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TENTH LOK SABHA

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA DEBATES

LOK SABHA

*Tuesday, September 17, 1991 / Bhadra
26, 1913 (Saka)*

*The Lok Sabha met at Eleven of the
Clock*

[MR. SPEAKER *In The Chair*]

[*English*]

SHRI BUTA SINGH (Jalora): Mr. Speaker Sir, with your permission I want to raise this issue. There is a category of workers known as Safai Karmacharis all over the country. Their living condition is so horrible that they live in inhuman conditions. They live almost on the drains in cities and they are neglected people in their villages also. Their main occupation is sweeping, scavenging and clearing the dead animals in the countryside. This occupation is very low paid and it is hereditary also. Their living conditions are full of health hazards and they carry the social stigma of degradation also.

Over the years many concessions have been given to the Scheduled Castes and Scheduled Tribes. But none of these concessions have trickled down to the poor Safai Karmacharis living all over the country. They are considered untouchables even by the so called SC and ST people. They do not have an approach to the drinking water in the *Bastis* of SC people.

The service conditions of these people are governed by the local bodies. They are

not paid for six month or one year. In the rural areas they are not paid in cash; they are paid in kind-50 kilograms of grains in six months. How can a family be maintained under these circumstances in today's life with 50 kilograms of grains in villages? Many municipalities in the country do not have budget for Safai Karmacharis. They have budget for engineers, doctors, everybody; but the Safai Karmacharis are the lot which is being neglected over the years. They are kept on temporary and daily work basis for ten or fifteen years. A Safai Karmachari starts his life as a Safai Karmachari and ends it as Safai Karmachari. They have no shelter, no house.

In Delhi, the NDMC increased their emoluments by 66%, DESU increased it; but the Delhi Municipal Corporation has not done so. There is a big agitation. But nothing has so far been done.

Therefore I request through you this august House and the Government that a National Commission to study the socio-economic conditions of the poor Safai Karmacharis who are working day in and day out, who are living in almost unhygienic conditions, be set up.

When they are pushed down in the gutters they die instantly. There is no protection given to them. There is no medical cover. There is no educational cover. They come on their own bicycles from ten to fifteen kilometers to do their job. There is no transportation system. Their children get neglected. At six or seven o'clock, their parents go on the job and the children start playing in the streets with all kinds of urchins and things like that.

They belong to all religions. They are

from Muslims, Sikhs, Christians and they are all over the country. Therefore, my humble submission to this august House is to direct the Government to appoint a National Commission to study the socio-economic conditions of these Safai Karmacharis all over the country, so that they can also live a respectable life. *(Interruptions)*

[Translation]

SHRI KALKA DAS (Karol Bagh): I also demand that a Special Commission should be set up for these Safai Karmacharis. Even after 40 years of independence, their condition is not good.....*(Interruptions)*.....

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): We emphatically associate ourselves with this demand.

SHRI BASUDEBACHARIA (Bankura): We all support this. There should be a National Commission on Safai Karmacharis and their grievances and demands should be looked into. Their living conditions should be improved upon. It is very important. There should be a National Commission on Safai Karmacharis.

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow): In the social hierarchy, the Safai Karmacharis are at the bottom. As their number is small, no party is interested to give them tickets for contesting elections to the Lok Sabha or the State Legislatures.

SHRI VIJOY KUMAR YADAV (Nalanda): Not even your party?

SHRI ATAL BIHARI VAJPAYEE: Yes, it is true in our case also. ON this point, there is not much difference between you and me, Comrade. We have, at least, one Balmiki with us where as your party has none.

SHRI VIJOY KUMAR YADAV: Our number is also less.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I fully agree with Shri Buta Singh. During my tours, I have myself seen that Safai Karmacharis are appointed on daily wages basis. I came across a Safai Karmachari who earns only Rs. 50 per month.

Please excuse me to point out it. How can he feed his family on this paltry amount? How far the problem could be solved through setting up a Commission

SHRI BUTA SINGH: I agree that by merely setting up a Commission the problem would not be solved. I have demanded its constitution so that at least the socio-economic conditions under which they are living could be studied and an assessment made about their living conditions.

SHRI ATAL BIHARI VAJPAYEE: But I would like to submit here that as long as the Commission is constituted and it makes its recommendations, there is no reason why effective steps should not be taken to improve the lot of these Safai Karmacharis. What the Central Government is doing in this regard, that is more important. Shri Buta Singh used to be the Home Minister of the country and also a kingmaker. What happens is that when we come to power, we forget many things we had said when we were in the opposition. It could be true in our case also.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): He has very short memory. He does not remember that he was a Minister.

SHRI SOMNATH CHATTERJEE (Dum Dum): Naturally, he feels ashamed of non-functioning.

[Translation]

SHRI BUTA SINGH: No, it is not like that. Let me give an account of my performances. When I was the Home Minister, I had convened a meeting of the Delhi Administration Officials and it was decided that these employees in all the

Departments would be given a uniform salary. We had sanctioned about 20,000 houses for them. But unfortunately, all those files were misplaced. The position today is that the salary of these employees is different in NDMC, DESU, MCD. The DDA do not keep Safal Karmacharis. They have transferred this work to the MCD on contract basis. Therefore, I claim full responsibility of what Shri Vajpayee is saying and would like to beg an apology from the august House for not doing it.

[English]

SHRI SOMNATH CHATTERJEE: As this House and the hon. Members are aware, Bangladesh Biman was operating in this country from Calcutta to Dhaka and other places. It had an office in Calcutta and 28 employees were there. In 1989 they decided to wind up their office and give over their functioning to Air India which has been looking after their jobs. But what happened is that, about these 28 employees who have been retrenched by Bangladesh Biman, there was a clear understanding that they would be taken over by Air India because Air India was discharging their functions. Sir, at a meeting held in Calcutta, which is a meeting of the Joint Committee on Station Performance Improvement on 4th of August 1988, it was recorded that by taking over the function of Bangladesh Biman, Air India will be earning a revenue of about 70 to 80 lakhs of rupees per year and they said that we were agreeable and we could easily accommodate these 28 employees who have been retrenched by Bangladesh Biman. For the last two years, they are sitting on *dharma*; repeated representations have been made to earlier Governments and to this Government also. They are receiving sympathetic approach in the sense that everybody says that we shall sympathetically consider, but nothing is happening. Probably two or three persons have already died because of starvation; no arrangement is being made; we are told of one crore of employment per year, according to your manifesto, Shree Buta Singh. In the last few months at least 25 lakhs could have been

employed. Instead of 25 lakhs employment, we are pleading for employing these 27 people. They are experts, they have expertise in this line. Therefore, I am strongly requesting and imploring the Government. I do not know; the Minister probably is in Goa—nice weather, nice place. But what is happening to these people who are sitting on *dharma*? So, the Minister of Civil Aviation should immediately respond to this by giving appointment to these people, for which there is almost a commitment. This I am reading from the minutes of the meeting in which it was not the representatives of the workers who were present; but the high officials of Air India and the National Airports Authority, etc., were present; and they took a decision which is not being implemented. It is a human problem. I am requesting the Government to take at least compassionate attitude. Not very large number of people are involved. Out of 27 people two have died or probably three have died already. If you are relying on natural wastage, then it is different. But, if you are trying to solve the problem by forcing the people to go on starvation, that is a different problem. We appeal to them. We want to avoid the future spread of the agitation and demonstration. We do not want that the Calcutta Airport should be disturbed. So, we are requesting the Government to respond favourably to this human problem that is there. For no fault of theirs, they are suffering, it is a profitable undertaking whose office was abolished and was made over to Air India, which is making profits by not engaging the workers. Therefore, I strongly demand that the job may be given to these people immediately.

SHRI NIRMAL KANTI CHATTERJEE: Sir, Calcutta Airport falls in my Constituency; I am associated with this problem; I have met the Minister repeatedly. So, let me recount a few facts about it. The fact is that their number now is 25. The system of work is such that everyday between 40 and 50 contract labourers had to be given jobs in order to undertake that kind of job. We have repeatedly requested the Minister Shri Madhav Rao Scindia that since they require them to do that job, you re-employ them. But

he is not paying heed too it; he seems to be too busy with cricket and Goa.

Sir, earlier the same kind of job was taken over by Air India from the Thai Airways and all those affected were absorbed by the Air India authorities. There was an agreement and the agreement was that the Bangladesh Biman will get some concessions from Air India because the Services of these 28 people will be lent to the Air India. However, after some time, the Air India wanted no more service from them and as a consequence, these 26 people of Bangladesh Biman were retrenched. The argument seems to be that since they are employees of Bangladesh Biman, Air India is not responsible for that. This is what the Air India authorities tried to convey to the Minister and the gullibility of the Minister has really surprised me. This is happening. There is 500-day *Dharna*.

Last time, when the Janata Dal Ministry was there, I was with the Civil Aviation Minister. I talked to him also. Almost the day or during the week, Shri V.P. Singh agreed, while going there in Calcutta, their Ministry toppled. Unfortunately since then I was trying.

MR. SPEAKER: How much time would you need please?

SHRI NIRMAL KANTI CHATTERJEE: I will be brief. But imagine my brevity comparing with the 500 days of *dharna* and at least three lives of the Bangla Desh employees who have died in the meantime.

What is regrettable is that these 25 residual employees have also, in order just to survive there, introduced a trolley service selling cigarettes, etc. I, therefore, request that they should be given an urgent sympathetic consideration by the Minister. If the Minister fails, we request the Prime Minister to look into the matter. (*Interruptions*)

SHRICHITTA BASU (Barasat): Sir, this is my constituency's question. The persons who have died, as have been referred to by

Shri Sornath Chatterjee and Shri Nirmal Kanti Chatterjee, belonged to Barasat, which is my constituency. They have died of starvation. It is a human problem. It is not a question of political consideration. (*Interruptions*) I have found that they have started a tea-stall at the gate of the airport just for their survival. Nobody is interested to see that the airport should not be clean. Nobody wants that the airport should not be kept properly. (*Interruptions*)

MR. SPEAKER: That point has already been made. I don't think that many Members are needed.....

(*Interruptions*)

SHRICHITTA BASU: Therefore, I would appeal to see that 25 employees are reinstated so that they can live. (*Interruptions*)

MR. SPEAKER: Only Mr. Ram Naik's statement will go on record.

[*Translation*]

SHRI RAM NAIK (Bombay North): Mr. Speaker, three days back 'Hindu Divas' was observed in the country on the 14th September. It was celebrated with a view to developing the Hindi language giving it due respect and also giving respect to region languages. In this context, I would like to know your attention to an urgent matter about the metropolitan city from which I have been elected. The name of my city is *Mumbai*, but several people say Bombay in Hindi. The Englishmen could not pronounce *Mumbai* and so they named it Bombay.

In the Hindi version of the Indian Constitution, the name of my State in the lists of State, is "Mumbai". At that time, there was no Maharashtra or Gujarat but *Mumbai* State only. I had made this submission during the last Lok Sabha to hon. Shri Rabi Ray and he uling on 12 April, 1990 in the Lok Sabha that my city should be called *Mmubai* in Hindi. Similarly, the Chairman, ave a Rajya Sabha agreed with *Mumbai* was accepted in Hindi. I me and discussed it with

the omission and they issued an order on 6 June, 1991 that the name 'Election of my Constituency' worth be called 'Uttar Mumbai'. Gradually, Doordarshan and Akashvani used the word *Mumbai* in Hindi for Bombay. I would hence of my In the dal Doordarshan used the name of *Mumbai* for Bombay. We know that Englishmen could not pronounce the names of many cities and Consequently they distorted them to their convenience.

But after independence, the names were again weather bulletin, changed to their original name. Baroda became Vadodara, Mutra became Mathura, Gauhati became Guwahati, Meerut became Meerath, Benaras became Varanasi, Puna became Pune and similarly many other cities got their original names but it was not done in case of Mumbai.

Mr. Speaker, Sir, Mumbai is afore, from the point of view of proper, it should not be translated. The simple rule in grammar is that if my name is Ram Naik, it will be the same in any language whether it is Hindi, Gujarati, Marathi or English. Similarly, changing the name of *Mumbai* is against the rules of grammar. The Mumbai Municipal Committee and the Government of Maharashtra have written to the centre that Mumbai should be used in English as well.

Mr. Speaker, Sir, You might be surprised to know that I have received a notification of the Kerala Govt. wherein names of 17 places have been changed to their original names. I congratulate them for this. Trivandrum has become Thiruvananthapuram, Quilon has become Kollam, Cochin is Kochi, Palghat has become Pailakad, Trichur has become Trisur and Konnanur has become Kannoor. The Kerala Govt. stated that this has been done because the Britishers had changed the names of these places to suit to their convenience and the Government wants to restore them to their original names and respect the sentiments of the people. The same is being done in foreign countries also. Ceylon has become Sri Lanka, Peking has become Beijing and recently after the revolution in Russia Leningrad has been changed as St. Petersburg. Therefore, my

demand is that the Government should respect the sentiments of the people.

Similarly, the United Nations Conference of Standardisation of Geographical names published a map in 1981 wherein they stated which city should be called by which name. In that, also, there is Mumbai in English. Therefore, I would like to request the Government that the old name of Bombay in English should be changed to *Mumbai* in English also.

In 1953, some guidelines for changing the names of cities were issued. When I raised a question regarding the name of those cities, whose names have been changed as per these guidelines, I was told on April 21, 1990 that no city has been renamed and that only the name of few villages have been changed.

Both the Prime Minister and the Minister of Home Affairs, hail from Maharashtra. Therefore, it is my humble submission to them that they should pay their attention towards this matter and see to it that this city is called 'Mumbai' even in English. If this is not done, we will be forced to launch a movement.

SHRI MANKU RAM SODI (Bastar): Mr. Speaker, Sir, so far more than 2,000 adivasis have died of epidemics like dysentery, cholera, Malaria and Meningitis etc. and lakhs of people are still in the grip of these diseases in the Bastar District of Madhya Pradesh. On September 14, the Chief Minister said at a Press Conference in Raipur, that in Bastar District, dysentery has claimed 700 lives since January. The information given by the Chief Minister is incomplete. 800 people had died by the end of March itself. From May onwards, the epidemics have spread to Bijapur-Konta and the whole northern Bastar. 500 people have lost their lives in the Bijapur Tehsil alone. There, both the Health department and the District Administration have failed to provide medical treatment and relief to the lakhs of affected people.

Cholera and dysentery have claimed 700 lives in the Koraput district of Orissa, adjoining Bastar district. Medical specialists are of the opinion that the cholera bacteria found there, can not be controlled with any medicine available in the country. As an adjacent district, there is every chance of this bacteria spreading to Bastar also. If this happens, lakhs of adivasis will have an untimely death.

Therefore, I request the Union Government to take the medical services in Bastar and Koraput District, under its direct control and also take effective steps to prevent the spread of the epidemics. Instead of delving into constitutional provisions like Central or State Jurisdiction, this matter should be taken as a special case, as the lives of lakhs of Adivasis are at stake.

[English]

SHRI P.G. NARAYANAN (Gobicheti palayam): Mr. Speaker Sir, cotton production at present is just sufficient to meet our domestic requirements. But the indiscriminate export of cotton and cotton yarn has resulted in acute shortage of cotton and cotton yarn in the Indian market.

This has resulted in steep rise in the prices of cotton yarn in the Indian market. As a consequence, the handloom industry is in doldrums. The weavers are out of employment everywhere in our country, especially, in Tamil Nadu and more particularly in my constituency, Gobichetipalayam.

I, therefore, urge upon the Government to see that the domestic demand of cotton is first met before any export is made. (Interruptions)

SHRI K. PRADHANI (Nowrangpur): Mr. Speaker, Sir, he has mentioned about Koraput which is adjoining Bastar district. He has mentioned that about 700 people have died. I would say that it is not 700 people but it is 7000 people who have died in Koraput District.

Yesterday, I met the ex-Chief Minister of Orissa. He had informed me that the figure is round about 7000 (Interruptions)

SHRI SRIBALLAV PANIGRAHI (Deogarh): Sir, it is a serious matter.

MR. SPEAKER: Allow him to speak. He is speaking. Please sit down.

(Interruptions)

SHRI K. PRADHANI: They have died not only due to epidemic but also partially due to starvation and malnutrition. The food supply in that district is not being done due to agitation by the FCI and also due to non-availability of the railway rakes. I had approached you more than once that these irregularities are going on in the Koraput District. I met the Prime Minister two or three times. I had sent a number of letters to the Chief Minister. It is a disgrace that again the FCI people are going on strike from the 7th October, 1991. If it becomes a reality, then the death toll in the tribal areas may go up to one lakh and not seven thousand.

SHRI CHETAN P.S. CHAUHAN (Amroha): Mr. Speaker, Sir through you, I would like to bring to the notice the demand for setting up sugar mills in the State of Uttar Pradesh. The Chief Minister of U.P. has urged upon the Union Government to release the letter of intents for setting up nineteen new sugar mills in the State since it was absolutely necessary in view of the marked increase in the production of sugarcane and ensuring its maximum crushing.

In U.P., nearly one lakh and sixteen thousand tonnes of sugarcane is produced and only 33 per cent of the sugarcane produced was crushed by the existing 105 sugar mills, the remaining 67 per cent sugarcane was used in manufacturing Khandsari gur and also for fodder with the recovery of 5 per cent as against the recovery of 10 per cent to 11 per cent by the sugar mills. If you compare the total sugarcane crushed by sugar mills in the States of Maharashtra and Gujarat, it is more than 75 per cent of the production.

The Chief Minister had brought to the notice of the Prime Minister that 134 applications had already been submitted to the Union Government requesting for release of licenses for setting up of new sugar factories in the State. If new sugar units are set up, it would benefit not only 30 lakh cane growers but also result in augmenting sugar production in the country.

The demand for sugar is increasing all over the world. In case our country is able to produce more sugar, we will be able to export the surplus sugar thereby earn the much needed foreign exchange.

I appeal to the Prime Minister to look into the request of the Chief Minister and sanction the letter of intents to the sugar mills, at the earliest.

[Translation]

SHRI RAMESHWAR PATIDAR (Khargone): Mr. Speaker, Sir, through you I would like to draw the attention of the Government towards the gross neglect of the Hindi language. There cannot be a more striking example of the step motherly treatment being meted out to the national language in Government institutions than the one that can be found in the Institute of Mass Communications, New Delhi. For the past five years, the institute has been teaching Mass Communication course in Hindi, under the aegis of the Ministry of Information and Broad-casting. To date the course has not been recognised.

In 1980, the Ministry of information and Broadcasting formally recognised the three other courses offered by the institute viz. - Journalism (in English language); Advertising and Public Relations and *Non-Aligned Media*. Subsequently, then Ministry of Education and Culture, now known as the Ministry of Human Resource Development also gave its recognition to these courses. Such recognition entitles the students of these courses to various facilities, which are not available to students pursuing the course in Hindi. As a result, the students pursuing the

course in Hindi, who really understand the pulse of the people, who are aware of their day to day problems and who want to write on the burning issues of the day are being neglected. Thus, injustice is being done to them. In the absence of official recognition, they are not able to apply for various vacancies. Nobody is paying any heed to their demands, which include among other things:-Registration of their names in the employment exchanges, after the completion of their professional training in journalism; priority in recruitment to the Central Information Service; Recognition of this course for eligibility in information services of the Union and State Governments as well as Public Sector Units; Provision of concessional Travel passes to the students for use in D.T.C. buses etc., students of Hindi course are being denied hostel facilities, even when 15 rooms are lying vacant; while rooms are allotted to students pursuing courses in English, who are mostly residents of Delhi. What's more, these students don't even use the rooms allotted to them. The Hindi students are not allotted rooms, because they belong to the lower income group. A student from Bihar, Shri Vasudev Prasad was forced to forego his studies as he failed to get an accommodation in Delhi. In the Ninth Lok Sabha, I was a Member of the consultative committee attached to the Ministry of information and Broadcasting. At that time also, I had raised this issue of granting recognition to this course and the then Minister of information and Broadcasting had given me an assurance that his Ministry will look into the matter and take a decision. So far, no decision has been taken on this issue. Through you, I urge the Government to grant recognition to the journalism course in Hindi and provide the students all those facilities, which are available to the students pursuing the course in English.

SHRI MANIKRAO HODLYA GAVIT (Nandarbar): Mr. Speaker, Sir, I would like to draw the attention of the Government towards an important matter. Sanction was given about four years back to provide a double line on the Surat-Bhusawal line of the

Eastern Railway and approval was given to the 25 kilometre Jaigaon-Chavalkhera Gharapgaon line. This work is being done very slowly. It seems to me that the amount allocated is also very little. The Surat-Bhusawal railway line passes through the backward advasi areas of Gujarat and Maharashtra and the Railway authorities themselves consider a double line very essential. It would prove very convenient to South-bound travellers. This work should be completed as early as possible. I also urge the Government to provide diesel engines to passenger trains plying on this line. providing diesel engines to these trains will ensure the punctuality of the trains.

Nandarbar in Maharashtra is my parliamentary constituency. The railways should attach a two tier bogie to the 114-UP Surat-Bombay train via Nandarbar. Similarly, a bogie should be attached to the 162 UP Indore-Bombay Express. Further, a bogie exclusively for Nandarbar should be attached to the 17 Down saurashtra Janata Express, which leaves Bombay at 16.30- Similarly, a bogie for Nandarbar should be attached to the 113-down Surat-Bhusawai train which leaves Surat at 22.50. People in Nandarbar have to visit The state capital Bombay regularly, on official work. The addition of these bogies would prove immensely beneficial to those who go to and fro Bombay. Therefore, it is my humble submission to the Union Government to get this work done, at the earliest.

SHRIMATI GIRIJA DEVI (Maharaj Ganj): Mr. Speaker, Sir, through you, I would like to request the Government to build two roads in the Southern regions of North Bihar. One road will connect Kashinagar in U.P. via Muzzaffarpur, Hajipur, Chhapra, Siwan and Guthni. The other one will link the Nepal border via Chhapra, Baniyapur, Malmaliya, Mohammadpur Mor and Mothari District. These two roads are not only essential for the betterment of that region, but are also of national and international importance. It is also an important tourist spot. When we go to Vaishali from Hajipur, we have to use the road

bridge, in the absence of a railway bridge. Sonapur is reputed for its world famous cattle fair and it is also said that the Battle of "Gaj-Aur-Grah" took place there, but there is not good road there. If a good road is built at that place, it would provide immense relief to the region, from the recurring floods. At the moment, that area is flooded. If the road had been high, this long tract of land would not have come under the fury of the floods and precious lives and property could have been saved. The other road, that goes to Chhapra via Nepal is of great national and strategic importance. In case of any conflict with China, supplies can be made available to the troops, only through that road. Therefore, I request the Union Government to give highest priority to this, taking into consideration the aforesaid facts and commence the construction work on these roads, immediately.

SHRI RAMESH CHAND TOMAR (Hapur): Hon'ble Mr. Speaker, Sir, through you, I would like to draw the attention of the Government towards national highway no. 24. This highway passes through my constituency. The condition of this road from Hapur to Garh is very bad. It takes about one and a half to two hours to cover the one and a half kilometer distance from Hapur; and traffic jams on the roads are a regular feature. Therefore a by pass should be constructed from Hapur city. The 35 kilometre road extending from Hapur to Garh is in a very bad shape. The road is full of potholes. It is impossible for trucks to ply on that road. Traffic remains blocked for long hours, almost daily and fatal accidents are a regular feature. I, therefore urge the Union Government to renew the national highway number-24.

[English]

SHRI SUDHIR SWANT (Rajapur): I want to raise a serious matter. You are not allowing me to raise it for the last four days.

MR. SPEAKER: You please sit down, first.

Shri K.D. Sultanpuri.

[Translation]

SHRI KRISHAN DUTT SULTANPURI (Shimla): Mr. Speaker, Sir, through you, I would like to inform the Government that in Himachal Pradesh a decision has been taken to recruit 9,000 voluntary teachers. Unfortunately, the State Government has taken a decision not to include Scheduled Castes and Scheduled Tribes in the Schemes. It is a great injustice on the part of the State Government to Scheduled Castes and Scheduled Tribes and the State Government must be told in clear terms about it. I can say this thing authoritatively (*Interruptions*)... According to a reply given in the State Legislative Assembly, Scheduled Castes and Scheduled Tribes will not be taken, since it is primarily meant for B.J.P. men. I would like to request that the matter may please be got enquired into by the hon. Minister of Human Resource Development as the Ministry allocates funds for the scheme. And if this is not possible, action against the State Government should be taken.

I would like to raise yet another point. There was a scheme Rural Development Scheme by name. The State Government changed its name to 'Antyodhya Programme' in violation of the norms laid down by the Central Government.

The Rohru sub-division in Himachal Pradesh is falling under my constituency. Office of the Shimla Electricity Division is also located there. There villages in the area were devastated by lightning. I have also given in writing and would like to urge the Government of India, that since the State Government is not going to pay compensation to the affected villages, the Government of India should give them some relief. Apple growers in Himachal Pradesh are going to launch an agitation shortly. I would like to submit that the State Government should be asked as to why it did not stick to its decision to procure 4,000 tonnes of apple from the growers. New crops have come. An injustice is being done

to the farmers. Therefore, I demand that the State Government should be dismissed.

SHRI HANNAN MOLLAH (Uluberia): Mr. Speaker, Sir, with your kind permission, I would like to draw the attention of the Government to the inordinate delay in implementing the modernisation programme of the Indian Iron and Steel Company (IISCO), Bumpur.

Sir, this is the best located Steel Plant, which is directly connected with two major railway network. And it was the cheapest producer of Iron and steel for four decades. But due to financial mismanagement, shutting down of some productive units, obsolete and outmoded technology, it steadily declined since sixties and even, after taking over by the Government, it could not recover.

Sir, the Government decided to modernise this Plant and asked MN Dastur & Company to prepare a feasibility report. They prepared the report. But the Government did not accept it. Then, the SAIL approached the Japanese Government for modernisation, which prepared and submitted the Basic Engineering Report in 1989, with a 1.8 million capacity and proposed the cost to be Rs.6030 crores. But it was also found non-viable. Finally the SAIL reviewed the project and asked Dastur & Company to prepare a Cost Reduction Study, which was completed in March, 1990. Accordingly an investment proposal of Rs.5084 crores including foreign exchange was submitted to the Public Investment Board for clearance. But no decision has been taken yet.

Sir, I know that the Minister is sympathetic to this programme. But some inside and outside vested interests are creating hindrance in taking a final decision and implementing the modernisation programme.

Through you, Sir, I urge upon the Government to take the final decision immediately and implement this programme in this year itself.

[Translation]

SHRI MANJAY LAL (Smastipur): Dozens of villages in Mohiuddin Nagar of Patari sub-division falling under my constituency, Samastipur in Bihar have been adversely affected by the erosion caused by river Ganga. Houses of thousands of people have been washed by the flood waters. Especially, Dumri and Chapar Panchayats have been totally devastated. Despite untiring efforts of the Government of Bihar it is becoming increasingly difficult to check the devastation caused by the waters of Ganga.

Ganga is a national river. Responsibility to check devastation caused by Ganga rests with the Central Government. Therefore, I urge the Central Government to immediately save Patari and Mohiuddin Nagar Sub-divisions from the devastation caused by the river Ganga and to make arrangements for the rehabilitation of people who have been rendered homeless.

SHRI PRABHU DAYAL KOTHERIA (Firozabad): Mr. Speaker, Sir, through you, I would like to draw the attention of the Government towards my constituency, Firozabad in Uttar Pradesh. This parliamentary constituency is very backward. Three assembly segments of my constituency fall under Agra District and two assembly segments come under Firozabad district. As a matter of fact, entire Firozabad parliamentary constituency is a zero industry area but Bha, Fatlabad and Kheragarh falling under my parliamentary constituency have no industries at all. That's why there is widespread poverty and starvation in the above three assembly segments.

In 1976, 84 dreaded dacoits of the country surrendered before the then Chief Minister of the State at Bateshwarnath which is an important pilgrimage centre in Uttar Pradesh. It falls under my parliamentary constituency. At that time, the then Chief Minister of Uttar Pradesh assured the people of my constituency that industries would, immediately, be set up in the constituency so that the trend of unemployed youth joining

the dacoit ranks is not repeated. But till date the Government's attention has not been drawn towards this issue, there by causing great resentment among the people of my constituency. I can say confidently that if a major industry around Bah, Fatlabad and Kheragarh assembly, segments is set up by the Central Government, problem of unemployment in addition to problems like dacoity, looting and other criminal incidents will be completely checked.

Therefore, Sir, through you, I would like to make a forceful appeal to the Central Government to accord permission without delay to set up a major industry either in the private or public sector around Bah, Fatlabad and Kheragarh assembly segments of my constituency. This will help in checking the increasing incidents of dacoity and looting in my constituency which has developed due to the state of joblessness among the youth.

[English]

PROF. K.V. THOMAS (Emakulam): Sir, the Kerala has got allotment of 10000 M.T. of Palmoline Oil from the Central Government. This allotment we are getting for the last two years. But, for the last two months, this allotment has been reduced and we are getting only a small quantity. As a result of this, the price of edible oil including the coconut oil has gone up. The price of coconut oil is Rs. 50/- per kg. So, my request to the Government is that immediately we should be given an allotment of 10000 M.T. of Palmoline Oil. As I understand the Government of India is importing Palmoline Oil from Malaysia, I think, the Government will not have any problem in continuing the allotment which we were getting for the last two years. So, I request the Government to give us 10000 M.T. of Palmoline Oil.

SHRI NARANBHAI JAMLABHAI RATHVA (Chhota Udaipur): Mr. Speaker, Sir, through you, I would like to draw the kind attention of the Railway Minister towards the serious problem of my Constituency. The two railway bridges, namely, small "DHOKALIA BRIDGE" at Bodelli Tal Sonkheda and major Bharaj Bridge at Tehsil

Pavijetpur under Chhottaudepur to Jambosar narrow-gauge line were damaged due to heavy flood last year. Necessary sanction regarding farming the proper estimate and execution of the repairs is still awaited.

I understand that decision is being taken by the Railway Ministry to stop the narrow-gauge line from Bodeili to Chhottaudepur which will adversely affect the people of the area and there is going to be a mass public agitation and protest against these orders. Even, I will be joining the public of these backward area in the protest against the orders.

If the narrow-gauge line is stopped, we should be given broad-gauge line connections alternatively for which the MPs of the tribal areas from Gujarat and Madhya Pradesh have already submitted the Memorandum to the Hon. Railway Minister, Shri C.K. Jaffer Sharief.

SHRI SUDHIR SAWANT: Sir, I want to raise an issue concerning threat to my life and the life of Congress Party workers in my Constituency. This situation has arisen out of the last election. My campaign manager, Shri Sridhar Nalk, was brutally murdered in broad day light in front of the court house. Now, I waited for three months after the incident before raising this issue on this last day of the Session today here because the threat persists. In my Constituency there is a reign of terror launched by criminals from Bombay. The background of this case is that on 22nd May, the Shiv Sena MLA, walked into my room in the Government Guest House and threatened to kill me
(*Interruptions*)

SHRI MORESHWAR SAVE (Aurangabad): He cannot take the name in this House.

MR. SPEAKER: The name will not go on record.

(*Interruptions*)

SHRI SUDHIR SAWANT: I am not

politicising the issue. This is not a Shiv Sena or Congress issue. But, this particular MLA threatened to kill me in front of so many people. Then, in a meeting organised to pay homage to late Shri Rajiv Gandhi, he charged me in front of the whole town. After that a reign of terror was unleashed. Violence was there for the first time, in the history of Rajapur Constituency where earlier there was not a single incident of stabbing. There were so many cases of stabbings. The police complaints were made. The Minister of State was informed personally, but no action was taken, and it resulted in the murder of my campaign manager, Shri Sridhar Nalk, in broad day light in front of the court. After that for three months, no action had been taken by the police. I will tell you the police situation. In my district there are three Deputy Superintendents of Police and three are not there today. There is only one Deputy Superintendent of Police

(*Interruptions*).

MR. SPEAKER: Mr. Sawant, do you realise that whose is the Government in Maharashtra, who is responsible for all these things?

SHRI SUDHIR SAWANT: Sir, it is not a political issue, it is a question of life and death of the political workers in my constituency. My own life is also in danger.

MR. SPEAKER: Why don't you approach the State Government?

SHRI SUDHIR SAWANT: Let me present it here, Sir.

MR. SPEAKER: I cannot allow you to present things which cannot be presented in the House.

SHRI SUDHIR SAWANT: Sir, there is a threat to my life. That is what I want to present. Can I not present it in the House? Today, I stand a chance of being eliminated. I am raising this because.. (*Interruptions*)

MR. SPEAKER: The Home Minister

comes from Maharashtra, Congress Government is there, you can very well approach them.

SHRI SUDHIR SAWANT: That is not the issue, Sir. The issue is that I stand a chance of being eliminated. I want to raise it in the House because after I am eliminated, what will happen to the Congress party workers in my constituency? That is what I want to raise here.

SHRI SOMNATH CHATTERJEE: Tell the Defense Minister also.

SHRI SUDHIR SAWANT: Sir, today the police in the district has been made totally ineffective because the Superintendent of police has been told to go out. The three Deputy Superintendents of police are not effective. The controlling police station where this murder took place, has no PSI. This is the situation for the last three months and I have been requesting the people...*(Interruptions)*

MR. SPEAKER: Please sit down now.

SHRI SUDHIR SAWANT: I have demanded that this murder issue should be given to the CID for investigation but it has not been given. This issue cannot be investigated by the local police because the murderers are from Bombay. That is why, I said, the CID should be involved. For three months it has not been involved. I beg the protection of the Chair and of this House for myself and for the party workers of my constituency.

SHRI TARIT BARAN TOPDAR (Barrackpore): Sir, I like to raise a very important point here. *(Interruptions)*....

MR. SPEAKER: Let us talk in a gentlemanly manner. I am trying to give chance to everybody. It is not proper to pass remarks unnecessarily.

SHRI TARIT BARAN TOPDAR: Sir, JIC is supposed to trade in raw jute,

[Translation]

but the J.C.I. is not supplying jute to the market even now. Last year the farmers were being paid Rs. 700 per quintal for raw jute, but today its quotation price has come down to Rs. 450 per quintal. This means the farmers now-a-days are getting Rs. 350 per quintal. By and large, it can be said that a sum of Rs. 200 crore which was supposed to go into the pockets of farmers on raw jute will be cornered away by the jute traders this year JCI is a monopoly supplier.

[English]

JCI is a public sector undertaking, NJMC is a public sector undertaking. NJMC controls ten percent of the total production of jute.

[Translation]

JCI is a monopoly supplier and as per a Government order NJMC is not permitted to procure jute from open market. Today, I come to know over telephone that out of three nationalised jute mills of the NJMC functioning in my constituency, one has raw jute for three days, the second has for one day only and the third for a week whereas in other nationalised jute mills, they have raw jute to meet their requirements for a week. The JCI has said that their board meeting would be held on 27th and a decision would be taken there whether jute would be supplied to market or not. In the mean time NJMC took a loan of Rs. 10 crore @ of 21 per cent interest from cotton corporation of India (CCI) and paid the same to the JCI. Thereafter the NJMC also paid Rs. 8 crore, which they received as cash subsidy, to the JCI, raising the total money given to JCI to Rs. 18 crore. Sir, it is a serious matter that JCI did not deposit that money with its bankers, the SBI, but with the UBI and the Central Bank of India.

[English]

This is a breach of trust with the State

Bank of India on the part of JCI and this is a breach of trust with NJMC on the part of JCI.

(Interruptions)

MR. SPEAKER: Now, Vermaji...

[Translation]

(Interruptions)

Even then it is not entering the market. I, therefore, demand that a meeting of NJMC, JCI, trade unions and management should be convened and the JCI should be compelled to enter the jute market. SOS should be passed over telephone to NJMC to make available raw jute to all three mills out of a total of six mills which have run out of jute stocks. With these words, I again request that a meeting in this regard may be convened immediately.

MR. SPEAKER: Only Verma ji's statement will go on record...

*(Interruptions)**

MR. SPEAKER: Please take your seat Achariaji...

*(Interruptions)**

MR. SPEAKER: Please, Achariaji, take your seat, Your colleague has done it very well . You can sit down now...

[English]

MR. SPEAKER: Yes, Upendra Nath Vermaji...

*(Interruptions)**

(Interruptions)

MR. SOMNATH CHATTERJEE: Sir, I am the President of the Staff Federation. I have written to the Minister. He is not available on phone. He must immediately look into it.

[Translation]

SHRI UPENDRA NATH VERMA (Chatra): Mr. Speaker, Sir, through you, I would like to submit in the House that thousands of acres of land in the villages of Ibrahimpur and Karhipur (Delhi-36) under the control of the Ministry of Urban Development has been encroached by the mafia gangs due to their intriguing association with the Government officials. Not only that, they are selling the land illegally in open violation of the verdict of the court. Despite the fact that the concerned officials were informed about it repeatedly by the members of Panchayat, encroachment and illegal possession and sale of land is going on unchecked. Land worth crores of rupees has already been sold illegally. News to this effect has appeared in the newspapers but neither sale or illegal possession of land is being checked. Land meant for the construction of Panchayat schools, meadows public toilets, hospitals, grave yards, bus stands and also the land allotted to the Harijans is being usurped without any fear. The Government should investigate into the matter and take appropriate action against the accused at the earliest.

SHRI BASUDEB ACHARIA: Sir, the jute growers in our country are not getting even the minimum support price because JCI which is supposed to purchase jute from the jute growers, have purchased only 3,000 quintals up-till now. The minimum per day requirement of the NJMC, a public sector undertaking, is 4,000 quintals of jute and JCI purchased only 3,000 quintals up-till now...
(Interruptions)

MR. SPEAKER: Acharia ji, he has done it very well...

(Interruptions)

SHRI BASUDEB ACHARIA: In spite of the assurance given by the Textiles Minister and also by the Leader of the House...

SHRI VIJOY KUMAR YADAV: Mr. Speaker, Sir, Bihar is an extremely backward State despite being rich in natural resources it is the most backward State in the field of agriculture and irrigation throughout the country....*(Interruptions)*....

[English]

MR. SPEAKER: Hon. Members should know how to behave in the House.

[Translation]

SHRI VIJOY KUMAR YADAV: The flow of water in Ganga river during rainy season is very fast. The water flows down to the bay of Bengal and cause floods in many areas.

12.00 hrs.

This is the period when there is acute scarcity of water in the areas located on the right bank of Ganga which causes damage to crops. If this higher quantity of water is diverted to the areas south of Ganga through canals, it would not only prevent floods but also generate irrigation capacity which would ultimately protect the crops from being damaged.

Therefore, I would like to draw the attention of the Government to this problem and urge them to construct a canal somewhere between Patna and Barh to divert the flow of rain water in the Ganga river towards south so that irrigation could be provided in Nalanda, Nawada and Gaya districts.

SHRI RATILAL VARMA (Dhanduka): Mr. Speaker, Sir, the soil of Gujarat has huge oil and gas reserves. But all the surplus gas is burnt. ONGC had been supplying gas earlier, but now a separate commission has been appointed for the purpose. The result is that neither of the two bothers to take action in this regard. Consequently the units that have been already set up have not started functioning whereas the units already functioning are on the verge of closure.

About 15 lakh cubic metres of gas was supplied to Maharashtra for which about Rs. 450 crore were sanctioned whereas Gujarat was deprived of their share despite the fact that their demand was quite reasonable. This is a great injustice to Gujarat. The Members from Gujarat have submitted a list of demands and they will have to launch an agitation if the demands are not fulfilled.

In the end, I would like the Government to set up gas agencies in Dhanduka, Gadhada, Bawala, Bahucharaji etc. In the end, allow me to give a poetic expression to my feelings;

*"Jai raha hai faltu gas, jishi huyee hai
bahut behas
Ab to log keh rahe hein, yeh sarkar hai
bahut careless"*

[English]

MR. SPEAKER: May I bring to the notice of the hon. Members that most of you will have the opportunity to speak. Please let it be done one after the other and the senior Members will certainly have the opportunity. I think they will get it at the end.

SHRI SOMNATH CHATTERJEE (Bolgpur): Sir, you are testing the patience of the Senior Members....*(Interruptions)*....

SHRI S. VIJAYA RAMA RAJU (Parvathipuram): Mr. Speaker, Sir, The gastroenteritis disease is now prevailing in Srikakulam and Virayanagaram districts of Andhra Pradesh. It is mostly prevalent in the rural areas and hundreds of people are suffering with this disease. The Government of Andhra Pradesh is not taking any proper action to prevent the disease. Neither the saline bottles are being supplied to be used for the patients nor there are proper medicines available. Because of the dehydration, deaths are increasing in that area. I request the Union Minister of Health and Family Welfare to give suitable directions to the Government of Andhra Pradesh to take proper steps immediately so that the

disease is prevented in the area. Thank You.

[Translation]

SHRI RAM PRASAD SINGH (Vikramganj): Mr. Speaker, Sir, some canal irrigation project which was launched in Rohtas district of Bihar is quite an old project. It is one of the major projects of the country. It irrigates about 25 lakh acres of land in Rohtas, Bhabua, Buxar, Bhojpur, Aurangabad, Gaya, Nawada and Patna districts. About 75 lakh tonnes of foodgrains grow in the area irrigated by Sone Canal Irrigation Project. It benefits about 15 lakh agricultural labourers. This project was executed in 1875 and its life span was assessed to be 50 years. Now it is already 115 years old. All the distributor canals have become useless either due to the silt deposited in them or due to the damaged embankments with the result that its capacity to carry water has almost finished. It is proving to be harmful both during drought as well as floods. Deficient rains cause drought. Floods occur due to excessive rain. The modernisation schemes sent by the Government of Bihar are lying pending with Central Government for years. Sir, through you, I would like to demand that the Government should clear these modernisation schemes and they should be included in the Eighth Five Year Plan. Work on Baan Sagar Project should be undertaken immediately.

SHRI D.J. TANDEL (Daman & Diu): Mr. Speaker, Sir, I come from the Union Territory of Daman and Diu. I belong to a family of fisherman. The fishermen are a poor lot. In Gujarat, the fishing business is carried out on a large scale. The fishermen of Aurwap, Porbandar, Veraval, Jamnagar, Dwarka, Diu, Daman, Mangarol, Jaffrabad, Umargaon, Surat, and Bulsar districts enter into deep sea near Jakhō for fishing. Jakhō is situated on Indo-Pak border. But as there is no demarcation sign on the border, Navy personnel of Pakistan arrest these fishermen and put them in their jails. As a result, their fishing boats, which are very expensive, get

spoiled by lying on the coast and the fishermen have to incur a heavy loss. I had raised this question during the Ninth Lok Sabha also. At that time, the V.P. Singh Government had made an agreement with Pakistan in this regard and had got the fishermen released from jail. Now again, they being put in jails. You are aware that our country exports fish in large quantities but now it cannot be exported. Due to that the country is suffering heavy loss. The concerned industries have become sick and are lying closed. The cold strangs are lying empty. Due to fear, the fishermen do not go for fishing. This has worsened the conditions of our fishermen. They are unable to pay back the loans taken from the banks for building fishing boats. The banks have also stopped to give them further loans. They are becoming poorer. I would request the Hon. Minister of Foreign Affairs that arrangements should be made at the border which will warn the fishermen not to advance after a certain point.

Mr. Speaker, Sir, I had given several notices to speak on this subject. You provided me an opportunity this time, for which I am very thankful to you.....(Interruptions).....

[English]

SHRI SUKHENDU KHIAN (Vishnupur): Sir, I rise to make a statement on a very urgent matter.

The metre gauge Bankura Damodar River Railway in West Bengal between Bankura Rai Nagar - the only way of important and powerful transport is being neglected since the charge taken by the South Eastern Railway in 1967 for the reason best known to the authorities. Its service is being deteriorated day by day. A large number of passengers deprived of their main transport. The inconvenience and difficulties of the daily passengers and goods of the vast area of Burdwan and Bankura are being of Bankura, Burdwan and Calcutta in respect of carrying of heavy goods and commodities have reached the summit. The people of the

locality and the neighbouring towns and villages have to face enormous troubles for want of railway transport. The existing Bankura Damodar River Railway ceased to function on the pretext of monetary loss and similar other pretexts.

Under the circumstances stated above, I earnestly request you to look into the matter personally and take necessary action so that the only important railway may run as a better railway under broad gauge connecting Tarakeswar broad gauge line.

SHRI SOMNATH CHATTERJEE: Sir, may I make a humble request? I know the Ministers cannot respond. They are not here either. Even those who are here, they are not paying any attention. Therefore, I am only requesting that let the Members be informed subsequently as to what action is taken on these matters which you think seem important enough to be allowed to be raised in the House. (*Interruptions*) Even now, they are not listening.

[*Translation*]

SHRI BHAWANI LAL VERMA (Janjgir): Mr. Speaker, Sir, Korba under Vilaspur district in Madhya Pradesh has developed into a big industrial centre. There are 10 coal mines, around the city. Besides, an aluminium factory a National Thermal Power station, Madhya Pradesh power generation station and office of the Hasdo Major Irrigation

1. 8238 - 8237 Amritsar-Chhatisgarh Express
2. 2826 - 2825 Bhopal - Vilaspur Superfast (Mahanadi) Express
3. 7058 - 7059 Vilaspur - Kochin train
4. 8235 - 8236 Vilaspur Bhopal Passenger Express
5. 8233 - 8234 Vilaspur - Indore Narmada Passenger/Express.

I would request the Ministry of Railways to consider it seriously and accept the demand of introducing one of the above trains from Korba.

project are also located there.. (*Interruptions*)...

[*English*]

MR. SPEAKER: May I ask the Ministers to sit dispersed so that they are not involved in talking with each other?

[*Translation*]

A number of industries of the Central and State levels have been established and there is likelihood of many more being set up there in future.

At present, the population of the above city has gone more than one lakh. Businessmen, industrialists, officials, workers and people from all parts of the country live there.

5 superfast trains, which cover a long distance start from Vilaspur, the district headquarters. The people of Korba city are continuously demanding to originate one of the above trains from Korba and an agitation may take place there on this issue. Their demand is very just and the Ministry of Railways should take some decision by seriously considering the issue.

The following trains originate from vilaspur:-

SHRI CHHEDI PASWAN (Sasaram): Mr. Speaker, Sir, after independence, the power generation capacity of our country registered a rise to 64,500 megawatts from

1360 megawatts, during these 40 years. In this way, the annual increase has been 9.5 per cent. The per capita consumption of electricity has increased to near about 220 KWH from 15 KWH. But power generation capacity in Bihar has been comparatively low. In 1947, it was 150 megawatts, which has increased to only 1450 megawatts in the last 40 years. In this way, the annual increase was only 5.4 percent whereas, in the same period, percentage of national increase on an average was 9.5 percent. In terms of per capita consumption also, Bihar is lagging behind as compared to other States of the country. The per capita consumption of electricity in Bihar is 104 KWH where as the average national consumption is 220 KWH.

North Bihar is more backward in terms of availability of electricity and per capita consumption. The per capita consumption is only 18 KWH in this area. It is clear from the above figures that the availability of basic inputs needed for industrial development has been very scarce in the State.

The hydroelectric power generation capacity of the State has been estimated at 538 megawatts. But only 17 per cent capacity has been achieved. Similarly, though coal is available abundantly in the State, the expected development in regard to setting up off super thermal power stations has not taken place.

For the overall industrial development of the State, it is necessary that the power generating capacity should be increased to 2000 megawatts from 1450 megawatts. Besides, this, the allocation of electricity to the State from the central grid should be increased to at least 850 megawatts.

There is another problem with the Thermal Power Station set up at Dadri. The hon. Minister of Power is sitting here. Shri Khurana may also be interested in it. This station will generate nearabout 2000 megawatts of electricity. One is coal based and the other is gas based. A 12 kilometer

railway line has yet to be laid to transport coal. But as the railway line has not been laid, the coal is transported through other means of transportation and an expenditure of Rs. 12 crores is incurred every year on it. It is wastage of national property. Therefore, through you, I would like to demand that the Ministry of Railways and Ministry of Power should make coordination between them for early laying of this 12 kilometer railway line so that Rs. 12 crore could be saved.

KUMARI UMA BHARTI (Khajuraho): Mr. Speaker, Sir, the other political parties level allegations against the BJP and particularly on me that we are against the Muslims. Mr. Speaker, Sir, through you, I would like to request the Members of Union Council of Ministers present here that the Government of India should issue a stamp in the name of martyr, Abdul Hamid, who had sacrificed his life defending this country. We have very high regard for martyrs like Abdul Hamid. This is not a matter of pride for the Muslims only, but the Hindus of this country are also equally proud of him. It is a matter of regret that some people in our country do not recognise the sacrifice of martyr Abdul Hamid and term him as a traitor and infidel, because he fought against Pakistan. They have shown disrespect to him. From among the people, who issued 'fatwa' in this regard..... In the editorial of a newspaper, it has been said that..... has called Aabdul Hamid a traitor and infidel

[English]

MR. SPEAKER: The name will not go on record. The name is not going on record.

[Translation]

KUMARI UMA BHARTI: Through this House, I refute his statement and request the Government to issue a commmemorable stamp in honour of Martyr Abdul Hamid.

[English]

SHRI AMAR ROYPRADHAN (Cooch

Bihar): Sir, it is not only you but I think, most of the Members in this House are very much wanting of tea. If you do not have Darjeeling tea, let it be from Assam Tea or Nilgiri Tea.

But what is the position today? With this tea, we are earning about hundred crores of rupees to thousand crores of rupees per year by way of foreign exchange. But now you will have to choose not the Indian tea but the foreign tea. There is a conspiracy going on in our country and for the last few days, in different newspapers articles are coming that Lipton Group and certain high officials are in conspiracy and they are going to import tea from Kenya and Sri Lank. In the name of blending of this sort of tea, it is coming to India. We should oppose it.

Through you, I would like to draw the attention of the Commerce Minister and the Prime Minister that let it be stopped immediately and tea should not be imported.

[Translation]

MUMARI VIMLA VERMA (Seoni): Mr. Speaker, Sir, there was a severe flood in the river Narmada in Madhya Pradesh. The flood-waters reached upto the world famous marble rocks of Jabalpur district. After 1926, such a severe flood had never occurred in the river. This flood caused havoc there. Marble antique shops were washed away. The artisans who used to decorate people's houses were dumfounded. Even the tourist facilities developed by Jabalpur Development Authority have been damaged. Several houses collapsed and a small bridge was washed away. This caused damages to a big bridge at Tilwaraghat and to Bargi dam.

There is a need to rehabilitate the village people, sculptors and shop-keepers, restore tourist facilities immediately and repair the bridges, both small and big and dams which were damaged in the flood there. The Madhya Pradesh Government should take immediate and satisfactory measures in this regard. The Central Government should also extend assistance to the affected villagers, sculptors and shop-keepers.

SHRI SURYA NARAYAN YADAV (Sahasra): Mr. Speaker, Sir, pension was sanctioned to a number of freedom fighters of the country, who participated in the country's freedom struggle. But there are still many others who have been left out. They are wandering in Delhi for the last 2 to 5 months for getting the same sanctioned. I think all the hon. Members are aware of it. In this connection we had written to the hon. Home Minister also who assured us in his reply that he was getting the matter inquired into. After 15 days when I went myself to the concerned office the letter written by the hon. Minister was not available there. For example, I would like to say that only 8 freedom fighters belonging to districts Sahasra, Maadhepura and Purnea of Bihar have been sanctioned pension, but two others have not yet been sanctioned. Similarly, there was a proposal to give pension to the nominees of the Freedom Fighters after their death (*Interruptions*) But pension has not so far been sanctioned to the widows of the deceased freedom fighters. Through you, I would like to draw the Government's attention to this matter. Suitable steps should immediately be taken for these Freedom fighters of the country.

SHRI RAM KRISHNA KUSMARIA (Damoh): Mr. Speaker, Sir, I would like to draw the attention of this House towards various domestic and foreign lotteries being run by different State Governments and other private agencies. They are doing a lot of irregularities and are evading revenue to the tune of crores of rupees. Besides, some of the lotteries are themselves indulging in bungling of crores of rupees. Churhat lottery was an example of this kind in the past. Such things are taking place when the country is passing through an economic crisis.

Mr. Speaker, sir, no effective and concrete measures have ever been taken to proceed against them despite our making repeated complaints to the Finance Secretary, Government of India and the Central Bureau of Investigation. I would, therefore, like to request that appropriate

action may please be taken in this regard so that tax evasion could be checked and the economic crisis facing the country could be blown off.

SHRI S.M. LALJAN BASHA (Guntur): Mr. Speaker, Sir, I want to raise a very important issue in the House. I come from Guntur district. Sir a Jute Mill of the JCI in Guntur district has been completely closed down putting the 3500 of its employees in a very miserable condition. So, it is my request to the Government that positive steps for redressing the grievances of those employees may please be taken early.

SHRI NARAIN SINGH CHAUDHRI (Hissar): Mr. Speaker, Sir, the anguish spread among the farmers due to the announcement of withdrawal of subsidy from fertilisers was subsided to some extent after it was announced that fertiliser would be supplied to the small and marginal farmers at the old rates. But the co-operative societies or mini Banks functioning under the Haryana Government fulfil only 25 per cent of total requirement of fertiliser to them. So, ultimately they purchase it from the private dealers. Sir, through you, I would like to tell both the hon. Ministers of Agriculture and Finance that the small farmers do not get fertilisers anywhere at the old rates. They too purchase at Rs. 150 to 155 per bag. Now the sowing season is at hand and due to non-availability of fertiliser they will face difficulties. It will ultimately adversely affect crop-production. So, it is my request to the Government to pay adequate attention to it and make available fertilisers at required quantities at reasonable rates to the people.

I would like to make yet another submission about the Haryana Express. Recently, a report about cancelling this important train has appeared in the newspapers towards which the hon. Minister's attention was drawn. He has assured that it would not be canceled. But he has not yet refuted the above news.

MR. SPEAKER: Please take your seat. A lot of discussion has taken place on this subject.

SHRI HARADHAN ROY (Asansol): Mr. Speaker, Sir, I would like to draw the attention of this House towards a very important matter. The unemployment problem in the country is very serious. Half of the country's population is living below the poverty line. Despite all this, there is a ban on the recruitment in Government services. This ban must be lifted immediately. Earlier, it was imposed for six months only but now it has become a practice to extend its period time and again through different orders. I would, therefore, like to request that ban on recruitment may please be lifted and recruitment started so as to provide some relief to people reeling under the problem of unemployment. At the same time the backlog of vacancies may also please be filled. *(Interruptions)*

[English]

SHRI MORESHWAR SAVE: You have not given me a chance to speak for the last 80 minutes.

MR. SPEAKER: I am not speaking in the House. Members are speaking in the House.

(Interruptions)

MR. SPEAKER: You should know how to behave in the House. You can go out if you like.

12.27 hrs.

(At this stage, Shri Moreshwar Save left the House)

[Translation]

SHRI TARA CHAND KHANDELWAL (Chandni Chowk): Mr. Speaker, Sir, through you, I would like to draw the Government's attention towards the atrocities that were committed in Ambala Cantt. On September 4, 1991, the Army-Jawans led by Colonel Mindal and Lt. Col. Inder Singh bulldozed 17 houses at Ambala Cantt. I would like to know whether the Bull-dogzer Government has

been established in Haryana again after 1975-76, i.e. 17 years after the emergency. These houses were demolished unconstitutionally without serving any notice. The owners of those houses possess ration-cards. Out of total of 45 families some are living there for the last 22 years and some even for last 47 years. It is also a contempt of court. One Prithvi Singh of them has already filed a suit under section 274 of the Cantonment Act, 1924 against the Cantonment Board and the case is still pending in the court. So the demolition of those buildings is quite unconstitutional as the matter is still sub-judice. Those 45 families including their small children are living under the open sky for the last 14 days. All their belongings have been damaged. I, therefore, request the Government either to reconstruct those houses or to allot 3000 yard plot to each of them for their rehabilitation. Immediate action must be taken in this regard. This report has been published in all the newspapers. If you want, the copies, I can produce clippings of the Tribune and "Jan-satta" in this connection.

SHRI RAJNATH SONKAR SHASTRI (Saidpur): Mr. Speaker, Sir, I would like to draw your attention towards an incident that took place during the Indo-Pak War of 1965. Sir, we are proud of Shri Abdul Hameed who was born at Dhamupur Village of Ghazipur. He became a martyr on 10 September 1965 in that war.

MR. SPEAKER: We have already discussed about it a little while ago.

SHRI RAJNATH SONKAR SHASTRI: Mr. Speaker, Sir, I would like to say something else. Shri Abdul Hameed was posthumously conferred the Paramvir Chakra. (Interruptions) He was a symbol of our national unity. He was a Havildar in the 4th Unit of Grenadier Regiment. When the Pakistani Army was making a plan to separate some parts of Jammu and Kashmir and Punjab from India from Kasur post with the help of 100 American pattern tanks at Chimpur village in Khemkaran Sector.

MR. SPEAKER: Hon. Member, you need not say all this as all of us know it.

SHRI RAJNATH SONKAR SHASTRI: It is necessary, Mr. Speaker, Sir, the Pakistani Army was marching ahead. It wanted to divide India into two parts by blowing off the bridges over the rivers Sutlej and Beas. Abdul Hameed hiding himself in a sugarcane field destroyed their four pattern tanks. When the Veer Abdul Memorial Society by writing a letter to the Ministry of Home Affairs sought its permission to Celebrate the martyr-day at Khemkaran in the memory of Abdul Hameed, the Ministry of Home Affairs assured them full protection and asked them to proceed with their proposal. The hon. Home Minister himself gave an assurance to them on 31 August. On the 22nd August, the Prime Minister also assured them of giving full protection if they celebrated the martyrdom day of Abdul Hameed. Sir, about 1000 freedom fighters from all over the country reached Amritsar station but no one was present there to carry them to the celebration site at the Khemkaran sector despite a clear instruction from Ministry of Home Affairs to this effect. Later, some military personnel came there to carry them to that place. On their return they faced a lot of difficulties. They remained there without food for 12 hours. Today, the three children of Abdul Hameed, who was conferred the Paramvir Chakra for scarifying his life for the country, have been left to fend for themselves by stitching clothes and doing other manual work. Sir, his wife gets a pension of around Rs. 100 at the most Abdul Hamid's mother has died. His father is very old and leading a very miserable life. He has reached the begging condition.

I urge upon you to issue necessary directions to the Government to make the adequate arrangements for the wife, children and aged father. His son was a great patriot and symbol of national unity and the recipient of Paramvir Chakra. I gave you in writing one week ago. I request you to take necessary action in this regard.

.... (Interruptions)....

MR. SPEAKER: You please take your seat. Let me speak on it.

(Interruptions)

MR. SPEAKER: I want to point out that first of all let us know the veracity of the matter raised by Sonkarji. I am aware of the fact that some assistance in this matter can be provided by the State Government and the Central Government.

SHRI RAJNATH SONKAR SHASTRI : Mr. Speaker, Sir, only his wife is getting some help. Maximum assistance should be provided. *(Interruptions)*....

MR. SPEAKER: Sonkarji, please be seated. I am helping you and you are speaking in between. You actually do not understand as to who is helping you and who is not. I was pointing out that there is provision to provide assistance in this respect either by the Central Government or State Governments. As per your report they are leading a very miserable life. After an enquiry, they should be provided assistance as a special case, if there is no provision in the existing rules.

[English]

.....*(Interruptions)*...

SHRI SOMNATH CHATTERJEE (Bolgpur): I hope that somebody in the Government will take note of it ... *(Interruptions)*....

MR. SPEAKER: It has been noted and the Government will also take note of it.

.....*(Interruptions)*....

[Translation]

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, when you allow time for discussing an important matter, then some Ministers must be present in the House to note of all these things.

[English]

SHRI K.P. UNNIKRISHNAN (Badagara)

: Sir, it is deeply disturbing and shocking the way the law and order of Delhi is being handled. Life in either capital of India has almost become a nightmare. From all the outlying colonies people are coming in delegations with complaints to Members of Parliament and are saying - you can amend every law to provide for the security of a family; you make your own laws for the protection of ministers and MPs; but there is nobody to talk on our behalf; there is nobody to protect us.

It is a shame that during the last ninety days the crime graph has gone up in the Union Territory of Delhi by almost 150% - from small thefts to abductions, kidnappings and dacoity. No colony is safe, not even the NDMC area. It is shocking that when I discussed it with the senior police officer, he was telling that most of their time is taken up for VIP security. I do not know how far it is true. That means there is substance in the people's demand that there is hardly anyone to bother for them.

This calls for immediate attention. Not only terrorists, but all kinds of criminals from all the surroundings seem to have gathered around Delhi and are creating very serious problems. I would request through you the Home Minister to make a statement and take immediate corrective steps to see that the crime situation is firmly put under control in Delhi.

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker, Sir, there is a report in the newspapers that four persons who had come to Delhi in connection with their business have been kidnapped. Day before yesterday an industrialist of Mayapuri was abducted but his whereabouts have not been traced till date. I was informed by a police officer that earlier kidnappers were demanding Rs. 10 lakhs but now they are asking for Rs. 5 lakh. The number of such incidents is increasing. You may recall that the hon. Minister of Home Affairs had given an assurance in this august House that a

meeting of Members from Delhi would soon be called to discuss the law and order situation of Delhi. No one remembers it. Through you, I urge that a meeting should be called to discuss and review the law and order situation in Delhi at the earliest in view of the concern expressed by House in this regard.

SHRI AYUB KHAN (Jhunjhunu): Sir, Shri Abdul Hamid laid down his life for the country in the 1965 war and won Param Vir Chakra posthumously. I too participated in that war, but the difference is this that I was awarded Vir Chakra whereas Abdul Hamid won Param Vir Chakra. There are our many friends who won Param Vir Chakra, Mahavir Chakra and Vir Chakra but their widows and family members were not given any assistance by the Government. They are hapless. I am grateful for the ruling given by you as it will boost the morale of the soldiers who are prepared to lay down their lives for the cause of the country and for the unity and integrity of the nation.

MR. SPEAKER: I have been told by some State Government that the recipients of Param Vir Chakra and Vir Chakra are given assistance by State Government as well as by Central Government. Whatever you have said is correct and the matter will be taken up with State Government and Central Government.

[English]

SHRI SAIFUDDIN CHOUIDHURY (Katwa): Sir, in the past, this matter had been raised in this House with the expectation that the Minister concerned will take note of it and initiate action. This is about two very big unexploited oil reserves in our country.

One is in Central Gujarat and the name of the area is Khatna-Kalamsar area, where the assessment is that about 865 million metric tonnes of crude oil is there. It has been proved by a scientist who was working with ONGC, Shri K C Roy Choudhury who has retired now. It is due to his persistence that ONGC authorities granted digging of oil

in that area. In one well, oil was found which was described by ONGC as a major breakthrough. But, after that it has been neglected till date.

The other area is the area of Bay of Bengal - the Bengal Delta. On the basis of the scientific findings it has been found that about 28.5 billion metric tonnes are in reserve there in the Eucine Carbonate Rock Reservoir in the Bengal Basin which is 60 million years old. Despite his insistence, no digging had been conducted in that area so far. He has been writing and it is a case of unique fight. We had raised this matter in the House. We had been spending millions of rupees in foreign exchange to import oil.

MR. SPEAKER: There is a whole battery of scientists on the one side and there is one scientist giving his opinion on the other side.

SHRI SAIFUDDIN CHOUHDURY: Sir, this is one idea. There may be another idea also. ONGC is not taking note of this and they are thinking that it is not true. But, how to come to that conclusion? He has been writing to the Minister; we have been raising it in the House. We requested the Government to talk to the scientist. There are other scientists also who are ratifying this idea.

SHRISOMNATHCHATTERJEE: There was an All India Symposium of this.

SHRI SAIFUDDIN CHOUHDURY: a renowned scientist supported this idea. The Secretary in the Department of Petroleum promised to give him time to discuss the matter with him. But so far this promised meeting did not take place.

If you go into the history a little bit, you will find that this man - when he raised this matter - was harassed and transferred. I do not know what is the mystery. We should go into it. Some vested interest is working in it. There are interested Members in this House and three or four or five Members can be constituted into a Committee to look into this matter. If this is true, then we will be converted

into an oil exporting country. There may be international racket working in it, I do not know.

Therefore I demand that a Committee consisting of the interested Members of this House be constituted. Sir, you are a person of scientific outlook. (*Interruptions*) He is coming to us from time to time. I am a People's representative, as others here are and what is the use in it if we cannot initiate action on important issues? We are told that these are the scientific findings. In the Bengal Basin, drilling was conducted in a particular area. But, he said that in that area oil cannot be found and you divert it to 38 degrees in a particular direction. The oil can be found there. But that diversion did not take place. Why? want to know it. A lot of money is being wasted but the drilling is not taking place in the proper area. That is why I request you that let there be small committee of the House where all the findings by these scientists can be placed. Those who are against the conclusions of this finding, should be called to that committee. Let them reach a conclusion. It is a very serious matter concerning the health of our economy and concerning the saving in foreign exchange.

You have a scientific outlook. You have a scientific attitude. You are a man of science. You are for the good of the country. I request you to direct the concerned Ministry to take this matter very seriously and let this House help this Ministry to really move in a right direction.

SHRI CHITTA BASU: Sir, we raised it earlier also (*Interruptions*)

SHRI MRUTYUNJAYA NAYAK (Phulbani): Sir, a barbaric and heinous attempt of confrontation occurred in the city of Berhampur of Ganjam district, Orissa, between an army regiment and local police just a few days ago. It was initiated by an unfortunate synchrony of time in which an army trainee officer was brutally assaulted by the police near a cinema hall causing immense tension and resentment among the army regiment. As a result, army and police walked down the street by arm and

ammunition and were ready to kill each other. The Army General of the regiment has ordered for military probe. But as yet, the police administration and the Government of Orissa are very callous and silent to conduct a legal inquiry and take steps against the police officers who have indulged in the police agitation.

Similarly, the police platoons have indulged in creating violence in my hometown, Phulbani, in the State of Orissa and used *lathi*-charge on a peaceful rally by the innocent people.

I request the Home Minister to intervene in the matter to restore confidence and peace in the town.

SHRI G.M.C. BALAYOGI (Amalapuram): Sir, Kakinada town in East Godavari district of Andhra Pradesh is fast developing as an industrial centre with two fertiliser plants and other related small units. Fishing is one of the main professions of large number of people in this area. Besides these, there is one Engineering College and one Medical College. There is a lot of floating population to this town due to these industrial units and Colleges. Unfortunately this town is somehow neglected in regard to transport facilities. At present, there is no proper train facility. This town is not connected to the main line of Railways. People have to depend on shuttle service to reach Samalkot for getting trains on the main line.

Recently, the Railway Department has cancelled the local trains between Samalkot and Kakinada. Instead of introducing new trains, they have cancelled and created a lot of problems to the people in the area. So, I would request you to restore the local trains between Samalkot and Kakinada immediately.

To make it convenient for the people, Kakinada town be connected to the main line of Railways. Also the restoration of railway line between Kakinada-Kotipalli, which was withdrawn long back, if taken up immediately, will benefit a large number of people of this district.

The port in Kakinada still remains under-developed. If immediate action is initiated to develop this port, it will benefit the business community in exporting and importing the goods.

The Polavaram multi-purpose project on river Godavari is still pending. If immediate clearance/sanction is accorded to this project, it will benefit a large number of people in this area.

Lastly, one B.S. Raju of my district was killed by ULFA activities in Assam. His entire family - old parents and sisters - depended on him. I request through you the Minister of Petroleum and Natural Gas to provide suitable compensation to the family members of Shri Raju immediately.

[Translation]

SHRI BHAVNA CHIKHALIA (Junagarh): Mr. Speaker, Sir, even after 44 years of attaining independence, Indian dress apparels is disregarded in certain parts of the country whereas our culture and dress apparel are being admired in foreign countries. In this regard, I want to give an example. We celebrate the birth anniversary of our former President Dr. S. Radhakrishnan as Teacher's Day. On the Teacher's day on 5th September, 1991 when students of St. Anns School dressed in Indian style, they were wearing Sari and putting on Kangan in their hands and Bindi on their forehead, attended the school...

MR. SPEAKER: Are you going to raise the question of a dress worn in school here?

SHRI BHAVNA CHIKHALIA: This pertains to Teacher's Day. On that day, when the girl students dressed in Indian style went to attend the function, they were openly insulted and rebuked by the Principal and were refused to participate in that function.

Mr. Speaker, Sir, in view of this happening, I request the Government to take such schools under its control and the

Minister of Human Resource should make a statement in this regard and necessary action should be taken against such school officials under the rules.

[English]

SHRI E. AHAMED (Manjeri): Sir, on the last day of the Session, I would take this opportunity to remind the Government, through you Sir, about a solemn assurance which they have given to the minorities of this country.

The assurance was that statutory recognition will be accorded to the Minorities Commission. Minorities Commission came into being on the strength of a resolution of the Government of India on the 12th January, 1978 with the Chairman and Members representing each of the five religious minorities, namely, Christians, Sikhs, Buddhists, Parsis and Muslims. Again Sir, on the strength of an amended resolution on 30th March, 1988, this Commission has been entrusted with onerous responsibilities including suggesting appropriate legal and welfare measures in respect of any minority to be undertaken by the State or the Central Governments. So, unless such a Commission is accorded statutory recognition, it will find it difficult to function effectively. There was a National Convention under the auspices of the Minorities Commission giving representation to all the minorities in the country which also urged the Government to accord statutory recognition to it. To make the Commission work in a meaningful way, statutory recognition is of great importance. I hope, Sir, the Government will act promptly in this regard.

[Translation]

SHRI MOHAMMAD YUNUS SALEEM (Katihar): Mr. Speaker, Sir, most of the areas in the State of Bihar are affected by devastating flood. I represent the katihar Constituency in this House. I have been receiving telephones for the last two-three days that Mahananda river is in flood there

and has inundated a large area of Katihar, Barsoi, Manihari, Barlapur and Kora. People living in thatched houses have been totally ruined and have taken refuge either in the railway station or are on the roads. There is no arrangement for their food, clothes, shelter and medicines. Cholera may break out there. I have requested the State Government in this regard but it does not have sufficient means. Through you, I would like to request the Central Government that it should take immediate steps to send food, clothes and medicines for them. Preventive measures should be taken to check the outbreak of diseases. Suitable efforts should also be made to re-settle them, so that their family can live their comfortable.

SHRI VIRENDRA SINGH (Mirzapur): Mr. Speaker, Sir, some hon. Members have pointed out the negligence being shown to Shri Abdul Hamid, who was awarded Param Veer Chakra; This is not the question of Shri Abdul Hamid alone but the national level players belonging to the rural areas are also being neglected. In this respect, I would like to tell you that all the gold medalist players of national level are leading a miserable life. Today there is wide gap between rural games and urban games as well as between rural players and urban players. The urban games like tennis, cricket and badminton etc. are given publicity on a large scale, but the rural games and players do not figure in the media. The centres, wrestling grounds and playgrounds, for the rural games are about to close and all the facilities, which were provided to the players are being withdrawn. Some days ago many wrestlers came to me and spoke of their grievances. Being a player of rural games, I realised their problems and miseries.

So, Mr. Speaker, Sir, I would like to request you to direct the Government that negligence hitherto shown to the rural games and players in India should now be stopped. There are two standards for players in one country. It is creating a serious situation. Besides this, being a player I would like to request the Government to take necessary steps for improving the situation in this regard.

MR. SPEAKER: You have raised a very good question. Thank you for it. I understand that the state Government, Central Government, the Co-operative Sectors, big factories and industries of private sector can provide help to the rural players and there should be some provision for this in the law.

SHRI RABI RAY (Kendrapada): Mr. Speaker, Sir, It is the last day of this session and I want to raise a very important question in the House. The question is that on the 12th of this month when we raised questions about the Bofors' scandal, at that time it was stated - in the House as well as outside also - on behalf of the Government that.

..... Joint Secretary in the Ministry of External Affairs of the Government of India made a statement that.

[*English*]

The time has come to forget the Bofors' affair.

MR. SPEAKER: The name will not go on record.

[*Translation*]

SHRI RABI RAY: The Government has contradicted that statement. But the House, the whole country and you are aware of the information imparted by Sweden Radio about the Bofors scandal. I am surprised if the Government makes a false statement how can you ignore it. I would like to place before you all the facts which have come through the press and the Swedish Radio. Mr. Headman, the War Material Inspector of Swedish Government said that (*Interruptions*)

[*English*]

MR. SPEAKER: I would very respectfully submit that if some matter which appears in the newspaper in our country has to be relied upon and acted upon, it should be authenticated by the Member that it has some grain of truth. If something has

appeared in a foreign newspaper or on a foreign Radio, should it be raised here? The newspapers are writing articles saying that the matter which appeared outside the House should not be brought on the floor of the House. If the matter has appeared outside the country, in a newspaper, it should not be brought on the floor of the House. That is really a very important question. So, my respectful submission is that let us please stick to these things.

[*Translation*]

SHRI RABI RAY: I would like to submit that suppose we do not get all the necessary information about Bofors scandal through the Indian newspapers and television and we get all the news from the foreign print media and Swedish radio, naturally we will rely on it and will raise the matter in the House to know the facts from the Government. However, the Government of India does not agree with the reports appearing in the media. But at the same time the Government did not contradict the press reports etc. (*Interruptions*)

[*English*]

MR. SPEAKER: The newspapers are really very important. We should respect what they write. On the contrary, the Government should take note of it. But in the Court of Law and on the floor of the House, what appears in the newspaper is not acceptable unless it is authenticated. No Court will accept what the newspaper writes or no Parliament or Legislature will accept unless the Member says that I rely upon it, I guarantee it that it is a truthful version. It is for the executive to do it.

[*Translation*]

SHRI RABI RAY: Mr. Speaker, Sir, I agree with you, but my question is whether the Government is sincere to bring forth all these things regarding Bofors or not. Mr. Kumaramanglam is present here and he had assured the House that day that he would leave no stone unturned and do

everything to find out the facts about the Bofors scandal. I would like to state that as per our information the Government is again interested in buying 400 Howitzerguns worth about Rs. 3500 crore. How can you ensure that all such things as happened earlier would not be repeated in this deal also, because you are aware of all the facts regarding this company. This news have appeared in all the papers of the world that the Government is again going to enter into an agreement with the Bofors. So, I would like to know whether the Government is sincerely doing something to bring forth all the facts and reveal the names of the recipients who have received kick-back money in this deal. Today is the last day of the session so the Government should make a statement whether it is interested in revealing the names of the recipients of kickbacks. (*Interruptions*)

SHRI RAM VILAS PASWAN (Roser): Mr. Speaker, Sir, today is the last day of the session. Shri Kumaramanglam is present here and I would like to point out spelling in his presence, start when he was in opposition, he used to raise so many questions about the welfare of labourers and workers but since he joined the government he has forgotten all these things, even the welfare of labourers. Through you, I would like to submit that there should be laborer's participation in management, because we have raised this issue a number of times when we were in the Government. I have raised the issue of workers' participation in management in parliament. Presently, no interest of workers is involved in the management. The responsibility of loss is always put on the workers while profit is pocketed by owner. When we were in power, just after taking oath as Minister of Labour, I organised a two day Seminar in January which was attended by several political parties, labour leaders, and Members of Parliament and other interested parties. We prepared a bill with the consensus of all in this regard and presented it in the upper house in May. We also held talks two-three times about it and carried out necessary amendments. We also said that talks with

the representatives of workers right from fourth class to the board level should be held. The newly formed Government has expressed its concern for the workers in its manifesto and even in the presidential address. But we have observed during the last few days, specially from the industrial policy of Government, that the Government is distancing itself from workers and is working against workers' interests. So we are doubtful about the Government's intention. Therefore, we want to know what the Government is doing in this regard? Mr. Speaker, Sir, the Government need not introduce a new bill in this regard. The Bill has already been introduced. If you want to add something in workers' interest, please add it, otherwise it will be a case of justice delayed is justice denied. The country achieved independence 44 years ago. If you had worked in the direction of workers' participation in management just after the independence, I think industries would not have been in such a bad condition. When a bill is already pending in the other house and the Government is also declaring itself a well wisher of the workers, I want to know, as to why does Government not get this bill passed which was introduced by us. Why is Government adopting an insensitive attitude towards workers? Is the Government serious about it? Does Government want to implement it or not? If Government intends to implement it, in how many days this bill will be passed and enforced? I hope that the Government will certainly react to it.

[English]

SHRI BASU DEB ACHARIA : This is very important.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM) : He is raising it on the last day of the Session.

SHRI RAM VILAS PASWAN: You correct him. I am not raising it for the first time.

MR. SPEAKER: Probably you might

have waited until the last day to see whether the Bill is being introduced.

SHRI SOMNATH CHATTERJEE: Does the Government think of it only when the hon. Member raised it?

SHRI RANGARAJAN KUMARAMANGALAM: This labour participation in management is not an issue which belongs to any single party. It is a matter in which all the parties in the House have unanimously agreed upon and we have come to a unanimous conclusion. The Government is committed to ensure that labour participation in management is implemented and the honorable former Labour Minister Shri Ram Vilas Paswan is also aware of the problems that arose when the Bill was there in the Rjaya Sabha and why it could not immediately be brought to Lok Sabha and Passed. I am sure that during this inter-session we would sit down with all the parties and finally up all the loose ends and I hope that in the next session we should be able to pass it.

One more matter I would like to react to. There is an unnecessary amount of repetition in the matter of Bofors. Earlier I had gone on record to say that the Government is committed to ensure that justice is done in the matter of Bofors and speedily done. After having said it, I do not understand why Members of the Opposition, especially senior Members, are raising it over and over again and every time trying to somehow or the other score a point. It is not correct; it is all unnecessary.

SHRI RABI RAY: The reasons are obvious.

SHRI RANGARAJAN KUMARAMANGALAM: There are no reasons except political.

[Translation]

SHRI SHIV SHARAN VERMA (Machhlishahar): Mr. Speaker, Sir, my parliamentary constituency Macchhlishahar, Jaunpur, U.P. is surrounded by the big rivers as Gomati, Pili river, Sai river, Basuhl

river and Bakulahi river etc. South-West part of Virapur Pratapgarh assembly constituency in my area is surrounded by the devastating ponds such as Umrantal, Chanwatal, ramapurtal, Bhawanigarhtal, Kahla Bhujaini, Khakhapur, Karnasin and Lapkah (Sekhupur) etc. all the Kharif crops have been ruined by the flood. The western part of Dhirapur area is badly affected by Bakulahi river.

Northern part of Patti Virapur Pratapgarh assembly constituency are affected by the devastating floods in Patti nala, Sal river, Basuhi river, Sarsi Tal, and Daudpur lake. Hundreds of villages of Gashwara assembly constituency and Machhalishahar, Jaunpur are affected by the floods in Sal river and Basuhi river. Hundreds of villages of block Khurham, Battapur are badly affected by the floods of Gomati and Pili rivers and are submerged in the waters. All kharif crops have been ruined. Men and animals are on the verge of starvation. The proper drainage system has so far not been made in respect of Umaran Drain, of Dumdum Tal, Sultanpur drain of Chanva Jal and in respect of other drains. These drains are required to be widened by 3 feet and also deepened by 3 feet with a view to utilise the full capacity of these drains.

I have informed concerned district collectors and high officials of Jaunpur and Pratapgarh districts of U.P. Government. But no effective step has so far been taken. Farmers and animals have reached the verge of starvation as Kharif crop has totally been destroyed. The bridge has not been constructed at Weracharghat on Sal river which is one of the small river of the area. I have written 28 letters to the Chief Minister of U.P. in this regard. He has not taken these letters seriously. I request that Central Government should take proper step soon in the matter.

[English]

MR. SPEAKER: You please sit down.

SHRI YAIMA SINGH YUMNAM (Inner Manipur): The people of Manipur have been

suffering due to acute shortage of foodgrains, that is, rice. There is scarcity of rice in the State. Particularly the people in the hilly areas of Manipur are suffering because the foodgrains are not reaching there. That is because about 10,000 metric tonnes of rice is held up by the Food Corporation of India. Is it not sent on account of any political considerations? That is why I am raising it here. It is a very serious matter. I had tried to raise it yesterday also.

I have a copy of the letter written by our Minister to the hon. Prime Minister stating that if it is for political considerations the people will suffer extremely.

MR. SPEAKER: Rice should be sent there. That is what you want to say.

SHRI YAIMA SINGH YUMNAM: Sir, the Government of Manipur has paid Rs. 3,70,00,000 to the F.C.I. bearing an interest at 16 per cent. Now, for the last four months, since June, we have not been getting the foodstuff.

MR. SPEAKER: Now Papers to be laid on the Table.

13.10 hrs.

PAPERS LAID ON THE TABLE

Review on the Working of and Annual Report of National Power Transmission Corporation limited, New Delhi for 1989-90

[English]

THE MINISTER OF STATE OF THE MINISTRY OF POWER AND NON CONVENTIONAL ENERGY SOURCES (SHRI KALP NATH RAI): I beg to lay on the Table a copy each of papers (Hindi and English versions) under sub-section (1) of the following section 619A of the Companies Act, 1956 :-

Transmission Corporation Limited, New Delhi, for the year 1989-90.

- (1) (i) Review by the Government on the working of the National Power Transmission Corporation Limited, New Delhi, for the year 1989-90.
- (ii) Annual Report of the National Power Transmission Corporation Limited, New Delhi, for the year 1989-90 alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

- (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-697/91]

Profit and Loss Account and Balance Sheet of Department of Telecommunications for 1989-90

THE DEPUTY MINISTER IN THE MINISTRY OF COMMUNICATION (SHRI P.V. RANGAYYA NAIDU): On behalf of Shri Rajesh Pilot, I beg to lay on the Table a copy of the Profit and Loss Account and Balance Sheet (on accrual basis) of the Department of Telecommunications, for the year 1989-90 (Hindi and English versions). [Placed in Library See No. LT-698/91]

REVIEW ON THE WORKING OF AND ANNUAL REPORT OF INDIAN MEDICINES PHARMACEUTICAL CORPORATION LIMITED, MOHAN FOR 1989-90

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI D.K. THARADEVI SIDDHARTHA): 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) (i) Review by the Government on the working of the Indian Medicines Pharmaceutical Corporation Limited, Mohan, for the year 1989-90.

- (ii) Annual Report of the Indian Medicines Pharmaceutical Corporation Limited, Mohan, for the year 1989-90 alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

- (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-699/91]

13.11 hrs.

ASSENT TO BILL

[English]

SECRETARY-GENERAL: Sir, I lay on the Table the Appropriation (No. 4) Bill, 1991 passed by the House of Parliament during the current session and assented to since a report was last made to the House on the 30th August, 1991.

13.11 1/2 hrs.

MESSAGES FROM RAJYA SABHA

[English]

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

- (i) "In accordance with the provisions of the rule 127 of the Rule 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 14th September, 1991, agreed without any amendment to the

Special Protection Group (Amendment) Bill, 1991, which was passed by the September, 1991."

- (ii) I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 10th September, 1991 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 House 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 26th July, 1991, 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."

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 Committee:-

1. Shri E. Balanandan
2. Shrimati Kailashpati
3. Shri Som Pal
4. Shri Santosh Kumar Sahu
5. Shri Subramanian Swamy

13.12 hrs

PETITIONS

- (i) **Re need to amend the Indian Trust Act, 1882**

[*English*]

SHRI H. D. DEVEGOWDA (HASSAN):

Sir, I beg to present a petition signed by Shri D. T. Jayakumar, Ex M. L. A. Karnataka and Shri Chikkamadu, Zila Parishad Member, Hunasur, District Mysore, regarding need to amend the Indian Trusts Act, 1882.

- (ii) **Re removal of disparity between urban and rural population in the matter of standard of living, etc.**

SHRI RAM PAL SINGH (Domariaganj):

Sir, I beg to present a petition signed by Shri Bhanu Pratap Singh of village and P.O. Sohna district Sidharthnagar (Uttar Pradesh and others regarding (i) removal of disparity between urban-rural population in the matter of standard of living, literacy and mortality; and (ii) treating 'Agriculture' as an 'Industry'.

13.11 hrs

PERSONAL EXPLANATION UNDER
RULE 357

[*English*]

SHRI INDERJIT (Darjeeling): Mr. Speaker, Sir, my attention has been drawn repeatedly during the past fortnight to separate but shocking statements made against me by two Members of Parliament of the Sikkim Sangram Parishad, Shri mati Dil Kumari Bhandari in the Lok Sabha on July 18 and Shri Karma Topden in the Rajya Sabha on July 19 last. Both attacked me on the basis of a statement alleged to have been made by me at public meeting at Kurseong, which is a part of my constituency of Darjeeling. I was stated to have declared that "The Nepalese have no place in India."

Friends, among some veteran members of the House advised me to ignore the two statements. But I now find that these fellow members and their partons have exploited my decision not to formally contradict their statements. Consequently, many innocent and fine people in different parts of our

country have been misled, prompting me, Mr. Speaker. Sir, to approach you and get your kind permission to make this statement today and set the record straight.

I want to make it clear once and for all that I never stated what has been attributed to me. The statement alleged to have been made by me is false and fabricated.

It is a calculated effort to malign and vilify me. I wish the Members concerned had extended to me, as a fellow Member of Parliament, the minimum courtesy of checking the veracity of the statement. At one stage, Mr. Topden said in the Rajya Sabha: "Such a statement, if true, would..." They should have checked with me before attacking me...*(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Sir, whatever that has been said in the Rajya Sabha need not be referred to here.

MR. SPEAKER: A Member of Rajya Sabha has alleged something against him. He cannot go and make a statement over there. This is why, he is making a statement here.

SHRI SOMNATH CHATTERJEE (Bolpur): Do not give personal explanation for something made outside...*(Interruptions)* Sir, he can go to the press...*(Interruptions)*

MR. SPEAKER: I will just read out the ruling. It says:

"If the allegations are made in Rajya Sabha against a Member of Lok Sabha, the latter may be permitted to make a personal explanation to clarify his position."

SHRI INDERJIT: Thank you, Sir, ...*(Interruptions)*

MR. SPEAKER: He is not alleging

anything against a Member of the Rajya Sabha. He is just giving an explanation to what has been alleged against him. He cannot go to Rajya Sabha. If he is also not allowed to make a statement here, then it does not become a part of the record of the Parliament. That is why, he is allowed.

(Interruptions)

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: What will be its result? Today, Shri Inderjit is giving a rejoinder to the Utterances inmade in Rajya Sabha, tomorrow there will be a counter reply in Rajya Sabha to the statement made by him here today ...*(Interruptions)*.

[*Translation*]

MR. SPEAKER: No, actually.....

SHRI ATAL BIHARI VAJPAYEE: When will this question-answer series end?

MR. SPEAKER: No Member of this House will be allowed to speak against the member of that House. He is giving explanation in what has gone on record. If there is any such thing on .

[*English*]

If he wants to allege anything against him, he won't be allowed to do that. There is a difference between giving explanation and making an allegation, and it is the ruling.

(Interruptions)

MR. SPEAKER: We will apply our mind. But, these are the rulings.

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, it is not that we are just supporting anything said in the Rajya Sabha

[Sh. Somnath Chatterjee]

against the Member of the Lok Sabha. Not that. The question is how it is to be dealt with? (*Interruptions*).

MR. SPEAKER: This is exactly what I have read out to you. If the allegations are made in Rajya Sabha against a Member of Lok Sabha, the latter may be permitted to make a personal explanation, to clarify his position. This is a Ruling given on 30 August, 1969. There is a Ruling given also on 1 April, 1970 and there is a third Ruling given on 4 April, 1970. There are many Rulings.

SHRI INDER JIT: Thank you, Sir, for upholding justice. (*Interruptions*).

SHRI K.P. UNNIKRISHNAN (Bagdora): What are the political compulsions? You cannot bring in a personal explanation. (*Interruptions*)

SHRI INDER JIT: It has been my pleasure, indeed to have know Mrs. Bhandari well during the past few years and so also Mr. Topden, whom I first met as the Secretary to the Sikkim Chief Minister in Gangtok. I know they have their personal and political compulsions. Both are aware of my role as a mediator in bringing about the Darjeeling Accord. They know on too well my affection for the fine people of the Darjeeling hills and my commitment to doing my best for getting them long-delayed fair play and justice. Both know equally well that it is the love and affection of the people of the Darjeeling hill areas that has enabled me to win the Lok Sabha election with a huge majority twice in two years—in 1989 and again in May Last.

The Indo-Nepal Treaty grants to the Nepalese in India and to the Indians in Nepal certain reciprocal rights in regard to residence, trade and employment, etc. The Nepalese are fully entitled to reside in India and enjoy these rights and privileges on a

reciprocal basis. I am also aware of the fact that many Nepalese have served in the Indian Army from the British times and continue to do so here locally in the Gorkha Regiments. We in India have every reason to be grateful to them for their sacrifices and services. Few in the world can equal their valour. I am glad our own Gorkhas are now coming forward in larger numbers to serve their motherland. There is no question of my ever casting any aspersion on the loyalty of these Jawans.

Finally, Mrs. Speaker, Sir, I have been accused of trying to divide more than 10-million Nepali-speakering people. Nothing could be further from the truth. True, I draw a clear distinction between Indians and non-Indians. We have this in India persons who are Indians and those who are Nepalese. Both have their respective places in India. One as Indian nationals and the other as Nepalese under the Indo-Nepal Treaty. There is no scope for any confusion.

I request both Shri Karma Topden and Shrimati Dil Kumari Bhandari and their supporters to stop maligning me.

SHRI CHANDRA SHEKHAR (Ballia): Mr. Speaker, Sir, I am sorry you have allowed him. But, he cannot make a statement on Indo-Nepalese relations in self-explanation. I do not know what he is talking of? (*Interruptions*). Mr. Speaker, Sir, I am speaking. I am telling that this is too delicate a matter to be dealt with by the hon. Member. He should make a statement and he should say that he has no disregard or disrespect for Nepalese. But he has quoted Indo-Nepalese Treaty and all that. Has he known the implications of what he is saying in this House? Have you considered the implication of what is contained in his statement? And how does it come under self-explanation, I do not know.

I recognise the right of self-explanation.

The Member is entitled to say about the whole Indo-Nepalese relations and the Nepalese in India. This is too delicate a matter, Mr. Speaker, Sir and I think, that this portion should not go on record. *(Interruptions)*.

SHRI K.P. UNNIKRISHNAN: He is not following the parameters of the personal explanation, as has been followed in this House.

SHRI CHANDRA SHEKHAR: He has said one sentence. He does not doubt the loyalty of Nepalese. What does it mean?

MR. SPEAKER: Nepalese in India.

SHRI CHANDRA SHEKHAR: No, he said one sentence that he 'does not doubt the loyalties of Nepalese.' You have to remove from the record.

SHRI INDER JIT: I did not say that.

SHRI CHANDRA SHEKHAR: You said it.

SHRI INDERJIT: I think my good friend, Shri Chandra Shekhar, the Former Prime Minister- I know that he has certain feelings towards Nepal and Nepali friends. My point is *(Interruptions)*

SHRI CHANDRA SHEKHAR: What does he mean, Sir? What is he talking, Mr. Speaker? I have a feeling, I know what he is talking. He does not know what he is talking. *(Interruptions)*

MR. SPEAKER: Please take your seats.

SHRI CHANDRA SHEKHAR: The only thing is, he does not know what he is talking.

MR. SPEAKER: Inderjit Ji, the only simple thing which is expected.....

(Interruptions)

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, anything about Nepalese should not go on record.

(Interruption)

SHRI INDER JIT: Mr. Speaker, Sir, my explanation is in the context of what was said by both these members referring to the Nepalese people in the Indian Army, and the Gorkhas. They attacked me, They said that I want got the Nepalese thrown out. If Shri Chandra Shekhar is so kind as to read the full text of the statement by Shri Karma Topden in the Rajya Sabha and by Mrs. Bhandari in the Lok Sabha, he will have no objection. I have only sought to answer the points which both of them made in their statements in these two Houses.

SHRI CHANDRA SHEKHAR: Once you have said that it is fabricated, it is over. *(Interruptions)*.

MR. SPEAKER: I think what Shri Chandra Shekharji has said will be examined very carefully and if a reference is made to a Treaty and if it is complicating the matter, we will take an appropriate decision.

SHRI SOMNATH CHATTERJEE: His personal explanation is used for giving his political views on the matter. *(Interruptions)*. He is only to either accept or deny. It has been attributed to him and he said, 'I did not say this'. He has his own theory and he is giving it to the House.

MR. SPEAKER: If he has referred to an existing Treaty....

SHRI SOMNATH CHATTERJEE: What for? It does not require his acceptance to it. *(Interruptions)*.

SHRI SPEAKER: Anybody referring to a law or existing treaty cannot be treated as objectionable, but then Shri Chandra Shekharji has something, I shall have to look into it very carefully and I will look into it very carefully.

SHRI INDER JIT: Mr. Speaker, Sir....

MR. SPEAKER: Don't complicate the matter. Leave it now. You have given you

SHRI BUTA SINGH (Jalere): I am not going to further add to what has been said here. Having dealt with the Darjeeling issue, I can only say one thing without any fear of contradiction Nepalese origin and the Gurkhas of Indian origin, that if in treaty, then there is nothing wrong in it.

MR. SPEAKER: This is exactly what I have said. But then if the fear is expressed, we should look into it very carefully.

SHRI SOMANATH CHATTERJEE: This is a ruling given by Buta Singhji.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, there is no objection on referring to the treaty signed with Nepal. Objections is that so many things have been said in the name of personal explanation.

[*English*]

SHRI SOMNATH CHATTERJEE: This is my contention, Sir.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, once Madhav Rao Scindia was in trouble due to personal explanation.

[*English*]

MR. SPEAKER: That is exactly why I called for the statements. I went through it carefully, it was examined by the office also, and we deleted some matter which was in

the letter also. We have already done that. But then supposing Chandra Shekharji has said something, I would very carefully examine what he has said, but generally reference to a law or reference to a treaty which is a public document I agree, this is not an act, but then I have not gone through the treaty, I don't claim to know every clause and aspect of the treaty. But I will certainly look into it again and if anything is objectionable, it can be deleted.

[*Translation*]

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, the question is not of treaty only or referring to the treaty. I did not want to say that a dispute is going on between Ghisingh and Nepalese is that area. There is scope of misunderstanding, what the hon. member is asserting. I do not want to say anything more.

[*English*]

SHRI INDER JIT: Sir, I may be allowed to clarify. What was stated against me was that I had said that all the Nepalese in India must leave. I have clarified in my statement that the Nepalese under the Indo-Nepal treaty have a place here in accordance with the Treaty. I would beg of you, in conclusion, Sir, that please read my statement in the context of what was stated by Mr. Karma Topdon in the Rajya Sabha and by Mrs. Bhandari here. Unfortunately, my friends Shri Chandra Shekhar and Shri Somnath Chatterjee are not fully aware of the statements made against me. I have not gone beyond what was said against me. They accused me of being anti-Nepali wanting to throw all the Nepalese out. I have only clarified what the basic situation is and I am grateful to Shri Buta Singh Ji also.... (*Interruptions*).

MR. SPEAKER: O.K., We are going to the next item now. Before I take up the next item on the agenda, I must very respectfully bring to the notice of all the hon. Members who have splendidly and enormously cooperated with the Chair and with all others that two items probably should be completed

before we rise today may be two or maybe three, if one more is added. So, the time allotted for one item is one hour and for another item is one more hour.

SHRI ATAL BIHARI VAJPAJEE: What is the third item, Sir,

MR. SPEAKER: Third item we have to decide upon. So, may I request that this matter also should be completed?

Now Matters Under Rule 377. I would not like it to be taken up at the end because four or five Members have to sit for the whole day. That is not proper. So, I am taking it up now.

13.27 hrs.

MATTERS UNDER RULE 377

- (I) **Need to provide adequate assistance to the Government of Madhya Pradesh to control Cholera and gastroenteritis in Vilaspur district**

[*Translation*]

SHRI KHELAN RAM JANGDE (Vilaspur): Cholera and gastroenteritis have broken out in epidemic form in vilaspur district (Madhya Pradesh). The State Government is unable to take appropriate steps to check these diseases due to paucity of resources. I request that Government of India should conduct a survey to assess the exact position there and make arrangements for providing grants, for medicines so that people of that district may get rid of cholera and gastroenteritis.

13.28 hrs.

[**MR. DEPUTY-SPEAKER** *In The Chair*]

- (II) **Need to issue a commemorative stamp in memory of Rani Chennema of Kittur**

SHRI C.P. MUDALA GIRIYAPPA (Chitradurga): Sir, in view of declaration by

SAARC to celebrate this year as 'International Women's Year', it has become imperative to throw light on the history of women of the past and instill moral courage into those who are coming up in various fields of life in the present. Woman is not weak. She never lags behind in any adventure. Besides, she has excelled men in many fields. One such example before us is the daring story of immortal Rani Channamma of Kittur, whose exhibition of valour and sacrifice for the attainment and preservation of freedom is ever praiseworthy. Rani Channamma, who sowed the seeds of freedom and subjected the British to a great humiliation by defeating them for the first time as back as in 1824 has been undoubtedly a venerable lady of the nation. She is the fountain head of inspiration behind the "Women's Dal" being celebrated every year on 23rd October.

Channamma, who has been like the star of the dawn heralding the Indian freedom, is one among a few memorable freedom fighters of India.

Though a postage stamp was issued a few years ago, it will certainly be in the fitness in the present context if a colourful postage stamp in her memory is issued for the second time.

I request the hon. Minister of Communications to issue the stamp on 2nd February, 1992, which is the 163rd anniversary of Rani Chennamma of Kittur.

- (III) **Need to exempt farmers of Rajasthan from payment of loans taken by Indira Gandhi Nahar Project Authority on their behalf**

SHRIMATI VASUNDHARA RAJE (Jhalawar): Sir, The line water courses are being constructed since 1974 by the project authority on behalf of the cultivators in the Indira Gandhi Nahar Project and Chambal areas. While in some cases the loans were directly advanced to the cultivators by the commercial banks, in majority of cases, the Rajasthan Land Development Corporation has taken loans on behalf of the cultivators. The farmers are required to repay these

[Smt. Vasundhara Raje]

loans along with interest. This has adversely affected the economy for those farmers. The farmers in the neighbouring States of Haryana and Punjab are exempted from such charges. They are not charged for the cost of water courses. Therefore, similar rule should be applicable in the case of the farmers in Rajasthan. Representations have been made by various organisations in this regard. The cost of water courses in Stage-II area of IGNP is borne by the State Government.

Now the total liabilities on account of the lined water courses and other farm development has reached around Rs. 200 crores with interest. As the area has been facing severe drought situation almost every year, the State Government is not in a position to undertake this liability.

As such, I appeal to the Government of India to share this responsibility and exempt the farmers, from the loan which has been taken by the Project Authority on their behalf. Thank you.

- (iv) **Need to provide financial assistance to the Government of Rajasthan for the overall development of Jaipur city**

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, I would like to draw the attention of the House to this important issue under Rule 377.

Jaipur, the capital of Rajasthan is known as 'pink city' the world over and is a Centre of attraction for tourists from all over the world. The new master plan for Jaipur for the next ten years is being prepared. In order to make an all round development of this city from the tourism and trade angles, the Union Ministry of Urban Development should seek adequate financial help from the Centre and make it available to the State in view of the limited financial resources of the State Government.

- (v) **Need for Financial Assistance from Central Government to prevent silting in Chilika lake, Orissa**

[English]

SHRI BRAJA KISHORE TRIPATHY (Puri): Sir, India's best lake, i.e. 'Chilika' in Orissa, which is also the biggest lake of Asia, is getting silted more and more and requires immediate attention of the Government. It attracts thousands of foreign tourists every year due to its magnificent beauty. It also gives scope to earn crores of rupees of foreign exchange every year by way of exporting prawn and other varieties of fish. It is also a shelter place to lakhs of Siberian birds in winter. Such a valuable property of the country is losing its natural glamour and is getting silted as its passage to sea is practically closed. Immediate steps should be taken to open the mouth, the passage to sea. State Government has already apprised the situation and made a request to the Government of India for necessary allocation of funds.

- (vi) **Need to double the railway line from Kiul to Kajra on Kiul-Bhagalpur section**

[Translation]

SHRI BRABMANAND MANDAL (Monghyr): Mr. Deputy Speaker, Sir, I would like to draw the attention of this House to this important issue under Rule 377.

The scheme of doubling the railway line from Kajra to Bhagalpur should be converted into Kiul-Bhagalpur scheme. The doubling of railway line only from Kajra to Bhagalpur on Kiul-Bhagalpur section does not serve any purpose. Its purpose will be defeated if the 15 km. Line is left single. Therefore, the railway line from Kiul to Kajra should be doubled.

The next point is that the doubling of railway line from Jamalpur to Ratanpur has been abandoned probably due to tunnel there. If this doubling work is a little costly and inconvenient, Ratanpur on this line may

be linked with Jamalpur Monghyr-Safiasaral-Purabasaral line and this region given an opportunity for development by doubling Kiul-Bhagalpur line.

I demand that this work should be started at the earliest.

- (vii) **Need to ensure rehabilitation of migrants from other States in Bombay and not to ask the respective State from where they originally belong to bear the cost off their rehabilitation**

[English]

SHRI K.P. UNNIKRISHNAN (Badagara): Sir, it is calculated that there are nearly 4 to 5 lakhs of hawkers in the city of Bombay eking out a living by vending all kinds of goods, from tender coconuts, to household goods, garments, footwear. A substantial majority of them are from States of Kerala, Karnataka, U.P. and Bihar. Some of them belong to families who have continued to reside in Bombay for generations and majority of them have been there for decades.

Their numbers have been growing with the population growth of the Bombay metropolitan area, and in the absence of new markets and shopping centers, they have continued to perform a useful social function and at the same time, remain self-employed.

The Bombay Municipal Corporation and the State Government of Maharashtra has recently announced a programme of rehabilitation for a small number who alone can do the vending, and threatened that others will be thrown out of the city and the State. These authorities have evolved a scheme where the rehabilitation costs of people from other States have to be borne by the States to which they or their forefathers originally belong.

The respective state Governments who are asked to bear the costs have nothing to do with the movement of the people from

one State to another, nor have they sponsored them, nor can they constitutionally intervene or prevent it.

I wish to draw the attention of the House to this serious unconstitutional disability being imposed on a section of the citizens which strikes at the very roots of our concept of common citizenship and is violative of the Fundamental Rights guaranteed by Chapter III of the Constitution of India.

I request the Prime Minister, or the Home Minister, to intervene in the matter and declare that while carrying out any rehabilitation programme, no State shall violate these Fundamental Rights of affect the rights of any citizen.

- (viii) **Need to declare the road from Panikoll to Rajamunda via Deonjhar, Barbil and Koira as National Highway**

SHRI GOVINDA CHANDRA MUNDA (Keonjhar): Sir, I am submitting the demand of the people of Orissa regarding declaration of the road mentioned below as National Highway.

Panikoll to Rajamunda via Keonjhar, Barbil and Koira.

As per the standing circular genuine demand of Orissa is about 3,000 k.m. out of which only 1,626 k.m. was completed during the last 43 years after Independence.

So, I request the Government to declare the above mentioned road, as National Highway without further delay.

- (ix) **Need to instal low power TV transmitters at Vasantgarh and Sagareswar regions in Maharashtra**

SHRI PRITHVIRAJ D. CHAVAN (Karad): Sir, the Western part of Satara and Sanfli districts of Maharashtra, in my Lok Sabha Constituency Karad, are not adequately covered by Television broadcast from the existing LPTs Satara and Sangli.

[Sh. Prithvraj D. Chavan]

This area, particularly Patan and Shirala Talukas, are hilly, and are economically underdeveloped. People have been uprooted and displaced because of large irrigation projects. New LPTs required to be installed to cover the deprived area. These should be located at the highest points in the district, so that the signal can reach all the valleys. There is a long-standing demand from the elected representatives and local population to install LPTs Vasantgarh for Satara district and at Sagareswar for Sangli district.

The Ministry of Information and Broadcasting should immediately sanction this demand on priority basis for these hilly areas.

- (x) **Need to connect Bareilly with Bombay and other parts of Southern India by Rail and also to increase the quota of Reservation in trains at Bareilly.**

[Translation]

SHRI SANTOSH KUMAR GANGWAR (Bareilly): Mr. Deputy Speaker, Sir, Bareilly is a major city of Uttar Pradesh. It is also a major commercial Centre of Western Uttar Pradesh with several industrial institutes. There is a long-standing demand of the citizens of this area to connect Bareilly with Bombay and other parts of Southern India by rail and also to increase the quota of reservation in trains at Bareilly. I, myself, have also written many times in this connection. Keeping in view the need of the citizens of this area, I would like to request hon. Railway Minister to pay attention to it and issue instructions for necessary instructions action.

- (XI) **Need for adequate development of Devgarh of Lalitpur district in Uttar Pradesh which is a tourist place**

SHRI RAJENDRA AGNIHOTRI (Jhansi) Mr. Deputy Speaker, Sir, "Devgarh" in Lalitpur district in Uttar Pradesh is the Place where

remains of the Gupta-Period are located and it is an ancient historical site. It covers an area of nearly 10 kms. There are 10 to 11 unique spots of Gupta-period in the backdrop of nature's splendour. Devgarh is a famous Jain pilgrim centre. Thousands of splendid Jain statues are there. Today, Devgarh is developing as a tourist centre. This centre is located at the bank of the river Betwa. The area of 7 acre of forest is surrounded by the river Betwa.

Thousands of tourists visit Devgarh every year. Three time a year programmes are organised by the Jain Samaj and lakhs of people take part in them. The existing memorials and remains in Devgarh are under the supervision of the Archaeological Department of the Government of India. But there are still some spots like Ranchhor ma Maharaj spot which the Department of Archaeology has not taken over. Devgarh is in no way less important than the caves of Khajuraho or Ajanta-Ellora. It is a question of the preservation of a historical heritage. In these areas the construction of hotels for tourists to retire at night, night-shelters for common people, metalled roads and parks in the forest surrounded by Betwa are necessary. Adequate arrangement for electricity and water should be made in Devgarh area.

I demand that the Central Government constitute a committee of Members of Lok Sabha as also the representatives of the Department of Tourism and Archaeology of the Government of India to ensure proper development of Devgarh.

13.44 hrs.

ELECTRICITY LAWS (AMENDMENT) BILL

[English]

MR. DEPUTY SPEAKER: Now, we go to next item. Shri Kalp Nath Rai.

[Translation]

THE MINISTER OF STATE OF THE
MINISTRY OF POWER AND NON-

CONVENTIONAL ENERGY SOURCES (SHRI KALP NATH RAI): Mr. Deputy Speaker, Sir, I would like to request that the Electricity Laws (Amendment) Bill, 1991 (Bill No. 152 of 1991) further to amend the Indian Electricity Act, 1910 and the Electricity (supply) Act, 1948 and introduced in Lok Sabha on September 9, 1991 be discussed in this august House.

The Government has been considering the policy for the past some time to increase resources in connection with the programme of promotion of generation, supply and distribution of electricity by encouraging investment by private sector in the field of power generation keeping in view the inability of the public sector to contribute properly to power supply due to persistent demand for electricity and the paucity of resources. The then Government had accepted in principle in June, 1988 the need to encourage private sector's partnership in the field of electricity. At present, the contribution of the private sector to the total installed capacity is only 4 percent. Although 57 distribution companies have been granted license for the supply and distribution of electricity, as per the policy hitherto followed, the existing licence-holders in private sector have been allowed to promote and substitute their capacities. In order to achieve the aim of increasing resources, the Government has formulated a new policy under which private sector's investment in the field of electricity has been increased.

The new policy envisages liberal economic package for the private sector units. It is one of the component of the new policy.

The following incentives are being provided to licence holding companies or electric transmission and distributing companies:- (1) enhance the present initial period of license from 20 years to 30 years followed by subsequent extensions for 20 years at a time. (2) raise the standard rate from the existing level of 2 over the Reserve Bank of India rate to 5 per cent (3) capitalisation of interest (I.D.C) to be done on actual cost during the construction period

whereas at present, it is done at a rate which is one percent higher than the RBI rate; (4) special investment to meet the debt obligation. Besides, it is now proposed to issue new licenses as again: st the policy of according permission for renewal and substitution to the licence holding companies.

Private entrepreneurs unlike licence-holders, can set up power generating companies. Earlier only the Central Government or State Governments or both could set it up. Such power generating companies would be accorded permission to sell electricity on profit to the grid based on Normative parameters laid down by the Government. It will help us to do the work more efficiently.

There would be no restriction on the size and nature of projects to be presented by public sector entrepreneurs. In other words, thermal-power projects of any size and capacity based on coal/lignite or gas, hydro-electric projects, wind/wolar energy and D.G. set projects, can be set up in the Private sector. Under the new policy, the maximum limit of Rs. 5 crores in the matter of according clearance by the Central Electricity Authority (C.E.A) has been done away with. It has been made more flexible.

It would be desirable to amend the laws relating to electricity in order to implement the above provisions. Under the new policy, there is also provision of administrative measures to be taken alongwith legal measures. For all the private sector units in the field of energy permission would be given at the ratio of 4:1 loan equity. As far as foreign investment is concerned a liberalised foreign equity participation, would be allowed. Import of equipment would be allowed for new projects to set up by the entrepreneurs in the private sector, provided that the financial package is acceptable to the Government. Apart from it under the new policy, there is a provision of introducing single point clearance system in order to ensure immediate clearance in respect of power projects. To achieve this goal, a high power board comprising Secretaries of respective Ministries would be constituted.

Senior officials of State Government would be associated with the Board. The Cabinet Secretary would be the Chairman of the Board. Statutory approvals would be mentioned by the Board and pending cases would be cleared under a time-bound programme. To receive information, assist them and to take action on the proposals received from entrepreneurs in respect of modalities to be adopted in clearing projects. For this purpose, an Investment Promotion Cell (I.P.Cell) has been activated in the Nodal Ministry i.e. the Department of Energy to provide information to the entrepreneurs regarding modalities relating to project clearance, to assist them and to process their proposals. As I said earlier the Indian Electricity Act, 1910 would have been amended to implement the policy and the Electricity (Supply) Act, 1948. These amendments have been incorporated in the Electricity Rule (Amendment) Bill, 1991. It is worthwhile to mention here that State Governments have expressed their consent to these amendments. On 6.9.1991, in the Conference of Energy Ministers of States, State Governments had not only expressed their consent to the proposed amendments to the Electricity Rule (Amendment) Bill, 1991. but had also requested to incorporate these amendments in the relevant laws at the earliest.

I am sure, the Electricity Rule (Amendment) Bill, 1991 would be passed unanimously at the earliest so that the country could be benefited to the maximum extent through massive participation of private sector in generation, supply and distribution of electricity.

Sir, I move the above Bill for consideration and passing.

[English]

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948, be taken into consideration".

MR. DEPUTY SPEAKER: There are some amendments to the consideration motion.

Shri Girdharai Lai Bhargava

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, I am not moving.

SHRIBHAGWAN SHANKAR RAWAT (Agra): I beg to move:

"That the Bill be circulated for eliciting opinion thereon by 20th December, 1991". (2)

MR. DEPUTY SPEAKER: Shri Dau Dayal Joshi is absent.

SHRI RAJENDRA AGNIHOTRI (Jhansi): I am not moving:

SHRI MOHAN SINGH (Deoria): I beg to move:

"That the Bill be circulated for eliciting opinion thereon by 18th December, 1991". (4)

[English]

MR. DEPUTY SPEAKER: Now the time allotted for this Bill is one hour of which Congress(I) has been allotted 24 minutes; BJP has been allotted 13 minutes Janta Dal has been allotted six minutes; CPI(M) has been allotted four minutes, and CPI has been allotted one minute and so on. May I say this is, we should know what is the time allotted for this subject. Secondly, how many people are there who have given their names to participate in the debate. Those who get the early chance, they should have courtesy towards the subsequent speakers. It is only for this purpose that I have told you about the time allotted to different parties.

Now I shall call Shrimati Vasundhara Raje to speak.

SHRIMATI VASUNDHARA RAJE (Jhalawar): Thank you for giving me the opportunity. I will try as brief as possible. This has been a subject which is very dear to my heart and I have been battling with the various Ministries in favour of Power Ministry for a while.

It is a sector, I feel, where the States have failed to fulfill their responsibilities. Glaring example of that failure can be seen in the power sector in its totality. The BJP has consistently been advocating the cause of liberalisation, deregulation and privatisation, whenever necessary. And that is why, I unhesitatingly stand here to lend my support to this Bill.

Before coming to details of the measures that the Government intend taking through this legislation, let me try to give you a sketch of the extremely grim situation which has obtained in the power sector. Let us recognise, at the very outset, that our New Industrial Policy cannot work if there is not adequate power. Farmers cannot produce if there is not enough irrigation. So that is impossible, if there is not enough power. Our New Trade Policy which aspires to make our exports multiply, cannot succeed if we cannot produce exportable commodities. That also cannot happen, if we do not have power.

I do not think there is a single city in India today that can boast of 24 hours of uninterrupted power supply. Neither is there a single field in this country where there is no fluctuation as well as uninterrupted power supply. The problems of power are in rates of production, transmission and distribution. And the position is so acute that almost all the State Electricity Boards are in a deficit. I do not want to keep the House for too long. But I wish to point out a few figures in the All-India context.

The demand and supply shortage position of power at the end of the Seventh Plan is minus 16.7 per cent. This is not taking into account the low frequency and the voltage conditions.

The Eighth Plan target proposes 38,369 megawatt of power generation in the sectors of thermal, hydro and atomic energy. The position at the end of the Eighth Plan - if this target is fully achieved - is still going to be minus 7.7 per cent.

It is not feasible and it is not possible, at this time, to achieve this target. This is because, many projects that were part of this 35,369 MW package have not been cleared. An additional target of 4,212 MW was fixed for 1990-91, but the achievement; against that was only 2,776 MW. These delays were due to disturbed law and order situation, inadequate cash flows and the delay in the supplies. Out of 38,369 MW projects which were recommended, the commissioning of projects totalling about 13,000 MW have gone on to ninth plan. As a result, the additional capacity of only 27,000 MW was commissioned. And, the power supply position for All-India will be minus 16.6 per cent. The capacity addition position of 27,000 MW includes about 4,000 MW for worthy schemes which are still pending. If these clearances are not obtained in time, the addition will only be about 23,000 MW. And because of that, the supply position will be further more reduced to minus 20.3 per cent. Such a large scale energy shortage in the country would have very serious implications on the industrial, agricultural, transport, commercial and domestic sectors in the country. I would like to quote with your permission, figures that apply to Rajasthan. Very recently, Chief Minister of Rajasthan has written to the Prime Minister. In his letter he said that :

"The State of Rajasthan is the second largest State of the Union. In the field of energy, what Rajasthan inherited at the time of merger was nothing substantial, being a mere 13 MW of installed capacity.

The state is not endowed with many potential sources of energy, it has no coal or petroleum resources and has very little hydro resources to boast of. Therefore, Rajasthan has had to depend on partnership arrangements with adjoining states to exploit the potential

[Smt. Vasundhara Raje]

available in those States. Bhakra Beas and Chambal hydro projects are ventures of this kind. The State, therefore, suffers from chronic shortage of power.

With the progressive additions to generation/allocated/shared capacity, the installed capacity of Rajasthan presently is 2721 MW. The capacity is far from adequate and the State has been experiencing shortages of power ever since 1980 as the demand has always outstripped what the generating stations could supply. Consequently, the State has had to impose cuts, even to the extent of 80 per cent to 100 per cent on industries, particularly in winter months when the agriculture load is at its peak and it is often found difficult to maintain 8 hours' power supply even in Blocks to agriculture sector. While as on 31.3.1991, 3,88,000 agriculture wells have already been energised in Rajasthan, the annual energy consumption of which is about 32 per cent of the total energy consumed in the State, there are 2,02,000 applications still pending and the State is finding it increasingly difficult to cater to these in the absence of availability of corresponding additional generation capacity. If all the pending 2 lac applications are release/power connections it would require an additional installed generation capacity of about 2000 MW."

The vital aspect that I would like point out is Rajasthan's dependence on power for drinking water. Presently, there are about 13,000 drinking water connections energised with a connected load of about 155 MW and every year 800 to 1000 new connections are released for drinking water purposes, which number is again constrained by non-availability of power. The new PHED schemes alone, which are in hand as well as envisaged in the near future,

would require additional power to the extent of 105 MW.

The industrial load in the State is already looming large and about 10,000 applications for an estimated load of 250 MW are pending. If these applications are not disposed of in time, which will be difficult to do in the absence of additional generation capacity, the economy of the State is likely to be in serious jeopardy.

Briefly, I would like to tell you about the peak demand deficit which we are expecting in the years to come. In 1990-91 it will be 25.2 per cent; 1991-92- 31.4 per cent ; 1992-93 - 36.8 per cent; 1993-94 - 41.7 per cent and in 1994-95 the projected deficit is 44.9 per cent. By all accounts, I think, that is quite enormous. There are a few consints because of which these huge deficits are there before us. Some of the constraints are the lack of adequate funds and organizational and financial lacuae in all the SEBs.

14.00 hrs.

There are inadequate fuel linkages of coal, gas etc. and of course, the inevitable Environment Ministry is always standing as a major block for clearance of projects.

In Rajasthan, at this very moment, there are a number of projects which are lying for the last seven to eight years waiting for clearance, mainly being held up by the Environment Ministry. There is the Kota Thermal Power Station III which was sanctioned at a cost of Rs. 217 crores; its revised cost in March 1991 is Rs.403 crores. The Suratgarh Thermal Power Station was originally costing Rs.493 crores and today in 1991 it is Rs.1084 crores. It was approved by the Central Electricity Authority in May 1991, after seven years. The Chittorgarh Thermal Power Station which was Rs.451 crores is now costing a thousand crores of rupees. The Mandalgarh Thermal power Station was Rs.599 crores is now costing Rs. 1600 crores. The 30 MW Solar Thermal Power Station in Jodhpur which was originally costing Rs.90 crores is today costing Rs.180

crores. The Anta Stage-II which was costing Rs. 372 crores is today costing Rs. 781 crores Gas linkage for this scheme has been pending for quite a while. The Ministry of petroleum has granted the gas linkage for similar power stations in Gujarat and Madhya Pradesh. But so far they have not thought it proper to give it to us in Rajasthan.

Pricing of the gas has been another problem for us, for our Manhar Tiba project to Jaisalmer District. At the end of it all, I have to come back to the Dholpur power project which began with an initial outlay of Rs. 574 crores. Today it is going to be worth about Rs. 1600 crores. For the last seven years I have myself seen this project in various stages and very very closely. At the last instances, a year ago, the Power Secretary and the Secretary for Environment both went at the invitation of the State Government to Dholpur and checked out the sites, they made certain observations and came back very clear in their minds that this project should be sanctioned. But after all the talks that were held., after all the paper work that went on and inspite of that the Environment Ministry came back to us with the same four questions which have been given to us for the last six years.

In fact, the Environment Ministry is over-stepping its brief now. It actually went as far as telling us as to how much money we should invest, where we should put up the power project and they even went to the extent of urging Rajasthan, put up power projects in some neighbouring States. I really feel that is really exceeding its brief. Therefore, it is very important that we must constrain - everyone of us should put our heads together on this - the Environment Ministry to a time-bound programme. If their questions have been already answered, I don't believe that they should be allowed to raise the same questions again. Let them have a time-bar of six months, eight months or one year; but within that period the project must be cleared. There is no question of leaving it to hang fire with the kind of time that it takes.

I would like to draw your attention to the number of permissions to be taken. It is quite shocking that as of today, if somebody wants a clearance for a power station, there would be something like 17 clearances that one would have to get, apart from the statutory cost estimates, the techno-economic clearance, publicatons, water availability, SEB clearance, pollution clearance and naturally forest clearance. It is a major time consuming process .

We commend the Government for bringing forward this legislation. It is the beginning of a new power policy and basically of a new era. It is not a complete policy - that perhaps you will agree. It is only the first step in the right direction. We recognise that all our problems will not vanish overnight. But nevertheless the components of this policy are very commendable. For example, the incentives for licensing companies being made more attractive is welcome. Even non-licences permitted to set up generating companies is to be welcomed.

No restriction on size and type of project is a correct step. No upper monetary ceiling is a very good idea. Also welcome are faster clearances, single point clearance mechanism and the establishment of a high powered board combined with a higher debt equity ratio.

Before I conclude, there are a few things that worry me which I would like to bring to the notice of the Minister for power, through you Sir. First of all, I would suggest to him that he sets his own house in order. On the eve of a Bill which is so very important, a former Chief Minister of Himachal Pradesh and a prominent member of the Congress Party has this to say on 16th September, that is yesterday in Shimla. He said that he was in favour of the privatisation but on selective basis and power sector being the core sector was not amenable to privatisation . It is very difficult to understand that on the one hand you are sitting here mootng the Bill and on the other hand a member of your Party is sending out this kind of a signal. Such statements do result in very mixed signals going out and they don't inspire the

[Smt. Vasundhara Raje]

confidence of the investors and they do prevent new policy initiative from being taken.

Everything will depend on the implementation. No good legislating, if subsequent implementation is going to be stymied by bureaucratic rigidity that has become a virtual second nature. Whatever other amendments, deregulation of laws and rules are required - move fast on them. There is no point dragging one's feet over it.

Finally, please ensure that all States of the Union appreciate and empathise with this policy initiative. This is an important matter in which we cannot fail. If we do, then in time to come we will be truly lightness.

Before I conclude, I would like to thank you for having given me the opportunity to open the debate on this Bill and make my submissions. I hope that this Bill will be passed smoothly and that we will move into a new era for power generation.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Deputy Speaker Sir, I rise to support this Bill. In fact, there has been a demand for the introduction of private sector in the field of generation of power since long. It is no pleasure to invite private sector to this area. But there is compulsion. What is that compulsion?

In the field of power generation, we have covered a lot of ground and spectacular achievements have been made in this country. As you know in 1947, when we achieved independence, the power generation was of the order of about 360 MW only. Over the years, the present level of generation has gone upto 65000 MW. Look at the progress. There is a quantum jump, from 360 MW at the time of independence to 65000 MW now. But we are in short supply of power, although there has been a quantum jump.

In this modern age, power and energy hold the key to progress and prosperity. Without energy, without power the wheel of development cannot move even an inch

forward. Therefore we have to set that there is a balance between the supply and demand position. In spite of magnificent and fantastic progress made in the field of power generation dearth of power in as much as there is power shortage in different States. Barring a few, in almost every State there is shortage of power. It is experienced at least during the summer season. Therefore, which is required is to augment our generation capacity. How to do it?

In the Eighth Plan, we had a programme of generation of additional quantity of 38 thousand MW of power. But, because of the constraint of resources, because of resources crunch, we could not achieve this target. Money supply was reduced; allotment of fund was reduced. Thus, instead of 38 thousand MW of power, it was cut down to 26 thousand MW of power. So, there is a difference; there is a shortfall of 12 thousand MW of power. The Ministry of Energy wanted an allocation of 127 thousand crores of rupees. As against this, they were given only 69 thousand crores of rupees. Thus, it has aggravated the problem of shortage of power in our country. It is further disturbing to know that in the Ninth Plan, we will not be able to go in for generation of the entire requirement of power. Only 34 per cent of the additional power requirement will be generated, as is given to understand. So, there will be an additional shortage of power to the tune of 66 per cent.

There is a general shortage of power of seven per cent which is increased to 7.9 per cent at the peak period. That is, the requirement of power during peak period is falling short of 7.9 per cent now.

Now, let us come to different zones. In the Northern zone, the shortage during the peak period will be 30.3 per cent, against an average deficit of 11.5 per cent. The corresponding figure for the South will be 29 per cent and 20 per cent respectively. Given this bleak picture, the decision to allow 100 per cent foreign equity investment, to encourage and ensure private participation, generally mobilise or amending the relevant law is expected to noblesse resources.

This being the position, we want power for everything. We want power for our progress, for prosperity. Millions of people - even poor people who were depending on kerosene lamps - have switched over to electricity bulbs. We want power, but we cannot generate power in required measure as we do not have resources. Government do not have resources of their own, funds of their own. So, there is no other way, but to bring in private sector in this field. But the Government will have to be cautious also, while giving licenses to the people. I understand that 17 large industrial houses are interested to step into this sector.

When the Hon. Ministers replies to the debate, let him inform as to what is the real position; what is the response from our industrialists to this proposal after having known that the private sector is being introduced and that private participation will be there. They should know that because of the resources crunch only, we are encouraging them. Otherwise, in this power sector, it is no pleasure to invite industrialists. If they again depend on bank finance to build the power projects, to construct the power projects or power houses, that will be an encroachment and that allotment of amount could otherwise be diverted for other purposes; and even the Government could do that. So, the industrialists who without depending on bank finance or institutional finance and who stand on their own money, invest their own money, should be given priority. If they use the public money or if they seek the bank finance, they will be encouraging on this sector. Therefore, the Government should be very careful about it.

We all know that the health of power boards - State Electricity Boards - needs improvement.

With the introduction of private sector in this sector, there will be cut-throat competition. Of course, in the interest of the consumers, that will be good. Even now, the consumer are being exploited because there is a monopoly in this field. By way of arbitrary power tariff they are being exploited.

I am giving one suggestion. When the new industrial houses come for licenses to set up big industries, the licenses should not be given to them without any condition. A condition should be attached. What is the condition? They should have their own captive power plant. While setting up a big plant, if the industrial houses require a heavy quantity of power, they should be insisted upon to have their own captive power plant. Otherwise there will be a big drain on power supply from our general side.

The National Thermal Power Corporation has been entrusted for building so many power plants. They have their own culture. But I am sorry to observe their work culture which has hitherto been very good. It is gradually getting diluted with increasing inefficiency corruption, favouritism, etc. That should be looked into by the Hon. Ministers so that they work properly.

Now I come to Orissa. It is a backward State and is suffering from acute power shortage all the time. There is one power plant under construction at Talcher by the NTPC. That should be expedited. In Talcher also, the things are not moving properly. They are not progressing well. It is being mismanaged by the management there. It looks as though it is not in the public sector but in the private sector. They are succumbing to the dictates of a few individuals. Therefore, things should be corrected there.

I would like to bring to the notice of the Government, through you, that a few years earlier, there was an expert committee set up by the Energy Ministry which went around the country. It selected certain sites for setting up new power stations - thermal, hydel, everything. When industrial houses are coming forward to enter this field, the Government should prevail upon them to build up their power stations at these selected sites. They should not be given an absolute freedom to set up wherever they like. After careful consideration, these sites were selected. So, this should also be suggested to them.

[Smt. Vasundhara Raje]

In a place called Hirma near Jharasagoda in Orissa, there is a proposal to build a major power plant of 3000 MW by the NTPC. That should also be expedited.

It is a welcome measure. There is no escape from it. We have to generate power in a very rapid manner. After all, we are progressing in this field. In spite of our progress, we are having shortage of power. We have to balance it. The entire world is going ahead. The per capita power consumption in our country is much less when compared with the per head power consumption in developed countries. We are far far behind. Again, the developed countries are further developing. The world is changing. If we correspondingly do not generate power, we will be left behind. Therefore, it is a welcome proposal to invite the private sector to this field..

At the same time, due caution has to be observed, while introducing private sector in the power generation Sector.

SHRI SAYED SHAHABUDDIN (Kishanganj): Mr. Deputy Speaker, Sir, I rise to support the Bill but wish some reservations.

Sir, you may recall that power was nationalised and under the Industrial Policy Resolution, it was included in the area of economic activity which would be reserved for the State. It was included in the core sector for our plans. I am not against the objective of this Bill. I think the circumstances have forced us to accept widening of the participation of the private sector in the power area. But I would like to caution the Government that it must see to it that the commanding heights of the power sector of our national economy continue to be controlled by the public sector. There should be no dilution on that score. I am not against expansion of the role of the private sector. Indeed, it fits in with the new liberalisation measures that the Government have adopted. And as I said, it may be a compulsion of the situation that we are facing but we must not permit the private sector to dominate the power economy. That is the first point that I would like to say.

Secondly, regarding definition of generating companies, the Government has reserved to itself the right to define the limits. While it has defined in terms of the private companies which come under the Companies Act, I can easily envisage a situation of small generating companies servicing a small area, may be even a Panchayat. And I do not see why they should be limited only to companies which are registered under the Companies Act. Why cannot the definition of the generating companies be expanded to include cooperatives and gram panchayats which can be given this role to generate power for limited use in their own areas ?

Sir, there is nation-wide power shortage which is an established fact and I do not have to quote the statistics on that account. We also know that power is a highly capital intensive venture and we have not been able to afford the sums that have been allocated, as has been pointed out by the Hon. member who spoke just before me. What I am anxious to emphasize is that while there is a power shortage, the burden of shortage is not distributed equally and equitably. Many people and many regions are affected by power shortage. But there are certain groups of people, certain areas, certain metropolitan centers, urban areas vis-a-vis rural areas which get partially affected. If there is power shortage, why should it not be shared by all the people and all the towns ? I am afraid that if the Hon. Minister will examine the pattern of distribution of power even in a single State, he will find that there are districts which receive almost no supply and there are districts which receive step motherly treatment. I am far even and equitable distribution of burden and I hope that the Hon. Minister will keep that in view.

There are areas I know which are the power line passes by.

[SHRI RAM NAIK *in the Chair*]

14.22 hrs.

I can give one example, Mr. Chairman. We derive some power from the Chukha generating station in Bhutan and a part of it

is supplied to Bihar else. The line passes over and through three districts without giving any share to them. I think it is totally unfair. I am sure that the Hon. Minister knows about it. The Hon. Minister is also aware that we have schools now in every village. Sometimes, I find that even at the time of examinations, there is almost no power supply in rural areas and semi-urban areas. Thus, the children suffer and education suffers.

Their lives suffer. I do not see why Delhi should receive an unreasonable share of power generated. I am quoting Delhi only as an example.

My third point is that, while the installed capacity because of the capital intensive nature of investment is inadequate, our capacity utilisation continues to be extremely poor. Even the national average is extremely low. There are States and regions where the capacity utilisation is even lower. I am particularly worried about Bihar where the capacity utilisation is of the order of about 30 per cent to 35 per cent. I think that the Government had taken some remedial measures. I would suggest that the Hon. Minister should inform us about the impact of these remedial measures and whether he has under consideration some other steps in order to improve the capacity utilisation of existing plants.

I totally agree with the Hon. Member that in case of new industrial projects, power supply can be developed as a part of that industrial venture. That will perhaps help us.

Now about rural electrification programme which is almost totally funded by the Central Government. I find that there is again an element of inequity in the distribution of rural electrification funds among the various States. In order to bring the level of rural electrification on par all over the country, the States which have a lesser proportion of villages electrified should be given higher quantum of allotment and similarly when the States distribute the available funds among various districts, the districts at the lower level, should receive a

higher proportion of funds so that over a period of time, we can reduce the disparity between one district and the other and between one State and the other.

Sir, the rural electrification programme has given rise to a lot of complaints. I am sure that the Hon. Minister receives them all the time. There are lines with no power. There are lines without transformers, the transformers were burnt out and were not replaced. Sometimes on paper, the work has been completed, but in actual fact, the line does not exist. I would suggest, that before a completion is recorded in respect of the electrification of a particular area or a particular Panchayat, there should be a provision of securing certificate from the *Mukhiya* or the *Sarapanch* of that Panchayat that the work has been completed.

There is a shortage of equipment and transformers in the sub-stations which reduces the programme to a complete force.

Finally, I come to the aspect of corruption which has been referred to already. The Power Department is competing with the classical Departments like the Police, the PWD and the consolidation of holding in the extent of corruption which is rampant. I am sure that the Hon. Minister is conscious about the theft of power that taken place with the connivance or abatement of the staff who are working in the Power Department. This is being done not only in villages but also in towns. I am sure that one way of upgrading the revenue is through curbing this power theft.

In conclusion, I would say that the source of energy in the near future, whatever the Hon. Minister might do is going remain conventional. It is going to be oil, gas and water. We have limited resources of oil and gas. About water, I would like to draw the attention of the Hon. Minister to the need for having intensive negotiations with our neighbors, like Nepal and Bhutan in order to tap the enormous hydro-power resources of the Himalayan range without which this sub-continent shall always remain power starved.

[*Translation*]

SHRI KRISHAN DUTT SULTANPURI (Shimla): Mr. Chairman, Sir, I rise to support the Electricity Fund (Amendment) Bill. In the Bill, emphasis has been laid on generation of electricity in the private sector. I want to submit to the hon. Minister that the present Bill envisages to generate and distribute electricity through the private sector. Thus, the big companies would be free to take huge credits from our banks and the Government would stand guarantee for the loans so taken. So far as private sector is concerned, all the industrialists are indebted to banks and they have not repaid the loans which they have already taken. The arrears amounting to crores of rupees are outstanding against them and they have caused a great loss to the nation. Therefore, before we allow them to step in this field, we must take care that these people belonging to the private sector do not exploit the labour class.

I have seen that privatisation in respect of cement generation of electricity, etc. is on the agenda of the Government of Himachal Pradesh. The Chief Minister of the State has also issued a statement in this regard. I would like to say that we, the people of Himachal Pradesh have been subjected to discrimination. When Punjab was trifurcated into Punjab, Himachal Pradesh and Haryana, an agreement was signed between the Government of Himachal Pradesh and the Government of India at that time under which our state was to get cost of 7.19 per cent of electricity generated in Himachal Pradesh. That amount was not given to us with the result that arrears amounting to crores of rupees are outstanding against Punjab. Had we were given that money along with the amount relating to 2.19 per cent electricity as agreed upon in the agreement, Himachal Pradesh would not have suffered.

Therefore, I would urge the hon. Minister to keep the agreement in mind while replying to the debate. When reorganisation of Punjab took place and three states, viz. Punjab, Himachal Pradesh and Haryana came into

being....(*Interruptions*) All the employees of Electricity Board in Himachal Pradesh are being arrested and put in jails under MISA. The government is not ready to hold a table negotiation with them. On the one hand, the Government of Himachal Pradesh is entering into some deals with private parties and collecting money for electioneering purposes, on the other hand, poor people are being subjected to harassment. I do not think that the Government of India has forced the government of Himachal Pradesh to sign such agreement. The hon. Minister along with our leader, Rajiv Ji had gone to Nathpa Jhakri to inaugurate the hydel project there. I know that you are the Minister in charge of the Portfolio. You have tried your level best to increase the generation of electricity. You are doing it today also. I think that Himachal Government is defaming the Central Government.

I hope that you will protect the interests of engineers workers and the people of Himachal Pradesh and will enact the Legislation in such a manner that we could get the benefit. At the same time, I would also request that the Central Government would help our State in getting the payment of Rs. 50 crores from the U.P. Government in lieu of electricity we had supplied to them.

I think you for giving me an opportunity to speak. (*Interruptions*).

I request the hon. Minister to direct the government of Himachal Pradesh to hold negotiations with the leaders of the Electricity Board employees and reach an agreement so that they are able to get the needed relief. [*English*]

SHRI SUDHIR GIRI (Contal): The Electricity Laws (Amendment) Bill is nothing but the replica of the Government's reformed economic and industrial policies dictated by the neo-imperialist forces much to the detriment of the good of the common people. I, therefore, oppose the Bill.

The Bill under consideration seeks amendment to the definition of the generating company. By this amendment the

Government seeks to induct the private sector participation in the power generation. We are against privatisation because the reason is simple. The private management and ownership does not care for the interest of the poor people which constitute the vast masses of our country. The veritable fund in the power sector is inadequate. I appreciate it.

I am aware of this fact because the Ministry demanded Rs. 1,27,000 crores for the Eighth Five Year Plan but the Planning Commission slashed the allocation to Rs. 69,000 crores only. Private sector participation in power generation will bring in augmented investment. But the concomitant results would not be helpful for the masses, for the simple reason that the vast masses will be exploited.

Rationalisation in tariff will result in the increase of tariff and the agriculturists enjoying concessional rate will be affected. Thus the agricultural production will also be affected.

Clause 11 of the Bill authorises the Central Government to determine the tariff for the sale of electricity by a generating company. The proviso explains that if the generating company is partly or wholly owned by the Central Government, the tariff shall be determined by the Central Government. But in cases where the State Government and the Central Government are jointly owners of generating company, then it is the Central Government which shall determine the tariff.

It is a very anomalous position. In a State where the generating company is owned by the Central Government, its tariff may vary from the tariff fixed by the State Government owned generating company. On the one hand the State Government's jurisdiction is encroached upon and on the other a very disturbing situation will arise. I, therefore, suggest that the Central Government must act in fixing the tariff in concurrence with the State Governments.

My second suggestion is that while

determining the tariff the consumers associations and trade unions in different states should be consulted. The Government is inviting foreign capital into the power sector with even one hundred per cent foreign equity.

Further, the private sector is offered the relaxation of the debt equity or norm of 4:1. It will increase the guaranteed rate of return on equity from 12 per cent to 16 per cent. This will lead to capitalisation of interests.

The Bill provides for guaranteeing returns on capital. It will lead to heavy overcapitalisation. The high costs will be passed on the consumers. Have the Government got any mechanism to verify the producers' claims as to the correct value? I think that the government has no such mechanism.

In this connection, I would point out that the Bill does not provide for striking a balance between the foreign component in equity and debt. If the foreign equity allowed alone is allowed to come in, in the form of foreign exchange, and debt portion is raised domestically, the net outflow of foreign exchange will take place to finance the import of plant and equipment. This position should be examined and explained.

MR. CHAIRMAN: Please wind up.

SHRI SUDHIR GIRI: I seek your indulgence for two or three minutes. I am concluding.

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): Whatever might have been the time fixed, this is important question and you may kindly allow more time.

MR. CHAIRMAN: But only one hour has been allotted.

SHRI NIRMAL KANTI CHATTERJEE: Apart from whatever has been decided, this involves a very important matter associated with the industrial policy. Some flexibility should be there.

MR. CHAIRMAN: That was taken into consideration while fixing the time.

SHRI NIRMAL KANTI CHATTERJEE: I know it. At all times we do; we remember everything.

SHRI SUDHIR GIRI: I would like to explain why we are opposing this bill. In every case of private management, the work force becomes the first casualty. Retrenchment of employees does take place. Machines are brought in. The profit motive reigns the whole phenomena. Employment potential does not improve. This will be proved by the fact that in a period of ten years from 1976-77 to 1986-87 available statistics show that the increase in investment is from Rs. 303 billion to Rs. 977 billion. But the net increase in employment comes to 0.3 million only.

I would conclude by saying that the government encourages the private sector to make inroad in the core sector area reserved for the public sector. Thus, the government makes the capitalist way of development as their motto. But it must be remembered that this will not do good to the common masses.

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Chairman, Sir, in the absence of national policy on energy, a situation has arisen in which we have reverted to our original position when plans were initiated. The Government took over all the private companies which were generating electricity before and immediately after attainment of independence and constituted different electricity boards in the states and granted them autonomy. Today, Government is doing exactly the opposite—by again handing it over the private sector. I am of the view that this happened due to fault in our policies. There must have been some shortcomings which gave rise to energy crisis. Every state in the country whether it is Madhya Pradesh, Rajasthan, Himachal Pradesh or Maharashtra, is passing through energy-crisis. There is a wide gap between demand and supply everywhere. At some places private power

generating units are still working as in case of Maharashtra and Delhi but such units are not available everywhere. At certain places this type of power generating units do exist, but their number is very few. Their generation capacity is also very low. They cannot meet the demands of electricity.

Due to excessive control by the Government and Ministries on the affairs of these electricity boards and electrical divisions, they cannot function independently. The quantum of transmission loss is also very high. Electricity Boards are suffering heavy losses and have become paralysed due to overs tafting. Their losses run into crores of rupees. The Electricity Boards of Bihar and Rajasthan or any other state are running at loss. Neither the Government has been able to raise their generation capacity nor reduce their losses. So the Government proposes to transfer power-generation work to the private sector, it clearly shows that right policies have not been followed for distribution and generation of electricity.

I am of the view of the country's requirements, it is a step in the right direction. We must see that it is fulfilled under all circumstances. Then only we can avert the energy crisis. Till date, we have not been able to tap available energy sources properly, I would like to point out to the hon. Minister that we can generate electricity from coal and from water. We can also generate solar energy, though its quantity is very negligible. We can meet our requirements by setting up gas based power plants. But very less work has been done in this direction.

I would like to draw the attention of the hon. Minister to pay attention to this point. The hon. Minister would agree with me that not a single gas-based power plant has been set up in Madhya Pradesh through which a 550 km long gas pipeline passes. However, it was approved that gas based power plants would be set up in Madhya Pradesh and other states. There is shortage of electricity in Madhya Pradesh and there is no reason to keep Madhya Pradesh devoid of a gas-based power plant when 550 km

long gas pipeline is passing through it. If such a power plant is set up there, the requirements power of the state could be met. At the same time if power grids are set up on regional and interregional basis, the neighbouring States would also benefit and Madhya Pradesh is no exception. This point may please be taken into consideration.

I shall conclude after making yet another submission. Power rates vary from State to State. There is a need to remove the disparity in the rates. The Government proposes to entrust the work of power generation to private sector. At the same time it would be in the fitness of things if the private sector is also entrusted to manufacture. Power generating equipments instead of restricting it to large public sector units like the BHEL. If the private sector is encouraged in this manner, we can boost power generation in the country. I hope that the Government would strike a balance between these two propositions.

I have made various suggestion for the generation of electricity from coal, water and gas. If the government implements these suggestions, it can remove energy crisis. I have given notices of amendment in the Indian electricity Act 1910 and the Electricity (Supply) Act, 1948. These amendments will prove very helpful in the present circumstances. I do not oppose the Bill, but there are certain shortcomings in this Bill. Which you must remove and then introduce a comprehensive Bill. The hon. Minister should pay attention to the working of electricity Boards. There is an urgent need to evolve a policy under which interference of the Central and State Governments in the working of Electricity Boards could be minimised.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): I would like to submit that the Bill further to amend the Indian Electricity Act, 1910 and Electricity (Supply) Act, 1948 has been brought forward in a hurry keeping in view the energy crisis. I oppose the Bill because Government wants to handover Power generation to the private sector. When there was a continuous fall in power

generation, cost of generation was escalating and power generating units were running at heavy losses, Government should have tried to find out the shortcomings in the system. It should have been fully investigated. Trade Union leaders should also have been consulted. There are certain things which they know well. Had the investigation been done, these shortcomings would have been overcome. Even after removing the shortcomings if the quantum of Power generation goes down, there was no wrong in bringing forward this Bill? Without investigating into the matter the Government has brought forward this Bill for privatisation of the power sector. What will be its outcome? It would only lead to exploitation of labourers and their retrenchment. Power rates will also go up. Farmers will suffer. If poor farmers cannot afford costly electricity, agricultural production will suffer. It has been observed that the Government is following a dual policy in respect of power tariff.

While a farmer pays at the rate of 50p a businessman pays 5 paise. This is an illustration as to the path to which this new Industrial policy is leading the country. Framers of Indian Constitution had proposed the path of socialism for this country. But handing over the affairs of the State from public to private sector is not socialism. Since this Bill is against the spirit of socialism and Indian Constitution, I oppose the Bill. The Government should withdraw the Bill and first go into the causes of dismal performance of power generating units. If they think that privatisation of power plants can solve the problem then it is not correct. There are a number of units both in the private as well as public sector. In Bihar, Private agencies are going to take up all such work. In Dalmia Nagar, a factory in the private sector was closed down. All laborers were rendered jobless. Several of them committed suicide by hanging and by consuming poison. They were totally disappointed. This not necessary that the private sector should work for the welfare of the people because it works with the sole aim of earning profit. Their target is to earn net profit. Our task is to work for the welfare

[Mr. Hanuman Prasad Singh]

of the people, ours is a welfare state and our Government is not the Government of the capitalists. Under such a situation my suggestion is that the Government should adopt such measures. It will lead to resentment among the workers and they will be rendered jobless due to retrenchment and will adopt the same path which some people in Assam, Punjab and Kashmir have adopted. Then you will ask as to why such a situation has developed.

Therefore, it is not advisable to bring this Bill under such circumstances. It should be enquired into as to why such a situation has arisen. If there is no increase in the production, then you can bring such a Bill and we will extend our support.

SHRI S.M. LALJAN BASHA (Guntur):
Mr. Chairman, Sir, we don't oppose the bill which has been brought forward here, since the country needs electricity very much and generation has gone down. The Government has no funds even for those projects which are being implemented by it. That's why the work relating to generation of power is being handed over to the private sector. I would like to request that co-operation of State Government should also be sought to form a joint sector and such projects should be handed over to them. Even today, there are a large number of villages, where electricity has not reached till now. We should take some concrete steps through this Bill, so that the people are benefited and electricity could be supplied to such areas where it has not reached so far.

Therefore, I would like to put forward a suggestion to the Government that if generation of electricity is handed over to the joint sector instead private sector, it would be more beneficial. In this way, more projects will be undertaken and more people will be able to get employment.

SHRI AYUB KHAN (Jhunjhunu): Mr. Chairman, Sir I am happy to see you in this prestigious seat. The person occupying

this Chair is an epitome of Justice and may God fill your heart with a strong sense of justice so that you are able to do justice with one and all.

MR. CHAIRMAN: I feel blattered.

SHRI AYUB KHAN: I rise to support this Bill. At the outset I extend my congratulations to the hon. Minister who has brought forward this Bill in this august House. In the present times, our country is faced with acute crisis of electricity and the steps taken by you to overcome this problem are welcome. Your attempt to hand it over to the private sector is an appreciable step in this direction. However, we are required to deeply contemplate on the ways to be adopted to distribute electricity. The Government will have to examine the scheme that is to be formulated and the manner in which the distribution is to be made by the private sector. I hail from Rajasthan. I cannot comment on the attitude of Rajasthan Government whether they are supporting or opposing the farmers because our friends may feel offended. However, I want to point out that there was a time when electricity connection could be had for Rs. 25, but today the charges have shot up to Rs. 25,000. How can an ordinary farmer afford to pay such a huge amount and at the same time provide food for his children. I am sorry to say that how can a State Government which could not comprehend the difference between affording Rs. 25 and Rs. 25000 provide electricity to the farmers. Rajasthan is the second largest state of the country area wise. It is lagging behind in the matter of electricity. The Rajasthan Government have urged the Centre to fulfil their outstanding demands and extend assistance for the generation of electricity at the earliest. Pending State projects such as Dholpur, Suratgarh, Chittorgarh and Mandalgarh should be given early clearance. The neighbouring states of Rajasthan have their own sources of hydel power generation but the people of Rajasthan are pining for water. Rajasthan neither has any arrangement of water nor electricity which are essential for accelerating the pace of development in the State.

Mr. Chairman, Sir, my submission is that a rule should be formulated to contain pilferage of electricity. One of our friends has informed us that the number of officers in the electricity Boards are too many in number. Under an S.E. there is one XEN, under an XEN there is an AEN, under an AEN there is a JEN, under a JEN, under J.E.N there are scores of officers. As such there is less work and more corruption in these Electricity Boards. I want that a limit should be fixed with regard to the number of offices to be employed in these Electricity Boards. This will help in reducing the corruption, I would also like to make a mention about the corruption which is there in our State with regard to providing electricity with no time can provide connections to tube wells. The officers can provide connections of their palm is greased, but if he is not willing, he can take days together. In Rajasthan the farmers depend on rains for irrigation. As such if connections to wells are provided they can do irrigate their fields in time. Therefore, whosoever is the party in power in Rajasthan, it should make necessary provision to provide electricity at the earliest possible to enable the farmers to increase their rate agricultural production with the help of electricity. Among the power projects, the project associated with water should be completed on war footing. The big industrialists should be provided electricity at higher rates so that the farmers could be provided electricity at cheaper rates.

Mr. Chairman, Sir, I hope that the Government will pay attention to the aforesaid points because Rajasthan has neither coal nor gas. In addition to this the Madhya Pradesh Government is giving a discriminatory treatment to the Rajasthan Government. It is evident from the fact that we are being deprived of our share although both the states are being ruled by the same party. As such the development of Rajasthan has come to a standstill. The Chief Minister of Rajasthan has written to the Central Government about the pending projects and if these projects are given clearance, I believe that the people of Rajasthan will be benefited.

PROF. PREM DHUMAL (Hamirpur):

Mr. Chairman, Sir, at the outset, I would like to thank the Government and the hon. Minister for identifying the causes of power crisis in the country and for taking the decision to motivate the private sector to enter the field of power generation. Power crisis leads to other economic crisis and as such I support the Bill that has been introduced.

Mr. Chairman. Sir, owing to the corruption that exists in various State Electricity Boards, almost all of them are running at loss. The loss is to the tune of billions of rupees.....

MR. CHAIRMAN: You have four minutes to speak.

PROF. PREM DHUMAL: I will finish in four minutes. I support this Bill but at the same time I would like to point out that despite having a potential to produce 20 thousand Megawatts of Electricity, Himachal Pradesh is able to produce only 17 per cent of it owing to paucity of resources. I am aware of the fact that neither the State Government has the required resources nor does the Central Government extend adequate assistance. If the State which has the potential to generate 20 thousand Megawatts of power is provided with adequate resources the problems relating to power shortage in the northern region can be overcome.

Mr. Chairman, Sir, apart from this the position of electricity generated through coal is very precarious because the stocks of coal are limited. The other sources through which electricity is generated spreads pollution in the environment but the hydro-electricity projects neither have any ill effects on the environment nor are they expensive. To fulfill the target set for the Eighth Five Year Plan it is necessary to produce 38369 M.W. of electricity, but in view of the limited resources available with the Central Government, it looks to be an impossible task to achieve it. This objective cannot be achieved due to financial constraints. As such we welcome the entry of the private sectors in this work and support this Bill.

With these words, I thank you.

SHRIMATI GIRIJA DEVI (Maharaj Ganj): Mr. Chairman, Sir, I strongly oppose this Bill on electricity. There is a contradiction in what the government preaches and what it practices. Through this Bill, you are making an endeavour to hand over generation of electricity to a handful of people and it seems as if you have adopted an attitude to extend benefit to a selected few. In such a situation, it would be ideal if the Government categorically mentions the names of those whom it wants to benefit, because in that case the people would have come to know the intentions of the Government. We are not living in dark. Not only the Electricity Department but the Government and the country is passing through a delicate phase in which taking loans from foreign countries has become a daily routine and we have got habituated to it. I do not know why the departments being run by the Government for so many years are today in the red. Why has their performance deteriorated to such an extent? It is said that since they are based on thermal power, electricity will be easily available. It is an irony that despite the fact that we are producing huge amount of electricity in our country, we are living in darkness and now the move to transfer it to private sector indicates that our future will be plunged in darkness. Perhaps it will brighten the future of certain selected people. I do not have any difference of opinion about it. Therefore, I strongly oppose this Bill and thank you for giving me time to express my views.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Mr. Chairman, Sir, the availability of electric power is a veritable barometer of judging the level of economic development. In our endeavour to raise the living standard of our countrymen, power generation has always been accorded top priority in our planning. However, resource constraint has been a major impediment in the path of attaining self-sufficiency in this sector.

15.04 hrs

[SHRI P.M. SAYEED *in the Chair*]

Sir, the time has come when we have to give a fresh look and identify areas where private sector can be involved to meet the public needs adequately. I am happy that the government has realised that the power sector is one such sector. It is time now that we get rid of various dogmas and take a pragmatic approach to the various problems besetting us. I was somewhat surprised to find an objection being raised by our friends of the left when they opposed this Bill, firstly on the ground that it would harm the interests of the workers. I am sorry that I just could not understand this specious argument, because when they say so, they overlook the basic factor that with the setting up of power stations you would rather offer more jobs to the people.

You would rather meet the unemployment problem, I am somewhat bewildered to have it from them that they are prepared to go for deprivation; they are prepared to live in a condition where we cannot raise the standard of living of our country men.

But to talk of giving something to the private sector sounds anathema to them. I could understand that the objections would be there if it were a move of the Government to pass on certain things from the public sector to private sector. It is not so, in this case. There is rather a condition in the Bill that after a specified period, there is an option with the Government, with the State Electricity Boards to purchase the undertakings set up by a private person. The existence of such a condition, I would submit, will not bring about stability in the operation of the private enterprises because the sword of Democles will always hang on the head that after the stipulated period, somebody sitting in the Electricity Board may harass them, may extract the price for giving them frothier extension.

Of course, the condition is there that the functioning of these private generating companies would be regulated within the amount of the provisions of the Electricity Supply Act of 1948 and would be under the discipline of integrated grid operation.

Secondly, we had it from our socialist leanings. I am sorry again I could not understand the reasoning behind such an averment by them. I take this opportunity to commend this action of the Government having realised the abject paucity of electricity in the country for development, fir running the wheels of industry effectively, for improving our agriculture, for domestic needs, for running hospitals and for even improving our communication system. Relishing this urgent need, I am happy that the Government has taken this decision to invite the privates sector to this field.

As an example, I would say that Punjab which is considered as one of the leaders in the field of power generation also has a gloomy future ahead if something is not done in the power sector immediately. From the present need of 3286 m.w., Punjab would require 4482 mega watt in the next five years. Given the unsettled condition that we have, I am sure, no private person would like to go to Punjab to invest heavily in the power sector. While the Government negotiate with the private persons to set up power generating stations elsewhere it becomes the duty of the Government to ensure that adequate funds are given to Punjab to complete the various projects which are in pipeline there.

Before concluding I would only refer to the need of Chandigarh, which is a modern city State.

Though it is small city, the requirement of electricity is not fully met. Applications for grant of license to run industry and even in the case of domestic connections remain pending for long. For the people living in the *Jhuggi Jhopri*, we have given a solemn pledge two years back to see that every hutment also gets one single point of electricity but we have not been able to fulfill that pledge because of shortage of electricity. I know the hon. Minister is a dynamic person who looks after the poor, who cares for the poor and he has brought about many changes and improvements in the system. I would, therefore, take this opportunity to urge upon the hon. Minister to divert his

attention to Chandigarh also and keep in mind the needs of Chandigarh and do something in this regard.

With these words, I conclude.

MR. CHAIRMAN: I would also request the non. Minister on your behalf.

(Interruptions)

[Translation]

SHRI MOHAN SINGH (Deoria): Mr. Chairman, Sir, I cannot support such a Bill. A new beginning has been made through this Bill. After independence the first industrial policy was formulated in 1948. The scopes of the policy were determined, electricity which was also one of the subjects was decided to be kept exclusively under the purview of the public sector. It was a new beginning under which all private companies that were associated with power generation were nationalised. Now after, 45 years of independence, due to its own failure and shirking of responsibilities, the government is again making a new beginning. Now, the Government is taking a plea that it does not have capital and due to rampant corruption in the public sector, its units are becoming sick. Regarding these three hollow logices given by the Government I would like to know from the hon. Minister whether the private sector as compared to Public Sector, has become so rich that it can take up such big projects on its own. The public sector has also its own limits and ultimately it has to come to the financial institutions of the Public sector for financial assistance.

Mr. Chairman, Sir, so far as the loss is concerned, the Government have admitted in its Annual Economic Review that an amount of Rs. 7074 crores of the financial Institutions are due on the sick units of Private Sector. Private Sector units are also becoming sick. The only allegation which is levelled against the Public Sector is that rampant corruption has entered into it. Who is responsible for this? Who is responsible to check it? The transmission loss which is shown in power sector is because of the

[Sh. Mohan Singh]

pilferage by the private sector in connivance with the officials of Public Sector. Private Sector units are consuming 1/4th more power than that of their installed requirement and it is done in connivance with the officials of power sector. Who is responsible to check these things? That is why I would say that all the three logics given by the Government are hollow logics. The Private Sector also does not have capital to invest. Therefore, the government will have to reconsider its policy and take steps to increase power generation. Only then a solution to three problems can be found.

Sir, in addition to it, I would like to make one more suggestion. The non-Ministers go on inaugurating power plants at different places. So, I would like to say that instead of fertile land of farmers, waste land should be acquired for this purpose. Though I do not have any objection to the acquisition of fertile land if it is very necessary but if waste land is available then it is no use of acquiring triple crop land for this purpose. With these words I conclude and present my Amendments.

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Chairman, Sir, I did not want to speak on this Bill but when I saw that Shri Kalp Nath Rai has presented an important Bill, I thought that I must congratulate him. It is true as just now our friend was saying that it is a new beginning. It appears that the time has completely changed now. You can call it cycle of time. Earlier it was decided that power generation and distribution would remain under Public Sector because it is backbone of industries. But now, the private sector is being allowed to enter in this sphere. It is being done because of the experience we have gained over these years. Had power generation and its distribution been proper under public sector, the country would not have faced the present power crisis. There has been a constant demand to allow private sector in power generation but it was not accepted. But now we have reached a point where there is no alternative except to allow the private sector. All State Electricity

Boards are running at loss, generating less electricity as compared to their capacity and large scale pilferage in distribution is taking place. Many states are facing serious power crisis.

I would speak particularly of the situation in Uttar Pradesh. In rural areas of Uttar Pradesh electricity remains cut off continuously for many days. People have started gherao of Ministers of the State Government. New Government has assumed office there and they have inherited this situation from their predecessors. The Government is under debt and the State Electricity Board is also under debt. The Centre says that coal will not be supplied to the State so long as debt is cleared. From where they will clear their debt? If coal is not supplied to them, electricity cannot be generated. It will further aggravate the power crisis. Shri Kaip Nath Rai is very well aware of the situation.

Now the Central government is saying that Thermal Power plant of Unchahar should be handed over to it and its cost will be adjusted against the debt. How a State Government can hand over its Thermal Power Plant to others when it is itself in difficulty. I know that the Centre is also in difficulty.

Himachal Pradesh has many rivers where electricity can be generated. Besides its own requirement, Himachal Pradesh can fulfill the requirements of neighbouring States to a great extent. But the State Government does not have money to undertake new projects. Industrialists are interested to invest capital. Therefore, they should be given a chance to invest. We cannot restrict ourselves to one particular philosophy. If we realise that there is a need to make new experiments in economic sphere, we should not hesitate to do so. Recently, the Soviet Union and East European countries had to face serious financial crisis because of their commitment to a particular ideology. We should learn by this experience. On the one hand the State Electricity Boards are in the red whereas on the other hand, I have seen the rest houses of these Electricity Boards

[Sh. Atal Bihari Vajpayee]

which are lavishly furnished and one feels shy to touch things lest they may get dirty.

MR. CHAIRMAN: Do you suggest auction?

SHRI ATAL BIHARI VAJPAYEE: Mr. Chairman, Sir, I do not know what to do with them. All the money has gone down the drain. Does Public Sector mean this? Should this be the attitude towards public money? The question is of the attitude of the management, besides the wasteful expenditure. Shri Mohan Singh is right in saying that even the private sector is dependent on Government financial institutions. This is a strange situation. I do not have time to go into the details but if there is professional management there is no reason for losses in the generation of power. We are giving opportunity to the private sector on the ground that they would not only bring capital but also professional management in the industry. I would like to say that we should go a step further. If we want set up new industries we should encourage these industrialists to set up captive plants for power generation and give them relief in that.

Solution to power crisis is very essential. If there is no electricity there will be no agriculture, no industry and the cities would be plunged in darkness and incidence of crimes would increase. I had gone to Manali some time back. Everyday when there was maximum rush in the markets the power went off. The shopkeepers used to literally weep. I had gone to the Somnath temple also. There the people told me that when it is time for *Aarit* (Evening prayer) the power goes off.

SHRI SAIFUDDIN CHAUDHARY (Katwa): It seems there is a conspiracy behind it.

SHRI ATAL BIHARI VAJPAYEE: No, I am not saying that.

SHRI SYED SHAHABUDDIN: I may add that power goes off during *Iftar* and *Sahri* in Srinagar, Kashmir.

SHRI RAM NAIK (Bombay North): This point has become a good meeting ground for all the cultures.

SHRI ATAL BIHARI VAJPAYEE: I would like to appeal to Shri Kalp Nath Rai to help the Uttar Pradesh Government in overcoming the power crisis in the State. This impression should not gain ground that U.P. Government will have to face some difficulty because Congress is in power at the Centre and BJP is in Uttar Pradesh. I know that Shri Kalpnath Rai is seized of the matter but unless concrete steps are taken in this direction it will not serve any purpose. We are supporting your bill. Please help our Government.

[English]

SHRI RAM NAIK : Sir, I would try to be every brief. I welcome the handing over of electricity generation to private organisations. At the same time, I would like to ask a question as to whether this should be applied at this stage to supply of electricity also.

If there are more agencies for supplying it, it is likely to create more problems and probably you will be required to spend more capital amount. I come from a city - Mumbai - where there are four supply agencies working. First, there is BEST, Bombay Electricity Supply Transport Company, owned by the Mumbai Mahangar Palika which supply electricity. Secondly, for suburbs, there is a private organisation called Bombay Suburban Electricity Supply Company. Thirdly, we have Tata which supply electricity to so many big factories and lastly there is the Maharashtra Electricity Board, supplying electricity to some of the suburbs. So, in one city, there are four agencies supplying electricity. BEST is very efficient in Bombay; but electricity supply is being done by four companies at four different rates. There is no uniform rate for domestic electricity consumption. So, if they are working efficiently and properly, there is no reason why they should not be given supply work also, I would also suggest uniformity in the supply.

There can be economies in power generation; but in supply, there is not much scope for economy. This is the point which I wanted to make.

You want a reasonable return and earlier it was 2 per cent over the bank interest. Now, you want to make it to five per cent. In this Act, there is also one Clause which says that those consumers and particularly domestic consumers, who give deposits to the companies, earn interests on that. I do not know as to what is the rate of interest in Delhi or in Calcutta; but in my City, it is six per cent. The six per cent rate of interest, which is being paid for the deposit and which every customer is required to pay to the companies, is just going on for the last 20 years. The Reserve Bank rate at that time was six per cent. Now it has increased so much. But the Minister here has not taken cognisance of the consumers' requirements also. So, I would urge that he should also try to amend the clause so that a customer must also get more interest on his deposits. Otherwise, it is as good as free deposits to those bit companies. I personally feel that consumers' interests should also be protected by the Government. You should bring forward a fresh amendment to this Bill for increasing the rate of interest which is payable to the consumers.

The other point is that there should be a uniform domestic tariff, as far as possible, all over the country. Now the rate in my city is double the rate of Delhi for domestic electricity. At some places, it is still more. For kerosene and LPG, we try to have a uniform rate. So, one should consider at least so far as domestic consumers are concerned whether a uniform rate which is affordable rate, can be given to the domestic consumers whatever industrial profits and other profits.

[*Translation*]

(*interruptions*)

No I am not suggesting to raise the price but to bring it down.

[*English*]

That is why uniform rate should be applicable to the domestic consumers.

Now I come to the last point which is not being followed by the Government. According to the Electricity Act, there is a reasonable return. If any company earns more than the reasonable return, 50 per cent of that is expected to be refunded to the customers. That is not being done. The accounts are not audited from that angle. You will be surprised to know that in Bombay, I had to file a case last year and the Bombay Suburban Electricity Supply Company refunded Rs. 1 crore 30 lakh which they owed to the customers because they earned profit more than the reasonable return. So, I would also suggest that the Government should look at companies which are working in a proper way, from this angle also and ensure that whatever is due to the consumers, should be refunded if their accumulated profits are more. With these words, I thank you for giving me the opportunity.

RAO RAM SINGH(Mohinderagarh): Mr. Chairman, Sir, I want to congratulate Shri Kalpnath Rai for having brought forward such a remarkable Bill in the House. Shri Ataiji has rightly pointed out that the State undertakings are not even producing 60 per cent of the installed capacity of power. We have maximum transmission losses in the world. Besides there is theft of electricity also. There are two or three industrial townships in my constituency and they have almost come to a grinding halt because of non-availability of power.

Me. Chairman, Sir, if you allow me, I would like to congratulate Shri Kalp Nath Rai for another thing. He had brought together Shri Syed Shahabuddin and BJP members at least on this issue.

PROF. PREM DHUMAL: After cutting power.

RAO RAM SINGH: they at least shared the same view on this point and spoke in the same vein. Mr. Chairman, sir, if we give him

[Sh. Rao Ram Singh]

the charge of Mandir Masjid dispute, I think he would definitely come out with a solution.

SHRI KALP NATH RAI: Mr. Chairman, Sir, I would like to thank Shrimati Vasundhara Rajé at the outset for having supported this Bill and thereby encouraging us to work for economic development and industrial development of the country.

15.31 hrs.

[RAO RAM SINGH *In The Chair*]

My friend, Shri Mohan Singh said that in the Industrial Policy resolution there was no place for the private sector, Ataji is present here. This has not been brought forward to convert public sector in private sector. You are a learned man. If you say like this how will it go? Yes, if Shri Rameshray had said like this we could have understood.

SHRI ATAL BIHARI VAJPAYEE: Is he not a learned man?....

(Interruptions)

SHRI KALP NATH RAI: We are facing shortage to resources. This has been done to mobilise additional resources and we want the private sector to help us overcome the power crisis. You may be aware that when we achieved Independence we were producing 1300 MW of electricity and today we are having 66000 M.W. installed capacity. Mohan Singhji, the party which came to power in 1979 had fixed the target of 22,245 MW but it was Rajiv Gandhi's Government which achieved this target in 1989 after coming to power in 1985. The Party which came to power in 1989 could not even prepare the draft of Eighth Five Year Plan in two years, nor could it prepare the Approach paper to this plan. It could not also approve the plan for power sector. therefore, I want to ask why is the crisis. The entire world is seized of the matter and India cannot keep itself aloof. We want power for implementing the Industrial policy, we want power for improving agriculture, for factories, for industries

and for providing more opportunities of employment. Nothing can be done without electricity. I would like to assure Shrimati Vasundhara Rajé that the government would give priority to the scheme in Jhalawad.

SHRIMATI VASUNDHARA RAJE: Many, many thanks.

SHRI KALP NATH RAI: Shri Panigrahi mentioned about Talcher power project I would like to say that the demand of power is fast increasing. I would like to tell Shri Khuranaji that in 1985 the demand of Delhi was 700 MWs. Today the demand is increasing at the rate of 18 per cent per annum and it has already touched 1500 MWs. Within five years the demand has doubled. In every village, city or wherever you go, there is demand for more electricity. All the Members of Parliament may be aware that demand for electricity is on the top. Mohanji, may I tell you where power crisis is most critical in the country. The highest installed capacity of electricity is in Bihar viz., 1300 MWs but only 200 MWs are being utilised. Who is responsible for this - I or the Bihar government tell me? I would like to tell you that maximum transmission licences are in Bihar. So today....*(Interruptions)* I am worried about Bihar State. I have sanctioned the biggest Koel Karo project of Bihar which would involve an expenditure of Rs. 1338 crore and its capacity will be 710 M.W. I have nothing hostile against the people of Bihar.

Shri Ataji has raised one point about Uttar Pradesh. The Chief Minister of that State is doing all his best about the development of the State. Hardly any such day passes when he does not give me a ring about his state. I promise you that just yesterday I have given an amount of Rs. 25 crore for electrification of Uttar Pradesh and I have also said that when this amount is spent, another instalment of the same amount would be given. And when that money is also spent, Rs. 25 crore would be given again. But I want that this money should be spent on it. *(Interruptions)* Please listen, during the previous government of Uttar Pradesh, the Government of Japan provided an amount of Rs. 100 crore for the

construction of the project. The Central Government did send the money to us, and that money was diverted when it was spent in Anpara. What can we do under such circumstances. The Central Government is helpless. All these things were done prior to Shri Kalyan Singh took over. Regarding the present Government in the State, I may say that Shri Atal Ji is just like a "Guru" to all of us and if he says anything to remove the backwardness of Uttar Pradesh, that is to be done, we can't afford to desist and he would not spare me. I am not a person to oppose such move from Bihar or Uttar Pradesh, believing that it is not the Government of my party. The hydroelectric plan for Bihar, which has been sanctioned is the biggest in India in its history of 44 years, was started with so much of efforts. It is of 710 M.W. capacity and its estimated cost is to the tune of Rs. 1338 crore. Why do you suspect my intentions? You should not think like that. Moreover this Bill has not been brought to convert any public sector into private sector.

[English]

"Public Sector will occupy the commanding highest. The public sector and the private sector will work complementary and supplementary to each other".

[Translations]

Such is the case there. We have brought this Bill to increase the resources.

Hon. Chairman, Sir, our able Marxist, socialist leader, Shri Joyti Basu and his Government also supported this move in the conference of Power Ministry. The policy framed by our Government in 1990 was accepted by the Government of Shri Vishwanath Pratap Singh in the conference of Power Ministers. Our policy was accepted in the Chief Minister's Conference held in February, 1991 under the Chairmanship of Shri Chandra Shekhar. Very recently, on 6th September this year a conference of Power Minister was held. All the people agreed to the policy and all the State Electricity Boards have received applica-

tions for 10 thousand MW power generation. We have received applications for the generation of 5500 M.W. electricity. Unless this law is made, we cannot allow anything for power generation. Power, no doubt, will be generated. There will be the control of State in the works which come under State sector and the control of the Centre on the works which come under Centre. We will purchase power from those power generation companies also, because they will give the power to somebody.

(Interruptions)

When Tatas and Birlas are producing, they don't consume it themselves. they don't use it to construct their own houses. Iron produced by them is not used for the construction of their own houses. Instead, it is used for public consumption.

Similarly, the power generated in the public sector and private sector... *(Interruptions)* would be utilised for mass consumption to fulfill the requirements of the country. Therefore, I would say that our friends and colleagues, socialists and semi-socialists colleagues and the people who have ability to appreciate the changing world should all support this Bill and extend their best wishes so that we can give a practical shape to this Bill keeping in view the history of our independence struggle and its values. With these words, I conclude my speech.

[English]

SHRI SOMNATH CHATTERJEE: (Bolpur): May I have a clarification? How much investment are you expecting from private concerns? What type of private investment are you expecting in the public sector in the next two years? What is your information?

SHRI KALPNATH RAI: Applications for 19,000 M.W. units are pending with the state Governments.

And applications of 5,500 MW are pending with Central government. You know in

[Sh. Kalp Nath Rai]

Bengal the Budge Project is coming and your Chief Minister has recommended it. *(Interruptions)*

SHRISOMNATHCHATTERJEE: I only wanted information. I am not opposing it. *(Interruptions)*

SHRI KALP NATH RAI: Whenever I listened to Shri Nirmal Kanta Chattarjee, he always talked about white money or black money, I am asking you one question. All the Members of Parliament, who have been elected, are they elected within the limit of Rs. 1 lakh? *(Interruptions)*

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Please ask a question which puts us to trouble.

(Interruptions)

[English]

SHRI KALP NATH RAI: One day, while speaking in the House, Shri George Fernandes said, "Why this Bill has been brought? A provision is there that a man should be elected by spending Rs. 1 lakh."

SHRI SOMNATH CHATTERJEE: He should spend Rs. 1 lakh from his private/personal source. What about his party's contribution? What are you talking?

SHRI KALP NATH RAI: No. 2 money is used by all the political parties. Don't forget it. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: Speak for yourself. I asked you a very important question.

SHRI KALP NATH RAI: then I salute you that you are the only man who has been elected within Rs. 1 lakh. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: I ac-

cept your salute. *(Interruptions)* We know about the power shortage; everybody knows about it. I really wanted to know what is the expectation of the Central government as to investment by the private sector in the power generation so that we can know how much more power can have in this country? That is what I wanted to know. Kindly answer that. *(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): with the permission of the Chairman, Mr. Somnath Chatterjee may kindly note the answer that was given by Mr. Kalp Nath Rai to the effect that applications over 19,000 MW are pending with the State Government and applications of 5,500 MW are pending the Central Government. He also added that approximately you can put one crore per MW as evaluation. If really these people have come forward with so many applications, that means they expect that they would be able to arrange that much of resource.

SHRI SOMNATH CHATTERJEE: Of their own or out of public financial institutions? How much money will the public financial institutions provide to them?

SHRI RANGARAJAN KUMARAMANGALAM: The equity ratio will be maintained.

MR. CHAIRMAN: Now the House shall come to amendments to the Motion for consideration.

MR. CHAIRMAN: Shri Bhagwan Shankar Rawat, are you pressing your amendment or are you withdrawing it?

[Translation]

SHRI BHAGWAN SHANKAR RAWAT: Mr. Chairman, Sir, I would like to submit.....

[English]

MR. CHAIRMAN: Are you pressing your amendment or are you withdrawing it ?

[Translation]

SHRI BHAGWAN SHANKAR RAWAT:

Please allow me to explain first. First of all I would like to congratulate the Minister of Energy that he has taken right steps in this field. Entire country is facing the acute power shortage, but there are certain things which I was expecting from him, and I would like to draw the attention of the hon. Minister to those points. The hon. Minister could not mention all the good points, therefore, I would say that there should be a fundamental change in the entire system. First, why should the transmission losses occur at all? I would like to say about Uttar Pradesh. Only 29 per cent electricity is generated there and 80 per cent electricity is provided by N.T.P.C. The power stations required to be set up after independence have not been set up. With the result UP depends on others for the electric supply.

MR. CHAIRMAN: Please restrict your speech to your amendment only.

SHRI BHAGWAN SHANKAR RAWAT:

I am speaking about the amendment. Mr. Chairman, Sir, heavy transmission losses occur, 30 per cent losses of transmission are too much. Therefore, I would like to submit that there is voltage fluctuation because of transmission losses which causes failure in power supply. Therefore, I would like to suggest that the projects based on gas may be started.

MR. CHAIRMAN: Hon. Member, please speak on the amendment.

SHRI BHAGWAN SHANKAR RAWAT:

Mr. Chairman, Sir, I had tabled my first amendment only because that even the amended Act not meet the public need. So I wanted that the public opinion may be mobilised. Since, a good announcement has been made, I would conclude after

adding a few words. Power Houses based on gas should be set up in every circle center of U.P. The smaller the power houses, the lower the losses. Hon. Minister may give due attention to the rural electrification which has been neglected and funds provided for the same.

Coal is being provided to the power houses of Uttar Pradesh. The quality of the coal is also not good. Lastly, I would like to say that the funds may be provided to UP Electricity Board which have not been provided so far. One former Chief Minister committed a mistake in connection with the Aanpara project which resulted in a loss of Rs. 100 crore and for that the U.P. Government is being made to suffer. The Planning Commission cleared an amount of Rs. 700 crore. Is the Government going to release that amount of Rs. 700 crore?

SHRI KALP NATH RAI: The Central Government is providing all the funds.

SHRI BHAGWAN SHANKAR RAWAT:

I would like to thank you once again for your statement on behalf of the people of Uttar Pradesh. All the same, I expect from you to make an announcement of power houses based on gas for which you will have three cheers from me. I am withdrawing my amendment.

[English]

MR. CHAIRMAN: This is not the place to mention all these. You are striking a *quid pro quo*.

[Translation]

SHRI KALP NATH RAI: Sir, if he can get the gas sanctioned from the Petroleum Ministry, we will sanction a gas-based project.

[English]

MR. CHAIRMAN: Is it the pleasure of the House that the amendment moved by Shri Bhagwan Shankar Rawat be withdrawn?

SOME HON. MEMBERS: Yes.

[*Translation*]

SHRI MOHAN SINGH: Sir, I am delighted by the speech of the hon. Minister of Power who has left nothing for the private sector. The public sector is so strong and funds are being given so liberally to it that there seems to be no need of the private sector. I am not withdrawing my amendment.

[*English*]

MR. CHAIRMAN: I shall now put Amendment No. 4 to the Motion for Consideration moved by Shri Mohan Singh to the vote of the House.

Amendment No.4 was put and negatived

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948, be taken into consideration."

The motion was adopted

MR. CHAIRMAN: We shall now take up Clause by Clause consideration of the Bill. There is an amendment no.5 for Clause 2 by Shri Girdharilal Bhargava. Shri Girdharilal Bhargava, are you moving?

[*Translation*]

SHRI GIRDHARI LA BHARGAVA. (Jaipur): I am not moving my amendment.

[*English*]

MR. CHAIRMAN: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill

MR. CHAIRMAN: There are amendment nos. 6 and 7 for Clause 3 by Shri

Girdharilal Bhargava, Shri Girdhari Lal Bhargava are you moving?

[*Translation*]

SHRI GIRDHARILAL BHARGAVA (Jaipur): I am not moving my amendment.

[*English*]

MR. CHAIRMAN: The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill

MR. CHAIRMAN: There are no amendments for Clause nos. 4 and 5.

The question is:

"That Clauses 4 and 5 stand part of the Bill."

The motion was adopted

Clauses 4 and 5 were added to the Bill

MR. CHAIRMAN: There is an amendment no. 8 for Clause 6 by Shri Girdharilal Bhargava. Shri Girdharilal Bhargava, are you moving?

[*Translation*]

SHRI GIRDHARI LAL BHARGAVA: I am not moving my amendment.

[*English*]

MR. CHAIRMAN: The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted

Clause 6 was added to the Bill

MR. CHAIRMAN: There are no amendments for Clause nos. 7 to 10.

The question is:

"That the Bill be passed."

"That Clauses 7 to 10 stand part of the Bill."

MR. CHAIRMAN: Motion moved.

The motion was adopted

"That the Bill be passed."

Clauses 7 to 10 were added to the Bill

MR. CHAIRMAN: Dr. Asim Bala.

MR. CHAIRMAN: There is an amendment no. 9 by Shri Girdharilal Bhargava for Clause no. 11. Shri Bhargava, are you moving?

DR. ASIM BALA(Nabadwip): Sir, I am opposing this Bill as privatisation is very much harmful to the general consumers. As you are aware, at present the demand of electricity is so high and the production of the Government of India, that is, NTPC and others, cannot cope up with the demand.

[Translation]

SHRI GIRDHARI LAL BHARGAVA: I am not moving my amendment.

Sir, I cannot understand as to why we are giving the important sector electricity, to the private sector. It is the Minister's liking but the people will not like it because the private sector always tries to make profit and impose some taxes every time, which would harm the common people, especially the low income group. The West Bengal Government have already proposed to the Central Government some of the projects, especially Hydro Electric. Projects. Some Japanese technology experts came to India and they studied the project. I want to know from the hon. Minister about the fate of the proposals in respect of Sagar Dighe Project, Bajabaj and Balagar Project.

[English]

MR. CHAIRMAN: The question is:

"That Clause 11 stand part of the Bill."

The motion was adopted

Clause 11 was added to the Bill

MR. CHAIRMAN: There are no amendments for Clauses 12 to 14.

The question is:

MR. CHAIRMAN: What has it got to do with this Bill?

"That Clauses 12 to 14 stand part of the Bill."

The motion was adopted

Clauses 12 to 14 were added to the Bill

DR. ASIM BALA: I also request the hon. Minister that the DVC supply is so low, and they should try to improve the supply of electricity. With these words, I request the hon. Minister to consider the above proposals. I oppose the Bill.

MR. CHAIRMAN: The question is;

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

The motion was adopted

Clause 1, the Enacting Formula and the Long Title were added to the Bill

MR. CHAIRMAN: On the third reading hon. Members, I would request you to limit yourself to only the merits of the Bill, why it cannot be passed and why it can be passed. I would request you to not to go into the details which have already been discussed in the first hearing.

SHRI KALP NATH RAI: Sir, I beg to move:

SHRI MADAN LAL KHURANA (South Delhi): Sir, our leader, Shri Vajpayee has supported this in principle. From the very beginning we have been saying that we would not get entangled in any controversy. The actual situation proves that the consumer stands to benefit from competition. I suggest that electricity be generated in the Government sector and distributed by the private sector. It is because the Government has limited resources. That is why the Jana Sangh Government had introduced the private but service in the D.T.U. Some special circumstances are prevalent in Delhi. The increased birth rate and the migration of people from other States to Delhi had led to growth in population. This has also led to an increase in consumption of electricity. At present the slum colonies of Delhi are not getting electricity. I suggest that Delhi should have its own power generation unit so that the city becomes self reliant.

[*English*]

MR. CHAIRMAN: You are going beyond that scope. You should have spoken on the first hearing.

[*Translation*]

SHRI MADAN LAL KHURANA: Please give me some time as I have not spoken about Delhi. The metropolitan council is also not in office here. The proposal for a power generation unit for Delhi should be approved.

16.00 hrs.

When privatisation is being done, will the D.E.S.U. allow the private sector industries to instal their own captive power plants? The private sector wants to assist the Government but the latter on its part lays down umpteen terms and conditions which make it difficult for the former to function. The Government should help the private sector. I would like to request that permission be given to industries which want to instal their own captive power plants. In fact, the Government should extend some financial assistance to them to do so.

Thirdly, the slum areas of Delhi should also get electricity. I request that such areas be given at least a single point connection.

[*English*]

SHRISRIKANTA JENA (Cuttack): Hon. Minister, I was only thinking that when this privatisation in coal field will come because the coal is the main raw material for electricity generation, I do not know whether the next attempt will be to denationalise the coal and in the process of denationalisation everything will be denationalised. We are just reversing the whole thing and the power generation and power distribution is the vital sector for the State and it should not be handed....

MR. CHAIRMAN: Hon. Members, let me read out the rules, at the third reading. "That discussion on a motion that the Bill or the Bill as amended, as the case may be, passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of arguments which shall be of a general character". "Otherwise, there will be no end of the discussion. The Minister has already given his reply. Then, the Minister will make another reply and there will be another thing. So, I request you not to go into the details at the third reading, not to bring up extraneous matters and confine yourself as to why you think that the Bill should be passed and why you think that the Bill should not be passed.

(*Interruptions*)

SHRISRIKANTA JENA: Sir, I fully agree with your observations. I am mentioning exactly why I oppose this Bill.

(*Interruptions*)

Naturally because for the first time I am hearing in this Tenth Lok Sabha the Congress Party is taking a peculiar stand, and the peculiar stand is the stand taken by the

BJP and the stand of Congress (I) is almost the same.

(Interruptions)

I tell you because of the political planning....*(Interruptions)*

MR. CHAIRMAN: Even Shri Shahabuddin supported it.

(Interruptions)

SHRI SRIKANTA JENA: He is not supporting. He has supported with reservations. I can understand the captive generation to enable...*(Interruptions)* let me tell the hon. Minister that the speciality of power generation is thermal power generation. Bihar and Orissa have the highest coal deposit in the country. Orissa is having 20 per cent of the Gandwara coal. Orissa and Bihar are supplying maximum coal to the power generation. But, unfortunately, in Bihar and in Orissa, you will find any super thermal power station and because of this faulty planning, the power generation and the thermal power corporation is making a huge loss.

MR. CHAIRMAN: I think because this is the last day, therefore, you are on a holiday mood Mr. Jena.

(Interruptions)

SHRI SRIKANTA JENA: You are allowing private sector and you have received so many applications. May I know from the hon. Minister at this present stage are you going to give direction that wherever the coal is available you must go to that area.*(Interruptions)* All the pitheads. If so, what is the pitheads? Or else coal will be transferred from Orissa State to Madras. So, that is my point. And because of the faulty planning, we are in a mess today. I hope the Minister will clarify this position that wherever the coal is there, the super thermal power plant should also be there. Then only we can streamline the whole of power. Otherwise, we are going to lend ourselves in a big mess.

SHRI E. AHAMED (Manjeri): Sir, this is one of the steps in the right direction and also, I would say, a great step forward in the matter of solving the electricity problem of this country. Many people may have many ideas but I submit that those ideas are all quite impractical.

Kerala is one of the States which has been generating electricity at the cheapest rate and also supplying electricity to the consumers as well as industrialists comparatively at a cheaper rate. But our position is that many of our industrial ventures have been kept in abeyance due to shortage of electricity. Even in the entire Malabar Coast, we could not undertake even one single industry because of the shortage of electricity. The Government have lot of principles but they have no purse. Paucity of funds stood in the way of taking up various projects. So, this is a right signal even to our NRIs to come over here and take up the projects in the private sector. I also venture to say that the Government should also make all endeavour to see that the State Electricity Boards shall not stand in the way of taking up any such project in the private sector.

I am given to understand that some of the bureaucrats in some of the Electricity Boards of course, in my State also have a fantastic idea that condition should be imposed on those Non-Resident Indians or private parties who are to take up such electricity projects whereby they will not be allowed to do the supply also.

One idea was the generation by the public sector industrialists and to supply through Electricity Board. It is an undisputed fact that many of our Electricity Boards have now become white elephants. They are not even able to meet their own requirements. So, the generation as well as supply should definitely be given in the hands of the private sector.

(Interruptions)

Therefore, I hope the Government will also make all the efforts to see that the

[Sh. E. Ahamed]

private sector is given all the encouragement so as to solve the problem of electricity in the country.

SHRI BHOGENDRA JHA (Madhubani): Sir, we are going to take an important decision. Units are registering losses and their full capacity is not being utilized. So, let the public assets go to the private sector. Let the private sector exploit the society.

Sir, a deficit Budget is presented every year. I hope the solution to this would not be that the reins of the country be taken away from the Government and handed over to a capitalists. We are moving towards that dangerous situation.

[English]

MR. CHAIRMAN: I will request the hon. Members not to stand in the House with their back towards the Chair.

[Translation]

SHRI BHOGENDRA JHA: Sir, power is a sector in itself. It is the backbone of industry. Because of the failure of the private sector, the Government had to intervene in this sector. For the benefit of society, the Government had to initiate programmes for the generation of electricity. If the B.H.E.L. units had not been set up in Bhopal and Haridwar, we would not have been able to produce as much electricity as we are producing now. In view of our failures in the power sector, the Parliament and particularly workers, worker unions and the management of the power sector will have to find out the reasons for it and will have to find out the ways and means to match production with the installed capacity, be it coal-based units or hydro-electric units or solar units. Now, we are heading towards nuclear power generation but I shall go into its details later on.

MR. CHAIRMAN: Please wind up now.

This much time is not given at the third reading.

SHRI BHOGENDRA JHA: I was just winding up. May be he made a promise during elections to give something to the capitalists. Well, he can fulfil his promise as the large solar energy sector is available. There are unlimited opportunities in that sector. But the private sector should not be brought into a sector which is already existing. Private sector cannot compete with the public sector in the same industry.

MR. CHAIRMAN: Mr. Jha, you are a senior Member and while speaking on the Bill it is not proper on your part to make personal aspersions on the hon. Minister. It may have been tolerated at the time of the first reading but now at the time of third reading it is not expected of you. Please wind up.

SHRI BHOGENDRA JHA: I have not made a personal aspersion at any time. All through my career I have never done such a thing and I can never imagine of doing such a thing to Shri Kalp Nath—(Interruptions)—I have said this from the political point of view as it is linked with the country's future. There is no question of making any personal aspersion. The Government should make all out efforts to make public sector power units utilize their full capacity. The House should be taken into confidence and an appeal should be made to treat this as our national duty. I hope the bureaucracy would also co-operate in this matter. The Himalayas are a source of hydel power. The private sector may not dare to set up such big projects. We all know the impediments that came in the way of the Tehri project and the Narmada Valley project.

MR. CHAIRMAN: Please wind up.

SHRI BHOGENDRA JHA: Sir, if such a decision is taken then we will oppose the Bill because such a decision would be against national interest and against the interests of society.

SHRI KALP NATH RAI: Mr. Chairman, Sir, I would request Shri Bhogendra Jha to please listen to me. (*Interruptions*) Through you, I would to request Shri Bhogendra Jha that he should take note of the fact that democracy is taking place of communism. The private sector and public sector are competing with each other to raise the generation of power. It is the intention of the Government to give maximum help to the people and that's the objective of this Bill.

Shri Jena, you are very intelligent and you must be knowing that Super thermal power station of 1800 MW is under construction at Kahalgaon in Bihar and the coal supplies for that station will come from Lalmatia coal mines. You must be knowing that the biggest thermal power plant is under construction at Talcher in Orissa which will have the capacity of 3000 M.W. Talcher coalfields will supply coal for that plant. Therefore, Sir, not speaking much with these words by I request that the Bill be passed.

[*English*]

MR. CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted

16.15 hrs.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL

As Passed by Rajya Sabha

[*English*]

MR. CHAIRMAN: Now, we take up the next item, that is, the Code of Criminal Procedure (Amendment) Bill.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1973, as passed by

Rajya Sabha, be taken into consideration."

As the hon. Members are aware, section 197 of the Code of Criminal Procedure, 1973 provides for the previous sanction of the Central Government or, as the case may be, the State Government before a court took cognizance of an offense alleged to have been committed by any public servant including a judge, Magistrate and member of the Forces while acting in the discharge of official duty.

With a view to providing more adequate safeguards and protection to public servants employed in connection with the affairs of a State against frivolous or vexatious prosecution for acts done in the discharge of official duty during the period when a Proclamation issued under article 356 of the Constitution was in force in that State, it was considered necessary to provide for the previous sanction of the Central Government instead of the sanction of the State Government.

As the House of the People had been dissolved and the Council of States was not in session and it was considered necessary to make the necessary amendments without delay, the Code of Criminal Procedure (Amendment) Ordinance, 1991 was promulgated by the President on the 2nd day of May, 1991. The Ordinance ceased to operate from the 20th August, 1991 at the expiration of six weeks from the reassembly of Parliament as per the provisions of article 123 of the Constitution.

It has been considered necessary to enact the provisions of the lapsed Ordinance with retrospective effect from the date of its coming into operation, that is, from the 2nd May, 1991.

The proposed legislation will instill a sense of confidence in the minds of the officers who are engaged in the difficult task

[Sh. M.M. Jacob]

of restoring normalcy in the States where the proclamation under article 356 is in force, that there is an assurance of their physical and service protection after the change of the political scene in the State and they will not be subjected to vexatious prosecution for acts done in the courts of discharge of their official duties during the President's rule.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1973, as passed by Rajya Sabha, be taken into consideration."

SHRI GUMAN MAL LODHA (Pali): Mr. Chairman, Sir, I rise to oppose the Criminal Procedure Code (Amendment) Bill in the House. The most important point is that the rights, freedom and authority of the hon. Members have been attacked through this Bill in planned manner. Under which the Central Government has changed all the laws from time to time and has misused the article 356 of the constitution in the States where the opposition Governments are in power. For which the constitution makers and Dr. Ambedkar commented. "I think the provision will remain dead and will never be used." But on several occasions the provision was misused and duly elected Governments have been dismissed and central rule was imposed to provide a protective umbrella to the corrupt officers. The present legislation has been introduced to make the laws more stringent. My submission is that this legislation is against the spirit of the recommendations of Sarkaria Commission and federal structure of the country. Whenever article 356 of the constitution is proclaimed, no duly elected Government can remain in office. Therefore, this apprehension is totally baseless that the officials and police personnel will be prosecuted and victimised for their misdeeds and criminal acts. When no party is in power during the enforcement of article 356 only the officials and advisers of Central Government will rule

the state. To mind the hon. Minister present in the House is aware of this fact but I think that he is also not well versed in legal matters as is clear from the manner in which the present Bill and the yesterday's legislation on; Punjab were brought forward. The present legislation will render advisors, chief secretary and D.I.G. incompetent to take action against the guilty Government officials and police personnel and the onus for it will rest with the Centre. It is unfortunate that the Centre. It is unfortunate that the spirit is to give protection whether it be in Kerala, Tamil Nadu or Assam wherever proclamation under article 356 is issued, in cases of gang rape, murder atrocities on women and girls and to empower the Centre to take action against the guilty persons by creating impediments and obstructions tantamounts to unduly giving protection to guilty personnel and criminals. Main laws are against rule of law and in violation of federal structure of constitution. Therefore, I would like to submit that the provision under 197 already fulfills the objectives of the Bill and as far as CrPc is concerned a provision already exists. After 40 years it is felt that there exist difficulties, impediments and bottlenecks and that's why one fine morning the Government realises that the officers need to be protected. I therefore, oppose the Bill and also appeal to other hon. Members to support me. Yesterday the legislation pertaining to Punjab was passed and a precedent for all times has been established to cancel the elections through the proclamation of presidential ordinance even one day before the election date, whether it be in Kerala, Uttar Pradesh or anywhere else even if the Lok Sabha is not in session and election of unopposed successful candidates will also be declared null and void. Yesterday the hon. Minister during the passage of the black Bill stated that whole of the election process will be over by 11th May. Today it is being said that the conditions have changed. In future also the elections in Punjab are not likely to be conducted as per the signals being given at present. I feel sorry that yesterday during the passage of the Bill all these things were not seriously pondered over.

In Unnswami Case the Supreme Court made clear that once the notification for elections is issued, the election process can not be stopped. Election Commission can decide it though it may have done it under any circumstances. Constitution makers have given full protection to it under article 329 and other articles, but Shri Kumaramanglam has discovered a new thing. He has stated that under 'General Clauses Act' election process can be stopped by issuing a notification. That's why the jurists have stated that "Law is nothing but codified nonsense and uncodified commonsense". Uncodified commonsense is applicable everywhere. Shri Kumaramanglam is bringing in codified commonsense, which has never been witnessed in 40-42 year history of elections. Now with the promulgation of Presidential ordinance everything can be stalled. Under the black law, undue protection is sought to be given. Therefore, I submit that the criminal procedure code (Amendment) Bill may be rejected. It would violate the rights of the State Governments, tamper with the federal structure and encourage criminal tendencies.

Mr. Chairman, Sir, the matter regarding atrocities committed on Harijans was raised during the Zero Hour today and the hon. Members of the House submitted that police committed excesses on them. This Bill does not make any provision to impose restrictions on them. With these words I conclude.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM). Sir, I am sorry he has not understood me properly. With your permission, I would like to make a clarification. Yesterday, I did not say at all that the notification would be issued...

SHRI GUMAN MAL LODHA: You said three options were before you. There were three options before you which are - the Election Commission, the General Clauses

Act Notification and this Act.

SHRI RANGARAJAN KUMARAMANGALAM: I said there are three options available. I would like to clarify again. If the hon. Member would be kind enough to hear me out, he will understand me. One option was to go through an interpretative exercise, which we did not agree with' of saying the General Clauses Act applies on the Representation of People Act and therefore the power to notify an election also includes the power to notify cancellation. We did not accept that interpretation. The second option which is available to us was to amend the Representation of People Act giving general power to the President to cancel, which also we did not agree upon. We felt that cancellation of the election is a very important matter which should be done by a specific law. There is a Parliament which represents the sovereign which does it. I am very sorry that the hon. Member did not really catch me fully.

I wish he would appreciate my stand.

(Interruptions)

MR. CHAIRMAN: I am by no means reopening the discussion on the Bill that was passed yesterday. Now, Shri Pawan Kumar Bansal to speak.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Mr. Chairman, Sir, this Bill should have found unanimous approval of all sections of this House. I thought that way. But I was appalled to hear Shri Guman Mal Lodha being indeed very critical of the Bill in as much as he went to the extent of calling it as a black law. I did not know that political considerations of Shri Guman Mal Lodha would overtake his legal acumen, would overtake that sense of impartial judgment which he would have rendered in a case if it might have come before him sometime dealing with a situation which the present amendment seeks to take account of.

Sir, section 197(I) of the Code of Criminal Procedure as it stands now says:

[Sh. Pawan Kumar Bansal]

"When any person who is or was a judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offense alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offense except with the previous sanction

(a) In the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offense employed, in connection with the affairs of a State, of the State Government...."

Here, I want to emphasise the words 'acting or purporting to act in the discharge of his official duty.....'

The meaning of the above Section is that where a person, against whom an offense is alleged, if he is employed in connection with the affairs of a State, no prosecution can be launched against him excepting with the previous sanction of the State Government. If such a person is employed in connection with the affairs of the Union Government, the sanction of the Union Government has to be obtained. That is the position of the law. Shri Guman Mai Lodha is now questioning why after 40 years, the Government is bringing in an amendment of this sort which we are going to do now. Perhaps, Shri Guman Mai Lodha is not aware of the circumstances which impelled the last Government to do that. This Bill emanates from the Ordinance promulgated by the last Government. The last Government got to be aware of the fact that certain threats were being held out to certain people in Punjab. The previous Government led by Shri Chandra Shekhar realised that. There was an open threat held out by certain elements in Punjab that if they came to power after the elections which were to be held there, they would ensure that all the people who were employed in Punjab in any

capacity including the Magistrates they would take action against them. That was a very disquieting feature.

(Interruptions)

[*Translation*]

[*English*]

Action would not be withheld the Central Government would give the sanction; this amendment is proposed to be brought. If this amendment was not to be brought out, we could have before us an environment where a person deployed to perform an official duty during the course of the President's Rule in the State, could be hauled up, could be tortured, could be harassed by any succeeding Government. There could be cases where in the discharge of the official functions- mind you, a threat was held out to the Director-General of Police by the people in Punjab - senior honest and efficient persons, engaged in a grim struggle against terrorism might be called upon to take a *bona fide* against any person 'B', 'B' or 'C'. If the President's Rule were to end and the new Government were to come, it would be quite possible if any one from 'A', 'B' or 'C' - whom I had just now referred to - were to occupy an important position in the State Government, and if those people had held out a threat earlier and if they were to grant a sanction, where do you think the judicial opinion would come in? It is precisely to check a situation like this that the present amendment has been brought.

If you intend taking action against any person for an offense alleged to have been committed during the period when the President's Rule was in force, then the sanction of the Central Government has to be obtained. That is all. The Bill does not proceed further. The Bill does not say that those persons will get immunity and no action will be taken against them. It only says that in those given cases, previous sanction of the Central Government has to be obtained. The Bill is very simple to that extent.

Shri Lodha has gone on to say that the Government at the Centre is systematically usurping the powers of the States. He has referred here to the promulgation of the President's Rule in States from time to time. He has referred to the Centre arrogating to itself the power to accord sanction in cases of prosecution. Had these views been taken in isolation, perhaps, I would not have commented on that while participating in this debate because it calls for an in-depth discussion on an appropriate occasion as to what are the cases where the President's Rule has to be promulgated. I am not disagreeing with him or anybody else for that matter. I do hold opinion that certain guidelines have to be provided in all the cases where the President's Rule could be promulgated. But that calls for an in-depth and detailed study. Here we are dealing with a situation where people feeling aggrieved, in creation cases that feeling of theirs may not be emanating from *bona fide* considerations against certain action of the officers who were engaged, were to accord sanction. They should not be made judges of their own cause. It should be left to the Central Government. Shri Lodha also perhaps, remarked about that. In all such cases, for all purposes, the appropriate authority would be the Central Government. There is a provision that where a person is employed in the discharge of functions of the Union, the sanction has to be obtained from the Union. Here is a case where Central Government's functions may be performed in that state within the territorial jurisdiction of a particular state. But as Shri Lodha referred to the functions and duties that relate to the affairs of the union, the Government of India, at that moment of time is directly responsible for all that goes on in the State. So, it is just an extension of the existing provisions and a provision on this has been incorporated. With utmost respect, I submit, that this is not to deal with any *aparadhi* or offender as Shri Lodha was referring to; for that the law would take care of. It is only with reference to those offences which are alleged to have been committed by a particular officer in the discharge of his official duties. Then, an amendment is sought to be made that sanc-

tion has to be obtained from the Central Government.

I would only wish to submit that any and every provision which the Government seeks to incorporate in any law should not be used for partisan purposes. A wrong impression should not be created that it is to serve some political interests of the party, and that the ruling party is getting certain functions to itself and that it is going to shield the corrupt people; it is going to shield the offenders. It is not so. The Government does not stand to support any person who is corrupt. It does not stand to support any person who commits atrocities—the word *atrocities* has been used by my hon. friend from the other side. The Government is committed to cleanse the public life; Government wants to create an environment where the Government officers can function without fear or favour and can discharge their duties conscientiously. The mere fact that law is sought to be made after 40 years does not militate against bringing a provision like this. Our society is not a static society. Law is the manifestation, is the sanction of the society to certain need which arise or which are felt by the society at particular point of time. In a moving and in a dynamic society, you cannot have a static law. It is the duty of the Government to come forth with any law which may be required to meet a particular situation and it is only to meet a situation like the one which the hon. Minister of State for Home Affairs was pleased to refer while moving this Bill that the Government seeks to meet by bringing in this amendment.

Sir with these words, I support this Bill.

[*Translation*]

SHRI VIJOY KUMAR YADAV (Nalanda): Mr. Chairman, Sir, I oppose this Bill. The hon. Member who spoke just before me referred to Punjab and his arguments are not in consonance with the spirit of the Bill presented in the House. The Congress Government had set up Sarkaria Commission to improve the centre-state relations. The Commission suggested several guide

[Sh. Vijoy Kumar Yadav]

lines. But the Government of the party which set up the Commission refused to accept the report later on. One of the significant recommendations was regarding imposition of President's Rule in States. Centre has always been accused of adopting bias attitude; there have been several occasions when objections to this effect have been raised. The Government claim to provide adequate protection and safeguard to the public servants through this Bill. Against whom this protection is to be given when do such occasion arise? Generally, no suits are filed against the Government officials; it takes place only when they fail to discharge their duty in a proper manner or they take undue advantage of their post or misuse their authority and commit excesses on people.

The Government claim that justice will be possible if the Central Government restrict those rights to themselves; and if the officials in the State Government get those rights they would definitely misuse them to do injustice. It means that the Government lack complete confidence in the officials posted at higher posts in States; and since they are at the centre they intend to take the political benefit out of it. People are already scared, very few persons get the permission to file a case and it would not be in the interest of States that the Central Government take the matter in their own hands, the Government have already been curtailing the rights of the State Governments. It would give no other result than spoiling the centre state relations.

If the Government apprehended anything hazardous in respect of Punjab it can be in respect of any state they could have enacted a separate law for the purpose. They have already been enacting laws in regard to Punjab state which do not apply to other states. It is totally wrong and undemocratic on the part of the Government to concentrate such rights in their own hands in the name of Punjab. It is nothing more than the breach of the right of the States.

Mr. Chairman, Sir, I have gone through the objects and reasons given for introducing this Bill. You have stated about the objects but what is the reason? This question has been raised by an hon. Member of BJP. I think he has asked a right question. After ruling the country for a long period of forty years what is that bitter experience which has compelled them to take this measure? Some concrete reasoning must be given. They have merely expressed their intention to provide more protection to the Government officials. Common masses never oppose rather they co-operate with a Government official who keeps himself in limits while discharging his duty. I was not interested to raise an issue in regard to the wide spread corruption in the country. My intention was not to mention the country but the matter relates to common interest and you should know that not less than one and a half lakh rupees are taken as a bribe in obtaining bail or in a court case in Bihar and similar situation must be prevailing at other places.

What is the appropriate place to raise matters in regard to the persons involved in such malpractice's? It is not a simple matter. It is very rare that person goes against the verdict given by a court because he does not get justice; rather a case of contempt of court is made against him. Thus, there is no meaning in giving special protection to the officials. Therefore, I would like to support the view already expressed that it is a black legislation because its scope is not very comprehensive. Therefore, I oppose the Bill.

[English]

SHRI P. C. CHACKO (Trichur): Sir, I support the Bill moved by the hon. Minister of State in the Ministry of Home Affairs, Shri M. M. Jacob. This is a statutory requirement, only to replace the ordinance.

It is a little bit unexpected and unfortunate that the hon. Members Shri Lodha and Shri Vijay Kumar Yadav have opposed this Bill. I think they have done so with different

understanding of the Bill which is before us — this Bill is being termed as a black legislation. The implications of Section 197 of the Cr. P.C. are very well known to all the hon. Members who opposed this Bill. Under Section 197 of the Cr. P. C. - which provides protection to the Government officers including Judge or Magistrate who acts in a particular situation - they need the prior sanction of the State Government.

Article 356 of the Constitution is one of the items which has been subjected to severe criticism from most of the political parties on various occasions in this country. When those political parties who never thought that they would come to power, who always chose to criticise the Congress party for the promulgation of President's rule in various States and who used to advance very strange and very illogical arguments against this - came to power, very interestingly, forgetting all the arguments, they have promulgated the same Article 356 of the Constitution on more than one occasion. Nobody can get away from the blame and those critics who were very severe in criticising the use of this provision have very frequently used the same provision. We have seen that. When the Janata Party Government came to power in 1977, they have used this provision very lightly, to replace half-a-dozen State Governments. We have seen that in this country. But, I am not justifying this. When the President's rule is promulgated in a State, it is becoming exceedingly difficult for the law enforcing officers in this country to implement the law or to be the custodians of law, because the situation is changing. None of us are in favour of bringing in a black law or any measure which is of a suppressive character. We are equally or even more firmly against bringing in such suppressive laws. We do not want to bring in any suppressive law afresh in the Statute Book. We are against that. But, the strange situation or the difficult situation which may be there in the states should also be taken into consideration when we are thinking of such a legislation. If promulgation of President's rule is avoidable, there is nothing like that. That is

the best thing one could do and everybody is for that.

In a given situation in the country whether it is in Punjab or in any other State - after the President's rule, if the political party which comes to power go against the law implementing machinery or the law enforcing officers go with a prejudice, then there is no end to it. Then, the law enforcing machinery cannot implement the law. That situation has created a lot of problems. Shri Vijay Kumar Yadav was asking for examples and I would say that there is no dearth of any example. There are large number of cases - some happened recently also - in many of the States and I do not want to go into the details. Amendment to section 197 of the Cr. P. C. has become necessary because during the President's rule, those officers, who act in good faith - with a malicious intention, with a political motive after the President's rule, when the new Government comes to power, if action is taken against them - should get a protection. This is not delaying the chance of getting prosecution against them. Even under this law, even under the amended law, action can be taken against the erring officers. There is enough provision for that. But the only thing is that prior permission of the Government of India is to be obtained for that. If this much protection is not afforded to the officers, who are responsible for enforcing the law, how can we tackle the difficult situation which is prevailing in the country?

Mr. Vijay Kumar Yadav was saying that in the Punjab context we are bringing this black legislation. This is far from the truth. This is not because of Punjab. Punjab unfortunately is a sad thing for all of us. What is happening in Punjab, none of us wants that situation to continue like that. Not for Punjab but for any State, let this not happen. Let this not become necessary. That is what all of us wish. But if it happens the threat is against the officers who are called upon to enforce them. Surprisingly the parties also have issued statements. They are coming out openly against the officers who are to enforce the law. So, it is for every law-abiding

[Sh. P.C. Chacko]

citizen. This is a sort of pre-condition. Any Government for that matter in our context is bound to give this much protection to the law-enforcing officials. So, this has become necessary. I do not think that it is necessary to view this particular thing from any political angle.

The BJP Member or the Janata Dal Member differed on this question. If they were in Government, if they were the people ruling, then they also would have taken the same legislation. I do not think that any party would have taken a different position at all. We have been seeing for the last almost 1 1/2 months in this House also that on matters of innocent legislations also, people are deliberately expressing different viewpoints.

This country is facing a crucial situation politically, socially and economically. Therefore, the political parties are to come together on issues where they can be together. They have to be together. They have to take unanimous decisions. Unfortunately, they find pleasure in taking a different attitude. This has become a sort of phobia. I do not know how it is developing. This innocent Bill, which is coming before us, and which has become necessary, is only an extension of section 197 which is already prevailing in the Cr. P. C. If Mr. Lodha is so opposed to this ordinary provision, which is going to be added, then the Hon. Member should have brought in at least a Private Member's Bill seeking for amending section 197. If this is reasonable, section 197 is also reasonable. This is only an extension of section 197 of the Cr. P.C.

What I want to point out is that what they have expressed here, of course, they have to do so because they are sitting in the Opposition. That has become the style of our political functioning in this country because they think that they have to oppose whatever Government is bringing forward. So, that may be the reason which is prompting them to oppose this. I hope that the Members will change their stand and sup-

port this Bill, and also they will support the things which the Government is bringing with a good intention for the good of the society and for the country. With such a change of mind, in this context, I request them to support this Bill.

I appeal to the good sense of all the political parties and leaders in this House that we have to come around to have a new approach on problems like that. Let it be a new beginning. I hope that all the Members, who oppose and the parties who are sitting with a determination to oppose, will have a rethinking and they will support this Bill. With these words, I support the Bill.

SHRI CHITTA BASU (Barasat): Sir, I rise to oppose this Bill..

(Interruptions)

I am opposing this Bill on a basic principle underlying the Bill.

If you go through the Bill, Sir, I think you will agree with me that this Bill reveals a trend towards over centralisation of administrative power in the hands of the Centre, while the need is for decentralisation of power. Even for over-centralisation of administrative power at the hands of the Centre, the Bill reveals greater concern for the corrupt and bureaucratic tyrants instead of safety, security and democratic rights of the common rung of the citizens. You want to provide safeguard for corrupt officers, for bureaucrats, for tyrants and against whom? It is against the people. Whereas the public servants for whom you are going to protect are not very much liked by the general people of our country because of their corrupt practices, their conduct, their vices, etc. and the Bill wants to protect them.

Sir, this Bill is also a further attempt on the erosion of the State rights. These are the major three principles on the basis of which I oppose the Bill. Let us understand what will be the impact of this Bill and this Act. Suppose West Bengal has to face President's Rule under certain political circumstances.

And if some of the officers of that State Government or the Central Government commit certain excesses and a popularly elected Government, which comes to power, wants to launch a prosecution against those officers who committed the excesses. In such a position, if this Bill is converted into an Act, then it prevents that State Government to give consent for launching prosecution against the corrupt officers and tyrants. Sir, for that, the State Government will have to come to the Centre to seek permission and if permission is obtained, then and then only, prosecution can take place.

Sir, let us apply this to Punjab. This is of greater importance to me. Yesterday, I was one of those Members who from this bench, extended my support to the Bill which sought to cancel the process of elections in Punjab. There was more or less a unanimous view expressed from all quarters of the House that elections should be held as early as possible and it was demanded that the date of elections should also be announced. But what is happening in Punjab today? You want to hold elections there as soon as possible. And you want to create conditions conducive for free and fair elections. And what is happening there? There are corrupt police officers the Punjab Police, extorting money and putting innocent young men into the cell and harassing them, demanding a ransom. A large section of them are committing these kinds of excesses.

17.00 hrs.

Now, I would like to quote the hon. Home Minister. He had stated that: "The proposed legislation will instil a sense of confidence in the minds of the officers who are engaged in the difficult task of restoring normalcy in the State, where the proclamation under Article 356 is in force and where there is an assurance regarding physical and service protection." This makes them much more oppressive. This encourages them that, "all right, let us commit excesses, the Home Minister is there, he will give protection to us." Therefore, I think, that is not desirable for a country which has ac-

cepted democracy. So, on these basic principles, this Bill should be rejected.

Lastly, it affects the Center-State relations. We are for States' autonomy. I should not be misunderstood. the States' autonomy means, greater power for the administration of the States and also for the progress and prosperity. That should not be done at the cost of the unity and integrity of the country. We want a strong Centre as well as strong States. Strong States can create a strong Centre. We should not be misunderstood that we are demanding a larger and greater autonomy for the States. This is an approach which undermines that spirit and co-operation between the Centre and the States. It is very harmful, particularly, in the context of the changing world today. Sir, one Chief Minister of Orissa had made certain public statements demanding greater autonomy for the State. I do not find any fault in it. Because that is the urge of the people in that State. If we accept this principle underlying the legislation, then it will be like accepting the principle of over-centralisation, whereas the country needs decentralisation of power.

Therefore, I oppose the Bill.

SHRI P. C. THOMAS (Muvattupuzha): Sir, this Bill has been brought forward to give sanctity to the acts done by the public servants in good faith. It does not go to the extent of stopping any prosecution against a person, who may be an officer. I would say that there must be a law for giving a backing to an officer. Truly so Section 197, at present gives protection to the Government under which an officer is working. There is absolutely nothing to say against a person who has been working under the Central Government.

So, my submission is that this is not a Bill which is to be viewed in the other sense. But, I would say that the word 'sanction' is not a good interpretation in a very loose manner. The word 'sanction' also has been interpreted new the Courts. This power has to be judiciously exercised. It is not that a

[Sh. P.C. Thomas]

sanction will be given in a political manner as such. If it is being used or misused as I would say, then the Court of law can give effect to the real meaning of the word 'sanction'. The Government which has to give sanction has to really apply its mind and then take a decision as to whether a sanction is to be given or not.

Suppose the Government feels that any prosecution should be launched against the officers who have acted, though in good faith, politically against them, the effect would be even more severe than the effect which has been pointed out by my friends who have opposed the Bill. So, I support the Bill.

Generally, I cannot support any Bill which takes away powers of any State. But I would think that this is not a Bill which takes away powers of a State as such because this is one which should be exercised by the Central Government under which a public servant works in a state of emergency or in a place where proclamation of emergency

SHRI SYED SHAHABUDDIN (Kishanganj) : Mr. Chairman, if you permit me to make a comment on this Bill, it should delight you, no end that. Not only the BJP and the Janata Dal, while speaking on the Bill, have joined each other in opposing this Bill, but even the Left Front has joined them in doing so. This is a reference to a comment made by the Chairman a little while earlier. So, it must be heard in that context.

17.06 hrs.

[MR. DEPUTY SPEAKER *In The Chair*]

I rise to oppose the Bill primarily because it goes against the spirit of the rule of law; it goes against the concept of the autonomy of the State and the basic federal structure of our Constitution; it certainly goes against the interest of the people at large.

Section 197 was enacted with the Constitution in view and it makes no difference

at all whether a certain State, happens to be under the President's Rule for the time being. It does not require a different legislation to deal with acts of omission and commission on the part of the public servant.

Now, we speak to add a proviso to sub-section 1 and to add two sub-sections *ab initio* after section 3 in terms of 3 (A) and 3 (B).

Law and order is always a State responsibility; the maintenance of the public order is a State responsibility. I would like to know from the hon. Minister, who is present here whether the character of the State Government undergoes a revolutionary change, a radical change. Does it cease to exist if the State is under the President's Rule? I don't think that is the constitutional position. The constitutional position is, as far as I understand, that the State Government continues to exist, but the powers have been transferred to the President of India. If the State Government does not cease to exist, the original Law made a clear distinction between a State employee and a Central employee; and whether a public servant was acting on behalf of State or on behalf of the Central Government; there are two very clear classifications made in the original Act. One is whether a particular public servant happens to be a servant of the Central Government or whether he happens to be a servant of the State Government. Obviously, the controlling and the disciplining authority is vested in the Central Government if he is a Central Government servant; otherwise, it is vested in the State Government. And the second classification comes in where a State Government servant may be deputed or in a certain situation may be acting on behalf of or under the Central Government. Now, reverse cases are also known to us. Mr. Pawan Kumar Bansal, I am happy, is following my point. If the Constitution says that the maintenance of law and order, maintenance of the public order is an affair of the State, and if a Central Government servant acts within a jurisdiction which is normally a part of the State Government machinery, when para military force or the armed force, is sent out to assist the State

[Sh. Syed Shahabuddin]

Government, does it not become an affair of the Union?

It still remains an affair of the State. And if it remains an affair of the State and if a misdeed is committed, if a wrongful act is committed, if an offence is committed then the responsibility to punish them must lie with the State Government. These are the two distinctions, The nature of the Government servants and the nature of the affair. Therefore, my basic point is that this Bill is misconceived. It has been misconceived deliberately to serve a specific purpose. The cat was let out of the bag. There was a political consideration behind it. There was a fear that some public servants, who have been facing serious charges, serious allegations of misconduct and misdemeanor, offences amounting to criminal negligence and sometimes criminal offences, are sought to be protected if there is a political change.

What else can be called politically motivated. The cat is out of the bag? The objective of the Government is absolutely clear. Shri Bansal stands self condemned.

SHRI PAWAN KUMAR BANSAL: The amendment is only regarding the case where the person is doing some duty or executing an order or some work for the centre in the State. Then I said that a situation like this could arise. In that case it is for the Central Government to act, as per the amendment now proposed.

SHRI SYED SHAHABUDDIN: Shri Bansal has cited the example of the DG of Police. The DG of Police is an officer of the Indian Police Service. He is a servant of the State Government, and you want to protect him. I do not know whether he is guilty.

SHRI PAWAN KUMAR BANSAL: That is not the argument. The need is to allay the fear that officers shall not be prosecuted inductively.

SHRI SYED SHAHABUDDIN: I am afraid, I do not see the discretion. You mentioned that there was a fear.

SHRI PAWAN KUMAR BANSAL: I do not agree.

SHRI SYED SHAHABUDDIN: That if another Government comes and if it happens to be of a different complexion then it might take it out on those who had served on the orders of the previous administration. That is what you mentioned. I am only submitting that this is what political motivation means; that you are bringing a law primarily to protect public servants against the legitimate and democratic exercise of power by the people. (*Interruptions*)

That is what I am saying, and that is not fair. It is unconstitutional. To my mind that goes against the law and it goes against democracy.

An Ordinance was issued on the 2nd May 1991. We have not been told at any stage by the speakers on behalf of the Treasury Benches what was the occasion to issue that Ordinance on that particular day. I would like to know that. Parliament was going to meet very soon. It could have been brought before the House. What was the need or the urgency? What were the circumstances under which the Ordinance was issued. I would like the hon. Home Minister to enlighten the House on that today.

Secondly, the Bill lapsed on the 20th August, 1991. Why was it permitted to lapse? That also calls for an explanation, because it lapsed, therefore, this Bill has been brought a big clause has been added to the original Bill, in order to give *ex post facto* coverage to that period, that is from the 20th August 1991 and the date on which the President happens to or shall give his assent to this Bill. Now, therefore, I ask the hon. Home Minister why was that Bill allowed to lapse?

I have been a public servant myself. And I support the principle of giving protection, even immunity to public servants for *bona fide* acts done in the course of their duty. But this protection or exception cannot operate when they exceed their function or their act exceeds limits, when the officer

acts in an unjustifiable or unreasonable manner and if he omits to perform his duty.

Sir, the principle of reasonableness and the principle of prudence must always be there to establish whether a particular official act was *bona fide* or not. We know of public servants who commit acts of omission and commission, commit offenses, in the discharge of their official duty, who take bribes, who kill people, who injure people and who loot property who humiliate people should not they face the consequences.

And this Bill has a provision, provides an extra shield, an extra wall to protect them. I do not think why this should be done. Any act, which causes damage to a person's life or limb or property or honour to the people must be punished in any democracy if democracy has to have any foundation.

Therefore, the Bill seeks to make it more difficult for the people to secure justice against the depredations of the public servants. If there are alleged offences, there should be courts of law. We are in any way taking away the right of the judiciary to sit in judgment. But at least the people must have easy access to the courts of law. This bill tries to erect another barrier to the access of the people to the judicial machinery. And, therefore, we have to oppose the bill.

Sir, I will not take more of your time.

We know that there are parts of our country, where black laws are in operation, in which unlimited powers have been given to the forces. There is the Armed Forces Special Powers. There is the TADA, which has been discussed in the House. There is the Disturbed Areas Act. There any a number of public safety and preventive detention acts. Unlimited power over person's life, limb, property and honour is given to the forces. And this particular Bill defines the term "forces" in a manner that even if a member of the State Police is accused of committing an offence against the people, then the Central Government's permission is required. It thus goes to the other extreme. The pendulum swings to the other

side. The normal situation would be that if the Central Government servant is acting under and on behalf of the State Government, the State Government should have a right to sit in judgment over the alleged conduct. And here even if it is a State Government employee who is alleged to have committed an offence against the people, the Central Government must come into the picture. Is it not absurd, Sir? We know of atrocities being committed on a mass scale. This Bill, Mr. Chairman, is nothing but a licence to the forces to go on committing atrocities against the people. It is a licence to kill. It is a licence to humiliate the people. It is a licence to loot the property of the people.

Therefore, with every emphasis at our command, we must oppose this Bill if the principle of federalism if the principle of the rule of law is to have any meaning in our country.

I oppose this Bill.

SHRI K. RAMAMURTHEE
TINDIVANAM: Sir, I rise to support this Bill with all vehemence.

This Bill is very much self-explanatory. It is explained very well in the Statement of Objects and Reasons that this bill seeks to provide more adequate safeguards and protection to public servants employed in connection with the affairs of a State against frivolous or vexatious prosecution for acts done in the discharge of official duty during the period when a Proclamation issue under article 356 of the Constitution was in force in that State, it was considered necessary to provide for the previous sanction of the Central Government instead of the sanction of the State Government.

Sir, there is one consideration that has come in the way. One is the merit of this Bill. Another is advocacy for the State autonomy. Both the things are being mixed here in this discussion.

As far as the bill is concerned, nobody can find fault with it because it seeks to protect the officer. We must remember that

[Sh. K. Ramamurthee Tindivaram]

the Government is a permanent institution; whichever Party takes over the administration. The officer has to have the confidence when he executes the orders of the Government. And who is to sit over judgment over the officers' duties? Is it the Government which orders him at a particular circumstance, at a particular time to act in a particular way? Or is it the Government which succeeds afterwards, some after months or one year or 2 years or more, who should sit over judgment as to whether the Officer was effectively and correctly implemented the order or whether he has erred? If that is taken into consideration, it is always considered necessary that the Officer must have a sense of security when he executes the orders of the Government with which he works.

I do not think that there is much of a difference on this particular issue. But this is confused with the argument is that the State autonomy is being eroded into. The argument is that the political authority of the Centre has been brought in through this Bill. Every party professes State autonomy and when it becomes a personal matter the same parties do not hesitate to give up State autonomy, and ask for the interference of the Centre and also demand the Centre's intervention in the State affairs. For example, in my own State, Tamil Nadu I come from Tamil Nadu we demanded the interference of the Centre when Kaveri water issue came up. Very recently some of the political parties asked for the interference of the Centre into the affairs of Andhra Pradesh. So, also in Punjab, Assam, U.P. and other States. So, when it becomes a necessity, we do not hesitate to give up our theory of State autonomy and demand the Centre's intervention. No political party feels shy of demanding centre's interference. For example in Tamil Nadu, the DMK party which stands for State autonomy has at one time demanded President's Rule under Article 356 in the State. So, also the AIADMK demanded President's Rule at one stage. The Congress Party has also done it. So, also in other States like Andhra Pradesh, the Telugu

Desam demanded the interference of the Centre under Article 356. So in other States also the political parties do not feel shy to demand action under Article 356.

I can give another example that in 1965-66 when the anti-Hindi agitation was rocking our State, Tamil Nadu there were many instances of violence and when the police acted, there was retaliation also. Ultimately that was over. After that in 1967, when the DMK formed the Government, there was the fear that DMK Government which spearheaded the anti-India agitation would penalize the officers. Then, the then Chief Minister who ordered police action, gave a written order to the Secretary asking him to burn all the files concurring the anti-Hindi agitation, and the Secretary did it. Subsequently, when the new Chief Minister took charge, he called the officer and asked him as to whether it is not a wrong thing to burn the files. The Officer said, 'Yes'. When the Chief Minister Shri Anna asked him once again as to whether he do the same thing if he orders it, the officer said, 'if your order is written, I will do it.' Ultimately, the previous Chief Minister took up the responsibility for burning the files and said that it was done in the interest of the Administration because the Government is a running institution. You can not penalise officers for fault of theirs. The Chief Minister said that the circumstances were such that I have ordered the police officials to execute the directions issued to them. They did it, and it is for me to safeguard them.

17.26 hrs.

[MR. SPEAKER *In The Chair*]

You cannot now come with a different background and start penalising those people for the act that was done several months earlier. He told the opposition. When you were in the Opposition, you did not know what exactly was the law and order situation. Because I was in the administration, only I can know what. So, Sir, I can say that there were very many occasions which warranted the officers to act in a particular way, of course, under the direction or the orders

of the then Government. This was the stand taken by the outgoing Chief Minister and the incoming Chief Minister accept it in principle. But how can you judge the action of the officer after six months? The other arguments is that we can not interfere into that because it leads to over centralisation and that we are for decentralisation. Yes, we are for decentralisation. What happened in Assam? Did we not ask for the Centre's interference? What happened in Punjab? What happened in U.P? Are not the opposition parties asking for the Centre's interference? So, the reasoning must be how far we are justified in bringing an amendment of the present nature.

An hon. Member from the other side was asking why this amendment after forty years? Every amendment comes in only after experience. Our experience has been such, that our political parties in the States have been behaving in such a way that an amendment of this kind has become a necessity. And this is an amendment which safeguards not the erring officer, not the unwanted officer, not the officer who commits an act which is not justifiable. This is an amendment which gives protection to the officer, which gives confidence to the officer to act without fear and to act in a democratic way. In a democracy, if we are not going to safeguard our own official institutions, our administrative institutions, how are we going to safeguard other values in democracy? So, this is a Bill which is very much needed and which needs the support of the entire House. My only request is that this Bill must be used for the purpose for which it has been brought.

MR. SPEAKER: Shri Bhagwan Shankar Rawat.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Sir, CPI (M) has not yet been called. Mr. Ajoy Mukhopadhyay is there to speak. This is a very strange situation, Sir.

MR. SPEAKER: Yes, I will call him. He comes after Shri Rawat.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT (Agra): Mr. Speaker, Sir, I consider the Amendment brought forward as meaningless. Because it is an attempt to make an unnecessary interference in the jurisdiction of the States. Law and order is the subject of the State. Government and the Central forces are invited by the State Government just to assist if required. Through this amendment, the Government is going to destroy the very basic structure of the Constitution. In the constitution the subjects have been divided between the Central Government and the State Government. The Central Government want to shield the crimes of their forces in which they might indulge under the order of the Central Government in a State under President's rule. It seems to me that the Central Government is obsessed with the criminal acts of the Armed Forces.

By imposing the President Rule, you try to repress the people in wrong way and if an elected Government comes in the State, it may allow prosecution against the defence forces for their atrocities and criminal acts. Therefore, the Central Government wants to provide them with this impenetrable shield. But its future results will be dangerous. The law and order situation of the entire state will go out of control. In the Constitution, a lot of powers have been given to the high officials. A Government in any country is run on the basis of its police and forces. If the Central Government keeps direct control on the security forces, the officials of State Government will never be able to control them. Their control will end forever. Therefore, I would like to submit that there was no need to bring such illegal and unconstitutional provision because it will harm the democracy of this country, but the need was to analyse the Cr. P.C. and other laws extensively so that rule of law can effectively established in this country and to make provision to provide free and fair justice to all under the Constitution.

In view of the people's demand for free

[Sh. Bhagwan Shankar Rawat] and fair justice, Shrimati Indira Gandhi had constituted the Jaswant Singh Commission to decentralise the benches of High-Court. But it has been years since the Commission submitted its report. It is gathering dust in the almirahs. A lot of demands are being made for decentralisation and for setting up of benches of the High-Courts but the Government is paying no attention in this regard. I demand that the recommendations of the Jaswant Singh Commission should be implemented immediately. Due criterion should be followed in the entire country for setting up of the benches. There is much difference between the jurisdiction of the High-Courts of Goa and Sikkim and the jurisdiction of the High-Courts of Uttar Pradesh, Maharashtra and Madhya Pradesh. Therefore, I would like to submit that decentralisation should be done and the benches should be set up on a fixed criterion.

A provision is there in the Constitution that where there is super time scale judiciary, the officials working there are also called district judge. This has also been provided that the Central Government can authorise them to hear the writ petitions on less important cases. The work load on the High-Court and the Supreme Court can be reduced by following this practice.

Now, I would like to raise the point of social justice being provided to the advocates. The advocate has been given recognition under Cr. P.C. and a central enactment is also there in this regard, but in the present working system, the advocates and their clerks are not getting social justice. The Government has totally neglected them. I would like to close this topic here and would like to say that justice should be immediately provided to them. I would like to close this topic here and would like to say that justice should be immediately provided to them. There is a phrase.

[English]

Justice delayed is justice denied.

[Translation]

In view of the backlog of work in the

courts, the number of judges and subordinate judiciary should be increased. During emergency the provision of anticipatory bail was scrapped in some states. As it is a matter of concrete jurisdiction therefore I would like to say that the Central Government should definitely interfere in the working of administration of those states. Where the people had been deprived of their right to individual freedom with the scrapping of anticipatory bail and police rule has been established. The Centre should restore the provision of anticipatory bail. Not only regarding Cr. P.C. but for the entire judiciary, a Commission should be constituted. A judicial reforms commission was constituted. A comprehensive law should have been brought to implement the recommendations of this commission. Today Cr. P.C. has been linked with the religions. Under the provision 125 the muslim women have been excluded from it. It is the time to bring amendments in Cr. P.C. and resolutions would be brought and action should be taken to frame a uniform civil code, only then justice can be provided to the people.

Our friend has mentioned about the public servants. I would like to tell him that public servants are not only working under the Central Government, but are working under the State Governments as well. I would also appeal to define the word "forces" which has been used here. The Home Minister should categorically reply that the provision should not be misused in the name of "forces". I vehemently oppose this.

The thing which is taking place in the democratic set up and federal structure of this country, will cause a danger to democratic system. The country should be saved from this crisis, otherwise the people will lose their faith on the judiciary of this country. When the people are in distress and are oppressed, they go to judiciary to redress their grievances. If this right of approaching the judiciary is snatched from them, democracy will not remain in the country and a situation of anarchy will rise in this country.

With these words, I oppose this amendment.

[English]

SHRI AJOY MUKHOPADHYAY

(Krishnagar): Mr. Speaker, Sir, the purpose of this Bill is to replace an Ordinance promulgated on the 2nd May, 1991 and thus to enact a provision in the form of an amendment in section 197 of the Code of Criminal Procedure, 1973. This is not an innocent Bill as it has been stated here by so many Members from that side of the House. I do not understand as to why it was felt so urgent to promulgate an Ordinance and that too just for the 10th Lok Sabha Elections. Prior to the promulgation of the Ordinance, during the past, no such change was ever contemplated. So, I would like to know from the Home Minister the reasons which have prompted them to bring such a Bill. This seems to be a direct encroachment on the rights of the State Government and imposition of President's rule in any State does not mean that the State Government ceases to exist. The State Government still exist and so, there cannot be any justifiable ground for such as amendment.

Incidentally, I would like to observe that we have been agitating for years together against the indiscriminate abuse of the Article 356 of the Constitution to serve the narrow political interests of the ruling party at the Centre. The provision which is intended to be used sparingly on rare occasions has been reduced to an undemocratic weapon in the hands of the ruling party for having political mileage. With this weapon the Congress (I) Government at the Centre has dislodged democratically elected Governments in different States on one or the other plea or even without any plea altogether. So far as my memory goes, since the constitution of free India came into being, this Article has been used for more than 90 times to surprise the political opponents of this country. Now, this Article has become a threat to the parliamentary democracy and now, through this Bill, the Government is trying to concentrate all the powers in their hands. It has been stated that the present Bill has been brought in for providing more adequate safeguards and protection to pub-

lic servants against frivolous or vexatious prosecution for acts done in discharge of official; duty.

But what we have been witnessing is, some of the members of the different armed forces, public servants often commit serious offences which is totally unbecoming of the public servants. Sometimes they were indulging in criminal activities but in the name of providing safeguards political protection is given to the Government servants on a number of occasions. This is a growing phenomenon which is dangerous to democracy.

I am representing a constituency in Nadia district in West Bengal which is situated on the Indo-Bangladesh border. The Border Security Force is meant for protecting the borders of the country. But it is a matter of deep regret that a good number of the members of the armed forces are more interested in safeguarding the interests of notorious smugglers and anti-social elements of that area. Some of them are even directly committing smuggling and other anti-social activities. Poor villagers of the border areas are often subjected to harassment and severe torture.

A few months back, some of the armed BSF personnel rushed to a broad village named Devnathpur and shot down 11 innocent villagers in a board day light without any provocation whatsoever. That was a cold-blooded murder which created a deep resentment among all sections of the people, not only in that district but also throughout the State. No penal measure or exemplary punishment has yet been given to them.

There are many other examples like this. So, in the name of difficult situation in Punjab or any other plea, it is not proper to bring such an undemocratic Bill before the House which will further erode the powers of the State Government. So, I would request the Government to withdraw this Bill.

With these words, I oppose this Bill.

17.43 hrs.

SHRI K.P. REDDAIAH YADAV (Machhlipatnam): Mr. Speaker, Sir, from our Party we oppose this black Bill due to the following reasons:

One of the hon. Members from the Congress I Party has just mentioned that it is necessary to bring this Bill during this Session because some of the other Parties are capturing power in those States where Congress-I was in power. So, the background to bring such a Bill is because in U.P., Bihar and Tamil Nadu, the Governments belong to the Parties other than the Congress-I. Already there are a number of protective measures and privileges enjoyed by the officers and the Government servants. If after the expire of the President's rule, any Opposition Party comes to power in that particular State and picks up a particular case where the officer is convicted or given punishment, there is some meaning to bring this Bill. I would like to ask the hon. Home Minister, how many officers have been punished during the regime when the opposition Party was ruling.

If no officers have been punished by the Governments run by the Opposition Parties, there is no necessity to bring forward this Amendment Bill. It is very necessary to consider that the Ordinance was promulgated before the Parliament elections. They knew that in Punjab the Government was going to be captured by the Akali Dal or by some other Opposition Party. They also anticipated that that the Government would take action against erring officers during the last four years who have harassed the common man in Punjab or in Tamil Nadu or in Andhra Pradesh. In this background they promulgated the Ordinance. Now, this Government has brought forward this Bill in this very Session itself.

I would like to bring to the notice of this House that not even a single Government officer was punished for the excesses committed against the innocent people in this country. This is a very powerful Clause.

They are distinguishing between a State Government employee and a Central Government employee which is, in fact, not correct. If any employee commits a mistake, blunder etc. There are so many stages where the employee is supported by the Executive. Not a single officer was punished during the last 43 years for an offence committed against the innocent people. That is why I oppose this Bill. I would, therefore, request the hon. Minister to withdraw this Bill if it is possible, withdraw the protections previously given to the officers.

Finally, I would like to say one thing. I would request the hon. Minister to let the Executive officers, administrative machinery function on moral grounds and moral fabric. He should not try to give them such protections like these things. Where are you going? The other countries are going in a democratic way. This Government is going in a dictatorial way by centralising all these powers. Therefore, I oppose this Bill.

With these words, I conclude.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Sir, I am happy to say that the hon. Members who have participated in this debate have expressed in different ways the anxiety to see that the rights of the State is protected; the right of the citizen is also protected. I do not want to take much time in answering all these points raised here. But at the same time I would like to answer all the points mentioned here by my hon. Friends.

Sir, it seems that there was a feeling amongst some Members who have participated in this debate that this is a new Bill brought forward by this Government at the moment. They felt that the Home Ministry has brought forward a totally new Bill something unheard of. That is why some of the hon. Members said that after 40 years, we are bringing in a Bill like this. Section 197 of the Criminal Procedure Code is already

there in this country. This section has been there already. It is not a new thing. What is the context in which this Bill has been brought forward? What is the context in which this amendment, this particular item has been brought before the House today? I would like to say that the purpose behind this Bill has to be understood.

An hon. Member asked that when there was Parliament why did you want an Ordinance to be passed. It was actually not an Ordinance passed when the Parliament was in Session.

When the previous Caretaker Government was there, there was no Parliament. It was a Caretaker Government, in fact. They found it absolutely essential to prevent certain difficulties faced by the officers, faced by the public servants at that time. So, immediately an Ordinance was promulgated. For that, now I stand before you to get the ratification. I am also seeking a few days' retrospective effect to that period because that Ordinance lapsed on August 20.

That is precisely the point for me to bring the Bill to you. (*Interruptions*)

SHRI AJAY MUKHOPADHYAY: What was the urgency there to bring this amendment?

SHRI M.M. JACOB: I will come to that.

MR. SPEAKER: Let us be very brief.

SHRI M.M. JACOB: When our friend Shri Lodha was speaking, he was expressing a concern over the Bill. As a student of political science, when the Constituent Assembly was in session here and when this particular subject about the protection of bureaucracy, protection of Government officers was discussed, I still remember, it was Sardar Patel who got up and said, "the bureaucracy had to be protected in India because every State will have different types of Government in the years to come. It will not be the same Government in different States. So, somebody will have to protect

the bureaucracy. There must be enough adequate laws to protect them. Otherwise, they shall not discharge their duties loyally, faithfully and honestly." This applies to the Indian Administrative Service also.

The idea behind mentioning this here is that it is not to protect the corrupt officers. We do not want to protect the corrupt officers in this country. If an officer is corrupt, there is a law and he has to face the music of law in the court.

There is also a judgement to this effect in the Supreme Court. In the case of H.H.B. Gill Vs. King AIR 1948 SC 128, 133, it has been held that:

"A public servant can only be said to act to purport to act in the discharge of his official duty, if his act, is such as to lie within the scope of his official duty. Thus a judge neither acts or purports to act as a judge in receiving a bribe, though the judgement which he delivers may be such an act; nor does a Government medical officer act or purport to act as a public servant in picking the pocket of a patient whom he is examining though the examination itself may be such an act. The test may well be whether the public servant, if challenged, can reasonably claim that what he does, he does in virtue of office without fear or favour."

Again in Matajog Dubey Vs. Bhari AIR 1956 SC 44, the Supreme Court held that:

"In order to necessitate sanction, there must be a reasonable connection between the act and the discharge of official duty; the act must bear such relation to the duty that he could lay a reasonable but not a pretended or fanciful claim, that he did it in the course of the performance of his duty."

[*Translation*]

SHRI BHAGWAN SHANKAR RAWAT:
Has the Central Government no faith in the

State Governments, that it is taking over the enforcement in its purview?

[*English*]

SHRI M.M. JACOB: I have quoted these two judgements because in impression was created that there was an attempt to protect corrupt officer. No, Sir, it is not to protect corrupt officer. (*Interruptions*)

SHRI SYED SHAHABUDDIN (Kishanganj) : This Bill seeks to give a double protection and also un necessary protection.

SHRI M.M. JACOB: Even today, in the existing Criminal Procedure, regarding the State officer permission is getting from the State Government to take action. Regarding Central Government officer action is taken after getting permission from the Central Government. During the spell of President's Rule, somebody must be responsible for it. It is the Centre who is responsible for it. We take up the responsibility of the officers during that period. And it is not for protecting corrupt officers. It is only for the precise and specific period and not for any other thing. We do not want to take over the right of a State. The Constitution is so evident about it. Article 123 of the Constitution is clear about it. We have got three Lists—Central List, State List and the Concurrent List. This Criminal Procedure Code falls in the Concurrent List—III of Schedule VII. So, the Central Government, and this Parliament has every right to come up with a legislation of this sort. I shall conclude now. (*Interruptions*)

SHRI SYED SHAHABUDDIN : During the extension of the President's Rule, does the State Government cease to exist? (*Interruptions*)

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

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

MR. SPEAKER: The question is

"That clause 1, Enacting formula and Long Title were added to Bill.

The motion was adopted.

Clause 1, Enacting Formula and Long Title were added to the Bill.

SHRI M.M. JACOB: I beg to move: "That the Bill be passed."

(*Interruptions*)

SHRI SYED SHAHABUDDIN (Kishanganj) : Sir, I want to say one thing.

MR. SPEAKER: You spoke at the consideration stage!

SHRI SYED SHAHABUDDIN: Even at this late hour, I would appeal to the Government not to make mincemeat of the federal principle, of the rule of the law and pass this anti-people Act. (*Interruptions*)

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

17.57 hrs.

MESSAGE FROM RAJYA SABHA-
CONTD.

[*English*]

SECRETARY - GENERAL : 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 17th September, 1991, agreed without any amendment to the Cancellation of General Elections in Punjab Bill, 1991, which was passed by the Lok Sabha at its sitting held on the 16th September, 1991."

Sir, I also lay on the Table a copy, duly authenticated by the Secretary-General of Rajya Sabha, of the Cancellation of General Elections in Punjab Bill, 1991, passed by the Houses of Parliament during the current session and assented to by the President.

*(Interruptions)**

MR. SPEAKER: This is not going on record.

(Interruptions)

MR. SPEAKER: If we have mentioned it on the floor of the House, yes, we have mentioned it.

(Interruptions)

MR. SPEAKER: There are some expected and unexpected items on the agenda. I would like to inform you that there are two statements to be made by the Ministers and then there is something which will be explained to you later on. The House will sit and cooperate and allow the business to be completed.

(Interruptions)

SHRI CHANDRA JEET YADAV (Azamgarh): Sir, this is unfair. You should not be a party to such a thing. You are the custodian of this House. This is not way the function the House. *(Interruptions)*

MR. SPEAKER: There was a meeting with the leaders of all the parties in my

chamber and some issues were discussed over there. The Minister is going to put before you as to what those issues are and there was an agreement on those points.

That will be informed to you and you will come to know. We are not working in the darkness; discussion has taken place and we are going to take it up with your consent only. We are not going to take it up without your consent. We are trying to follow rules a little more scrupulously rather than flouting them. Please understand this.

Now, first of all, I will allow two statements to be made, first by Kumari Girija Vyas.

18.00 hrs.

STATEMENTS BY MINISTERS

- (I) **Certain References made to the late Maulana Abul Kalam Azad in that National Parliamentary Quiz Telecast.**

[English]

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (KUMARI GIRIJA VYAS) : As Hon'ble Members are aware, the issue of a derogatory reference to Maulana Abul Kalam Azad, in a programme telecast by Doordarshan, was brought up by Hon'ble Member Shri Mohd. Yunus Salim in this August House on the 6th September, 1991. Sharing his anxiety about the matter, the Leader of the House, Shri Arjun Singh Ji, had stressed the need for making an enquiry into the events and to report to this August House whether the error had crept in by mistake or was made deliberately.

In pursuance of this assurance given by the Leader of the House, the matter has been carefully looked into. In 1989, the Ministry of Parliamentary Affairs in association with the Ministries of Information &

[Kumari Girija Vyas]
Broadcasting and Human Resources Development launched a scheme of organising "Nehru Parliamentary Quiz." This Quiz programme was for school students in the 10+2 group.

The representative teams from the various States and Union Territories were grouped into 4 zones and a written test was conducted by the Ministry of Parliamentary Affairs on 17-7-89. Eight teams were selected on the basis of the test to compete at the national level. The eight selected teams and two stand by teams assembled in Bombay from 28th August to 31st August, 1989. The programme was produced by M/s United Television of Bombay as sponsored programme comprising 7 episodes.

Prizes and certificates were distributed to the winners by the Ministry of Parliamentary Affairs. The 7 episodes were telecast on the national hook-up during the period 9th November to 21st December, 1989. This programme was well received by members of public.

On 6th February, 1990, it was decided by the then Government to organise two quiz contests, one for senior secondary school level students and the other for University Students. The nomenclature of the programme was changed by the then Government from "Nehru Parliamentary Quiz" to "National Parliamentary Quiz". State Governments were requested to select representative teams of two students each to represent the State for the contest. The methodology of selection was left to the State Governments. Thereafter a written test was conducted by the Ministry of Parliamentary Affairs on 27th July, 1990 in different centres throughout the country to select the 8 best teams among the school students and 8 best teams from among the University students. Two stand-by teams were also selected for each level. The teams assembled in Bombay for shooting which took place from 3rd October to 10th October, 1990. During that period 7 episodes of the school level competition and 7 episodes of the University level competition were shot.

The questions and the material to be made use of during the course of shooting of the episodes were furnished to the Ministry of Parliamentary Affairs by M/s United Television. These questions and material were scrutinised by a team of officers of the Ministry and then put up to the then Minister of Parliamentary Affairs, who, on 21.9.90, directed the then MOS to see and approve. Accordingly, it was put up to the then Minister of State of Parliamentary Affairs who approved it on 24.9.90. The Quiz competition referred to above was based on this material.

VHS copies of the first episode were received in the Ministry of Parliamentary Affairs on 24th October, 1990. The comments of the Ministry of Parliamentary Affairs relating to Parliamentary procedural aspects were conveyed to M/s United Television on 29th October, 1990. The VHS copies of episodes 2, 3 and 4 were received by the Ministry of Parliamentary Affairs on 16th November, 1990 and comments of that Ministry were conveyed to M/s United Television on 19th November, 1990. No comments were made in respect of the said reference to Maulana Abul Kalam Azad.

Meanwhile, discussion and correspondence were made by M/S United Television with Doordarshan for additional free commercial time and the time slot. In the month of August, Doordarshan decided to offer them the 9.00 p.m. slot on Sundays from 1st September, 1991, without additional commercial time. Pursuant thereto, M/s United Television sent the U-matic of episode No.1 to Doordarshan on 27-8-91. Two Doordarshan Producers previewed the programme on 28-8-1991.

The reference of Maulana Abul Kalam Azad has given rise to a feeling that a derogatory remark against a universally respected national leader was included in the programme. Officers of the Ministry of Parliamentary Affairs, who saw the programme, looked at it from the point of view of Parliamentary procedure. As far as the two Producers of Doordarshan are concerned, their written explanations have been obtained.

They have stated that since the episode had been earlier previewed by officials of the Ministry of Parliamentary Affairs, they had paid close attention to the technical quality of the programme while also paying attention to the content of the content of the programme. The Minister of State of Information & Broadcasting has personally looked into the matter. On close examination he did not find any malafide motive of these officers. In any event all concerned officers have deeply regretted such reference. The Minister of State for Information & Broadcasting has already offered his apology to the nation in the Rajya Sabha.

After having seen the programme and having detailed discussions with officials of the Ministries of Information & Broadcasting and Parliamentary Affairs as also of Doordarshan, the Minister of State for Information & Broadcasting is of the view that the inclusion of these words is derogatory. However, taking into account the explanations given by the officials who dealt with the programme and those who previewed it, they have been warned to be more careful hereafter in relation to sensitive matters. It has been decided that the remaining episodes of this programme would be hereafter previewed by the Secretary, Ministry of Parliamentary Affairs and the Director General, Doordarshan. This being an educate programme which seeks to inform young minds about the greatest institution of democracy, namely Parliament, we believe, no purpose will be served by discontinuing the programme. The officers have been advised that this useful programme may go on but after taking extreme care to see that the factual position is correctly presented and no offensive remarks remain. Orders have also been issued that all such programmes already made must be previewed by the senior officials before these are telecast. I may also mention that as a tribute to Maulana Abul Kalam Azad, Doordarshan had telecast at prime-time on Sunday, 8th September, Films Division documentary bringing out the significant contribution made by him in our freedom struggle and towards the promotion of the highest values of human life.

[Translation]

SHRI RAM VILAS PASWAN (Rasera) : Mr. Speaker, Sir, this issue was taken up simultaneously in both the Houses on 6th. The hon. Minister made a statement in the Rajya Sabha on 7th and it is being made in this House, today, after 12 days. I feel that the prestige, decorum and importance of the lower House is being lowered deliberately. When the statement could be made in the other House, on the very next day, what difference it would have made, if he had done the same here also. I want your ruling in this regard. Such things should not recur and the lower House should not be treated as a lower house literally.

[English]

MR. SPEAKER: Now, Shri Mallikarjun to make a statement on behalf of Shri Kamaluddin Ahmed.

[English]

MR. SPEAKER: Now statement by Shri Mallikarjun on the measures proposed to ensure effective reach of the Public Distribution System.

(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE: Sir, there is no supplementary list. (Interruptions) There is no mention of it.

What is this statement?

MR. SPEAKER: It is a policy statement.

(Interruptions)

(ii) **Measures proposed to ensure effective reach of the Public Distribution System**

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MALLIKARJUN) : The House will kindly recall that Prime Minister had made a statement earlier in the House on the Public Distribution System and promised that a

[Sh. Mallikarjun]

comprehensive plan to strengthen the Public Distribution System would be placed before the House.

One of the top priorities of the Government is to revamp the Public Distribution System in such a manner that its benefits cover those sections of the people who need them most.

As a first step in this effort, Government plans to ensure that the Public Distribution System reaches out to the remotest corners of the country, especially areas where large numbers of the poorest of the poor live, namely, areas covered by the Drought Prone Areas Programme, the Integrated Tribal Development Projects, the Tribal Majority States, Desert Development Programme areas, designated hill areas and urban slums.

In doing this, Government's objectives are three-fold:

(a) to evolve a delivery system that provides the specified essential commodities to the fair price shops at their door step,

(b) to ensure that the essential commodities are available to the consumers at pre-determined, affordable prices, and

(c) progressively expand the coverage of commodities to include every day essentials that have relevance to the nutritional and social needs of the consumers.

These ideas were placed before a meeting of the Advisory Council on Public Distribution System on the 23rd and 24th August, 1991 in which the Chief Ministers of States and State Ministers of Food and Civil Supplies participated. Based on very detailed and in-depth discussions with the representatives of the State Governments and the Chief Ministers a concrete plan of action was chalked out on the steps to be taken in the next one month by the States. These are:

(a) Identification of Blocks and villages to be covered under this programme;

(b) Number of fair price shops required;

(c) Identification of additional commodities to be distributed through the PDS depending upon the specific needs of the area concerned;

(d) Identification and creation of infrastructural and other requirements necessary to support the PDS operations such as storage points, transport and credit facilities; and

(e) Identification of ways by which the people of the area themselves can be involved in managing the Public distribution system so as to eliminate leakages and malpractices.

In pursuance of this Plan of Action, the State Governments were requested to initiate immediate action and to report the progress made by them, by the middle of September, 1991. As on 16th September, 1991, we have received reports from 9 States and 4 Union Territories furnishing detailed information indicating that they have completed the task entrusted to them in the first phase. 16 States and 3 Union Territories are yet to submit the information called for and these States have been requested by us in the meeting of the Central Consumer Protection Council held on 16th September, 1991 to complete the action required and submit compliance without further delay.

Prime Minister has invited the representatives of the State Governments to meet at Delhi towards the end of September, 1991 so that we may review the progress made in the steps that we require to take in the first phase and also chalk out the next phase of action.

Prime Minister has particularly impressed upon the Chief Ministers and State Governments that the success of the PDS depends on the active involvement of the people in exercising vigilance over the system.

Allocation of foodgrains for the PDS

[Sh. Mallikarjun]

depends on the level of stocks available in the Central Pool. An optimum level of procurement of foodgrains is a sine qua non for a credible Public Distribution System. States have agreed that they would step up their efforts in this direction. For its part, the Central Government could, in the case of States that are magically surplus or deficit, allocate a portion of the food grains procured by them for the PDS in the same State. Also, Centre would initiate measures for the procurement of certain manufactured items, that can go into the Public Distribution System. These efforts would have to be accompanied by stern action against black marketeers and hoarders.

The States have agreed that they would usher in a credible PDS on the above lines, within a time-frame. The States and the Centre recognise this as a joint effort, in which the States have a leading operational role. We have agreed to fully cooperate with one another to make this programme successful so that based on the lesson we learn in this effort, we may move on to streamline the public distribution system in the other parts of the country as well. Meanwhile, joint inspection teams consisting of officials of the Central Government as well as State Governments would be constituted to monitor and inspect the functioning of the PDS at the cutting edge level in the identified areas.

The House will be kept informed of the progress of our efforts in operationalising this vital Scheme, from time to time.

Government is confident that it has full backing of this House in these efforts that we are making to give a new direction to the PDS.

MR. SPEAKER : Well, Nirmal Kantiji, I would like to set some light on this matter. This is a statement by the Minister under Rule 372 about some policy matter. Now, the policy matter is about the public distribution system. The hon. Minister of this Ministry is also expected to make the statement in the Rajya Sabha and in the Rajya Sabha,

supplementaries are asked on the statement. So, I permitted him to go there and allowed, in his place, his colleague to make a statement over here. This is all about this issue.

(Interruptions)

[Translation]

SHRI RAM VILAS PASWAN (Rosera): When there is no provision for seeking clarification in this House, the hon. Minister could have gone to Rajya Sabha, after making two minute statement here. (Interruptions)

[English]

MR. SPEAKER : In fact, he wanted time at 5.30 PM itself. I did not give him time at 5.30 p.m. I said I am not going to disrupt the business in the House and allowed him to make the statement at 6 p.m. That was the decision. He wanted to make it at 5.30 pm itself.

(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): But Sir, at least there should have been some supplementary mention.

MR. SPEAKER: You are otherwise also impressing us a lot.

SHRI NIRMAL KANTI CHATTERJEE : My grievance is that they have failed to do that.

MR. SPEAKER: Not for you.

(Interruptions)

MR. SPEAKER : Well, the Government has sought permission to move the Resolution to continue the proclamation of President's Rule in Punjab. This was discussed in the Leaders Meeting. And as they are in agreement, permission is being given.

The Minister

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Sir, I beg

(Interruptions)

MR. SPEAKER : You had not agreed but I think, you had said that you were not in favour of these things. But as far as the Resolution is concerned, there was no disagreement.

(Interruptions)

SHRI INDRAJIT GUPTA (Midapore) : He has the right to move it. We had agreed to that. But it does not mean that we support the contents of that Resolution.

MR. SPEAKER : Indrajit has put the position in a correct fashion.

(Interruptions)

SHRI CHANDRA JEET YADAV (Azamgarh) : Will there be a discussion on that or not?

MR. SPEAKER : Certainly.

(Interruptions)

SHRI JASWANT SINGH (Chittorgarh) : Mr. Speaker Sir, I would like to make clear this aspect. The two strenuously related matters are separate. One is objection to moving the Resolution itself and the other is whether we are in agreement with the contents of the Resolution or not. We are, of course, not in agreement with the contents of the Resolution. *(Interruptions)*

MR. SPEAKER : Jaswant Singhji, what I have said is this. This matter was raised in the meeting of the Leaders and they were in agreement that this can be moved. I have not said that you have agreed to pass it.

SHRI JASWANT SINGH: If it is being moved now, there are certain other connected worries. If you permit me, I will mention them.

MR. SPEAKER: Yes.

SHRI JASWANT SINGH: There are certain other connected worries and I consider it only proper, Sir, to mention that to the

best of my recollection never in the history of Parliament have we had a situation wherein, in a Session, there has been no discussion on the international situation and Demands for Grants for the Ministry of External Affairs.

We have been waiting and the Leader of my party is waiting for the past two days to initiate the discussion on the international discussion.

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : It has to be initiated by the Minister.

SHRI JASWANT SINGH : The Motion was standing on his name. Secondly, Yesterday, we had discussed about Punjab. The Government itself could have brought what they are bringing today at this penultimate hour, penultimate day of this Session of Parliament.

AN HON. MEMBER : It is the ultimate day.

SHRI JASWANT SINGH : On the last day, the ultimate day of the current Session of Parliament, the Government demonstrates its total callousness about Punjab and it demonstrates its inefficiency and incompetence *(Interruptions)* They bring forward the Resolution at this hour of the day, Sir. And they want a discussion on as important a subject as extension of President's Rule to start at quarter past six. Is this House being taken for granted? I think this is a very important aspect. *(Interruptions)*

SHRI K.P. UNNIKRISHNAN : Sir, I am on a point of order. Was the advice given to you by the Business Advisory Committee? *(Interruptions)*

MR. SPEAKER: Are you putting that question to me?

SHRI K.P. UNNIKRISHNAN : I would like to know, Sir, because you seem to have said ..

MR. SPEAKER : The point of order cannot be against the Speaker. You have to read out the procedure.

SHRI K.P. UNNIKRISHNAN: It is a matter of procedure because only the Business Advisory Committee is authorised to do it. You cannot have an *ad hoc* meeting with some Leaders, whoever they may be and have their advise. How can the business of this House go on like this? Was it a properly convened meeting of the Business Advisory Committee? There is no such mention in the Rules of Procedure.

SHRI CHANDRA JEET YEADAV : Mr. Speaker, Sir are we going to discuss right now?

MR. SPEAKER: I will explain to you the position. This is a matter which was brought to my notice. We were informed that on the 11th November, the President's Rule comes to an end. If it becomes necessary to continue, then the Constitutional provision requires that a Resolution by both the Houses of Parliament should be passed. If this is the position, then what is to be done? So, this matter was brought to my notice. I said, we would discuss it with the Leaders in the House and if they agree to it, then we will do it. It is a fact that it was not a meeting of the Business Advisory Committee. But generally, the Leaders who attend such meetings, they may sometimes be the Members of the Business Advisory Committee also. If Shri Somnath Chatterjee is there, if Shri Indrajit Gupta is there and if Shri Jaswant Singh is there, it forms the Quorum of the Business Advisory Committee. It is as good as the Business Advisory Committee plus the Leaders of the Parties. So, it was not a regular Business Advisory Committee meeting.

SHRI INDRAJIT GUPTA : Please do not say all these things.

SHRI K.P. UNNIKRISHNAN : Please do not say all these things. You are making the matters worse. Please do not say that.

MR. SPEAKER: It was not Business

Advisory Committee meeting but the Members of the Business Advisory Committee were there. Because of the special conditions, I had said that this matter will be raised on the floor of the House and if the House agrees, it will be taken up. It is bigger than the Business Advisory Committee. So, we are being more cautious at the same time because at intricacies are not put before you, that is why, you are bound to have some doubts about the procedure being properly followed or not. That is why, I was explaining, otherwise, it was not necessary to explain it.

SHRI CHANDRA JEET YADAV : Mr. Speaker, Sir, may I explain another thing. After that Meeting, the Ministry of State for Parliamentary Affairs had two or three rounds of negotiations here in the House itself.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM) : I am sorry. Mr. Speaker, Sir, normally for getting their consensus ..

SHRI CHANDRA JEET YADAV : I am not saying that you have committed any crime. I am not making any allegation against you. I am saying that we all agreed because of the special situation. We said that we should agree and that the House should sit tomorrow. Shri Jaswant Singh went and consulted everybody. And we thought that this thing should not be taken up at the fag end of the Session and in a hush-hush way and in a hurry, if we pass this, it will not be good. So, it is very difficult to agree for extension of time. But a consultation was made that the 'International Situation' should also be discussed. The Resolution had already been moved. It is on the Agenda Paper of today.

Sir, after that, I went to my Office and cancelled my ticket. I was to go by 7.00 p.m. flight today. I am having a very important meeting at Azamgarh tomorrow. Because I

had moved a substitute Motion on the 'International Situation' I have to remain here. Therefore, I said that let us agree to sit tomorrow and discuss both issues that are there on the Agenda - the International Situation and the Punjab Situation. The international situation as well as Punjab situation. Now, at the fag-end of this evening, all of a sudden, if you want to push through, I think, the House should not be taken as a steam-roller like this.

SHRI RANGARAJAN KUMARANGALAM : I would like to clarify that it is a fact that during the discussion, there was a small understanding but it had not been arrived at actually that they would have it tomorrow. But, however, there were other senior leaders from other Parties also, especially Left Parties, who discussed about it. But we could not arrive at a conclusion about extending the House tomorrow. Therefore, ~~is was suggested~~, let us have it today and not extend the House tomorrow; and that ~~why, this has come forward~~.

It is true that Mr. Chandra Jeet Yadav may have had an impression that a unanimity was arrived at; the unanimity did not really come in fully sense of the term. When other leaders came in, they differed and, therefore, it was decided not to extend the House.

[*Translation*]

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, in today's list of Business, Shri S.B. Chavan's Bill further to amend the Code of Criminal Procedure is at number 10, while the discussion on the international situation is at number 11. You may recollect that, at the meeting of the leaders, it was observed that the House was not taking up external affairs for discussion, giving credence to the impression that the Government doesn't have a foreign policy at all. Therefore, it was felt that this subject should be taken up for discussion. It was also agreed at the meeting that since a debate on the Demands for Grants for the Ministry of External Affairs is not possible at this stage, the House would consider the present international situation. At that time itself, I ex-

pressed my doubts that this matter may not be given due importance and I urged that the matter should be taken up during day time. But I was told that the subject would be given due importance. Now, suddenly the Government seeks permission to move the Resolution to continue the proclamation of President's Rule in Punjab. Now, the Punjab problem is such a serious issue that all the hon. Members have their opinion on it and would like to express them and our party too is going to oppose it tooth and nail. When the Punjab issue is to be taken up, it obviously means that the 'International situation' won't be taken up for discussion. Thus, the Government is not giving any importance to this subject. Therefore, I urge you to conduct the proceedings of the House as per the list of Business and the scheduled fixed by the Business Advisory Committee. When you are bringing in such extraneous matters, then why do you caution me.

SHRI INDRAJIT GUPTA : Mr. Speaker, Sir, the term 'Ghusedkar' used in Hindi by the Hon. Member is not proper.

SHRI RAM VILAS PASWAN : What I meant by that term was 'to add', to expand' etc. This should not happen.

SHRI BHOGENDRA JHA (Madhubani) : Mr. Speaker, Sir, a debate on the present international situation is there in the List of Business and to omit it now would mean that India doesn't have a policy of its own in consonance with changing world scenario. This would be detrimental to the country's interests and it is my humble submission that such a situation should not be created.

MR. SPEAKER : Look, I agree with the views expressed by the hon. Members. It is very important to have a debate on the international situation and as the Members of the Business Advisory Committee are aware, this subject was included in the list of Business upon the insistence of all the Members present. However, along with that, it was also suggested that the discussion on the international situation can be taken up after 6 p.m. say for 2 hours or 2.15 hrs. But, it was felt that the time was too inadequate

for such an important topic and in order to have a full-fledged discussion of 10-12 hours, on the topic, another suggestion came up that the matter can be taken up at the starting of the next session, say, in the first week itself.

Now, due to the difference of opinion, one is left with no option but to arrive at one's own decision. Now, if we accept the suggestion made by one side the other side will express its resentment and if we agree to the suggestions made by the other side, then their opponents would stall the proceedings of the House. Now, it was also felt that the Punjab issue too is of immense importance and should be treated as a special case and taken up for discussion. Therefore, this matter was brought in, after taking everyone into confidence. At that meeting, no one talked about voting in favour or voting against but they said that the Speaker, is free to take up any matter for discussion and the hon. Members will take their own decision in this regard. Now that this situation is before us, we will have to take a decision on it. It also won't be proper to take up this matter after 2 hours, i.e., after 6 p.m. Now, if we decide to take up this matter tomorrow, many Members would complain that the debate was taken up in their absence, as they had left the station because they were not aware that the session has been expanded. These are the difficulties. Therefore, I hope the Members will understand the delicacy of the situation and co-operate.

[English]

SHRI JASWANT SINGH : I recognise that we cannot permit a constitutional impasse to be created for the State of Punjab. The State of Punjab already suffers socio-logically and politically. We can understand the difficulties of the Government, difficulties arising out of their own incompetence.

(Interruptions)

SHRI K.P. UNNIKRISHNAN : Sheer incompetence!

SHRI INDRAJIT GUPTA : Their own incompetence.

SHRI JASWANT SINGH : This is arising out of their incompetence and demonstrated incompetence. But you cannot punish the House for that and you cannot punish a discussion that has to take place, even about this incompetence, to start at 6.30 in the evening. (Interruptions)

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN) : I do not agree with Shri Jaswant Singh. Before the Bill for cancellation by both the House it could not be done. Only after the assent of the President is given, we are coming with it.

SHRI JASWANT SINGH : I can understand that the Home Minister will stand up and say that "we are not incompetent". But he cannot say anything else. (Interruptions)

SHRI RANGARAJAN KUMARAMANGALAM : This is most unfair.

MR. SPEAKER : Shri Jaswant Singh, I can understand what you are saying and you are well within your right to think that probably something could have been done in a different fashion. That is correct. But there are some constitutional and legal difficulties also. If we start discussion those constitutional and legal difficulties lot of time will be consumed.

(Interruptions)

[Translation]

SHRI MADAN LAL KHURANA (South Delhi) : They were aware of this yesterday also. Mr. Speaker, Sir, if you may recollect yesterday a specific question was asked about the date, to which Shri Kumaramangalam responded. It may not be in the same words but the essence of what he said was that the Government was not bringing a constitution amendment, as it intends to hold elections in the State, at the earliest.

[English]

18.34 hrs

SHRI RANGARAJAN KUMARA-MANGALAM : I am sorry I never said that - And this is rather unfortunate.

STATUTORY RESOLUTION RE .
CONTINUANCE OF PROCLAMATION
BY PRESIDENT IN RELATION TO THE
STATE OF PUNJAB

SHRI MADAN LAL KHURANA : That is why I said, "May not be in the same words."

[English]

[Translation]

When they knew that six months period would be completed on November 11, why didn't they inform the House about it yesterday itself?

THE MINISTER OF HOME AFFAIRS
(SHRI S.B. CHAVAN) : I beg to move the Resolution :

[English]

MR. SPEAKER : Shri Khurana, I can understand. Shri Kumaramangalam, you please take your seat. I understand your anger and you have expressed it very forcefully. Now, let us go ahead with the business.

"That this House approves the continuance in force of the Proclamation, dated the 11th May, 1987 in respect of Punjab, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 11th November, 1991."

SHRI JASWANT SINGH : Tomorrow.

SHRI K.P. UNNIKRISHNAN : Tomorrow, Sir,

As the House is aware, President's Rule was promulgated in the State of Punjab on 11th May, 1987 on the recommendation of the Governor. The Legislative Assembly of the State which was initially kept under suspended animation was dissolved on 6th March, 1988. The Proclamation issued by the President under article 356 (1) of the Constitution was approved by the Lok Sabha as well as the Rajya Sabha on 12th May, 1987.

MR. SPEAKER : Now, this is not correct. I have said that if the Members agree we will sit tomorrow and work. But I was told that the Members want to work today only. And that is why I have not done that.

SHRI K.P. UNNIKRISHNAN : Nobody has said it.

As the law and order situation in the State continued to be disturbed, President's Rule in Punjab has been further extended from time to time with the approval of both Houses of Parliament. The present term of President's Rule is due to expire on 10th November, 1991.

MR. SPEAKER : It was I who suggested that if it is necessary we will work tomorrow. I was sticking to it .

At the same time, I was feeling that supposing we had decision to work only up to the 17th, and if the House is extended up to the 18th and the Members said that they were not informed, in advance, that would also be incorrect. And that is why, I was told that Members are ready to work today. We did that. Please cooperate now. Let us not argue like this.

The issue of holding elections in Punjab was considered in April 1991 and it was decided that elections to the Legislative Assembly of Punjab be held along with the Lok Sabha polls. Accordingly, the Election Commission of India was requested to hold elections in Punjab. Elections to the Legislative Assembly of Punjab were scheduled to be held on 22nd June 1991 along with Parliamentary elections. However, the Election Commission of India taking into account

[Sh. S.B. Chavan]

all relevant facts was satisfied that it was not possible to conduct free and fair poll on 22nd June, 1991 on account of prevailing circumstances in the State of Punjab. Therefore, the Commission announced that the elections in Punjab would be held on 25th September, 1991 instead of 22.6.1991. The Election Notification regarding elections in Punjab has since been cancelled.

The law and order situation in Punjab continues to cause anxiety. In November, 1991 it had reached its nadir with 364 persons including 67 policemen killed by the terrorists. Thereafter, there was some improvement though as ever, there were fluctuations from month to month. In February, 1991, it reached its lowest point this year with 169 persons, including 44 policemen killed. In March, 1991, with talk of elections in the air, the terrorists intensified their effort to create more unsettled conditions in Punjab. The level of violence has been kept up since then. During the current year till 31st August, 1991, 1799 persons including 333 policemen have been killed.

The terrorists are also shifting their areas of operations as a result of the steps taken to secure the border against infiltration and intensified anti-terrorist operations in the border districts. The districts of Amritsar, Ferozpur and Gurdaspur were earlier affected. Extremist violence have now spread to Doaba and Malwa regions also.

The Punjab administration's response to the situation in Punjab has been that as against 1321 terrorists killed and 1759 arrested during the year 1990, 1433 terrorists have been killed and 1485 have been arrested during the current year upto 31st August, 1991. A counter propaganda drive was launched and people's support was enlisted in exposing the activities of terrorists and their sympathisers.

A new Governor has just taken over in Punjab and he has given his assessment of the situation. He has foreseen certain seri-

ous, almost insuperable difficulties in organising elections shortly in view of the prevailing conditions.

The Governor has stated that the law and order situation in Punjab continues to be difficult and the level of violence high. The number of killings by the terrorists is also at a high level. The security forces, have in the last month, been effectively meeting the challenge posed by top terrorists. However the fact remains, in this phase of offensive attrition and high level of violence, a very special and sustained effort is required to create such confidence in the minds of the people as would enable them to come out and cast their voters fearlessly.

The Governor has expressed the view that for holding elections in Punjab, appropriate atmosphere will be necessary which should be reasonably free from coercion and terror. It will be necessary to build up a tempo of activities which may restore the confidence of the people. While coordinated action on many fronts will be necessary the central object is to have sufficient forces so that terrorist organisations may be effectively checkmated.

In view of the circumstances, the Governor has recommended extension of President's Rule in Punjab for a period of six months beyond 10th November, 1991.

Keeping in view the situation prevailing in the State and taking all the relevant factors into consideration, it is proposed that President's Rule in Punjab may be continued for a further period of six months with effect from 11.11.1991.

In view of this position, I solicit the approval of this august House to the Resolution moved by me.

MR. SPEAKER : Motion moved :

"That this House approves the continuance in force of the Proclamation dated the 11th May, 1987, in respect of Punjab, issued under article 356 of the Constitution by the President, for a

further period of six months with effect from the 11th November, 1991."

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, the hon. Minister of Home Affairs has made a very important statement. We will have to seriously ponder over it. Right now, we haven't got the copies of the statement itself and therefore I would like to make a special submission before you that, it is correct that earlier it was desired that this issue would be discussed today itself, but now it is being felt that the hon. Members should get more time and the House should have a sitting tomorrow also so that the hon. Members can think over it and discuss both this matter and the international situation. I hope that the treasury benches would have no objection to it.

SHRI RAM VILAS PASWAN (Roseria) : Mr. Speaker, Sir, all of us in the opposition are of the opinion that this important issue should not be taken lightly and it should be given a serious thought. The international situation should also be taken up seriously. Therefore, please adjourn the House for today. Let the House sit tomorrow also and discuss these matters.

SHRI MADAN LAL KHURANA (South Delhi) : Right now, we don't even have a copy of the statement.

[*English*]

SHRI SAIFUDDIN CHOUDHURY (Katwa) : Sir, the House can be extended for tomorrow and we can discuss Punjab. If we disperse without having a discussion on international situation, it will be a very bad commentary on our performance. (*Interruptions*)

SHRI BHOGENDRAJHA (Madhubani) : In deference to your wishes and in order to arrive at some conclusion with a consensus,

the House has heard what the Minister has moved. The Supplementary List of Business showing that he will move his Resolution is being circulated just now. We have co-operated with the Government. Let the Treasury Benches co-operate with us. Let us sit tomorrow and discuss both the things. But, he has already started moving his motion.

SHRI S.B. CHAVAN: I could not have introduced this Resolution before the Bill on cancellation of the elections in Punjab was assented to by the President.

SHRI GEORGE FERNANDES (Muzaffarpur) : The statement of the hon. Minister must be circulated tonight, not tomorrow.

SHRI INDRAJIT GUPTA (Midnapore) : I want two promises from you. Firstly, there will not be any Zero Hour tomorrow. (*Interruptions*).

MR. SPEAKER : I do not raise it here.

(*Interruptions*)

SHRI INDRAJIT GUPTA : We will cooperate with you. But, you must not agree to the Zero Hour. You must not encourage people in the name of back-benchers and all that.

(*Interruptions*)

Secondly, I would like to have an assurance from you that we will not sit day after tomorrow.

(*Interruptions*)

SHRI E AHAMED (Manjeri) : Sir, I take strong objection to what Shri Indrajit Gupta mentioned here that the Speaker has been giving opportunities to backbenchers during Zero Hour. Only today and yesterday, the Speaker was very liberal to the back-benchers. They must also have some opportunity to express their views.

(Interruptions)

MR. SPEAKER: I will use my discretion.

SHRI E. AHAMED: I did not mean anything against Shri Indrajit Gupta. I only mentioned that Members have got some opportunities.

MR. SPEAKER: I thank you and Mr., Indrajit Gupta.

SHRI INDRAJIT GUPTA: I am not taking any offence at what you have been saying. You should not do it tomorrow. He should not try to turn against me by distorting it.

(Interruptions)

MR. SPEAKER: I understand the compliment and I understand the sympathy shown to me.

[Translation]

SHRI BUTA SINGH (Jalore): Mr. Speaker, Sir there is a saying that the Government considers every minute, but after listening to Shri Atal Bihari Vajpayee, I feel that the opposition considers thrice, thrice, every minute.

[English]

MR. SPEAKER: They are cooperating splendidly. I am a witness to the fact that they are cooperating splendidly.

(Interruptions)

MR. SPEAKER: Only one thing. I do not know whether Shri Madhavsinh Solanki would be here tomorrow because he is going abroad. I had said that we are not working tomorrow and he can go abroad. With your permission, I will allow him to go abroad and his colleague may reply to the Debate. Please do not take offence to this fact.

(Interruptions)

SHRI GEORGE FERNANDES: We have cancelled our engagements tomorrow and we are here.

SHRI JASWANT SINGH (Chittorgarh): Sir, I can understand the preoccupation of the Minister for External Affairs and if he has got any commitments requiring his travel on the 18th of...

MR. SPEAKER: We will find out from him.....

(Interruptions)

SHRI JASWANT SINGH: Sir, the submission I am making is not that I have any personal disrespect or indeed any disregard for the great competence of the Minister of State for External Affairs. But the point is that if on as important a discussion as the Motion on International Situation, the Minister himself is not here, then I do not think the discussion will be worth taking place.

MR. SPEAKER: Yes, Solankiji....

(Interruptions)

SHRI RAM VILAS PASWAN: Sir, if the Minister is going, the Prime Minister can be there.....*(Interruptions)*

SHRI SAIFUDDIN CHOUDHURY: Sir, when we will be discussing the international situation tomorrow and if the Minister is away in another country, what that country will think about the Minister, I do not understand.

MR. SPEAKER: Not like that, Mr. Choudhury.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI MADHAVSINH SOLANKI): Sir, I am here and my flight is by late hours. I can sit here up to twelve o'clock in the night

If you want to take up today..(Interruptions). My colleague, Mr. Faleiro, who has presented the Motion, is also here and I am also here. But I have to go tonight.

18.46 hrs.

**ANNOUNCEMENT BY SPEAKER RE.
SITTING OF LOK SABHA**

MR. SPEAKER: Madhavsinhji, one minute. In all fairness to the Minister, he was saying that you should go around and all those things. Well, I took courage and said that we would be finishing the business today and if you have to go, you may please go.

[English]

MR. SPEAKER: In difference to the views expressed by hon. Members, we adjourn the House today to meet tomorrow at 11 o'clock and to start the business exactly at 11 o'clock.

18.47 hrs.

We all understand that he has his able colleague over here and he has to meet something important outside the country also. I hope you will not take it amiss and we will allow him to go.

The Lok Sabha then adjourned till Eleven of the clock on Wednesday. The 18th September. 1991/Bhadra 27, 1913(Saka).