

[Dr. V. Venkatesh]

do not get the salary of Class IV employees of LIC or a bank. About one third of the 7.5 lakh employees belong to Class IV category who get only Rs. 3/- as their annual increment.

The number of employees has been reduced in the RMS office. Vacancies are not being filled. Those who pass the departmental examination are not promoted. The Postal bags are not durable. Now there is a proposal to keep the letter boxes at a distance of one kilometre.

In spite of all these difficulties the Postal department works for the progress of the country without resorting to strike or agitation. Therefore I request the hon. Minister to look into the grievances of these employees to enable them to serve the country to the best of their ability.

The Lok Sabha Then Adjourned for Lunch Till Ten Minutes Past Fourteen of the Clock.

The Lok Sabha Re assembled After Lunch at Fourteen Minutes Past Fourteen of the Clock.

[MR. DEPUTY SPEAKER *in the Chair*]

STATUTORY RESOLUTION RE :
DISAPPROVAL OF AIRCRAFT
(AMENDMENT) ORDINANCE,
1985 AND
AIRCRAFT (AMENDMENT) BILL

[*English*]

SHRI C. JANGA REDDY (Hanamkonda) : I beg to move :

“That this House disapproves of the Aircraft (Amendment) Ordinance, 1985 (Ordinance No. 7 of 1985) promulgated by the President on the 16th October, 1985”

[*Translation*]

Mr. Deputy Speaker, Sir, the Ordinance was promulgated on 16th October and side by side summons to convene the present session of the Parliament were also issued on 16th of October. I would like to

ask whether this could not have been postponed for a month. This could have been brought in the form of a Bill. Before 1983, the Andhra Pradesh Government was known as a Government of ordinances. Due to repeated promulgation of ordinances in that State, the Congress Government ruling there was overthrown and Telugu Desam came to power. The copy of the notice issued by the President for convening Lok Sabha is with me. I will read it out to you.

[*English*]

This notice was issued by the President on 16th of October to Summon the Lok Sabha at 11.00 AM on 18th November, and this Ordinance was also signed by the President on 16th of October.

[*Translation*]

The Fundamental rights of the people are being usurped through this ordinance. It is mentioned in it that Shri B.N. Kripal is conducting an inquiry into the air crash which took place due to bomb explosion in June, *in camera* so that the Press people could not go there. You have assigned two reasons for it. First, the publication of the proceedings in the newspapers will cause some harm and secondly the witnesses have fear of the terrorists in their mind so it is not proper to reveal their names. That is why *in camera* inquiry is being conducted. Under the inquiry Commission Act the judge has got full authority to conduct the inquiry in the “open” or “*in camera*”. During emergency the Bhargava Commission, which was inquiring into the activities of naxalities, had decided to conduct the inquiry *in camera*. Similarly Shri B.N. Kripal may also use his powers. It has not been mentioned here that he had written to the Central Government to amend the rule 75. The Government have got the power to change the rule 75. In case it is implemented within a period of three months, then Section 14 also will have to be changed. In this case, you may frame a separate clause or you may limit it till the completion of the inquiry. It is not proper to change it permanently. I will read out Section 14.

[English]

Section 14 says :

“Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication for a period of not less than three months”.

[Translation]

After the rule has been framed, it should also be got cleared by the Subordinate Legislation Committee. If there is something in the rules which is against the interest of the people, then the people can file their objections against it within three months of the publication of the rules. If the interest of the people is harmed due to some rule, then anyone, whether he is a Member of Lok Sabha or an ordinary citizen, can file objection against it. You may accept it or not, but that was a kind of right in the hands of the people, but through this Bill you are trying to deprive the people of that right as you are afraid of this section. It clearly shows that the Government want to take all the powers by deleting Section 14 completely. However, if you want to change rule 75, you can bring forward an amendment for this purpose. Some witnesses are not coming forward to tender evidence due to fear of terrorists. It would not be proper to reveal their identity. So far as inquiry is concerned you can conduct an ‘in camera’ inquiry. But it seems that the Government want to take all the powers by deleting Section-14 completely. For the sake of changing only one rule, you are trying to take all the powers. If you want the Inquiry Report immediately, then you can reduce the time limit to one month or 15 days from three months. But you want to delete the entire section.

[English]

“Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication.”

[Translation]

You have left out the name of previous publication.

[English]

“Provided that the Central Government may, in the public interest, by order, in writing, dispense with the condition of the previous publication in any case”.

[Translation]

If you think that the period of 3 months is much more, then you can reduce it to 15 days or one month. But you want that no voice should be raised against whatever rule you make and enforce that rule, but this thing will not be allowed in democracy. Only under dictatorship Government can issue orders according to its sweet will and the people will have to obey it under all circumstances. Things will not be allowed to go on this way.

We fail to understand as to what is your intention behind promulgating an ordinance in the month of October. In the bomb explosion in the Kanishka plane, all the passengers were killed. Now they cannot be brought to life. If its inquiry report is delayed by one month, then you should not have any objection and even if the report is submitted a bit earlier, then also you may not gain much. There is nothing now left for you to do. The promulgation of the ordinance is a wrong step. The Government want to deprive people of their Fundamental Rights through this rule, which is not possible in any democracy or republic. We oppose such efforts of the Government to take away the rights of the people in this way.

In addition, I would also like to submit a few words about the services being performed by the Indian Airlines. Since discussion on the aircraft is going on here, you should know as to what Jagdish Tytlerji, who is a Minister in the department, had said in a statement ;

[Shri C. Janga Reddy]

[English]

“Indian Airlines is also under the microscope. Mr. Tytler has directed the senior officials of the three airlines to work for improving their public image, serve quality food on planes and to show more courtesies to passengers”.

This is the statement made by Shri Jagdish Tytler, Minister of State for Civil Aviation.

[Translation]

Does he mean to say that quality food is not being served? If somebody rings you in time and the flight is late by 3, 4, 5 or 6 hours, you do not take the trouble of informing the people. No such facility of informing the people exists. They can inform us on telephone direct. When we reach there, we do not get even a place to sit. When we reach Delhi Airport we see a large crowd of people there and we do not get place to sit. We are put to great trouble as we do not get even a chair to sit. The time of the flight is 6 or 6.30 hrs. What are you saying about services? These services are not good at all.

You made a statement against Mr. Kapur at a time when he was abroad. You know that we are pleading that he should be sacked, he should be hanged. Hang him. I do not know about the attitude of your Government in this regard. He was already on leave and your Government has stated that he has been asked to proceed on leave. Our hon. Minister has issued a statement that he has asked him to proceed on leave whereas he says that he has gone on leave on his own. What is all this *ramasha*? Sir, what he has said has appeared in the press and I would like to quote that—

[English]

Capt. Kapur who was holidaying abroad sent in his resignation immediately after his arrival here.

Earlier, Capt. Kapur had announced at a Press Conference that he would go to

Prime Minister Shri Rajiv Gandhi to seek his intervention as he felt that he was being unnecessarily involved in the controversy over the construction of the International Airport because he had differed with his Minister of State and opposed some of the suggestions made by him regarding some senior appointments in the Airlines.

[Translation]

An inquiry should also be conducted in this regard. Sir, an inquiry should also be conducted into what has been stated by Mr. Jagdish Tytler. What are the reasons for which the International Airport was not inaugurated on the birth day of our beloved former Prime Minister, Shrimati Indira Gandhi? Why its completion has been postponed by two years? Sir, you are playing with our lives. Nobody is prepared to take the responsibility for it.

Sir, your plan does not include the cargo shed which an International Airport should have. It should have been there by now, but it is not in your plan. What are the reasons for it? It is most essential for an International Airport.

Sir, I have to inform you many things about the Airlines. Sir, we have to reach 45 minutes or one hour before the departure of the flight. But the flight does not leave in time due to which we have to wait there for a considerable time. I, therefore, request you to treat all the flights as important and ensure their punctuality. Sir, my second suggestion is that time table should be revised. The third thing which I would like to say is that the tickets purchased by us are very costly. These are of the value of Rs.1000, Rs.2000 or even Rs. 3000. It is not a small amount. If a ticket is lost, we do not get refund of that ticket which is a very wrong practice. When the ticket is valid for a period of 3 months, then why money is not refunded to us in case the ticket is lost? You should make a provision for refunding the amount in case the ticket is lost. This practice was in vogue 2 to 3 years ago and we used to get the refund.

Sir, I would like to give one more suggestion. Earlier bus or other transport facility was made available at the City Booking Agencies to reach the airport. The same facility should be made available to us now. You have made such an arrangement through ex-servicemen. It is a right step, but we have to leave our homes one hour or two hours early in order to catch the flight and at that time no such facility is available. If taxi is hired, taxiwala charges Rs.100. Since we are not aware of the route etc., we are compelled to make the payment for the lengthy route which he takes. Sir, 5 to 6 years ago the city booking agencies used to provide its own transport facility upto airport in order to catch the flight. I suggest that the same facility should be revived. Sometimes, it so happens that no taxi is available in the hour of need. I am pleading for provision of this facility not only in Delhi, but at all the places like Hyderabad, etc. from where such flights leave. The passengers do not feel secure in taxies as sometimes the women have to travel all alone. Therefore, city booking agencies should provide their own transport facility so that we can reach the airport in time to catch the flights.

Sir, security arrangements should be proper. You are very well aware that 'Kanishka' accident took place due to lack of proper security arrangements. Now, you propose to bring forward a Bill in this regard also. Sir, you know that when our aeroplane 'Kanishka' took off from the airport, no proper security check was made on the passengers who boarded it as a result of which this accident had taken place. I would like to know as to what steps you have taken against the lack of proper security arrangements according to the International Act and what has been the outcome thereof.

Sir, the computer arrangements are also not satisfactory, i.e. our computer is not functioning properly. You are required to make improvements in this regard and intimate us about these improvements.

With these words I strongly oppose this Bill.

[*English*]

THE MINISTER OF TRANSPORT
(SHRI BANSI LAL) : Sir, I beg to move:

"That the Bill further to amend the Aircraft Act, 1934, be taken into consideration."

This Bill seeks to amend Section 14 of the Aircraft Act, 1934 (22 of 1934) to enable the Government to dispense with the requirements of previous publication of the amending rule for a period of three months. In effect, the Bill seeks to replace by an Act of Parliament the Aircraft (Amendment) Ordinance, 1985 (No. 7 of 1985) dated 16th October, 1985.

Air India's Boeing 747-237 B aircraft VT-EFO 'Kanishka' while operating flight AI 182 crashed on 23rd June, 1985, in the North Atlantic Sea, 185 nautical miles off the coast of Ireland. The Central Government has appointed Justice B.N. Kripal, Judge of the Delhi High Court, to hold formal investigation into the accident.

Rule 75 of the Aircraft Rules 1937, provides for formal investigation of aircraft accidents. The Rule *inter alia* lays down that the court appointed by the Government to hold the formal investigation shall hold it in open court.

It has been felt that in this case, the aspect of security is very important and it may not be in the public interest to hold some of the proceedings in the open court. It may even be necessary in one or two cases to withhold the identity of witnesses for their safety and for the safety of others. It is, therefore, necessary that Aircraft Rules 1937 should be immediately amended to make a provision in Rule 75 so as to enable the Court to decide that some part of the proceedings may be held *in camera*.

Section 14 of the Aircraft Act 1934 provides for previous publication for a minimum period of three months as a condition precedent to make rules. Therefore, the process of amendment would have taken more than three months, delaying investigation into the accident.

[Shri Bansi Lal]

It was, therefore, decided to amend Section 14 of the Aircraft Act 1934 so as to confer powers on the Central Government to dispense, in the public interest, with the condition of previous publication in any case.

It was also felt that the minimum period of previous publication of three months, as provided in the Section is unduly long. Following the pattern of more recent enactments, it would be better not to specify any minimum period of previous publication.

As Parliament was not in Session and the report on investigation has to be submitted by the Court within a fixed time frame, it was considered fit to amend Section 14 of the Aircraft Act 1934, by an Ordinance.

Sir, with these words, I commend the Bill for the consideration of the House.

SHRI C. JANGA REDDY : What is the 'fixed time' ?

MR. DEPUTY-SPEAKER : Motions moved :

(i) "That this House disapproves of the Aircraft (Amendment) Ordinance, 1985 (Ordinance No. 7 of 1985) promulgated by the President on the 16th October, 1985".

(ii) "That the Bill further to Amend the Aircraft Act, 1934, be taken into consideration."

Now, Mr. Ayyapu Reddy may speak.

SHRI E. AYYAPU REDDY (Kurnool) : Mr. Deputy Speaker, Sir, we are opposing this amendment to the Act for two reasons.

The Amendment first and foremost endangers the very Act itself. Act 22 of 1934 was passed 51 years ago. At that time that was the beginning of the aircraft age, I mean, the initial stages of the aircraft age. After 51 years there have been such tremendous changes and vast improvements that now we have actually come to the full aircraft age. Now, it is air age to

space age—from aircraft to space age also has come. This Act has been there for the last 62 years. Originally when the Bill was conceived, there were many difficulties to spell out the legislative policy. Therefore the Bill went on giving all powers to the Central Government. If you just have a look at the Bill, you will find the crucial Section 5—Power of Central Government to make rules. The Act itself was for the purpose of regulating, manufacture, possession, use, operation, sale, import and export of aircraft. Even a kite has been included in the definition of an aircraft.

Now having stated that the intention of the Act was to do these things, section 5 clearly gave all these powers to the Central Government. Section 5 says as follows :

"Powers of the Central Government to make rules : The Central Government may by notification in the official gazette make rules regulating manufacture, possession, use, operation, sale, import and export of any aircraft of any class."

That is why, I say that the entire power was given to the Central Government and the legislature did not spell out the legislative policy. Parliament did not spell out the legislative policy. Then, when we come to Section 6, it is about the power of Central Government to make orders in emergencies. Section 7 deals with the power of Central Government to make rules for investigation of accidents. Section 8 deals with the power of Central Government to make rules for protecting public health. Section 8 (b) deals with the emergency power for protecting public health. Section 9 deals with the power of Central Government to make rules for securing safe custody and re-delivering of proclaimed property. That is why, in the initial stages, instead of spelling out the legislative policy, all the powers were delegated to the Central Government to make out rules.

Now, one can understand why the Legislature had thought it fit to empower the Central Government with all the powers. It is because, at that stage, the aircraft was in an initial stage, it was a new science and a new technique. And,

therefore, probably Parliament felt that it was necessary to empower the Central Government with all these powers. But then, they were cautious enough to provide a check by inserting section 14. It provides that any rule made by the Central Government must be published and it must be there for three months in the publications to become effective thereafter. Now, Section 14 was intended to save this Act from being struck down as being arbitrary and unconstitutional. The legislative policy has not been spelt out but it has been delegated to the Central Government. The possibility of being struck down as unconstitutional was prevented and the Act was saved by insertion of section 14. It provided a check and control was, any rule made by the Central Government must be published three months before it becomes effective. When you are tampering with section 14, you are really endangering the constitutional validity of the Act. That is my humble submission. Therefore, kindly get it examined, having regard to the peculiar position of this Act as from Section 5 to Section 9—in all the operative important portions of the Act—all powers have been given to the Central Government. No legislative policy has been enunciated by Parliament. Therefore, if you take away this small section which was covering the arbitrary and naked power delegated to the Central Government, the Act will be struck down as unconstitutional. This is what I say. A small loin cloth was covering the enactment safeguarding the delegation of naked powers and arbitrary powers to the Centre. Therefore, if you take away this section, the Act stands naked. Therefore, this aspect may be examined.

As was suggested by Mr. Janga Reddy, section 14 might have been amended in a manner so as to sustain the Constitutional validity. Instead of three months, you could have mentioned a week or 10 days that there should be a publication in the official gazette at least for 10 days. Instead of that, the entire provision has been omitted, with the net result, the Aircraft Act is what the Central Government wants it. I can take any shape the Central Government wants it to take. Therefore, such an Act, such a rule will certainly

come in the way of being upholding Constitutionally.

51 years after this Act, there have been a lot of changes, improvements and developments with regard to the types of aircrafts not only nationally but internationally. Now the conception of an international airport, of international travel, all these things have come in. New technological developments have taken place. New phases have come in. I only request the hon. Minister to look at the definition of Clause 2. Then, at that time, they have only defined three things, aircraft, aerodrome and aerodrome aircraft. Now so many new technical points have come in. Therefore, a comprehensive Bill on aircraft is absolutely essential. We are fortunate enough to have a pilot as the Prime Minister. He himself has got personal knowledge of the aircraft and airports and aerodromes. Our experience and the experience of the foreign countries can also be pooled together and a comprehensive Bill on this subject can be brought in.

With regard to airways and airlines, of course, it may not be very relevant to speak on this Bill but having taken this opportunity, I just want to bring to the notice of the hon. Minister about the Vayudoot Service. This Service is very essential. It has been now taken as a separate wing and a separate organisation. I do not see any reason why it should not be taken up as a subsidiary wing of the Indian Airlines. Vayudoot Service is in the initial stages. We understand that there is an idea of giving it to the private entrepreneurs also to run this Service in some stations on some lines. Whatever it may be, Vayudoot Service is very essential and every important town and business centre of India requires a small airport and aerodrome so that there is a link Service from the main service. In Andhra Pradesh, they have opened about three small lines of Vayudoot Service. They are not at all functioning. A number of questions have been asked. From Hyderabad to Cuddapah, from Hyderabad to Tirupathi, from Hyderabad to Vizag and from Hyderabad to various other commercial centres and industrial centres, they are not there. Therefore, I take this oppor-

[Shri E. Ayyapu Reddy]

tunity of making an appeal to the hon. Minister to improve expeditiously the Vayudoot Service.

DR. A. KALANIDHI (Madras Central): I wish to say a few words on the Aircraft Amendment Bill, 1985. This Bill seeks to replace the Ordinances promulgated by the President on 16th October, 1985. I am constrained to comment on the lethargy of the bureaucracy as a classic illustration of the inept handling of the Kanishka's fatal plunge into the North Atlantic Sea on 23rd June, 1985. It was left to the court holding investigation into this crash to say that the Aircraft Rules of 1937 are to be amended without delay if the proceedings of the court are to be held in camera. Could this small legislation not have been introduced and got passed in the last July-August session? The President's Ordinance was promulgated on 16th October, 1985. Why should there be delay of five months? In view of the unprecedented accident involving Air India's Boeing 747 such an amendment of the Aircraft Rules, 1937 has become necessary and I have nothing much to say except urging upon the Government that the Aircraft Act, 1937 should be comprehensively amended in order to ensure that the Government is not caught unawares in any such future exigencies. In view of the changing circumstances, the parent Act should be looked into again. It came in the newspaper that only 20 claims have been settled so far by Air India out of about 350 victims of this crash. Air India has received full compensation from the General Insurance Company. I want to know whether the families of the Air India employees who had died in this crash have been paid full compensation or not. Similarly I also want to know whether the Air India has noted the news-item about the findings of the Government of Japan that some manufacturing deficiencies were also revealed in the Boeing during the inquiry conducted into the air crash that happened, off the Japanese coast, of Boeing 747 of the Japan Airlines. I know that the hon. Minister will say that the one-man Commission will go into all the aspects and that Government will take appropriate action in the matter after the report is received. At

the same time, I would say, it is very necessary to take into consideration the findings of the Government of Japan in regard to the manufacturing defects of Boeing 747.

Another news-item has also appeared that the Indian Airlines is going to take on lease twelve aircraft. I am surprised that such a casual approach is adopted in regard to getting aircraft by the Indian Airlines. Can we take this risk of carrying a hundred passengers in any kind of aircraft? Here I would like to recall that C. Subramaniam Committee had given a report about the type of aircraft for Indian Air Force. That was many years ago. I do not think this report has been implemented by the Defence Ministry. I refer to this because both the Indian Airlines and the Air India must find out suitable aircraft. I want the hon. Minister to give attention to this problem also.

Indian Aviation celebrated its 75th Birthday last fortnight with much pomp and show. There is our Prime Minister who is a former aviator. Two separate feasibility reports by two Working Groups about the introduction of air taxis have been submitted to the Prime Minister's office. There is some ambiguity, I understand, with regard to the type of aircraft and its seating capacity. The recommendations of these two Working Groups, if they are accepted, will revolutionise the aviation industry. The State Governments of Tamil Nadu, Maharashtra, Andhra Pradesh, Karnataka and Goa have suggested setting up of a regional airline as a subsidiary of Vayudoot. It seems, Dornier 228-200 aircraft has been found suitable for this purpose. There must be air taxi services to a large number of towns and areas in the interior of the States. I suggest that immediate action be taken in this matter.

Today's newspaper carries a news-item of an offer by a Swedish firm for the sale of a 35-seater new technology airliner with indigenous manufacture of the whole or part of the aircraft. I have every hope that the aviation industry will get the necessary thrust at the hands of the hon. Prime Minister.

Before I conclude, I am sorry to see the unseemly controversy about the Chairman of the Air India. First it was said that he had been asked to go on leave, and today it has appeared in the papers that he has resigned. I wonder why this kind of dirty linen should be washed in the open. If the Chairman, Air India, had been found to be ineffective, could he not have been removed at once without much fanfare? At least in future such things should be avoided because this undermines the morale of the Airlines. I hope the hon. Minister will safeguard against such controversies in future.

With these words, I welcome the Bill.

[Translation]

SHRI P. NAMGYAL (Ladakh): Mr. Deputy Speaker, Sir, while supporting this Bill, I would like to say certain things.

So far as this Bill is concerned, the Statement of Objects and Reasons of this Bill shows that this Bill has been brought because its necessity has been felt. An Air India aircraft 'Kanishka' met with an accident on 23rd June, 1985. An inquiry is going on in this case. The Commission set up to conduct an inquiry into the causes of this accident is facing certain difficulties. Persons, who wanted to give evidence, are not willing to give their evidence because of fear of becoming victims of terrorists. When the Justice Kripal Commission came to know about it, it might have requested the government to make changes in the rules, as otherwise it is not possible to conduct investigation. If no changes are made within a period of 3 months, they will have to wait for 3 months more and 3 months period is not less. Due to this urgency, this Bill has been brought forward. When this accident took place, hon. Members from both sides of this House strongly demanded that an immediate inquiry should be conducted in this case. At this Government constituted an inquiry commission. After that when such difficulties came to light, the Government felt that unless this clause was amended, it could not be possible to complete the inquiry at an early date. Just now the hon. Minister has said that

certain time-limit has been fixed for submitting the inquiry report. That is why the necessity was felt to introduce this Bill early. Our elderly friend, Shri Janga Reddy and Shri Ayyapu Reddy have opposed this Bill. They have said that when the notification regarding Parliament Session was issued on 16th October, this Bill could have been brought in a proper and regular way in this session. I had made a submission earlier that a period of one month was involved in it. It was essential to hold an inquiry. The Government has felt the necessity of bringing this Bill and there is nothing in it to be opposed. I support this Bill.

In addition, I would like to say a few things. Opposition Members have raised certain points in regard to the management of Air India, Indian Airlines and Vayudoot. I feel that it was very essential in order to ensure proper management and whatever Government has done is a step in the right direction and we should not show any laxity in it. I feel that the step taken by Government is a right one in order to remove any difficulty and delay experienced in the management as also the difficulty experienced in running the corporations, as per the newspaper reports that there has been some sort of tussle between the officers. Some of our friends raised certain matters which broadly speaking are not relevant to this Bill. I would also like to bring certain matters to the notice of the hon. Minister and this august House. One of them is that you are introducing the third airline, the Vayudoot, at so many places. Recently, an announcement has been made in regard to Lakshadweep and certain areas of Jammu Sector are also proposed to be linked very soon. For this purpose you propose to press Dornier Aircraft into service, which is being assembled in our country. Some new aeroplanes have been acquired from abroad also for this purpose. The hon. Minister of State had written a letter to me in reply to my letter dated 26th November. I had put a demand before him that Vayudoot service proposed to be introduced by you in Jammu and Kashmir Sector may be extended to Kargil Sector, but he had stated that the Dornier Aircraft could not go beyond a height of 9575 feet. I fail to understand as

[Shri P. Namgyal]

to why you have purchased an aircraft which is of no use above a certain height. It is, of course a different matter that the Government require these planes to meet some of their needs. Moreover, this service is being introduced at such places, where transport facilities such as trains and other facilities are already available. You should also think about the people of such areas where there is no communication for six months in a year. You should also think something about those people and do something for them. I am grateful to you for the introduction of Boeing Service for Ladakh. It should be extended by one day more in a week. At least when the road is blocked, this service should be available to the people of that area. If there is any poor man stricken with illness, he should be provided the facility to go for his treatment. Any businessman or any Government employee cannot go there without taking the help of air service. You should, therefore, look towards this problem.

I would like to submit further that our Air Force has a ready A.N. 32 Aircraft in its fleet, but such Aircraft are not available with Airlines. This Plane can fly very high and it requires very short strip for take-off and landing. Secondly, it is a pressurised plane and can fly upto very high altitude. There is need to introduce the service of such planes in areas like Leh where there is short strip and there is problem of taking off and landing and the plane is required to fly at high altitude. You should think with a very cool mind about those areas which are totally cut off and are land-locked.

I would also like to request you that the service of Indian Airlines from Ladakh may be extended by one day each—one day via Chandigarh and the other day via Srinagar. In this way this service would be available daily. AN 32 Plane is already landing in Kargil Sector. You should take special permission of Ministry of Defence and make arrangements of introducing the service of this aircraft from that place. This arrangement may be made till you acquire any other suitable aircraft. AN 32 aircraft could fly at high altitude and it requires a very short strip. It does not require any large strip.

Our present Transport Minister, when he was Chairman of the Committee on Public Undertakings, had visited Leh. At that time also, the people had put their demand before him. I would like to draw his attention towards it once again and request him to solve this problem.

With these few words, I support this Bill. You have moved this Amendment Bill at the right moment.

[English]

SHRI AJIT KUMAR SAHA (Vishnupur): The Bill has been brought to amend the Aircraft Act of 1934. My objection is to the way the ordinance was promulgated. The Air India's Boeing 747 crashed on 23rd June, 1985. Already five months have passed. Government could have amended this Act in the monsoon session of the Parliament, but they did not so. But when the inquiry was going on, the Court, while holding the investigations, recommended that the Aircraft Rules of 1937 should be amended without delay to facilitate the holding of some of the proceedings of the court *in camera*. After this Court's observation, Government promulgated the ordinance on 16th October, 1985. My objection is to the functioning of the Government. They should have done it earlier in the monsoon session itself.

15.00 hrs.

[SHRI VAKKOM PURUSHOTHAMAN]
in the Chair.]

This Aircraft Act of 1934 is an old Act. It was promulgated by the Britishers who ruled our country at that time. This Act should have been amended much earlier as we are now using most sophisticated aircraft and we are talking of advancing towards 21st century.

Sir, in June 1932 when Air India Boeing 707 crashed at Sahar airport the court of inquiry made many recommendations and one of their recommendation was :

“The existing proforma prescribed for various flight checks is out-dated and

this cannot be performed on modern aircraft."

This recommendation was made in 1982 when Boeing 707 crashed. Before that also so many air crash have taken place but Government did not look into all these matters to amend this Act of 1934.

I would like to say a word about the compensation to the family of victims on these disasters. We do not know whether it is due to sabotage, human failure or machine failure. The inquiry establishes it after some time but due to delay of investigation they are not getting compensation. If the crash is due to human error or machine failure there are some rules to decide about the compensation but if it is due to sabotage the compensation should be much higher than the normal compensation being given at present. I hope the Minister will take note of all these things and bring a new legislation which will cover all these things and the loopholes of the Old Act should also be plugged.
[Interruptions]

[Translation]

Hon. Minister, Sir, kindly listen to my plea also. Regarding 707 Calcutta-Delhi flight, I have told many a times that the time of its flight is not suitable. Its time is 8.55 O' clock.

SHRI NARAYAN CHOUBEY (Midnapore) : It never arrives in time.

SHRI AJIT KUMAR : This plane takes off 10 O'clock and reaches there at 22 O'clock. At that time, no time is left for going anywhere. We have raised this question in Consultative Committee also; even then nothing has happened.

[English]

Please do make a note of this, because we are facing much difficulty on account of the timings. With these words I oppose this Bill.

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Mr. Chairman, Sir, the entire House had expressed its sorrow and is still very sad about the tragic accident which had occurred on 23rd, but I would like to know as to which rules have been framed by your Department and laid on the Table of the House after 23rd? You have got the powers to make the rules, you have got those powers through the ordinance that rules would be framed without being published. You have omitted the section 14 and you do not want to give three months time. Thereafter, have you laid the rules on the Table of the House or not? Now it is being enquired into and the section 14 has been omitted.

[English]

"14 Any Power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication for a period of not less than three months."

[Translation]

That you have done, but where are those rules? First of all, I would like to know whether those rules have been laid on the Table of the House or not.

[English]

"234. (1) Where a regulation, rule, sub-rule, bye-law etc. framed in pursuance of the Constitution or the legislative functions delegated by Parliament to a subordinate authority is laid before the House, the period specified in the Constitution or the relevant Act for which it is required to be laid shall be completed before the House is adjourned sine die and later prorogued, unless otherwise provided in the Constitution or the relevant Act."

[Translation]

I take it that you might have framed the rules. These are being examined.

[Shri Mool Chand Daga]

When have these rules been laid on the Table of the House for being enquired into by it and if those rules have not been laid on the Table of the House, these rules may kindly be laid on the Table of the House before adoption of this Bill. I would like to say one more thing. Whatever rules are framed, these are framed under the Act and the affected people would like to give suggestions regarding those rules. The Committee on subordinate legislation has made its recommendations many a times that sufficient time should be given for framing of rules so, that the persons who might be affected by the law or by the rule, could file their objections and the Committee could examine those rules and see if those rules are not contrary to the law and do not create any hardship or loss to the people. Ten Committees have made such a recommendation, but I do not know, what the hon. Minister thinks to be right. I would like to quote, what the first Committee had observed :

[English]

The Ordinance was promulgated. Kindly go through that Ordinance and that is becoming law on that date. It was published in the report of the Committee on Subordinate Legislation. It says like this;

“The Committee feel that when the Acts give a right to the public to send their comments on certain draft rules, it is only reasonable that sufficient time should be given to them to study the draft rules and send their comments before they are finalised. The Committee are of the opinion that a period of not less than 30 clear days exclusive of the time taken in publishing the draft rules in the gazette and despatching the gazette copies to various parts of the country should be given to the public to send their comments of such draft rules.”

The Committee on Subordinate Legislation (6th Lok Sabha) said :

“The Committee have been repeatedly stressing that when the Acts give a

right to the public to send their comments on certain draft rules; it is only reasonable that sufficient time should be given to the public to study the draft rules and send their comments/suggestions.”

The Committee has recommended that so many times.

[Translation]

I would, therefore, like to submit that these powers are already available under section 15. Now what does section 14 state. It states that :

[English]

“Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication for a period of not less than three months.”

You can add a proviso that you can relax it in public interest if you like.

[Translation]

I have moved an amendment in this regard and have asked to adopt it in case more powers are required to deal with such important issues.

[English]

“Page 1,—

for clause 2, substitute

2. In the Aircraft Act, 1934, after section 14, the following proviso shall be added, namely:—Provided that the Central Government may, in public interest, by order in writing, relax the condition of previous publication in any case.”

[Translation]

Sir, now I would like to draw your attention to Section 8 ;

[English]

“8A. The Central Government may, by notification in the official Gazette, make rules for the prevention of danger arising to the public health by the introduction or spread of any infectious or contagious disease from aircraft arriving at or being at any aerodrome and for the prevention of the conveyance or infection or contagion by means of any aircraft leaving an aerodrome.....”

Then 8B :

“If the Central Government is satisfied that India or any part thereof is visited by or threatened with an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to the public health through the introduction or spread of the disease by the agency of aircraft, the Central Government may take such measures as it deems necessary to prevent such danger.”

[Translation]

One could have understood if section 7 was amended but instead a provision has been added which says that there was no need to publish it within 30 days though I would have liked if there was a proviso for publication. This provision could be dispensed with under exceptional circumstances.

[English]

You must mention the facts and must have a proviso.

[Translation]

Sir, provision should therefore be made, to publish draft rules because it is only then that people can come to know about them and file their objections if any. Otherwise the people are deprived of their rights and they are unable to decide as to what is right and what is wrong in those rules. Sir, I would, therefore, like the

Department to carefully go into the amendment that I have moved—and as you have pointed out regarding previous publication when such incidents have occurred,—it could be dispensed with. Otherwise such a provision could be there so that people could go through those rules and regulations and give their suggestions. Parliament and the Parliamentary Committee has recommended not once but four times the publication of draft rules before the enactment of a law, so that the people are not deprived of their rights and they could go through these rules and give their suggestions about them. I would, therefore, request you to adopt this amendment so that people are benefited and the aspirations of Parliament are fully met. I would be highly obliged if you kindly accept my amendment.

[English]

SHRI H.M. PATEL (Sabarkantha) : Mr. Chairman, Sir, I oppose this amending Bill because it brings to the fore Government's increasing indifference to the importance of rule making. This Parliament gives power to the Government to make rules in certain circumstances. In so far as this Act is concerned, almost the entire powers were given to the Government because it was passed at the time when the aircraft industry and aircraft services were in their infancy.

My hon. friend Shri Daga who spoke just before me has pointed out the great importance which the Parliament has always attached to the powers given to the Executive to make rules under the Acts possibly and why the rules should be made public. When rule making power is given to the Government, Government as the executive is expected to see to it that the public is kept fully informed and given an opportunity to voice its opposition or objections or suggestions, so that the Government may give full consideration to them before making those rules. Undoubtedly, in certain emergent circumstances, you need to take urgent action. That power has been given in this Act exclusively for certain epidemic diseases, etc,

But now, what is being asked is that

[Shri H.M. Patel]

previous publication for a given period may be permitted in all cases, without any period at all. 'Not less than three months' has been omitted in the proposed Amendment in certain cases it can be 'no previous publication' at all. Now it seems to me quite extraordinary, why in this case it was necessary to take this power at all? As has been rightly pointed out, Government have ample time to make any amendment by passing it in the normal manner. It is time that the Inquiry Committee that was appointed, had recommended that it should be held in camera. But what prevented the Government from just notifying it and then issuing an ordinance ratifying the action on omission of previous publication of rules and seek power, rules to hold the inquiry in camera and so on?

Mr. Daga has pointed out another very important point and this also shows the indifference of the Government, almost the contempt which the Government have for this kind of thing I noticed that when Shri Daga was making this point, the hon. Minister was not paying any attention to it at all. And yet it is very vital and important. He pointed out that in regard to the rules made, in this case, after the ordinance was issued, have not been published how do we know what rule or rules have been made? If the inquiry is to be held in camera, you must say under what circumstances they had to be held in camera. They refer to 'public interest'. Public interest is a very vague concept and I think that it is very important in a democracy to see that a Government always explains fully its own understanding of 'public interest'.

Mr. Chairman, I do not want to take any more time. It was only these two points that I wanted to make, i.e. the less use that a Government makes of rule making power, the better and when it does use that power it should do so in a manner which keeps the public informed.

Secondly, so far as this Act is concerned, it is time that a fully comprehensive Bill is brought before the Parliament, so that we can update the whole thing. In 1934, the situation was something quite

different from what it is today. By now, the number of rules that you have made runs into hundreds of pages almost. I have seen them and I do not suppose, even the Ministry will be able to find its way in the maze of the Amendments and rules made thereunder. So, I would suggest Mr. Chairman, that the Ministry gives some greater importance to the rule making power. But in this particular case even now, I hope that they will reconsider their attitude towards Mr. Daga's Amendment and in any case see to it that the previous publication is retained for not less than three months. That is essential in the ordinary way. In emergent cases, you may not ask for the time period, but even then definitely there should be post publication.

PROF. NARAIN CHAND PARASHAR (Hamirpur): Sir, I support this Aircraft Amendment Bill No. 187 of 1985. The purpose of this Bill is very limited. In the aftermath of this tragedy on the 23rd June, 1985 in the North Atlantic Sea of the Kanishka Aircraft, it was observed during the investigation that previous publications and insistence of three months period would bring certain difficulties. Therefore, the Amendment requires that the minimum period of such publication should be waived off. That previous publication is enough. But even then the commonsense would have required that at least some minimum period should have been indicated, may be a week or a few days because without any period, previous publication would mean just our hour before. So that would be making a mockery of the whole thing. Therefore, I would suggest that in order to be fair to the people and to the people who are using aircrafts and those who are operating them, it should be necessary that some period, as least whichever is regarded as convenient by the Government should be indicated. Previous publication is not enough. The previous publications should be qualified by the time period required for it.

Secondly, Sir, I agree with Mr. Daga that the rule of law requires, that the rules whenever they are made to serve as an Act should be published, should be made available to the people at the draft-

ing stage so that they are able to say whether there is any divergence of opinion or not. There is some improvement that had been suggested because, no publication of rules, no previous publication, no time period only means that bureaucracy is the paragon of virtue and they are the repository of all wisdom in this earth. The public, the passengers and operators who are running these operations. They do not have any kind of response to make. So it is in the interest of all that some sort of minimum period, may not be three months, may not be even a month, but at least a week or at least 3 to 5 days should be mentioned so that all apprehensions are allayed in this respect. And now that the aircraft is touching every part of the country and it is also connecting our country with various foreign countries. There is need for a comprehensive act. We should take into consideration the onward march of the Civil Aviation because, I find that this Aircraft Act is of the year 1934, that is 51 years old and rules are 48 years old. So 48 years old rules need be revised and 51 years old Act should be revised. What can be done is a comprehensive Act which can take into account the developments that have taken place and the various requirements and the draft rules can be published and as Mr. Daga has said it should be the concern of this Parliament to see that its rights are not encroached upon and the executive does not trample its rights and the rule-making power is there with the Government. No doubt, Parliament has agreed to it; but the rule of law requires that the response of all sections of the society is also taken into account. So, I would plead with the hon. Minister to take this point into consideration, and also to see that the air services are run in such a manner that no part of the country has a grouse that it is being neglected at the moment, because what we find is that certain States get the benefit of being in the centre, and other far-flung States like Himachal Pradesh do not get anything. So, that idea should also be kept in view, though that does not get covered within the purview of this Bill. So, it is better to bring this also to the notice of the Minister, viz. that the Shimla airport has been under construction for a number of years; and similarly, pro-

posals made in respect of other parts of Himachal have not been taken very seriously.

Air travel these days is a must, because the time has come when people are very much short of time. They do not have much time. Therefore, the business of the Government and of the people require speedier air service.

With these words I support the Bill. but with this reservation that previous publication is not enough. Incidentally, I would request you to read the text of Statement of Objects and Reasons of the Bill i.e. its last sentence. I find that even grammatically it is incorrect. It says :

“It also empowers the Central Government to dispense with, in the public interest, the condition of previous in any case.”

What is meant by 'previous'? It should be previous publication. Without the noun the sentence is not complete. So, such an indifferent attitude in the drafting of the Bill, and pushing it in Parliament is something...

PROF. N.G. RANGA (Guntur) : It is an endemic disease. (*Interruptions*)

PROF. NARAIN CHAND PARASHAR : It has come ; but the sentence should be complete. You can read it. The noun should have been supplied. What I say is that if the same indifference is to penetrate into other various aspects of our activity in regard to aircraft...

SHRI BANSI LAL: But in the Bill here with me, "previous publication" is mentioned.

PROF. NARAIN CHAND PARASHAR: What I have, is also the Bill. I have not published it. It has been published by Government. (*Interruptions*) So, care should be taken to see that this is incorporated.

With these words, while pointing out these lacunae, I support the Bill.

[Prof. Narain Chand Parashar]

SHRI NARAYAN CHOUBEY (Midnapore): Many things have been told by Shri Daga and other friends. I am at one with them. The Bill is too sweeping.

Actually, it is a matter of regret that our Department pays such little concern for our maladies. The accident took place on 23.6.1985; and the ordinance was brought only on 16.10.1985. Now a Bill has been brought in the month of December. This shows that the amount of concern that we express in our Press and media is not really there amongst our bureaucrats, officers and the Department.

As Shri Daga has said, why should the right of the people be curtailed? What is the reason? If the Government feels it necessary, it should have come with this Bill earlier. Such a type of Bill could easily have been brought in the monsoon Session.

This is the first point. Secondly, if the Government feels it so necessary, in the case of emergencies and exigencies, they may move for something else. But the right of the people to have the rules should not be abrogated. It should not be done. We are all elected people. Ours is a democratic system. To make rules is an inalienable right of Parliament. If you want to take it away, I do not think it would be correct. Kindly think about this.

I beg to submit 1 or 2 things on this occasion, regarding some other facts about the Kanishka case. Actually, reports are coming that the Boeing itself was defective; and there has been panic in Aviation circles regarding its mechanism, and the planning of this aircraft. You should see that our people's lives are not endangered by such aircrafts.

Regarding evidences which have come, I think, it is a very serious thing to digest now. Evidences have come very recently to show that some passengers had bought tickets for this flight; they had booked their baggages also, the baggages were taken away in the flight but they did not go inside the plane. The baggages came

away and the plane was allowed to start. Such type of security arrangement should be taken note of.

You have brought forward this Bill only to see that inquiry can be held in camera. Well and good. You do not want to bring out the identity of some of the witnesses.

Well and good. But, then, why should such things take place at all, arise at all? How is it that the plane was allowed to fly before checking whether the concerned persons turned up or not and the baggages were allowed to go? How such type of things take place?

Regarding Calcutta Airport, many things have been said. You often go to Calcutta because you have got many of your relations in Calcutta. Calcutta was one of the busiest Airports of India some 25 years back. Now, Calcutta Airport is becoming very weak and bad day by day. Many international flights are being taken away from there. I think the last British Airways flight flew through Calcutta Airport only on 26th of November. Of course, you have every right to say that it is the decision of a particular company and not our decision; but then there is a government and the government can influence it. It is very good that Hyderabad is becoming an international airport. Bhopal should also become an international airport; some other place should also become an international airport. But the international airport at Calcutta is losing its merit. A planned effort is being made to bring down its importance. Only five days back, a flight from Calcutta Airport was delayed by six hours. The reason is that some defects were found and those defects could not be repaired at Calcutta. A plane went to Bombay to bring some spare part and then the repair work was done at Calcutta; and then the Calcutta flight came from Calcutta to Delhi. The Calcutta flight in the morning starts from Gauhati and then it comes to Calcutta and then it comes to Delhi, and then again from Delhi it goes to Calcutta. The timing at 8.55 A.M. which you have fixed is never adhered to. In the whole year, not even on eight days, the flight is at the right time. So, you kindly see that the timings are

changed and minor defects are repaired at Calcutta itself. This aspect should be looked into.

Regarding computer, although it is not part of this Bill, yet I would like to bring some difficulties to your notice. There was no computer in the Indian Airlines Office in Parliament House. Only two persons were working there. We used to get our air ticket for any day we liked and they were immediately okayed within one hour or two hour or three hours. But now computers have come: one is here and the other is there. Instead of two persons, three persons are working there. I had deposited my Exchange Order day before yesterday, but it has been okayed only today. So, the delay is there; efficiency is there and the computer is also there. Only manpower has to be increased. You kindly look into this problem. Why can't we get our air tickets okayed in time? If the induction of a computer brings efficiency, well and good. They say, "What can we do when the computer is not working well?"

[Translation]

What can I do when the computer is not working. I am ready to work but the computer is down. The computer which is not in order should be immediately thrown out and the people should be given protection..... (Interruptions) save us from such a situation. I am sure Mr. Chairman will agree to it. I would request you to either give us tickets or remove the computers and save us from hardship.

[English]

Regarding this Bill, do not make it so sweeping, do not take away the powers which the Parliament has been enjoying so long.

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Chairman Sir, I raise to support the Aircraft Amendment Bill 1985.

There is a provision regarding subordinate legislation that whenever a rule is

drafted it should be published and it should be made public and the objections thereon should be invited from the people. Later when it has been notified, the practice of laying it on the Table of the House should also be there. But now these provisions are being altered with the introduction of this Amendment Bill.

I would request the hon. Minister not to change these provisions in respect of each and every case. If a highly important matter is under consideration or the matter is emergent and the existing provisions need to be changed, then an explanation could be given under any of the prevailing laws or a proviso may be provided for the purpose. In any emergent case, wherein prior publication is not essential, this provision can be made easily under any law. But with the enactment of this rule this system has been completely abolished, which I feel, is not proper. The word 'emergent' could be added to 'previous publication if any' in order to enable the publication of all those rules which are framed except those framed in emergent cases. This would help in meeting your requirements as well as of the subordinate legislation committee which has been making continuous recommendations with regard to prior publication of rules. There is need to retain the present system in this regard. We have a democratic set up and Parliament has been empowered with certain rights. Those rights should not be snatched away. The prevailing system should be honoured by Government. If each and every law is altered in this way, Parliament will be deprived of those powers. If Parliament is deprived of all its powers, the democratic system will not continue for long and the country will have to face serious consequences. Bureaucrats are being given wide powers. The bureaucracy may twist these powers in any way. Democracy has been established in this country after great struggle. Do not allow the bureaucracy to take over all democratic rights. As has been pointed out by the hon. Member of CPI, do not take sweeping powers in respect of these rules and do not try to change the existing system in this regard. No doubt, necessary changes could be made as and when required in emergent cases. This would strengthen the democratic set up.

[*Shri Girdhari Lal Vyas*]

Justice Kripal asked you to make necessary changes in the existing provisions. There was enough time available since then when justice Kripal had asked you to do so. Had your officers wanted, much could have been done in this regard. This rule might have been framed for taking evidence in Camera. But six months have elapsed since justice Kripal started his enquiry. On which date did he ask that this rule should be changed? How much time has elapsed since then? Had he published the rule after framing it, both the purposes would have been served. If the bureaucrats have decided that Parliament should be deprived of its powers and this should not be published so that there is no need to lay it on the Table of the House, I dare say, the practice is wrong and it needs to be paid attention. The Government has complete faith in the democratic system and, therefore, it will not be a right step.

Secondly, I would like to remind you that this amendment has been brought to make few changes in the rules only, despite repeated requests from several hon. Members that this law itself is very old and obsolete and major changes are required to be made in it. You might have observed that there are many shortcomings in this Aircraft Act and the lack of signal, Radar and communication facilities at our Airports is the cause of lot of inefficiency. Many world organisations have not even recognised us. Under these circumstances, necessary provision should be made to remove these shortcomings. Except moving this amendment, nothing has been done for providing facilities in the absence of which the service is facing enormous loss and no efforts have been made to improve these facilities in the absence of which the entire system has become topsy turvy. Attention should, therefore, be paid towards this. Necessary changes should be made in the existing law so that the system is made fool-proof and well co-ordinated. If you have not brought a comprehensive Bill at present, you should do it in future so that we are able to enact a law through which we have a foolproof system throughout the country. With this improvement, we will come at par with the Aircraft Acts of the world.

My other submission is about the Kanishka accident which occurred on 23rd of June. The security check was not done at that time which usually is made before the flight. The machine which is used for security check was out of order, because of which the check could not be done. Who is responsible for this? Whether Justice Kripal is looking into the aspect as to why that machine was not working, because of which saboteurs could get a chance to take arms and ammunition inside the plane, causing the explosion. Who is responsible for the explosion and all that? Has any action against those officers and staff members been taken? Has this point been included in the Enquiry? How did they err because of which such a major accident took place, the kind of which has never happened before? What arrangements are being made in this respect. There is need to look into this aspect in a definite manner.

Similarly all the lacunae in the rules and regulations as also in the administration should be removed, particularly in the matter of security. Lot of undesirable things are taking place now a days; planes are being hijacked, arms and ammunitions are being taken inside the planes. Therefore, foolproof arrangements regarding security should be made at the airports. In this connection, suitable provisions should be incorporated in the relevant laws. Ours is a vast country and in the field of air services we are making much progress. Air India services are available throughout the world and Indian Airlines is also expanding its services throughout the country. In addition, the third level airline—Vaydoot—is also being made available at different places. When there is such a large network of air services, we should see that a suitable law is enacted which may help in maintaining control over all these facilities. I am hopeful that very soon a comprehensive legislation will be brought which will cover all aspects relating to air services, e.g., security, administration, security check etc. This is my request to you. With these words I support the Bill.

[*English*]

SHRI K. RAMACHANDRA REDDY
(Hindupur) : We boast of a Government

wherein the judiciary is separate, the Legislature is separate and the Executive is separate. The purpose of the Legislature is to make rules and laws and the purpose of the Executive is to implement those laws. The executive does not have any power to make rules and laws; but under exceptional circumstances while an Act is being enacted and a Bill is being discussed, when we are not able to visualise the coming events, the changes that are likely to occur in the society, then a rule making power is given to the Executive so that they may make some rules at a latter stage depending upon the changed circumstances which you will not be able to visualise. Therefore, limited power is given to the Executive to make rules or legislation. That power has been formulated as delegated legislation.

Now-a days when the Bills are brought before the Parliament, the Executive invariably reserves the rule-making power for itself thereby making lot of inroads into the very powers of the Parliamentary legislation. Thus the purpose of the Parliament for which it is constituted is defeated.

This amendment appears to be very simple and highly innocuous, but if you go deep into it, very dangerous trend is there. In the Aircraft Act of 1934 this Section 14 was there. Now, after 51 years you are trying to remove this very section. According to this Section, when the Executive made some rules, those rules were required to be published and given publicity in order that the people might know what were those rules, whether they were good or bad, whether they were for the people or against the people. Then they discussed among themselves to see its legality or otherwise. The main purpose was that the Executive knows the public opinion and acts accordingly. That was why Section 14 was included in the original Act.

The Government that was ruling the country in 1934 was the one which all of us, including the Congress, dubbed as an autocratic Government, as an anti-democratic Government, that they did not care for the welfare of the people, that they never tried to elicit the will of the people. That is how that Government was critici-

sed. Such a Government had at that time given a lot of weight to the opinion of the public even in those days. That is why they included Section 14 in the original Act whereby there must be pre-publication of rules and that after ascertaining the will of the people about the rules after three months it will attain the force of law. So, even that Government which was supposed to be anti-people had included in the Act whereby they wanted to elicit the opinion of the people. They gave the people a chance to know the rules. But here, our Government, which is a Republic and democratic Government, which professes that the people are sovereign and Parliament is sovereign, is talking away all these powers already given to the people by a Government which was highly autocratic.

Where are we going? Are you going to put the clock back? What is the purpose of this amendment? By this Amendment, the intention of the Government has become very clear. Government is saying that they are democratic. But really they are only anti-democratic and anti-people. What is the purpose of changing this rule? Why do you want to shut out the people from the knowledge of the law and the rules? Why do you stand in between the people and prevent them from knowing what is the rules and what the laws are? You want to keep the people in the darkness. That is all. This is not the way a democratic Government should function. What is the reason for which you want to amend Section 14? What is the reason you want to introduce a new Section 14? Is it to prevent pre-publication? What is the purpose that you want to achieve? We don't have any dispute with the Kanishka trial. You want the trial to be *in camera*. By all means you can have it; we have no objection to it. But to achieve the same purpose you can amend Section 7 of the original Act which says certain things with regard to investigation into accidents. The purpose will be served by amending section 7 of the Original Act. Section 7 says, in case of accidents what is the procedure to be adopted, how it is to be done, and all that. You could have amended Section 7 and said that the procedure should be *in camera*. But instead of that, in the guise of providing for *in camera* proceedings of Kanishka Trial, you are taking away the

[Shri K. Rama Chandra Reddy]

rights of the people and putting them in utter darkness, and preventing them from knowing the law and the rules. So you want to introduce this thing by the back-door.

Therefore, I urge upon the Minister to withdraw this Bill and bring forward a comprehensive Bill for the consideration of the House.

Sir, the service at the airport is very bad. They don't give us any information. If I go to Counter No. 1, some one asks me to go to Counter No. 2. If I go to counter No. 2, then some one asks me to go to Counter No. 3 or Counter No. 4 and so on. Nobody is guiding us properly. The food and coffee which are served are bad even though the cost is very abnormal. The courtesy extended is very, very minimum. When we go to purchase a ticket, we do not get the ticket immediately. There is a separate counter for M.Ps. in the Parliament House. But you have to go many times to get the ticket. You have to go twice or thrice. I request the Minister to improve all these things. Please see that some proper courtesy is extended to passengers at all the airports. I go to airport. There are three or four flights from the airport. When I go, sometimes I don't have even the space to sit. I am forced to be standing for half-an-hour or forty-five minutes. There is nobody to guide us properly as to where the luggage is to be weighed, where the security check is to be done and all that. So, you should improve all these things. I request you to bring forward a comprehensive legislation and withdraw this Bill. There should be a comprehensive legislation so that all these things will be taken up together and some comforts and conveniences are afforded to the passengers. With these words I conclude.

[Translation]

SHRI MANVENDRA SINGH (Mathura) : Mr. Chairman, Sir, I rise to support the Aircraft (Amendment) Bill 1985 and would like to submit to the hon. Minister that it was very essential to lay rules also, along with the Bill. On 23rd of June, a very tragic accident of Air

India's Boeing 747—'Kanishka' took place in which about 329 persons died. Along with it, after some time another Airlines' Boeing 747 met with an accident in Japan in which 520 persons lost their lives. I also want to draw the attention of the hon. Minister to a news item published in London.

[English]

"The first half of this year was one of the worst fatal air crashes according to a survey in this week's *Flight International* magazine."

"Including 329 killed in the Air India crash, 913 people died in aircraft accident in the six months to the end of June, compared with an average of 750 a year during the last 20 years."

[Translation]

Sir, the statement given in the above news shows that in 1977 21 accidents took place in which 1034 persons died. The number of these accidents remain fluctuating, but recent table shows that in 1984 the number of persons died was 134 and only 12 accidents took place. But it is very unfortunate that in 1985, according to that news item, 21 accidents took place in which 913 persons met with their deaths. Referring this table, I draw the attention of the House through you that not only in India, but in the entire world the terrorism is spreading. The question is not of India only. These accidents, whether they have occurred due to hijacking or blasting of the planes, have increased much in this year. These things are based on enquiries. These are the glaring examples and they are on the constant increase.

Mr. Chairman, Sir, I want to give some suggestions to the hon. Minister and to the House through you. In India it is true that the security has been strengthened in Indian Airlines and Air India, as has been said here, but it requires further strengthening. As some of the hon. Members have suggested, the communication and radar system should be provided with latest technique so that the accidents at the time of take off and landing are avoided.

15.00 hrs.

Mr. Chairman, Sir, there is need to take strict security measures. In this connection also I would like to give you a glaring example. I went to Palam Airport, Delhi and said that I am an M.P. He saluted me and allowed me to go in. In this connection, Sir, I would like to submit that whatsoever may be the status of the person going there, even if he is a VIP, he should not be allowed to go unless his identity has been checked. If some one is allowed to go by merely telling that he is an M.P., that is not good. The Security officer posted there should verify our identity and should allow us to enter only after verification. Similarly, there are other small airports. I was in the Committee of Tourism and Civil Aviation. The question of security was discussed in detail in this Committee. Our Hon. Prime Minister had sent that Committee for inspection in Bombay and Hyderabad. It has been seen that there are many shortcomings in security arrangements at small airports. Delhi is an international airport and there are sufficient security arrangements in Delhi.

I would like to submit to the hon. Minister that lakhs of international passengers and Indian passengers travel by air in India and even if there are VIP Passengers, their luggage must be checked. Even if there might an M.P. or any other V.I.P., their luggage must be checked, lest some body should not plant any explosives etc. in their luggage which might cause an accident resulting in injury and death to all the passengers. The Government of India has a great role in International politics. I would, therefore, like to lay a great emphasis on this suggestion.

Arrangements have been made for refresher courses of our pilots and air hostesses. Similar refresher courses must be arranged for these security personnel also, so that they might be aware of latest techniques and might be able to meet any risk under all the circumstances.

16.02 hrs.

[SHRI SOMNATH RATH *in the Chair*]

So far as the question of cleanliness is concerned, I would like to submit to the

hon. Minister that I have travelled in the planes of Indian Airlines and Air India many a times. There is lack of cleanliness in the planes of Indian Airlines. Our Indian citizens and V.I.Ps.—all travel in these planes. The seats are torn. Many a times, a lot of delay takes place in the take off of the planes and vomiting, urine and stool of children is found in the planes which causes an irritating and foul smell. The cushions of the seats are very dirty.

Besides, a lot of improvement is required to be made in the catering arrangement. So far as the question of catering at airports is concerned, exorbitant prices are charged from the passengers. I would also like to draw your attention towards this aspect.

In addition, the condition of goods and luggage trolleys is very bad. Their wheels remain jammed. The hon. Minister goes to the airport and he might be aware of all this. Our hon. Members might also be aware of this fact that many a times our clothes are torn due to these trolleys. As their wheels are jammed, many lady passengers find it very difficult to carry their luggage on these trolleys. The employees at the airports do not keep the trolleys in working condition and harass the passengers and extract money from them.

As I am a member of the committee of Tourism and Civil Aviation, I often visit the airports at Madras, Bombay and Delhi. The behaviour of the personnel in the enquiry office at airports is very rude. Nobody would find any information from them. The foreign travellers have told that enquiry office is not prepared to inform the travellers as to which are the Government hotels and in which good hotel the passenger should go as also which is the route of taxi. The middlemen and touts misguide them and they take them in their own taxies to dirty hotels in nearby areas of Chandni Clowk and extract money from them in an indiscriminate manner. I would request you that your enquiry office should be very vigilant so that the passengers are not harassed in any way. We have also received a complaint that the officers and the staff of the enquiry office and the offi-

[Shri Somnath Rath]

cers and the staff of airport is engaged in such activities. You should look into this also.

So far as custom officers are concerned, a complaint has been received that they exempt the goods from custom in an arbitrary manner, because they get a fixed amount from the passengers and charge custom in an arbitrary manner from other people. I have myself seen that the persons working abroad are harassed much. They are aware of neither rules, nor by-laws. I would like to suggest that rules and by-laws should be kept in the enquiry office so that people could consult those rules and know as to which goods they could bring with them and in which quantity as also what would be the duty on a particular item. A list showing various duties should be displayed there.

I would also like to draw your attention to one more point. People of Labour Union of Airport had come to me. There are two Unions in Delhi Airport. There is great rivalry between them. Both the Unions continue to fight among themselves, as a result work is suffering. I would request the hon. Minister that he should hold secret ballot there as he had said last year also and grant recognition to the Union which has got the majority with them, otherwise if the present situation continues, the condition is going to deteriorate further.

In the end, I would like to give one more suggestion. It is most essential that the foreigners who enter India through Air India, Indian Airlines or other Airways should be medically examined, because there are many diseases which are very difficult to be treated here. The foreigners should be specially medically examined to see that they are not alcoholic or drug addicts, because they might suffer from a disease which may cause great harm to Indians. I would request the hon. Minister specially that foreign nationals should be allowed to enter the country only when they are medically examined and if they are found to suffer from any disease they should first get treatment for the disease and get cured.

With these words, I extend my whole

hearted support to the Bill and I would like to express my thanks to the Hon. Prime Minister and urge him that an atmosphere of terror has been created by the terrorists throughout the world, it is very essential that most stringent action is taken against them. Their cases should not be tried outside the country. Stringent action must be taken against them in our own courts.

[*English*]

SHRI CHINTA MOHAN (Tirupati) : Sir, I would like to say that the introduction of this Bill goes to show how far the present Government has got belief in democracy and that it is a most undemocratic act. Actually I have my own doubt whether the Minister has carefully read the Act of 1934. He has amended Section 14. If he had fully read the Act, he should have amended the other Sections also. Actually Sections 3 and 7 are also equally important. Section 3 says :

“To facilitate the exports, imports and manufacture of aircraft.”

Section 3 should also be amended.

In order to take a summary decision and to conduct investigation right on the spot, Section 7 should also be amended. The Minister has not said anything about section 7.

Coming to section 14, the provision about previous publication for a period of not less than three months was alright. The amendment only goes to show that the Government has no value for Parliamentary democracy.

Section 42 of the Indian Patents and Designs Act, 1911, applies only to the aircraft which are registered in India. I do not know whether it will apply to those aircraft which are registered outside. Therefore, to that extent, this section has to be amended.

None of the sections of the Aircraft Act, 1934, covers defence aircraft, particularly the Naval aircraft and the Air Force aircraft.

I would like to give a few suggestions to the Government. When Government wants to purchase any aircraft or helicopter, it should not be done by a single person; there should be a Committee which should deal with that ; it should be regulated by taking a democratic decision in that particular Committee. Nowadays it is not like that. We hear that several things are going on in the aircraft deal. This should be immediately curbed.

It has been brought to my notice and it has also come in the press that some pilots fly the aircraft after taking alcohol. Actually it has come to my knowledge through the press that the Kanishka air crash occurred because the pilot was fully drunk. I request the hon. Minister to go deep into this and give some instructions to the Commission investigating that crash.

There is a dire need for constituting a Helicopter Corporation. It can help the oil sector and also intercity transport.

With these few suggestions, I conclude my speech.

[Translation]

SHRI HARISH RAWAT (Almora) : Mr. Chairman, Sir, I am finding myself in a dilemma over this Bill, i.e., whether I should support it or I should request the hon. Minister to make certain changes therein. Our other friends have also made such a request. It is definitely appearing to us that the rights of the common man as also our rights are being confined in a few hands. If there is any emergency and a situation like the present one is created, nobody would have any objection even if Government curtails certain rights. But if a general amendment is made in the Act and the rights are limited for all times to come, I think any person would find himself in a dilemma.

THE MINISTER OF TRANSPORT (SHRI BANSI LAL) : Perhaps Dagaji has briefed you.

SHRI HARISH RAWAT : I was supporting the Bill, but I have also been affected by Dagaji. But, Sir, I would like to

tell the hon. Minister that M.Ps. of this side and that side both have been affected by him. It appears to me that if Dagaji moves any amendment, it could appeal to us even.

THE MINISTER OF FINANCE (SHRI VISHWANATH PRATAP SINGH) : For first time.

SHRI HARISH RAWAT : Sir, I do not wish to say much in regard to this Bill except drawing the attention of the hon. Minister to the improved working of Railways. When he was incharge of the Ministry of Railways, punctuality and efficiency could be seen everywhere. We hope that he would bring about definite improvement in the working of air services too now that he is incharge of that department also. We are proud of you for bringing about the improvements in the working of Railways. If one is even five minutes late at the station, one may miss the train and in case one is to receive someone at the station and gets five minutes late in reaching there, one finds the person already roaming on the platform. We congratulate him for this achievement. But it is a different story at the airports. If one is even 10 or 15 minutes late in reaching there, one is confident that he would be able to catch the plane because on reaching the airport, one often finds that the flight has been delayed by 40 to 50 minutes. In some sectors the delay is even more than that. At times announcements regarding delay of flights is made twice or thrice and in the end an announcement is made that the flight has been cancelled. One has to return disappointed. There is a great need to improve the situation.

Breakfast provided in some sections is of very poor quality. When a person boards a plane early in the morning, he expects that a wholesome breakfast would be served there. But what is there in the breakfast? He gets a samosa which is fried, I don't know, in what sort of oil... (Interruptions) This is given particularly on the Calcutta section. May be the CPM Government in Bengal is responsible for such a poor quality of breakfast.

If per chance one is able to reach up

[Shri Harish Rawat]

destination in time one has to wait for 30 to 40 minutes to collect his baggage. At times when there is change in duty of the staff, one has to wait even for one or one and a half hours to collect one's baggage. This often happens at the Delhi Airport. This requires to be improved. I would like to touch one point more although this point is not covered under this Bill. I am not able to resist it. I would like to request the hon. Minister to provide Boeing service at Bareilly Airport as it is an important centre. We would be happy if it is done immediately.

Pantnagar has been linked with Vayudoot service, but it is not a regular service. I would request you to provide regular Vayudoot service from Pantnagar to Delhi and also to Lucknow.

I would like to make a complaint against Vayudoot on behalf of the people of Uttar Pradesh. Uttar Pradesh, which has the largest population in the country, has the lowest number of Vayudoot stations. If maximum points in the State are linked by Vayudoot service, it would prove beneficial for the Government in future. More and more people will start using air service and the State will generate good amount of air traffic in the long run. I would, therefore, request the Government to provide air service to those big cities of Uttar Pradesh which have a population of over one lakh and have the potential of air traffic during the Seventh Five Year Plan.

I would also like to congratulate the Government for providing Vayudoot service to most of the hilly areas of North East. There are many hilly areas in Uttar Pradesh and we have repeatedly requested to provide an air strip at Kochar, in Chamoli district where a very good air strip can be constructed and link it and Pithoragarh by Vayudoot service, but all my requests have proved to be futile. We are even ready to construct a temporary air strip if these two points are linked by 'Vayudoot' service. We can force the State Government to spend the NREP funds in constructing this air strip. If the Government is kind enough, this area would also come on the 'Vayudoot' map.

The setting up of Helicopter Corporation is a welcome step. But I was pained to know that this Corporation will cater only to the needs of ONGC and partly to North Eastern states. The hill areas of Uttar Pradesh have not being included in any way. I would, therefore, request the Government to provide helicopter service and link the district headquarters of the six hill districts of the State in the long run. Lucknow is the State capital and the hon. Finance Minister will be one with me that there are many people who earn foreign exchange and belong to neighbouring cities like Kanpur and Unnao yet they have to come via Delhi. Once again they have to board a plane to reach their destination. It is, therefore, requested to develop Lucknow as an International Airport and provide weekly service to Gulf countries.

With these words, though I am in a fix, I support this Bill, having full faith and confidence in the ability of the hon. Minister and his Ministry.

[English]

THE MINISTER OF TRANSPORT (SHRI BANSI LAL) : The point is : why this amendment has been brought. As you know, Air India 182 flying from Canada to Bombay crashed on 23rd June, 1985 near Ireland. Justice Kripal was appointed as Commission of Inquiry to investigate into the causes of the accident. During the investigation, Justice Kripal came to the conclusion that there were people in Canada who were not prepared to depose before the Commission in the open court and they even wanted that their names also should not be disclosed. So Justice Kripal moved the Government that some sittings *in camera* are necessary. When Justice Kripal communicated it to the Government in August, the session of Parliament was on its last legs and we had no time to bring this amendment before the Parliament at that time.

What has necessitated the amendment ? According to the previous rule, Rule 75, we could not allow the court to hold inquiry *in camera*. The inquiry should be in open court. So Rule 75 had to be

amended. Then Section 14 of the Act had also to be amended to authorise the Government to do away with the previous publication of the amendment of the rules.

Many of the members have raised the question that the previous publication should not be done away with. We are not doing away with it. The hon. Members, I think, have read the other provisions of the Act but they have not read Sec. 14 of the Act. What we are doing now is to add a proviso to Sec. 14. Sec. 14 reads :

“Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication”

That stands. But we have made a proviso here saying :

“Provided that the Central Government may, in the public interest, by order in writing, dispense with the condition of previous publication in any case.”

As a special case, by reasons given in writing, we can dispense with this prior publication in some necessary cases. Otherwise, this is not a general thing that we will not pre-publicise the rules and all that. So this idea of the hon. Members is not correct.

Mr. Girdhari Lal Vyas pointed out and Mr. Mool Chand Daga also said that the rules should be laid before the House. The rules framed by the Government were laid on the Table of the Lok Sabha on 28th November 1985 and on the Table of the Rajya Sabha on 4th December, 1985. So, the rules have been laid on the Floor of the House. The rules are subject to the scrutiny by the Subordinate Legislation Committee. So, there is nothing wrong in that. Government is not doing away with the previous publication at all, only in some particular way.

The hon. Members have made many other points like compensation being paid to the heirs of the victims. We are trying to expedite the same. The question of air

taxi service has been raised and also about the timings of the Calcutta flight. Shri Vyasji asked on whom lies the responsibility for non-checking at Toronto and action should be taken against the defaulter. The Commission of Inquiry is looking into all these things. We cannot say at this stage who is to blame and who is not to blame. That has to be decided by the Commission of Inquiry. Sarvashri Harish Rawat and Manvendra Singh mentioned about breakfast, lunch and dinner. I will try to see that everything improves. As regards timings we have started a system in the Ministry that whatever plane goes late we have a chart of that everyday. We try to know how much is the plane late? What are the reasons? Why did it not fly in time? We have started monitoring all these things just like Railways. I think there shall be substantial improvement in all these things.

PROF. N.G. RANGA : What about transport from Palam airport to North and South Avenues ?

SHRI BANSI LAL : I will look into that also.

With these words, I request that Bill be taken into consideration.

MR. CHAIRMAN : Shri Janga Reddy is not present. I shall put the Statutory Resolution moved by him to the vote of the House. The question is :

“That this House disapproves of the Aircraft (Amendment) Ordinance, 1985 (Ordinance No. 7 of 1985) promulgated by the President on the 16th October, 1985”

The motion was negatived.

MR. CHAIRMAN : I shall now put the Consideration motion moved by Shri Bansi Lal to the vote of the House. The question is :

“That the Bill further to amend the Aircraft Act, 1934, be taken into consideration.”

The motion was adopted.

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

(Clause 2—Amendment of Act 22 of 1934)

SHRI MOOL CHAND DAGA : I beg to move :

Page 1,—

for clause 2, substitute—

“2. In the Aircraft Act, 1934, after section 14, the following proviso shall be added, namely :—

Provided that the Central Government may, in the public interest, by order in writing, relax the condition of previous publication in any case.” (1)

Sir, what I have said regarding section 14 is that not only one committee but parliamentary committees several times have laid stress on one point that draft rules should be published so that public at large or people who are affected by those rules can raise their objection and those objections can be brought to the notice of either the Committee on Subordinate Legislation or they can suggest amendments to the members. By amendment is that section 14 of the Act should remain as it is and many members have supported the amendment moved by me. What I have suggested is :

“Provided that the Central Government may in the public interest, by order in writing, relax the condition of previous publication in any case.”

If you want in certain extra-ordinary cases you can give your reasons in writing and then do it but why do away with the draft publication.

There are sections 7 and 8. As per these sections you can issue rules by notification and make inquiry when there is a question of accident. In the same way I have suggested one simple amendment which has been supported by many members.

SHRI BANSI LAL : Sir, I am not accepting it.

MR. CHAIRMAN : Mr. Daga are you pressing your amendment ?

SHRI MOOL CHAND DAGA : No, Sir, I am not.

MR. CHAIRMAN : Is it the pleasure of the House that the amendment moved by Shri Mool Chand Daga be withdrawn ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 1 was, by leave, withdrawn.

MR. CHAIRMAN : The question is :

“That clause 2 stand part of the Bill.”

The motion was, adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

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

SHRI BANSI LAL : I beg to move :

“That the Bill be passed.”

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

16.31 hrs.

SICK INDUSTRIAL COMPANIES (SPECIAL PROVISIONS) BILL—Contd.

[English]

MR. CHAIRMAN : The House will now take up further consideration of Sick Industrial Companies (Special Provisions) Bill.

SHRI C. MADHAV REDDI (Adilabad) : Sir, the consideration of this Bill,