

Chemical & Pharmaceutical Works Ltd. (St.)

The Committee went into all the major aspects of the working of this company. While recording its assessment that, with a suitable infusion of capital, selective implementation of a few expansion programmes, rationalisation of product-mix, improvement of marketing and induction of efficient management could restore the company's health, the Committee recommended that the management of the company should be immediately taken over under Section 18-A of the IDR Act.

I am happy to inform the House that after a careful consideration of the Committee's recommendations, the Government have taken a decision to take-over the management of the company forthwith. The Government has also appointed a Board of Management to take-over the management of the company.

I have every hope that the Working Class of this pioneer institution will assist in restoring this glorious monument to the memory of one of India's illustrious sons—Acharya P. C. Ray, to its leading role in the chemical and pharmaceutical activity of our country.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Mr. Speaker, I want to make a submission. I am very happy to hear the statement that the Minister has made but, Sir, for the last one month or so the workers have not received their remuneration because the erstwhile management had put a stop to it. Sir, it is because of the cooperation of the workers that the whole thing has taken place and if the Minister could give an assurance to the effect that the dues of the workers will be cleared as soon as possible, that would give them further encouragement.

MR. SPEAKER: Please take that into consideration.

12.44 hrs.

BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): With your permission, Sir, I rise to announce that Government Business in this House during the week commencing 19th December, 1977, will consist of:—

(1) Consideration and Passing of the Constitution (Forty-Fourth Amendment) Bill, 1977.

(2) Consideration of any item of Government Business carried over from today's Order Paper.

(3) Consideration of a motion for reference of the Multi State Co-operative Societies Bill, 1977 to a Joint Committee of both Houses.

(4) Consideration and passing of the following Bills, as passed by Rajya Sabha:—

(a) The Betwa River Board (Amendment) Bill, 1977.

(b) The Port Laws (Amendment) Bill, 1977.

(c) The Children (Amendment) Bill, 1977.

(5) Further discussion on the Motion regarding statement on two serious train accidents.

(6) Further discussion on the Motion regarding price rise.

PROF. P. G. MAVALANKAR: Gandhinagar): Sir, as you know and as the House is aware we have only four days left next week of the current Session. I want to invite the attention of the government to some of the very major pieces of legislation which have not yet come before the House. I refer in particular to three measures—in order of priority—that is there is no mention whatsoever in the Minister of Parliamentary Affairs' statement or previously about

[Prof. P. G. Mavalankar]

Government's intention to bring forward a Bill for repeal of pension to former Members of Parliament. I have been urging this matter again and again and again and again the Minister is replying that the matter is under consideration. He says that some people like me are asking for total repeal whereas some people want more and, as such, the Government are considering. Let them consider either way but let them come to a decision. I feel pension to a former Member of Parliament is wrong in principle and also wrong in ethics. If Members of Parliament are to be provided for, there are various legitimate and honourable means of providing for such things as is obtaining in various parliaments of the world, but not in the manner in which the Emergency was used by the then Government to almost bribe those Members of Parliament.

SHRI O. V. ALAGESAN (Arkonam): I take exception to the expression 'bribe' you should ask him to withdraw that word.

MR. SPEAKER: Probably as an inducement, not as bribery.

PROF. P. G. MAVALANKAR: I do not fight for words. If you so desire I will withdraw it and use the word 'inducement' instead. I am on the principle. Pension must go. Secondly, I want the Minister of Parliamentary Affairs and Labour to bring forward early in the Budget session a comprehensive Bill for industrial relations. This has been coming up again and again; even in the previous Lok Sabha the government could not say when they would bring forward that Bill. I also want the government to come out with some clue as to when they would bring in legislation for providing free legal aid to the poor. Reports on this matter have been under government's scrutiny and I suppose the hon. Law Minister knows it; he had been replying to the points previously. The poor people

have waited sufficiently for thirty years. Finally, I should say that only last week I mentioned about the anti-defection Bill. The Home Minister Charan Singh said on November 23 that the Janata Government had already got a draft ready for introduction even in the last session. This session is almost over. I know the intentions of the government are honest. But the practice is otherwise. The Minister's answer says clearly that the proposals were sent to the Leaders of the Opposition and I am surprised to find a sentence here: "The reaction of the leaders of the opposition parties is awaited." I want to know why the leaders of the opposition parties or independents whoever they are, are not responding to the concrete proposals whatever they are.

SHRI K. LAKKAPPA (Tumkur): He cannot cast aspersions like that.

PROF. P. G. MAVALANKAR: They must respond to this proposal so that the government can come forward with a Bill to ban defections which are corroding and eroding the very life of parliamentary democracy in this country.

SHRI K. LAKKAPPA: Sir, a number of important resolutions are there but the Business Advisory Committee had not fixed up any time for discussing them. Important, progressive measures with regard to unemployment problem, fixation of wages, unrest in universities, etc., have been fixed as no day yet named motion. I want some time to be fixed for discussing them as well as matters like the Ganga-Cauvery link.

DR. VASANT KUMAR PANDIT: (Rajgarh): The Business Advisory Committee has decided that on Monday there shall be no call attention or short notice question.

MR. SPEAKER: Nobody objected.

DR. VASANT KUMAR PANDIT: Howsoever urgent and important the

government business might be, it is one of the fundamental rights of Members to ask short notice questions and table call attention notices. This is the only forum in which we can raise urgent matter. Next week is the last week. We are stalling this right. We would abide by the decision but in future short notice and call attention motions should never be barred on any day howsoever urgent government business might be.

SHRI SAMAR MUKHERJEE (Howrah): We have been assured for long that the Industrial Relations Bill will be brought in this session. Throughout the country, the workers are awaiting it. I want a categorical assurance from the Labour Minister as to when it is being brought. A committee was constituted. They have already gone into the recommendations and I was given the impression from personal talks that everything is all right. I request the minister to make it clear.

SHRI VAYALAR RAVI (Chirayinkil): We have given notice of a discussion on a very important report, widely publicised by the Health Minister, Shri Raj Narain, viz., the enquiry report on the death of Dr. Lohia. The matter was debated in the earlier Lok Sabha. There are certain very important matters to be pinpointed and we demand a discussion on it because it is a very serious matter.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I have spoken and written to the concerned ministers time and again—the Minister of Law, the Minister of Parliamentary Affairs and the Minister of Commerce. In Andhra Pradesh and Karnataka, there are lakhs of tobacco growers who have been fleeced for decades and the tobacco growers who are represented in the Lok Sabha and Rajya Sabha, have taken a decision to set up auction platforms. This year because of the devastation in Andhra, we may not be able to do it for giving benefit to the growers in Andhra.

MR. SPEAKER: Is there any motion pending? You are also in the Business Advisory Committee.

SHRI JYOTIRMOY BOSU: We want only a small amending Bill to be passed. You know, Sir, in Karnataka in Hansur area tobacco harvesting will take place very soon. If the Tobacco Cess Act—I am not sure which one; the two ministers give two different versions—if the Act is not amended, auction platforms cannot be set up in those areas. It requires a small amendment of the Act. I have written and spoken to the three ministers concerned but it has not been listed as Government Business.

I have been trying almost all possible means to bring before the House the issue of Kapadia, Central Bank and Reserve Bank, which involves misappropriation of Rs. 26 crores.

MR. SPEAKER: Is there any motion pending? About privilege motion, I have not allowed him.

SHRI JYOTIRMOY BOSU: A national weekly has come out with a front page feature where the Finance Minister has been charged that he is shielding the Chairman, namely Mr. Gupta and also one or two erstwhile Reserve Bank Officials and officials of the Banking Ministry. The D. N. Ghose Committee has given a report which, I am told, is not very complimentary. It has revealed certain things. He was a hand-packed person of Mr. Narasimham. The man was Reserve Bank Governor the other day and he has gone now to World Bank. I have tried to bring it here, but some powerful lobby, is working in Delhi I have not been able to raise this matter, which is a vital matter. The Central Bank's capital base of Rs. 17 crores has been completely wiped out because Kapadia, Central Bank Chairman, Reserve Bank Governor and Banking Ministry officials conspired to defraud it.

MR. SPEAKER: Is there any motion given by you pending?

SHRI JYOTIRMOY BOSU: I have given so many motions; you know it very well.

MR. SPEAKER: If it is privilege, it does not come in.

SHRI JYOTIRMOY BOSU: Sir, please don't force me to cast aspersions on the Chair. (*Interruptions*).

MR. SPEAKER: This is not the occasion to speak on it. You have raised the objection to the non-inclusion of another item. Which is the item you are referring to?

SHRI JYOTIRMOY BOSU: Time has to be found to discuss Central Bank's business, because it is a serious charge, viz. that the Finance Minister has been influenced by Mr. Bhabha, his one-time boss and that the Finance Minister is shielding those who have misappropriated Rs. 26 crores. I want an assurance from you and the Minister of Parliamentary Affairs.

SHRI C. K. CHANDRAPPAN (Cannanore): Next week is the last week of this session, and the last session of this year. If you remember it, the President in his Address to the House said that this government would bring forward a legislation for repealing MISA. I think there is no possibility of the legislation being brought forward next week. It means that we will say good-bye to the promise given by the President. I am surprised that everybody is sitting quiet on it. In the Government going to bring the legislation during next week? If not, what is the remedy? It is something of which the Chair should also be concerned, because that was an assurance given to the entire country through the House. If the Government is not going to bring forward a bill, then I propose that my No-day-Yet named Motion on that subject should find a place for discussion next week.

Secondly, regarding the Coconut Board Bill, an assurance has been given to various delegation that the Government is coming forward with a

bill—about which there is no news subsequently. Something should be told about what will happen to it also.

On the first point, Mr. Speaker, Sir, you may kindly do something.

SHRI KANWAR LAL GUPTA (Delhi Sadar): I want to make a submission. I think, Sir, you will recollect that the Business Advisory Committee decided to have some sort of a discussion on the rolling Plan. That was a decision of the BAC in the last session; in this session also you were kind enough to tell me that there will be a discussion. Even the Minister of Parliamentary Affairs informed me many times that there would be a discussion on it; but I am sorry to say that this item has not been included in spite of my repeated requests. I wrote a letter to the Minister concerned and I had a talk also, with you Sir. What is the idea of taking any decision in the BAC unless it is implemented? It is for you to tell us and to guide us as to what is to be done. This is a very important issue; and I think every Member of the House will agree with me that this should be discussed in one form or the other, I do not insist on that very form, but it is a matter concerning the destiny of the nation; and it should be discussed.

SHRI KRISHNA CHANDRA HALDER (Durgapur): I would like to draw the attention of the House to the urgent and important matter under rule 377.

MR. SPEAKER: No. We have not come to rule 377 at all.

SHRI KRISHAN KANT (Chandigarh): I would like to add my voice and say that it was the commitment of the Janata Government and of the Home Minister that a Bill for the repeal of MISA must be introduced before the session was out. Even if we cannot discuss it, I hope, Sir, you will kindly persuade the Government and tell them that they must introduce a bill for the repeal of MISA.

It may not be possible for us to go to the States for elections. Otherwise, we will say we have not fulfilled the promise.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): A number of hon. Members have voiced their concern about the absence in the List of Government Business for the next week of many items of importance. I have no doubt that many of the matters they have raised are very important matters, and time must be found some time or the other to deal with the items that they have referred to. It may not be possible for me to deal with every one of the suggestions that were made, but I shall deal with some of the main points that were raised.

My hon. friend, Shri Mavalankar, referred to the Repeal of the Act providing pension to former Members of Parliament. It is right that this matter has been engaging the attention of the Government, and if a Bill has not been brought in this regard before the House, it is because the Government realises that this is a matter affecting many former Members of Parliament, and the present Members of Parliament who some time or the other may become former Members of Parliament. Therefore, it was felt that on an issue like this, it is necessary to consult all parties, so that the Bill affecting the Members of Parliament has the support of all parties and all Members of Parliament. This process has taken some time. This has been listed on the items for discussion with the leaders of the opposition parties and groups, and we hope that in the course of the next few days a consensus would be identified, on the basis of which it would be possible for us to bring a Bill on this subject. Nobody wants that in haste we should bring forward a Bill which would adversely

affect the interests of the Members of Parliament, or former Members of Parliament. Therefore, I am sure, the House would appreciate the need for consultation and the evolution of a consensus in this regard.

Then he referred to the question of a comprehensive Bill for industrial relations. I am very glad that the hon. Member has raised it. I may perhaps be permitted to claim that this matter is upper-most in my mind, because I am the Labour Minister also. I think it is very necessary to have a legislation of this kind as early as possible on the statute book and I can assure the House that I have been trying very hard all these days, on the basis of the report that has come from the tripartite committee, to see that a Bill is drafted, to be placed before the House this session. But, on a matter of this kind, it is necessary to be very careful about the drafting of piece of legislation, which is a comprehensive legislation dealing with industrial relations. It has, therefore, taken a little more time than we had expected. I am sure that it would be possible to introduce it in the very beginning of the next session.

On the other question of legal aid which he has referred to, this is a matter on which we hope there will be no delay, and it will be possible for us to come forward with a Bill in the next session.

Then he made a reference to the anti-Defections Bill. Here again, as he very rightly pointed out, we have sent a note to the leaders of the opposition groups, and this too is a matter which is being discussed with the leaders of the opposition. Perhaps the hon. Member is aware that two such meetings have been held, particularly to deal with the amendments that we propose to the Constitution, the anti-Defections Bill as well as the Bill regarding pensions for Members of Parliament, and as soon as the discussions are over, we would introduce a Bill in this regard.

PROF. P. G. MAVALANKAR: Will he assure the House that the Government would not have more defectors in their party? For instance, Shri Chimanbhai Patel, the former Gujarat Chief Minister and many more are coming. Would he give an assurance that till the Bill comes at least you will implement the intentions of the Bill, which will mean you will prevent people from other parties coming to your party. Now the defectors are coming to you in battalions.

SHRI RAVINDRA VARMA: The opinion of the Janata Party about defections is well known.

Another point was the report on Dr. Lohia's death. The report was placed on the Table last week, and a motion has been given notice of. But it would not be possible to include that item for discussion next week. That does not mean that the Government are against discussion. It would be discussed some time.

13 hrs.

My hon. friend, Shri Chandrapan, supported by Shri Krishan Kant, raised the question of the repeal of MISA. This is a very important question. The Janata Party and the Government are committed to the repeal of MISA. We do hope, even if it is not possible for us to get through all the stages of the Bill, a Bill for this Bill be introduced in this session.

Shri Kanwar Lal Gupta referred to a discussion on the Plan. It is true that the BAC had decided that there would be a discussion on Plan in this session. But the BAC is also competent to revise its decision. Unfortunately, perhaps, my hon. friend who is more regular than otherwise in attending the meetings of the BAC, was not present....

MR. SPEAKER: He is not a member of the BAC.

SHRI RAVINDRA VARMA: He is almost a permanent invitee. Unfortunately, he was not present at the meeting of the BAC when a decision was taken that we will not be able to find time during the next week. But there will be a discussion on the Plan in the next session undoubtedly.

Coming to my good friend, Shri Jyotirmoy Bosu, about the tobacco Bill, we will take into consideration what he has said. About the other matter that he raised, I think, he was not keen that the Government should find time next week to discuss it. He was more keen that the House should know what he has in his mind.

SHRI K. LAKKAPPA: What about a discussion on the unemployment problem?

MR. SPEAKER: You did not raise it today.

SHRI K. LAKKAPPA: I raised it, with your permission.

MR. SPEAKER: Please keep him employed!

SHRI RAVINDRA VARMA: We are keen to keep him employed!

SHRI K. LAKKAPPA: What is the reply of the Minister?

MR. SPEAKER: There are only four days more. What can be done?

SHRI JYOTIRMOY BOSU: About Mr. Kapadia and the Central Bank, will you kindly give us a little time to discuss it?

MR. SPEAKER: You have made a sufficient discussion.

SHRI JYOTIRMOY BOSU: I am concerned that the Kapadia Lobby does not enter the Lok Sabha. Kindly give us a little time to discuss it.

SHRI K. LAKKAPPA: The Chief Minister of U.P. is contesting an elec-

tion. The election is on the 18th. Tomorrow the House is not sitting. I want to draw the attention of the Government to an important matter. There is a huge organisation of the Janata Party which is preventing the Harijans from voting. Proper protection should be given to the Harijans. I request you to direct the Government to provide some protection to the Harijans there so that there is a free and fair election.

SHRI JYOTIRMOY BOSU: The Business Advisory Committee must find some time for a discussion on the Kapadia and the Central Bank affair.

MR. SPEAKER: You are one of the members of the Business Advisory Committee.

SHRI JYOTIRMOY BOSU: I most humbly request you to find some time for it.

MR. SPEAKER: I cannot find time.

SHRI JYOTIRMOY BOSU: After reading the front page article in the Blitz if the House does not sit in judgment, if the House does not deliberate on it, we will be failing in our duty.

MR. SPEAKER: You have already mentioned it. Don't monopolise the time of the House.

SHRI JYOTIRMOY BOSU: Let him make a statement.

MR. SPEAKER: It is for him to make a statement or not.

13.4 hrs.

INTEREST BILL*

THE MINISTER OF FINANCE AND REVENUE AND BANKING (SHRI H. M. PATEL): I beg to move for leave to introduce a Bill to conso-

lidate and amend the law relating to the allowance of interest in certain cases.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to consolidate and amend the law relating to the allowance of interest in certain cases".

The motion was adopted.

SHRI H. M. PATEL: I introduce the Bill.

CONSTITUTION (FORTY-FOURTH AMENDMENT) BILL*

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: Motion moved:

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

SHRI KANWAR LAL GUPTA (Delhi Sadar): On a point of order. I do not want to oppose introduction of this Bill. Rather I welcome it. But there is a certain point on which I would request the Chair and also the Law Minister to guide me.

The Forty-Second Amendment in the Constitution was made during the period of Emergency. There were certain vital changes made in the Constitution. In some cases even the basic features of Fundamental Rights were changed, though Parliament was not competent to change them. This was the opinion of leading jurists in the country. But the then Government was of the view that Parliament was competent to change anything in the Constitution and that Parliament was supreme. All of us on this side of the House now did not agree with the view