five minutes past Fourteen of the Clock.*

*The Lok Sabha reassembled after Lunch at ten minutes past Fourteen of the Clock.*

[SHRI GULSHER AHMED in the Chair]

MR. CHAIRMAN: Hon. Members, according to the Agenda, Mr. N. D. Tiwari has to make a statement.

If you permit it, he can make a statement first. Then we can carry on with our business.

SOME HON MEMBERS: Yes.

SHRI INDRAJIT GUPTA (Basirhat): I request the hon. Minister to read out the Statement—not just to lay it on the Table.

MR. CHAIRMAN: Yes, he is reading the statement.

DR. SUBRAMANIAM SWAMY (Bombay—North-East): You may also please allow a few questions of a clarificatory nature.

MR. CHAIRMAN: Mr. N. D. Tiwari.

14.12 hrs.

**STATEMENT RE. GOVERNMENTS  
DECISION ON THE RECOMMENDA-  
TIONS OF TRIBUNALS FOR WORK-  
ING JOURNALIST AND NON-JOUR-  
NALIST NEWSPAPER EMPLOYEES**

**THE MINISTER OF PLANNING  
AND LABOUR (SHRI NARAYAN  
DUTT TIWARI):** In reply to a Calling  
Attention Notice the Minister of State  
for Labour had made a Statement in  
the Rajya Sabha on 21st November,  
1980, regarding the recommendations  
of the Tribunals for Working Journal-  
ists and non-Journalist Newspaper  
Employees. During the discussion  
that followed I had assured that House  
that the decisions of Government on  
the recommendations would be taken  
and announced in the Parliament  
within the current Session. I am  
glad to inform the House that Gov-  
ernment have since taken a decision  
in that regard.

The House is aware of the circum-  
stances under which the Tribunals  
were set up. As already reported to  
the House the final recommendations  
of the Tribunals were received by  
Government on 13th August, 1980. The  
Tribunals had earlier in February,  
1980, published certain tentative pro-  
posals. In their final report the Tribu-  
nals have made changes over the ten-  
tative proposals which led to  
some controversy. Some of the  
changes made appeared to deny  
the workers even the protection of the  
existing benefits to which they are  
entitled under the Act. Government  
have, therefore, found it necessary to  
make some modifications in the  
recommendations.

In the fitment rules the Tribunals  
have stated that their recommenda-  
tions would not affect the terms and  
conditions on which additional emolu-  
ments were granted and that addi-  
tional allowances should be treated  
as personal pay to be absorbed in  
future increments of the revised pay  
scales. The additional emoluments  
are those granted by newspaper estab-  
lishment as a result of collective bar-  
gaining in the form of additional

basic wage, dearness allowance or in-  
terim relief. Additional allowances  
are the monthly payments not relat-  
ed to any specific purpose which are  
not to be adjusted against any revi-  
sion of pay or dearness allowance.  
Government do not see any justifica-  
tion for making a distinction between  
additional emoluments and additional  
allowances. The employees have ob-  
jected to the additional allowances  
being treated as personal pay to be  
absorbed in future increments. It has,  
therefore, been decided to modify the  
recommendations to the effect that  
existing rights in respect of additional  
allowances should be protected. This  
modification is intended to give effect  
to the protection conferred by Section  
16 of the Act which safeguards more  
favourable conditions of service.

The Tribunal have recommended  
that where an employee is fitted into a  
scale in accordance with the fitment  
rules as on the relevant date he shall  
be entitled to increments as from that  
date. The employees have represent-  
ed that all future increments be paid  
on the same dates on which they  
are payable at present. It has been  
decided to modify the recommenda-  
tions accordingly and to provide that  
all future increments would be paid  
on the same dates on which they are  
payable at present.

The Tribunals have recommended  
House Rent Allowance at rates rang-  
ing from 3 per cent to 8 per cent to  
the employees of Classes II and higher  
establishments. In the case of estab-  
lishments who are exempted from pay-  
ment of House Rent Allowance it has  
been recommended that employees who  
are already drawing allowance would  
continue to draw the same and further  
that the recommendations would not  
affect the rates of house rent allow-  
ance if the same are higher than those  
recommended. There is however, an  
ambiguity in the report as to whether  
the protection of the existing rights  
in respect of house rent allowance is  
applicable to employees of the news  
agencies. It has, therefore, been

decided to clarify that the existing quanta of benefits of the employees of the news agencies in this regard would also be protected as they are entitled to the same under Section 16 of the Act.

The Tribunals have recommended that the new variable dearness allowance will vary with every rise or fall of six points in the Consumer Price Index Numbers (1960=100) half yearly at rates ranging from Rs. 5/- to Rs. 11/- depending on wage slabs. In this connection it may be noted that the Tribunals in their tentative proposals had proposed higher D.A. rates. It has been proposed to modify the recommendations regarding the dearness allowance so as to provide for a uniform rate of Rs. 1.30 per point shift in the Consumer Price Index, variable quarterly. This modification would seek to raise the rates in respect of the lower wage slabs and make them more equitable.

According to Section 12 of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, the Central Government shall, as soon as may be, after receipt of the recommendations from the Tribunals, make an order in terms of the recommendations or subject to such modifications as it thinks fit. If the Central Government wish to make modifications which effect "important alterations in the character of the recommendations" the persons likely to be affected thereby are to be given notice and the representations which they may make in writing should be taken into account or the recommendations have to be referred back to the Tribunals.

In the opinion of Government the modifications except the one relating to D.A. formula will not affect "important alterations in the character of the recommendations". The change proposed in the D.A. formula may be construed as a major modification. It is, therefore, proposed to give notice to the persons concerned of the proposed modification giving them time

of 30 days to submit representations should they wish to do so. The decision of Government regarding the D.A. formula will be announced after examining the representations, if any.

The Tribunal have recommended that every part-time correspondent should be paid not less than 1/3 of the basic wage plus D.A. applicable to a full time correspondent. In addition, the Tribunal have recommended payment on column basis to part-time correspondents of newspapers. Apprehensions have been expressed that if the recommendations relating to part-time correspondents are accepted it may result in large scale retrenchment. Government have, however, decided to accept the recommendations in full. Government trust that the apprehensions referred to above would prove to be unjustified and that there would be no retrenchment consequent on the acceptance of this recommendation. Should this contingency arise, the Government would have to consider as to what steps are necessary to avert this consequence.

All other recommendations of the Tribunals have been accepted as they are.

Government orders as required under Section 12(3) of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, to give effect to the decisions of the Government will be issued very soon.

Considering the fact that revision of wage structure of employees of the newspaper industry has been long overdue and it has been delayed for various reasons, it is hoped that the decisions of Government will be duly accepted by all parties concerned and implemented without further delay.

DR. SUBRAMANIAM SWAMY  
(Bombay North East): Sir, I have to ask a question of a clarificatory nature. Please refer to Rule 355. I



[Dr. Subramaniam Swamy]

would like to know from the hon. Minister, when the representations come, whether he himself would look into them and negotiate with the Union. I am not making it a discussion. I am only asking a question. Under rule 355, this has been allowed in the past. The other day, in the Rajya Sabha, when the Prime Minister made a statement, a discussion was allowed. I want to know whether the level of negotiations will be at the Minister's level.

MR. CHAIRMAN: Rule 355 says:

"When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the House, he shall ask the question through the Speaker."

Now, this is not a discussion. I am sorry there is no sufficient reason ... (Interruptions)

DR. SUBRAMANIAM SWAMY: Earlier vital matters of this kind had been discussed. This is the last day of the session. I cannot bring up this matter in any other manner. We are only asking what is due to us.

MR. CHAIRMAN: In my opinion, it is not due, it may be due in your opinion. I am sorry.

14.20 hrs.

MATTERS UNDER RULES 377—  
Contd.

(iii) NEED TO INCREASE NUMBER OF RAIL SERVICES IN UJJAIN AND INDORE DIVISION OF WESTERN RAILWAY.

श्री सत्यनारायण शेट्टिया (उज्जैन): सभापति महोदय, मैं नियम 377 के अन्तर्गत निम्नलिखित विषय की ओर ध्यान दिलाता हूँ :

इन्दौर-देवास-उज्जैन मध्य प्रदेश के प्रमुख औद्योगिक नगर हैं। प्रति दिन हजारों यात्री इन्दौर-उज्जैन तथा उज्ज

इन्दौर के बीच यातायात करते हैं। इन में अनेक लोग नौकरी करने वाले भी हैं जिन्हें 11 बजे आफिस पहुँचना होता है। किन्हीं को उज्जैन से उच्च न्यायालय (खंड पीठ) इन्दौर जाना होता है। उज्जैन तथा इन्दौर में संभ्रम आयुक्त के मुख्यालय भी हैं। श्रमिकों, कर्मचारियों, ब्यक्तत्वी-व्यापारिकों तथा ग्राम जनता की यह मांग है कि प्रातः 9 बजे उज्जैन से इन्दौर के बीच कम दूरी के मीटर गेज रास्ते से एक एक्सप्रेस ट्रेन चल कर प्रातः साढ़े दस बजे तक इन्दौर पहुँच जाय तथा शाम साढ़े पाँच बजे इन्दौर से चल कर 7 बजे तक उज्जैन आ जाय। इस के साथ ही इन्दौर, दिल्ली तथा इन्दौर-बम्बई के बीच सीधी रेल सेवा उपलब्ध कराकी जाय। अहमदाबाद-रतलाम तथा लखनऊ-कोटा यात्री गाड़ियों को क्रमशः उज्जैन तथा रतलाम तक बढ़ाया जाय। सर्वोदय एक्सप्रेस का स्टापेज नागदा जंक्शन पर दिया जाय जिस में कि उज्जैन के लिए 20 शायिकाओं का आरक्षण है। किन्तु स्टापेज नहीं होने के कारण यात्री इस सुविधा से वंचित हैं। नागदा जंक्शन पर नागदा मंडी तथा बिरला ग्राम औद्योगिक नगर को छोकर ब्रिज से जोड़ कर दुर्घटनाओं को रोका जावे। माननीय अध्यक्ष महोदय, इन सब बातों से संभागीय रेल प्रबन्धक रतलाम, पश्चिम रेलवे के प्रमुख प्रबन्धक (जनरल मैनेजर) को तथा रेल मंत्रालय को अवगत कराया गया है। किन्तु इन समस्याओं पर न तो प्रशासन ने न ही रेल मंत्रालय ने ध्यान दिया है। इतना ही नहीं रेल प्रशासन को लिखे गए पत्रों का समय पर तथा समुचित उत्तर तत्परता से नहीं दिया गया है। इस लगातार उपेक्षा के कारण तथा क्षेत्र की जनता को रेल सुविधाओं के अभाव के कारण व्यापक असंतोष है। मेरा माननीय रेल मंत्री जी से आग्रह है कि वे इन समस्याओं को दूर करने के लिए रेल प्रशासन को आवश्यक निर्देश दे कर यात्रियों को सुविधाएं उपलब्ध करावें।

(iv) NEED FOR FINANCIAL ASSISTANCE TO STATE GOVERNMENT OF WEST BENGAL FOR THE PURCHASE OF PADDY.

**SHRIMATI GEETA MUKHERJEE (Panskura):** Mr. Chairman, in West Bengal distress sale of paddy has begun. In some surplus pockets, medium paddy is being sold at Rs. 80 to Rs. 100 a quintal. The State Government has planned to buy the paddy and has just started buying. But, there is great unrest among the producer peasants about the totally unremunerative price of paddy fixed by the Central Government at which the State Government is buying. They are naturally demanding remunerative price of Rs. 125 to Rs. 139 per quintal. In view of the fact that the Central Government is also considering raising the minimum price of paddy, I urge the Central Government to help the State Government financially so that the State Government and the FCI can purchase the paddy at Rs. 125 to Rs. 130 per quintal.

(v) NON-IMPLEMENTATION OF ASSURANCES GIVEN TO JAWANS OF THE CENTRAL INDUSTRIAL SECURITY FORCE, IN 1979

**SHRI INDRAJIT GUPTA (Basirhat):** Mr. Chairman, Sir, as a result of widespread agitation in 1979 by the Jawans of the Central Industrial Security Force (CISF) for improvement in their service conditions and for the right to form their own staff association for representation of grievances, the then Central Government had taken action in the form of large scale dismissals, transfers and arrests pending prosecution. Later on, the then Minister of Home Affairs and the Inspector General, CISF, had given assurances that all these cases of disciplinary action would be sympathetically reviewed and staff association disciplinary action would be symeo provided they are only at unit level and were duly elected by the jawans.

It is a matter of deep regret that despite the lapse of over one year, during which a new Central Government has taken office, nothing has

been done to fulfil the assurances given to the men. About 350 jawans are still out of service, one hundred are under suspension, and hundreds more have been arbitrarily transferred. They include a number of members and office-bearers of the local unit-level staff associations which were permitted to be formed by the I.G. Recently, the CISF battalion posted at Ranchi has been singled out for deliberate provocation by the officers who are still maintaining the obnoxious private 'orderly' system which was one of the main grievances of the 1979 agitation, and which was supposed to have been abolished. Any protest, however peaceful, by the men has sought to be savagely suppressed at Ranchi where the battalion was even made to surrender its arms on the demand of the Bihar Government which has no such authority, this being a centrally administered security force.

The entire situation may move towards another conflagration if this repressive policy is persisted with. The only complaint of the Jawans is non-implementation of assurances given. They must be treated as human beings if they are expected to discharge onerous security duties. The sooner the Ministry of Home Affairs looks into their legitimate grievances, the better it will be.

(vi) WORKING OF COMMERCIAL SERVICES OF ALL INDIA RADIO, DELHI STATION

**SHRI RASHEED MASOOD (Saharnpur):** The working of the Commercial Services of All India Radio, Delhi Station have worsened. The new advertisers find it very difficult to get air time for their products. Whenever, an advertiser approaches the service for booking time, he is told that allotment is done strictly according to the first-come-first-served basis and his name is put on the waiting list. But time is not allotted.

Products of certain producers are given air time repeatedly and continuously. The advertisements booked by certain agencies are given priority.

[Shri Rasheed Masood]

Since 20 per cent of the total air time is allotted by the Delhi Station, it is imperative that the service should be run on sound commercial principles.

Small and medium producers should be given preference in booking the advertisements. The air time for a producer should be booked for a limited period and there should be a break, before time is again allotted to him.

The staff should be rotated to obviate the possibility of their collusion with big and influential producers.

A certain percentage of the total time available should be earmarked for new advertisers or for casual insertions.

(vii) CLOSURE OF KAILASH MILLS OF KANPUR

SHRI A. K. ROY (Dhanbad): M/s. J. K. Manufacturers Ltd. Kanpur, commonly known as Kailash Mill is lying closed for more than three years throwing out of employment its 2500 workers now starving. This mill is a cotton textile manufacturing unit of the J K Organisation with an installed capacity of 25,000 spindles and 180 looms, besides a full-fledged waste plant and a Dyeing Department. The main products of the mill were canvas manufactured to meet the requirements of the Defence Department, and yarn supplied to self-employed weavers of the country. The mill was closed on 1-10-76 even without declaring an official closure as the State Labour Department of U.P. refused to grant permission to the management to close the mill. The management maintained the fiction that there was no closure but only suspension of production to circumvent legal provisions.

This Organisation owns dozens of enterprises all over the country like J K Rayon, Kanpur; a Cement and plastic factory in Rajasthan and has been following a deliberate and planned policy of de-investment of its tra-

ditional industries, dismantling its machines and diverting its resources elsewhere. It may be pointed out that this organisation comes within top ten monopolists of the country now leading the Indian Chambers of Commerce and advocating dismantling of public sector in the country and handing over its units to the private capitalists.

The workers demand immediate taking over of the Kailash Mill along with other profiting units of the Organisation under I.D.R.A. and deterrent penal action against the employer for not treating the workers properly and flouting the law of the land.

(viii) NEED TO MAINTAIN THE STATE HIGHWAY FROM HALDIA BY REPAIRING ITS DAMAGED BRIDGES

SHRI SATYAGOPAL MISRA (Tammuk): Sir, under rule 377, I wish to raise the following matter.

With the rapid extension of the Haldia industrial complex, the traffic on the existing Macheda-Haldia State Highway has also increased to a large extent and this is causing serious impairment on the said road.

The Haldia industrial complex is expanding at a considerable speed. Large number of industrial establishments both in public and private sector are coming up. All these industrial establishments are naturally inviting more and more traffic to the Haldia industrial complex, and at present about 1500 vehicles ply over the State Highway daily. It is too much for the old State highway to sustain, and as a result, serious damages have been caused; and three bridges at Mahisadal, Radhaballavpur and Narayanpur have already been seriously damaged. These bridges, along with a large part of the road itself, need immediate repair.

The Government of India, after a careful consideration, has kindly sanctioned a new road, namely the National Highway 41, between NH 6

and Haldia, and the construction work has already begun. But the entire pressure of vehicular traffic is still on the existing State highway. Considering all these, Government of West Bengal is trying hard to maintain the running condition of the road, but is working under a serious constraint, due to the dearth of its financial resources. They have already written to the Government of India asking for financial assistance. Therefore, it is my humble submission to the Central Government that it should come forward with all financial help that it may render and stand by the State Government in an effort to maintain the State highway, by repairing its impaired parts and the damaged bridges, for the heavy vehicular traffic on and from Haldia, and help the industrial complex to mature for the furtherance of public welfare.

(ix) NEED TO ENUMERATE THE EX-CRIMINAL TRIBES AND THE NOMADIC TRIBES IN MAHARASHTRA ON THE BASIS OF THEIR DIALECTS DURING 1981 CENSUS.

SHRI UTTAM RATHOD (Hingoli): Sir, under rule 377, I wish to raise the following matter:

The Backward Classes Commission appointed by Home Minister to study the conditions of weaker sections all over India, is to submit a report classifying the socio-economic backwardness of the Castes and Tribes all over India. The report is being submitted this month.

The 1981 Census operations are being started now. It is most important to enumerate the ex-criminal tribes and nomadic tribes on the basis of their dialects, during this Census. This will facilitate the Government to earmark proper amounts for these people in future.

Government of Maharashtra has already requested the Registrar of Census Operations, to enumerate the ex-criminal tribes and nomadic tribes in Maharashtra, on the basis of their dialects. This has been turned

down. Since Census operations are held every ten years, it will be difficult for the Government to earmark proper funds for the socio-economic benefit of these tribes. As such, Government in the Home Department should immediately ask the Registrar, Census Operations to enumerate on the basis of their dialects.

(x) PROBLEMS OF WORKERS OF BORDER ROAD ORGANISATION

SHRI M. M. LAWRENCE (Idukki): Sir, under rule 377, I wish to raise the following:

For the purpose of building roads, bridges, culverts etc., the Border Roads Organisation was set up nearly 20 years back with funds provided by Shipping and Transport Ministry. This organization later on took up other construction work, not only in other parts of the country like Kudremukh, Dhanbad, but also in foreign countries like Iran, Iraq etc. The workers of this organization, for all purposes, are civilians but they are treated differently. The workers being industrial workers are covered under I.L.O. Convention No. 1(1919). They have formed their Association for the purpose of collective bargaining. This is a fundamental right guaranteed under our Constitution and the High Court of Gauhati, in a judgement delivered on 19th May 1980, upheld this right. I urge upon the Government to declare all workers under Border Roads Organisation as civilian workers.

(xi) SLUMS IN BOMBAY

DR. SUBRAMANIAM SWAMY (Bombay North East): The slums in Bombay called zopadpattis are in an appalling state. But the worst slums are on the land owned by the Central Government, such as of Railways, Defence, Air India, etc. Slums on state government land have been provided with minimum amenities such as water taps, latrines, etc. It is shocking that in an advanced city like Bombay, the Zopadpattis on Central Government land do not even have water taps, latrines, electricity. The

[Dr. Subramanian Swamy]

Railways and Air India are the worst offenders. The State Government has minimised the debilitation by creating a Slum Board. I demand the creation of a National Slum Improvement Board to provide basic amenities for poor people of the city of Bombay and other towns.

(xii) SUPPLY OF CEMENT AND COAL FOR RAJASTHAN CANAL PROJECT

श्री मूल चन्द्र डागा (पानी) : राजस्थान नहर देश की एक महत्वपूर्ण योजना है, यह देश की सबसे बड़ी नहर होगी जो प्रतिवर्ष 31 लाख टन अनाज उत्पन्न कर देश की हरित क्रांति में एक नया कीर्तिमान स्थापित करेगी। परन्तु केन्द्रीय सरकार की अक्षरहीन धीमी गति ने इस योजना का काम ठप्प कर दिया है। न तो इसे सीमेंट उपलब्ध किया है और न कोयला, पिछले 1979-80 में कोयला न मिलने के कारण 9 करोड़ की धनराशि लेप्त हो गई। पिछले वर्ष 1 लाख 90 हजार टन कोयला मिलना था, केवल 19 हजार टन कोयला ही बड़ी मेहरबानी से मिला, इस वर्ष पिछले 9 महीनों में 72 रक कोयला मिलना था, केवल 8 रक कोयला आज तक उपलब्ध किया गया और राजस्थान को इस के लिए केवल मांस की 50 प्रतिशत सीमेंट मिली है। किस तरह यह योजना पूरी होगी, इस के बिना कौन दोषी ठहराया जायेगा, इस का उत्तर भविष्य ही देगा। मैं सरकार से पुरजोर अपील करता हूँ कि वह युद्ध स्तर पर राजस्थान कानाल को प्राथमिक कोयला व सीमेंट दे कर इस के बढ़ते हुए प्रवृत्ति के कारण नहीं रुकने दे।

(xiii) ECONOMIC CONDITION FOR WEAVERS

श्री हरिकेश बहगुन (गोरखपुर) : समावर्ति महोदय, मैं निबन्ध 377 के अन्तर्गत यह वक्तव्य देना चाहता हूँ कि आज देश में बुनकरों की आर्थिक स्थिति अत्यन्त दयनीय हो गई है। बुनकर शोषण के शिकार हैं। उन्हें पर्याप्त ऋण भी नहीं दिया जाता जिस से कि अपना काम सुचारु रूप से कर

सकें। सूत और कैमिक्ल की कीमतों के बढ़ने से बुनकरों पर आर्थिक बोझ बढ़त जा रहा है जिससे हथकरवा उद्योग के विकास पर भी प्रतिकूल प्रभाव पड़ रहा है। सूत के मूल्य के बढ़ने का कारण नेशनल टैक्स-टाइम्स कारपोरेशन के बहुत से कारखानों द्वारा सूत का न बनाया जाना भी है। अतः सरकार को शीघ्र यह निर्देश देना चाहिए कि सार्वजनिक क्षेत्र के कारखाने सूत का उत्पादन करें जिस से सूत का मूल्य कम हो सके, साथ ही सार्वजनिक वितरण प्रणाली के माध्यम से बुनकरों को सूत और कैमिक्ल उपलब्ध कराये जाय और उन्हें पर्याप्त ऋण दिया जाय ताकि वे अपना कारोबार प्रभावी ढंग से चला सकें। इस सम्बन्ध में बैंकों को उचित निर्देश तत्काल दिये जाने चाहिए।

(xiv) UNDERSTAFFING OF TELEGRAPH OFFICES

SHRI N. SELVARAJU (Tiruchirappalli): I would draw the attention of the House to the understaffing of Telegram offices throughout India in general, and Tiruchirappalli division in particular. The shortage of staff in the telegraphist cadre is so alarming that many circuits/working stations are being kept unmaned for a very long time, causing heavy delay in transmitting important telegrams and consequently telling upon the efficiency of the service.

For example, Tiruchirappalli office has at present a sanctioned strength of 59 telegraphists. If the recommendations of the staff inspection unit, appointed by the government in 1974 is given effect to, then this strength has to be increased to 69. Shortage of 10 telegraphists accounts to 10 x 6.7-67 manhours is not at all compensated by recruitment of additional staff. Apart from this there is understaffing due to shortage, and inadequate leave reserve and impractical standards for calculation of staff sanction.

I demand sanction of staff on a more rational and practical basis. Staff should be sanctioned on circuit

basis, on the basis of working hours of an office and on the basis of actual number of telegrams handled. This will not only relieve the mental and physical strain on the workers due to over-working but will also increase and maintain the efficiency of the efficiency of the telegraph service in transmitting telegrams, both express and ordinary, in time.

(XV) REPATRIATES FROM SRI LANKA.

SHRI ERA ANBARASU (Chengalpattu): I wish to bring to the notice of this august House the pathetic condition of, and the poor treatment accorded to, Sri Lanka repatriates in our country, especially those who settled in Tamil Nadu, Karnataka, Kerala, Andhra Pradesh and Uttar Pradesh.

As per the agreement between the Government of Sri Lanka and the Government of India in the year 1970 the repatriates are being sent to India year by year for settlement and rehabilitation in India. In the year 1970, 170 families were settled at Asthinapur in the State of Uttar Pradesh. Some of them were provided with employment in Madhan Industries Ltd., at Asthinapur. Nearly 3,000 families were settled at Guntakkal, Nellore, Rajamandri, Seerla, Vishakapatnam and Karimnagar in the State of Andhra Pradesh. Nearly 15000 families were settled in various places in Kerala, Tamil Nadu and Karnataka.

Employment opportunities are give to one person in the family even if the family consists of 10 to 15 members. The wages paid to them are only Rs. 3.05 per day. The wages are paid only on working days. Housing, water and medical facilities provided to them are very poor. They are made to live in small huts in remote corners of towns and cities. In spite of their repeated appeals, the concerned authorities have not chosen to take any steps to improve their condition. Hence, many families had to suffer

due to starvation, inadequacy of water and medical aid. It is reported that every day one person or the other is dying of starvation and lack of medical facilities. It was brought to my notice that so far nearly, 5,000 people have died of starvation and lack of medical facilities.

When the repatriates brought their pitiable condition to the notice of Shri B. R. K. Shastri, I.A.S, Sub-Commissioner for Rehabilitation and Ex-officio Principal Secretary to the Government, Revenue (Rehabilitation) Department, Hyderabad, instead of considering their demand sympathetically, he issued a circular No. EOPS 20 80 dated 25-10-80 to the various collectors of Andhra Pradesh with some directions not to give any financial or other assistance to the Sri Lanka repatriates.

It appears he was so cruel and unkind as to instruct the concerned persons not to give any financial assistance even if there was any personal misfortune, death etc. It is worth mentioning here some of the averments in the circular:

"If there is any personal misfortune, the management should arrange for cremation or burial and should not give more than Rs. 10 for sundry expenses. If it is for medical assistance, they should purchase and arrange for transport like purchase of ticket etc. Under no circumstances a repatriate should be given more than Rs. 10 in cash for any purpose whatsoever."

Copies of this circular were also circulated to all the mill-owners, factory owners, farm owners etc., wherever these repatriates were employed. This resulted in inhumane treatment and harassment by the employers.

I understand that the Government of India has sanctioned Rs. 15,000

[Shri Era Anbarasu]

for each family towards rehabilitation and Rs. 6,000 for housing and medical facilities. It is brought to my notice that a sum of Rs. 1,90,00,000 was granted till now towards the repatriate rehabilitation grant. It appears that, in order to get the grants from the Government, many employers come forward to offer employment to the repatriates, but after getting the grants, they fail to provide proper wages, medical and water facilities as per the directions of the Government of India. The wage of Rs. 3.05 paid per day to a repatriate is very meagre and it is below the minimum wage prescribed by the Government of India. The sum of Rs. 200 which is paid for the construction of a tenement for the repatriate is also very meagre. Even a small hut cannot be constructed by spending Rs. 200.

Further, the policy of providing employment to one person in a family even if the family consists of 10 to 15 persons is erroneous and it has to be revised forthwith. The wages paid to them should also be revised and all the able-bodied persons should be provided with jobs, as it is done by the Government of Andaman and Nicobar Islands.

If the repatriates make further demands, it appears that some of them are being beaten by the goondas engaged by the management, and they are made to run away. Many shattered families went to Tamil Nadu for employment and peaceful settlement. At present I understand that some of them are fasting in front of the office of the Collector at Madras demanding employment, but the Government of Tamil Nadu has refused to provide them any employment, and they were advised to seek a remedy only with the Government of India. Many families are left in the streets starving.

Hence it is a matter of urgent importance to bring this to the notice

of the hon. Minister of Supply and Rehabilitation for immediate action to save the lives of the unfortunate repatriates.

(xvi) DIFFICULTIES OF SEASON TICKET HOLDERS TRAVELLING FROM MATHURA RAILWAY STATION TO DELHI.

SHRI BHIKU RAM JAIN (Chandni Chowk): Under Rule 377, I am making a statement:

The season ticket holders travelling from Mathura to Delhi are allowed on one of the two trains leaving Mathura in the morning. The Paschim/Deluxe Express and Qutab Express trains leave Mathura at 7.39 and 8.01 a.m. but the Qutab Express runs inordinately late almost daily. The season ticket holders are allowed on the Qutab Express only with the result that the commuters reach here very much late daily. They stand at Mathura station helplessly watching the Deluxe/Paschim Express going away at right time. The Paschim/Deluxe Express trains run almost punctually daily.

Hence, to alleviate their suffering, the season ticket holders may kindly be allowed on Paschim/Deluxe and G. T. Expresses, both ways.

(xvii) PROBLEMS OF M.E.S. CIVILIAN EMPLOYEES IN PORT BLAIR

EMPLOYEES IN PORT BLAIR

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): Under Rule 377, I am making a statement:

M.E.S. Civilian Employees Union, Port Blair has represented time and again about their various problems to the Government of India through the concerned authorities for redressal but nobody in the Defence Ministry took it seriously and the matter remained pending for quite long time. Unfortunately no action was taken even on my letters. On behalf of the

M.E.S. Civilian Employees Union, Port Blair, two employees are on indefinite hunger strike with effect from 12th December, 1980. I have received a communication from Port Blair that both the persons' condition is serious and any time something may happen to them. I would like to appeal to the Government of India particularly the Defence Minister to kindly intervene in the matter and accept the genuine grievances of the M.E.S. Employees stationed at Port Blair in the Andaman and Nicobar Islands immediately and to save the lives of two hunger strikers.

(xviii) ACQUISITION OF LAND FOR SALEM STEEL PLANT.

\*SHRI C. PALANIAPPAN (Salem): In 1964, a Notification under the Land Acquisition Act was issued for the acquisition of 24,000 acres of land in 50 villages of Sankagiri and Omalur Taluks of Salem District in Tamil Nadu and in 1967 it was announced that these lands would be used for the Salem Steel Plant. In October, 1970 in Karisipattj village of Salem District 50 more acres were acquired. During the period 1972 to 1976, about 4000 acres had been acquired in 25 villages. In 1972, 7000 acres of land were removed from the purview of the said Notification. An area of 13,000 acres of land should either have been taken out of the purview of the notification or the land should have been acquired and the compensation paid to the farmers. Neither of these things has yet been done. For the past 16 years

no development could be undertaken on this land because of the suspended animation and thousands of families of farmers have become destitute. Already 3000 families of farmers whose 4000 acres of land had been acquired have not got any benefit for the Steel project. The injustice being perpetrated on the hapless farmers should not be allowed to continue. I demand that justice be done to the farmers who are in suspense for 16 years about their land. I appeal to the Central Government to take firm decision about the Salem Steel Plant and remove this suspense.

MR. CHAIRMAN: Only the approved Statement will go on record. Sometimes, it so happens that the hon. Members may deviate from that.

14.50 hrs.

CHIT FUNDS BILL

THE MINISTER OF FINANCE (SHRI R. VENKATARAMAN): Sir, I beg to move:

"That the Bill to provide for the regulation of chit funds and for matters connected therewith, be referred to a Select Committee consisting of 21 members, namely:—

- (1) Shri Era Anbarasu
- (2) Dr. A. U. Azmi
- (3) Shri Maganbhai Barot
- (4) Shri Subarao Chowdary Chitturi

\*The original speech was delivered in Tamil.



[**Shri R. Venkataraman**]

- (5) Shri R. Y. Ghorpade
- (6) Shri Krishna Kumar Goyal
- (7) Shri P. K. Kodiyan
- (8) Prof. P. J. Kurien
- (9) Shri Sunil Maitra
- (10) Shri Ramjibhai Mavani
- (11) Shri Nityananda Misra
- (12) Shri Cumbum N. Natarajan
- (13) Shri Bhola Raut
- (14) Shri T. R. Shamanna
- (15) Shri Shantaram Potdukhe
- (16) Shri Pratap Bhanu Sharma
- (17) Shri Shiv Shankar
- (18) Shri Rana Vir Singh
- (19) Shri Bhausahab Thorat
- (20) Shri Girdhari Lal Vyas;  
and
- (21) Shri R. Venkataraman

with instructions to report by the last day of the first week of the Sixth Session."

**SHRI R. L. P. VERMA (Kodarma):**

Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 20th February, 1981." (1).

**MR. CHAIRMAN:** Shri Mool Chand Daga—he is not here.

Now, I put Amendment No. 1 moved by Shri R. L. P. Verma to the vote of the House.

*Amendment No. 1 was put and negatived.*

**MR. CHAIRMAN:** The question is:

"That the Bill to provide for the regulation of chit funds and for matters connected therewith, be referred to a Select Committee consisting of 21 members, namely:—

- (1) Shri Era Anbarasu
- (2) Dr. A. U. Azmi
- (3) Shri Maganbhai Barot
- (4) Shri Subbarao Chowdary Chitturi
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- (18) Shri Rana Vir Singh
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- (20) Shri Girdhari Lal Vyas;  
and
- (21) Shri R. Venkataraman

with instructions to report by the last day of the first week of the Sixth Session."

*The motion was adopted.*

1454 hrs.

**VISVA-BHARATI (AMENDMENT)  
BILL**

THE MINISTER OF STATE IN  
THE MINISTRY OF EDUCATION  
(SHRIMATI SHEILA KAUL): Sir,  
on behalf of Shri S. B. Chavan, I beg  
to move:

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the Visva-Bharati Act, 1951, made in the motion adopted by Rajya Sabha at its sitting held on the 20th November, 1980 and communicated to this House on the 24th November, 1980 and do resolve that the following 22 members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

- (1) Shri A. E. T. Barrow
- (2) Shri Narayan Choubey
- (3) Shri Christopher Ekka
- (4) Shri Chhittubhai Gamit
- (5) Smt. Sheila Kaul
- (6) Shri R. P. Mahala
- (7) Shri Ram Kumar Meena
- (8) Shri T. Nagaratnam
- (9) Shri A. A. Rahim
- (10) Shri Uttam Rathod
- (11) Shri G. S. Reddi
- (12) Dr. Saradish Roy
- (13) Smt. Krishna Sahi
- (14) Shri Chandra Pal Shailani
- (15) Shri Rajnath Sonkar Shastri
- (16) Shri Shivkumar Singh
- (17) Shri Dharam Bir Sinha
- (18) Prof. Satya Deo Sinha
- (19) Shri Satyendra Narain Sinha
- (20) Shri Jagdish Tytler
- (21) Shri Atal Behari Vajpayee
- (22) Shri S. B. Chavan."

MR. CHAIRMAN: The question is:

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the Visva-Bharati Act, 1951, made in the motion adopted by Rajya Sabha at its sitting held on the 20th November, 1980 and communicated to this House on the 24th November, 1980 and do resolve that the following 22 members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

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- (10) Shri Uttam Rathod
- (11) Shri G. S. Reddi
- (12) Dr. Saradish Roy
- (13) Smt. Krishna Sahi
- (14) Shri Chandra Pal Shailani
- (15) Shri Rajnath Sonkar Shastri
- (16) Shri Shivkumar Singh
- (17) Shri Dharam Bir Sinha
- (18) Prof. Satya Deo Sinha
- (19) Shri Satyendra Narain Sinha
- (20) Shri Jagdish Tytler
- (21) Shri Atal Behari Vajpayee
- (22) Shri S. B. Chavan."

*The motion was adopted.*

14.57 hrs.

**CRIMINAL LAW (AMENDMENT)  
BILL**

**THE MINISTER OF HOME AFFAIRS (SHRI ZAIL SINGH):** Sir, I beg to move:

"That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, be referred to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely:—

- (1) Shri K. Arjunan
- (2) Shri Rasa Behari Behra
- (3) Smt. Gurbrinder Kaur Brar
- (4) Shrimati Vidyavati Chaturvedi
- (5) Shrimati Suseela Gopalan
- (6) Shrimati Geeta Mukherjee
- (7) Shrimati Mohsina Kidwai
- (8) Shrimati Madhuri Singh
- (9) Shri R. K. Mhalgi
- (10) Shri D. K. Naikar
- (11) Shri K. S. Narayana
- (12) Shri Ram Pyare Panjka
- (13) Shri Bapushaheb Parulekar
- (14) Shri Amrit Patel
- (15) Shri Qazi Saleem
- (16) Prof. Nirmala Kumari Shaktawat
- (17) Shri S. Singaravadivel
- (18) Shri V. Kishore Chandra S. Deo
- (19) Shri Trilok Chand
- (20) Shri P. Venkatasubbaiah

(21) Shri V. S. Vijayaghavan

(22) Shri R. S. Sparrow.

and 11 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session:

that, in other respects, the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 11 members to be appointed by Rajya Sabha to the joint Committee."

**MR. CHAIRMAN:** Mrs. Pramila Dandavate has given notice of an amendment. She is not here.

The question is:

"That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, be referred to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely:—

- (1) Shri K. Arjunan
- (2) Shri Rasa Behari Behra
- (3) Smt. Gurbrinder Kaur Brar
- (4) Shrimati Vidyavati Chaturvedi
- (5) Shrimati Suseela Gopalan
- (6) Shrimati Geeta Mukherjee
- (7) Shrimati Mohsina Kidwai
- (8) Shrimati Madhuri Singh

- (9) Shri R. K. Mhalgi
- (10) Shri D. K. Naikar
- (11) Shri K. S. Narayana
- (12) Shri Ram Pyare Panjka
- (13) Shri Bapusaheb Parulekar
- (14) Shri Amrit Patel
- (15) Shri Qazi Saleem
- (16) Prof. Nirmala Kumari Shaktawat
- (17) Shri S. Singarvadivel
- (18) Shri V. Kishore Chandra S. Deo
- (19) Shri Trilok Chand
- (20) Shri P. Venkatasubbaiah
- (21) Shri V. S. Vijayraghavan
- (22) Shri R. S. Sparrow.

and 11 from Rajya Sabha:

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects, the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 11 members to be appointed by Rajya Sabha to the Joint Committee."

*The motion was adopted.*

**SHRI BAPUSAHEB PARULEKAR** (Ratnagiri): Sir, may I have your permission to make a mention in this connection?

Last Friday, the Private Member's Bill was withdrawn by Mrs. Pramila Dandvate because the hon. Law Minister moved a motion that it should be referred to a Select Committee, and the Resolution mentions that the report of the Committee should be placed before the House by the last day of the first week of the next Session. Today is the last day of this Session and the Committee has not yet been appointed. I would like to know from the hon. Minister of Parliamentary Affairs where the matter stands because the Report is expected by the last day of the first week, but the Committee has not yet been appointed.

It is on that understanding that the Bill was withdrawn. That is an assurance given by the hon. Law Minister on the floor of the House. I would like to know why this particular Select Committee is not appointed.

15 hrs.

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND WORKS AND  
HOUSING (SHRI BHISHMA NARAIN  
SINGH.): The hon. Speaker is to nomi-  
nate. That is the motion.

MR. CHAIRMAN: We now go to the next item.

SHRI R. K. MHALGI (Thane)  
What is the clarification on behalf of the government on this point?

MR. CHAIRMAN: He has replied whatever he could.

Now, Shri Bishma Narain Singh.

15.01 hrs.

**AIR (PREVENTION AND CONTROL OF POLLUTION) BILL**

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND WORKS AND  
HOUSING (SHRI BHISHMA NARAIN  
SINGH): It is a matter of great plea-  
sure to me to pilot the Air (Prevention  
and Control of Pollution) Bill, 1980.

I am sure all the Members will agree with me that the problem of air pollution in the country, though not so serious as that of water pollution, should not be neglected as some of our cities like Delhi, Calcutta, Bombay, Kanpur, etc. are already feeling the effects of air pollution. It has, therefore, become necessary to bring in legislation to control air pollution as prevention is always better and cheaper than cure and this is especially so in environmental pollution control matters.

Before bringing in this legislation, an exercise was made in my Ministry whether the existing legislations could be suitably modified to deal with this problem. Though there are certain provisions in the Factories Act, Criminal Procedure Code and in legislations like Some Nuisance Act, they have been found to be inadequate. Hence the need for a comprehensive legislation to deal with all aspects of air pollution was felt. An Expert Committee appointed for the purpose recommended a Central Act and suggested a draft Bill also. This draft was duly examined and eventually a Bill to provide for the prevention and control of air pollution was introduced in the last Lok Sabha on the 17th April, 1978. The Bill was referred to a Joint Committee of the two Houses under the Chairmanship of Dr. Karan Singh. The Committee considered the Bill in detail and presented its report to the Lok Sabha on the 18th May, 1979. The Bill, however, lapsed with the dissolution of the Lok Sabha. All the recommendations of the Joint Committee of the Houses have been incorporated in the present Bill.

In the U.N. Conference on Human Environment held at Stockholm in 1972 in which India also participated, decisions were made to take appropriate steps for the preservation of natural resources of the earth which, among other things, included preservation of the quality of air and control of air pollution. The Bill seeks to implement the decision relating to the preservation of the quality of air and control of air pollution.

The present thinking in environmental pollution control matters is to have an integrated approach. To give effect to this approach, it has been provided in the Bill that the Water Pollution Control Boards established under the Water (Prevention and Control of Pollution) Act, 1974 will, in addition to their normal work, perform the functions of air pollution control also as per the provisions of this Bill. This will not only facilitate co-ordination but also will result in economy. The Bill will be enacted by virtue of Article 253 of the Constitution of India.

Sir, a few more words about the salient features of the Bill. This Bill will apply to the whole of India. The Central Board for the Prevention and Control of Water Pollution established under the Water (Prevention and Control of Pollution) Act, 1974, will not act as the Central Board for the Prevention and Control of Air Pollution also. The State Boards for the Prevention and Control of Water Pollution established by State Governments who have adopted the Water (Prevention and Control of Pollution) Act, 1974, will perform the functions of the State Air Pollution Control Boards also. In the States which have not yet adopted the 1974 Act, the new Air Pollution Control Boards will be set up. However, we are requesting those States also to adopt the 1974 Act and constitute the State Boards so that there will be uniformity all over the country.

The State Governments will first declare the air pollution control areas

In such areas, industries specified in the Schedule to the Bill will have to obtain consent from the respective State Boards for discharging emissions from their factories. The State Boards will lay down the specifications for emission discharge and the particulars of the control equipment, that should be put up to abate air pollution. Failure to comply with the consent conditions will render the industrial units liable to prosecution. However, reasonable time will be given for existing industrial units to instal the control equipment.

The State Governments will also issue necessary instructions to ensure that the automobile exhausts do not exceed the specifications laid down by the respective State Boards. This Bill will, however, not apply to ships and aircrafts.

With these words, Sir, I beg to move.\*

"That the Bill to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards, powers and functions relating thereto and for matters connected therewith, be taken into consideration."

MR. DEPUTY-SPEAKER: Mr. Daga. You have given notice of an amendment. Are you moving?

SHRI MOOL CHAND DAGA: No, Sir.

MR. CHAIRMAN: All right. Motion moved:

"That the Bill to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to

such Boards, powers and functions relating thereto and for matters connected therewith, be taken into consideration."

Shri Narayan Choubey.

SHRI NARAYAN CHOUBEY (Madras): Sir, when the entire political atmosphere of this country is being polluted with the pollutants like the National Security Act, abetted and aided by the capitalist part of the development, by the ruling party, the Bill has been brought forward by the hon. Minister, to support this Bill. But, Sir, I beg to submit whether the Government will be able to put into action this provisions contained in this Bill, I have got my own doubts about it. Why I say this is because of this. The U.N. Conference on Human Environment held a conference in 1972. To this India was a party. We brought a Bill and enacted that into law known as Water Pollution Prevention and Control Act in 1974—it took two years to bring forward this Bill in the year 1980. Though it is a good Bill, I do not know as to what I should say. You are empowering the same Central Board for Prevention and Control of Water Pollution to exercise the power under this Bill. It should be done. I do not object to this. Looking to the entire environment, it should be done. I beg to submit as to what has been the performance of this Water Pollution Prevention and Control Boards? As the phrase goes, the proof of the pudding is in the eating. A doubt now arises that although this Bill has been brought forward, look at the *Hindu* of Madras, November 20, 1980 as to what it says. In the whole of Calcutta City, Hooghly is polluted. You also know that in Delhi, even the Yamuna water is polluted. This is what the paper says:

"You see in the metropolitan areas. Such conditions are there even today. For example, the Cooum, the Buckingham Canal and Adyar river

\*Moved with the recommendation of the President.  
3009 LS-4.

[Shri Narayan Choubey]

in Madras City, for all practical purposes, have so much of water wastes; they are unfit for traditional water use such as bathing, fishing and recreation."

So, this is the way how the Board has functioned.

Now, I come to air pollution. Actually this Bill should have been brought much earlier and action should have been taken much earlier. Sir, if you go through the pages of *Business Standard* dated 23rd February, 1980 you will find how horrible the situation in and around Calcutta is because of lakhs of small ovens burning coal and thus polluting the atmosphere. It is mentioned that autos cause 40 per cent air pollution. This is what is happening.

Sir, although we support this Bill yet we are afraid how far the government will be able to do justice. It can be done provided there is will. Will to bring a Bill and will to implement the provisions of the Bill are two different things. Sir, my impression is that the government has brought this Bill only to show to the international world that India is also a party to all such good things. I have my doubts about the implementation. If you really intend to save water, air and atmosphere from pollution then you have to control the big tycoons. But you dare not touch them. I hope that you will actually be bold enough to implement the provisions of the Bill which are really good. If you fail in the implementation part of it then you will have to face the criticism in the House. With these words I conclude.

श्री शिवकुमार सिंह ठाकुर (खंडवा) : सभापति महोदय, हमारे योग्य मंत्री ने जो वायु प्रदूषण निवारण तथा नियंत्रण विधेयक 1980 प्रस्तुत किया है उसके समर्थन के लिए मैं उपस्थित हूँ। आज हम देखते हैं कि हमारे देश के जो बड़े नगर हैं, बम्बई, कलकत्ता, दिल्ली, मद्रास वगैरह

इन शहरों में लोगों का जीवन कितना दूधर हो गया है। पहले जो एक स्वच्छ हवा में और स्वस्थ वातावरण में वे लोग रहते थे आज वह नहीं रह गया है। दिन पर दिन हमारे देश में वायु का प्रदूषण हो रहा है, भले ही वह मोटरों के धुएँ से हो या शहरों के निकले हुए कचरे से हो या नालों के गन्दे पानी से हो या वनों के कटने से हो, पूरा का पूरा वातावरण हमारे देश का एक प्रकार से दूषित हो रहा है। जन-जीवन में हम लोग आज देखते हैं, जो बीमारियाँ पहले हुआ करती थीं उससे कहीं अधिक बीमारियाँ बढ़ती जा रही हैं। जितनी नई नई औषधियों का निर्माण हमारे साइंटिस्ट्स करते हैं उतनी ही ज्यादा बीमारी हमारे देश में बढ़ती जा रही है। उस का सब से प्रमुख कारण यही है कि आज हमारे जनमानस को स्वच्छ वायु नहीं मिलती है। इस से हमारे देश में जो एक स्वस्थ मस्तिष्क और स्वस्थ शरीर का विकास होना चाहिए वह नहीं हो पा रहा है।

स्टाकहोम में जून, 1972 में पर्यावरण पर जो कांफ्रेंस हुई थी, जिसमें हमारे देश की नेता, श्रीमती इन्दिरा गांधी ने भाग लिया था, मुझे प्रसन्नता है कि हमारी नेता और मंत्री महोदय उस कांफ्रेंस के निर्णय के अनुसार इस बिल को पार्लियामेंट में लाये हैं।

हमारे देश में जो वायु-प्रदूषण हो रहा है, उसको रोकने के लिए हमें बहुत सी बातों की ओर ध्यान देना पड़ेगा। परमाणु शक्ति के कारण भी पूरे विश्व में वायु-प्रदूषण काफी हद तक बढ़ गया है। परमाणु शक्ति हवा की परतों पर तेरता हुआ एक खतरा है। निभिकीय विखंडनों से वायु दूषित होती जा रही है। इस ओर भी न केवल भारत का बल्कि पूरे विश्व का ध्यान जाना बहुत आवश्यक है।

अभी तक जितने भी परमाणविक विस्फोट किये गये हैं, वे सभी रेडियो-सक्रियता की

बढ़ाते हैं। 1956 में विज्ञान की राष्ट्रीय अकादमी की कई कमेटियों ने बताया कि सन् 2000 तक ये प्रभावित पीछे इतनी फ्रिजेंट 85 गैस निकाल देंगे कि यह मात्रा ही उत्तरी गोलार्ध के मध्य अक्षांश को पूर्ण रूप से रेडियो-सक्रिय कर देगी। आयोडीन-131 जैसी भारी गैसों ने इस रेडियो-सक्रियता को और अधिक बढ़ा दिया है। अनुमान है कि सन् 2000 तक यदि विखंडनों की दर इसी तरह बढ़ती रही, तो स्ट्रांशियम-90 का प्रभाव सारी धरती पर फैल जायेगा। रेडियो आइसोटोप्स के कारण पूरे विश्व का जन-जीवन खतरे में पड़ जायेगा। विश्व के लोग किडनी, ब्लड प्रेशर, एस्थमा, श्वास-रोग और मस्तिष्क रोग जैसी नई बीमारियों के शिकार हो जायेंगे। इस तरफ ध्यान देना बहुत आवश्यक है।

आज हमारे देश में लगभग तीस हजार रासायनिक तत्व पर्यावरण में बिखर रहे हैं। हर साल सैकड़ों नये रासायनिक तत्व बाजार में आ रहे हैं। उनके कारण भी जन-स्वास्थ्य खतरे में पड़ गया है। उनमें से 20 तत्व ऐसे हैं, जो मनुष्यों में और 137 तत्व ऐसे हैं, जो पशुओं में कैंसर पैदा करने की पूरी-पूरी सम्भावना लिये हुए हैं। इस तरफ भी ध्यान देना बहुत आवश्यक है।

अभी मैं एक रिपोर्ट पढ़ रहा था, जिसमें बताया गया है कि बम्बई में प्रतिदिन 7 टन हाइड्रोजन सल्फाइड, 14 टन अमोनिया, 106 टन नाइट्रोजन आक्साइड, 120 टन सूक्ष्म धूल, 160 टन सल्फर डाई-आक्साइड और 265 टन कार्बन मोनो-आक्साइड वातावरण में मिल जाती है और वहाँ के लोगों के स्वास्थ्य पर बुरा असर डाल रही है। इसलिए यदि हम इस बारे में उचित समय पर कदम नहीं उठावेंगे, तो आगे चल कर हमें बहुत ही भयानक परिणाम देखने को मिलेंगे।

घरबों क्विंटल खाद्य वस्तुओं का कचरा फेंक दिया जाता है, उससे भी हमारे जन-स्वास्थ्य पर काफी बुरा असर पड़ रहा है। वह सारा कचरा नदियों में जाता है, जिससे वे दूषित होती हैं। उदाहरण के लिए अन्नानास का रस निकालने के बाद उसका 80 प्रतिशत भाग कूड़े में फेंक दिया जाता है। गन्ने की पिराई के बाद 10 करोड़ टन बगस प्रति वर्ष निकलता है, जो हमारी नदियों में जाता है और जन-स्वास्थ्य पर बुरा असर डालता है। इस प्रकार बर्बाद होने वाली चीजों के उपयोग के तरीके खोजे जाने चाहिए।

वैज्ञानिकों ने बार-बार यह चेतावनी दी है कि पृथ्वी का वायु-मंडल गर्म होता जा रहा है, जिसके कारण हमारे वायु-मंडल में सीओ<sup>2</sup> गैस काफी अधिक मात्रा में बढ़ती जा रही है। वैज्ञानिकों के अनुसार वायु-मंडल की गर्मी में बढ़ोतरी 1 डिग्री सेंटीग्रेड तक हो चुकी है और अगर यह बढ़ोतरी 3.5 डिग्री सेंटीग्रेड तक हो गई, तो उत्तरी और दक्षिणी ध्रुवों की बर्फ पिघलने लगेगी, समुद्र इतने ऊंचे हो जायेंगे कि बन्दरगाह डूब जायेंगे, फसलें मरने लगेंगी और विश्व भर में महामारियाँ फैल जायेंगी।

इसके अतिरिक्त हमारे वन कटते जा रहे हैं। 1951-52 से लेकर 1975-76 तक 41.35 लाख हेक्टेयर वन उजड़ गये हैं, जिसके कारण वायु-मंडल में कार्बन डाई-आक्साइड की मात्रा बढ़ती जा रही है। हिन्दुस्तान के प्रत्येक प्रदेश में वन उजड़ते जा रहे हैं। केरल की साइलेंट वैली के लिए भी खतरा उपस्थित हो गया है। परसों माननीय सदस्यों ने इसी सदन में फारेस्ट (कनजरवेशन) बिल सम्बन्धी डीबेट में भाग लेते हुए बताया था कि इस प्रकार हमारे देश की स्थिति भयानक होती जा रही है। आज विश्व की आबादी 390 करोड़ की है और विद्वानों के अनुसार सन् 2000 में यह 780 करोड़ हो जाएगी।

एक वयस्क व्यक्ति हर साल 50 लाख लीटर वायु को कार्बन डाई-आक्साइड में



[श्री शिव कुमार सिंह ठाकुर]

बदल देता है। इस प्रकार से यह हमारी कल्पना के बाहर है कि कितनी भयानक स्थिति हो सकती है और इस चीज का हमारे देश के लोगों के स्वास्थ्य पर कितना भयानक असर पड़ेगा।

माननीय सभापति महोदय, औद्योगिक विकास के कारण दस वर्ष पहले जितनी प्राण-वायु में 43 व्यक्ति सांस लेते थे, आज उसी प्राण-वायु में तीन व्यक्ति सांस ले पाते हैं और इस प्रकार हमारा सारा वातावरण बदल रहा है। वर्षा समय पर नहीं होती है, कहीं-कहीं पर हमारी पृथ्वी का वायु-मंडल गर्म होता जा रहा है। इसलिए हमारे साइंटिस्टों ने, वैज्ञानिकों ने जो हम को सलाह दी है, उसको रोकने के लिए, उस पर अमल करने के लिए यदि हमको कठोर-से-कठोर कानून पार्लियामेंट में लाना पड़े, तो वह लाना चाहिए और उसको कानून का रूप देना चाहिए।

वनों के काटने से और नदियां गन्दी होने के कारण हमारे देश का सारा वातावरण बिगड़ता जा रहा है। इसके लिए मैं माननीय मंत्री महोदय का बड़ा आभारी हूँ कि वे इस प्रकार का बिल संसद में लाए हैं। इसके साथ ही साथ मैं विरोध पक्ष के लोगों से भी निवेदन करना चाहता हूँ कि ऐसे सार्वजनिक हितों के मामले पर कोई विरोध नहीं करना चाहिए।

इन शब्दों के साथ मैं, सभापति महोदय, आपका बड़ा आभारी हूँ कि आपने बोलने के लिए समय दिया।

SHRI KRISHNA CHANDRA HALDER (Durgapur): Mr. Chairman, Sir, I would like to support the object of The Air (Prevention and control of Pollution) Bill, 1980. The National Environmental Engineering Research Institute, Nagpur, has confirmed that cities like Calcutta, Bombay and Delhi are facing the problem of pollution. There are vast industrial areas in and around these cities. In these cities

water and air are polluted due to the establishment of a large number of industries in these areas. Many of the industries do not observe the necessity of purifying the effluent discharged by them and also they do not take necessary steps for preventing pollution of air in these areas. Sir, already the Central Board for the Prevention and Control of Water Pollution has been constituted at the Centre and in seven States there are State Boards for the Prevention and Control of Water Pollution yet to be constituted. I want to know why these Boards have not been constituted in seven States. I would also like to know the names of the seven States where these Boards have not yet been constituted. Sir, I understand that the Board for Prevention and Control of Air and Water Pollution will be entrusted with sufficient powers so that they can take stringent measures in order to prevent pollution of air and water. Sir, those States which have constituted this Board may be facing pollution problem in one part or the other of their State. But in my State, that is, West Bengal there is pollution of both water and air in Calcutta and Howrah regions and there is also pollution of water in the river Ganges and Bhagirati. There is a long industrial belt extending to Durgapur area and there is a newly developed area around Durgapur where cluster of industries have sprung up and these area are also polluted. The Asansol-Raniganj industrial belts are also polluting the water of the river Damodar; they are also polluting the air. In Durgapur there is one industry named Philips Carbons. The carbon generated by this factory is polluting the air at Durgapur. It is creating health hazards not only for the adults but for the women folk and for the children. Similar things are happening everywhere; in Bombay, Calcutta, Delhi etc.

It is very important to constitute these Boards in all the States. In West Bengal not only it should be constituted in Calcutta, but another

Board should also be constituted to supervise the water and air pollution in and around Durgapur, Asansol Raniganj industrial belt.

In this connection. I would like to mention that about three years back, the polluted water discharged from the fertilizer factory at Durgapur damaged about more than 5,000 acres of paddy crop of fifteen villages in and around village Bapnabera. I tried my best with Shri Patil, the then Minister concerned, now he has shifted to another Ministry; in fact, I have been trying for the last three years for the villages to get crop compensation, but I have not yet succeeded. Whether it is in the private sector or the public sector, all the industries which do not observe the rules and create water or air pollution, should be penalised for not following the provisions of the Act. Not only this legislation should be passed, but the Government should be very vigilant and see that this Act is properly implemented and for this there should be perfect cooperation and coordination between the Centre and the State Boards. Unless there is such coordination, it cannot be implemented properly. I would suggest that in order to oversee whether these Boards are functioning properly or not, there should be a parliamentary committee for the Central Board and similarly a committee of the State legislature concerned to supervise the working of the Boards in the States. This is a very important point. I hope, the Minister will accept my constructive suggestion.

On account of the water and air pollution, lakhs of people are dying in different industrial areas. About 70 per cent of our people are living below the poverty line and they do not have square meals twice a day. It is impossible for them to go to the doctors for their treatment, and actually though Mr. Shankaranand is here, but our Public Health Organi-

sation is not up to the mark so that it can cover all the industrial belts and the rural areas also. So, I would say, Sir, that there must be a Parliamentary Committee to supervise the functioning of the Central Board and a Committee of Legislature to supervise the functioning of the State Boards and if we can do this, I think, that the purpose of this Act would be served properly and it can be implemented properly. With these words, Sir, I support the objects of the Bill.

SHRI XAVIER ARKAL (Ernakulam): I also support this very important Bill, Sir, and I am happy that a Bill of this sort is brought forward at the fag end of this Session and, I am sure, that will be a real gift to the nation. Going through the statement of objects and reasons, we find that there are various kinds of pollutions in our country, but this is clearly stated with regard to air pollution alone. My main objection with regard to this Bill is that it has not included the noise pollution of our area.

AN HON. MEMBER: Which is there in the house?

SHRI XAVIER ARAKAL: Certainly. That also should be taken into consideration. That is a matter which also deserves the attention of this House. Sir, the time has come that this House ought to look into these health hazards in a proper manner. Therefore, I request the Hon. Minister to bring forward a Bill in the next session to control and prevent the noise pollution as well.

I am happy to refer to definition 'j' in the Definition Clause, Sir, wherein it is stated "omission means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet". Any other outlet, should be interpreted in a wide way. Thereby we can take the heavy vehicles going around on the roads. Those who drive will know and experience the fumes omitted by these

[Shri Xavier Arakal]

cars, lorries which do not have any safety valves or safety control system. I hope this definition will be taken into consideration in controlling this very dangerous substance coming from these cars and other things.

Sir, another point which I like to bring to the notice of the Hon. Minister is that under Clauses 3 and 4, the State Water Board will be given the power. Sir, this is a matter which ought to be looked into properly. At present, the Water Board is not functioning properly. Are they able to control the water pollution? I have seen some of the reports. Very deplorable. How can we entrust this work to the Water Boards? With the same staff and same facilities?

I shall take up the financial Memorandum later. This is a serious matter. My submission is that this Board ought to have been an independent Board, distinct and separate from the Water Board. Therefore, Clauses 3 and 4 ought to be re-considered if you sincerely intend to implement it.

Sir, another point is the Clause 15 which is about delegation of powers. I have consistently objected to this. Whenever a draft Bill is brought forward in this House, the draft rules should also be brought in, so that the House will have the opportunity to examine and criticize them here, because it is now democracy vs. bureaucracy. If we seriously intend to curtail bureaucratic control over this, the rules also should be brought in here.

Another point: I am not questioning the sincerity of the Government in bringing this; but going through the Financial Memorandum, I am sure many Members will accept what I say. At page 32, it is said:

"...the State Board constituted under this Bill will stand dissolved and the liability of the Central Government to meet the expenditure will also cease."

If the liability of the Central Government ceases, once the State Board is constituted, who is going to meet the expenditure? How are they going to meet the expenses? If you go through the Financial Memorandum, you will see that once this Bill is passed, it is not going to be implemented properly—just like the Water Board. Now, the notes on Clause 32 say that the Central Government have to make contributions to the State Boards to perform their functions under this Bill. However, this is covered by a proviso: "Nothing under in this Section shall apply to any State Board.." etc. etc.

They are interested only in money. what do they expect? I shall take the House to Clause 32. Unless sufficient funds are given, how can the Board function? How can they examine these things? How can they declare an area as air-polluted? How can the laboratories work? I cannot understand. Clause 32 at page 16 says:

"The Central Government may, after due appropriation made by Parliament by law in this behalf, make in each financial year such contribution to the State Boards as it may think necessary to enable the State Boards to perform their functions under this Act."

This is very ambiguous. Suppose the State Board is not willing to implement it, there, this clause comes in. Suppose the State Government wants to implement it, and is not in a position to implement it, there again this clause comes into operation. I am sure the hon. Minister has understood the meaning of this clause and will explain to this House how this fund is going to be given. Who will have the ultimate control over it? How will it be examined? This is a serious matter.

In paragraph 7, at page 33, it is said that Rs. 20 lakhs will be given for such a vital and important work. This Board is not going to function. As

a matter of fact, it will be a defunct Board. I have serious criticisms against the Water Board. The Ernakulam district in Kerala is one of the biggest air polluted districts in India. There is nobody to control it. If a scheme is given, there is nobody to implement it. We have aired this objection quite often. But there is nobody to control and supervise it. I suggest that this Board should be at the Central level, as a Central Board. Because it is a national health problem, it should not be given to the state government. A reluctant, unwilling, incompetent state government will not be able to implement it. I hope the hon. Minister will consider my suggestion. Other hon. Members said that a committee if necessary should go into this and examine the functions of the water board correlated to this board. With these words I support this.

SHRI H. K. L. BHAGAT (East Delhi): The Bill is very welcome Bill and I compliment the hon. Minister for bringing it before the House. It has come belatedly; it has been pending for a long time and it was expected to bring some kind of integrated approach between prevention of air and pollution and prevention of water pollution and that is why in this Bill almost the same machinery, same arrangements have been provided, the same that exist for prevention and control of water pollution. In many states boards have been constituted; where they have been constituted, they will perform both the functions. It is a good thing that it has been done. Having remained in this Ministry and having some little knowledge of these things, I appreciate the feelings expressed by hon. Members about implementation. I do not blame the Boards at all. It is a question of approach, it is a question of will on the part of central as well as state governments to see that it is implemented. There are problems and difficulties. Even some public sector undertakings are sometimes not res-

ponsive. Right now, behind Mr. Bhishma Narain Singh is sitting Shri Vikram Mahajan. In Delhi DESU is creating pollution; then there is the DTC. A number of public undertakings are doing this; of course a large number of private industries pollute air and water. If they have to take preventive measures, they may have to spend a lot of money; it means strain on finances of those companies and therefore it becomes a question of going slow. If we go slow, things will become worse; they are becoming worse every day. Much more firmness is required on the part of government to see that the provisions are implemented. There have been certain reports that water tests carried out indicated an alarming situation in certain places. Not much could be done. My feeling is that a lot of very enthusiastic support by the government will be required to help those boards. My hon. friend was correct; they have no funds; funds should be provided by the central government. We cannot determine here how much funds will be given but I should appeal to the hon. Minister who is very sympathetic and sensitive to this problem that the Government should provide them with large sums of money. It has been put on low priority. What is required is to bring this matter to high priority. Today it may not look important; to my mind it has to be looked on as something very important. It says here that the state can appoint either a wholetime chairman or a part-time chairman; again it seems to be financial constraints involved in it. Personally speaking, I would not like a part-time Chairman, for an important matter like this. When you are going to have a technical, competent man for this, to ask for a part-time Chairman is something which does not appeal to me at all. Delhi, Calcutta and Madras, in fact all the principal cities of the country are affected by this problem. Water and air pollution go side by side.

[Shri H. K. L. Bhagat]

Talking of Delhi itself, the capital city of India, various nalas carrying sullage etc., pollute the Jamuna water. Some preventive measures have been taken, and that has, to some extent, saved the water supply in Delhi from the Wazirabad water-works, but it is not a question of saving one waterwork, alone, but it is an all round problem. Apart from that, there are industries which discharge chemicals into the river. More than half of the population of Delhi—I am not making any revelation—does not have flush latrines, only dry latrines are there. A lot of sullage and chemicals are discharged into the water, and a lot of smoke is discharged into the air by various factories including public undertakings. The Jumna has been polluted very badly.

Some measures were taken, and I would request the hon. Minister, who is sympathetic to our problems, to go into this matter. I do not want to bring in politics into and affect this Bill with political pollution. What is required is a very firm handling of the whole matter, giving it priority, and persisting with a will against people. When you take it up, hundreds of industries will have to be served with notices, and lots of people will start running to you. I was also pressurised, but I appeal to you to be firm, give power to these Boards. This is in the interests of the country, in the interests of our people.

I very much welcome this Bill. I hope both in regard to water and pollution, you will take measures. The sewerage system of Delhi is totally inadequate. There are schemes which have been sanctioned, but not implemented. I hope you will look into all these things for a proper and integrated functioning of the prevention of air and water pollution.

With these words, I support the Bill.

**SHRI N. SELVARAJU** (Tiruchirappalli): I support the Bill being dis-

cussed on the floor of this august House. Hon. Shri Bhishma Narain Singh has done a signal service to the nation and also to the generations to come.

We have been talking about social evils and other problems that beset the country. There are many legislations to tackle the economic ills that plague the nation. There are a number of organisations at all levels of the Central and the State Governments, and also many voluntary bodies, to analyse, assess and advise on the steps to be taken for finding out solutions. But so far we have not paid adequate attention to the prevention of air pollution.

Air pollution is an inevitable consequence of industrialisation. That does not mean that industrialisation should be stopped just because of air pollution. Air pollution not only harms the present generation, but also the future. For example, the thermal power stations in the country pour out thousands and thousands of tonnes of ash content into the air. The belching chimneys of factories blow out the pure air from the atmosphere. Nature's bounty is being held to ransom by the machines created by man. We may not be able to subserve nature, but we try to submerge it by our creations, little realising that we will be submerging ourselves.

To illustrate the point, our rivers like the Kaveri Vaigai etc as also the beautiful beach of Madras, are polluted with industrial waste and human filth. In the rural areas where there is no drinking water supply, people drink the polluted river water which causes damage to their health. If their health is impaired, food production will dwindle, which will harm the entire nation.

A few months back an article appeared in the *Readers' Digest* published in India which details elabora-

tely the extent of air pollution in India.

We do not need an Atom Bomb or Hydrogen Bomb to destroy ourselves. The effect of air pollution and water pollution is worse than the dozens of hydrogen bombs. The hydrogen bomb instantly kills but pollution poisons the people and results in slow death of the nation as a whole. It seems we are not content with polluting the peoples life. We are now polluting the Eighth Wonder of the World—Taj Mahal with our Mathura Refinery. For the past many years we are talking about preventive steps but we have not taken any concrete steps. I hope this Bill ensures effective steps for preventing air pollution in the country.

With these words I conclude my speech and express my thanks for giving me an opportunity to speak.

श्री मूल चन्द डभा (पाली): सभापति जी, 1972 में स्टाकहोम के अन्दर एक मीटिंग हुई और 1980 में यह बिल आया। 1974 में आपने वाटर पॉल्यूशन बोर्ड बनाया। हिन्दुस्तान के एक मंत्री ने अभी कुछ दिन पहले भाषण दिया था कि गंगा का पानी कभी अपवित्र नहीं हो सकता। मुझे आश्चर्य हुआ कि वह कैसे और किसने बयान दिया है। आज सारी नदियां गंदे पानी के कारण खराब हो चुकी हैं और पानी का जो प्रदूषण हो रहा है उसके कारण मेरे जिले में सैकड़ों काश्तकार बरबाद हो चुके हैं। जो इंडस्ट्रियल एरिया अम्बने मुकर्रर किया है उसके कारण हजारों काश्तकार अपनी खेती से महरूम हो गये हैं, उनके कुम्भों तक का पानी खसब हो गया है। लेकिन शालूम नहीं मंत्री जी वाटर पॉल्यूशन बोर्ड और एयर पॉल्यूशन बोर्ड को एक करने जा रहे हैं कि नहीं। नौइस पॉल्यूशन बोर्ड कब बनीगा भगवान जाने। एयर पॉल्यूशन बिल के सेक्शन 19 को आप पढ़ें तो मालूम होगा

कि इस सेक्शन से तो सी०आर०पी०सी० का सेक्शन 133 ज्यादा अच्छा है क्योंकि उसमें पब्लिक न्यूसेंस के अन्तर्गत चालान कर के मैजिस्ट्रेट उसको रोक सकता है जो न्यूसेंस पैदा कर रहा है। आपने कहा है कि एरिया डिमारकेट किया जाएगा और पहले सेन्ट्रल बोर्ड स्टेट गवर्नमेंट को पावर देगा और राज्य सरकार अपने अधिकारी को मुकर्रर करेगी और वह उसका प्रोसीक्यूशन करेगा। और उसके बाद इतना सैयी प्रोसीजर है कि जिसका ठिकाना नहीं। मंत्री जी एक बार मेरे गृह पाली में चल कर देखें कि जो आप बिल ला रहे हैं उसका इम्प्लीमेंटेशन कैसे हो रहा है। आगरे में ताजमहल के बारे में वर्धराजन कमेटी ने रिपोर्ट दी है जिसमें कहा है: Vardharajan Committee Report was studied to advise the Government on the environmental impact on the Mathura Refinery, on the monuments in Agra region. The Committee were informed that representative of the Archeological Survey of India was also invited to participate in the deliberations and that he had made it clear that they would not like the refinery to be located at Mathura from the archeological point of view. The authorities further stated that under the present Act the Archeological sites and Archeological Refinery Act 1958—they did not possess the power to stop any industry being set up.

क्या आपका यह एक्ट जो रिफाइनरी से एयर पॉल्यूशन होगा, उसे बन्द कर देगा? हमने, राजस्थान वालों ने पहले ही कहा था कि मथुरा में रिफाइनरी को मत लगाइये, राजस्थान में इसे लगाइये, लेकिन इसे यू०पी० में लगाने के कारण हिन्दुस्तान का एतिहासिक जो ताज बना हुआ है जो कि एक अच्छा स्थान है उसका पॉल्यूशन होगा। उसके लिये आपके पास क्या उपाय है? मैं मंत्री जी से ज्ञानना चाहता हूँ कि श्री वर्धराजन की रिपोर्ट जो मैंने पढ़ी है, उसका इम्प्लीमेंटेशन कैसे होगा?

मेरा कहना यह है कि किसी भी इंडस्ट्री के लगाने से पहले उसका एन्टी-पॉल्यूशन

[श्री मूल चन्द डागा]

प्लान्ट पहले लगना चाहिये, लेकिन उसके बारे में इस एक्ट में कुछ नहीं है। आपने कह दिया कि देश में रिजिड कानून लागू नहीं करना चाहिये, आप हाफ हार्टेड मेजर लेना चाहते हैं तो देश में जो एयर पॉल्यूशन हो रहा है, वाटर और नायज पॉल्यूशन जो हो रहा है आप इसको कैसे बन्द करेंगे ?

मंत्री महोदय ने जो प्रोसीजर इसके बारे में किया है, वह बहुत लैग्गी है। मैं उनसे जानना चाहता हूँ कि आपने स्टेट्स में पहले वाटर पॉल्यूशन बोर्ड बनाये, आपने यह भी कहा कि कई स्टेट्स ने वाटर पॉल्यूशन बोर्ड नहीं बनाये, तो आपकी डायरेक्शन को कई स्टेट्स ने माना नहीं। मैं यह भी जानना चाहता हूँ कि जहाँ जहाँ वाटर पॉल्यूशन बोर्ड बनाये गये वहाँ कौन-कौन सी नदियों में गन्दा पानी जाना बन्द हो गया और कौन सी जगह पॉल्यूशन में कमी आई? आपने सन् 1974 में जो एक्ट पास किया उसका इन 6 सालों में क्या इम्प्ली-मेंटेशन हुआ, मंत्री महोदय, 5, 7 इंस्टांस तो उसके बतायें। ऐसा लगता है कि आप जो बिल ला रहे हैं, उसे गंभीरता से लागू नहीं करेंगे। मैं समझता हूँ कि इसमें गंभीरता कम है और आपने केवल नाममात्र के लिये बोर्ड बना दिया है जिनमें कुछ भी काम नहीं हो सकेगा। मुझे आशा है कि आप इस एक्ट को सख्त बनाने के लिये कार्यवाही करेंगे।

DR. SUBRAMANIAM SWAMY (Bombay North East): Mr. Chairman, Sir, this is a Bill which originally the Janata Government had initiated. As Mr. Daga pointed out, from 1972 to 1977, nothing was done. Then, the Janata Government brought this Bill, had it referred to a Select Committee and selected Dr. Karan Singh as the Chairman of the Select Committee which held several meetings and a Bill was prepared. Unfortunately, because of their great ability to perform conspiracy, our Government failed and we lost the elections. It is our foolish-

ness but their cleverness. I say 'our foolishness and your cleverness'. You can admit your 'cleverness' if you do not want to do that, let me say 'our cleverness and your foolishness'.

16 hrs.

The Bill, therefore, had to be brought by the new Government, and that is what has come. Anyway, I will congratulate the hon. Minister. This is very necessary; the Bill should have come much earlier, but, I suppose, he is not responsible for that because he was not in the Government before; he has come only now.

I have a special interest in this subject because the most polluted area in the whole country is Bombay, and in Bombay, my constituency. There are six constituencies in Bombay, the most healthy constituency is that of Mr. Ratansinh Rajda, and the worst area, the most polluted area, the poorest area, the area where all the slum workers and slum people live, is my area, where you have the fertilizer, Tata Electric, and all kinds of industries. Therefore, anybody will tell you about this area. The area of Chembur, which is a part of my constituency, is known popularly all over the world as 'Gas Chembur'—not 'Gas Chamber'. Therefore, I have a special interest in this Bill.

It is quite clear that the two main contributors to air pollution are industry and motor-vehicles. I have read this Bill. I see hardly anything about motor-vehicles. There is something, but not enough. I will come to the details of the Bill very soon. Also what is there about industry is also very weak. In fact, this Bill will have very limited effectiveness. I would say, first of all, that we must know what pollution is, how to measure it, and what is the kind of research that is necessary. There is the National Environmental Engineering Research Institute in Nagpur. But this Research Institute is starved of funds, it does not have even enough people, there is no motivation, it is in the wrong place it is in Nagpur; it should

be where there is pollution like Bombay or Calcutta or Madras. Madras is catching up with pollution with people like—Mr. Dhandapani is not here; Mr. Maya Thevar is here—Mr. Maya Thevar around; the pollution is growing in Tamil Nadu.

The question is whether we have the know-how. The answer is that nobody really knows how to measure pollution. Because those who are polluting say, "Look at the indices, there is no pollution"; and those who say that they can feel the pollution, they smell it and they lose their health, are not able to effectively answer that.

Coming to the Bill, this be like another Monopolies Restrictive and Trade Practices Bill. This Bill, came in 1969 and after that, the assests of the monopoly houses started accelerating. In the same manner, pollution will only grow after this Bill. Please see the provisions of the Bill. This Bill has been drafted with a great deal of haste. Take for example, Clause 17(2). Clause 17(2) deals with State Boards. It reads:

"(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently."

In the same Bill, there is another Clause, Clause 28, which says:

"The State Government may, by notification in the Official Gazette—

(a) establish one or more State Air Laboratories, or

(b) Specify one or more Laboratories or institutes as State Air Laboratories to carry out the functions entrusted to the State Air Laboratory under this Act."

Why this duplication? What is the point in having Clauses 17(2) and 28(1) when they amount to the same thing? Why is this Bill so badly drafted? You do not have any single omnibus Clause which can provide the

answer, which will be able to provide the scope for these Boards.

Similarly, take Clause 37 on punishment, that is the most important Clause because punishment ultimately gives an idea of your intention. What is the intention? It says that whoever fails to comply will be subject to such and such imprisonment for 3 months or fine which may extend to Rs. 10,000 or with both, and in case the failure continues, with an additional fine which may extend to Rs. 100 for every day during which such failure continues. Sir, this is a terribly small punishment for such a big crime. You note, this is the maximum, this is the ceiling. I am not saying that this is the minimum. In this, I would like to have some categorical assurance from the Minister that he will bring forward amendments in the future.

Then, what about offending units in the public sector? What punishment will be inflicted on the public sector? Sir, you will be surprised to know that the Fertiliser Corporation unit which is there in my area is polluting the whole area of Chembur in a very big way affecting the health of the people in that area. Now Sir, you will be surprised, Sir, the Rashtriya Chemicals of the FCI which is public sector organisation which is operating there has not taken any permission from the Municipal Corporation of Bombay which has an anti-pollution law, for expanding its unit and the Municipal Corporation of Bombay has not given its permission for them. They have violated the law and they said, 'Hell with the Municipal Corporation Act' and have gone on constructing their unit. I have brought it to the notice of the government saying, 'Here is a public sector organisation which is not obeying the municipal laws of Bombay.' Sir, that is why I have brought an amendment which I will have an opportunity to move later on—where I have asked for very strict and stringent action against offending public sector units, because



[Dr. Subramaniam Swamy]

I would like to say that to-day the principal agency for pollution in the country is the public sector and to a lesser extent, the private sector. The private sector's quantum is much less and the public sector is the biggest offender and the public sector is breaking laws with impunity and without caring for the laws of the land. What is the punishment for them? Is he going to prosecute the government? There is no provision here that something like that is going to be done. If you fine the public sector unit Rs. 10,000, that is going to come out of our own pocket. That is not enough. There should be punishment of the management. That is not there in this Bill.....

SHRI H. K. L. BHAGAT: But that is not barred.

DR. SUBRAMANIAM SWAMY: For public sector offenders there is nothing here. I would like these things to be spelt out. I would not like it to be so vaguely worded like your MISA. National Security Act, etc.

Then, Sir, another most important thing that has not been included here is the power of the citizen to register complaints. In certain countries the citizens are given powers even to make arrests—what are called, citizen's arrests. Suppose a public sector organisation like the Fertiliser Corporation is making pollution, who is going to check? Who is going to inspect and arrest for pollution? If a citizen puts in a petition to that effect, it should be possible to register a criminal case against the offending authority. That provision is also not here. If it had been there, it would be a much better Bill.

In conclusion, I would say that there are big vested interests who are working to see that the anti-pollution provisions are not very strict. You know how powerful the car manufacturers are in the United States in the matter of preventing stricter anti-

pollution laws being enacted. I am quite sure that the vested interests will work overtime to see that this Bill remains a Bill on paper only. I would like to have an assurance from the Minister that he will go on strengthening and expanding the scope of this law till we get a fuller, comprehensive and a very strict anti-pollution law in the country.

SHRI RATANSINH RAJDA (Bombay South): Mr. Swamy has taken my name and my constituency. Sir, on a point of personal explanation.....

MR. CHAIRMAN: You want to say that your constituency is also polluted? He has praised your constituency.

SHRI RATANSINH RAJDA: That is not a fact, Sir. Please permit me two minutes....

MR. CHAIRMAN: No, please, you have given the information that you are also polluted. He says you are not polluted.

SHRI RATANSINH RAJDA: Personally, Sir, I am highly pure, as pure as a crystal. It is a question of constituency....

MR. CHAIRMAN: That is all right. Mr. Digvijay Sinh.

SHRI DIGVIJAY SINH (Surendranagar): We all know, Sir, the natural environment is the house in which we live which comprises of the air, the soil, the water, flora and fauna and the whole eco-system.

And within this eco-system, the air component plays a very cardinal role and therefore how we manage our atmosphere is very important. For instance, the term *homo sapiens* in the globe is for life itself. So, when I see the Bill being introduced and passed to-day, it is to me, a sense of great personal satisfaction. I distinctly remember having been a delegate in 1972 Stockholm Conference when the whole momentum for the concern for environment really grew and an awareness spread throughout our society that it became evident India

also irrespective of its level of industrialisation, will have to consider taking care of its environment.

16.11 hrs.

[SHRI HARINATHA MISRA in the Chair]

Soon after that, in 1974, we promulgated the Water Pollution and Control Bill and, the Air Pollution Control Bill was introduced, I agree, as Mr. Swamy said, during the Janata regime. But, Sir, it is erroneous to say that it was originated by the Janata regime. I, as a Member of the National Committee in Environment Planning and Coordination since the inception had been drafting this Bill—since 1974, when the Air Pollution Bill was introduced. It was on the anvil since 1974 and it ultimately got the shape of being sent to the Select Committee which went round the country to see how effectively this Bill would be implemented and I also followed this Committee. Unfortunately, Dr. Karan Singh is not here to substantiate what I say. The Select Committee went around and, I think, prepared an excellent report. It is all easy to find flaws and holes but, looking at the Bill comprehensively, it has been an excellent endeavour. I would like to clarify certain points raised by many other Members. I fully concur in the proposal given by Prof. Swamy that the citizens action committee should be supported. And even some sort of authority should be given to them whereby they can execute it. Their action can be taken cognisance of even in the Criminal Procedure Code. There, he has my full support. But, Mr. Halder talked about having separate State legislation. I do not see any need to have it. The separate Board suggested by my friend Shri Arakal also may be considered. But, in the initial stage, we have to see that the water and air pollution control board is strengthened. Let us at least strengthen one board before we try to have several separate boards. I would like to make one serious suggestion which, I am sure, the hon. Minister will consider. Ultimately, the moni-

toring of this Bill will be in the hands of the Ministry of Works, Housing and Supply.

Now, the Ministry of Works, Housing and Supply is the culprit which pollutes.

DR. SUBRAMANIAM SWAMY:  
That is right.

SHRI DIGVIJAY SINH: Therefore, the whole system of air and water pollution should be withdrawn from the precincts and the administrative control of the Ministry of Works, Housing and Supply and allocated to the newly formed full-fledged Department of Environment which was created last month by the hon. Prime Minister after a lot of effort throughout the year.

Sir, we talked about punitive measures. I do really concur with the suggestions made about having different set of standards for different types of pollutions. For example, the municipal pollution which is a biological pollution may have a different set of standards of punitive measures, industrial pollution may be a different set of standards, vehicles which emit carbon monoxide could have a different set of standards and power stations which emit Ash could have a different set of standards. All these are different types of pollutions which have different effects on the living system of living beings and some greater details should be gone into in evaluating the quantum and the type of pollution. This is the suggestion which I do make.

Air pollution in its legislative form is nothing new to us. There was even in the earlier days The Smoke. Nuisance Act but it was not as comprehensive and it had a different connotation. But to what I would like to draw the attention of the House is that no matter how we legislate, the actual implementation matters and a legislation which regulates and controls activity can only be effectively implemented if there is some sort of public support, public concern.

[Shri Digvijay Sinh]

and a rapport between the legislators and the society in general.

Sir, awareness has not yet reached the stage except in affluent cities like Delhi and Bombay—where people themselves could come forward and form pressure groups in seeing that such environmental degradation does not take place. When it comes to industry the very natural reaction of the industry is to try and wriggle out of following the law whereby they could be industrially and commercially effective. So, the Board will have to be very vigilant. In affluent countries like USA and others where they have very strong Boards to monitor the laws like the EPI in USA and similar legislation in Northern European countries they have reached a stage of evaluating how much loss the industry incurs because of implementation of both water and air pollution laws and subvention and tax concessions are sought whereby there is compensation for the industry to instal anti pollution measures or recycling measures for water and anti-air pollution equipment whereby the pollutant air which is emitted from the industry is purified. It is a costly equipment. The investments made in that equipment could be somehow or other compensated either by subvention or tax compensation. I doubt whether any other body except the newly formed Department can go into these details and suggest some such pecuniary aid although being a developing country we may not be able to afford in the initial stages. But the pattern will have to be set even from now onwards. Whilst I fully support the Bill, today, I consider it to be my Red Letter Day, because, I very distinctly remember that on the 11th of August, when I brought up a subject for 2-hour discussion on 'Rape of Mother Earth' on the floor of this House, the hon. Prime Minister intervened, and whilst she gave her deliberations on the floor of the House during that debate, she made a categorical statement saying that the Air Pollution Bill which is on the anvil

will be implemented forthright and it is being done so. So, it gives me a great sense of pride. I fully support this Bill. There is only one last view which I would like to convey to the House. Sir, Members of this House and the Upper House have decided to have a 'Forum of Environment' composed of Members of both the Houses. I may put it across that the Members should be fully apprised of future legislations which will be coming on this subject in the next one year and these matters should be looked into. I request hon. Members to lend their support to this forum. With these words I conclude my speech. Thank you.

SHRI R. K. MHALGI (Thane): Sir, at the very outset I must congratulate the Government for bringing in a long-desired legislation to deal with the air pollution problem to some extent. Within the given time. I would like to make a few observations. I shall be brief.

Sir, I represent in this honourable House those lakhs of people around Bombay, who have to face since so much years, the worst possible effects of air pollution. To them this Bill is a kind of blessing. This Hon. House must be aware that Bombay and surrounding areas including Thane, my constituency, account for more than 15 per cent of Indian industrial activity and almost one half of it, the Chemical Industry. This caused the citizens to be exposed to an atmosphere with the high content of noxious fumes.

Sir, air pollution affects human health as well as the physical attractiveness of the atmosphere. The potential effect of pollution is far-reaching and subtle. Air currents can carry the emissions from the burning of fossil fuels to a considerable distance. So, this is not a problem of big industrialised cities alone. When combined with water, these emissions form acid. It is not human health which alone is at stake, nor the blue and beautiful sky. What is also at stake is the vital interests of the Farmers, which is closely linked to energy-balance of earth and sub-soil water, that sustains his farms.

Hence, it is a wrong notion to think that pollution is a problem only with big cities like Calcutta, Bombay, Delhi and Ahmedabad.

This Bill is merely a preventive measures. The problem of pollution is mainly on account of concentrated industrial activity. The urban structures thus need to be regulated so that they do not cause ecological damage. The slogan should therefore be not industrialisation at any price, but industrialisation with adequate safeguards.

The slogan should be not industrialisation, industrialisation is a must for India under the present circumstances, but it should be with adequate safeguards. The policy of decentralisation and emphasis on small scale industries, may, to a certain extent, be an answer to the problem. The entire question therefore, has to be viewed from the stand point of synthesis between economic and ecological factors.

The scheme of the Bill is all right but I have a few suggestions to make in that regard:

1. The Bill seems to vest all powers and functions under the Act in the Board without making any specific provision for delegation of powers. It is necessary that such a provision is included.

2. The Provision directing the State Board to lay down standards of emission for different industrial plants after taking into consideration the quality of pollution in that particular area or the existing wind pattern is necessary

3. Section 17(2) authorises the State Board to establish or recognise a testing laboratory while Section 28 authorises the State Government also to establish or specify a State Laboratory. Such a provision is nothing but duplication.

4. The punitive provisions (See Section 37) are very mild. They provide for a fine upto Rs. 5,000 for

one-time offence and if the offence continues a fine of Rs. 100 for every day. The penalty needs to be enhanced.

5. The enforcement Section of the proposed Act enumerates several varieties of offences. It is suggested that on the lines of food and drugs Administration Act, a schedule showing the minor offences non-cognizable and compoundable should be appended to the proposed Act.

Sir, I hope that the Government shall apply their mind quite seriously to the suggestions I have made.

SHRI JAGANNATH RAO (Berpampur): Mr. Chairman, Sir, this is a wholesome measure and it has not come a day soon. Sir, God has created man and nature so that man can live in harmony with the nature and be happy. But with the advancement of science and technology and in the name of modern civilisation, man has destroyed the nature that has been created by God. The result is that we are living in an atmosphere where land and has been polluted, water has been polluted, air has been polluted. So, life has become hazardous on this planet. In the United Nations Conference on the Human Environment held in Stockholm in June 1972, our Prime Minister attended that Conference as a leader of the delegation. In 1974 we proposed for a Water Pollution and Prevention Act and the then Congress Government wanted to introduce a Bill to this effect. Then for some reason or other, it could not be introduced. Then during the Janata regime, this Bill should have been brought forward, but it could not be done. Now only this Bill has been brought forward.

Now, coming to the Bill, till today, some State Governments have not constituted the State Boards which were envisaged under the Water Pollution Prevention Act. The Centre should see to it that the State Governments constitute those Boards.

[Shri Jagannath Rao]

Then those Boards will have to be invested with the powers under this Act. To avoid this when an industry is going to be set up in an area and the promoter applies for an industrial licence, he should first get a clearance certificate from the concerned board that the industry would not emit any smoke or would not discharge its effluents into the nearby river so that air and water are not polluted because of that unit. Unless they produce that certificate, the licence for that industrial unit should not be granted either by the State Governments or by the Centre. Then there should be a periodical inspection by the experts in the State Boards to see whether these conditions are being complied with or not. Supposing he gets a licence after satisfying the Government that he has taken all the precautions to prevent pollution, but subsequently he does not observe those conditions, then what happens? Therefore, there should be periodical inspection by the specialists from the State Boards to see that the conditions are being observed.

My hon. friend Dr. Swamy said that there is no mention in the Bill about the public sector. I would like to tell him that it applies to private sector and public sector alike. Any person who contravenes the provisions of this Bill is required to be punished under this measure. That is not the point. I would like to submit that whichever sector establishes a unit, which is likely to pollute air, they should take all precautions before a unit is set up and subsequently observe necessary safeguards and conditions to see that pollution does not take place.

We do not know what action the State Boards are taking in their respective States. The Central Government being in charge of the environment, they should get reports from the State Boards every year and they should be consolidated in the form of an annual report and that should be laid on the Table of the House so that Parliament would be in a position to know how far the Act is being successfully implemented.

The transport vehicles in the cities emit a lot of smoke. What are the precautions that these transport vehicles should take—in that respect nothing has been done. This is one major source of pollution of air. These things have to be taken care of and the Government should see that precautionary measures are observed by the transport owners.

Then, wherever a breach of any of the provisions of this measure is committed by a unit whether in the industrial area or other areas, that should be made a criminal offence, otherwise the penal provisions suggested in this Bill have no meaning. It should be considered as a public nuisance under Section 133 of the Criminal Procedure Code. It should be made a cognizable offence. Only then, we would be able to achieve our objective. Otherwise, the business men know how to keep the Board in good humour. Have you got any report in this regard from the State Boards from 1974 to 1980 about the pollution of water or air by the industrial units? Nothing. The owners of these industries know how to be on the right side of the Board. I would, therefore, like that there should be stricter penal measures in this Bill if you want the Act to be effective, otherwise such measures will not produce the intended effect.

MR. CHAIRMAN: You want that deterrent punishment should be specified for violating the provisions of this Bill.

SHRI JAGANNATH RAO: Yes, apart from that, I would also suggest

that the industrial licence should be cancelled if the unit does not observe the precautionary measures and they go on emitting smoke and pollute air. They should be given a show-cause notice and then action should be taken.

This is a very good measure; it should be implemented sincerely and effectively so that the objective envisaged in the Bill is achieved. Sir, another thing is that I have seen a number of townships attached to these industrial units both in the private sector and public sector. It invariably so happens that a township is established on a side to which the smoke flows. I have seen in so many industrial centres that the township is located on that side where the smoke flows. Therefore, before setting up a township near an industrial unit, they should study the weather conditions and to which side the wind blows; and then set up the township in a different side so that they would not get the bad and injurious effects of the smoke. Therefore, all the precautions have to be taken before licence is granted, and only later, licence should be granted for the unit to be set up. The State Advisory Board should periodically visit the industries and see whether these conditions are being observed strictly. Then only this Act will produce the effect. But, something is better than nothing. This Bill has come after six years. It would have come much earlier had the Congress Government not been defeated in 1977. I hope in 1974 we brought that Bill, the Water Pollution Prevention Bill and this was also under consideration of the Government, I think, during 1975-76. But late than never. I welcome this measure and let us see that this Bill is given effect to sincerely so that the desire of the Bill is achieved.

About penalty. I would again mention, that there should be deterrent punishment and the way in which the Government wants to punish the defaulter, the offender, I do not think this will achieve the objective. Thank you, Sir.

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH):** Sir, I am extremely grateful to the hon. Members for the wholehearted support they gave to this Bill. I was listening to them with rapt attention and I found, Sir, that most of the points raised by Hon. Members were in the form of suggestions. I have noted down the suggestions and while implementing this Bill, those suggestions will give a lot of help to Government.

Sir, there is not much scope to reply because the aims and objects of this Bill are known to Hon. Members and there is unanimous view in support of this Bill.

Some Members raised their doubts. I want to mention a few of them. But before mentioning and meeting their points. I would, Sir, through you, inform the Hon. Members that this Government is determined to control water and air pollution. And not only air and water pollution, some of the Hon. Members have said even about noise pollution. But, you see the State Governments can take necessary steps in this regard.

Sir, I want to cite an example to you. It will indicate the seriousness of this Government in tackling this problem. Sir, in the first joint session of this 7th Parliament, the President referred to the need of setting up a specialised machinery with adequate powers for incorporating planned development measures to maintain ecological balance.

And, Sir, not only the President but the Prime Minister, Shrimati Indira Gandhi, while speaking at a

[Shri Bhishma Narain Singh]

function organized by the World Conservation Strategy on March 6, 1980 said that the interest in conservation was not a sentimental one, but the rediscovery of a truth well known to our ancient sages. The Indian tradition teaches us that all forms of life—human, animal and plant—are so closely inter-linked that disturbance in one gives rise to imbalance in the others.

Through you, Sir, I wanted to emphasize the seriousness of this Government in tackling this problem. Mr. Bhagat spoke about pollution of water in the Jamuna river. I want to assure him that Government will take all necessary steps to prevent water pollution in Jamuna—and not only in Jamuna. I have explained to you the intention of this Government in this regard.

The total number of hon. Members who participated in the debate, is 11. As I said, I have noted down their valuable suggestions. Nobody has opposed this Bill; everybody has whole-heartedly supported it. So, I am thankful to them.

I want to reply to a few points which have been raised, and which I feel are very important. Dr. Swamy had some doubts about the citizen's rights, and how they will exercise their right for the prevention of air pollution. Every citizen can point out things to the State Board and the State Board will take necessary action. They have to take. We have given them powers.

**DR. SUBRAMANIAM SWAMY:** There is no penalty for not listening; i.e., if the State Boards do not take any action. You must say that you will suspend them.

**SHRI BHISHMA NARAIN SINGH:** The aim and object of the Board is to implement the decision. They will have to implement the decision, and Government will see that they implement the decision.

**SHRI R. K. MHALGI (Thane):** Something to this effect should be incorporated in other rules at least.

**SHRI BHISHMA NARAIN SINGH:** A Joint Committee was set up in Parliament. That Committee went in detail into the matter. Mr. Mhalgi was one of the members of that Committee. We have accepted all its recommendations. They have been incorporated.

**DR. SUBRAMANIAM SWAMY:** In the part of the Bill dealing with delegated legislation, you can say that if a citizen files a complaint, the Board must either take action on it or give reasons for not taking action—within 10 days.

**SHRI BHISHMA NARAIN SINGH:** I have noted Mr. Mhalgi's suggestions. I know Mr. Digvijay Singh personally, and know that he has a keen interest in the subject. He has done a lot of research work also. Dr. Swamy might also have done. If he has done, it is a right thing that he has done.

Once again, I thank the Members who have given their support to this Bill.

**SHRI KRISHNA CHANDRA HALDER (Durgapur):** I had asked: how many States have not formed the Board? The Minister mentioned 5 States.

**SHRI BHISHMA NARAIN SINGH:** I will give you this information. It is available with me.

**SHRI KRISHNA CHANDRA HALDER:** For West Bengal, one Board should be located at Calcutta. And there should also be another Board for the Durgapur-Asansol belt.

**SHRI BHISHMA NARAIN SINGH:** 7 States have not adopted the Central Act. They are: Tamil Nadu, Maharashtra, Orissa, Manipur, Meghalaya, Nagaland and Sikkim. We are writing to them repeatedly.

According to information given to me. Maharashtra is there. I thank once again all the hon. Members and commend my motion for acceptance by this august House.

MR. CHAIRMAN: The question is:

That the Bill to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards, powers and functions relating thereto and for matters connected therewith, be taken into consideration.

*The motion was adopted.*

MR. CHAIRMAN: There are no amendments to clauses 2 to 36. The question is:

"That clauses 2 to 36 stand part of the Bill.

*The motion was adopted.*

Clause 2 to 36 were added to the Bill. Clause 37—(Failure to comply with the provisions of section 21(5) or section 22 or with order or directions issued under the Act.)

MR. CHAIRMAN: There is an amendment to clause 37.

DR. SUBRAMANIAM SWAMY: I beg to move:

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after line 17. insert—

"(3) Notwithstanding anything above, if any public sector unit fails to comply with Section 21 or 22 or with any order given under this Act, the entire management from the Chairman, Managing Director and the Board of Directors shall stand suspended and its powers taken over by a Committee of Parliament till such time the responsibility for the said breach is firmly established." (2).

The idea is that the public sector must be specially made to realise its duty. If the Minister assures the

House that he will take special care to see that public sector behaves, I am willing to withdraw this amendment.

SHRI BHISHMA NARAIN SINGH: Clause 37 of the Bill contains a provision for dealing with the failure to comply with the provisions of sections 21 or 22 or with an order or direction issued under the Act. The amendment of the hon. Member does not come within the purview of this clause. The acceptance of the amendment would tantamount to making discrimination between the public sector and private sector.

MR. CHAIRMAN: Therefore, you say that it applies everywhere?

SHRI BHISHMA NARAIN SINGH: It is applicable everywhere and I do not think there is any need for giving any assurance on it.

DR. SUBRAMANIAM SWAMY: I take his statement as an indirect assurance and therefore I withdraw my amendment.

MR. CHAIRMAN: Has Dr. Swamy the leave of the House to withdraw his amendment?

HON. MEMBERS: Yes.

*Amendment No. 2 was, by leave, withdrawn.*

MR. CHAIRMAN: There are no amendments in between upto clause 54. I shall put them together.

The question is:

"That clauses 37 to 54 stand part of the Bill."

*The motion was adopted.*

*Clauses 37 to 54 were added to the Bill.*

*The Schedule, Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.*

SHRI BHISHMA NARAIN SINGH: I beg to move:

"That the Bill be passed."



MR. CHAIRMAN: The question is:  
"That the Bill be passed."

*The motion was adopted.*

16.52 hrs.

**COAL MINES LABOUR WELFARE  
FUND (AMENDMENT) BILL**

THE MINISTER OF STATE IN  
THE MINISTRY OF ENERGY (SHRI  
VIKRAM MAHAJAN): Sir, I beg to  
move;

"That the Bill further to amend  
the Coal Mines Labour Welfare  
Fund Act, 1947, be taken into consi-  
deration."

With a view to improving the living and working conditions of the coal miners and providing the basic amenities and facilities in respect of housing, water supply, health, etc., the Government of India had promulgated in 1944 an ordinance, subsequently replaced by an Act known as the Coal Mines Labour Welfare Fund Act, 1947. The revenues of the Welfare Fund, constituted under this Act is derived from the levy of cess imposed under section 3(1) of the Act at a rate not exceeding 75 paise per metric tonne on the despatches of coal and coke. This revenue is apportioned between Central Welfare Account and the Housing Account.

Under this scheme, free medical aid is given to the workers. We are also going to inaugurate a hospital in January, 1981, where artificial limbs will be made available to the workers. The extent of welfare activities has been consistently going up. In 1979-80 about Rs. 10 crores was spent on these activities. This year, i.e. 1980-81 we have raised it to Rs. 12.35 crores and next year we intend raising it to Rs. 16.15 crores. Consistently we are also building more houses and giving more subsidy. In 1979-80 about 8900 houses were being given the benefit. This year we intend raising the number to

11,300 houses. Similarly, in respect of subsidies given to the States, to West Bengal we have given Rs. 70 lakhs for water supply schemes. To Bihar we have given Rs. 40 lakhs. The measures we are taking for the welfare of workers are showing excellent results. This is evident from the fact that the rate of accidents has been consistently going down. In 1980-81, for the same period, the number of fatal accidents and injuries are much less, as compared to last year. We are going to constitute a Coal mines Safety Board, which will look into the interests of the workers. These are the broad features.

The Coal Mines Labour Welfare Fund Act is administered by the Central Government, on the advice of a tripartite body, consisting of representatives of the Governments of West Bengal, Bihar and Madhya Pradesh, six persons representing the owners of coal mines, six persons representing the workmen employed in the coal mines a woman and two mining engineers.

The Coal Mines Labour Welfare Fund (Amendment) Bill, 1980 seeks to insert a provision in the Coal Mines Labour Welfare Fund Act, 1947 so as to confer powers for retrospective amendment of rules. The amendment has become imperative in view of the amendment of Rule 3(1) (a) (i) of the Coal Mines Labour Welfare Fund Rules, 1947, which was notified by the Ministry of Labour on 12th May, 1973, but was given retrospective effect from 25.8.1972. This rule, as it had existed before this amendment, provided that the Secretary or Joint Secretary in the Ministry of Labour and Employment could be appointed as Chairman of the Advisory Committee. A Joint Secretary, who was acting as Chairman of the Advisory Committee, was promoted as Additional Secretary on 25.8.1972, and he continued to act as Chairman of the Advisory Committee till the rule was amended in May 1973, although Rule 3(1) (a) (i) did not provide for an

Additional Secretary to act as Chairman of the Advisory Committee. During this period, he had also presided over two meetings of the Advisory Committee. As such, the amendment of Rule 3(1) (a) (i), which was notified on 12.5.1973, was given retrospective effect from 25.8.1972. This amendment provided that an Additional Secretary could also be appointed as Chairman of the Advisory Committee.

In the year 1974, the Lok Sabha Secretariat raised this point as to how retrospective effect had been given to this amendment of Coal Mines Labour Welfare Fund Rules, though the Coal Mines Labour Welfare Fund Act, 1947 does not provide for retrospective amendment of rules.

After considering the reply of the Ministry of Labour, the Committee on Subordinate Legislation (Fifth Lok Sabha) in para 65 of their Twentieth Report, presented to the Lok Sabha on 3rd November, 1976 observed that the Rules in question should either be given effect to from the date of their publication in the Gazette or, alternatively, steps should be taken to incorporate a provision in the relevant Act, empowering the Government to give retrospective effect to these rules.

After discussions with the Ministry of Labour, the Committee on Subordinate Legislation and the Ministry of Labour, it is proposed to amend section 10 of the Coal Mines Labour Welfare Fund Act, 1947 so as to empower the Central Government to make rules with retrospective effect from a date not earlier than the date of the commencement of the Act, subject to the condition that such retrospective effect of the rules shall not affect prejudicially the interests of any one.

Sir, I move:

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Coal Mines Labour Welfare Fund Act, 1947, be taken into consideration."

SHRI KRISHNA CHANDRA HALDER (Durgapur): Mr. Chairman, the hon. Minister in his statement has mentioned that the Bill has been brought for a very limited purpose. At the same time, he has mentioned that the Government is trying to improve the welfare of the coal miners. He knows very well that the coal mine workers work under very difficult conditions in order to bring black diamond from several thousand feet below the earth and they are serving our nation to the best of their abilities. Yet, they are not getting a fair deal from the Government, notwithstanding the statements that are being made here.

The Government have mentioned that the safety measures are not adequate. After the nationalisation of coal mines the number of accidents have increased. So, first of all, steps should be taken to implement the safety measures to save the coalmine workers from the accidents and whenever any death occurs to coalminers due to accidents, their family members should be given the job immediately and sufficient compensation should be given to the workers.

17 hrs.

Sir, the Government had instituted one Committee headed by Mr. Manmohan Singh, Adviser, Labour and Employment, Ministry of Labour. That Committee submitted its report on 31st January, 1979. But this Report had not been laid on the Table of the House. What steps the Government has taken regarding implementation of the Manmohan Singh Committee Report? The Report agrees that the Fund has failed to fulfil the objectives for which it was set up. You know, Sir, that less than 27 per cent of the coalmine workers have been provided with quarters and the Fund is unable to spare specified amounts to raise the housing standard on par with other public sector industries where they have made housing arrangements to round about 40 per-

[Shri Krishna Chandra Halder]

cent of their employees. The Railways, for instance, have been able to provide quarters to 40 per cent of their employees. But in the coal mines, less than 27 per cent of the coalminers have been provided with quarters. So, I demand that among the welfare measures, the housing problem of the coalminers should be solved as early as possible.

Regarding medical facilities, I would say that the medical facilities to the coalminers are practically limited to the distribution of routine medicines that too not in adequate quantities. The workers are generally forced to purchase medicines from outside without any prospect of reimbursement because there are no medical facilities provided to the workers properly. So, they have to purchase from the market, but even after purchasing the medicines, reimbursement is not made in proper time. You know, Sir, that because coalminers have to work in very difficult conditions and their quarters are not in proper condition and there is no proper sanitation there the incidence of Tuberculosis is the highest among the coalmine workers. There are no proper preventive measures and even to get admitted in a bed in the hospital, workers have to wait for more than one year for receiving sanatorium treatment.

MR. CHAIRMAN: You mean many coalminers are suffering from T.B.?

SHRI KRISHNA CHANDRA HALDER: The percentage of T.B. is the highest among the coalminers. Of course, bidi workers also have to work under difficult conditions and are affected by it.

In spite of the welfare measures taken by the Government, even potable water has not been provided to all the coalminers, and they have to take water from the coalmines. So, I demand that potable water should be provided to all the coalminers.

I mentioned earlier about public hygiene and stated that the preventive measures which they have taken are not up to the mark. That should be looked into.

MR. CHAIRMAN: Are the curative measures adequate?

SHRI KRISHNA CHANDRA HALDER: They are not adequate. Earlier I mentioned that.

MR. CHAIRMAN: I thought you were speaking only about T.B.

SHRI KRISHNA CHANDRA HALDER: I have already said that the curative measures are also not up to the mark.

Coalminers are not encouraged to take to adult education, because after acquiring literacy there is no prospect of their promotion. The adult education campaign among the coalminers should be taken up not only by the management, it should be extended with the help of the trade unions. At the same time, those who become literate should be given opportunities for promotion.

17.07 hrs.

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

The report points out that there are a number of vacancies in important posts which have not been filled up. On the other hand, there have been many irregular appointments made at the sweet will of those in authority. Now that Mr. Deputy-Speaker is in the Chair, I think my proposals and observations will be given due consideration and implemented properly.

The Manmohan Singh Committee report points out that because of paucity of funds, the States could not raise up to 75 paise per metric tonne as mentioned by the hon. Minister earlier. So, ways and means should be found to increase the Coalmines Welfare Fund so that welfare measures can be properly implemented.

In my constituency this is the major problem. Railway line is necessary from Raniganj to Bankura to arrange welfare measures for the coal miners. Our former Minister Shri Tripathi is here. If this railway link from Raniganj to Bankura is made, then welfare measures can reach the coal miners in proper form and at the earliest possible time. Shri A. B. A. Ghani Khan Chaudhuri also agreed that this is an important railway link as it will develop the Mejhea coal field. They want to construct thermal power station on the pithead of Mejhea coal field. I would request Shri Mahajan and Shri A. B. A. Ghani Khan Chaudhuri to take up the matter with the Railway Minister Shri Kedar Pandey so that this railway link can be made as early as possible.

I hope my suggestions will be taken up by the Government and implemented for the welfare of the coal miners.

SHRI K. LAKKAPPA (Tumkur): I seek your protection. This is the last day of the Session. I moved under Rule 222 a Privilege Motion against Shrimati Margaret Alva, Editor, Blitz.....

(Interruptions)

श्री रामावतार शास्त्री (पटना) : इस विधेयक की बहस के बीच में ये क्यों बोल रहे हैं। अगर कुछ कहना है, तो इस के बाद कहें।  
..... (व्यवधान)..... बीच में इस तरह से प्वाइन्ट उठाना गलत है।

..... (व्यवधान).....

MR. DEPUTY-SPEAKER: Mr. Lakkappa, I have already received notice and it is under consideration. The procedure will be followed. It was received late also. Had it been received in the morning... (Interruptions)

SHRI SATISH AGARWAL (Jaipur): (Interruptions). The hon. Member pounced upon you and stated something without your permission.

(Interruptions)

SHRI K. LAKKAPPA: I sought your permission. (Interruptions) I have written a letter.

SHRI SATISH AGARWAL: This is something very unusual and extraordinary. (Interruptions) When a Member speaks without permission, you say that nothing will go on record. You expunge it.

(Interruptions)

MR. DEPUTY-SPEAKER: You leave it to us. Now Shri Ananda Gopal Mukhopadhyay.

SHRI ANANDA GOPAL MUKHOPADHYAY (Asansol): I welcome the Bill presented by Shri Mahajan in this House for the welfare activities of the coal mine workers. While supporting this Bill, I would like to draw the attention of the hon. Minister to the present condition of the existing Board. For historic reasons coal mines Welfare Board was formed at a time when the coal mines were in the hands of the private owners. It was a sort of a machinery to go in for the welfare of the workers—which says per tonne of raising coal and with that consolidated fund this Board used to look after the welfare of the workers.

If you look at this organisation, you will see that this organisation—if I say, incompetent, it will not be proper—is insufficient to look after the welfare of the coal mines workers. Coal is nationalised now. In the public sector, there are minimum responsibilities to be performed by the Government to look after the welfare of workers. Let us examine how the welfare activity is maintained. Let us take the case of health.

If you look at the health measures taken up by them, in the coal belt area there are central hospitals set up by the Coal Mines Welfare Board. The second set-up is where the public health and medical care is taken by a health organisation of Coal Mines Board and the third set-up is that of local State Governments where they have

[Shri Ananda Gopal Mukhopadhyay]

dispensaries here and there. After the nationalisation, each of the nationalised sectors has to arrange for their own medical centres. The ECCL has got its own centre; the BCCL has got its own centre. There is triplication in their arrangement, that is, there are the Coal Mines Welfare Board hospitals, the Coal Mines Board health organisation and the public sector projects have got their own arrangement. The source of finance is the same.

The Central hospitals are manned by the staff of the Government of India according to medical service rules. If a doctor is absent in the hospital for years together, the ECCL, the mine-owners of the public sector, cannot do anything. If there is no amenity provided, they cannot do anything. If some equipment is necessary, they will have to negotiate with the Coal Mines Welfare Board. Previously this Department was under the Labour department. It has now come under the Mines Department. As a minimum responsibility, after the nationalisation, I would suggest to the hon. Minister, if not today, tomorrow, these measures must be taken up by the public sector undertaking, by the Coal companies.

It is not only the health measure. As you know, the coal mines are scattered in different parts of the country and, after the mining operation is done, the sub-soil water is not available. I know, the plight of coal mines workers in Asansol and Raniganj areas where, in the whole area, the workers do not get a drop of water in summer. Only the pumped-out water from the coal mines is supplied to the workers. There must be a proper arrangement for the supply of drinking water in the coal mines. In some of the areas, a part of it is covered and, in some of the areas, it is not covered at all. There must be some comprehensive organisation. It is not possible for the welfare organisation to do it. A massive machinery is required to cater to the needs of six

lakh coal mines workers in the country to provide them drinking water.

The measures that are taken are that water is supplied from the collieries to the distant areas by tap or by temporary connection. The water is supplied to the colonies by trucks. It is a scarce thing. The epidemics and other diseases are very common in that area. As regards the public health organisation, there is no proper arrangement provided there. It is an organisation run by different State Governments. I know, how in Asansol, it is being run. It is completely politicalised. The Vice-Chairman is a political man and, instead of looking after the welfare of workers in the neighbouring areas, he looks after the welfare of his party.

If you look at the housing in public sector projects, the lowest number of houses are provided to the workers. My hon. friend said that it is 27 per cent. In the total coal belt, I can tell you, it is less than that. I would request the hon. Minister to have an organisation under different Coal companies to tackle that as other public sector units do. They do it for the welfare of workers, for their education, for their housing, for water supply and for other things. They are run by the same public sector. Why not the Coal companies also do it by themselves? If they want to have a separate machinery to look after it, the entire structure will have to be changed.

This structure is unsuitable to look after this organisation. Most of the time you will see that the top man is absent, most of the time you will see that they have less number of persons to look after the organisation, most of the time you will see that the expertise is not there.

Housing, education, medical and water supply, these four things are essential for the coalmine workers, and if the Government is serious about looking after the welfare of the coalminers, I would suggest again, this must be under the different coal companies so set up after nationalisation. This is the first step for improvement of the whole thing.

I will give you an example. As regards education in the eastern coal-belts you will see that the existing collieries are running schools. So far, no secondary school has been established by the Coal mines Welfare Board for the education of the children of the workers. There are certain schools existing in the neighbouring areas, the boys go and get admitted there. There is no proper provision for building, for education and for other things. Every public sector has a certain percentage of money for the welfare of the workers, for the education of their children and for other purposes. It must be planned properly.

The coalmines are situated in remote areas. If there is an accident in the colliery or if there is any illness, there must be a neighbouring outdoor Centre in each coal mine from where the workers and their dependents could get treatment. There must be regional centres built up so that, from the neighbouring area, they can be transported to the hospital for proper treatment of the employees or their wards. The present arrangement is inadequate, insufficient, incompetent. The coal mines are situated in remote do that. This concept will have to be changed. The entire structure should be changed. The responsibility should be given to the companies so formed in the country to look after all these activities.

I welcome this Bill because this is the first step, and I would expect the hon. Minister to give a candid consideration to this matter, so that at least the essential supplies are provided to the coal mine workers. If you come with me to the coal mine area in the summer season, you will see the plight of the workers. For want of water, they cannot take bath; they do not get proper protected source of supply; water is a very scarce thing. Then I have mentioned housing, education, and medical.

Again, I repeat, the Coal mines Welfare organisation was built up due to historical reasons; it is an ancient Act, a creation of the then Government

just to provide a show for the welfare of the workers. It is necessary that there should be a structural change and authority given to the coal mining companies for providing these facilities to the workers.

श्री रोजलाल प्रसाद वर्मा (कांडरमा): उपाध्यक्ष महोदय, कोयला खान श्रम कल्याण निधि की धारा दो में संशोधन के लिए सर्वाइनेट लेजिस्लेशन कमेटी की सिफारिशों के आधार पर मंत्री महोदय इसको लाए हैं। हालांकि पांचवें लोक सभा में कमेटी ने सिफारिश की थी कि वैधानिक अनियमितताओं को दूर करने के लिए इसकी आवश्यकता है तो मंत्री महोदय केवल वैधानिक अनियमितताओं को दूर करने के लिए या नियमितताओं को लाने के लिए इसको लाए हैं। यह बहुत आवश्यक था, लेकिन साथ ही साथ जहां कोयला खान के श्रमिकों की बात आती है उस पर इन्होंने कोई विचार नहीं किया जबकि अधिकारी वर्गों ने अपनी सुख-सुविधाएं बढ़ाने के लिए निरन्तर कोशिश की। यह अनियमितता सन् 1972 से चलती रही और 1973 में जो एक कानून बनाया गया उसके द्वारा भी उन्होंने अपना ही काम बनाने की कोशिश की और मजदूरों के कल्याण के लिए, जैसा कि हमारे कई माननीय सदस्यों ने सदन का ध्यान आकर्षित किया है, अपेक्षाकृत बहुत कम कोशिश रही है। 1947 के कानून में बताया है कि 25 से 75 पैसे तक प्रति मी 0 टन मजदूरों के हित के लिए कर वसूल किया जाएगा, चाहे किसी भी वर्ग का कोयला हो। आज की महंगाई को देखते हुए 75 पैसे जो मजदूरों के कल्याण के लिए आप रखते हैं इसको बढ़ा कर आपको कम से कम दो रुपये प्रति मैट्रिक टन कर देना चाहिये। मंत्री जी ने इस पर कोई ध्यान नहीं दिया है। अधिकारी वर्ग को नियमित सुविधायें अधिक किस तरह से मिल सकती हैं इसी और उन्होंने ध्यान दिया है।

कोयला खान श्रमिक कल्याण निधि अधिनियम 1947 की धारा 10 में मजदूरों के

[श्री रीतलाल प्रसाद वर्मा]

कल्याण का विचार किया गया था। लेकिन जिस प्रकार से चाही गई थीं कि उनको सुख-सुविधायें मिलें वैसे नहीं मिल पा रही हैं। कोयला क्षेत्रों में साढ़े छः लाख के करीब कर्मचारी काम करते हैं। लेकिन वहां लगता ऐसा है कि खानों के अन्दर बाहर जो मजदूर रहते हैं वे इस तरह से रहते हैं जैसे जानवर रहते हों, उन से भ्रं बढतर उनके रहने के साधन हैं। न बिजली की, न पानी की, शूद्ध पेय जल की और न अच्छी दवा की उनके लिए व्यवस्था होती है और न ही उनके बच्चों के लिए उचित शिक्षा का कोई प्रबन्ध होता है। वैसे तो बहुत सी व्यवस्था वहां रहती है लेकिन वह सभी अधिकारी वर्ग के लिए ही होती हैं। इनकी भलाई के जो काम है वे केवल कागजों पर ही होते हैं।

कल्ला अस्पताल जो आसनसोल में है वहां पर हम गये थे। वह श्रमिकों के लिए है। वहां पर एक छात्रावास भी है। उसको मैंने देखा है। मजदूरों के बच्चों के लिए यह छात्रावास है। लेकिन वहां केवल तीस बच्चों के रहने की ही व्यवस्था है। उस एरिया में कई लाख मजदूर काम करते हैं। कम से कम दो सौ बच्चों के रहने की व्यवस्था तो वहां आपको करनी चाहिये। इसको करने के लिए अगर 75 पैसे से बढ़ा कर यदि आप दो रुपया प्रति मैट्रिक टन भी यह राशि कर दें तो इसमें कोई आपत्ति-जनक बात नहीं होनी चाहिये। जो मजदूर कोयला निकालता है वह किन कठिनाइयों में रहता है, कितनी कठिनाई से जी रहा है, और जिसको तरह तरह की बीमारियां हो जाती हैं, टी0 बी0, दमा वगैरह हो जाता है, उसकी चिकित्सा का भी आपको ध्यान रखना चाहिये और चिकित्सा आदि की व्यवस्था भी आपको करनी चाहिये। दवाई उसको बाहर से खरीदनी पड़ती है। आप उसके वैलफेयर के कदम उठा रहे हैं लेकिन अस्पतालों में कितनी क्षमता है, उनकी कितनी कैपेसिटी है, कितनी बीमारियों का इलाज वहां हो सकता है इसको भी

आपको देखना चाहिए। मैं समझता हूं कि जो भी अवस्था वहां बीमारियों के इलाज की गई है वह पर्याप्त नहीं है और वह कारगर सिद्ध नहीं हुई है। इस ओर भी आपका ध्यान जाना चाहिए।

निधि में जो आपने प्रावधान किया है वह बहुत अल्प है। इसको बढ़ाने के वास्ते आपको पहले से विचार करना चाहिए था। मैं समझता हूं कि आप धारा 3 का संशोधन करने का भी प्रयास करेंगे और 75 पैसे से बढ़ा कर दो रुपये प्रति मैट्रिक टन इस राशि को कर देंगे।

मजदूरों की वहां जितनी संख्या है उस में मैं समझता हूं कि केवल 22 प्रतिशत से अधिक लोगों के आवास की व्यवस्था नहीं हुई है। बाकी जितने लोग हैं वे बेघरबार हैं, झोंपड़ियां बना कर उन में रह रहे हैं। कोल इंडिया आपका बहुत बड़ा प्रतिष्ठान है। अधिकारी वर्ग के लिए तो एयर कंडीशंड मकान हैं, बिजली की उनको सुविधा है तथा दूसरी सुविधायें हैं लेकिन मजदूर जो माइंज के अगल बगल में रहते हैं उनके वास्ते कोई सुविधायें उपलब्ध नहीं हैं। उनके वास्ते बिजली पानी आदि सुविधाओं की कोल इंडिया को ठीक से व्यवस्था करनी चाहिए थी। कोल इंडिया के अंतर्गत पांच कम्पनियां हैं। सभी कम्पनियों को कानून बना कर ये सभी सुविधायें उपलब्ध करने के लिए वाध्य किया जाना चाहिए। एक कम्प्रिहेंसिव बिल आपको लाना चाहिए ताकि अवास, औषधालयों, शिक्षा आदि की व्यवस्था मजदूर वर्ग के लिए हो सके और साथ ही साथ तकनीकी शिक्षा उनके बच्चों को मिल सके ताकि वे मजदूर ही न बनें बल्कि उत्तम ऊपर उठने का भी उनको अवसर मिल सके।

श्री रामावतार शास्त्री (पटना) : मान्यवर, कोयला खान श्रम कल्याण निधि संशोधन विधेयक, 1980 पर हम विचार कर रहे हैं। इसके जरिये 1947 के कानून में संशोधन किया जा रहा है, इसमें सलाहकार समिति के गठन की बात कही गई है। इस सिलसिले में मेरा निवेदन है कि अभी तक आपने उस समिति को अधिकार केवल परामर्श देने का ही रखा है। मैं चाहूंगा कि उन्हें कुछ अधिकार भी दीजिए ताकि वह स्थिति को देखकर कल्याण सम्बन्धी कुछ कार्य कर सकें, कार्यक्रम बना सकें। जब तक ऐसे अधिकार नहीं देंगे, आपके हिदायत करने पर ही वह काम करेंगे, इसमें ज्यादा समय लग जाता है और मौके पर कल्याण कार्य करने में कठिनाई होगी।

मजदूरों की स्थिति बड़ी दयनीय है। जितनी भी उनकी कल्याण की बातें हैं वह केवल कागज पर तो ठीक हैं लेकिन उनको 100 फीसदी व्यवहार में उतारना संभव नहीं है, आपके अधिकारी वह काम नहीं करते। इसलिए जो भी अधिकार आप उनकी हालत में सुधार के लिए देना चाहते हैं वह अमल में आये और उसका सीधा लाभ कोयला खान मजदूरों को मिले।

मकान के बारे में सभापति जी, आपने सुन लिया कोई कहता है कि 22 फीसदी मजदूरों को मकान मिले हैं, कोई 25 फीसदी कहता है। मेरी जानकारी के मुताबिक 20 प्रतिशत ही लोगों को मकान की सुविधा है। लेकिन अगर 25 फीसदी भी मान लें तो भी 33 साल की आजादी के बाद 6 लाख कोयला मजदूरों में से कितनों को मकान मिला? इस लिए अगर आप उत्पादन बढ़ाना चाहते हैं तो मजदूरों को सब तरह से संतुष्ट

रखना आवश्यक है। अगर उनके रहने की समस्या होगी, बीमारी होगी, बच्चों की शिक्षा का प्रबन्ध नहीं होगा, दुर्घटनाओं के शिकार होते रहेंगे और कर्जदारों के चंगुल में फंसे रहेंगे तो जाहिर बात है कि इन बातों का सीधा असर कोयला उत्पादन पर पड़ेगा। हम सभी चाहते हैं कि देश में कोयला उत्पादन बढ़े ताकि कारखाने ठीक से चलें, बिजली के कारखाने ठीक से चलें, रेल गाड़िया ठीक से चलें, देश प्रगति के रास्ते पर आगे बढ़ें, तो यह तभी संभव होगा जब कोयला मजदूरों के रहने की व्यवस्था होगी, उन्हें शुद्ध पीने का जल देंगे। आपको मालूम है कि कोयला मजदूरों का बहुमत बिहार में धनबाद, गिरीडिह, हजारीबाग क्षेत्रों में है और बंगाल के रानीगंज और आसनसोल में केन्द्रित है।

DR. SUBRAMANIAM SWAMY  
(Bombay North-East): Give them  
vodka.

SHRI RAMAVATAR SHASTRI: I  
do not know the meaning.

DR. SUBRAMANIAM SWAMY: You  
know the meaning in Russian.

डा० सुब्रह्मण्यम स्वामी : वोडका के  
माने हैं शुद्ध पानी।

श्री रामावतार शास्त्री : तो शुद्ध पीने का जल उनको मिलना चाहिए। आने महिला मजदूरों के लिए कितने क्रीसेज बनाये? समाजवादी देशों के नाम से तो आपको झींक आने लगती है, पूंजीवादी देशों में ही देख लीजिये कि उन देशों में बच्चों के लिए कितने क्रीसेज बने हुए हैं।



[श्री रामावतार शास्त्री:]

If that is the meaning, I stand corrected.

MR. DEPUTY-SPEAKER: He has not learnt that language from Russia.

श्री रामावतार शास्त्री : मातायें आती हैं, अपने बच्चों को वहां रखती हैं, काम पर जाती हैं और अपने काम से बायस आते समय वहां से अपने बच्चों को ले जाती हैं। उनके लिए भी आप कुछ उपाय कीजिए।

गुंडा तत्व कौलरी इलाके में बहुत उद्यम मचाते हैं, जिनका इस्तेमाल कुछ तथाकथित मजदूर नेता भी करते हैं, जो लड़कू ट्रेड यूनियन होती हैं, जो लड़कर अपनी मांगें हासिल करना चाहती हैं, उनको दबाने के लिए गुंडा-तत्वों का इस्तेमाल किया जाता है। इससे क्या उत्पादन बढ़ेगा, क्या उनका वेल्फेयर का काम आगे बढ़ेगा ?

उत्पादातर कोयला मजदूर कर्जा गुलामी में मुबतिला हैं, आप उन को कर्ज से मुक्ति दिलाइये। जो वह कमाते हैं, जैसे ही उनको तनख्वाह मिलती है, कर्जाबोर सब की सब उनसे ले लेते हैं। अगर इस को दुस्त नहीं कीजिए तो कुछ काम नहीं चलेगा। इस तरफ आपका ध्यान जाना चाहिए।

इसके लिए मोहम्मद फजल कमेटी, यह प्लानिंग कमीशन की ही एक कमेटी थी, उसकी रिपोर्ट थी कि जब तक इसको ठीक नहीं करेंगे, गुंडा गर्दी एंड ला एंड आर्डर को ठीक नहीं करेंगे, तब तक उत्पादन ठीक नहीं होगा। इस तरफ भी ध्यान देना चाहिए।

दुर्घटनाओं में जो लोग दुर्घटनाग्रस्त होते हैं, उनकी फैमिलिज को उचित सहायता नहीं देते हैं। आसनसोल

इलाके में एक ड्राइवर काम करते हुए मर गया, उसकी बेवा पत्नी दर-दर की भिखारी हो रही है, उसको नौकरी नहीं दी जाती, कोई न कोई बहाना करके काम नहीं दिया जाता। क्या यह नियम नहीं हो सकता है कि जो दुर्घटना में मर जाये, उसके बाल-बच्चों, पत्नी या उसके ऊपर आश्रितों को नौकरी दी जाये ? इन सब सवालों की तरफ आपका ध्यान जाना चाहिए। अगर सचमुच में आप कोयला मजदूरों के कल्याण की बात करते हैं तो इस तरफ ध्यान देना चाहिए।

आपका एक कोयला खान कल्याण कार्यालय धनबाद में है जहां की 400 मजदूर अभी भी बरसों से काम कर रहे हैं, 8, 8 और 10, 10 साल से बराबर काम कर रहे हैं, लेकिन अभी भी कैजुअल लेबर में हैं। यह कैसी व्यवस्था है ? रेलवे में या और जगह 180 दिन काम करने पर नियमित होने का अधिकार मजदूर को मिल जाता है, लेकिन आपके यहां यह नहीं है। आप इसका पता लगाइये कि क्या यह सही है कि 400 मजदूर अभी अनियमित हैं। आप उनको नियमित कीजिए, उनको कल्याण योजना का भागीदार बानयें।

पैसा देने का जहां तक सवाल है, आपने कहा कि पश्चिम बंगाल की सरकार को 70 लाख रुपया, बिहार की सरकार को 40 लाख रुपया मकान बनवाने के लिए दिया। यह तो ऊंट के मुंह में जीरा है, इससे क्या होने वाला है ? एक करोड़ 10 लाख से क्या होगा, कितने मकान बनेंगे, कितने प्रतिशत लोगों को मिलेंगे। मेरा कहना है कि ज्यादा से ज्यादा पैसा दीजिए, क्योंकि यह मजदूरों को सहूलियत देना है।

किसी माननीय सदस्य ने ठीक ही कहा कि बड़े बड़े अफसरों को हवादार

मकान, एयरकंडीशन्ड, शीत-ताप के मकान और गरीबों के लिए साधारण झोंपड़ी जैसा मकान भी नहीं। वह रह नहीं सकते, उनको गन्दा पानी, तरह-तरह की बीमारियों से बे ग्रस्त हैं। आप इस कोष में राज्य सचकारों को चाहे बिहार हो, पश्चिम बंगाल हो, मध्य प्रदेश या तमिलनाडू जो भी हो जहां भी कोयला खानें हों वहां पर वेलफेयर एक्टीविटीज बढ़ाने के लिए सरकारों को ज्यादा पैसा दीजिए। जिससे वहां के मजदूर यह समझें कि सचमुच में उनके लिए कुछ किया जा रहा है और वे दिल से उत्पादन बढ़ाने के काम में लगे। अगर आप ऐसा नहीं करेंगे तो केवल आपके इस बिल को पास करने से या मेरे भाषण देने से यह काम होने वाला नहीं है। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI A. K. ROY (Dhanbad): Sir, this Bill seeks to legitimise certain recommendations of the Committee on Subordinate Legislation of the Fifth Lok Sabha. Nobody should object to the attempt to legitimise the recommendations of the Committee on Subordinate Legislation. But I am surprised that some Joint Secretary presided over some meeting of the Advisory Committee as an Additional Secretary and for that we are called upon to pass this Bill. Anyway, I wish to point this out, that this Bill touches only a fringe of the problem. Some of the hon Members here took advantage of this discussion on this Bill to draw the attention of the honourable House and of the Minister to the general deplorable condition of the workers of the coalmines everywhere today. Dhanbad happens to be the headquarters of the Coalmines Labour Welfare Commissioner. That prestigious organisation is decaying day by day. If you go to Dhanbad you will see the situation there. Sir, I am told, you are a good labour leader, in addition to being a good Deputy Speaker here. This Coalmine Labour Welfare Organisation used to be the biggest organisation

there at Dhanbad. This Labour Welfare Commissioner used to be the highest executive authority in the district. Under him there was Health department, Education Department, the Department which was intended to build houses and supply water; all these functionaries used to be there. Today if you go there you will find things in utter confusion. We are legitimising what one Joint Secretary did presiding over that Advisory Committee some 10 years ago. After that so many remodelling has taken place; so many changes have taken place; these restructuring activities have stalled many of its operations. There is no provision at all for protecting the health of the workers. There is no provision for supply of pure drinking water to the workers. Only last year there was a firing in Dhanbad. The coalmine workers got submerged in water when there was flood in the mines. The pumps and machinery got submerged in the waters in the mines. In Chesnana mine this thing happened. Many persons died in the water. We had to pump out the water to ensure the safety of the mine. I am sorry to point out that there is no proper scheme, a comprehensive scheme for conserving that water. If there is a scheme which is formulated judiciously, properly and scientifically, to use that water, that water could be put to proper use for the entire township; that water will serve for the irrigation purposes of the local villagers. But no such comprehensive scheme has been brought up. The people get various diseases like T. B., Cancer and Tuberculosis. I request the hon. Minister to visit Dhanbad. Then he will be able to see the deplorable condition obtaining there.

There used to be a hospital previously in Tetulmarj for giving treatment to the miners affected with leprosy. The hospital is decaying. There were some special departments, where these miners used to be treated, especially for leprosy patients. Now, that it being abandoned. I asked the Gene-

## (Amdt.) Bill

[Shri A. K. Roy]

ral Manager of the Mines the reason for abandoning these special departments in the hospital for these miners. The poor workers and the poor people, Harijans and Adivasis who form the lowest strata of the society work as miners in those areas and they are prone to be affected with leprosy disease. There are already so many workers who have been affected with this disease and some of them have died due to non-availability of proper treatment. I already suggested that this kind of disease should be treated with utmost care, but no action has been taken so far.

Now, they are talking of education. What are they doing for imparting education to these poor people? They are only eliminating the poor workmen. These workmen used to work in the coalfield. Now, under the plea of mechanisation, they are recruiting skilled workers. They need technically qualified men, they need persons with expertise. In the name of mechanisation, they are only eliminating these poor workers. I suggested to them not only an education scheme but I also suggested that there should be an institution in each area for imparting technical education to these poor people so that these poor miners who gave birth to the coal mines to the country could equip themselves with technical qualification.

With the technical qualifications, they could also work in the mechanised mines.

Sir, you may be aware that the head office of the Coal Mines Welfare Commissioner is named after Babu Jagjivan Ram. The colony has been named as Babu Jagjivan Ram Nagar. It was originally meant to see that Harijans and the Adivasis get justice from that organisation. Just now as my colleague has said, 400 workmen, mostly Harijans and Adivasis, are rotting there for the last 20 years or so without being regularised, without getting any regular scale of pay. They are not getting equal wages for equal labour they put in. They are still in

the muster roll and they are getting payment arbitrarily. Not only that. In that Jagjivan Ram Nagar, there is a Central hospital. I wrote to the Home Ministry and also to the Ministry of Energy in regard to a Harijan boy who has been working in that Hospital on a temporary basis. I pointed out to them that this Harijan boy should be absorbed in regular employment but it was not done. There, the post of Liftman was reserved for Harijan but later on that was de-reserved in order to accommodate their own man. Some of the hon. Members have suggested that the welfare work should be given to the Company. But I would suggest that it is not going to help so long as bureaucratisation continues. Bureaucratisation means increase in inefficiency. Sir, we know that houses were built previously for the workers in the coal mines. These houses are still there. Now, the colliery companies are constructing houses but those houses are crumbling down.

It is very important that they function more democratically. Bureaucratization would not solve that problem; democratization will do. Now, they are having advisory body. In that body there should be workers' representatives and peoples' representatives. I want to know who are the members now and who used to represent earlier. I was a public representative from that place; we had a union also. It is a mysterious thing; we do not know who guides, advises and looks after that. That is why I say that the coal mines labour welfare organization has to be remodelled, not on the lines of bureaucratization, but on the lines of democratization. You take the genuine representatives of people and workers and trade unions, involve them and only then the welfare measures would work.

The original Coal Mines Labour Welfare Fund Act was passed in April 1947; it is a pre-independence Act. Even in those British days, the people used to think that only by providing welfare measures for the miners, they

could get proper production. Now-a-days, we hear that the Ministers are giving threats here that they would make use of the National Security Act, if need be, to raise the production. Even in the old days, people thought that by giving more facilities, more housing, good water, etc. You could increase the production, but not by threats. We should, therefore, give them more facilities if we want the production to go up.

Lastly, I would like to mention that there used to be prohibition in the coal field area. Then, the prohibition was scrapped. We protested against that. We know how the total money of the workers is being drained into the liquor shops. We have been impressing upon the Ministry and other authorities that these wine shops should not be allowed to come up in the coal field areas, in the areas where the poor adivasis and Harijan people live, but no action has been taken in this respect. If you cannot supply them with milk centres, if you cannot supply them with pure water, for God's sake, do not provide them with pure wine. This is very important.

I am sure, the Minister while replying would assure the House that they are going to enlarge or increase the welfare facilities for the workers and are taking necessary steps in this regard so that the workers may give us the required production and also become a part and parcel of the society in which they are working.

**DR. SUBRAMANIAM SWAMY:** I rise on a point of order under Rule 376. The House should continue to sit till all the items on the agenda are disposed of.

**MR. DEPUTY-SPEAKER:** Yes, why have you got that doubt?

**SHRI VIKRAM MAHAJAN:** Mr. Deputy-Speaker, Sir, I am grateful to the hon. Members for the valuable suggestions that they have made. After the nationalisation of the coal industry, a massive effort has been

made to improve the lot of the coal miners. The pace of welfare activities in the coal industry is much faster as compared to any other industry.

So far as the medical facilities are concerned, I would like to point out that we have three central hospitals, 12 regional hospitals and 4 T. B. hospitals. Then, there are a number of Ayurvedic and allopathic dispensaries. There are beds reserved for leprosy, T. B. and cancer patients. This activity is also developing fast. We are also constructing new hospitals. We have already sanctioned the setting up of a hospital at Dakra in 1980 after the new Government came to power. Similarly, a post-mortum Centre at the Central Hospital, Dhanbad is under construction under the All India Hospital Post-mortum Programme. Similarly, there are restrooms which we are constructing in all the hospitals at Dhanbad. Again, another 50 bedded regional hospital at Chandrapur has been taken up for a sum of Rs. 94 lakhs.

The proposal for the construction of another hospital at Bistrampur is also under consideration. There is a hospital under construction in West Bengal, the artificial primary limbs centre will be set up at Sidhbari in West Bengal. Similarly, various steps are being taken to improve the activity in this particular sector, I had already mentioned that we are sanctioning new schemes and we have already sanctioned Rs. 70 lakhs as subsidy to the West Bengal Government out of Rs. 1 crore for the water supply schemes. Similarly, an amount of Rs. 40 lakhs has been sanctioned for Bihar.

So far as educational activity is concerned, the House would be glad to know that multi-purpose institutions have been set up. 59 multi-purpose institutions have been set up on educational side for the welfare of workers, for imparting them education where we give vocational training to the female workers and rapid progress has been made in this sector. Not only this, Sir, regarding the safety measures, this is one of our main effort

[Shri Vikram Mahajan]

in this sector and I had already earlier mentioned that efforts that we have made have resulted in declining rate of accidents. Previously, for example, in 1978, 151 fatal accidents took place. In 1979, the number went down to 143. In 1980, it has gone down to 92. Similar is the case of serious injuries. There also, the number has progressively gone down. The Committee on Safety which was appointed gave a report. It had given 66 major recommendations out of which 11 recommendations regarding accidents, internal safety organisations, planning and so forth, they have already been implemented. 49 recommendations are under implementation and 15 recommendations relate to the Ministry of Labour and State Government and we are trying to see that they are also implemented. The Minister announced that there should be a Coal Mine Safety Board which will be set up which will continuously monitor safety measures in the coal mines and render the advice to Government regarding further improvement in safety standards. It has been decided in principle to constitute a high-level coal mines safety Board. Similarly, we have enhanced the compensation so far as workers are concerned.

After nationalisation, approximately 60,000 houses have been constructed which is a great number. And this year we intend constructing about 12,000 and odd houses. Similarly, Sir, after nationalisation, the wages have gone up and under the agreement of 1979, the minimum wage of a coal miner has been fixed at Rs. 512 per month.

Not only this. We provide employment to one member of the family of every worker who dies, or is disabled in an accident. The Coal Mine Workers' Organization was under the Ministry of Labour, and came to our Department only in October 1979. We are now considering the merger of this organization with other coal organizations, so that an integrated activity takes place. We would have raised the maximum cess; but it is fixed under the Statute. We will have to decide it after consulting the House, in case we find that the amount we collect under the cess is not enough.

Before nationalization of coal mines, only 227,000 worker-population was covered by the drinking water schemes. After nationalization, the number on 31st March 1980 has gone up to practically 12 lakhs. You can understand the quantum of effort which has been made in this direction.

Regarding Dhanbad, a team of Ministers visited the Dhanbad area; and they set up coordinating committees. It was towards the end of September. After that, the law and order situation has considerably improved there. So also the production. In fact, in 1979-80, production was hardly 103 to 104 million tonnes of coal. This year we intend raising it to 130 million tonnes. From this month, i.e. December, every month we will add 1 million tonnes of production over the earlier month's production. It means every month there will be an additional production by 1 million tonnes, which they

were added in the last years, in 12 months. This is the quantum of effort put in by the present Government.

Regarding the Fazl Committee report, it is under the consideration of the Government; and we will take a decision soon. So far as casual workers are concerned, we are willing to absorb them. We have referred their case to the Finance Ministry.

I am not saying that we have achieved perfection in the welfare activity. There are shortcomings; but a tremendous work has been done after nationalization of the coal mines, and we hope to achieve international standards. The suggestions made by the hon. Members will be seriously considered.

Sir, I now commend the Bill.

**SHRI A. K. ROY:** I requested for a general assurance or some sort of a statement that the wine shops would be removed from the coal belt area.

**SHRI VIKRAM MAHAJAN:** I am sorry I forgot it. We have taken strong steps to see that they are removed. And if specific instances are brought to my notice, I will immediately take action.

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

"That the Bill further to amend the Coal Mines Labour Welfare Fund Act 1967, be taken into consideration."

The motion was adopted.

**MR. DEPUTY-SPEAKER:** We shall take up clause by clause consideration. There are no amendments to clauses 2 and 3. 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 the Enacting Formula and the Title were added to the Bill.

**SHRI VIKRAM MAHAJAN:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.  
18.06 hrs.

#### MESSAGE FROM RAJYA SABHA

**SECRETARY:** Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

"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 22nd December, 1960, agreed without any amendment to the National Security Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 16th December, 1960."

18.07 hrs.

## HIGH COURT AT BOMBAY (EXTENSION OF JURISDICTION TO GOA, DAMAN AND DIU) BILL,

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): I beg to move\*:

"That the Bill to provide for the extension of the jurisdiction of the High Court at Bombay to the Union territory of Goa, Daman and Diu, for the establishment of a permanent bench of that High Court at Panji and for matters connected therewith, be taken into consideration."

The Union Territory of Goa, Daman and Diu is the only territory remaining in the country which is not served by any High Court. Soon after the liberation of Goa, a judicial commissioner's court was set up for that Union territory. Although the judicial commissioner's court has been declared a High Court for certain purposes of the Constitution, the institution has certain limitations and there has been persistent demand for the extension of the jurisdiction of a High Court to that Union territory and for the establishment of a permanent bench there of that High Court. The judicial commissioner's court is not a full fledged High Court. Since the judicial commissioner holds office during the pleasure of the President, he does not enjoy those constitutional safeguards which protect the independence of a High Court Judge. The earlier justification for this institution was that the Union territory was administered largely under Portuguese laws. This argument has lost much of its force as Indian laws have gradually been made applicable there and only a small proportion of cases pending in the judicial commissioner's court now pertains to Portuguese laws. The High Court of Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Bill, 1980 thus seeks to meet a long standing and just demand of the peo-

ple of the Union Territory and to improve the tone of judicial administration there by extending to it the jurisdiction of the Bombay High Court and establishing a Bench there of that High Court. This is a non-controversial measure, which, I am sure, will get the support of all sections of the House. I move that the Bill be taken into consideration.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the extension of the jurisdiction of the High Court at Bombay to the Union Territory of Goa, Daman and Diu, for the establishment of a permanent bench of that High Court at Panaji and for matters connected therewith, be taken into consideration."

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): As the hon. Minister said, this is a non-controversial Bill and we wholeheartedly support it. In the statement of objects and reasons, it says that there should be a permanent bench at Panaji but the point is: why could there not be a regular High Court for Goa and Daman and Diu. It has been the demand of the people of that area. I think the government should consider it seriously; instead of extension of the jurisdiction of the Bombay High Court, they should have a permanent High Court there to serve the people of that territory.

It appears to all of us that these days justice has become a very costly affair. There are thousands of cases pending in the different courts. It has also become very expensive. So, I take this opportunity to impress upon the Minister through you that efforts should be made not only in speeches but in action to make justice available to the poor people at a very low cost. That is why I think instead of damaging the independence

\*Moved with the recommendation of the President.

of the judiciary, talking about transfer of judges and of elected judiciary, they should give serious thought about how the poor people can get justice. You know that justice delayed is justice denied. I would like the Government to come forward with certain positive measures which will ensure justice to the poor people.

In this House, on innumerable occasions, our Law Minister has said about the defects in the judicial system. I would humbly submit to him, as a student of Constitutional Law, that it is the duty of the executive and of the elected representatives of the people to maintain the integrity, independence and impartiality of the judiciary, because as Prof. Laski said, a country has to be judged by the nature of its judiciary, whether it is functioning independently or not. The freedom of the people and liberty of the people is protected by the independent judiciary. Why do we hear irresponsible talks by irresponsible politicians denigrating the judiciary and undermining its independence? I should say that in spite of its many defects, the Indian judicial system has been able to preserve the freedom of the Indian citizens, though our Constitution contains certain undemocratic principles because of which they have to uphold preventive detention or laws like the National Security Bill. In spite of that, we have seen that in times of danger and in times of stress and strain, the Indian judicial system to a large extent has been able to uphold the liberty and freedom of the Indian citizen, in spite of the attempt of the executive to torpedo the judicial system. That is why I say that the present Government should give up its attempt of attacking the independence of the judiciary. I would like to remind the Minister that the system we are having today is not the gift of any political party. It is the outcome of a long, protracted struggle of the Indian people against foreign rule and colonial powers which wanted to

rob us not only of our wealth and resources but also of our freedom. As I said, this judicial system has many defects. You know I am a Marxist and I know that in a class-divided society, judiciary cannot be impartial. It is tilted towards the propertied class. But still, even within this system, it has maintained its limited independence and protected in a way the rights of the Indian people. I want to emphasise this on the Government through you: Today when you are attacking the judicial system, when you want to have a judicial system—in your own language a “committed judicial system”—you are acting against the aspirations of the Indian people. I would like to emphasize what we fought for during our freedom struggle, and it is for bread, it is for our shelter, it is for education, it is for our health and also it is for our freedom. That freedom should be guaranteed by the people themselves, no doubt, but also there should be constitutional checks and balances.

There is the theory of separation of powers. I do not want to sermonize. I do not want to educate, but I only want just to remind you that it has been the contention of all political scientists that this system of checks and balances is necessary for maintaining impartiality. The executive is checked by the judiciary and the laws passed by the Legislature also go to the judiciary for its scrutiny. This is a healthy system. I would utilize this opportunity to emphasize once again that this limited democracy, this limited freedom which we enjoy should be preserved. Because, I say that our Constitution does not contain the full aspirations of our Indian people, there have been curtailments of our rights, the Constitution does not contain certain undesirable provisions; even then the attempt of the present ruling class to do away with the limited freedom, to have a committed judiciary, will simply destroy the whole system, which guarantees the limited liberty.



[Shri Satyasadhan Chakraborty]

Some of the members on the other side show their impatience, because these are hard truths and very difficult to swallow. Even then the truth should be said, however difficult it may be to swallow. Like good food, it should be swallowed, even if it is difficult to digest; that is what the doctors say.

With these words, I would urge upon the Law Minister that our judicial system should be re-organised, not to undermine it, not to attack its integrity, but to make justice available to the million of our people, who remain in the villages, who dwell in the *bustees*, who live in the slum areas, who do not have the wherewithal to go to the courts of justice. Sir, I am sure you will agree with me that even today it is said that money power is able to buy justice. Let us do away with this system and let us have a fresh look at the judicial system so that the poor people can get the benefit of justice.

With these words, I support this Bill.

SHRI V. N. GADGIL (Pune): Sir, I would like to congratulate the Government and the Law Minister for having brought this Bill, a Bill which extends the great history and the glorious traditions of the Bombay High Court, to which I have the privilege to belong, to the Union Territory of Goa. In 1956 a similar extension was made and the territories belonging to the former Nizam State, which are popularly called Marathawada area were brought under the Bombay High Court.

The Statement of Objects and Reasons says that there has been a persistent demand for a permanent Bench at Goa in order to tone up the judicial administration. Very briefly, I would like to invite the attention of the Law Minister to another area, where there has been a persistent

demand for a permanent Bench with a view to tone up the judicial administration, and that is the Marathawada area. There was a political-moral commitment in 1956. All parties agreed at that time, at the time of the States' Re-organisation Commission, that this Marathawada area should have a University of its own and a permanent Bench of the High Court. The University of Marathawada was established a few years back but the demand for a permanent Bench has not yet been satisfied. This has been an all-party commitment given at that time, at the time of the SRC, and that commitment ought to be fulfilled. Therefore, I would request the Law Minister, from the point of view of moral-political commitment of 1956, from the point of view of regional aspirations of the people of that area, their claim to have a permanent Bench in that area should be satisfied.

Lastly, it will provide a great convenience and will mean less cost to a number of litigants, who have to go all the way to Bombay. How costly Bombay is, how crowded Bombay is, every body knows. Further, this demand has been supported by the Maharashtra Legislative Assembly, the Bar Council of Maharashtra and, last but not the least, the Western India Advocates' Association, the importance of which, I am sure, the Law Minister knows. That Bar has produced Dr. Amedkar and Dr. Jayakar; that Bar has produced number of Judges and two Chief Justices of India; and that is the only Bar in the country which had the honour to get the highest award in this country, namely, Bharat Ratna for Mahamahopadhyaya Dr. P. V. Kane. That Bar Association, which had this proud privilege and a proud history, that Bar Association has unanimously resolved that a permanent Bench for Marathawada should be conceded. So, from all these points of view, I would request the Law Minister to do justice to that area, by giving them a seat of justice.

\*SHRI R. K. MHALGI (Thane): Mr. Deputy Speaker, Sir, I rise to extend my support to the Bill moved by the hon. Law Minister, and congratulate him for bringing this Bill. It had already been included in the Business of the House. But the hon. Law Minister was pressurised by some hon. Members not to include it. It was not shown on the list of Business for quite some time and I had to raise this matter in the House and asked the Government to bring it forward and pass it. In the meantime, Maharashtra-Karnataka border dispute cropped up. Some hon. Members thought of having a bench of the Karnataka High Court instead of a bench of Bombay High Court. I am happy that the hon. Law Minister did not yield to the pressure and has moved the Bill.

Sir, I welcome the Bill all the more because the hon. Law Minister has refused to accept the recommendations of the 4th and 14th Report of the Law Commission to the effect that the benches of High Court should not be established. He has given up the outdated ideas and has agreed to establish the bench of Bombay High Court at Panji. The hon. Minister has done justice by recommending the establishment of the bench at Panji. Why not do the same by establishing benches of the Bombay High Court at Pune and Aurangabad? I would like to point out that there has been a persistent demand to establish benches at Pune and Aurangabad. Some hon. Members of this House namely, Shri Gadgil, Shri Uttam Rathode alongwith me have demanded this by introducing Private Members Bills on the subject. Shri Vaishampayan, and hon. Member of Rajya Sabha has also moved a similar Bill. I would not like to plead for the bench of High Court at Thane because Thane is nearer to Bombay,

but I insist that the bench of High Court should be established at Pune.

The hon. Law Minister has taken a good step by setting aside recommendations of Law Commission. I would like to humbly submit that Section 51 of the SRP Act of 1956 should be duly considered in this context. The Section says, I quote:

"The President may, after consultation with the Governor of new State and the Chief Justice of High Court for the State by the notified order, provide for the establishment of a permanent bench/benches of that High Court at one or more places within the State other than principal seat of the High Court and for any other matter connected therewith."

The provision allows the Government to establish more than one benches of the High Court. In accordance with Clause 2 of Section 51 of SRP Act, it would be well advised to establish permanent benches of High Court at Pune and Aurangabad.

From the practical point of view I would like to make a few suggestions. Let us know whether 'justice at the door of litigant' is just a slogan or it is to be put into practice. We have already given up outdated ideas that the judges of the High Court alone can give justice. Some people describe benches to be the glorified district courts. But this criticism is not proper. The efficient judges are available in Pune and Aurangabad. There are well-equipped libraries in these places. Therefore, the persistent demand for the establishment of benches at Pune and Aurangabad should not be neglected.

\*The original Speech was delivered in Marathi.

[Shri R. K. Mhalgi]

Sir, hon. Shri Gadgil has pleaded the case of five districts of Marathawada in very befitting terms. The five districts, namely, Sangli, Nagar, Kohlapur, Pune, Solapur should have a bench of High Court at Pune. The Bench of High Court at Pune would reduce the burden of work on Bombay High Court. I may hardly remind that after 1974 in 18 Courts more than 4,25,000 cases are being filed every year and many of them are still pending. Decentralisation, therefore, would be a good measure.

I would like to make one or two points regarding this Bill. The hon. Members who know the geography of Goa, Daman and Diu know that Diu and Daman are to the north of Bombay whereas Goa is towards the South. Would Panaji be nearer to the people of Diu and Daman? That is the question which I would like to pose. The proviso of Clause 9 of this Bill clearly states: I quote:

“Provided that the Chief Justice of the High Court may, in his discretion, order that any case or class of cases arising in such territory shall be heard at Bombay.”

What about Filing? Whether the word 'heard' includes filing of the cases? If it is not so, the 'people of Daman and Diu will have to go to Panaji to file the cases while the cases would be heard in the Bombay High Court. I, therefore, feel that filing the cases and hearing them should be done at Bombay only. Such a provision should be made in this Bill.

Sir, I would like to stress that Aurangabad and Pune should be considered for establishing benches of High Court. Please do not reject this proposal outright. The Urban Development Minister of Maharashtra Shri Adik has already announced that Aurangabad is going to have a bench of the High Court. I would like to request the hon. Law Minister to inform the House in his reply to the

debate on this Bill whether there would be a permanent bench of High Court each at Aurangabad and Pune.

श्रीमती संयोगता राणे (पणजी) :

उपाध्यक्ष महोदय, गोआ, दमन और दीव में उच्च न्यायालय की बेंच स्थापित करने के लिए जो यह बिल लाया गया है, मैं इसका स्वागत करती हूँ। इसी के साथ यह भी कहना चाहती हूँ कि गोआ में जुडिशियल कमिश्नर के समक्ष हजारों की संख्या में सिविल और क्रिमीनल केसेज वर्षों से विचाराधीन हैं। उनकी सुनवाई अकेली बेंच नहीं कर सकती है। बेंच स्थापित करने से अनेक कठिनाइयाँ पैदा होंगी। अतः यह उचित है कि वहाँ हाई कोर्ट बनाया जाये, ऐसा होने से वहाँ न्यायिक प्रशासन में सुधार होगा और लोगों को न्याय शीघ्र मिलेगा। स्वतंत्र हाई कोर्ट मिलने से हमें 4, 5 न्यायाधीश मिलेंगे और हमारे शीघ्र ही केसेज समाप्त होंगे।

इस वक्त जुडिशियल कार्यालय पर लगभग डेढ़ लाख रुपया खर्च होता है, हाई कोर्ट स्थापित करने से कोई ज्यादा खर्च नहीं होगा। गोआ में जहाँ जुडिशियल कोर्ट है, उसी भवन में उच्च न्यायालय काम कर सकता है। जब भारत सरकार विकेन्द्रीकरण करना चाहती है, तो फिर बोम्बे हाई कोर्ट की बेंच देने से फिर केन्द्रीकरण होता है।

हमारे गोआ में अभी भी कुछ पोर्तुगीज कायदे कोर्ट में चल रहे हैं। जब भारत सरकार बोम्बे हाई कोर्ट की बेंच देगी तो वहाँ पर बोम्बे के न्यायाधीश आयेंगे और इस वजह से हमारे गोआ के न्यायाधीशों पर अन्याय होगा, क्योंकि उनकी

सिनियोरिटी नहीं मिलेगी । दूसरा कारण यह भी है कि गरीब जनता हर वक्त बोम्बे नहीं जा सकेगी क्योंकि वहां जाने से खर्चा भारी होता है ।

इसलिए भारत सरकार से मेरा यह निवेदन है कि गोआ, दमन और दीव को स्वयं उच्च न्यायालय बना दिया जाये ।

**SHRI BAPUSAHEB PARULEKAR** (Ratnagiri): I stand to support the Bill and I join my hon., colleagues in congratulating the hon. Law Minister. Though this Bill was on the Business List from 17th November to 28th November, may be for the reasons told by Shri Mahalgi, it did not come on the Business Paper. Better late than never. At least at this fag end of the Session we are considering this particular Bill.

I would like to make certain suggestions to the hon. Law Minister with reference to this particular Bill. But before making those suggestions I would like to make a request in all humility to the hon. Law Minister if really he wishes that our Judges in the High Court and Supreme Court should act and discharge their duty of administration of justice without fear of favour, as we usually say, if day in a day out all the top leaders including the hon. Law Minister are going to criticise the judges, I am afraid they will not be in a position to discharge their duties of administration of justice without fear or favour. They have no forum to refute the charges levelled against them.

The other day, it is reported that hon. Law Minister said that our judges are sitting on ivory towers. They are not conversant with social legislation and, therefore, they are not in a position to interpret the laws which the Parliament and the State Assemblies are legislating. May be. He may call all the judges, tell them

what is his intention. But in public speeches to say this! I met certain judges on the Bench. They have expressed their regrets. I take this opportunity to express and convey their regrets on this particular issue. They say whenever we sit for writing the judgement we feel what the hon. Shiv Shankar would say, or what the Prime Minister would say. In that way are we having the administration of justice? I would tell the hon. Members and the hon. Law Minister that we will not get fair justice.

The second point to which reference was made by Shri Gadgil and my friend Shri Mahalgi is about the establishment of benches where it should be at Aurangabad or at Poona. If it is to be given at Poona, it is at 120 miles from Bombay. I am at 400 miles. It is the birth place of Lok Manya Tilak who fought litigation throughout. I will be justified if I claim that. But I am not on this point whether it should be given at this place or that place, I am on this point that the litigant should be provided a facility of a High Court so that no one should be required to travel more than 200 miles. We are speaking of the legal aid to the poor. We have to bring justice at the door step of the litigant. My Constituency people are required to go 400 miles to Bombay. May I, therefore, request the hon. Minister that in my Constituency Ratnagiri five taluks are at a maximum distance of 50 miles from Panji, but I will be required to travel 500 miles to go to Bombay. Is it not possible to make an amendment in this particular clause, if not now, but subsequently and connect these five taluks to Goa so that they may not be travelling 500 miles for matters being heard especially when both are under the same High Court viz., Bombay. I have made this particular suggestion and again I will take this opportunity to suggest that more benches should be established so that nobody is required to take long journey.

One more suggestion I would like to make. If really we want to do

[Shri Bapusaheb Parulekar]

our business, we will have to give serious thought that delays have to be curtailed. Many people say justice delayed is justice defeated. It is true but I do not want justice to be midway in between the two. In that in a hurry. Our Advocate General once said—justice delayed is justice defeated and justice hurried is justice hurried. So, we have to find the midway in between the two. In that connection I would request you to consider the suggestion so that the delays especially of the matters which come from the mofussils could be curtailed. You can divide this work between the work coming from mofussils and the work coming from the metropolis. In the Bombay High Court, if you take into consideration the ratio, 80 per cent of the matters pending are from Bombay city and 20 per cent are from districts. We have to stand in queue for months and years because Bombay matters are not being decided. This can be made applicable to Goa also. You can legislate so that the matters from the metropolis or big cities can be entrusted to some persons and other matters to other judges. That way, the delays can be curtailed.

With reference to the suggestion made by Mr. Mhalgi, I endorse that. The litigants from Daman and Diu will have to go to Bombay, will have to pass through Bombay, and travel 500 miles for reaching Panaji and the people from Ratnagiri have to come from the north—the people from Daman and Diu have to come from the south—and travel 500 miles. Why waste money? We are poor people. We cannot afford to engage advocates. If the Benches are established at various places, the same advocate who is engaged in the lowest court can continue upto the High Court. It would not be correct to say that only persons practising in the Bombay High Court can appear and argue. We have meritorious advocates in mofussils. They can go and practice in the High Court. This excuse which is

being given at high levels. I am sorry, I am not in a position to agree.

I would like to make one more submission. It is with reference to the Judicial Commissioner. I tried to go through the entire Bill. I do not find as to what status we are going to confer on the Judicial Commissioner. At the most, you may refer us to clause 5. But that is no reply. I want to know whether the Judicial Commissioner automatically becomes a High Court judge. What is the status that is being given to the Judicial Commissioner? Are you going to revert him as a Sessions judge? He has put in 8 or 9 years as the Judicial Commissioner. That will be a demotion. You have to take into consideration the position of the person concerned. At present, the Judicial Commissioner is a freedom fighter who was convicted and who was in Lisbon for many years. He was practising in the Bombay High Court; he was a Sessions Judge and he became the Judicial Commissioner.

SHRI XAVIER ARAKKAL (Ernakulam): Please refer to Clause 3 which says:

“On and from the appointed day, the Court of the Judicial Commissioner shall cease to function and is hereby abolished;”

SHRI BAPUSAHEB PARULEKAR: I think, I have not made myself clear. What status are you going to confer on the Judicial Commissioner Mr. so and so? What is his position? At the most, he will be at your mercy. You have to take into account that aspect also.

Then, I do not understand how this Bill has been drafted. It has not been drafted properly. I would request the Law Minister to tell us as to why Clause 6 and Clause 8 are drafted. I do not find any difference between the two. Clause 6 reads:

“Subject to any rule made or direction given by the High Court at Bombay in this behalf, any person who, immediately before the appointed day, is an advocate en-

titled to practise in the Court of the Judicial Commissioner shall be entitled to practise as an advocate in the High Court at Bombay." Again, Clause 8 reads:

"Any person who, immediately before the appointed day, is an advocate entitled to practise "in the Court of the Judicial Commissioner and was authorised to appear or to act in any proceedings transferred from that Court under Section 7, shall have the right to appear or to act, as the case may be, in the High Court at Bombay in relation to those proceedings."

*Ad verbum*, it is the same. I do not know whether there is a mistake or whether there is some negligence in drafting this. This will speak volumes. When the matters go before the people, they will say, this is how the Parliament of India drafts the Bill. I would request the Law Minister to have one clause, either Clause 6 or Clause 8.

I would say a word with reference to employees also. In other Bills, like, the taking over of the Bengal Chemicals, a provision was made for the employees. What about the employees of the Court of Judicial Commissioner of Goa? Are they servants of Goa Government or are they servants of Central Government? Now, they come under the Bombay High Court. I want to know whether they will be the servants of Maharashtra Government. You have not made any provision with reference to that. Complications will arise and there will be many writ petitions. The problem will not be solved. No serious thought has been given to it, I do not want this matter to be delayed. This Bill should be passed. I would request the hon. Minister to consider all these things and make proper amends.

With these words, I support this particular Bill and, as early as possi-

ble, the Bench should be established. On behalf of the people of Goa, I extend an invitation to the Law Minister to come to Goa for this particular function.

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): Sir, I congratulate the hon. Law Minister, who is worthy of his name, on his having brought forward this Bill to extend the jurisdiction of the Bombay High Court to the Union territory of Goa, Daman and Diu, for the establishment of a permanent bench of that High Court at Panaji. At the same time. I was thinking that he would bring a comprehensive Bill for such other areas also where the people are facing a lot of difficulties, where litigants are facing a lot of difficulties for getting justice, such as my constituency, Andaman and Nicobar Islands. For a long time, the people of that area have been demanding a permanent bench of the Calcutta High Court at Port Blair. The reply I have received from the hon. Minister to that the Calcutta High Court is not willing to have a permanent bench at Port Blair. This is one argument. Another argument he has given is that there may not be sufficient number of cases which would justify having a permanent bench in that part of the country. I would like to urge one point here. There are certain areas in the north-eastern region which may not justify many developmental activities there, but the Government of India, if they want to do certain things for improving the lot of the people of that area, have to do. Areas like Andaman and Nicobar Islands, Lakshadweep, and several such isolated areas are areas where it may not be justified, but still Government has to do. Sometimes what happens is that people, because of the long distance involved and the expenditure that they have to incur, do not like to go to Calcutta to file suits for seeking redressal of their grievances. If you provide an opportunity for them by having a permanent bench

[Shri Manoranjan Bhakta]

of the Calcutta High Court at Port Blair, automatically those persons who are aggrieved and who could not otherwise go to Calcutta, will go to the permanent bench and seek justice. Thus, the number of cases will automatically increase. That is why, my submission is this. It is a very commendable move that the hon. Minister has made. The court of Judicial Commissioner is an inferior type of judiciary and in these days, we cannot have such inferior type of judiciary. That is why, he must consider, so far as Andaman and Nicobar Islands are concerned, providing a permanent bench of the Calcutta High Court at Port Blair.

I would also like to say a few words to Prof. Satyasadhan Chakraborty who was very eloquent while he was speaking about independence of judiciary. I would like to ask him one point. Is not the Left Front Government in West Bengal interfering in the matter of judiciary? Has not the Left Front Government in Calcutta withdrawn thousands of cases, including even murder cases? Not only that, when the particular Magistrate... (*Interruptions*) we did not interfere when your leader spoke. Why are you interfering now? If you have any faith in democracy, you must not interfere. You must have the patience to listen....

**SHRI SATYASADHAN CHAKRABORTY:** On a point of only clarification....

**MR. DEPUTY-SPEAKER:** Mr. Bhakta, are you yielding?

**SHRI MANORANJAN BHAKTA:** No, Sir. In West Bengal, thousands of cases have been withdrawn, including murder cases—cases of persons against whom there are charges of murder. Not only that; when some Magistrate or Sessions Judge, did not agree to withdraw particular cases, then he was transferred on promotion, and persons of their liking were put there so that the cases could be withdrawn. (*In-*

*terruptions*) My point is this Prof. Chakraborty talks about independence of judiciary. He claims to be a Marxist. Can he cite an example, in which Marxist-ruled country or communist country, they have independent judiciaries? They will always do what suit them under the circumstances. My submission is this. When I was listening, I was listening to my hon. friend on the other side very carefully. Then I thought he should be speaking on a public platform but all of a sudden, I realised that we are in Parliament and we are debating some important issues here. My humble submission and request to the hon. Law Minister is that he should not be cruel. He should be very kind to the people of Andaman, Nicobar Islands. They are in very remote and far-flung areas and they are scattered islands and I will request him that in the next session he should bring a Bill so that a permanent Bench can be set up in the Union Territory of Andaman and Nicobar islands.

**SHRI SATYASADHAN CHAKRABORTY:** Only one point of clarification. The hon. Member, Shri Manoranjan Bhakta has rightly said that many cases are withdrawn against criminals. That is true. But the reason is this. The Congress(I) there claimed that they are all Members of Congress (I) and assured the Chief Minister that they will take responsibility for them. But what happened on 22nd—we all know... (*Interruptions*).

**MR. DEPUTY-SPEAKER:** If you had got up and said in the House that you have not withdrawn any case like that, it would have been good. I expected that from you.

**SHRI SATYASADHAN CHAKRABORTY:** I say, Sir, that we have withdrawn cases because Congress (I) took the responsibility/saying that "They are our members and you release them." and we believed them and released and now they are misbehaving.

**SHRI MANORANJAN BHAKTA:** Against one of their members there was a case. It was withdrawn and he was made a Minister in the Left Front government.

**MR. DEPUTY-SPEAKER:** Mr. Vijaya Kumar Yadav.

**श्री विजय कुमार यादव (नालंदा) :** उपाध्यक्ष महोदय, मैं भी इस बिल का समर्थन करता हूँ और जैसा कि बहुत सारे लोगों ने विधि मंत्री को धन्यवाद दिया है, मैं समझता हूँ कि वे धन्यवाद के और ज्यादा मुस्तहक होते, अगर वे गोआ, दमन और दीव के लिए बाजाबता परमानेंट इंडिपेंडेंट हाई कोर्ट की स्थापना का बिल लाते। बहराल, जो कुछ भी मंत्री महोदय द्वारा लाया गया है, उसका चारों ओर से समर्थन हो रहा है। लेकिन जिस उद्देश्य से वहाँ बम्बई हाई कोर्ट को जुरिसडिक्शन को बढ़ाने की बात कही गई है, और साथ ही साथ वहाँ एक परमानेंट बैंच की स्थापना की बात कही गई है, वह इसलिए है, क्योंकि इस प्रकार की व्यवस्था से जो तीनों भाग उस सैन्ट्रली एडमिनिस्ट्रेशन स्टेट के हैं, वहाँ की गरीब जनता को न्याय मिलने में सहूलियत नहीं होगी, जब तक कि वहाँ एक परमानेंट हाई कोर्ट की स्थापना नहीं होती है।

कई माननीय सदस्यों ने इस सदन में यह सवाल उठाया है कि कई जगहों पर परमानेंट हाई कोर्ट बैंच की जरूरत है। चूंकि अभी जो स्थिति है, उसमें लोगों को अपने सूबे से हाई कोर्ट तक काफी दूरी तय करनी पड़ती है और ऐसी स्थिति में जो गरीब लोग हैं, जिनकी आर्थिक स्थिति खराब है, उनके लिए हाई कोर्ट में जाना मुश्किल हो जाता है। हमारे देश की जो न्यायिक पद्धति है, बावजूद इस बात के कि हमारे देश के अन्दर कांग्रेस की हुकुमत काफी लम्बे अर्थ से ...

**MR. DEPUTY-SPEAKER:** We are not discussing it here in this Bill. Where is the provision? Please speak on the Bill proper.

**श्री विजय कुमार यादव :** उपाध्यक्ष महोदय, इसकी सीमा बहुत ही महद्द है, इसलिए जूडिशियल सिस्टम पर ही कुछ बोल सकते हैं। मैं ज्यादा नहीं बोलूंगा, आप मुझे बोलने दीजिए।

**MR. DEPUTY-SPEAKER:** You must help me. Why should I tell you on what you should speak? I can tell you that you should speak with regard to this Bill proper.

**श्री विजय कुमार यादव :** मैं इसी बिल के मुताबिक बोल रहा हूँ। इस देश के अन्दर इस समय जो कानून की व्यवस्था है वह निश्चित तौर पर अभी भी ऐसे लोगों के लिए है जो अमीर हैं, जिन के पास पैसा है। देश की आबादी का 45 प्रतिशत जो गरीबी की रेखा के नीचे रहने वाले हैं, मुझे बतलाइये उन में से कितने हाई कोर्ट तक पहुंच सकते हैं, हाई कोर्ट में अपनी बात रख सकते हैं। आज न्याय महंगा होता जा रहा है, न्याय-जगत में भ्रष्टाचार व्याप्त है, जरूरत इस बात की थी कि मंत्री महोदय इन तामाम चीजों को दूर करने के लिए कोई काम्प्रीहैन्सिव बिल, विस्तृत और व्यापक बिल लाते। जूडिशियरी के सम्बन्ध में आज यह शिकायत उठ रही है कि वह जनता के प्रति जिम्मेदार नहीं है। जूडिशियरी का यह फर्ज होना चाहिए कि वह देश की आम जनता के प्रति जिम्मेदार हो, न्याय का इस्तेमाल आम जनता के लिए किया जाये। लेकिन आज होता यह है कि सरकार जो नियम बनाती है, उसका इस्तेमाल अमीरों के पक्ष में किया जाता है। मैं इस सम्बन्ध में एक सुझाव देना चाहता हूँ—मैं जनता



[श्री विजय कुमार यादव]

हूँ जिस बात को मैं कहने जा रहा हूँ, बहुत से माननीय सदस्य उस से सहमत नहीं होंगे। मैं चाहता हूँ कि हाई कोर्ट में जजेज की एप्वाइन्टमेंट प्रसेम्बली के जरिये होनी चाहिए। और सुप्रीम कोर्ट में पार्लियामेंट के जरिये होनी चाहिए। यदि ऐसा हो जाय ग्राज तो जो हम इम्पार्शल जूडिशियरी की बात करते हैं, उस की गारन्टी कर सकते हैं।

इन शब्दों के साथ मैं इस बिल को सपोर्ट करता हूँ।

**MR. DEPUTY-SPEAKER:** One hour was allotted to this Bill. We have already completed it. We started at about 5-41. Now it is 6-55. Therefore, I would request the hon. Minister to reply.

**SHRI HARISH KUMAR GANGWAR (Pilibhit):** I want to speak on this Bill.

**MR. DEPUTY-SPEAKER:** No, no. The time is over. I have to conduct the business. The Minister will now reply. I have no powers to extend the time. The Minister will now reply. Please help me. This Bill is for a limited purpose.

Shri Daga and Shri Arakal will please listen. The time for the discussion is over. Everybody is making a request for starting a bench in his constituency.

I have already asked the Minister to reply. So, all of you will please take your seats. Now, the Minister will reply. Shri Shiv Shankar.

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR):** Mr. Deputy-Speaker, Sir, by and large, the hon. Members have supported the Bill and I am grateful to them for the support that they have extended. Two Members from the hon. House, while supporting the Bill, had extended

their left-handed complements to me on the general question of the criticism of the judiciary itself, my hon. friend from the Marxist Party had complained and blew hot and cold. He even found fault with the persons who were trying to criticise the judiciary. At the end, he concluded by saying that we do away with the system and give a fresh look and bring in a system which ultimately caters to the needs of the poorer sections of the society. That is how he broadly put it. I thought that this was a Chinese line which he was very fond of (*Interruptions*) Sir, the point is this. The question is, time and again whenever a matter of this type is coming up my hon. friends from the other side are raising a bogey of criticism that we are criticising the judiciary. I am compelled to presume, Sir, that there seems to be some oblique motive in hurling this type of accusations when, in fact, it is not so.

Sir, I would like to ask a question to the hon. members whether anybody has said about 'X' judge, 'Y' judge or 'Z' judge. If somebody says that this judicial system which is the legacy of the British Imperialism is not suited to the hopes and aspirations of the people of India does it amount to saying that it is a criticism of the judiciary itself. I fail to understand this concept. One of the hon. Members has gone to the extent of saying that we are even affecting the independence of the judiciary. These are very good phrases that could be coined and used on a public platform but I am only sorry that they would like to use the debate in the Parliament on Goa, Daman and Diu Bill with reference to a bench of the Bombay High Court to be established there for the purposes of voicing out their feelings in order to gain a very wrong sympathy from those reactionary classes with whom they would like to become very good bed fellows. But unfortunately they would never be allowed to share the bed with

them. This seems to be the position. I would not like to go into the details because this is a different Bill altogether. But I am prepared to face the challenge from the other side on any other occasion when the matter with reference to the judicial system comes up.

Sir, I am proud because one hon. Member has said that I have said that the judges are living in ivory towers. I repeat that. I am proud because if this system does not adopt itself to the cry of the millions in this country I have a fear that the system might develop strains and it might one day break. If at all I am raising this voice I am only trying to raise the voice so that there should be a correctional approach. Those who are concerned with the judicial system including my friends, Shri Parulekar and Shri Chakraborty and others who have something to do with the judicial system must think to re-fashion and analyse the role of the judicial system so that it subserves the interest of the people at large. We cannot rest our ears on the legacy of the British who built up a system which suited their genius of administration of justice. If I have voiced this, I voice it more from the point of a correctional approach; more from the point of view of my inherent interest in the system itself of which I had been a part for the last thirty years. My friends cannot doubt, my bonafides. I have said this more in the interest of the system. You must watch it and coolly ponder over the whole issue. All my friends are aware of how this system is developing strains. We have got necessarily to stop this deteriorating trend in the system. I am administering only a warning when I say that one day we will have to repent once the system breaks. You cannot allow it to deteriorate. This system has become more or less obsolete to our needs and hopes and aspirations...

19 hrs.

DR. SUBRAMANIAM SWAMY: Preview of the next month you are giving.

SHRI P. SHIV SHANKAR: You have been giving previews of the past and if I give about the future you must welcome it.

DR. SUBRAMANIAM SWAMY: I am a reactionary; you are a professor.

SHRI P. SHIV SHANKAR: You are such a reactionary that (*Interruptions*). You hobnob on one side with China and on the other side with the United States; you seem to have become a strange bed fellow with both these persons. Any way, let us not go into those things..

DR. SUBRAMANIAM SWAMY: If it is reflection on morals I object under Rule 353.

SHRI P. SHIV SHANKAR: I am saying about good conduct; I am giving a certificate; why are you getting worried? I would not like to go deeper into this aspect least it should be misunderstood that I am taking any advantage of this Bill to say certain things. Now, Sir, some of my friends have referred to benches at different places. Benches would be constituted in the background of taking steps to take justice to the doorsteps of the common-man. I firmly believe in this theory, whether it is Aurangabad or any other place, for that matter. But it would be difficult for me to consider at this stage segregating Ratnagiri from Bombay or Bombay with Goa because the people there might say that the entire work in Goa gets dominated by persons like the hon. Member from Ratnagiri. I would not like to give him any undue advantage over the others.

The hon. Member said about filing of the cases. This is provided in the rules that have been framed by the Bombay High court. It may be Nagpur or any other place; undoubtedly before this bench the filing process

[Shri P. Shiv Shankar]

will have to be taken up; otherwise no purpose will be served by establishing a bench there. So far as the position of the Judicial Commissioner is concerned, the said office goes with the establishment of this bench. My hon. friend from Ratnagiri is very well aware. He cannot *ipso facto* become a High Court judge. The process will have to be gone into. The procedure that is laid down in Article 217 will be followed. (An hon. Member: Till then what will be his status?) I get reminded of my erstwhile Hyderabad State, when it was trifurcated two Judges of the High Court were left in the lurch and both of them were brilliant judges. But they had to be rest assured by the protection of their salary, by the protection of their tenure and their status could not be of the status of a High Court judge of Hyderabad because when Hyderabad itself got disintegrated, they were accommodated in a different position. I can only say this much that whatever rights that a person enjoys, I can assure on the floor of this House that those rights would certainly be preserved and that would be ensured to him but whether he would be appointed as High Court Judge or not, I cannot say. That is a matter which has got to be looked into from a different angle altogether. My hon. friend from Ratnagiri has raised a question about the defect in the drafting and drew my attention to Clauses 6 and 8. There is an essential difference between Clause 6 and Clause 8 of which he is well aware. The language of both the clauses is so clear that one deals with the transfer cases where the advocates must have already filed their 'vakalatnama' once under clause 7 of the Bill, those cases are deemed as transferred and treated as the cases to be disposed of by the Bombay High Court Bench, the right is given to the advocate not to file again the 'vakalatnama' or again any type of case but to appear in those proceedings as though those proceedings are the proceedings where they have filed the 'vakalatnama' or already

received instructions from the parties but when it comes to the question of Clause 6, that gives the general right to the advocate and I am aware that the hon. Member from Ratnagiri...

**SHRI BAPUSAHEB PARULEKAR:**  
You are practising in High Court and I am practising in a mofussil court. That is the difference.

**SHRI P. SHIV SHANKAR:** I can assure you, as a few of the hon. Members have said, that the talent is not merely confined to a High Court at all and I am one of those people who believe that there are much better advocates in the District Courts as compared to many in the High Courts and one such person I can cite is my hon. friend from Ratnagiri. One question that was raised was: why don't you have a separate High Court? In fact the opener of the debate himself raised this question that it would have been better to have a separate High Court. Sir, there is a High Court Judge who is normally expected to dispose of 650 cases. This figure has been arrived at not by the executive in any form but by the Highest judiciary itself and norms have been laid down and it is a matter of immense satisfaction that by and large, generally, the various judges of the High Court have been disposing of cases at this standard. Now, if a High Court is to be established in Goa only, the person who will be the Chief Justice will also be a puisne Judge and everything is imbibed in himself. So, that creates a problem. The same problem is to be faced by Andaman and Nicobar Islands. I do not know if the hon. Member from Andaman and Nicobar Islands is interested in more litigations. The people in Andaman and Nicobar Islands are very peaceful, rarely they fight and if it is his intention and if it is his motive.....

**SHRI MANORANJAN BHAKTA:**  
Everyone is going to Calcutta. There are about 2000 or 3000 cases pending.

**SHRI P. SHIV SHANKAR:** My hon. friend knows very well that in a month, hardly one or two cases come to Calcutta. He is very much aware of that..... (*Interruptions*). What we have been doing is that whenever there are cases, the Calcutta High Court sends a bench for the disposal of cases there, and the matters are disposed of so quickly that even one week's work is not available for a judge who goes from Calcutta. In view of this, it may not be possible to consider at this stage for a permanent bench there and burden the administration.

**SHRI MANORANJAN BHAKTA:** The Calcutta High Court judge who goes to Port Blair for circuit bench does not take up the cases which are filed at Calcutta High Court itself. Only the cases which are filed at Port Blair are attended to by him. That is why the people have to run every now and then to Calcutta.

**SHRI P. SHIV SHANKAR:** The filing part has necessarily to be done at Calcutta because the judge has to go whenever there is work and dispose of the cases there.

**SHRI MANORANJAN BHAKTA:** At the Port Blair also, there is a registrar there. But the cases under Article 226, writ petitions are not filed at Port Blair; these are filed at Calcutta and are taken up at Calcutta only, not at Port Blair.

**SHRI P. SHIV SHANKAR:** The question is—how many cases are there so that a bench could be

constituted there. That was the difficulty which I expressed.

**SHRI MANORANJAN BHAKTA:** Because of the special conditions of the Islands, you may reconsider this.

**SHRI P. SHIV SHANKAR:** He is appealing to my heart that it is a matter of Islands. But he has never invited me to come there.

**SHRI MANORANJAN BHAKTA:** I invite you readily.

**SHRI P. SHIV SHANKAR:** Sir, I do not think that there is any other point which I should reply now. I again thank the hon. Members for their valuable suggestions.

**SHRI BAPUSAHEB PARULEKAR:** In the high courts they take up matters on chronological basis and the matters from the *mofussils* are not decided for years together unless the matters from the metropolitan areas are decided. Can we not bifurcate? Will you seriously do something so that the *mofussil* matters could be disposed of earlier and they do not stand in the queue? As we know, the ratio in these cases is 80: 20.

**SHRI P. SHIV SHANKAR:** I assure the hon. Member that I will take up this with the Chief Justice of Bombay High Court and request him to consider the grievances of my friend and see if the cases coming from the *mofussils*, which are called the appellate side cases could be disposed of early.

श्री हरीश कुमार गंगवार (पीलीभीत) :  
 मंत्री महोदय ने अपने भाषण में कहा है  
 जहां कहीं भी हो सकेगा वहां बेंच का  
 कायम की जायेंगी। मेरा कहना यह है  
 कि जिन राज्यों की एक करोड़ या उससे  
 भी कम आबादी है उनके लिए भी एक  
 हाई कोर्ट है और ऐसे राज्य भी हैं  
 जिन की दस बारह करोड़ की आबादी है  
 और वहां भी एक हाई कोर्ट है। उत्तर  
 प्रदेश की आबादी तथा वहां के लोगों की  
 मांग को देखते हुए क्या आप यह निश्चय  
 करेंगे कि मेरठ या बरेली में कोई बेंच स्था-  
 पित की जानी चाहिए ? उत्तर प्रदेश की  
 बारह चौदह करोड़ की आबादी है और  
 उसकी एक ही हाई कोर्ट है।  
 मंत्री महोदय के भाषण को सुन कर ऐसा  
 लग रहा था जैसे श्री जैल सिंह बोल रहे  
 हों। बातों बातों में उन्होंने टाल दिया  
 है। मैं जानना चाहता हूँ कि आबादी को  
 देखते हुए क्या आप हाई कोर्ट के बेंच  
 स्थापित करेंगे या नहीं करेंगे ?

SHRI P. SHIV SHANKAR:  
 I am sorry that the hon. Member has  
 not followed me. Perhaps my Eng-  
 lish was not that good that could  
 make him understand. I said that  
 the principle that would be follow-  
 ed by this Government would be to  
 keep in view the interest of the  
 common man and wherever it is ne-  
 cessary from that point of view to  
 take justice to the door of the com-  
 mon man, we will certainly consider  
 establishment of the benches.

I think, this should make the point  
 clear.

MR. DEPUTY-SPEAKER: The  
 question is:

"That the Bill to provide for the  
 extension of the jurisdiction of the  
 High Court at Bombay to the  
 Union Territory of Goa, Daman  
 and Diu for the establishment of  
 a permanent bench of that High  
 Court at Panaji and for matters  
 connected therewith be taken into  
 consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now,  
 we will take up clause by-clause  
 consideration of the Bill. There are  
 no amendments to Clauses 2 to 14.  
 The question is:

"That Clauses 2 to 14 stand part  
 of the Bill."

*The motion was adopted.*

*Clauses 2 to 14 were added to the  
 Clause 1, the Enacting Formula and  
 the Title were added to the Bill.*

SHRI P. SHIV SHANKAR: I  
 beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The  
 question is:

"That the Bill be passed."

*The motion was adopted.*

9.15 hrs.

**MOTION RE. DISAPPROVAL OF  
DRAFT NOTIFICATION UNDER  
SECTION 620 OF COMPANIES ACT**

**SHRI BAPUSAHEB PARULEKAR**  
(Ratnagiri): Mr. Deputy Speaker, I  
beg to move:

"That this House disapproves the  
draft notification under clause (a)  
of sub-section (1) of section 620 of  
the Companies Act, 1956. (1 of 1956)  
providing that sections 255, 256 and  
257 of the said Act shall not apply  
to a Government Company, laid on  
the Table of the House on 18th  
November, 1980.

"This House do recommend to  
Rajya Sabha that Rajya Sabha do  
concur in this resolution."

**MR. DEPUTY-SPEAKER:** I do not  
take much time. This is a very simple  
but a meaningful motion. This motion  
is moved under Section 620 sub-  
clause (2) of the Companies Act. Sir,  
the Hon. Law Minister laid on the  
Table of the House this draft noti-  
fication under Section 622 on 18th De-  
cember, 1980.

Sir, on 18th December, 1980, about  
19 documents were laid on the Table  
of the House and the Hon. Law Min-  
ister himself laid about 8 documents.  
Sir, probably that this may go unno-  
ticed, along with other documents.  
This document came to be laid on the  
Table of the House; I do not  
know. Sir, it was expected that some  
Expert evidence would be given  
along with this particular draft noti-  
fication so that Hon. Members can  
know the reasons as to why the Gov-  
ernment felt the need of producing  
such a draft notification on the Table  
of the House. Sir, this morning<sup>o</sup> in  
papers I got this clarification. Apart  
from the merits of that particular  
clarification, I would like to tell the  
august House, this clarification was  
laid on the Table of the House of  
Rajya Sabha on 8th December.

**THE MINISTER OF LAW, JUS-  
TICE AND COMPANY AFFAIRS**  
(SHRI P. SHIV SHANKAR):  
They raised an objection.

**SHRI BAPUSAHEB PARULEKAR:**  
They raised an objection but, imme-  
diately thereafter it was laid on the  
Table of the House but it was not  
laid on the Table of the House in  
Rajya Sabha.

**SHRI P. SHIV SHANKAR:** What  
happened was that when I was laying  
it on the Table of the House; one  
of the Hon. Members there said, why  
are you giving the exemption. You  
give some reasons. Then I promised  
him that I shall lay it on the Table  
of the House. That is how I laid it  
on the Table of the House.

**SHRI BAPUSAHEB PARULEKAR:**  
I have nothing to say about it. On  
the very day this could have been  
laid on the Table of the House. Seven  
days passed. But, apart from that.  
Sir, this particular clarification men-  
tions in the last but one paragraph,  
after issue of the aforesaid notifica-  
tion dated 24th January, 1978, it was  
represented to the Government that  
subsidiary companies of Government  
companies should also be exempted  
from the provisions of the Section.  
I would like to request the Hon. Law  
Minister to tell this august House as  
to who submitted this representation  
and when it was submitted. That  
would be necessary for me to know  
about this particular statement which  
you have made in the last but one  
paragraph of this notification. The  
Government on many occasions issu-  
ed notifications of this particular type.  
I do not know whether the intention  
of the Government is to give retros-  
pective effect to this particular noti-  
fication.

In the years 57, 61 and 65 such  
exemptions were given. I have no  
objection to giving exemptions but  
I should like to know whether with  
a particular company in mind this  
particular draft notification had been

[Shri Babu Saheb Parulekar]

laid on the Table of the House. How many government companies are there functioning? If my information is correct, there are 150 government companies; in 80 or 85 of them the board of directors is not appointed because of the deletion of this particular provision. The draft notification mentions that section 255, 256 and 257 should not be made applicable to government companies. These sections speak about the retirement of directors, one-third, two-thirds, re-election by the general body, etc. These are democratic principles embodied in the particular section of the company law and they are made not applicable to government companies. The question is: Why on this day the particular notification was laid on the Table of the House. I invite the attention of the hon. Law Minister to clause 6 of Maruti Bill which mentions power of Central Government to direct vesting of the undertaking or the company in a government company. There was a notification issued during Janata Government in 1978; this notification reads:

"In supersession of the Ministry of Law, Justice and Company Affairs Notification No. GSR 234 dated 31st January, 1978 and in exercise of the powers conferred by clause (a) of sub section (1) of section 620 of the Companies Act. . ."

That notification in clear terms lays down that sections 255, 256 and 257 shall not be applicable to government companies. Where is the occasion for the government now to amend that notification? Now, I want to inform the House, what was the original notification and what is the present notification. The original notification says that these sections shall not apply to government companies in which the entire paid up share capital is held by the central government or by any state government or governments. Now, the addition is: "a subsidiary of a government company.

referred to in clause (a) above, . . ." This is because they wanted to exempt the application of these sections to the newly acquired Maruti Company because such a company comes under section 6. Otherwise there was no necessity to do that. Therefore my question is: how many companies are there which are government companies. After the various notifications by which you made these sections not applicable, how many companies are there where the directors-board is not appointed. Is it a fact that about 80 per cent of the companies are such where director-boards are not appointed because the particular sections are deleted. Because of the deletion of the particular section, more than 60-70 per cent of the companies are in a chaotic condition because directors-boards could not be appointed. What was the necessity for extending its application to the subsidiary of government companies? If only this has to be made applicable to the government company to be acquired under section 6, I submit this should not be approved.

SHRI P. SHIV SHANKAR: My hon. friend from Ratnagiri has demonstrated his capacity for advocacy, to which I had referred when I was trying to reply to the debate with reference to the other Bill. The point is simple and I do not know why he has taken upon himself to object. On 31-1-1978 my predecessor issued a notification under section 620 exempting government companies from the purview of sections 255, 256 and 257.

So far as these three sections are concerned, I am glad the power to exempt has not been challenged. At least to that extent, my hon. friend has been charitable to me. Under the Company Law, a particular percentage of directors have to retire at every annual general body meeting. Again they can offer themselves for election and the elections take place in the annual general body meeting. This is the sum and substance of

sections 255, 256 and 257. In a Government company, all the shares belong to the Government itself. There is no purpose of some directors retiring because all the directors are nominated by the Government. Once the directors are nominated by the Government, there is no question of election, as it is in the ordinary companies. Why should they retire and again be re-nominated? In the Government companies, because the shareholders are the Government and the directors are persons nominated by the Government themselves to follow this process laid down in sections 255, 256 and 257 is otiose and meaningless. Because of this reason, the demand was made on behalf of Government companies as to why this procedure should be followed. Of course, this was taken up sometime in 1975-76. Ultimately my predecessor took a decision that regarding the Government companies, there is no question of retirement and election, since it is a case of nomination and the shareholders are wholly the Government itself, this cumbersome procedure is meaningless. That is why power under section 620(2) was exercised in exempting the Government companies from the purview of these three sections 255, 256 and 257. Afterwards, there were certain companies which were wholly subsidiary companies of wholly Government companies. They also said, "Look After all, the shareholdings in these companies also belongs to the Government. The entire money is that of the Government. There is no question of general body meeting election, retirement etc." I can give an instance—Minerals and Metal-Trading Corporation of India Ltd. This type of companies came forward and asked, when they are wholly subsidiary companies of wholly Government companies, why the same principle should not be adopted and why they should not be exempted from the provisions of sections 255, 256 and 257, so that the ordeal of going through the process of so-called election, which in fact is a farce, could be

avoided. It is purely in this background that action was taken by notification to exempt these wholly subsidiary companies of wholly Government companies from the purview of section 255, 256 and 257. My friend need not unduly read too much. He has referred to clause 6. Of course, he read it in a hurry. If the Maruti Co. on being taken over does not become a wholly subsidiary company of a wholly Government company—because he was trying to attribute some motives—if at all it will fall in the category of a wholly Government company for which safeguard has been made, my predecessor was a very good astrologer—He fore-saw the argument that was going to be addressed by Mr. Parulekar. This exemption has no relevance with reference to Maruti Company in any form whatsoever. Its objects will come within the purview of the notification of January, 1978.

My friend asked as to how many Government companies are there. I have the information that has been supplied to me by the officers on the spot. I thank them because they immediately seemed to have worked out and passed it on to me. As on 31st March, 1977, there were 701 Government companies. So, nothing much need be read in an innocuous notification of this type.

**SHRI BAPUSAHEB PARULEKAR:** Out of all these companies, what is the percentage where Board of Directors is not appointed?

**SHRI P. SHIV SHANKAR:** On the spot, it will not be easy to give an answer. I am only trying to say that one need not strain one's nerves to bring this exemption also within the purview of an argument with reference to Maruti Limited where there is no basis at all. But I appreciate my friend's capacity to urge the point from the point of view of political gimmick rather than with any logical basis.

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

"That this House disapproves the draft notification under clause (a) of



[Mr. Deputy-Speaker]

sub-section (1) of section 620 of the Companies Act, 1956 (1 of 1956), providing that sections 255, 256 and 257 of the said Act shall not apply to a Government Company, laid on the Table of the House on 18th November, 1980.

This House do recommend to Rajya Babha that Rajya Sabha do concur in this resolution."

*The Motion was negatived.*

19.32 hrs.

**DISCUSSION ON CHOICE OF TECHNOLOGY AND FOREIGN COLLABORATION FOR UREA AND AMMONIA FERTILISER PLANTS TO BE BUILT ON THE BASIS OF BOMBAY HIGH COMPLEX**

**MR. DEPUTY-SPEAKER:** Now we take up discussion under Rules 193. Before I call Shri Unnikrishnan, I would like to inform that Shri K. P. Unnikrishnan has given intimation that during the course of a speech raising discussion on the choice of technology and foreign collaboration for the urea and ammonia fertiliser plants, he would quote from certain documents.

I have looked into the matter. It has been held by my distinguished predecessor on 26 February, 1965 that—"A Member can ordinarily quote from a document that is treated by Government as secret or confidential and which Government have not disclosed in public interest."

It has also been held that—

"While Government cannot be compelled to admit or deny the correctness of any alleged copy of a document which is classified as secret or confidential; it is necessary for the Member who quotes from such a document, to certify that he has verified from his personal knowledge that the document is the true copy of the original with the Government and the Member will do so

on his own responsibility, and the Chair will permit him to proceed. In case the Member is not prepared to give a certificate in these terms and he insists on quoting from such document the Chair may find out from the Government about the authenticity of such a document and the facts placed by the Government before the Chair will be final in determining whether such a document is genuine or not. Where Government decline to admit or deny the correctness of any alleged copy, the Chair will allow the Member to proceed and it will be for the Government to give such answers as they think fit."

In the light of the ruling quoted by me above, I would like to know from Shri Unnikrishnan whether he is prepared to certify that he has verified from his personal knowledge that the documents from which he wants to quote are a true copy of the originals with the Government and he will do so on his own responsibility.

**SHRI K. P. UNNIKRIISHNAN (Badagara):** Certainly, Sir; before I begin, I shall fully authenticate it and lay it on the Table of the House, if there is demand in the House; or, the Minister can deny it. I will certainly abide by your ruling. All these are true and genuine copies of what is contained in the respective files.

Sir, History tells us that when Rome was burning, Nero was fiddling. It is disturbing indeed to think that some of our Ministers, in particular the Minister for Petroleum and Chemicals, for whom I have great personal affection and regard, is indulging in the same feat by fiddling with the fate and fortunes of the Indian fertilizer industry and the future of our fertilizer technology and, consequently, the future fate and fortunes of the poor Indian farmers, who have been crying for better tools and inputs.

Before going into the details of this transfer of technology and consultancy

arrangements, I would like to put in a wider canvas, if you would permit me, the Indian fertilizer scene and the present set back to the nitrogenous fertilizer industry.

Even since this Government came into office, the capacity of the nitrogenous fertilizer industry, in terms of the utilisation of installed capacity, has come down from 69 per cent in 1978-79 and 61 per cent in 1979-80 to less than 50 per cent in 80-81 April-Sept. This is in the context of the poor per hectare consumption of fertilizer in India. As against the international average of 120 kg, it has come down to 20 kg, and this year it is likely to be much less. In the international market the feed-stock prices are going up. The price of urea has been steadily climbing up, and it is in that context that you should calculate the damage done by the decision of the distinguished Minister, because the urea import bill has been going up and up and, as a result of this decision, we have already lost over Rs. 600 crores.

Based on the four ammonia plants proposed to be set up in Thal Vaishet and Hazira with a capacity of 1,350 metric tonnes, making a total of 5,450 metric tonnes per day, depending upon the level of technology, it was possible to convert 1.6 metric tonne of urea with 1 metric tonne of ammonia. Thus, 5,400 metric tonnes of ammonia could have been converted into 8,460 metric tonnes of urea.

The 7 urea plants proposed to be set up in the Bombay High complex would have had an installed capacity of 8,400 metric tonnes per day. The value of these 8,400 metric tonnes of urea, under the present import price of Rs. 2,060 per metric tonne, would come to about Rs. 1.75 crores a day. If we assume 330 working days, the value would be round about Rs. 580 crores, by fiddling around with it for the last one year since he came in, and I shall also prove how he was primarily responsible for the decision of

disapproving this contract initialled as early as in December 1979, because of which the national exchequer has already lost over Rs. 600 crores. Now it is in this context, that whatever I shall have to say narration of sequence of events of the Bombay High will have to be judged.

In Bombay High, as early as in 1976, when Shri Sethi himself was probably the Minister, if I could recall it correctly, it was decided, ONGC had said that these oil fields were capable of yielding over 20 million cubic metres of natural gas every day. And it was capable of going in for 10 plants and immediately 4 plants of the capacity of 1,350 metric tonnes a day. So, I do not know whether it was he himself or his predecessor who has appointed a study group under Mr. K. C. Sharma, who went into these details. The most important and significant part of the 8 conditions that the Sharma Working Group has suggested was that plants would be of (a) 1,350 metric tonnes per day and more important, the technology to be imported in these plants would be so standardised that the benefits of standardisation for both size and technology are obtained by this country and also that will be transferred to the then Fertilizer Corporation, subsequently FPDIL, Fertilizer Plant and Development India Limited, a public sector undertaking so that we can go in for other plants and that it will be financed by the World Bank.

In October 1977 the political fortunes of the Congress Party had undergone a change and a new Government had been installed here. However, in October 1977, a Working Group under the chairmanship of Mr. Lavraj Kumar pre-qualified six international companies, namely:

1. CF Braun (USA)
2. Toyo Engineering Corporation (Japan).
3. Technimont (Italy)
4. Humphreys Glasgow (UK)

[Shri K. P. Unnikrishnan]  
5. Pulm'an-Kellogg (UK).

6. Haldor Topsoe (Denmark).

And it was agreed that another Working Group under the same Chairman, Mr. Lavraj Kumar would draw up the procedure for evaluation of bids and award of contracts and its criteria to be taken into account in evaluating the bids in consultation with the World Bank. In pursuance of this decision, bids were invited in March 1978 from the above six parties and Government appointed a high powered expert Committee headed by Mr. Paul Pothen, one of the internationally recognised fertilisers experts, Managing Director of IFFCO, directly concerned with Hazira and the following members:—

2. Duleep Sinh, Chairman and M.D., RCF.

3. B. B. Singh, Chairman and MD, National Fertilisers

4. H. Jethanandani, Executive Director, FPDIL.

So, bids were received in August 1978 and in November 1978 three were eliminated and three remained. Particularly it is important to remember that *Haldor Topsoe was eliminated as technically and commercially not viable*. This firm, I must say, is headed by a distinguished technologist of a small organisation which has not gone into any independent kind of research, nor has it the capacity, not even in Italy where there is a plant running about 1,350 metric tonnes, they went in for collaboration with another Italian Company. Even here, when they put in their bids as I would prove subsequently, first they came with an American Company called Brown and Root, and subsequently now I am told, because of certain preferences the Minister has I am projecting the view of the hon. Minister for Petroleum and Chemicals—now, this Paul Pothen Committee after careful and detailed examination, shortlisted the three fol-

lowing companies for further consideration:—

1. CF Braun
2. Toyo Engineering
3. Pullman Kellogg of UK.

Again, I repeat, Haldér Topsoe was eliminated.

Sir, after a prolonged visit abroad to several plants, the very same Committee reached a unanimous conclusion that the offer of CF Braun was both technically and commercially viable and the best and recommended Braun for award of all the four contracts.

Now, I can do no better regarding the claims or otherwise of CF Braun than to quote firstly the Secretary, Fertilisers and Chemicals on 7th July, 1979, as follows:

"The special Committee (of Secretaries of Fertiliser projects) have gone carefully into the provenness of Braun technology, Braun's experience in setting up of similar plants and Braun's inexperience in Indian conditions. ....

"Some of the other bidders such as Kellogg, Toyo and Humphreys & Glasgow have made a number of submissions to the effect that the Braun technology is not proven and that it is not suitable to Indian conditions, particularly in view of the poor power position here. These points have been dealt with by the Adviser (F) in this Department in his note at pages 45/75 ante. The Special Committee also heard both the Adv (F) and Paul Pothen in great detail on these issues. ....

"The Committee was convinced that there were no problem which were special to the Braun process, that the Braun process was no more susceptible to power disturbances or unstable operating conditions than the other processes and that in view of the provision of captive power for the ammonia plants.

there was no need for any apprehension that the advantages of the Braun process would be counter-balanced by unsatisfactory power conditions."

Now I quote from the Agriculture Ministry's note to the Cabinet dated 25th July, 1980 advocating this case. I quote only selected portions:

"(i) In selecting the Engineering Consultant, the intention has been to attempt standardisation of ammonia technology and to aim at complete transfer of this technology to FDIL. . .

(ii) If instead of C. F. Braun, a different consultant is selected, the outlay of licence fee would be higher by rupees 8 to 10 crores.

(iii) Energy consumption in Braun technology is distinctly lower."

Then it goes on to higher price and higher subsidy by Government. Then in page 2 it says:

"(i) C. F. Braun has a technology which is essentially different from that followed by other consultants and used by them since the early 60s can result in savings of more than 10 to 20 per cent in the input of energy. . . .

(ii) The Braun process provides more carbon dioxide than the other processes permitting the conversion of almost of all ammonia to urea. . .

(ii) . . . Other firms like Kellogg have quoted a separate price for technology transfer and have proposed that the technology transfer should be separated from the work on the project."

This went in for scrutiny by the Petroleum & Chemicals Ministry in March, 1979. There was a full evaluation by this committee and it was further scrutinised by the Ministry of Petroleum & Chemicals & Fertilizers, and then sent to the Committee

of Secretaries as is the normal practice in the Government of India.

The Committee of Secretaries in June, 1979, fully endorsed the recommendations of the Paul Pothien Committee. A negotiating committee was subsequently set up under the chairmanship of Shri Duleep Singh, assisted also by technical, commercial and, I underline the word, legal experts. I do not know, whether he recalls informed C. F. Braun of their selection as consultants and invited them for negotiations and final contracts were drafted and initialled after four months of negotiations in December, 1979. The initialled contracts were again approved by the Petroleum & Chemicals Ministry and the Committee of Secretaries. IFFCO also initiated action and finalised contracts in January-February, 1980.

The political situation had changed again and the future and fortunes of Indian fertiliser technology also. It need not be, but that is how it happened. Mrs. Gandhi came to power with a massive mandate in January, 1980, and my hon. friend—I have affection and regard for him, which I think he will bear out—was appointed the Minister of Works and Housing, and after a few days also to hold additional charge of Petroleum and Chemicals.

One of the first acts of this Government was regarding the finalisation of the urea plant. The Minister argues that it is very wrong to put all eggs in one basket, but here he gave away all the seven urea plants to Snam Progetti. Now I hope Shri Sethi will forgive me if I mention, not that I am fully convinced but there has been talk earlier and it was his business to see that these rumours were dispelled. SNAM's successful way of doing business in India has come up in this House for the last several years. I do not know, whether he recalls in early seventies when there was a pipeline scandal. Probably, he would remember some of us from other ben-

(Shri K. P. Unnikrishnan)

ches had raised it. There was an enquiry Commission and so on. But, however, the present Minister, Petroleum and Chemicals has always been an old friend of this group and according to the documents available, laid on the Table of House, of the Shah Commission, it was Mr. Sethi who once threatened Chairman of Gujarat Narmada Fertilizer Valley Corporation, Urea Project, with arrest under MISA if he did not withdraw letter of intent from Toyo and gave it to SNAM. Now there are more reasons than this and beyond Mr. Sethi. That is why I do not want to go into the details of it than the various other Italian connection to which Mr. Balasubramaniam, one of our distinguished Journalists referred to in an Article "Playing Favourites" dated September 17, 1980, in "The Hindustan Times"; He says: "SNAM PROGETTI incidentally is rather famous in the Indian Capital very energetically represented and reported to be highly connected politically".

Mr. Jyotirmoy Bosu had during the discussion on the Finance Bill, Third Reading had mentioned this—I quote: "Then Mr. QUDTROCHI, Agent of SNAM PROGETTI, you remember Barauni Pipeline scandal, his name was there. He is a close friend of an Italian lady V. I. P." I do not want to go any further.

Mr. Sethi naturally decided in favour of SNAM PROGETTI. But as far as Ammonia Plants are concerned, after Mr. Sethi's arrival entire procedure underwent a dramatic change. From the day he entered Shastri Bhavan till the day he left in March '80 to yield place to Shri Veerendra Patil, he showed a remarkable and inexplicable bias to Pullman Kellogg. On 25th January he wrote—

I quite share the apprehensions contained in the minutes of 29th July, 1979 of the then the Minister of State at page 82/N with regard to C. F. Braun. The whole question, therefore, needs to be re-examined thoroughly by an Expert

Committee before we take further action in the matter".

This is only quoting Mr. Yadav half. Mr. Yadav, he says—

"All said in favour of selecting M's C. F. Braun it will be prudent if we do not put eggs in one basket. Braun is absolutely new to Indian Conditions. This inexperience alone will certainly affect the constructions schedule of smooth progress of work". This is what he said. Then the Secretary, Petroleum and Chemicals goes on to deal with his objection which was also raised earlier by Member (Industry) of the Planning Commission and he is satisfied.

Now Mr. Sethi rightly decided to leave things this point of time to a New Expert Committee. On 9th February, 1980 he constituted a new Expert Committee and asked them immediately to report. But, however, not to leave anything to chance or even to this Committee he had appointed, he remarked on 21st February, 1980:—

"In order to re-examine and to properly evaluate the capability of the consultant and his technology and superiority of the terms of the contract for technology, it is necessary for the committee to negotiate also with Pullman Kellogg for a contract for consultancy and technology immediately and then to decide appropriately the selection of consultant/s".

Mark the words. "It is necessary for the Committee..." The Committee has just been constituted. Here is the Minister, before the Committee is constituted and its terms of reference are finalised, before they go into the whole question—the Minister shows his card—saying, "...to negotiate also with Pullman Kellogg—he specially mentions a firm, this is a firm—for a contract for consultancy and technology, immediately and then

to decide appropriately the selection of consultants."

This was done before the Committee had started its deliberations.

On 23rd February, 1980, the Secretary, the Ministry of Chemicals and Fertilisers, however, explained the background and basis for selection of Braun and the undesirability of negotiating with Kellogg after contracts had been concluded. This also vitiates the contract procedures. In any global tenders, once they are opened, unless there is a specific term for negotiations, it cannot be re-negotiated. This is one of the understandings that the Government of India had, as far as I know—he can deny it—with the World Bank. But Mr. Sethi was not convinced as to why not Toyo of Japan who was placed second? Mr. Sethi will not have it.

On 6th March, 1980, that is, the day the information had come that he was being relieved, a day before the new Minister came. Mr. Sethi writes on the file:

"I am surprised that Secretary has not fully appreciated and incorporated my orders of 9-2-80 and 21-2-80. I am thus compelled to arrive at the conclusion that somehow or other "attempts are being made to bypass my orders so that the entire object which I have in view, that is, of giving a full and fair opportunity to everyone including Pullman Kellogg proved abortive. I am unable to understand why a deliberate attempt is being made to bypass Pullman Kellogg.... I now direct that the memo constituting the committee be amended in terms of my orders dated 21-2-80."

My distinguished friend, the hon. Minister, was clearly backing up Pullman Kellogg. It is further clear from a telex dated March 17, 1980 sent by one Mr. R. A. Guillet of Pullman Kellogg to Mr. Masayoshi Nato, President of Toyo Engineering, Japan. This telex was sent by Toyo's

Delhi representative—in a letter dated 22nd March addressed to Secretary, Department of Chemicals and Fertilisers, Government of India. The telex reads:

"SUBJECT BOMBAY HIGH GAS BASED AMMONIA PLANT/GREETINGS. IT IS OUR UNDERSTANDING THAT THE SUBJECT PROJECT IS UNDERGOING A NEW BREATH OF LIFE. I ALSO UNDERSTAND THAT THE PRESENT POLITICAL CHANGES IN INDIA MAY FAVOUR TOYO AND PULLMAN KELLOGG COMPETITIVE POSITION."

Poor Mr. Guillet did not know what was being cooked because he was also being dropped.

Then, the new Minister concerned, Mr. Veerendra Patil, on 10-3-80, after looking through Mr. Sethi's noting of 6-3-80, wrote on the file:

"We may, however, await the report of the expert committee before taking the next step. The committee should be asked to expedite its report."

And he sent the file to the Finance Minister.

19.59 hrs.

(SHRI CHINTAMANI PANIGRAHI in the Chair).

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): On a point of order, Sir. My hon. friend has quoted what is written on the file by the Minister. Again he quotes what is written on the file after another Minister comes. I would like to know whether the file has been circulated to my hon. friend, Mr. Unnikrishnan, who has noted it down and places before the august House....

DR. SUBRAMANIAM SWAMY (Bombay North East): Don't be so innocent.

**SHRI MALLIKARJUN:** How he came to know the notings on the file.

**MR. CHAIRMAN:** The Minister will disprove it.

**SHRI MALLIKARJUN:** My point is, how a file on which these notings have been made has come in his possession. How can the exact wording be quoted by an hon. Member from a file of the Government? I want to get it clarified.

20 hrs.

**MR. CHAIRMAN:** The hon. Member has given all the points to the Speaker. The Minister is quite capable of replying.

**SHRI MALLIKARJUN:** This is a very mysterious thing.

**SHRI SATYASADHAN CHAKRABORTY** (Calcutta South): Sir, I want that these papers the hon. Member is quoting from should be laid on the Table of the House.

**MR. CHAIRMAN:** That is a different thing.

**SHRI K. P. UNNIKRISHNAN:** I will lay it on the Table.

**SHRI SATYASADHAN CHAKRABORTY:** Those papers should be laid on the Table.

**SHRI MALLIKARJUN:** The hon. Member is mentioning a file, not from any newspaper.

**MR. CHAIRMAN:** Mr. Unnikrishnan kindly continue.

**SHRI SATISH AGARWAL** (Jaipur): It was made amply clear by the Deputy-Speaker that he had received intimation from the hon. Member regarding the papers to be quoted... (Interruptions)

**SHRI K. P. UNNIKRISHNAN:** I can lay... (Interruptions)... photostat copy with numbers.. (Interruptions.)

**SHRI MALLIKARJUN:** How could he get photostat copy from government file? The hon. Member is indulging in anti-national activities.

(Interruptions)

**SHRI SATYASADHAN CHAKRABORTY:** Why are you afraid of the truth, my dear friend? In that case, he will lay it on the Table.

**SHRI K. P. UNNIKRISHNAN:** I will lay on the Table. [Placed in Library. See No. LT-1767/80].

(Interruptions)

**SHRI MALLIKARJUN:** My point is this. How could he get photostat copy of the file?

**MR. CHAIRMAN:** The Minister will reply to all those points.

**THE DEPUTY MINISTER IN THE MINISTRY OF SUPPLY AND REHABILITATION** (SHRI P. K. THUNGON): The hon. Member wants to impress the House by quoting the notings, if it is a fact, that he has got the exact notings of the file. Can he reveal as to who is the person who has unlied to him? (Interruptions) If he cannot quote where from has he got and what is the source, I ask him whether he is forcing the House to believe his statement.

**SHRI SATISH AGARWAL:** It is for the Minister to contradict it.

**SHRI K. P. UNNIKRISHNAN:** The hon. Deputy Minister is a new-comer to this House. He is a very likeable person.

**SHRI P. K. THUNGON:** I am not new so far as legislative matters are concerned. Mr. Unnikrishnan, you are a very good friend of mine. I would only like to remind you that I also have dealt in such methods in my Assembly. That is why, I wanted to know through you, Mr. Chairman, if it is a fact... (Interruptions)

**MR. CHAIRMAN:** I will tell you. Please take your seat.

**SHRI P. K. THUNGON:** Otherwise, he is trying to mislead the House.

**DR. SUBRAMANIAM SWAMY:** The Minister can contradict.

**SHRI SATISH AGARWAL:** He has given the quotations—quote and unquote. It is for the Minister to contradict him.

**MR. CHAIRMAN:** Just for the information of the Members, the hon. Member has informed the Deputy-Speaker that he is prepared to certify that he has verified from his personal knowledge that the documents from which he wants to quote are true copies of the originals with the Government and he will do so on his own responsibility.

**AN. HON. MEMBER:** He has done that in the beginning itself.

**SHRI K. P. UNNIKRISHNAN:** I have already given the notice and given a copy of the notice to the hon. Minister. It is upto him.

After Mr. Virendra Patil sends it to the Finance Minister, Mr. R. Venkataraman—so far there were only two...

**MR. CHAIRMAN:** How much more time would you take?

**SHRI K. P. UNNIKRISHNAN:** Five or ten minutes. So far, it was only Pullman's case, Kellogg's case—it is very important—which was being advocated by my friend, Mr. Sethi.

But now Mr. R. Venkataraman introduces a new element. I quote:

"PM has seen the file. It is better that the relative merits of six parties are assessed by the expert committee as early as possible."

Now from Pullman we come to Topsoe. While, as I said, Mr. Sethi was arguing for inclusion of Kellogg

even before the experts' committee has gone into it—the experts committee was appointed by him—but he did not want to leave any thing to chance. Now Topsoe, a firm 51 per cent of whose capital was owned by the Italian Snam Progetti is brought back. That is the result of Finance Minister's intervention.

The terms of B. B. Singh Committee were thus enlarged on 19th April, 1980. While the Ministry said on 22nd April, 1980. "The Expert Committee should assess the relative merits of all the six parties on the basis of available information." Mr. B. B. Singh insisted on April, 29 on updating the bids. In that process, Kellogg reduced its fees from 43 million dollars to 30 million dollars, vitiating the procedures.

When B. B. Singh Committee, a technical committee, appointed by Mr. P. C. Sethi also came to the conclusion that selection of C. F. Braun by Paul Pothen Committee was logical and correct and recommended the award of Thal Vaishet plant to C. F. Braun, as regards Hazira plant, there was a difference of opinion among the members. While three wanted it to be given to Braun for standardisation, a principle that was upheld right from the beginning, four felt that all the four need not be given to one consultant. Others felt differently as the Minister knows.

Now, the Chemicals and Fertilisers Ministry, in their note to the Cabinet Committee on Economic Affairs, proposed on the basis of B. B. Singh's report award of Thal Vaishet contract to Braun. I will only read the last sentence of the note to the Cabinet Committee:

"Minister for Petroleum and Chemicals and Fertilisers, Minister of Finance and Minister of Agriculture have seen and approved the note."

Now, the Ministry of Agriculture, as the administrative Ministry concerned



[Shri K. P. Uanikrishnan]  
for IFFCO, also recommended C. F. Braun for Hazira. The last sentence only I will read:

"Minister for Agriculture approved."

But suddenly something happened. The item itself was withdrawn at the last moment from the agenda of the meeting of the Cabinet Committee on Economic Affairs scheduled for July, 25 and now it came back to the full meeting of the Cabinet on July, 29, 1980.

On 29th July, 1980 no decision was taken. Instead the matter was to be referred to a new Sub-Committee of the Cabinet consisting of Mr. Sethi himself, the prime-mover, Mr. Venkataraman, Mr. Veerendra Patil and Mr. Shiva Shankar. Obviously, the opinion of this committee was divided sharply. Finally, Mr. Vasant Sathe, the Minister of Information and Broadcasting is also included to tilt the balance in favour of Mr. Sethi.

This committee overruled two expert committees' findings—one expert committee was appointed by Mr. Sethi himself—and also the findings of the Secretaries Committee throwing away all the norms to the winds on the Independence Day of 1980 and awarded the contract to Halder Topsoe and Kellogg. There was an elaborate defence of it in the Press on 17th September. One defence is:

C. F. Braun has no experience in India!

Now how am I to explain how a multi-core project like the Alumina project of Mr. Mohanty's State has been given to Pechney of France. Have they ever got into the soil of India? Did they use 747 planes before it was brought in here? Which kind of technology has come in here for the first time? If there is a separate discussion and more time, I shall tell you of the technology transfers coming in like this.

Another reason is legal lacunae. Then there it is a bit too thick—I should say. "The technology offered by C. F. Braun was not 'forward-looking.' What about Toyo then? Was it also backward-looking? Probably what is more forward-looking for the Minister is the technology touted by the familiar bearded presence in Delhi's court and power corridors and also exhibited by Sathe's TV." He knows this technology and its various ramifications. Now, Sir, I do not want to go into various other things.

I would only say this. Now, there is a question about Snam's own experience in India and about the other firms. Before I conclude, I would only say this. There is a Phulphur plant. Mr. Sethi knows that a foundation stone was laid in 1974. It is still not commissioned; till 1980, it is still not commissioned. Six years delay has occurred. There is a Kellogg Topsoe-Snam Progetti combination for five Trombay's ammonia projects. How much cost escalation and how much of delay is there because of this Snam-Topsoe's combination?

I conclude, Mr. Chairman. The gravaman of my charge today is that the Minister showed an extraordinary interest in the fortunes of a consultant Pullman Kellogg from the day he entered the office, totally disregarding all official advice and expert committee's recommendation. He had come back to this office after full five years to revise his own expert Committee's advice. My charge today is that he colluded with certain extra constitutional sources of power to subvert all norms of propriety observed in this country for the last thirty years. I know that he is not the personally corrupt. I shall vouchsafe this anywhere in this House or outside. But by providing an umbrella for those with or without beards for signiors or senioritas he committed a grave dereliction of duty.

My charge is: this consequently has resulted in a colossal loss to national

exchequer and out-go of foreign exchange. It is alarming to find that everybody is sitting pretty on this. If it had been in any other country, this kind of scandal in national and international press and media would not have happened. You are an old Member. You know what happened to Shri T. T. Krishnamachari and to Shri K. D. Malaviya and other Ministers. So, I demand—let there be a Parliamentary Probe with the assistance of distinguished scientists as Members, may be, like Dr. Ramanna or Dr. Sethna or Prof. M. G. K. Menon or let the Prime Minister hand over all the files and everything to a judge of the Supreme Court, and have a Commission of Inquiry to enquire into this.

MR. CHAIRMAN: Dr. Swamy. Please be very brief.

DR. SUBRAMANIAM SWAMY: I shall be brief. I won't go into all the technical details which Mr. Unnikrishnan has gone. Certainly, I would not like to repeat what he has said. I want to draw some conclusions and I would like to ask the Minister some questions. There is no doubt that this decision to award the consultancy contract to Pullman Kellogg and Topsoe has been universally condemned.

Somebody said that this was a question of U.S. Lobby speaking. Yesterday somebody said that this is reactionary force speaking. I would like to say that I have the newspaper cutting representing all sections of opinion. There is a Link Magazine which is by no means a reactionary magazine by the standard. In September 14, 1980 with Mr. Sethi's photograph there is a heading—the genesis of big scandal, here is a press cutting from India today, September, 16—30th issue of 1980 'Fiddling with the fertiliser'. Similarly, here is the Financial Express which says 'Fertiliser Consultancy Contracts—why this volte face?' Then, comes the Patriot paper which is, by no means, a paper which I would think to be highly bad. I know many Mem-

bers on that side do that. I am quoting from the 6th September, 1980 'Controversy over the Consultants' The Indian Express, which I have a good opinion of, says: Costlier know-how for ammonia plants. Then Hindustan Times, by no means Balasubramaniam writing plain favouritism Blitz of which I had never a good word for and that has a front page story 'Multi-crore fertiliser sell out'. This is not a question of U.S. company that has lost a contract that we are unhappy about. In fact, another American company has got it. Pullman-Kellogg is an American company. It is a very old rail-road company purchased by another U.S. company because Pullman-Kellogg is financially in a difficult position. I do not know whether the Fertilisers Minister knows about it. But he must know that since the award of the contract to Pullman-Kellogg this company is in grave financial difficulties and it has been taken over by another American company.

The question is that the decision to award the fertiliser contract to C. F. Braun was taken not by one committee set-up during the Janata rule but a series of committees spanning the old Mrs. Gandhi government down to Janata government through the Lok Dal government and even the new Indira Gandhi or Congress (I) government. From November, 1976 it goes to Janata government time and then in August, 1979 when Lok Dal government propped up by the Congress (I) party they have issued this Rashtriya Chemicals and Fertilisers, Chembur, Bombay which says:

"To

C. F. Braun—

Let me congratulate you on your selection as consultant for the four gas-based ammonia plants."

The decision is taken and afterwards the B. B. Singh committee was set-up by Mr. P. C. Sethi or his government and they too said that as far as Thal Vaishet is concerned it must go to

[Dr. Subramaniam Swamy]

C. F. Braun and as far as the other is concerned it may be given to someone else. This was recommended after a complete review. These are the documents which Mr. Unnikrishnan has presented. But the Cabinet, which consists of politicians which normally should evaluate scientific information, took a decision without consideration for the technical facts and made the decision, on what I do not know. It is true that shares of Haldor Topsoe are by and large owned by Italians and I would like to know what is that power which the Italians have over this government. What is the connection—Italian connection? Well, I do not know. He says 'Senorita'. This deal has been condemned by the Press and there is a feeling that some pay-offs are involved and the Italians have a hand in it. Who is that Italian who can wield that kind of power so as to change the decision of the six technical committees and see that this award is given to someone else?

MR. CHAIRMAN: Please conclude.

DR. SUBRAMANIAM SWAMY: I would like to conclude by asking three questions. I would like to ask did you do any cost analysis or is it a fact that the Braun technology would have saved our country Rs. 1,100 crores over thirty years and by not giving the contract to C. F. Braun you have lost Rs. 1,100 crores. Why did you over-rule all the six technical committees? What is the status of the World Banking financing today because I have read from the Press that the World Bank says that it is a stinking decision and they do not have anything to do with it and they may not give the promised soft loans? Do you know that Pullman-Kellogg is in financial mess and you have given the contract to a company which is on the verge of financial bankruptcy.

MR. CHAIRMAN: Before I call the next speaker there is an announcement. Shri K. P. Unnikrishnan quoted from certain documents and he has

handed over the papers at the Table for being laid on the Table of the House. These papers will be examined by the Speaker whether they would be treated as Laid on the Table or not.

SHRI NIREN GHOSH (Dum Dum): I will touch only 2 or 3 points shortly. First I would say that this is a scandal which is analogous to that of Dalmia-Jain scandal that was busted by Mr. Feroze Gandhi on the floor of this Lok Sabha here and I request that a similar treatment should be given to this. Secondly, I would say how the umbrella was spread over in order to bring in HALDOR TOPSOE. It is widely known that HALDOR TOPSOE of SNAM PROGETTI of ITALY is very close to the son and daughter-in-law of a very, very high dignitary in India. That is how it was brought in.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VEN. KATASUBBAIAH): It is an insinuation, Sir, it should be expunged.

MR. CHAIRMAN: You don't go into all these points. You simply state your views.

SHRI NIREN GHOSH: I have not named anybody, I only said: 'high dignitary'. When Mr. Sathe was inducted, Shri Birendra Singh Rao was kept out, whose Ministry, in a note has said, even the HAZIRA contract should be given to C. F. BRAUN. It is his note because his Department is intimately connected with fertilizer things. Then, as regards C. F. BRAUN, why it was selected? The Secretary to the Department of C&F in his Note dated 7th July, 1970 quantified the benefits of Braun technology as follows. I quote:

"The Braun process uses much less energy, about 10 to 15 percent less than others. It results in a saving in the cost of production of ammonia of Rs. 47 per M.T. as compared to the conventional process. In addition, it makes available a streamable

quantity of steam for use in the urea plant. What is of equal if not greater importance is the fact that in the Braun process, a large quantity of CO<sub>2</sub> is produced than in the conventional processes and thereby almost the entire ammonia produced can be converted into urea. This means that while in the conventional process, a quantity of about 60,000 tonnes of ammonia will be surplus and will have to be moved elsewhere for use, in the case of Braun process, almost the whole of this will be converted into about 100,000 tonnes of urea which will be additional production. In a situation where urea is and will continue for many years to be imported, this additional production of urea is a tremendous advantage. There is also a saving in the expenditure on additional storage....."

The energy-saving according to the Braun process is annually Rs. 16 crores. And because of the additional urea that they give it is Rs. 42 crores, all told, Rs. 58 crores. In 20 years it comes to more than a thousand crores. That is what they have lost. Deliberately they have done it. They say, they do not want to put all eggs in one basket. But I can put a question to the Minister. How is it that SNAM PROGETTI which is not an expertise, absolutely new to India, has been given the consultancy, and associated with others? Braun technology is known throughout the world; they can be given; This is a fishy-deal; under-hand deal; money considerations have played an important part. India's image has been degraded.

This is the biggest scandal that has come up in India. A probe under the Commission of Enquiry Act is absolutely essential. Short of that, a Parliamentary probe must be conducted into this affair. Let us remember that the Government of India is in the dock....

20.24 hrs

[Mr. DEPUTY SPEAKER in the Chair.]

MR. DEPUTY-SPEAKER: Shri Satish Agarwal. Please be brief.

SHRI SATISH AGARWAL: After hearing Mr. Unnikrishnan, Dr. Subramaniam Swamy and Mr. Niren Ghosh, I am 100 per cent convinced that it is essential in the interest of the entire national economy and the prestige of so many VIPs involved in this matter, that a Commission of Enquiry under the Commission of Enquiry Act must be set up by the Government so as to remove any suspicions of nepotism, corruption and favouritism in this entire deal.

Since 1952, approximately two hundred commissions have been set up under the Commission of Enquiry Act. It will be very clear from this particular statement that a Commission was set up in order to enquire about whether the deal for purchase of 500 metric tonnes of rice in Kerala in 1956-57 was justified. (Interruptions) So, I am saying that he has made out a case, particularly by quoting various portions of official documents. This controversy is to be cleared; he has put certain portions of Cabinet meetings and Expert Committee's opinions and all that. There is a great controversy, a lot of high VIPs are involved. I do not want to name them. Everybody knows about it. So, in the interest of the present Government, the present Prime Minister and the hon. Minister who is here in charge of this, a Commission of Enquiry be set up under the Commission of Enquiry Act.

SHRI BHOGENDRA JHA (Madhubani): Sir, the matter that has been raised by Shri K. P. Unnikrishnan is worth consideration and I congratulate him for having taken the trouble of bringing before this House authenticated copies of documents. I am not in favour of either C. F. Braun or Topsøe. As far as I am concerned, I would like to judge such issues on the merit of our national interest. I would

[Shri Bhogendra Jha]

like to know whether it was possible for us, on the basis of the technological knowledge that we have got, to execute these projects on our own without handing them over either to Braun or Topsoe collaborators. This has been going on since 1976. I do not know whether the Government headed by the Congress Party or the Janata Party or the Congress-I Party is responsible for this deal. I do know they have a love for the multinationals who are operating in our country and many of them are detrimental to our national interest. The question is: in case it is beyond our capacity to do it, whether it was possible to purchase the technological knowhow on out-right basis or not? Five years have elapsed. This is a valuable time and the production during this period is lost. It is a great loss to the country and loss on the agricultural front cannot be estimated. Because of this loss, the country has suffered greatly. So, taking all these factors into consideration, I would like to know whether it was not possible to make out-right purchase of the technological knowhow. In case that was not possible, then the point that has been narrated by my hon. Friend, Mr. Unnikrishnan becomes, very relevant here, because here apart from the national interest, apart from the production, self-reliance, etc. other points arise; the very credibility of the Government is involved. My friend is right in saying that very high top persons are involved in this. I want the Minister to clear whether that involvement, as has been said and authenticated by Mr. Unnikrishnan, is true or not. If it is not denied by the Minister, I want to know whether that involvement is on political ground. I do not know whether it is on some extra-political consideration, some personal attachment, some administrative attachment or family attachment. With that the whole country is involved. If such things do happen in our country, then none can say what will happen to the country as a whole and there are many other issues involved. Sir, why these issues are involved? I do not

want to plead for either Braun or this company or that company. If the hon. Minister is not in a position to clear this, then the House will have to decide to have a High Power Committee to thoroughly enquire into the matter and then a time-limit should be fixed and thereafter it should be decided because this cannot be solved over night. So, I think this is an issue which is to be cleared and by a brute majority decision you cannot muzzle the voice of the country.

SHRI HARISH KUMAR GANGWAR (Pilibhit): Mr. Deputy-Speaker Sir, the other day we discussed the Maruti Acquisition Bill and today another similar thing has come in the House.

I want to know from the hon. Minister whether it is not a fact that the World Bank loan of 250 million dollars is in jeopardy because of the unusual manner in which the decision was taken.

Further, I would like to ask whether it is not a fact that the expert committee headed by Shri Pal Pothan after detailed negotiations with the three firms and after visiting operating plants engineered by them came to the unanimous conclusion that Shri C. F. Brawn should be awarded the contract for all the four ammonia plants, not only because C. F. Brawn was the cheapest in the total evaluated price, but because their technology was the most advanced? The Brawn technology offered unlike others about 15 to 20 per cent saving in energy and the conversion of all the ammonia produced to urea. The value of this can be quantified at a recurring benefit of 55 crores annually at the present international cost of energy and urea.

Lastly, I would like to know whether the decision of the Government was actuated by reasons other than technical. That is why the World Bank is unwilling to finance the project. The decision of the Government thus has caused loss of the best available technology which was most economical backed by all the required guarantees and lost us goodwill among international firms besides the promised world bank financing.

These are my three questions on which I would like to have the answers of the hon. Minister.

SHRI A. K. ROY (Dhanbad): Mr. Deputy-Speaker, Sir, I am from fertiliser industry. I was in the Planning and Development division which has now become FPDIL. I know something of this great man, Shri Paul Pothen, so-called Brawn Company, Haldar Topso, this Minister. It is a shameful affair that India is charged doubly aligned, though it is non-aligned politically. I do not know about the truth of it, but technologically I can say that we are not non-aligned, we are doubly aligned. Some are discovering Italian connections, some are discovering French connections, some are discovering American connections, some are discovering Japanese connections and some are discovering connections of very high political families.

SHRI K. LAKKAPPA (Tunkur): What about Chinese connections?

SHRI A. K. ROY: I know when Nangal fertilizer plant was built, some correspondents of the Far-Eastern Review, that is not Chinese, visited Nangal fertilizer plant and they also visited one plant in China. They said that while the production capacity of the Chinese plant is same as that of Nangal plant, and the Chinese plant is absolutely indigenous, the Nangal plant is totally American imported plant, the Indian engineers are afraid to touch even its nuts and bolts.

I have nothing to do with Shri K. P. Unnikrishnan's charge, but there are certain peculiar things which should be probed. Even I would go to the extent of saying that if the House refuses to constitute a probe, the opposition should have an independent citizens probe body for this.

Who is this Paul Pothen and who is C. F. Brawn. Last year when the fertilizer technology was debated this House, I told Shri Bahuguna, the then Minister incharge regarding the decision in respect of four plants of fertilizers. It is absolutely a wrong decision, basically wrong. There should

be no Brawn, Kellogg, Haldar Topsoe or Toyto; we have got in India our own technology to have plants with a capacity of 900 tonnes of ammonia per day. Our Ramagundam and Talcher plants are coal-based. From November, the production has started and the results are very good, and it is absolute. Sir, in terms of urea it is to produce 1,500 tonnes, it is giving 1,350 while their average is only 51 to 60 per cent. That is based on coal, coal gasifications. In Namrup, from gas base, Sir, from 600 tonne capacity, the FPDIL is already producing. I propose why don't you give the Indian firm FPDIL to make at least three, one for knowing the technology etc. you can give to anybody. But these four plants, involving crores of rupees, you are giving to the foreign firms. In India, our technologists, our engineers, are capable of doing it for 900. Why don't you divide it? Instead of giving 1350, you divide to 900. One for knowing the technology you can put up and give it to the Indian engineers and an organisation like FPDIL or another. Now, Sir, previously when they gave to Brown, Brown employed FPDIL as sub-contractors. Now, the two plants have been already taken from the FPDIL and that entire organisation is in crisis. I want to put only one single question: Whether this Minister instead of running after American connections, your Italian connections, whether probed the national connections, the capacity of our own research organisations and how much India would suffer, had we depended on FPDIL or our indigenous technology for producing 900 tonnes of ammonia by our own means?

THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILISERS (SHRI P. C. SETHI): Mr. Deputy-Speaker, Sir, I am thankful to the Hon. Members who have raised this issue so that some of the misgivings which they have got and which have been created unnecessarily out of a political bias, I will have the opportunity to clear.

Sir, the fertiliser industry in our country has been suffering with low

[Shri P. C. Sethi]

production since last 1-1/2 to two years, particularly last one year, because of the fact that since the Assam agitation started, Namrup-1, and Namrup-2 have not been giving us any production. Then, Sir, because of the movement and non-supply of the crude through the Barauni pipeline, the entire transport system of the country is now so much under pressure with the imported petroleum products and crude and we have to move the petroleum products and crude right from our ports to the far eastern and the northern parts of the country. With the result that the supply position of some of the raw materials just like the raw material like coal is not coming in proper quantity to Bhatinda, Panipat, LSHS is not coming because Barauni is closed to Sindri, Panipat and Bhatinda. Sir, because of the bad power situation and drought conditions, the power supply has been bad with the result that some of our best plants like Talcher and Ramagundam which have come on coal, were shut down and could not start their commercial production because power was not available. Similarly, Phulpur which the Hon. Member Mr. Unnikrishnan has mentioned, was constructed which work started in 1976. Sir, Phulpur is ready and Phulpur could be commissioned. Phulpur is not being commissioned not because it is not ready and it has not been constructed but, because Phulpur is not getting the raw materials required. Similarly, Gorakhpur plant is suffering because of the power supply. Similarly, Sir, some of the other plants are also suffering.

The West Bengal plant in Hasira is one of the best fertiliser plants but the West Bengal government, in spite of its various promises right from 1976, to supply 39 MW of power has totally failed to supply any power; it has recently started giving 3.5 mw; with the result the government had to sanction the setting up of

a 20 mw power station based on turbine. Fertiliser industry is suffering loss of production as Mr. Unnikrishnan said; it is on account of various factors which are not our creation. Some fertiliser factories are suffering losses because of labour situation; it is the creation of the previous government. They have totally misguided the workers of the country and totally destroyed the labour relationship and they made every one free to speak in whatever manner they like with the result that labour relations in some of these plants have also resulted in loss of production. It is true that nitrogenous fertiliser capacity in our country has been established to the tune of 36 lakhs tonnes and we would be producing only 22.5 lakh tonnes; therefore there will be a shortfall of 14 lakh tonnes. To the extent, because consumption is there; imports will have to be increased which would necessarily result in drain of foreign exchange. On the whole I would say that if the plants are allowed to receive raw material, if the situation in Assam improves, and if the power situation improves and if the transport system further improves then I am sure the fertiliser industry would be able to do much better than what it is doing today. Therefore, to say that fertiliser industry was doing very well in 1978 and it is not doing well now, it is only to ignore the basic facts, the difficulties which the fertiliser industry is facing. Rather than bringing them before the House he has tried to throw the entire political burden on the present government for the short performance of the plants. That is how Mr. Unnikrishnan started looking at the fertiliser industry with a very bleak picture. He quoted the saying that when Rome was burning Nero was fiddling. It is nice to quote with a feminine voice but it is very difficult to assist the situation... (An Hon. Member; Sweet voice). Feminine voice is always sweet. Besides having a sweet voice, he has been sweet himself. I have said that on account of the reasons I have given we have suffered.

I should like the Press, the entire country and all the hon. Members to realise how much we are looking at the facts from the point of view of the merits of the case and how much politicking has been going on in this country, political assassination, character assassination, particularly of the high-ups in this country. Only because somebody has a foreign relation, that does not necessarily mean that the interest of the country has been lost, particularly by those who have suffered not only in the present generation but also in the last three generations for the good of the country. Therefore, it is very mean, rather hitting in the back to bring in such issues and say that because of these relations these contracts have been given. Various enquiries as Mr. Unnikrishnan pointed out were started. What has happened to Thakru Commission's report? Nothing has been done; nothing has come out. Similarly, out of other enquiry commission's report nothing has come out. Only on the basis of political bias such things are referred to here, without going into the merits of the case. If this is done like this, it would not be possible for anybody because somebody has an American wife, somebody has an Italian wife, somebody a Swiss wife and somebody a French wife. Therefore, it will be difficult. I should like to put the whole case of technology transfer in the proper perspective based on merits. How much strong is the Braun lobby and Braun's work in the Government of India office can be easily assessed from the fact that Mr. Unnikrishnan possesses with him photographic copies of the various notings which he is prepared to place on the Table of the House. (*Interruptions*). They may be true or may not be true, but he has claimed they are true. Why should I say? I am saying what I have to say.

SHRI SATISH AGARWAL: Unless you contradict it, they shall presume it is true.

(*Interruptions*).

SHRI P. C. SETHI: Not only Mr. Unnikrishnan, but there are many other Members of the House who have got photographic copies. Therefore, apart from the merits of the case, it is a very important fact—if a company like Braun has access to Government of India's office and the files in the manner they have done it and in the manner they have been doing it, then what would be the fate of the defence of this country? Therefore, this very fact—how did he get copies—requires a CBI probe and requires a thorough investigation and enquiry into the matter. It is not only the business deal which is important. The main thing is, if the secret files and documents of the Government of India are made available to people who are interested in raising such questions, then it will be very difficult to save this country from the defence point of view.

As far as this contract is concerned, right from the beginning, when I took over in February, I was convinced that heavy pay-offs have been done by C. F. Braun and they have tried.

A HON. MEMBER: *Vice-versa*.

SHRI P. C. SETHI: It is not *vice-versa*. It is true and it is coming out every day, the manner people are being fed and pay-offs are being made and it is becoming absolutely clear how Braun had prejudiced the whole matter and how these reports were prepared, barring the facts which should have been taken into consideration. Right from the beginning in this case, when this matter went to one of the Ministers of State, although he had no option but to agree because it is very difficult for a Minister of State to disagree with the Secretaries Committee's Report, but even while agreeing with the Secretaries Committee's Report for Braun, he had very clearly mentioned that it would not be in the national interest to give all the contracts to one party. (*Interruptions*) He was of the opinion that it should be divided. When I took over, in January, I thought it



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necessary that this matter must be looked into by a second expert committee. The second expert committee went into the whole matter and by a majority of four, they also came to the conclusion that at least all the four plants should not be given to one party. Therefore, to say that Government of India has totally over-ruled the expert committee's opinion is absolutely wrong.

DR. SUBRAMANIAM SWAMY : Will you repeat that? You said, by a majority of four?

SHRI P. C. SETHI: Four said one thing and three said one thing. While they have said Braun, at the same time, they have said that the contract should be given to two parties and not to one. Therefore, the second expert committee's view was before us when we started looking into the matter. When we started looking into the matter, first, to say that in the matter of fertilisers, construction experience is not very important—this is a very important point, because in the case of companies who have worked here, we have seen their work and their performance. Braun had no experience as far as the building of the fertiliser plants in India is concerned. That was one of the considerations.

The second very important thing was that when the negotiations were started, Braun was prepared to transfer the technology only if the contract of all the four plants was given to them. They were not prepared to unequivocally transfer the technology if the plants were distributed and they got only the order of two plants. Therefore, it was not an important question whom we should give. The main important thing in this is that we have got the capacity. EPDIL is one of our good construction organisations which is dealing in fertilisers. We can build plants of 900 tonnes of ammonia capacity. Therefore, the

question was of getting the technology of a much higher capacity i.e. 1350 tonnes of ammonia to be produced per day. Therefore, a complete transfer of technology was absolutely necessary. It was from this point of view that we went into this. It is not a question of forward looking or backward looking technology. When we went into this question further, we found that Braun technology was almost at the plateau. It had no research and development activity. It had no catalyst research.

SHRI K. P. UNNIKRISHNAN: Can you say that Topsøe has anything catalyst to their credit?

SHRI P. C. SETHI: I am coming to that. Gradually everything will be unfolded and you will be completely exposed, Mr. Unnikrishnan.

Therefore, the technological transfer in the case of Braun was not complete and they were not prepared to do it in the manner in which the other parties had offered us. Apart from that, whatever guarantees they were prepared to give, there were legal lacunae in that. He said that there was one member who was a legal expert. Sometimes, it happens that even the legal experts may not be able to see the defects. The defect was there. They were not prepared to give complete guarantee for the functioning of the plant. They were putting only this that unless it is proved that Braun has been responsible for some mistake or for some setback, they would not take the guarantee of the production or anything that happened. Therefore, it had the legal lacuna. In this contract, no performance guarantee was there to the extent required. That was clarified not only by me but even by my predecessor, Mr. Veerendra Patil, when he came out with a press statement. We also went from this point of view.

It is said that Braun is a very good company. It is also said that Pullman

Kellogg has been taken over by some other company. It has also been emphasised that I wrote on the file Pullman Kellogg. Mr. Unnikrishnan's whole thrust and whole emphasis is against Snam, is against Italian, is against Snam having 51 per cent shares in Topsoe. As far as I am concerned he has accused me of showing favour to Pullman Kellogg which is an American company and not an Italian company. Therefore, I do not understand why, when he has been quoting me, he has been saying that I have been favouring Pullman Kellogg right from the beginning. I have not favoured either Pullman Kellogg, or anybody else. In the context of what was being said by Braun, which was something nauseating, I wanted the whole thing to be examined *de novo*. That is why I wanted the case and all the parties to be examined, because I know deliberately they were trying to cut out examination of the whole party and their main point was that the order should be given to them. I particularly mentioned that this case must also be examined. He was saying that I was acting under some political pressure, or some extra constitutional authority, in order to favour the Italians. While he is quoting the example of my writing to show I am favouring Pullman Kellogg, the entire thrust of the objection which he has raised is against Harper Topsoe, and not against Pullman Kellogg. Therefore, I am unable to understand as to why he was doing that.

We also examined this question as to how many plants Braun has built round the country and how many plants Topsoe has built, not only in this country but throughout the world and how many Pullman Kellogg have done. We found that, as far as Braun is concerned, in the last two years Braun could build only one plant while Harper Topsoe have about 17 and Pullman Kellogg have about 11 or 12. This is the position. Apart from that, I would like to point out that I have got a full list.

DR. SUBRAMANIAM SWAMY: Why did not the Technical Committee realise this?

SHRI P. C. SETHI: The Technical Committee did not realise this. If they did not realise anything, do you mean that the Government has no authority to look into it? I have got a complete list of how many plants Harper Topsoe have done. They have done it in Puerto Rico, USA, Norway, Spain, Italy, Georgia (USA) and of various capacities, of 1,350, 1,200 and 1,500 capacity. They have done more than 97 plants all through the world as yet. As far as bigger capacity is concerned, even bigger capacity has been done by them. The Italian plant is 1,200. They have done 1,500 tonnes, 1,000 tonnes and 900 tonnes.

SHRI K. P. UNNIKRISHNAN: 1,350 tonnes capacity, comparable capacity, one for three years, one for two years, 100 constructions, with collaboration DASF in West Germany; Kellogg have two plants in Mexico.

SHRI P. C. SETHI: I have got the list. I am very happy that Shri Unnikrishnan knows all about this. But, unfortunately, his reasoning is totally coloured. I would not be mistaken if he says... (*Interruptions*) Therefore, I would request you... (*Interruptions*)

21 hrs.

With regard to technology also, the Committee felt that the technology offered by Braun was developed by them in early Sixties and further progress in the field of forward looking technology could not be expected from them because they have already reached a plateau. Therefore, from all the points of view, we have considered the transfer of technology very important, we have considered the experience of the parties very important, and apart from that, I would also like to bring some of the other basic facts which have been

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raised by other Members like Mr. Niren Ghosh and Dr. Swamy. Dr. Swamy has asked me about the cost analysis, Mr. Niren Ghosh has asked me about the question of ammonia conversion into urea, which also Mr. Unnikrishnan mentioned casually. I would like to point out that as far as the conversion is concerned, in the final contract which Haldor Topsoe have signed the position has completely changed not only with regard to the conversion from ammonia to urea, but with regard to consumption of energy. With regard to cost also, I would like to point out that from the cost point of view also they are very comfortable and the whole situation has completely changed after we have taken into consideration the recruit contract which has been signed, which has been negotiated, which the original Committee did not take into account the 200 series offered by them which has been now taken into consideration. The entire technological picture and the cost picture and the conversion picture has completely changed and the situation is like this. Now, Braun guaranteed a carbon dioxide recovery of 1740 tonnes a day which would enable a production up to 2,320 tonnes a day of urea. With the present situation, the Haldor Topsoe figure is 1700 tonnes per day which corresponds to a figure of 2,267 tonnes. That means, for two plants it will be 4,534 tonnes and the total capacity of the urea plant itself is 4,500 tonnes. Therefore, the conversion of ammonia to urea would be about 34 tonnes more than what could be consumed in the urea plant itself. The situation with regard to conversion has completely changed.

With regard to the cost also, I would like to point out that CF Braun gave the figure of 65 million dollars for a single 1350 tonnes per day plant plus 3.65 million average per plant for off-side facilities to be shared with the second ammonia unit. With regard to this also I will come to later on.

With regard to the consumption of energy, now the situation is like this. As far as the fees is concerned, after the final negotiation the net which has been offered by Braun is \$ 125,319 million and the Topsoe is \$ 103,625 million. Therefore, here again it is 19 million less as far as the cost is concerned.

With regard to energy consumption, natural gas, raw water, power, steam etc., I shall give the figure for all combined in order to save the time of the House. Braun's consumption was 555.15 while Haldor Topsoe was 561.8.

DR. SUBRAMANIAM SWAMY: It seems the technical committees did not realise it.

SHRI P. C. SETHI: When you are not able to realise it, what can I do? Therefore, as far as the relative energy consumption also is concerned, now it has been proved that the difference is hardly that much. With regard to energy consumption, I would also like to point out that the total saving in about ten years would be in the vicinity of Rs. 3.5 to Rs. 4 crores and not the astronomical figures which Mr. Unnikrishnan has quoted, while in the initial phase itself we are paying Rs. 4 crores less to Haldor Topsoe.

Therefore, I would say that this entire case should be looked at from the point of view not of anger, not from the point of view of political bias, not from the point of view of character assassination of this or that person. Particularly Mr. Unnikrishnan seems to be very fond of character assassination of the highest person in this country, realising little that there is nobody to replace that person.

Therefore, I would urge upon him and friend like him that reality should be seen, that the merits of the case should be seen and no character assassination should be resorted to.

I am very happy at last to find a very good company—Dr. Subrama-

niam Swamy, Mr. Unnikrishnan and  
Mr. Niren Ghosh.

MR. DEPUTY-SPEAKER: I am not  
permitting you. It is over.

AN. HON. MEMBER: And Satish  
Agarwal.

SHRI P. C. SETHI: Satish Agarwal,  
I can understand, is an advocate. He  
does not indulge in such things in  
which the others are indulging.

Mr. Unnikrishnan and Mr. Niren  
Ghosh and Dr. subramaniam Swamy—  
it is a strange company. Therefore, I  
would only say that there is something  
common among them in this matter. I  
would not like to say anything more  
than that. But I would urge and  
again request them that in such mat-  
ters they should not be guided by  
emotions or try to put politics into  
everything. In how many matters  
has character assassination been re-  
sorted to? It was done in the case of  
Maruti. Now Mr. Unnikrishnan has  
quoted the Shah Commission for my  
action of 1976 in the previous Ministry.  
If there was anything in the Shah  
Commission about the award of the  
contract which was given at that time  
to Snam, why did the Shah Commission  
not proceed with it?

He says I told such and such a  
person that I would put him in jail  
under MISA. I was not the person  
who could put anybody in jail under  
MISA. I was not the Chief Minister  
when this thing was done. I had come  
over to the Centre. I would have done  
it when I was Chief Minister, but I  
was the Fertiliser & Chemicals Minis-  
ter here.

Therefore, I would request and urge  
upon them that they should go back  
and do their home work again, and if  
necessary we can have a further dis-  
cussion in the matter when we meet  
next.

SHRI A. K. ROY (Dhanbad): I wish  
to ask for a clarification.

21.10 hrs.

DISCUSSION RE. REPORT OF SHRI  
JUSTICE C. A. VAIDIALINGAM

MR. DEPUTY-SPEAKER: Now we  
take up discussion regarding Report of  
Shri Justice C. A. Vaidialingam. Shri  
Lakkappa.

SHRI K. LAKKAPPA (Tunkur): I  
beg to raise a discussion on the Report  
of Shri Justice C. A. Vaidialingam,  
Special Judge, dated the 25th January,  
1980 of his inquiry into the allegation  
against family members of the former  
Prime Minister (Shri Morarji Desai)  
and the family members of the former  
Home Minister (Shri Charan Singh)  
laid on the Table of the House on the  
11th March, 1980.

(Interruptions)\*\*

MR. DEPUTY-SPEAKER: Nothing  
other than what Shri Lakkappa said  
will go on record.

SHRI NAWAL KISHORE SHARMA  
(Dausa): I rise on a point of submis-  
sion. Under Rules 340 I have to submit-

"At any time after a motion has  
been made, a member may move  
that the debate on the motion be  
adjourned."

I request that the debate may be ad-  
journed to the next Session.

SHRI SATISH AGARWAL (Jaipur):  
You refer the whole matter to the  
Commission of Enquiry.

(Interruptions)

SHRI SATISH AGARWAL: Let the  
Government prosecute them.

(Interruptions)

MR. DEPUTY-SPEAKER: It is only  
a discussion.

DR. SUBRAMANIAM SWAMY: He does not know the rules. It is only a discussion and not a Motion.

SHRI NAWAL KISHORE SHARMA: I have moved that.

MR. DEPUTY-SPEAKER: This is not a Motion. It is discussion under Rule 193.

SHRI NAWAL KISHORE SHARMA: This motion tentamounts to discussion.

MR. DEPUTY-SPEAKER: Motion is something different.

SHRI SATISH AGARWAL: Let it be referred to the Commission of Enquiry. You directly prosecute Shri Morarjibhai, Shri Kanti Desai, Mrs. Padma Desai and everybody. (Interruptions) Do it. You must do it.

SHRI K. LAKKAPPA: The Motion under Vaidialingam.. (Interruptions)

SHRI K. P. SINGH DEO (Dhanakaul): It is 21.15. How long should we sit?

MR. DEPUTY-SPEAKER: Do you not want this discussion?

SHRI K. P. SINGH DEO: No. It is too late.

MR. DEPUTY-SPEAKER: Minister for Parliamhentary Affairs wants to say something. Shri, Deo has raised that it is already 21.15.

He wants to know.....

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATAS BALAH): Hon. Members want to It is already 21.15. We have no objection that the House be adjourned and this discussion may be carried to the next Session.

MR. DEPUTY-SPEAKER: Government has no objection to continue the discussion in the next Session.

(Interruptions)

MR. DEPUTY-SPEAKER: He said that he has no objection because it is already 21.15. The discussion postponed.

(Interruptions)

SHRI SATISH AGARWAL: cannot be postponed.

MR. DEPUTY-SPEAKER: It will be treated as part discussed.

SHRI SATISH AGARWAL: No. (Interruptions)

MR. DEPUTY-SPEAKER: Is it pleasure of the House that the House be adjourned sine die?

SEVERAL HON. MEMBERS: 21.15 hrs. ..

The Lok Sabha then adjourned sine die.