

11.29 hrs.

MATTERS UNDER RULE 377

(i) TRANSFER OF HIGH COURT JUDGES
BACK TO THEIR STATES

श्री निर्मल चन्द्र जैन (सिवनी) : अध्यक्ष महोदय, आपात स्थिति के दौरान उस कालिमा अवधि में जब लोग जेलों में बन्द कर दिये गये थे, जेलों में भारी असुविधाएं थीं और इस के बारे में बहुत जगहों पर उच्च न्यायालयों में याचिकाएं भी दायर की गई थीं। जबलपुर के उच्च न्यायालय में मैं ने भी एक याचिका दायर की थी जो अंगतः स्वीकार की गयी थी। हैबियस कार्पस को भी बहुत सी याचिकाएं उच्च न्यायालयों में दाखिल की गई थीं। आठ हाई कोर्ट्स ने यह निर्णय दिया था कि उनके बारे में मुनवाई हो सकती है। बदला लेने की भावना से श्रीमती इंदिरा गांधी ने और खलनायक गोखले जी ने उच्च न्यायालयों के न्यायाधियों का स्थानांतरण किया था। जब जनता सरकार शासन में आई तब विभिन्न अवसरों पर घोषणायें की गई कि जिन न्यायाधियों को इस तरह से स्थानांतरित किया गया है उनको यह मौका दिया जाएगा कि वे चुनें कि वे अपनी जगहों पर वापिस जाना चाहते हैं अथवा नहीं। यह प्रश्न कई बार उठाया गया है। 5-4-77 को विधि मंत्री ने क्वेश्चन आवर में उत्तर दिया था कि सब जजों को यह स्वतंत्रता और मौका हम देना चाहते हैं। फिर 13 मई को प्रेस कॉन्फ्रेंस में भी उन्होंने इस बात को दोहराया था। इसके बाद 14 जून को श्री चन्द्र ने जो कि विधि मंत्री के स्थान पर उत्तर दे रहे थे कहा था :

7 Judges have requested for transfer

भेरा निवेदन है और आप से कहना है कि बहुत से न्यायाधिसि हैं जिन से

पूछा तक नहीं गया है कि वे वापिस जाना चाहते हैं अथवा नहीं। जबलपुर के उच्च-न्यायालय में आंध्र प्रदेश से आए कुड्डेया साहब से पूछा नहीं गया है। इसके कारण सीनियरिटी के मामले भी कुछ उलझे हुए हैं। निकट भविष्य में कुछ पदोन्नतियां होनी हैं और उन में भी क्वाइट पैदा होने की सम्भावना है। मैं स्पष्ट रूप से कहना चाहता हूं कि जबलपुर उच्च न्यायालय के श्री आनन्द प्रकाश जी सैन ने पैसला दिया था सरकार के खिलाफ और उनको भी बदले की भावना से स्थानांतरित कर दिया गया था। कुड्डेया साहब से पूछा नहीं गया है। सैन साहब की इच्छा है कि वे जबलपुर जाएं। लेकिन उनसे पूछा नहीं गया है। मैं चाहता हूं कि इस मामले में शीघ्रता बरती जाए। 28 नून को विष्णु स्पाट रूप से यह घोषणा की गई थी कि उच्च न्यायालयों के सभी न्यायाधीशों से जिन का स्थानांतरण किया गया था पूछा जाएगा कि वे वापिस जाना चाहते हैं अथवा नहीं। मेरी विधि मंत्री जी ने आपके तथा सदन के माध्यम से प्रार्थना है कि वह इसके बारे में त्वरित कार्रवाई करें और उन से पूछा जाए कि वे वापिस जाना चाहते हैं अथवा नहीं और जाना चाहते हैं तो उनका वापिस भेजने की व्यवस्था करें।

(ii) DECISION OF THE GOVERNMENT TO SPLIT
FERTILISER CORPORATION OF INDIA

SHRI K. LAKKAPPA (Tumkur): Mr. Speaker, Sir, I would like to raise an important issue. An announcement was made by the hon. Minister, Shri Bahuguna, for creating four units by splitting the FCI. This Corporation consists of several fertiliser companies and a sum of Rs. 700 crores have been invested into them. Some of them are not functioning and some of them are running into losses. So, effective steps are necessary for making these units viable. But instead of taking into consideration that aspect, Shri Bahuguna, hon. Minister of Chemicals and Fertilisers has come to the conclusion to split it. What will be the impact on

[Shri K. Lakkappa]

public exchequer and country's economy as a consequence of splitting this Corporation into four units? If the Cabinet decision to split up the Fertiliser Corporation of India is implemented it will benefit only a few officers alone in the matter of their promotions because four independent companies would come into existence requiring four Chairmen/Managing Directors, four headquarters, four Central Training Centres, besides appointments of senior officers like Company Secretaries and Advisers in various fields for each of the companies and four full-fledged managements. This ultimately involves further expenditure on huge establishment. It has always been a white elephant eating into the vitals of the Fertiliser Corporation and the public funds. The present Government always talks of economy and austerity measures. But how they would implement austerity measures on items like transport, telephone, travelling, creation of posts, recruitment etc. synchronizing with the same decision to split up the Corporation. Even the registration of fees of the four companies would be to the tune of about Rs. 2 crores.

This is also what has been stated in the *Statesman* dated 15-7-77:

"One of the main reasons for the decision to split up the Fertiliser Corporation of India into four autonomous corporations is that it is "monstrously big" and, therefore, "unmanageable". At the moment the FCI has seven units in operation and four in various stages of completion with gross assets well in excess of Rs. 700 crores. This is admittedly big but considering the nature of the industry, the FCI's size is modest. In fact, some experts are on record that the FCI could easily manage more than twice the present number of units. All the units with the exception of the Nangal one have been incurring heavy losses which does not necessarily mean that the FCI is badly managed. Alternatively, there is nothing to suggest that they could be turned into profit-making units by the simple expedient of reorganizing the FCI into smaller corporations. On the contrary, the chances are that creating four autonomous corporations in place of one will involve additional administrative and managerial overheads and encourage officials' inherent empire-building tendencies. Locational and tech-

nological reasons have been advanced in favour of restructuring the FCI.

Instead of reorganising the whole thing, streamlining the administration and introducing discipline in the administration, the hon. Minister has taken such steps which will result in the net loss and heavy expenditure by creating these four independent units. Ultimately, not only indiscipline will be curbed but it will also be advantageous to the building up of in-built bureaucracy. Therefore, there is no austerity measure involved in it; there is no simplicity involved in it; there is no administrative convenience and discipline involved in it. If they take such a decision, it will be disastrous to the nation.

Instead of doing this, let the hon. Minister bring about re-orientation and discipline in this sector. There are a few top-level officers who are engineering this sort of a thing. They want to create an atmosphere and want to have four autonomous units in four different regions of the country so that they can get into them and become bosses and enjoy the best of things.

I would like to submit that this is a very unreasonable decision and it is not a wise decision. I would request the hon. Minister to reconsider all these aspects of the matter in the interest of the nation.

(iii) RETRENCHMENT OF LABOURERS IN GOVERNMENT DEPARTMENTS OF UNION TERRITORY OF LAKSHADWEEP

SHRI P. M. SAYEED (Lakshadweep): Mr. Speaker, Sir, I would like to draw the attention of the House to a very serious matter which has taken place in my constituency, the union territory of Lakshadweep, where the entire labour force has been drawn from different Departments of the administration. Though it is a very small union territory, the working force in different Departments is considerably large.

The serious incident that has taken place is with regard to the retrenchment of labourers in various departments, specially, the harbour and the Public Works Department and that too is a very small number if at all compared to any other union territory. The retrenchment is to the tune of 150 labourers in all.

What the administration officials are doing is that on the pretext of lack of funds, they are retrenching labour which