

LOK SABHA DEBATES

(Sixth Series)

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[August 12 to 31, 1978/Śravana 21 to Bhādra 9, 1900 (Saka)]



Fifth Session, 1978/1900 (Saka)

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LOK SABHA SECRETARIAT
NEW DELHI

CONTENTS

Thursday, August 31, 1978/Bhadra 9, 1900 (Saka)

COLUMNS

Rs. Advance Publicity in the Press to Notices given by Members	1
Papers laid on the Table	1—6
Estimates Committee—	
Statements	7—9
Calling Attention to Matter of Urgent Public Importance—	
Damage in Malda and Murshidabad Districts (West Bengal) due to Flood	9—19
Shri Bijoy Modak	9, 11—13
Shri Surjit Singh Barnala	9—11, 18—19
Shri Dinen Bhattacharya	13—15
Dr. Ramji Singh	16—18
Public Accounts Committee—	
Eighty-ninth and Ninety-first Reports	20—22
Petition <i>re.</i> Rehabilitation of Bhakra Dam Oustees	22
Statement under Direction 115	22—28
Merchant Shipping (Amendment) Bill—Introduced	29
Supreme Court Judges (Conditions of Service) Amendment Bill—	
Motion to introduce	29—32
Shri Ravindra Varma	29
Shrimati Parvathi Krishnan	29-30, 31-32
Shri Vayalar Ravi	30
Shri Shyamnandan Mishra	30-31
h Court Judges (Conditions of Service) Amendment Bill—Intro-	32

Bolani Ores Limited (Acquisition of Shares) and Miscellaneous Provisions Bill—

Motion to introduce	32—34
Shri Biju Patnaik	32-33, 34
Shri Saugata Roy	33-34

Matters under Rule 377—

(i) Prime Minister's Reported Letters to Chief Minister of Andhra Pradesh—	
Shri G. Narasimha Reddy	35
(ii) Reported Starvation Deaths in Bihar—	
Shri Ramanand Tiwary	35-36
(iii) Communal Riots in Pernambut (North Arcot, Tamil Nadu)—	
Shri G.M. Banatwalla	36-37
(iv) Reservation for Backward Classes in Services—	
Shri Ram Awadhesh Singh	37—39
(v) Reported Floods in Uttar Kashi—	
Shri T.S. Negi	41—44
(vi) Need for a National Plan to control floods—	
Shri K. Suryanarayana	44—47
(vii) Reported Teachers' Agitation in Orissa—	
Prof. Dilip Chakravarty	47-48
(viii) Reported killing of Harijans in Pipri village in Karahgar anchal of Rohtas—	
Shrimati Parvathi Krishnan	48-49
(ix) Reported problems of re-settlement of Dandakaranya refugees—	
Prof. Samar Guha	49-50, 59-60

Rs. Incident of Stone-throwing at a Boat Club Meeting resulting in injury to Shri Atal Bihari Vajpayee	50—59
Press Council Bill—	
Clauses 5 to 27 and 1	60—109
Motion to pass—	
Shri L.K. Advani	109, 111-12
Shri P. Venkatasubbaiah	109 110
Shri C.K. Chandrappan	110
Shri Saugata Roy	111
Visva-Bharati (Amendment) Bill—	
Motion for concurrence in recommendation of Rajya Sabha for reference of Bill to Joint Committee	113—24
Dr. Pratap Chandra Chauder	113, 121—23
Shri Saugata Roy	114
Shri P.K. Kodyan	114-16
Prof. Dilip Chakravarty	116
Prof. P.G. Mavalankar	116-18
Dr. Ramji Singh	118—21
Industrial Relations Bill—	
Motion for reference to Joint Committee	124—39, 144—52
Shri Ravindra Varma	124-25, 144—50
Prof. Dilip Chakravarty	126-27
Sh Saugata Roy	127—29
Shri Purnanarayan Sinha	129-30
Shri M. Kalyanasundaram	130-31
Shri Somnath Chatterjee	131—34
Shrimati Parvathi Krishnan	134—38

	COLUMNS
Statement <i>vs.</i> Reported Selection of Aircraft for Indian Air Force—	
Shri Jagjivan Ram	139—44
Hospitals and Educational Institutions (Conditions of Service of Employees and Settlement of Employment Disputes) Bill—	
Motion for reference to a Joint Committee—	
Shri Ravindra Varma	152—53
Employment Security and Miscellaneous Provisions (Managerial Employees) Bill—	
Motion for reference to Joint Committee	154—55
Statement <i>vs.</i> Incident of Stone-throwing at Boat Club resulting in Injuries to the Minister of External Affairs, Shri Atal Bihari Vajpayee—	
Shri S.D. Patil	156
Assent to Bills	157—58

LOK SABHA DEBATES

3

LOK SABHA

Thursday, August 31, 1978/Bhadra
9, 1900 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. DEPUTY SPEAKER in the Chair]

**RE. ADVANCE PUBLICITY GIVEN
IN THE PRESS TO NOTICES
GIVEN BY MEMBERS**

MR. DEPUTY-SPEAKER: It has been brought to my notice that advance publicity is being given in the press to various notices given by Members for raising matters in the House.

I may inform the Members that giving of advance publicity to notices for raising matters in the House is in contravention of the provisions of Rules 33A of the Rules of Procedure and Conduct of Business in Lok Sabha, which reads as follows:—

"A notice shall not be given publicity by any Member or other person until it has been admitted by the Speaker and circulated to Members:

Provided that a notice of a question shall not be given any publicity until the day on which the question is answered in the House."

I seek co-operation of Members and the press in the observance of the provisions of this Rule.

11.02 hrs.

PAPERS LAID ON THE TABLE

**OIL INDUSTRY DEVELOPMENT BOARD
EMPLOYERS' (GENERAL CONDITIONS OF
SERVICE) RULES, 1978**

**THE MINISTER OF PETROLEUM
AND CHEMICALS AND FERTILI-
ZERS (SHRI H. N. BAHUGUNA):**
I beg to lay on the Table a copy of the Oil Industry Development Board Employers' (General Conditions of Service) Rules, 1978 (Hindi and English
8594 LS—1.

versions) published in Notification No. G.S.R. 428(E) in Gazette of India dated the 26th August, 1978, under sub-section (3) of section 31 of the Oil Industry (Development) Act, 1974.

[Placed in library. See No. LT—2737/78]

**ANNUAL REPORTS OF KERALA FOREST
DEVELOPMENT CORPORATION, KOTTAYAM
AND BIHAR STATE FOREST DEVELOPMENT
CORPORATION, PATNA FOR THE YEAR
ENDED 30TH JUNE, 1977 AND 1976-77,
TWO STATEMENTS AND NOTIFICATIONS UNDER
ESSENTIAL COMMODITIES ACT, 1955**

**THE MINISTER OF AGRICULTURE
AND IRRIGATION (SHRI
SURJIT SINGH BARNALA):** I beg to
lay on the Table:

(1) A copy each of the following papers under section 619A of the Companies Act, 1956:—

(i) Annual Report of the Kerala Forest Development Corporation Limited, Kottayam, for the year ended 30th June, 1977 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(ii) Annual Report of the Bihar State Forest Development Corporation Limited, Patna, for the year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(2) Two statements (Hindi and English versions) showing (a) reasons for delay in laying the reports mentioned at (1) above and (b) reasons for not laying simultaneously the Hindi versions of the reports.

[Placed in library. See No. LT—2738/78].

(3) A copy of the following Notifications (Hindi and English versions) under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

(i) G.S.R. 413(E) published in Gazette of India dated the 16th August, 1978, rescinding the Levy Sugar Supply (Control) Order, 1972 published in Notification No. G.S.R. 310(E) dated the 15th June, 1972.

- (ii) G.S.R. 414(E) published in Gazette of India dated the 16th August, 1978, rescinding certain orders mentioned in the Notification issued under the Essential Commodities Act, 1955.
- (iii) G.S.R. 415(E) published in Gazette of India dated the 16th August, 1978, rescinding certain orders mentioned in the Notification issued under the Essential Commodities Act, 1955.
- (iv) G.S.R. 416(E) published in Gazette of India dated the 16th August, 1978 rescinding Notification No. G.S.R. 1752 dated the 20th November, 1967.

[Placed in library. See No. LT—2739/78]

THIRD AND FINAL REPORT OF SHAH COMMISSION OF INQUIRY, MEMORANDUM OF ACTION TAKEN ON THE REPORT, STATEMENT, RE. HINDI VERSION OF REPORT AND SIXTY-SIXTH REPORT OF LAW COMMISSION

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LAOUR (SHRI RAVINDRA VARMA): Sir, on behalf of Shri Shanti Bhushan, I beg to lay on the Table:

- (1) A copy each of the following papers under sub-section (4) of section 3 of the Commissions of Inquiry Act, 1952:—
- (A) Third and Final Report dated the 6th August, 1978 of Shah Commission of Inquiry set up to inquire into the misuse of authority, excesses and mal-practices committed during the Emergency.
- (ii) Memorandum of the Action taken by the Government on the above Report.

(2) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi versions of the Report and the Memorandum of Action taken.

[Placed in library. See No. LT—2740/78]

(3) A copy of the Sixty-sixth Report (Hindi versions) of the Law Commission on Married Women's Property Act, 1874. [Placed in library. See No. LT—2741/78].

STATEMENT RE CORRECTION OF ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI. ZULFIQURULLAH): On behalf of Shri H. M. Patel, I beg to lay on the Table a statement (i) correction the reply given on the 12th May, 1978 to Unstarred Question No. 10180 by Shri. Ahsan Jafri regarding employees in State Bank of India, Gujarat and (ii) giving reasons for delay in correcting the reply. [Placed in Library. See No. LT—2742/78].

REPORT OF COMMITTEE ON CONSUMER PRICE INDEX NUMBERS.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I beg to lay on the Table a copy of the Report (Hindi and English versions) of the Committee on Consumer Price Index Numbers. [Placed in library. See No. LT—2743/78].

STATEMENT CORRECTING THE INFORMATION RE. AMENDMENT OF EMPLOYMENT OF CHILDREN ACT

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION, SOCIAL WELFARE AND CULTURE (SHRIMATI RENEKA DEVI BARAKATAKI): I beg to lay on the Table a statement (Hindi and English versions) correcting the information given about amendment of Employment of Children Act, in the statement laid on the Table on the 28th August, 1978 in reply to Unstarred Question No. 4653 regarding recommendations of Working Group on employment of Children. [Placed in library See No. LT—2744/78].

REVIEW AND ANNUAL REPORT OF JUTE CORPORATION OF INDIA FOR 1976-77 AND STATEMENT RE. DELAY IN LAYING REPORT.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRIMATI ABHA MAITI): I beg to lay on the Table:

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

(i) Review by the Government on the working of the Jute Corporation of India Limited, Calcutta, for the year 1976-77.

(ii) Annual Report of the Jute Corporation of India Limited, Calcutta, for the year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(a) A statement showing reasons for delay in laying the above Report.

[Placed in Library. See No. LT—2745/78]

STATEMENT OF ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PAR-

(1) Statement No. X

(2) Statement No. VIII

(3) Statement Nos XI

(4) Statement No. VII

(5) Statement No. VI

(6) Statement No. VII

(7) Statement No. I

[Placed in Library. See No. LT—2746/78]

ACCOUNTS OF POST-GRADUATE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH CHANDIGARH FOR 1976-77 AND FOOD ADULTERATION (FOURTH AMENDMENT) RULES 1978

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI JAGDAMBI PRASAD YADAV): I beg to lay on the Table:

(1) A copy of the Certified Accounts (Hindi and English versions) of the Post-graduate Institute of Medical Education and Research, Chandigarh, for the year 1976-77 together with the Audit Report thereon, under sub-section (4) of section 18 of the Post-Graduate Institute of Medical Education and Research, Chandigarh Act 1966. [Placed in Library. See No. LT—2747/78.]

(a) A copy of the Prevention of Food Adulteration (Fourth Amendment) Rules, 1978 (Hindi and English versions) published in Notification No. G.S.R. 393(E) in Gazette of India dated the 4th August, 1978, under sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954. [Placed in Library. See No. LT—2748/78].

SHRI K. LAKKAPPA (Tumkur) : Mr. Deputy Speaker, Sir, I am seeking your permission to say something regarding item 9(a) i.e., laying on the Table of the House a copy of the Prevention of Food Adulteration (Fourth Amendment) Rules 1978. There are certain laws which are in existence and under the existing laws, certain action can

LIAMENTARY AFFAIRS (SHRI LARANG SAI) : I beg to lay on the Table the following statements (Hindi and English versions) showing the action taken by the Government on various assurances, promises and undertakings given by the Ministers during the various sessions of Lok Sabha:—

Fifteenth Session, 1976

Fifth

Lok Sabha

First Session, 1977

Second Session, 1977

Third Session, 1977

Fourth Session, 1978

Fourth Session, 1978

Fifth Session, 1978

Sixth

Lok Sabha

be taken. I have brought it to the notice of the Health Minister time and again on the floor of this House, about the manufacture of soft drinks only Thums Up' by certain manufacturer's of Parley Group; they are not looting crores of rupees by cheating the Government, but at the same time there are cases of food adulteration against them, which have been proved. This is very relevant here. Therefore, I want an assurance from the hon. Minister that he will take action against them on that basis. Otherwise, there is no use of laying all these things on the Table of the House.

MR. DEPUTY SPEAKER : Mr. Zulfiqarullah.

NOTIFICATION UNDER CENTRAL EXCISE RULES, 1944 AND REPORT OF COMPTROLLER AND AUDITOR GENERAL OF INDIA FOR 1978

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI ZULFIQARULLAH): I beg to lay on the Table:

(1) A copy of Notification No. G.S.R. 430(E) (Hindi and English versions) published in Gazette of India dated the 26th August, 1978 together with an explanatory memorandum regarding exemption to corrugated board from excise duty, issued under the Central Excise Rules, 1944. [Placed in Library. See No. LT—2749/78].

(2) A copy of the Report (Hindi and English versions) of the Comptroller and Auditor General of India for the year 1978—Union Government (Commercial)—Part I—Introduction, under article 151(1) of the Constitution. [Placed in Library. See No. LT—2750/78].

11.53 hrs.

ESTIMATES COMMITTEE

STATEMENTS

SHRI SATYENDRA NARAYAN SINHA (Aurangabad) : I beg to lay on the Table the following statements:—

- (1) Statement showing final reply of Government to a recommendation contained in Chapter V and action taken reply in respect of a recommendation included in Chapter III of Seventy-first Report of Estimates Committee (Fifth Lok Sabha) regarding Action Taken by the Government on the recommendations contained in their Sixty-first Report (Fifth Lok Sabha) on Civil Supplies Organisations.
- (2) Statement showing final replies of Government to the recommendations contained in Chapter V and Actions taken replies in respect of recommendations made in other Chapters of Eighty-sixth Report of the Estimates Committee (Fifth Lok Sabha) regarding Action Taken by Government on the recommendations contained in their Sixty-fourth Report (Fifth Lok Sabha) on Television.
- (3) Statement showing Action Taken replies of Government in respect of recommendations made in Chapters I to IV of the Ninety-first Report of the Estimates Committee (Fifth Lok Sabha) regarding Action Taken by Government in respect of the recommendations contained in their Seventy-Fourth Report (Fifth Lok Sabha) on Directorate of Estates.
- (4) Statement showing Action Taken replies of Government in respect of the recommendations made in Chapters I to IV of Ninety-Second Report of Estimates Committee (Fifth Lok Sabha) regarding Action Taken by Government on the recommendations contained in Seventy-seventh Report on Railway Electrification Projects.
- (5) Statement showing final reply of Government to a recommendation contained in Chapter V of the Ninety-third Report of the Estimates Committee (Fifth Lok Sabha) regarding Action Taken by Government in respect of the recommendations contained in their Seventy-sixth Report (Fifth Lok Sabha) on Production Foodgrains.
- (6) Statement showing final reply of Government to a recommendation contained in Chapter V and action taken replies in respect of recommendations made in other Chapters of the Ninety-fifth Report of the Estimates Committee (Fifth Lok Sabha) regarding Action taken by Government on the recommendations contained in their Sixty-ninth Report (Fifth Lok Sabha) on Development of Backward Areas.
- (7) Statement showing final replies of Government to the recommendations contained in Chapter V and action taken replies in respect of the recommendations made in other Chapters of Ninety-Sixth Report of the Estimates Committee (Fifth Lok Sabha) regarding Action taken by Government on the recommendations contained in their Seventy-Eighth Report (Fifth Lok Sabha) on Planning, Development, Production, Distribution etc. of Iron and Steel and Ferro-Alloys.
- (8) Statement showing final reply of Government to a recommendation contained in Chapter V and action taken replies in respect of the recommendations made in Chapter II of First Report of the Estimates Committee (Sixth Lok Sabha) regarding Action taken by Government on the recommendations contained in their Eighty-eighth Report (Fifth Lok Sabha) on Deputation of Indian Experts and Officers abroad.
- (9) Statement showing final reply of Government to a recommendation contained in Chapter V and action taken replies in respect of the recommendations made in other Chapters of the Fourth Report of the Estimates Committee (Sixth Lok Sabha) regarding Action taken by Government on the recommendations contained in their Hundredth Report (Fifth Lok Sabha) on Tourism.
- (10) Statement showing final replies of Government to the recommendations contained in Chapter V and action taken replies in respect of the recommendations made in other Chapters of the Seventeenth Report of the Estimates Committee (Sixth Lok Sabha) regarding Action taken by Government on the recommendations contained in their Ninety-Seventh Report (Fifth Lok Sabha) on Slum Clearance and Housing Schemes.

MR. DEPUTY-SPEAKER: Calling Attention. Mr. Bijoy Modak.

SHRI KANWAR LAL GUPTA (Delhi Sadar): Before you proceed, I want to make a submission. It is an important one. A Reporter of All-India Radio, who was covering the proceedings of this House, died yesterday because he was not properly attended to. He was a heart patient and...

MR. DEPUTY-SPEAKER: Mr. Gupta, I have called Mr. Bijoy Modak.

SHRI KANWAR LAL GUPTA: He was not attended at all. No oxygen was given....

MR. DEPUTY-SPEAKER: Mr. Bijoy Modak has the floor now. If you still persist, it will not go on record.

(Interruptions)**

11:05 hrs

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

DAMAGE IN MALDA AND MURSHIDABAD DISTRICTS (WEST BENGAL) DUE TO FLOODS

SHRI BIJOY MODAK (Hooghly): I call the attention of the Minister of Agriculture and Irrigation to the following matter of urgent public importance and request him to make a statement thereon:

"Reported loss and damage caused by the devastating flood of Ganga in the districts of Malda and Murshidabad (West Bengal), the threat to Farakka Barrage Project due to erosion of vast tract of land by the river Ganga and the protective, remedial and relief measures taken by Government."

THE MINISTER OF AGRICULTURE AND IRRIGATION: (SHRI SURJIT SINGH BARNALA): The river Ganga had been in floods in its lower reaches during the third week of July and started rising again from the 27th July reaching the peak level of 24.42 metres at Farakka on the 20th of August which is 0.7 metre lower than the maximum level recorded in the year 1948. Thereafter from the 22nd August the water level started receding but it continues to be above the danger level. There have been spells of heavy rain-fall during August in Murshidabad and Malda districts on several occasions.

According to the reports received from the West Bengal Government all the major rivers in the two districts, viz., Ganga, Bhagirathi, Bhairab, Bansloi and Pagla started rising from 14th August inundating char areas and low lying villages in Jangipur, Shamsher Gunj, Berhampore Laigola, Raghunathunge, Jalangi, Bhagawangola (II), and Pannagar blocks. Flood water also enter Dhulian town.

In Murshidabad district, parts of un-protected areas of Manikchak, Ratus I, and Kaliachak (III) blocks were also affected by floods. A total area of 750 sq. kms. with a population of over 4.5 lakh persons was affected. The old alignment of National Highway was under 65 meter deep water. The National Highway approach to Aurangabad town was cut off. 3,500 houses have either been damaged or destroyed. The crops in an area of 50,000 ha. have been affected. Death of one child has been reported. No loss of cattle is reported.

In Malda district, an area of 350 sq. kms. was affected in 5 blocks, viz., Maliachak (II and III), Manikchak, Ratus (I) and parts of Harishchandrapur (II), with a population of 1.5 lakhs. 2956 houses were either damaged or destroyed. Crops of over an area of 6400 hectares were affected. 6 human lives and 10 heads of cattle are reported to be lost.

Although the Ganga is known to erode its banks here and there almost through out its course in alluvial plains, there has been no threat to any component of the Farakka Barrage Project due to erosion during the current monsoon.

In Malda district 22,000 persons have been rescued and given shelter in 21 camps. Necessary public health and sanitary measures were taken up by the State Government. Arrangements have also been made to supply fodder and take preventive measures against cattle epidemic. 400 metric tonnes of wheat has been allotted for distribution. Rs. 2 lakh have been sanctioned for the purchase of edibles and another Rs. 2 lakhs for relief contingencies; grams and milk powder have also been distributed as part of the relief operations.

In Murshidabad district Rs. 3 lakhs have been sanctioned for purchase of edibles and Rs. 5.5 lakhs for miscellaneous items. Garments like dhoties, sarees, etc., have also been distributed. In addition to milk powder, house building grants of Rs. 50,000 have also been

[Shri Surjit Singh Barnala]

sanctioned by the State Government. 18,000 metric tonnes of wheat has also been despatched to the district.

A Central Team is visiting the State from 1st to 3rd September, 1973, for on the spot assessment of the requirements of Advance Plan Assistance for meeting the situation arising out of floods. Suitable action will be taken on receipt of report of the Central Team.

5,000 tonnes of wheat has already been released by the Centre as an interim allocation in anticipation of the recommendations of the Central Team.

SHRI BIJOY MODAK: Mr. Speaker, Sir, the Farakka Barrage project is of national importance and of high engineering skill costing over Rs. 200 crores. The purpose of the scheme was to augment the flow of water from the Ganges to the Bhagirathi by taking the water from the upstream Ganges through the feeder canal, thereby increasing the navigability of the river Bhagirathi and saving the port of Calcutta.

At the initial stage, it roused great expectations. It was thought that it will be a great boon to the people of West Bengal. But subsequently it proved to be otherwise and all the expectations were belied. The required quantum of water could not flow from the Ganges into the Bhagirathi river, defeating the purpose for which the Barrage was built. Moreover, this scheme has become a scourge to the people of the twin districts of Murshidabad and Malda in West Bengal.

This year also, the due to erosion of the embankments of the Ganges, both in the upstream and in the downstream of the Barrage, these two districts have been affected and the vast tracts of land have been eroded and submerged under water.

It will be seen from the statement that the flood has affected many places, namely, Manikchak, Ratua, Kaliachak, Jangipur Lalgola, Raghunathgunge, Jalangi, Bhagawangola and other places stretching upto Berhampore. In the statement, he has admitted that a large number of people have been affected by the flood.

This has been a recurring phenomenon from the year 1971. This phenomenon began just after the construction of the Farakka Barrage. It is doubted that due to the faulty design of the Barrage, the erosion in the Ganges, both upstream and downstream, is caused. Many eminent engineers of West Bengal, such as, Mr. Debendra Mukerjee who was associated with the scheme, have opined that it is due to the faulty design of the Barrage that the

caused flooding of the district of Murshidabad. I would ask here whether this defect in the design of Farakka Barrage will be rectified and the Central Government will take up any model hydrel research test of the Farakka Barrage design in the River Research Institute to see whether there is a defect and, if there is, to quickly remedy it. Due to this erosion both in the upstream and downstream of Farakka Barrage, a serious and dangerous situation has been caused. As you know, on the side of Murshidabad, downstream of Farakka, the distance between Padma i.e. Ganga and Bhagirathi was six miles before 6 years but now the distance has been eroded and it has come down to only a slender strip of land of 800 yards only. There is danger of the Padma coming closer to Bhagirathi and joining it. In that situation, as the feeder canal which stretches up to 40 miles before joining Bhagirathi and the whole stretch of this land is not protected, there is danger of the feeder canal, the Bhagirathi and the Ganges i.e. Padma joining up and a new channel of Ganges water up-stream of the Barrage passing south of the Barrage, to Padma via Bhagirathi.

On the other hand, this erosion business has also caused some havoc in the district of Malda. There is a canal on the northern side of upstream Ganges and, due to erosion, the upstream Ganges is showing signs of channelising its course. Through this to the downstream Ganges also, and from both sides, i.e. the north and the south of the Barrage, there is danger of the upstream Ganges joining the Padma, thereby making the Farakka Barrage a mere show-piece. It will be of no use then, and there will be a huge loss to the exchequer.

Therefore, I am coming to the point that this must be immediately looked into and the Government of India must take up its own responsibility for checking the erosion.

The Central Government, I think have taken some remedial measures and have constructed a canal just in Jangipore and also constructed afflux Bund near the canal in Murshidabad District where the Padma is rushing to the Bhagirathi. But there are six gaps in the Bund and, through the gaps, the Canal water of the Padma is rushing to Bhagirathi. So, the Central Government must take steps immediately for sealing and mending these.

My question is whether the Government has taken action regarding the hydrel test of the Farakka Barrage scheme and what steps they are taking to remedy the erosion, and what relief measures are being taken by the Central Government, not depending on the West Bengal Govern-

SHRI SURJIT SINGH BARNALA: So far as the Farakka Barrage is concerned, there is no faulty design and no faulty construction in that, and the Government has no proposal for any hydel construction there, as has been suggested by my Hon. friend. It is also incorrect to say that it was soon after the construction of the Farakka Barrage that erosion downstream had started. In fact, it has been going on for a very long time and, for that very reason, it was necessitated that the railway-line on the west bank of the Ganga was to be shifted.

Regarding the point raised by the Hon. Member that the Ganga is shifting towards the canal itself, this matter was referred to a Technical Advisory Committee of the project, who went into the matter. They have recommended the construction of four spurs in this reach, which will be taken up shortly.

So, there is no danger to the canal as such. We are taking all precautionary measures to see that there is no danger to the canal.

SHRI BIJOY MODAK: What about erosion?

SHRI SURJIT SINGH BARNALA: Regarding erosion, I have mentioned already that the West Bengal Government had made a proposal. That proposal was made in 1973 and the estimated cost was Rs. 63 crores. The scheme was not based on a technical field investigation and was not backed by requisite model experiments, which was very essential. This was then referred to CWPRS by the State Government, but the necessary field data required by them was not provided. The Minister of Irrigation of West Bengal visited the CWPRS station in July this year and he was also apprised of the position that the required data has not been furnished. He agreed that the required data should be furnished and that necessary steps should be taken.

SHRI DINEN BHATTACHARYA (Serampore): My first point is that, apart from this erosion, this House has discussed this in other places also. So, my question to the Minister would be, whether the Government has any national plan to get rid of the erosion of rivers, causing floods in many places. My first point is whether you have any plan or not and whether you are going to consider making a national plan. You are spending crores and crores of money on flood relief, but what is the benefit of it? Every two or three years there is a flood. So, why don't you have a national plan? I know the previous Government sanctioned Rs. 62 crores to save these areas from erosion and for protection against floods. But if you are to spend the same value now, it

will amount to Rs. 140 to Rs. 150 crores. So, I would like to know whether the West Bengal Government has again repeated the same request to the Central Government to sanction this amount. This also may kindly be replied to by the Minister.

Now, about the danger that has been created this time, if the Ganga, Bhagirathi and Pagla, in course of time get mixed up, then we cannot imagine the dangerous situation which will be created as a result of that. So, has the Government collected any information from the Engineers and other staff? The Team which was sent from the Centre went there and they have already come back with their recommendations. The West Bengal Government has asked for Rs. 10 crores to give relief to the flood affected people. So, this is the situation which is prevailing: it is a very dangerous one. Not only is the Farakka Barrage in danger, but the Nadia district has been affected; Nadia and Shantipur also are under flood water. The purpose for which the Farakka Barrage was built will be defeated if the Government does not necessarily take up the issue and try to save the situation in an effective manner.

My first question is: Sidhartha Shankar Ray's Government asked for Rs. 62 crores. Now the West Bengal Government, after calculating everything, have come to a decision that you have to pay them Rs. 140 crores to at least see that the flood is controlled for the time being, and the Rs. 10 crores that has been recently asked after the visit of your team. You are not in the know of the fact that your team which went there has come back and has already recommended Rs. 10 crores. I want to know whether you are going to sanction that money for which the Chief Minister himself came here and he also talked to the Prime Minister and placed the same demand like the Irrigation Minister, Mr. Roy who is also here now. I had a talk with him this morning. He also requested me to take up this issue with Mr. Barnala, so that effective steps may be taken.

So, 3 or 4 districts are affected and the Central Government has its responsibility.

I will end with the point whether the Government is thinking about having a national flood control plan so that they are not to spend every year. You know China has completely controlled floods in Tang Po and not only floods are controlled but lakhs and crores of people have got employment and so many acres of land came under cultivation. Why is it not possible for us what is possible for China? So I request you that you are now having

(Shri Dinan Bhattacharya)

very good relations with the Chinese Government. Why should not our Minister and see what has taken place there and how they have controlled floods? That will encourage him and will help him to get rid of this flood havoc every year in ever State of our country.

SHRI SOMNATH CHATTERJEE (Jadavpur): We want satisfactory answers.

SHRI SURJIT SINGH BARNALA: Plans are being prepared for flood control. As the hon. Member has suggested, there should be plans for protection for the entire area. For example, the Ganga Flood Control Commission has prepared an outline plan for flood control in the Ganga Basin amounting to Rs. 1043 crores. Now it is being supplemented by several sub-basin riverwise plans. So these plans are under study. During 1977-78 the Ganga Flood Control Commission has examined five major flood control and drainage projects for sanction by the Planning Commission which have all been approved. Out of these, one is the urgent development works in the Sunderbans, then the Gandak, Kunur River Embankment, Ghia-Kunti Drainage and the Sone embankment schemes. All these referred to the Planning Commission have been approved.

So, we are trying to have a comprehensive plan so that it can be executed and more areas can be protected from floods. We have also set up a working group on flood control and drainage. They will also take into account antierosion steps. For that also in the coming plan we propose to spend about Rs. 680 crores for all these measures. Earlier the total amount was not even spent in Five Year Plans so that the total expenditure is Rs. 633 crores. But in one plan period we are going to spend about Rs. 680 crores and within this year Rs. 126 crores are going to be spent on flood protection measures.

SHRI DINEN BHATTACHARYA: May I know one thing? I have suggested that if he cannot go to China, at least he should go to Murshidabad and other flood affected areas. Why are you not visiting those places? Why are you depending on the bureaucrats? Why are you not taking the relief measures for which the West Bengal Government is pressing again and again? With folded hands I request the Minister to reply to that. Why is he hesitating to go there?

SHRI SURJIT SINGH BARNALA: After the Parliament session, I propose to visit some of the flood-affected areas and find out myself what can be done. Even in China it is not that in the entire China there are no floods. There are floods also in some areas.

डा० राकशी सिंह (बायलपुर) :

उपाध्यक्ष महोदय, इस ध्यानकर्षक प्रस्ताव में दो बातें कही गई हैं, एक तो मुलिदाबाद और मालदा में बाढ़ की स्थिति और दूसरी बात जो सबसे बड़ा राष्ट्रीय विन्तन का विषय है, वह है फरक्का बांध पर खतरा। माननीय मंत्री जी ने बताया है कि फरक्का बांध पर खतरा नहीं है। उन के शब्द से संतोड़ तो होता है लेकिन जो रिपोर्टें हैं, मैं चाहूंगा कि माननीय मंत्री जी उस पर धनना विचार करें। जहाँ तक फरक्का बांध पर खतरा की बात है उसके सम्बन्ध में यह रिपोर्टें हैं—

"Floods in West Bengal have reached a serious situation as swollen Padma is inching towards river Bhagirathi—Murshidabad district, threatening Farakka barrage constructed to regulate water-flow for maintaining of Calcutta Port."

On the other sides of the border, Padma has overtopped the Farakka system's afflux from bundh at 9 points and gorged through its bank towards the Bhagirathi. Erosion has already reduced the land gap between the two rivers at Sidaiganj town four miles to more 8000 feet. The flood waters have also overtopped Jangipur barrage.

इस के बाद यह बात मंत्री सम्मन में नहीं जाती है कि फरक्का बांध पर खतरा कितना नहीं है। विन्तुस्तान स्टैडर्ड की भी यह रिपोर्टें हैं—

"According to reports, there are gaps in some embankments erected by Farakka Barrage Authority through which waters are rushing out and flooding surrounding areas. The matter needs a thorough probe."

इसलिए एक बात तो मैं यह पुछना चाहूंगा कि वे जो रिपोर्टें प्रकाशित हुई हैं वे सचर नकल हैं। तो वह इन को नकल कहे और सचर इन में बोझा लय है जो एक राष्ट्रीय सम्पत्ति को बचाने के लिए किसी बांध की व्यवस्था करें।

दूसरा प्रश्न है मुक्तिबाबा और मालदा के सम्बन्ध में। वेस्ट बंगाल के रिजर्व इंजिनियर राधिकारंजन बेनर्जी ने जो बातें कही हैं उसमें 10 करोड़ 35 लाख रुपये की क्षति उल्लिखित बताई है। मुक्तिबाबा के 450 गांव 300 वर्गमील में जलमग्न हो चुके हैं। 9 लाख लोग मुक्तिबाबा और मालदा में प्रभावित हैं। ऐसी स्थिति है। फरक्का बैरेज जब बना या तो उसके तीन उद्देश्यों में एक उद्देश्य यह था—

(1) easing the flood problems at critical junctures the Bhagirathi-Hooghly representing the most important branch system in West Bengal.

लेकिन मुझको तो लगता है कि फरक्का बांध बनने के बाद बाढ़ के खतरे बंगाल में कम नहीं हुए हैं बल्कि बंगाल और बिहार दोनों को बाढ़ के खतरे बढ़ गए हैं। इसीलिए मैं यह भाप से कहना चाहूंगा कि बहुत: यह प्रकृति की विनाशालिना नहीं है बल्कि मानव का प्रकृति के साथ नासमझी-पूर्ण खिलवाड़ है। हर जगह जो भाप यह स्टाप गैप धरेंजमेंट करते रहते हैं और छोटे-छोटे बांध बनाते रहते हैं, किसी मास्टर प्लान की चर्चा नहीं करते हैं उसी के कारण ऐसा हो रहा है। इस बार भी 750 करोड़ रुपये की क्षति हिन्दुस्तान में प्लग से हुई है और हम एक मास्टर प्लान मायब दूसरी सताब्दी में बनाएंगे।

इसलिए मैं पहला प्रश्न यह करना चाहूंगा कि क्या यह बाढ़ प्रकृति की स्वेच्छा-परिष्ठा ही नहीं, बल्कि मानव का प्रकृति के साथ बेसमझीपरा खिलवाड़ नहीं है? यह कहा गया है—

We are interfering with the topography.

और यही कारण है कि भाब यह बाढ़ बढ़ रही है। बिहार का भाबलपुर और

गुनेर का इलाका जलमग्न पड़ा हुआ है। यह लोग कहते हैं कि फरक्का बैरेज में जो मयरोध है उसी के कारण देश के जो ऊंचे हिस्से हैं उनमें बाढ़ घाती है, इस के सम्बन्ध में मंत्री जी का क्या विचार है?

दूसरी बात—फरक्का का जो मुख्य उद्देश्य था वह झूठा साबित हुआ है। बाढ़ नियंत्रण का जो उस का उद्देश्य था क्या उसमें वह विफल नहीं हुआ है और विफल हुआ है तो माननीय मंत्री जी उस के लिए क्या करना चाहते हैं?

तीसरी बात यह है कि बाढ़ नियंत्रण की समस्या को हल करने के लिए बिहार के मुख्य मंत्री और उत्तर प्रदेश के मुख्य मंत्री ने जो जोर दिया है कि प्रधान मंत्री जी नेपाल में जाकर के जब तक बाढ़ नियंत्रण के लिए कोई समझौता नहीं करते हैं तब तक इन प्रदेशों में बाढ़ की स्थिति पर कानून नहीं पाया जा सकता है, तो प्रधान मंत्री जी इस के लिए क्या नेपाल जाएंगे और जाएंगे तो कब जाएंगे?

श्री सुरधीर सिंह बरमाना : जहां तक फरक्का बांध का ताल्लुक है, फरक्का बांध का जो मुख्य उद्देश्य था वह यह था कि कलकत्ता पोर्ट को पानी मुहैया किया जा सके, कलकत्ता पोर्ट बंद न हो जाय सिस्टिम होने की वजह से। मुख्य उद्देश्य उसका यह नहीं था कि बाढ़ रोकनी जाय। बाढ़ रोकने में भाबब सहायता कुछ हो सके, लेकिन मुख्य उद्देश्य यह नहीं था। इसलिए मैं कहूंगा कि फरक्का का जो भाबब था वह पूरा हुआ है, कलकत्ता पोर्ट में पानी की स्थिति बेहतर हुई है। जो ऐसे पीरिऑड में जो पानी कम हो जाता है उस पीरिऑड में पोर्ट को पानी दिया जा सकेगा। इस स्थिति बढ़ी अच्छी स्थिति रही है।

[श्री सुरजीत सिंह बरनाला]

माननीय सदस्य ने जो यह बताया इसके बारे में कि रिपोर्ट है बहुत नुकसान हो गया है फरक्का बराज का तो उस के बारे में जो इंफॉर्मेशन है वह मैं बता देना चाहूंगा :

"The recent flood has not done any damage to Farakka or Jangirpur Barrage to the Feeder Canal, or to the upstream lock at Farakka. However, an attempt had been made by about 1000 villagers at about 3:30 A.M. on 20-8-1978 to cut the earthen bund protecting the lock channel and the feeder canal from April floods of river Ganga. Timely intervention by the Project authorities had saved the situation as otherwise a very high discharge would have passed through the lock channel and would have damaged not only the lock works but also the Feeder Canal. The situation is, however, now under control. BSF are now guarding the area."

इसलिए क्षति होने को बचायक की प्रयत्न बन्द न किया जाता लेकिन जो उन्होंने बीच किया था उसे पीके पर बन्द कर दिया गया और उस एरिया का नुकसान नहीं हो सका है।

दूसरे मामले नेपाल जाने की बात कही है ता 500 पी० एच० बिहार के मुख्य मंत्री बाइम मिनिस्टर के मिले थे, मुझ से भी बात चीत की थी इसके बारे में और पहले जब श्री प्राइम मिनिस्टर नेपाल गए तो इस बारे में बात करके आये थे और उनकी बात बहुत दृष्टिक सफल हुई है। अभी दो रोड में बाजपेयी जी वहाँ जाने वाले हैं वे भी इस बारे में बात करेंगे और इसकी परस्पर करेंगे क्योंकि बहुत सा पानी नेपाल की तरफ से आता है। नेपाल में बांध बनने के बाद बाढ़ में बहुत कुछ बहावट आ सकता है। इसको बड़े हार्ड लेविल पर और बड़ी तीव्रता से करने की कोशिश की जा रही है।

11-57 hrs.

PUBLIC ACCOUNTS COMMITTEE

EIGHTY-NINTH AND NINETY-FIRST REPORTS

SHRI P. V. NARASIMHA RAO (Hannamkonda): Sir, I beg to present the following Reports of the Public Accounts Committee:—

(1) Eighty-ninth Report on action taken by Government on the recommendations contained in the Sixth Report on 'Other Direct Taxes' relating to the Ministry of Finance (Department of Revenue).

(2) Ninety-first Report on paragraph 9 of the Report of the Comptroller and Auditor General of India for the year 1974-75, Union Government (Railways) relating to 'Collaboration Agreement for Manufacture of Diesel Engine for Shunters'.

श्री० हरीराम बरनालर मोहारा (बीकानेर) : उपाध्यक्ष महोदय, माननीय मंत्री जी अभी बाढ़ के सम्बन्ध में बात कर रहे थे। हमारे बीकानेर क्षेत्र में चम्बर नदी से जो नाला बड़ोपल राजस्थान कनाल के पास से निकाला गया है उसने 20 बांध तबाह कर दिए हैं। हमारे यहाँ तीस-तीस फिट पानी भरा हुआ है। सरकार द्वारा उस क्षेत्र में मछली पकड़ने का ठेका दिया जा रहा है वहाँ के गरीबों को सरकार की तरफ से न तो कोई मुआवजा दिया गया है और न कोई खर्च भी नहीं है।

हमारे क्षेत्र में पाने के पानी की कमी है। मैं चाहता हूँ कि इस मामले के पानी का उपयोग बीकानेर क्षेत्र में पाने के पानी के लिए किया जाये। मेरा यह भी सुझाव है कि इस प्लड के पानी की नहर निकाली जाये ताकि वहाँ की फसल बच सके और लोगों का नुकसान न हो।

उपाध्यक्ष महोदय : यह तार कर रहे हैं आप मंत्री जी को दे दें।

श्री० हरिपाल बन्धुकर जीधारा : यह कानून पत्र में बंदी जी को दे रहा हूँ।

श्री बलीराम बागड़ी (मदुरा) : उपाध्यक्ष महोदय, मैं बापकी व्यवस्था चाहता हूँ। लेकिन व्यवस्था से पहले मैं एक शब्द कहना चाहता हूँ। बापने गांधी को न सही, लेकिन डा० लोहिया को बखूबी तरह से समझा है। लोक सभा, लोक राज्य, लोक-संघ और लोक-वाणी से चलती है। बाप की दिल्ली में मृतक बापतिर कई हजार किसान पार्लियामेंट के सामने दीख विरपतारियां दे रहे हैं और इन लोक सभा में अगर भारत के किसानों की आवाज

उपाध्यक्ष महोदय : बागड़ी जी, यह व्यवस्था का प्रश्न नहीं है।

श्री बलीराम बागड़ी : बाप मुन लीजिए—अगर इन साखों किसानों की निरपकारी की आवाज लोक सभा में नहीं उठेगी—तो यह बड़े धर्म की बात है। पांच-पांच हजार किसान, औरतों और बच्चे इस तरीके से

उपाध्यक्ष महोदय : बागड़ी जी, मैंने तो यह व्यवस्था का प्रश्न नहीं है

श्री बलीराम बागड़ी : क्यों नहीं है ?

उपाध्यक्ष महोदय : लेकिन बाप ने तो आवाज उठा ही दी ।

श्री जोग प्रकाश त्वाकी (बहराइच) : यह किसानों का प्रश्न नहीं है, हरिजनों के खिलाफ आन्दोलन है।

श्री बलीराम बागड़ी : यह बलत पारोप है.... (अव्यवधान)... वे स्थानी साहब की हैसियत से कम हैं, त्यागी साहब की हैसियत उन से बहुत बड़ी है.. (अव्यवधान)

MR. DEPUTY SPEAKER: Mr. Bagri please take your seat. Now, Mr. Ranjit Singh to present a petition.

(interruptions)

MR. DEPUTY SPEAKER: Only Mr. Ranjit Singh the floor. Nobody else will go on record.

(interruptions) xx

MR. DEPUTY SPEAKER: Mr. Ranjit Singh, do you want to present the petition or not, if you do not want to present the petition you may not but you must respond to the Chair.

11.40 hrs.

PETITION RE. REHABILITATION OF BHAKRA DAM OUSTEES

SHRI RANJIT SINGH (Hamirpur): Sir, I beg to present a petition signed by Shri Baldev S. Kullehria and others regarding rehabilitation of the Bhakra Dam oustees.

MR. DEPUTY SPEAKER: Item No. 15 will be taken up at 5 P.M. Now we go to the next item.

श्री उत्तम (देवरिया) : उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है

MR. DEPUTY-SPEAKER: Mr. Ugra Sen, please take your seat. Now Mr. Somnath Chatterjee to make a statement under Direction 115.

11:48 hrs.

STATEMENT UNDER DIRECTION 115

SHRI SOM NATH CHATTERJEE (Jadavpur): In answer to Starred question No. 211 answered on July 31, 1978, it was stated by Shri Dhanna Singh Gulshan, Minister of State in the Ministry of Education, Social Welfare and Culture, Government of India that no proposal has been sent by the Government of West Bengal to the Prime Minister to organise 1982 Asian Games at Calcutta.

The above answer is incorrect and was made with the deliberate intention of misleading the Hon'ble House and Hon'ble Members. As early as on February 3, 1978, the Chief Minister of West Bengal wrote to Dr. P. C. Chunder, Union Education Minister forwarding the proposal for Calcutta to be chosen as the venue for the Asian Games of 1982.

On February 21, 1978, Shri Dinesh Joardar, M. P. wrote to Dr. P. C. Chunder Union Education Minister about the said proposal made by the Chief Minister of West Bengal. In his letter dated 9 March, 1978 Dr. P. C. Chunder, in reply to Shri Dinesh Joardar, M. P.'s letter dated February 21, 1978 stated the Government has not yet decided whether India will be holding the Asian Games in 1982 and that when the matter will be discussed at the appropriate level, the proposal of the Government of West Bengal will be considered.

On May 15, 1978, Shri Dinesh Joardar, M. P. who then happened to be a member of All India Council of Sports and was and is a member of West Bengal State Council of Sports wrote to the Hon'ble Prime Minister requesting him to advise the Education Ministry to hold the Asian Games in 1982 in India and specifically referred therein to the proposal made by the Chief Minister of West Bengal in his letter addressed to Dr. P. C. Chunder, Union Education Minister along with the said letter of May 15, 1978, Shri Dinesh Joardar, M. P. forwarded to the Hon'ble Prime Minister a copy of the letter of Dr. P. C. Chunder, addressed to Shri Dinesh Joardar, M.P. in which there has been a specific reference to the proposal of the Government of West Bengal to hold the Asian Games at Calcutta. By his letter dated May 24, 1978, the Hon'ble Prime Minister was good enough to acknowledge the letter of May 15, 1978 wherein the Hon'ble Prime Minister stated that the question was under consideration of the Government and it was hoped that a decision would be taken shortly.

Shri Jatin Chakravarty, P.W.D. Minister, Government of West Bengal also wrote to Dr. P. C. Chunder, Union Education Minister for holding the Asian Games at Calcutta and the Chief Minister, West Bengal also wrote again to Dr. P. C. Chunder on June 15, 1978 for holding the games at Calcutta. Shri Dinesh Joardar, M.P. again wrote to the Hon'ble Prime Minister on July 1, 1978 in reply to the Hon'ble Prime Minister's letter dated May 24, 1978 again requesting for a decision for holding the Asian Games at Calcutta. Copy of the said letter dated July 1, 1978 along with a forwarding letter was sent to the Union Education Minister, Dr. P. C. Chunder.

From the above overwhelming documentary materials, it is abundantly clear that a proposal of the Government of West Bengal by the Chief Minister of West Bengal to hold the 1982 Asian Games at Calcutta had been sent to and brought to the notice of the Hon'ble Prime Minister. Further, there is abundant documentary evidence to show that the matter had been taken up repeatedly with the Hon'ble Minister for Education, and in his letter dated March 9, 1978 he had specifically referred to the proposal of the Government of West Bengal and gave an assurance that the proposal would be considered. In his letter dated May 15, 1978 Shri Dinesh Joardar, M. P. forwarded a copy of his letter dated March 9, 1978 written by Dr. P. C. Chunder, Hon'ble Minister of Education, wherein there has been a specific reference to the proposal made by the West Bengal Government to hold the Asian Games 1982 at Calcutta.

In the circumstances, there can be no denial of the fact that the proposal of the Government of West Bengal had been sent to the Hon'ble Prime Minister a long time back and it was and is pending consideration of the Government of India.

In spite of such overwhelming evidence, the reply in the negative given by Shri Dhanna Singh Gulshan, in answer to the said Starred Question put by Shri Samar Mukherjee, M. P. was wrong and nothing but an attempt to mislead the Hon'ble House.

श्रीमान्, सभाय कथञ्च तया संस्कृति
संरक्षणार्थं राज्यसभे (की सभा सिंह
पुस्तक): की सभर सुबर्नी संसद् सभस्य
के तारांकित प्रश्न सं० 211 में जिक्रका उत्तर
लोक सभा में 31-7-78 को दिया गया था
यह पूछा गया था कि क्या परिषदी बोधो

सरकार में कलकत्ता में वर्ष 1982 में एशियाई खेलों का आयोजन करने का प्रस्ताव प्रधान मंत्री को 8 महीने पूर्व ही भेज दिया है जिसमें कहा गया था कि इनका आयोजन 20 करोड़ रुपये की अनुमानित लागत पर किया जा सकता है। स्थिति की जिज्ञा मंत्रालय के अभिलेखों [सि जांच करने के बाद और प्रधान मंत्री कार्यालय से प्राप्त करने के बाद मेरे द्वारा लोक सेवा सचिवालय को सूचित किया गया था कि ऐसा कोई प्रस्ताव प्राप्त नहीं हुआ। दिनेश 115 के अन्तर्गत, माननीय सदस्य श्री सोमनाथ शेट्टी द्वारा दिए गए बक्तव्य में, इस विषय पर निम्नलिखित पत्र-व्यवहार हुआ बताया गया है :

प्रधान मंत्री के साथ पत्र-व्यवहार :

- (i) श्री दिनेश जोरदार, संसद सदस्य तथा सदस्य, पश्चिम बंगाल राज्य खेल परिषद् का 15 मई, 1978 का पत्र;
- (ii) श्री दिनेश जोरदार के 15 मई, 1978 के पत्र के उत्तर में प्रधान मंत्री का 24 मई, 1978 का पत्र ;
- (iii) श्री दिनेश जोरदार, संसद सदस्य का प्रधान मंत्री को 1 जुलाई, 1978 का पत्र ;

जिज्ञा मंत्री के साथ पत्र-व्यवहार :

- (i) पश्चिम बंगाल के मुख्य मंत्री का 3 फरवरी, 1978 का पत्र जिसका उत्तर केन्द्रीय जिज्ञा मंत्री द्वारा 18 फरवरी, 1978 को भेज दिया गया था ;
- (ii) श्री दिनेश जोरदार का दिनांक 21 फरवरी, 1978 का पत्र,

जिसका उत्तर केन्द्रीय जिज्ञा मंत्री द्वारा 9 मार्च, 1978 को भेज दिया गया था;

(iii) पश्चिम बंगाल के लोक निर्माण विभाग मंत्री श्री जतिन चक्रवर्ती का दिनांक 13 जून, 1978 का पत्र जिसका उत्तर केन्द्रीय जिज्ञा मंत्री द्वारा 28 जून, 1978 को भेज दिया गया था ;

(iv) पश्चिम बंगाल के मुख्य मंत्री का जिज्ञा मंत्री को भेजा गया 15 जून, 1978 का पत्र;

(v) श्री दिनेश जोरदार का 1 जुलाई, 1978 का पत्र जिसके साथ उसी तारीख के प्रधान मंत्री को भेजे गए उनके पत्र की प्रति भेजी गई थी।

यह देखा जाएगा कि संसद के तीन माननीय सदस्यों के अनुसार श्री जिन्होंने कि नोटिस दिया है, पश्चिम बंगाल सरकार से प्रधान मंत्री को 1982 के एशियाई खेलों के कलकत्ता में आयोजन के लिए छह महीने पहले ऐसा कोई प्रस्ताव नहीं भेजा गया था जिस में कहा गया हो कि इनका आयोजन 20 करोड़ रुपये की अनुमानित लागत पर किया जा सकता है। प्रधान मंत्री के साथ यह पत्र व्यवहार मई, 1978 में अर्थात् प्रश्न का उत्तर देने से तीन महीने पहले ही हुआ था। इस पत्र-व्यवहार में अबका इस विषय पर केन्द्रीय जिज्ञा मंत्री के साथ हुए पत्र-व्यवहार में जो कि फरवरी से जुलाई, 1978 के बीच हुआ पश्चिम बंगाल सरकार ने 1982 के एशियाई खेलों को कलकत्ता में आयोजित करने के लिए

[श्री ब्रह्मा सिंह गुजरात]

कोई अनुमान नहीं भेजे थे। साइट लोक पर एक फुटबाल व एथलेटिक्स स्टेडियम के निर्माण की परियोजना की लागत का अनुमान ही 20 करोड़ रुपये लगाया गया था।

जो कुछ ऊपर बताया गया है, उससे यह स्पष्ट है कि लोक सभा के 31-7-78 के तारकित प्रश्न संख्या 211, जिसमें यह सूचना मांगी गई थी कि क्या पश्चिम बंगाल सरकार ने कलकत्ता में वर्ष 1982 में एमियाई खेलों का आयोजन करने का प्रस्ताव प्रधान मंत्री को धाट महीने पूर्व ही भेज दिया है, के सम्बन्ध में दिया गया नकारात्मक उत्तर सभों के अनुसार सही है और इसलिए माननीय सदन को मेरे द्वारा गुमराह करने के प्रयास का कोई प्रश्न नहीं है। श्री सगर मुखर्जी, जिन्होंने तारकित प्रश्न संख्या 211 का नोटिस दिया था, यदि 31-7-78 को प्रस्तावित काल के दौरान लोक सभा में उपस्थित होते तो सारी स्थिति स्पष्ट हो गई होती और प्रश्न का उत्तर प्रक प्रश्नों के साथ दे दिया गया होता।

SHRI SOMNATH CHATTERJEE : Sir, let us congratulate the Minister for his maiden performance, but the question is that it is a very serious matter after I gave a privilege notice, you were good enough to admit it under Direction 115 and give him an opportunity to explain. In my statement, I have given full particulars. He says that the Chief Minister's proposal is not the Government's proposal.

MR. DEPUTY-SPEAKER : You can take it up in some other form.

श्री सक्सेन (देवरिया) : मैं एक साइन का एक श्ववस्था का प्रश्न उठाना चाहता हूँ। सरकारी विधानों के संशोधनों की जो रिपोर्ट यहां सदन की मेज पर रखी जाती है वे हिन्दी और अंग्रेजी दोनों

में रखी जाती हैं। अंग्रेजी भाषा के सामने लोक सेवा समिति और प्राक्कनन समिति की रिपोर्टें रखी गई हैं। वे सभी अंग्रेजी में रखी गई हैं। हिन्दी में एक भी नहीं रखी गई है। आप इसकी व्यवस्था कर दें कि अंग्रेजी और हिन्दी दोनों में रखी जाएं। जिन मन्त्रीय सदस्यों को अंग्रेजी नहीं आती है वे इसको कैसे पढ़ेंगे?

उपाध्यक्ष महोदय : हिन्दी में भी छपाई जा रही है। हिन्दी में भी आपकी मिल जाएगी।

SHRI VAYALAR RAVI (Chirayinkil) : On a point of order, Sir. Under Direction 115, when we give a notice, usually the Speaker will ask for the comments of the Minister and inform us about them. The Speaker has to go through the statement submitted by the Minister and he has to be satisfied. Only then he can allow him to make a statement. Mr. Somnath Chatterjee has now raised a very relevant point, viz. whether the contention of the Minister is that a Chief Minister is not part of the Government. I would like to know whether you are satisfied.

MR. DEPUTY-SPEAKER : It is not a point of order. It is not a question of my satisfaction. Mr. Ravi, it is for Mr. Somnath Chatterjee to decide it.

12.00 hrs.

MERCHANT SHIPPING (AMENDMENT) BILL*

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM) : Sir, I beg to move for leave to introduce a Bill further to amend the Merchant Shipping Act, 1958.

MR. DEPUTY SPEAKER : The question is :

That leave be granted to introduce of Bill further to amend the Merchant Shipping Act, 1958*

The motion was adopted.

SHRI CHAND RAM : Sir, I introduce the Bill.

*Published in Gazette of India Extra-ordinary, Part II Section 3, dated 31-8-78.

12.23 hrs.

SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT BILL*

MR. DEPUTY-SPEAKER : Now Shri Shanti Bhushan's Bill. I think Mr. Ravindra Varma has been authorised to do it.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA) : On behalf of Shri Shanti Bhushan, I beg to move for leave to introduce a Bill further to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

SHRI VAYALAR RAVI (Chirayinkil) : On a point of order.

MR. DEPUTY-SPEAKER : Not on a point of order.

SHRI VAYALAR RAVI : I think I can read the rule.

MR. DEPUTY-SPEAKER : Motion moved :

"That Leave be granted to introduce a Bill further to amend the Supreme Court Judges (Conditions of Service) Act, 1958."

Now Mrs. Parvathi Krishnan, you wanted to oppose it.

SHRIMATI PARVATHI KRISHNAN (Coimbatore) : I oppose this on a matter of principle, because this Government is insisting on treating Parliament in a most cursory manner. Again and again, we are having Ministers come forward with this memorandum under Direction 19B ; and what, Sir, should be a medicine, is being given to us by these Johnnies as daily bread. We do not want this kind of daily bread. The point is that here, we have been asked to allow this Bill to be introduced. It is something which is not of a crying urgency at all. I can appreciate it if it was genuinely urgent ; and a Select Committee could go into a matter which is affecting the whole sections of the people, as we did yesterday and conceded it to the Labour Minister—not to the Minister of Parliamentary Affairs, but to the Minister of Labour. But here is a Bill that Government has been pondering over for such a long time ; for only giving something more to a section already privileged. Therefore, there was more than enough time for them to wait till the next session. So, why this crying hurry that they should bring it in and again ask us to give them leave to

introduce it under Direction 19B—which applies to the next Bill which also has the same content ? It is for this reason, on principle, that I object to its introduction.

MR. DEPUTY-SPEAKER : You oppose the introduction of the Bill. The wording is, "oppose the introduction of the Bill."

SHRI VAYALAR RAVI : On a point of order. I draw your attention to rule 65 (3) which says :

"The period of notice of a motion for leave to introduce a Bill under this rule shall be one month unless the Speaker allows the motion to be made at shorter notice."

Now, here is the direction which is very clear. Direction 19B says :

"No Bill shall be included for introduction in the list of business for a day until after copies thereof have been made available for the use of members for at least two days before the day on which the Bill is proposed to be introduced :

Provided that Appropriation Bills, Finance Bills, and such secret Bills as are not put down in the list of business may be introduced without prior circulation of copies to members."

There is another proviso to this, which the Ministers are using. It says :

"... Provided further that in other cases, where the Minister desires that the Bill may be introduced earlier than two days after the circulation of copies or even without prior circulation, he shall give full reasons in a memorandum for the consideration of the Speaker explaining as to why the Bill is sought to be introduced without making available to members copies thereof in advance....."

Now, this is for your satisfaction. If this Bill is not that urgent—the reasons explained indicate that it is not that much urgent—can direction 19B get precedence all the time over the rules of procedure ?

SHRI SHYAMNANDAN MISHRA (Bengaluru) : I have also got a submission to make in regard to this.

MR. DEPUTY-SPEAKER : There is only a provision.... (Interruptions)

Amdt. Bill

SHRI SHYAMNANDAN MISHRA : Every Member can make a submission. I have got my complaint against the Chair. I have to make a submission to the Chair about this. Has the Chair kept a count of all such Bills, about which prior notice had not been given? This is a session flooded with such Bills. Why has the Chair persuaded itself to accept the reasons that have been advanced by the Government in this matter? After all, if there is a provision for a days' prior notice, there is some meaning attached to it. The meaning is that the Members should be in a position to study the legislative competence and other aspects of the matter. If we are not given that required time, it is obvious that we are not in a position to do our job properly. The Chair has to be the guardian of our interest; and if the Chair has not told them that that ought not to have been done then the Chair is not being fair to the House.

MR. DEPUTY-SPEAKER : I know that. This Bill was kept in the Library on the 29th—two days prior. At the Publication Counter, it was distributed on the 29th; it was also sent to the Members on the 29th night; it was distributed on the 29th night. During that day, it was kept at the Publication Counter.

SHRI SHYAMNANDAN MISHRA : That does not complete two days.

MR. DEPUTY-SPEAKER : Today is the 31st. Mr. Ravindra Varma.

SHRI SHYAMNANDAN MISHRA : No, Sir.....

SHRI RAVINDRA VARMA : Mr. Deputy-Speaker, Sir, the points that have been raised by the hon. Members are substantially the same. I can very well understand hon. Members taking umbrage at the fact that the Government had not given.....(interruptions) that Government should follow rules that have been stipulated and ensure that Members have enough time to read the Bills that they introduce in this House. I am extremely sorry that in some cases, this had not been possible in this session. We were told that the Johnnies on this side are not as chivalrous as they should lead the House as well as Jills on this side. But I can assure the Jills concerned that though there may be lack of chivalry, there is no attempt to jilt any Jill.

MR. DEPUTY-SPEAKER : My problem is that between the Johnnies and the Jills, I am bombarded by Members like Shri S. N. Mishra. I think they should take care of this.

SHRI RAVINDRA VARMA : Mr. Deputy-Speaker, Sir, your eyes fell on him and his eyes called on you. That is a geographical position in the House. We do not fall in between. I sincerely express the regret of the Government on the fact that on more than one occasion, we had to invoke this provision of 19 (b); and we will see that in future the causes for such complaints do not arise. (interruptions) I know that in some cases, medicines are used as diets, but we will see that in this case, this does not become a drug addiction.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Supreme Court Judges (Conditions of Service) Act, 1958."

The motion was adopted.

SHRI RAVINDRA VARMA : I introduce† the Bill.

12:08 hrs.

HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT BILL*

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA : On behalf of Shri Shanti Bhushan, I beg to move for leave to introduce a Bill further to amend the High Court Judges (Conditions of Service) Act, 1954.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the High Court Judges (Conditions of Service) Act, 1954."

The motion was adopted.

SHRI RAVINDRA VARMA : I introduce† the Bill.

12:09 hrs.

BOLANI ORES LIMITED (ACQUISITION OF SHARES) AND MISCELLANEOUS PROVISIONS BILL*.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK : I beg to move for leave to introduce a

†Introduced with the recommendation of the President.

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 31-8-1978

Bill to provide for the acquisition of shares of the Bolani Ores Limited in public interest in order to serve better the needs of the nation and to facilitate the promotion and development in the interests of the general public, of national steel industry and for matters connected therewith or incidental thereto.

MR. DEPUTY-SPEAKER : Mr. Saugata Roy, we have not received any notice.

SHRI SAUGATA ROY (Barrackpore) : I have given notice. You check it up.

MR. DEPUTY-SPEAKER : I do not have it here.

SHRI SAUGATA ROY : I gave it before 10 o'clock.

MR. DEPUTY-SPEAKER : But, anyhow, I will allow you.

MOTION MOVED :

"That leave be granted to introduce a Bill to provide for the acquisition of shares of the Bolani Ores Limited in public interest in order to serve better the needs of the nation and to facilitate the promotion and development in the interests of the general public, of national steel industry and for matters connected therewith or incidental thereto."

SHRI SAUGATA ROY : My reason for opposing the introduction of the Bill is not that I oppose the take over of the shares of the Bolani Ores Limited, but my opposition is to the Minister for bringing such piece-meal legislation for their own local or self gains. The Bolani Ores is a small company. It was started some time back with the collaboration of the Bird Company. In the 20 years that it has been in existence, the Bird Co. has been flooded of all money and now we are taking over this company.

AN HON. MEMBER : The bird has flown away.

SHRI SAUGATA ROY : The bird has flown away; so many other birds have flown away. Now the Government is coming forward in undue haste to bring forward this Bill.

My question is whether the government is going to come forward with a comprehensive Bill signifying government's attitude towards private iron ore mines because besides Bolani there are other iron ore mines; there are the Tata's mines, nothing is talked about it; there are a large number of iron ore mines in Bada Jarada; in the Bill nothing has been said

about them; in Goa Dempos, Salgaonkars and Chowgules are making cores of rupee:..

MR. DEPUTY-SPEAKER : Do not go into other matters.

SHRI SAUGATA ROY : The hon. Minister is coming up with this only; because Bolani has something to do with Orissa, he is silent about the Tata's captive mine and he has cared to introduce a Bill to take over Bolani iron ore mines and so I am opposing the introduction of this Bill, it is a matter of political expediency and not of legislative competence.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK) : If the hon. Member had cared to go into the statement of objects and reasons, I do not think he would have made these observations; he has not got the time for that. Government already owns 50.5 per cent in this company and the balance of 49.5 per cent amounting to 49.5 lakhs is going to be taken over. If you kindly look at the financial memorandum..at the value of one rupee per Rs. 100 share, that is 49,500. If you look at it, instead of going to Goa and other places, you will see that this is an area on which Durgapur Steel Plant depends and that is why this Bill had been brought. It should have come earlier. The company has been like that because it was managed by undesirable people and that is why it is being taken over.

MR. DEPUTY-SPEAKER : The question is :

That leave be granted to introduce a Bill to provide for the acquisition of shares of the Bolani ores limited in public interest in order to serve better the needs of the nation and to facilitate the promotion and development in the interests of the general public, of national steel industry and for matter: connected therewith or incidental thereto."

THE MOTION WAS ADOPTED .

SHRI BIJU PATNAIK : I introduced the Bill.

12-15 hrs.

MATTERS UNDER RULE 377

(i) PRIME MINISTER'S REPORTED LETTERS TO CHIEF MINISTER OF ANDHRA PRADESH

SHRI G. NARASIMHA REDDY (Adilabad) : It has been reported in the Times of India dated 28-8-1978 that the Congress Opposition Leader has stated in Andhra Pradesh Assembly that Shri Morarji Desai, the Prime Minister of India has written letters to the Chief Minister of Andhra Pradesh asking him to exempt 2000 acres of land under sugarcane belonging to a former Raja from the Land Reforms Act in the State.

By writing such letters to the Chief Minister of Andhra Pradesh, the Prime Minister of India has not only interfered with the State administration but also asked the State Government to act against the Land Reforms Act. The Prime Minister is not at all empowered to write such letters. This action of Shri Morarji Desai has tarnished the image of the Prime Minister of India and created doubts among the law abiding people of this country whether the political parties which rules our country are not serious in implementing the Acts which are legislated on. the contrary they would issue instructions to the concerned authorities to break the rules and go against the existing Acts in protecting the persons to their liking for the reasons known to them.

The Prime Minister should place the copies of the letters written to the Chief Minister of Andhra Pradesh on the Table of the House and explain the position to remove the doubts created. Otherwise, as we all know the image of politicians before the eyes of the people of this country: (As Hon. Member : Not politicians, only the Prime Minister) which is going down with great speed by our performance in the House and outside the House, will further go down by such actions of the Prime Minister and ultimately people may lose confidence in the democracy of our type itself.

(ii) REPORTED STARVATION DEATHS IN BIHAR

श्री राजलक्ष्मण तिवारी (बक्सर) : उपाध्यक्ष महोदय, मैं नियम 377 के अधीन धारकी अनुमति से प्रचलित अनीय लोक महत्व के विषय "बिहार में भूख से मृत" पर अपना बचतव्य दे रहा हूँ।

बिहार में बाढ़ से अधिकतर जनता पीड़ित और परेशान है। सरकार की ओर से आचार संहिता के अनुसार सहायता का प्रभाव, परिणाम स्वरूप सैकड़ों लोग पानी में बह गये, हजारों जानवरों की जानें गईं। सरकार ने ऐसे अवसर पर जो उसका दायित्व था, उसका निर्वाह नहीं किया। भोजपुर जिले में 8 अगस्त से गंगा के पानी ने बढ़ना शुरू किया, 10 अगस्त प्राते-प्राते हजारों गांव पानी में डूब गये, किन्तु सरकार द्वारा 20 अगस्त तक सहायता प्रारम्भ नहीं की गई, जिसका नतीजा हुआ कि 20, 21 अगस्त की राधी रात में श्रीमती रामानन्द यादव, काम मोनवरसा, प्रखंड शाहपुर, जिला भोजपुर एक सप्ताह तक भूख से लड़पते हुए इस दुनिया से चल बसी। श्रीमती काशी दुसा अपने 4 मासूम बच्चों के साथ 5 दिनों से भूखी थी, मैं इस घाम में पहुंचा तब अन्न की व्यवस्था की और 21 सप्या उनको दिया। इती तरह माधोपुर का यादव जो 6 दिनों से भूखा था, उसे सोनबरसा घाट दिलाया। यह स्थिति पूरे बिहार में और विशेषकर भोजपुर जिले की है। सैकड़ों लोग जिनका घर पानी में बह गया है, मासूम बच्चों को लिए हुए कडाके की घूप में और बारिश में अपना जीवन व्यतीत कर रहे हैं। किन्तु सरकार कान में तेल डाले पड़ी हुई है।

इसलिए मैं केन्द्र सरकार से निवेदन करना चाहता हूँ कि पीड़ित बिहार में अधिक से अधिक सहायता दिलाने का निर्देश दे।

(iii) COMMUNAL RIOTS IN PORNABUT (NORTH ARCOT, TAMIL NADU)

SHRIG.M. BANATWALLA (Ponnani) : The shocking communal situation in Ponnabut (North Arcot, Tamil Nadu) involving safety of Muslim minority deserve serious consideration. Two Muslim ladies

have been burnt, many persons have been injured, mosque destroyed in the night of Friday, 25th August. The partial attitude of the police with indiscriminate arrests of innocents has also created a panic among the Muslims. The communal situation in Tamil Nadu has been deteriorating for the past some time with a series of communal riots directed against the minority. This situation calls for effective steps by the Central Government in the interest of the security of life and honour of the minority. To restore immediate confidence, the Government should make a statement forthwith.

Permit me a word about Hyderabad. The communal situation there is shocking.

MR. DEPUTY SPEAKER : No, I am sorry.

SHRI G.M. BANATWALLA : It is on the same matter.

MR. DEPUTY SPEAKER : There are several other members who have given notice under 377. Mr. Banatwalla, I am sorry.

(iv) RESERVATION OF SEATS FOR BACKWARD CLASSES IN SERVICES

श्री राम अश्वमेध सिंह (विक्रम गंज) : उपाध्यक्ष महोदय, नियम 377 के तहत मैं निम्नलिखित विषय की ओर इस सदन का ध्यान दिलाना चाहता हूँ :

जनता पार्टी ने अपने चुनाव घोषणापत्र में ब्राह्मण से राजा किया था कि सत्ता में आने पर काका कालेलकर आयोग की अनुसूचनाओं के आधार पर 25 फ्रीसदी में 33 फ्रीसदी पिछड़े वर्गों के लिए सरकारी सेवाओं में आरक्षण किया जाएगा। लेकिन अकस्मिक के साथ कहना पड़ता है कि अभी तक करीब डेढ़ साल गुजरने के बाद हम दिना में कोई भी कार्यवाही नहीं की गई है। मौजूदा माननीय प्रधान मंत्री उस वक्त अखिल भारतीय जनता पार्टी के प्रधान थे और उन्होंने की देखरेख में चुनाव बोर्डगपल तैयार हुआ था। अकस्मिक के साथ कहना पड़ता है कि आज उस समय के पार्टी के प्रधान, जो आज सरकार के प्रधान हैं, कहते हैं कि काका कालेलकर कमीशन

की रिपोर्ट 22 साल पुरानी है, इसके आधार पर पिछड़े वर्गों को आरक्षण देने में शासन की व्यावहारिक कठिनाइयाँ हैं।

जिस समय पार्टी प्रधान की हैसियत से मौजूदा प्रधान मंत्री चुनाव घोषणापत्र तैयार कर रहे थे उस समय काका कालेलकर आयोग की रिपोर्ट 21 साल पुरानी थी। मैं प्रधान मंत्री से पूछना चाहता हूँ कि उस समय उन्हें शासन की कठिनाइयों का क्याल था या नहीं? क्या उस समय उन्हें पं० गोविन्द बल्लभ पन्त के बयान का स्मरण था या नहीं, क्योंकि जिस समय पं० गोविन्द बल्लभ पन्त ने उपर्युक्त काका कालेलकर कमीशन की रिपोर्ट के सम्बन्ध में बयान दिया था उस समय मौजूदा प्रधान मंत्री सरकार में बजीर थे। जिस समय पंडित गोविन्द बल्लभ पन्त ने बयान दिया था (अव्यवधान) ..

उपाध्यक्ष महोदय : आप अपना स्टेटमेंट ही पढ़िए।

श्री राम अश्वमेध सिंह : मैं प्रधान मंत्री से यह भी पूछना चाहता हूँ कि पिछड़े वर्गों की वैश्विक और सामाजिक परिस्थितियों में एक साल के अन्दर कौन सा बुनियादी अन्तर आया है? हाल के एक पिछड़ा वर्ग आयोग (मुनेरी लाल आयोग) के अनुसार यह पाया गया है कि प्रथम श्रेणी की सरकारी नौकरियों में 56 फ्रीसदी आबादी वाली पिछड़ी जातियों का एक प्रतिशत से भी कम प्रतिनिधित्व है और द्वितीय श्रेणी की नौकरियाँ में डेढ़ फ्रीसदी के करीब है। प्रधान मंत्री जी का तर्क तब कारणर होता जब यह बात साबित हो जाती कि पिछड़ी जातियों का प्रतिनिधित्व सरकारी नौकरियों में उन की जनसंख्या

[श्री राम अवधेश सिंह]

के अनुपात से ज्यादा हो जाता या करीब करीब उन के बराबर भी हो जाता। लेकिन 56 फोसदो आबादी का प्रतिनिधित्व सरकारी नौकरियों में इतना कम है जिस को कल्पना दूसरे मुक्त के लाग नहीं कर सकते ।

सारे देश के पिछड़े लोगे... (अवधान)

MR. DEPUTY SPEAKER : Please read only what has been allowed. If you divert from it, I will ask you to sit down.

SHRI RAM AWADHESH SINGH : Only one word.

MR. DEPUTY SPEAKER : No. Please read the next paragraph.

श्री राम अवधेश सिंह : हम मांग करते हैं कि पहले काका कालेलकर आयोग की अनुसंधानों के आधार पर आरक्षण का आदेश केन्द्रीय सेवाओं में दिया जाय। इसके बाद हरिजन, आदिवासियों की तरह हा अगर जरूरत महसूस हो तो पिछड़ा वर्ग आयोग भी बहाल किया जाय। काका कालेलकर कमीशन की अनुसंधान के आधार पर पिछड़े वर्गों के लिए केन्द्रीय सेवाओं में आरक्षण प्राप्त करने के लिए संवैधानीय संघर्ष समिति बना कर लड़ने का निर्णय किया गया। मैं सरकार से और आस कर प्रयास सभी से अपील करना चाहता हूँ कि अपने-अपने पालन करें और अपने नैतिक दायित्व का निर्वाह करें। आरक्षण लागू करने के आदेश जारी करने के बाद ही कोई उच्च स्तरीय कमेटी या कमीशन बहाल करें। आरक्षण लागू करने के आदेश के पहले किसी तरह को उच्च स्तरीय कमेटी या आयोग का हयजोर-घार डंग से विरोध करते हैं और करेंगे जिसे हब पिछड़ी जाति को जगता के प्रति धिक्के गये आदे से मुक्त करेगी सहाय दोगे ।

उपाध्यक्ष महोदय : श्री नेवी ।

श्री वी० एल० नेवी (टिहरी बड़वलम) :
उपाध्यक्ष महोदय, मैं इस सप्ताह ...

श्री सरद बाबब : (जबलपुर) : उपाध्यक्ष महोदय, पहले सुन लीजिए ...

उपाध्यक्ष महोदय : पहले आप बैठ जाए ।

श्री सरद बाबब : पहले सुन लीजिए । हजारों नौजवान यहां प्राये हुए हैं, अब इस सरकार को चाहिए कि इस के कोई मंत्री वहां जा कर उनसे मिलें। ... (अवधान) हजारों लड़के लड़कियां वहां भाई हुई हैं, इस सरकार से कहिए, उन की भावनाओं को बहा जाकर देखें ।

उपाध्यक्ष महोदय : मिस्टर सरद यादव, आप खुद बंशियों से जाकर कह सकते हैं। सदन में इस तरह बड़े होकर हल्ला मचाना ठीक नहीं। Please take your seat. (अवधान) ...

श्री हरिकेश बहादुर : (बोरखपुर) :
भाप का आदेश निहायत आवश्यक है, इसलिए हम लोग भाप से निवेदन कर रहे हैं। ... (अवधान) ...

MR. DEPUTY SPEAKER : Mr. Harikesh Bahadur and Mr. Yadav, please take your seats. If you want to persuade any Minister, you can do so. This is not the way to raise it in the House. Please take your seats.

श्री सरद बाबब : वह भाप से भी मिलना चाहते हैं। ... (अवधान) ...

श्री हरिकेश बहादुर : वह भाप से भी मिलना चाहते हैं।

उपाध्यक्ष महोदय : अगर वह मुझको मिलना चाहें तो मुझे मिला लेंगे लेकिन सदन में इस तरह की बात नहीं लानी चाहिए।

Please don't waste the time of the House like this.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK) : I will go afterwards and meet them (Interruptions)

MR. DEPUTY SPEAKER : Nothing will go on record. Only MR. Negi will go on record.

(v) REPORTED FLOODS IN UTTAR KASHI

श्री टी० एस० नेगी (टिहरी गढ़वाल) : उपाध्यक्ष महोदय, मैं पिछले सप्ताह अपने क्षेत्र सीमान्त जिला उत्तरकाशी में बाढ़ से हुए विध्वंस और आतंकपूर्ण स्थिति को देखने गया। मैंने जिला मुख्यालय में अधिकारियों से इस सम्बन्ध में जानकारी प्राप्त की। समाचार-पत्रों के माध्यम से भी इस बारे में बराबर जानकारी मिल रही है लेकिन वहां जा कर स्वयं जो महसूस किया, उस को और आपका और हम सदन का ध्यान आकर्षित कर रहा हूँ। राज्य सरकार के उन्चाधिकारी हेवीकाटरो से उड़ान भर कर स्थिति का अनुमान लगाने का प्रयास कर रहे हैं किन्तु वहां विशाल शील के क्षेत्र में अधिकतर काहरा छाया रहने से वास्तविकता की जानकारी नहीं हो पा रही है। आप इसी से स्थिति का अनुमान लगा लें कि वहां आवागमन के साधन समाप्त हो गये हैं; दूर-दूर बसे सीमांत ग्रामों का जोर-दोर से सम्बन्ध बिच्छे हो गया है। उस पूरे क्षेत्र में जीवनोपयोगी सामग्री का अभाव हो गया है। उससे आतंक और असुरक्षा का भावना पैदा हो गई है। सीमान्त और गंगोतरी-मोगुख तक आबादी होने के कारण उनकी समस्याओं की जानकारी, साथ ही इस पूरे क्षेत्र में हानि का सही-सही अनुमान नहीं लग पा रहा है। इस क्षेत्र में रहने वाले स्थानीय

और बाहरी जनता का रोजी का साधन समाप्त हो गया है। पैदल भ्रमण मोटरपुल नष्ट हो गए हैं। खेती और मकान बह गए हैं। इसकी कुछ जानकारी स्थानीय अधिकारियों ने राज्य सरकार को दी है। ऐसी बिध्वंसकारी बाढ़ इस क्षेत्र में कभी आई हो, किसी को याद नहीं है। इस क्षेत्र में मात प्रकृति और आधुनिक ज्ञान विज्ञान के साधनों से दूर रहते हुए अपने खून पसीने की कमाई से जोड़े हुए खेत खलिहान, पशु और भवन इस विनाश लीला से समाप्त हो गए हैं। आवागमन के साधन समाप्त होने से और उस क्षेत्र की भौगोलिक स्थिति के कारण, मैं चाहने पर भी उस क्षेत्र का व्यापक दौरा नहीं कर पाया। मुझे बताया गया कि भू-संशोधन विभाग सहित अन्य विभागों के सदस्य दुर्घटना स्थल पर नहीं जा सके। इससे भी स्थिति अधिकारमय है। भगीरथी की एक सहायक नदी कनौठिया गाड़ अभी भी खतरे को घंटी बनी हुई है। 14 हजार फीट की ऊंचाई से पर्वत गिखर खिसक कर इस नदी पर शील बना रहे हैं और यही शील टूट-टूट कर अपने साथ बहु-युक्त बन और मिट्टी पत्थर बहा कर लाकर तबाही बढ़ा रही है। मैदानी क्षेत्र और इस क्षेत्र की बाढ़ में जमीन घासमान का अन्तर है। मैदान में बाढ़ से उत्पन्न समस्या कुछ दिनों की रहती है और पहाड़ों में यह बाढ़ बिध्वंस कर सब कुछ समाप्त कर देती है। भगीरथी की सहायक नदियां बड़े बेग के साथ बहती हैं। इन के नियंत्रण की ओर विशेषज्ञों का ध्यान नहीं जा पाता है। राहत कार्यों की ओर नजर डालें तो इस विनाश को देख कर आप यह पायेंगे कि यह हानि की तुलना में एक बहुत ही गया-बीता प्रयास है और स्थानीय प्रभावित जनता की स्थिति को देखकर

[श्री टी० एस० नेगी]

उन का मजाक उड़ाना है। राज्य सरकार पूर्वी क्षेत्र में इस साल आई भयंकर बाढ़ के कारण भी इस स्थिति में नहीं है कि यहां की जनता को कोई सहायता कर सके। वर्तमान तकाबी भववा अन्य सहायता नियमों को देख कर खिला अधिकांश एक परिवार को सी-बो सी रुपये से अधिक नहीं दे पाते हैं। जो उन के एक सप्ताह के भोजन को व्यवस्था करने के लिये पर्याप्त नहीं हो पाता। ऐसे भवसर पर यदि केन्द्रीय सरकार इस सामान्य पहाड़ी क्षेत्र को इस स्थिति को सम्भारना से देख कर स्थानीय जनता में आत्म विश्वास पैदा करने के लिये सीधे विशेष सहायता का प्रबंध नहीं करती तो स्थिति बिनाजनक हो सकती है। मैं इस सदन के माध्यम से इस सामान्य पहाड़ी और अत्यन्त पिछड़े क्षेत्र के निवासियों को विशेष सहायता देने के लिये केन्द्रीय सरकार से तुरन्त कदम उठाये जाने की मांग करता हूँ। इस विषय में मैं निम्न सुझाव भी देना चाहता हूँ —

1. त्रिन परिवारों को भूमि और मकान नष्ट हो गये हैं, उन के सम्बन्धित पुनर्वास के लिये भूमि और रहने के लिये अधिक व्यवस्था की जाये।

2. तकाबी और अन्य बाढ़ पीड़ित आर्थिक सहायता नियमों में पर्याप्त उदारता बरती जाये और खिलाधिकारों को इस खिला में विशेष अधिकार दिये जायें।

3. बाढ़ पीड़ितों को दो बाने वाली सहायता में वृद्धि को सम्भावनायें बहोने दो जायें।

4. टूटे हुए पुल, सड़क व अंधार व्यवस्था को पुनः साम्य करने के लिये मुक्त स्तर पर कार्य किया जाये, जिससे

गर्वाली-मोयूब जाने वाले तीर्थ यात्रियों पर जीवित और रोजी पाने वाली परिवार स्थापलम्बी हो सकें।

5. देश की हिन्दू धर्म परायण जनता को इस तीर्थ के दर्शन का लाभ देने वाले यात्रा मार्ग को तुरन्त मरम्मत की जाये।

6. उस क्षेत्र में खाद्यान्न व अन्य जीवनोपयोगी आवश्यकताओं की पूर्ति के लिये केन्द्रीय सरकार प्रमुख स्थानों पर स्टोर खुलवा कर व्यवस्था करे।

7. इस क्षेत्र में स्कूल के छात्रों को समस्त शिक्षा सामग्री निःशुल्क उपलब्ध कराई जाये और किसी प्रकार की फीम की अनुमति न की जाये।

8. स्थानीय बेरोजगार युवकों और धर्मिकों के लिये रोजगार की व्यवस्था की जाये।

9. जन-धन को क्षति का सही अनुमान लगाने के लिये एक विशेषज्ञ दल गढ़ा भेजा जाये।

10. स्थानीय जनता में व्याप्त अविश्वास और घातक समाप्त करने के लिये विशेष प्रयत्न किये जायें।

11. इन क्षेत्र में भारीबी की सहायक नदियों के क्षेत्र में भू-स्वतन रोकने के लिये केन्द्रीय सरकार विशेष व्यवस्था करे और बड़े बांधों के स्थानों पर छोटी-छोटी नदियों को निर्बाध करने की विज्ञान में कम समय में पूरी होने वाली योजनाओं की ओर ध्यान दिया जाये।

(vi) NEED FOR A NATIONAL PLAN TO CONTROL FLOODS.

SHRI K. SURYANARAYANA (Eluru):
Sir, with your permission I want to raise the following matter of urgent public importance under Rule 377:

The kharif paddy in about 5 lakh acres in West Godavary, Krishna, Guntur and a part of Prakasam districts and in upland area about 20 lakh acres in Karimnagar, Mehboobnagar, Warangal and Medak districts of Andhra Pradesh has been badly affected by heavy inundation following record rainfall in the last three weeks of August, 1978. The South West monsoon in Andhra Pradesh this year has smashed all previous records, registering more than double the rainfall recorded in 1975, which was said to be a very good year.

According to the authorities, during this season, one cyclonic storm, two depressions, and three low pressure systems occurred. The latest depression of August 14 and 15 had affected all parts of Andhra Pradesh except the districts of Nellore, Guntur, Anantapur and Cuddapah.

As a result of the record rainfall, several streams like Buzameru, Tammleru, Yerrakalava etc. and the unpredictable Kolleru lake in Krishna and West Godavari districts have spread a sheet of water over thousands of acres of fertile lands since August, 1, 1978, with no prospect of the standing crops being salvaged.

In West Godavari District, which has made remarkable strides in food production in recent years, the paddy in 1.25 lakhs acres of land was affected besides other crops in one more lakh of acres, while in Guntur district the paddy of 1.18 lakh acres of land was damaged, besides the damage of paddy in 37,000 acres of land in the neighbouring Prakasam district.

According to reports, 2-1/2 lakhs acres of paddy fields in Krishna district have been inundated, besides 20,000 acres of sugarcane crop being under submersion. About one and half lakh acres under pulses, groundnut and cotton in the upland areas of Krishna district have also been affected due to heavy moisture.

Some of the districts in Telengana have reported considerable damage to crops because of heavy rains. For example, in Warangal district, about 1,10,000 acres of jowar and 1,50,000 acres of pulses, 11,000 acres of groundnut and 40,000 acres of maize are reported to have been affected. In Medak district, about 1.07 lakh acres of jowar, 80,000 acres of maize, 54,000 acres of pulses, 10,000 acres of oilseeds and 13,000 acres of other food crops and 2,800 acres of paddy have been reported to be damaged. In Mehabubnagar district about four lakh acres of jowar, 1,50,000 acres of groundnut, one lakh acres of castor, 1,25,000 acres of bajra, one lakh acres of ragi and one and a half

lakh acres of pulses have been affected. Following breaches in tanks, about 10,000 acres of paddy were submerged.

In Adilabad district, there is extensive damage to crops in black cotton soils and low lying areas were affected. In Karimnagar district total damage to dry crops over an area of about three and a half lakh acres was reported.

The inundation of lakhs of acres of fertile lands this year has once again expose the failure of the State Government in providing drainage facilities in this agricultural State. In fact, so much has been said about the drainage works in Krishna and Godavari deltas for the last decade and a half and several crores of rupees have been collected as drainage cess from the agriculturists in recent years, one wonders what happened to all the money collected and the works taken up in this regard. While the drainage levy was collected from the agriculturists in the areas which were prone to flood damage, a similar levy was collected from the ryots in the Godavari delta area for the construction of the new barrage across Godavari river. But both the works are only half way through and the agriculturists in those areas are facing some havoc or the other every year.

Flood control is a national problem. Many States, like Uttar Pradesh, Bihar, Assam and Orissa, are facing this problem for the last many years, besides Andhra Pradesh. Since the Centre has not taken adequate steps in this regard, every year we are witnessing a huge damage to our standing crops and a lot of misery to our farmers.

After touring the flood-affected areas on 24-8-78 the Chief Minister of Andhra Pradesh, Dr. M. Chenna Reddy, announced relief to the agriculturists by providing 50 per cent subsidy in the purchase of seeds, one-third subsidy in short-term loans etc. But this is far from adequate to meet the present needs of the farmers.

At least Rs. 250 as subsidy and Rs. 200 as long term loan per acre for wet land and Rs. 125 as subsidy and Rs. 125 as long-term loan per acre for dry land and one bag of complex fertilizer per acre should be given, free of cost, to the farmers who were affected by recent floods. This is the minimum which the Government should do immediately.

Also the tanks and canals which were affected in the recent floods should be repaired at the earliest. As a long term

(Shri K. Suryanarayana)

measure, the drainage systems should be undertaken all over the area. In fact, they should have been completed long ago. At present there is no worth-mentioning protection to farmers and agricultural labourers from natural calamities. The Government should start long-term protective measures like crop insurance, cattle insurance etc. to provide timely relief to the agriculturists.

To meet the expenses of long-term measures like construction of drainage systems and other major repairs to the existing ones, the Central Government should lend its hand to the State Government in a big way.

A national plan to control floods should be undertaken immediately and thus provide the basic structure, which is essential to increase the production of agricultural commodities and save the farmers from natural calamities.

(VII) REPORTED TEACHERS' AGITATION IN ORISSA

PROF. DILIP CHAKRAVARTY : (Calcutta South) : Sir, I thank you for permitting me to raise a matter of urgent public importance under rule 377. It is good that the hon. Minister, Shri Patnaik is present here, as also the Education Minister.

On the 16th of August I have received a number of telegrams from the teachers of Orissa about their arrests and I have been in communication with the Chief Minister of Orissa in my capacity as the President of the All India Federation of Educational Associations.

This relates to the arrest of more than a thousand teachers in Orissa since August 16. The teachers of all categories in Orissa are trying for quite some time now to secure satisfaction of their 15-point Charter of Demands, affecting 85,000 teachers and non-teaching staff. In the process of the movement, six teachers including three lady teachers lost their lives in a fatal way accident, while they were on their way to a rally on 9th March, 1978. Of course, that is not your responsibility.

A massive demonstration was held on March 9, which unfortunately had no effect on the Government. Thereafter, the teachers after waiting for five long months had to start a Civil Disobedience Movement and more than a thousand teachers of all categories have already courted arrest.

You should know that I had to court arrest several times during Congress regime

as a teacher. The need of the hour is a conciliatory attitude on the part of the Government, a proper leadership by the Union Ministry of Education and Social Welfare, release of the arrested teachers, negotiations with them and resolving the deadlock.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK) : With your permission, Sir, I would like to inform the hon. Member that I have received information from reliable sources that the teachers' agitation has been withdrawn at the intervention of the Chief Minister of Orissa.

(VIII) REPORTED KILLING OF HARIJANS IN PIPRI VILLAGE IN KARAHGAR/ ANCHAL OF ROHTAS

SHRIMATI PARVATHI KRISHNAN (Coimbatore) : Sir, I wish all the matters raised under Rule 377 have such an immediate response.

I want to raise a matter of urgent public importance under Rule 377.

On 28th August, two Harijans—Saryu Ram and Ram Kirit Ram of Pipri village—in Karahgar anchal of Rohtas were killed outright by goondas hired by landlords. The two Harijans were returning to their village after participating in a demonstration at Sasaram organised by the local Communist Party of India committee on the previous day in protest against the dastardly murder. It is stated also that Saryu Ram was chased by the murderers and then killed, while Ram Kirit Ram was first shot dead in this house and then his head was chopped off and taken away.

The incident was one of a series that have been taking place over the past many months. We have been repeatedly drawing attention to the fact that the law and order situation in these areas is rapidly deteriorating and the victims are Harijans and agricultural labourers. A few days earlier heinous crimes were committed in Jambhedpur and a Jambhedpur bandh took place on 21st August. On 24th-25th August the Barani-Basweral bandh took place in protest against the murder of Shri Sitaram Mishra, a Communist M.L.A. Until now the persons who carried out these dastardly acts have not yet been arrested.

I call upon the Government to take serious note of these continuing acts of murder and attacks on innocent people particularly Harijans. The tolling maces of the country will no longer tolerate this situation and the Government should

immediately take all measures to ensure protection from vested interests indulging in acts of violence. And the Communist Party of India warns that on the 7th of September, we will start an All-India Satyagraha against all these sorts of acts against the Harijans and the common people.

(12) **REPORTED PROBLEMS OF RESETTLEMENT OF DANDAKARANYA REFUGEES**

PROF. SAMAR GUHA (Contai) : I am thankful to you for permitting me to raise a matter of urgent public importance under Rule 377.

Failing to raise the issue of the resettlement of the Dandakaranya refugees, which would have obliged the Government to make prompt statement about the wretched mass of the victims of partition, I am making this effort, on the last day of this session, to draw the attention of the Government to deal with their problems with sympathy, understanding and humanitarian approach.

This House rightly reacted to the reports of killing of Harijans on several occasions but strangely it missed the attention of this House that more than 2000 Harijan children and old men have been virtually subjected to unnatural killing by deliberately denying the Dandakaranya deserters necessary food, shelter and medical aids, in order to compel them to go back to the Dandakaranya areas. And about 8 of them became the victims of police firing as well.

More than 100,000 refugees, as some kind of a wretched mass, without any means to sustain themselves as human beings have, now gone back to Dandakaranya, and about 40,000 of them are still in West Bengal. These practically dehumanised and completely pauperised mass of people belong to the Harijan community. I would urge the Government.

1. To provide prompt economic and other resources to the Dandakaranya returnees for their speedy economic and social resettlement.

2. Not to disturb the remaining refugees of Dandakaranya in West Bengal but to allow them to rehabilitate themselves in the Sundarban areas by their own effort.

SHRI DINEN BHATTACHARYA : How is it possible ? It is not possible.

PROF. SAMAR GUHA : Not possible ? You find your own old files. You people told them thousand times that they can be rehabilitated.... (Interruptions)

MR. DEPUTY-SPEAKER : Prof. Samar Guha, you please continue with your statement. (Interruptions) Prof. Samar Guha, either you read your statement or finish. Nothing will go on record.

(Interruptions)**

PROF. SAMAR GUHA : Why should he interrupt me ?

MR. DEPUTY-SPEAKER : You ignore him; you continue with your statement.

PROF. SAMAR GUHA : No. 3. To properly revive, reconstitute and reactivate the present moribund Dandakaranya Development Authority for taking effective measures for expeditious economic, social cultural resettlement and rehabilitation of these Harijan refugees.

12:46 hrs.

RE. INCIDENT OF STONE-THROWING AT A BOAT CLUB MEETING RESULTING IN INJURY TO SHRI ATAL BIHARI VAJPAYEE

SHRI KANWAR LAL GUPTA : (Delhi Sadar) : Sir, I do not want to interrupt the proceedings of the House. But a serious incident has taken place. My colleague here was stoned by Cong. (I) supporters. See the blood and his condition. This House should take a serious view of it. The Cong. (I) leaders were there. They were stoning us; they were throwing stones at us. This is a very serious matter. It will not be tolerated.... (Interruptions)

SEVERAL HON. MEMBERS : Shame, shame !

SHRI KANWAR LAL GUPTA : The Minister is bleeding. We will not tolerate these goondas. If the police is unable to tell them, we will face them in the streets.. (Interruptions)

MR. DEPUTY-SPEAKER : Let Mr. Vajpayee Speak.

विदेश मंत्री (श्री अटल बिहारी वाजपेयी)
 उपाध्यक्ष महोदय, दिल्ली में जो दो बच्चों की
 जखम्य हत्या हुई है उस के प्रति अपनहें
 विरोध प्रकट करने के लिए आप बहुतात
 स्कूलों के लड़के लड़कियां पीर खास कर

[श्री अटल बिहारी वाजपेयी]

लड़कियां बोट क्लब में घाए थे। उन के प्रतिनिधि मंडल ने, उपाध्यक्ष महोदय, धापको एक मेनोरेंडम भी दिया है जिसकी उन्होंने मुझे कापी दी। उन्होंने खबर भेजी थी कि यहाँ से कोई मिलने के लिए आए, अपनी भावनायें व्यक्त करने के लिए लड़कों का एक बड़ा जत्था अनेक स्कूलों से आया है। मैं उन से मिलने के लिए गया था। मगर वहाँ नौजवानों का एक ऐसा दल था जो सारे मामले को राजनीतिक रंग देने पर तुला हुआ था। लड़कियां मुझे मुनना चाहती थीं मगर उन नौजवानों ने मुझे नहीं दिया। उन्होंने हाथापाई की। जिस जीप पर चढ़े होकर मैं बोलना चाहता था उस जीप पर चढ़ आए। जब उन्हें जीप पर से उतारने की कोशिश की गई तो उन्होंने पत्थरबाजी की—(शेष)

श्री कंवर लाल गुप्त : मैं नाम बताता हूँ।

श्री अटल बिहारी वाजपेयी : मैं किसी को दाय देने की इस समय मुद्रा में नहीं हूँ।

एक माननीय सदस्य : श्री स्टीफन को बुलाओ।

श्री अटल बिहारी वाजपेयी : स्टीफन साहब से कोई सम्बन्ध नहीं है।

श्री कंवर लाल गुप्त : इंदिरा गांधी से सम्बन्ध है। मैं जानता हूँ। यह जान-बूझ कर किया गया है। मैं उन लड़कों के नाम बता सकता हूँ। मैं बताने के लिए तैयार हूँ।

श्री अटल बिहारी वाजपेयी : धाप तम बताएं।

श्री कंवर लाल गुप्त : हमारी सिमेंटी उन के साथ है। हमने तबाल उठाया था? हमने गवर्नमेंट को गालियां भी दीं। लेकिन इसका यह मतलब नहीं है कि इसको पॉलिटिकल बनाया जाए। मैं भी वहाँ था। मैंने अपनी आंखों से देखा है पत्थर मारते हुए।

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष महोदय, मैंने लड़कियों का बताया जो कुछ हुआ है उस से सारा देश दुखी है, दिल्ली दुखी है, सरकार दुखी है। मामले की तत्परता पूर्वक जांच हो रही है। खुद पुलिस अधिकारियों के विरुद्ध कार्यवाही की है। डिलाई क्यों हुई इस के बारे में हम पड़ताल कर रहे हैं, और आवश्यक होगा तो कार्यवाही करेंगे। लेकिन लड़कियां मुझे मुनना चाहती थीं और मैं बोलना चाहता था। मगर एक गुट या नौजवानों का, मुझे पता नहीं कि वह किस कालिज से संबंधित है, वह विचारों भी हैं कि नहीं, उन्होंने उपद्रव मचाया और उन्होंने पत्थर मारे। और मुझे घांट लगी है, खून बहा है, यह बड़ी बात नहीं है। लेकिन मैं चाहता हूँ कि सदन के सामने सारी तस्वीर धा जानी चाहिये।

MR. DEPUTY SPEAKER : I think it is very unfortunate that such an incident should have taken place and I think that whoever it may be—I don't know who they were—it is condemnable. Shri Chavan.

SHRI KANWAR LAL GUPTA : Sir, let me explain.....

MR. DEPUTY SPEAKER : I have called Mr. Chavan.

SHRI YESHWANTRAO CHAVAN (Satara) : We join all the Parties and we join Mr. Vajpayee in condemning this dastardly act. We are going through... (Interruptions)**

MR. DEPUTY SPEAKER : Mr. Kachwai, please take your seat now. You just don't know what you are talking.

It will all go out of the record.

(*Interruption*)**

SHRI YESHWANTRAO CHAVAN :
At the present stage, the atmosphere in the country is somewhat full of violence, and anything that encourages violence is something which needs to be condemned by everybody. I therefore join you and join everybody else in condemning this dastardly act.

SHRIMATI PARVATHI KRISHNAN: (Coimbatore): I also join Shri Chavan in the sentiments that he has expressed. On an occasion like this—which is a very serious matter—I am sorry that some Members of Parliament have tried to raise it as a matter of political acrimony. It is not a matter for acrimony. The whole House is united in condemning this type of violence, as we were united in expressing our horror at the very tragic manner in which those two children were murdered. Therefore, I would like to associate my Party's sentiments also in condemning this type of violence.

SHRI DINEN BAHTTACHARYA (Serampore): I fully associate my personal and my Party's feelings with those expressed by other Members as well as by Mr. Vajpayee who has been hit by elements which are non but the persons who are trying, all over the country, to create a situation so that the peaceful atmosphere is disturbed. I strongly condemn this action and I would urge upon the Government to find out those culprits who have now stoned him in front of Parliament House, at the Boat Club, where so many meetings have taken place and so many people have gathered. It is the duty of the Government not only to condemn it but also to find out the criminals who have done this. With these words, I would ask you to convey our feelings to Mr. Vajpayee and the others who have been hit by these criminals.

SHRI P. VENKATASUBBAIAH (Nandyal): On behalf of my Party and myself I strongly condemn the vandalism that has been indulged in.... (*Interruptions*)

को हुकम बन्द कछबाब (उज्जैन):
भापकी पार्टी ने किया है । वहाँ लड़कों को बड़का कर प्राये हैं और वहाँ सरुाई पेश कर रहे हो ।

SHRI P. VENKATASUBBAIAH :
We are not prepared to politicalise the whole thing. I do not want to disturb the solemnity of this occasion. (*Interruptions*)
The Hon. Member is making wild alle-

gations which I strongly condemn. It is condemnable. It has become a pastime to attribute all sorts of motives.

I join the other Parties and their leaders whole-heartedly in their sentiments. I emphatically say that this is most condemnable and I want the Government to enquire into this matter and take necessary action, whosoever is responsible. We are completely dissociating ourselves with them. I appeal to the Members not to politicalise the whole thing, not to vitiate and pollute the atmosphere. It is a national malady and every one of us should take adequate steps to see that such things do not happen.

श्री कंबर लाल गुप्त : उपाध्यक्ष महोदय, जब मैं ने यहाँ यह सुना कि जीसस एंड मेरी कालेज की लड़कियां, जहाँ पर कि वह लड़की, गीता पढ़ती थी, जिसका कि कत्ल हुआ है, वह बोट क्लब पर आई हैं, तो मैं बाहर गया, वहाँ कुछ फ्रांफेसर्स यहाँ आप मे मिलने के लिये प्राये थे, आप यहाँ पर थे, मैंने उन से कहा कि 1 बजे के बाद स्पीकर साहब आप से मिल लेंगे, मैं इन्तजाम कर सकता हूँ या आप अपना रिज्रेंटेशन दे दीजिये वह पढ़ लेंगे । सरकार उस पर कायवाही कर रही है । या तो आप इनको दे दीजिये या स्पीकर से मिल लीजिये । उन्होंने कहा कि हमारा रिज्रेंटेशन उन के पी०ए० को दे दीजिये । मैं पुलिस के साथ गाड़ी पर बोट क्लब पर गया । जब मैं वहाँ गया तो जीप पर माइक के साथ बाजपेयी जी खड़े थे । वहाँ कालेज की लड़कियां और वहाँ के जो विद्यार्थी थे, वह उन की बातों को सुनना चाहते थे । जब मैं जीप पर खड़ा हुआ तो वहाँ पर करीब 30, 40 लड़के थे सिर्फ, जिसमें एक भीमसेन था जो कि कौर्गी का मूब लीडर है, मैं जानता हूँ । (ब्यवधान)

SHRI VASANT SATHE (Akola) :
Bhim Sen does not belong to Congress (I) at all.

श्री कंबर लाल गुप्त : उस के साथ कुछ हिस्ट्रीबोर्डर्स भी थे जो कि जाने-माने मुंबे हैं, 15, 20 वह भी थे । उन में से कुछ

[श्री कंबर लाल मुत्ता]

जेल में भी थे, इसलिए उन को भी मैं पहचानता हूँ। वह वाजपेयी मुर्दावाद, मोरारजी देसाई मुर्दावाद के नारे लगा रहे थे। जब मैं गया तो मैंने कहा कि हम आपकी बात से सहमत हैं, सरकार भी किन्तित है, मैंने कल यह समाज उड़ाया था, सरकार ने पूरा विश्वास दिलाया है। यह पार्टी का समाज नहीं है, यह सब का समाज है और हम आपके साथ हममें शामिल हैं। उस के बाद उन्होंने वाजपेयी जी, मेरे और मोरारजी देसाई के खिलाफ मुर्दावाद के नारे लगाने शुरू कर दिये। (बम्बखाल)

मेरे खिलाफ भी मैं वहाँ खड़ा था, दिल्ली से २५० पी० डू। मैंने कहा कि आप मुन लोडिये वाजपेयी जी को। लड़कियाँ उन्हें सुनना चाहती थीं, लेकिन यह 30, 40 का गुड बाय नारे लगा रहा था। जब वाजपेयी जी बोलने उठे तो वह जैप पर चढ़ गये। जब जीप पर चढ़ गए और वाजपेयी जी को बरफा देने लगे, तो वाजपेयी जी को हटाने पकड़, उन्होंने नीचे से पत्थर फेंकना शुरू कर दिया और दो पत्थर वाजपेयी जी के माथे पर लगे। यह हालत थी।

पुलिस उन को न उड़ने लगी, वाजपेयी जी ने कहा कि उनको माफ़ करिये, कोई लाठी चार्ज मत करिये, मैं उन से बात करूँगा, समझाऊँगा, लेकिन वह पत्थर मार कर भाग गये। बावजूद हम ने खुद कहा कि गिरफ्तार मत करिये, बाद में जो कानूनी कार्यवाही होगी करिये लेकिन यहाँ कोई लाठीचार्ज नहीं होना चाहिये। पुलिस ने दो, तीन लोगों को गिरफ्तार भी किया, लेकिन हम ने कहा कि एक का भी गिरफ्तार मत करिये, पूरी कार्यवाही बाद में होगी।

उन के बाद वाजपेयी जी ने लड़कियों को सम्बोधित किया, उनको विश्वास

दिलाया कि सरकार इस काम में जो कुछ भी कर सकती है, वह पूरी कार्यवाही करेगी और जल्दी ही कल्परिट्स को गिरफ्तार कर लिया जायेगा। हमारे पास काफ़ी प्लूज भाये हैं, और एक दो दिन में, जिन्होंने उन बच्चों को कत्ल किया है, उन को पकड़ लिया जायेगा। हमारी, सारे सदन की और पूरे देश की सहानुभूति आपके साथ है। सारी बातें बच्चों ने ध्यान से सुनी। जब यह बोल रहे थे, इन के खून बह रहा था।

मेरा कहना यह है कि हम इसको पॉलि-टिकनी मॉडिरेटिड करना या इस में पॉलिटिक्स लाना, ठीक नहीं है। हम सब इस में शामिल हैं। कल मैंने इस बारे में पुलिस की फ़ैल्यूर की बात कही थी। दूसरे मानवीय सरत्यों ने भी बही कहा था। इसमिद्द इस मामले को पॉलिटिकल कलर नहीं देना चाहिए, बस कि सभी बोट क्लब पर किया गया है। मैं उस की पूरी मर्त्सना और निन्दा करना चाहता हूँ। जो लोग हिस्ट्रीमीटर्स की मरघ लेना चाहते हैं, मैं उन्हें बताना चाहता हूँ कि हमें पुलिस की प्रोटेक्शन की जरूरत नहीं है। हम उन के साथ डील कर सकते हैं। हमारे पास ताकत है कि हम उन के साथ पूरी तरह से डील करें। जिन्होंने यह काम किया है, वे यह बात समझ लें कि अगर वे इस तरीके से हमारे नेताओं पर हाथ उठावेंगे, उन्हें पत्थर मारने, तो हम उन से साफ़ बाहर भी डील करेंगे। लेकिन उन का जो तराका है, वह हम ने नहीं सीखा है, हम यह नहीं करना चाहते हैं। हम जनता को बताना चाहते हैं कि एक तरीका तो उन लोगों का है, जो दूसरा तरीका यह है, जो

श्री बाजपेयी ने प्रश्न—उन्होंने कहा कि किसी को पकड़ो मत, कुछ मत करा, उन्हें जाने दो।

मैं चाहता हूँ कि सारा सदन इस घटना को ध्यान से देखे। जिन माननीय सदस्यों ने इस को ध्यान से देखा है, मैं उनका शुक्रगुजार हूँ। हमें ऐसा व्यवस्था करनी चाहिए कि आदेश इस तरह का इम्प्लेंट न हो।

MR. DEPUTY SPEAKER : Let me, on behalf of the House, strongly condemn what has happened today..

श्री राज नारायण (रायवरेली):
उपस्थित सहायक, मैंने नियम 377 के अन्तर्गत नोटिस दिया था। आप ने मना कर दिया, तो मैं बैठा रहा। कल हुआ और जनता के प्राधमियों ने दो पुलिस स्टेशनों को छुंवर की। पुलिस स्टेशन के सामने कहते हैं कि हमारा एरिया नहीं है। अगर पुलिस चाहती, तो उसने जनिवार का ही इस तरह की घोर लड़की के कारियों को पकड़ लिया होता। तारी को तारी जिम्मेदारी पुलिस एडमिनिस्ट्रेशन को है। मैं कहना चाहता हूँ कि यह श्री बाजपेयी का उदारता थी, और हमारे बाई, श्री कंबर लाल गुप्त, की उदारता थी। वे प्रश्नो उदारता रहे। मगर दिन-बहुत ही हतबो बड़ी घटना घटी। पुलिस बहाने थी, और उस पुलिस की जानकारी में यह बात जरूर आ गई होगी कि ये गंदे प्राधमी हैं, गुंडे और क्रिमिनल हैं, तो उन को पहले से ही पुलिस ने क्यों नहीं पकड़ कर रखा पुलिस ने उन को पहले से ही क्यों नहीं हटाया, श्री बाजपेयी की जीप पर उन को क्यों चढ़ने दिया? इस में सारा दोष पुलिस प्रशासन का है। इसको सारी जिम्मेदारी पुलिस प्रशासन पर जानी चाहिए। आप इस बारे में सरकार को दिखावात करें कि अगर सरकार

को पुलिस दलचित्त रही होती तो, मैं दावे के साथ कहता हूँ कि इस प्रकार की घटना न होती।

मैंने प्रश्नो बताया है कि शान्ति में सुखना दी गई, लेकिन वे लोग जानते थे कि अगर हम जायेंगे, तो वे गुंडे पकड़ें जायेंगे, जिन्होंने कल किया है। उन्होंने जान-बूझ कर उन्हें नहीं पकड़ा और वे भाग गये। आज भी यही स्थिति हुई है। माननीय सदस्य श्री बाजपेयी ने उदारता दिखाई, प्रकटा हुआ। लेकिन जो गुंडे थे, पुलिस को उन के विरुद्ध प्राधम्यक कायवाही करनी चाहिए थी। (अव्यवधान)

MR. DEPUTY SPEAKER : I am sorry, I am not going to allow anybody else.

As I had already stated, on behalf of the House, let me express the sentiments of the entire House when I say that we condemn what has happened today in no uncertain terms. I think, it was also a failure of the police party because, I think. (Interruptions) Nothing of what Mr. Ugrasen says will go on record.

SHRI UGRASEN (Deorail) : **

MR. DEPUTY SPEAKER : Mr. Ugrasen, you do not observe any solemnity on anything. Let me remind you that this is the type of things happening inside Parliament that are responsible for what is happening outside, and I strongly condemn even this kind of thing. Please have some order, some decorum, some discipline in the House.

MR. Ugrasen, please take your seat (Interruptions) ** Mr. Ugrasen, nothing will go on record. Whatever Mr. Ugrasen says will not go on record. (Interruptions) ** All of you please take your seat.

As I have already stated, there was a failure of the Police. (Interruptions) We are not having a jamboree here that every member should get up and say something. Please have some discipline and some decorum in the House. I have been asking you time and again not to convert this into some kind of a big fish market. I am very sorry because the more we behave

**Not recorded.

[Mr. Deputy Speaker]

like this in the House, the more such incidents will happen outside. Therefore, I am saying, let us have some discipline and as I was saying . . . (Interruptions) Mr. Bagri, please hold your peace.

As I was saying, there was a failure of the police also in the sense that when the murder of the two kids have taken place, the Police was found wanting. Even the Prime Minister has said that. Yesterday he accepted that position. I think the Police should be more vigilant and I think the government should tighten up the Police administration. I could not meet the students of the Jesus & Mary College who have come here because I was here. I could have met them, talked to them and received their memorandum personally. Mr. Sharad Yadav and Shri Harikesh Bahadur also met me.

Therefore, I think it was a very unfortunate incident that has taken place and all of us condemn what has happened to Mr. Vajpayee.

MATTERS UNDER RULE 377—Contd.

(ix) REPORTED PROBLEMS OF RE-SETTLEMENT OF DANDAKARANYA REFUGEES—Contd.

PROF. SAMAR GUHA : (4) To set up a Special Cell in the Rehabilitation Department for tackling the problems of the resettlement and rehabilitation of the refugees with humanitarian outlook and necessary initiative. . . (Interruptions).

MR. DEPUTY SPEAKER : Mr. Ugrasen, if you want to go out, please go out. But don't create disturbances in the House.

PROF. SAMAR GUHA : (5) To allow Shri Pannalal Das Gupta, a well-known revolutionary and presently a reputed social worker, giving him all necessary assistance and authority, to help the refugees in their task of adequate economic, social and cultural rehabilitation.

(6) To take effective measures with the help of social organisations for bringing about social, cultural and economic integration between the local tribals and the refugee Harijans in the Dandakaranya areas.

(7) To take steps for imparting education to the refugees through their mother tongue and creating facilities for development of their social and cultural rehabilitation possible.

(8) To enlist the Harijan refugees of Dandakaranya as Scheduled Castes so

that the refugees Harijan youths can avail special employment opportunities entitled to the Harijan communities.

(9) To take speedy steps for giving the refugees agricultural facilities and also to set up units for developing small scale industries for economic rehabilitation of the Dandakaranya refugees.

(10) To send a team of the Members of Parliament to the Dandakaranya areas to ensure them of the sympathy and assistance of the Government and the Parliament so that a psychological climate for their proper rehabilitation may be created.

I hope that the Rehabilitation Ministry will respond to these suggestions so as to remove growing worries in the minds of many about the future of the Dandakaranya refugees.

PRESS COUNCIL BILL—Contd.
13:20 hrs.

MR. DEPUTY-SPEAKER : Now, we will take up further Clause-by-Clause consideration of the Press Council Bill.

श्री राज नारायण (राजबरेली) :
हुपा कर के बेरा एक निवेदन मुन लीजिये ।
980 आदमी कल लिहाइ जेल में बन्द हुए
बे । उन के रिश्तेदार उन से मिलने के लिए
गये बे । यह रॉटी आज 6 बजे बटी है, रात
को खाना नहीं मिला और पानी आज भी
नदारब है । दो हजार आदमी बम्बाला
जेल में जेजे गए हैं । यह रोटियां हैं,
इन का आप भी देख लीजिए । (अव्यवधान)

MR. DEPUTY-SPEAKER : You will please write to the Minister concerned. Now, we shall take up the Clause-by-Clause consideration of the Bill.

13:22 hrs.

[SHRI N. K. SHYWALKAR—in the Chair]

SHRI VASANT SATHE (Akola) :
Before that, I want to bring to your
notice that for the last four days I have
been wanting to raise a matter under 377
relating to the Ex-Chief Minister, Giani
Zail Singh.

MR. CHAIRMAN : Mr. Sathe, I am sorry that has not allowed.

SHRI VASANT SATHE : I would request you to make a note of it and allow me at least tomorrow.

MR. CHAIRMAN : Tomorrow there is no session.

SHRI VASANT SATHE : Kindly allow me to-day because it is a very serious matter. You kindly exercise your discretion in this regard.

MR. CHAIRMAN : I have taken up the Clause by Clause consideration of this Bill.

SHRI VASANT SATHE : Whichever time you allow, you may allow me to raise that. This is a serious matter. I have been requesting for the same for the whole week. We want to do it in a disciplined way; You may not allow. That means every time we shall have to shout.

MR. CHAIRMAN : Please do not do that. I am sorry. I hope you won't do that.

SHRI VASANT SATHE : Kindly consider this. Allow me any time during the course of the day.

MR. CHAIRMAN : We shall see (Interruptions).⁹⁹

Mr. CHAIRMAN : I do not want you to say that. It won't go on record. Some procedure has to be followed. What you said cannot go on record.

Now we take up clause 5. Those who want to press the amendments. I shall call one by one.

SHRI B. K. NAIR (Mavelikara) : About clause 5 . . .

MR. CHAIRMAN : That stage is over. Amendments were moved. They were duly considered. Now I am taking the vote on them. Before that I want to know whether they want to press their amendments. I shall take up amendments Nos. 1 and 2 moved by Shri Bhausaheb Thorat. He is not here. I shall put them to the vote.

Amendments Nos. 1 and 2 were put and negatived.

SHRI A. K. ROY (Dhanbad) : Has the Minister replied ?

MR. CHAIRMAN : That is why I say. If the House agrees, instead of putting to vote each and every amendment of each individual, I shall say whether anyone wants to press his amendment as otherwise, I have to put them together to the vote.

SHRI A. K. ROY : But, I want to press my amendments.

MR. CHAIRMAN : But, do you want to press each one of them separately ?

SHRI A. K. ROY : I want to press my amendments separately.

MR. CHAIRMAN : I shall see. First I take up Amendment No. 45 moved by Shri Laxmi Narain Naik.

SHRI LAXMI NARAIN NAYAK : I want to withdraw it.

Amendment No. 45 was, by leave, withdrawn.

MR. CHAIRMAN : Now I come to Amendment Nos. 60 to 77 moved by Shri A. K. Roy. Do you want to press all amendments ?

SHRI A. K. ROY : I want to press my amendments.

MR. CHAIRMAN : If you want division you choose one out of them. Then you can claim division.

SHRI A. K. ROY : All the amendments are connected with each other. If you separate one and take others the link will be lost.

MR. CHAIRMAN : Division can be had only one by one. You choose only one.

SHRI A. K. ROY : I want to press my amendment No. 76 for division.

MR. CHAIRMAN : All right. I am now putting your amendment No. 76 to vote.

The question is :

*Page 3,—

for lines 27 to 38 substitute—

“(4) Before making any nomination of Chairman under sub-section (2), the members of the Council shall be elected by secret ballot as per the provisions laid down in sub-section (3) under the supervision of the Election Commission in accordance with the existing law.” (76)

The Lok Sabha divided.

Division No. 35]

[9-21 hrs.

AYES

Badri Narayan, Shri A. R.
 Basu, Shri Dhirendranath
 Bhakta, Shri Manoranjan
 Chandra Shekhar, Shri
 Kadam, Shri B. P.
 Kamble, Shri B. C.
 Krishnan, Shri G. Y.
 Nair, Shri B. K.
 Patil, Shri D. B.
 Patil, Shri S. B.
 Rachaiah, Shri B.
 Reddy, Shri S. R.
 Shankar Dev, Shri
 Thorat, Shri Bhausaheb

NOES

Ahmed, Shri Halimuddin
 Ahuja, Shri Subhash
 Alhaj, Shri M. A. Hannan
 Aniu, Prof. R. K.
 Ankineedu Prasad Rao, Shri
 Arif Beg, Shri
 Balbir Singh, Chowdhry
 Baldev Prakash, Dr.
 Barakataki, Shrimati Renuka Devi
 Basappa, Shri Kondajji
 Berwa, Shri Ram Kanwar
 Bhanwar, Shri Bhagirath
 Bharat Bhushan, Shri
 Bhattacharya, Shri Dinen
 Birendra Prasad, Shri
 Brahm Prakash, Chaudhury
 Brij Raj Singh, Shri
 Chakravarty, Prof. Dilip
 Chand Ram, Shri
 Chandan Singh, Shri
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai R.
 Chauhan, Shri Nawab Singh
 Chunder, Dr. Pratap Chandra
 Dasgupta, Shri K. N.
 Dave, Shri Anant
 Dawn, Shri Raj Krishna
 Deshmukh, Shri Nanaji

Dhara, Shri Sushil Kumar
 Digvijoy Narain Singh, Shri
 Dutt, Shri Asoke Krishna
 Fernandes, Shri George
 Ganga Bhakti Singh, Sori
 Ganga Singh, Shri
 Gopal, Shri K.
 Harkesh Bahadur, Shri
 Hazari, Shri Ram Sewak
 Heera Bhai, Shri
 Jain, Shri Kalyan
 Jain, Shri Nirmal Chandra
 Jaiswal, Shri Anant Ram
 Kachwai, Shri Hukum Chand
 Kailash Prakash, Shri
 Kapoor, Shri L. L.
 Kasar, Shri Amrut
 Khalsa, Shri Basant Singh
 Khan, Shri Mohd. Shamsul Hasan
 Kishore Lal, Shri
 Kotraahetti, Shri A. K.
 Kureel, Shri Jwala Prasad
 Kureel, Shri R. L.
 Kushwaha, Shri Ram Narain
 Mahishi, Dr. Sarojini
 Malhotra, Shri Vijay Kumar
 Mallick, Shri Rama Chandra
 Mandal, Shri B. P.
 Mathur, Shri Jagdish Prasad
 Mhalgi, Shri R. K.
 Miri, Shri Govind Ram
 Mishra, Shri Shyamnandan
 Mondal, Dr. Bijoy
 Murmu, Father Anthony
 Nahata, Shri Amrit
 Nathu Singh, Shri
 Nayak, Shri Luxmi Narain
 Onkar Singh, Shri
 Orson, Shri Lulu
 Pandey, Shri Ambika Prasad
 Pandeya, Dr. Laxminarayan
 Paraste, Shri Dalpat Singh
 Parmal Lal, Shri
 Parmar, Shri Natwarlal B.
 Paswan, Shri Ram Vilas
 Patel, Shri Dharmasinhbhai
 Patidar, Shri Rameshwar
 Patil, Shri S. D.

*Wrongly voted for AYES.

Pannik, Shri Biju
 Phirangi Prasad, Shri
 Pipil, Shri Mohan Lal
 Pradhan, Shri Gananath
 Raghavendra Singh, Shri
 Raghavji, Shri
 Raghbir Singh, Shri
 Rahi, Shri Ram Lal
 Rai, Shri Shiv Ram
 Raj Keshar Singh, Shri
 Ram Gopal Singh, Chaudhury
 Ram Kinkar, Shri
 Ram Kishan, Shri
 Ram Murti, Shri
 Ramapati Singh, Shri
 Ramji Singh, Dr.
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabai Anant
 Rao, Shri M. Satyanarayan
 Rao, Shri Raju Vishveshvar
 Rathor, Dr. Bhagwan Dass
 Rodrigues, Shri Rudolph
 Saini, Shri Manohar Lal
 Satapathy, Shri Devendra
 Satya Deo Singh, Shri
 Shaiza, Shrimati Rano M.
 Sharma, Shri Rajendra Kumar
 Shastri, Shri Ram Dhari
 Shastri, Shri Y. P.
 Shiv Sampati Ram, Shri
 Shrikrishna Singh, Shri
 Shukla, Shri Chimanbhai H.
 Sinha, Shri Purnanarayan
 Somani, Shri Roop Lal
 Somani, Shri S. S.
 Sankhendra Singh, Shri
 Swatantra, Shri Jagannath Prasad
 Tan Singh, Shri
 Tej Pratap Singh, Shri
 Thakur, Shri Aghan Singh
 Tohra, Shri G. S.
 Tripathi, Shri Ram Prakash
 Tyagi, Shri Om Prakash
 Ugrasen, Shri

Varma, Shri Ravindra,
 Venkatasubaiiah, Shri P.
 Verma, Shri Hargovind
 Verma, Shri R. L. P.
 Yadav, Shri Gyaneahwar Prasad
 Yadav, Shri Sharad
 Yadava, Shri Roop Nath Singh
 Yuvraj, Shri

MR. CHAIRMAN : Subject to correction, the result of the division is: Ayes 14 ; Noes 126. The amendment is negatived.

The motion was negatived.

MR. CHAIRMAN : I now put amendments Nos. 60 to 73 and amendment No. 77 of Shri A. K. Roy to the vote of the House.

Amendments Nos. 60 to 73 and 77 were put and negatived.

MR. CHAIRMAN : Now we come to amendment Nos. 89 and 90, in the name of Shri Ajitsinh Dabhi.

SHRI AJITSINH DABHI : I seek leave of the House to withdraw my amendments Nos. 89 and 90.

MR. CHAIRMAN : Does he have leave of the House to withdraw these amendments ?

SOME HON. MEMBERS : Yes.

Amendments Nos. 89 and 90 were, by leave, withdrawn.

MR. CHAIRMAN : Amendment No. 103, Shri Banatwalla. Can I put it to voice vote ?

SHRI G. M. BANATWALLA : You may put it to voice vote. I want division only on my amendment No. 149.

MR. CHAIRMAN : All right. I now put amendment No. 103 of Shri Banatwalla to the vote of the House.

Amendment No. 103, was put and negatived.

MR. CHAIRMAN : Amendment No. 109, Mr. Kamble.

*The following Members also recorded their votes :—

AYES : Sarvashri A. K. Roy and P. A. Sangma.

NOES : Sarvashri Surendra Jha Suman, Raghunath Singh Verma, Yashwant Borole, Ram Prasad Deshmukh, Mohd. Hayat Ali and Chandra Shekhar.

SHRI B. C. KAMBLE : I seek leave of the House to withdraw my amendment No. 109.

MR. CHAIRMAN : Does he have the leave of the House to withdraw his amendment No. 109 ?

SOME HON. MEMBERS : Yes.

Amendment No. 109 was, by leave, withdrawn.

MR. CHAIRMAN : Now, I will put the Amendment Nos. 131 to 135 of Shri K. A. Rajan to the vote of the House.

Amendments Nos. 131 to 135 were put and negatived.

MR. CHAIRMAN : Now, I will take up amendment No. 137 of Mr. Yashwant Borole.

SHRI YASHWANT BOROLE : Sir, I am not pressing for it. I seek leave of the House to withdraw my amendment.

MR. CHAIRMAN : Does he have leave of the House to withdraw the amendment ?

SOME HON. MEMBERS : Yes.

Amendment No. 137 was, by leave, withdrawn.

MR. CHAIRMAN : Now, Amendment Nos. 149 and 150 are in the name of Mr. G. M. Banatwalla.

SHRI G. M. BANATWALLA : Amendment No. 150 is consequential. But I press my amendment No. 149 for division.

AN HON. MEMBER : It is no use.

SHRI G. M. BANATWALLA : You don't know what the Amendment is ? Mr. Chairman, please read out my amendment before it is put to vote.

MR. CHAIRMAN : I shall now put amendment No. 149 moved by Shri G. M. Banatwalla to the vote of the House.

The question is :

Page 3,—

after line 17, insert—

"Provided also that in case nominations under clause (a) and clause (b) do not include any member from any one or more of the languages mentioned in the Eighth Schedule of the Constitu-

tion, such additional number shall be nominated so as to secure members from all such languages." (149).

The Lok Sabha Divided :

Division No. 36.]

[13.52 hrs.]

AYES

Avari, Shri Gev M.
Banatwalla, Shri G. M.
Bhakta, Shri Manoranjan
Chettri, Shri K. B.
Deo, Shri P. K.
Desai, Shri Dajiba
Hande, Shri V. G.
Kisku, Shri Jadunath
Kodiyan, Shri P. K.
Kolur, Shri Rajshkhar
Krishnan, Shri G. Y.
Murugaiyan, Shri S. G.
Naik, Shri S. H.
Nair, Shri B. K.
Patil, Shri D. B.
Patil, Shri Vijaykumar N.
Sangua, Shri P. A.
Thorat, Shri Bhausaheb
Turkey, Shri Pina

NOES

Ahmed, Shri Halmuddin
Ahuja, Shri Subhaat
Alhaj, Shri M. A. Hannan
Amin, Prof. R. K.
Arif Beg, Shri
Bal, Shri Pradvutana
Balbir Singh, Chowdhry
Basappa, Shri Kondajji
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Birendra Prasad, Shri
Borole, Shri Yashwant
Brahm Perakash, Chaudhury
Brij Raj Singh, Shri
Chakravarty, Prof. Dilip
Chandan Singh, Shri
Chandra Shekhar, Shri
Chaturbhuj, Shri
Chaudhary, Shri Motibhai R.

Chauhan, Shri Nawab Singh	Parmar, Shri Natwarlal B.
Chavda, Shri K. S.	Paswan, Shri Ram Vilas
Chikkalingiah, Shri K.	Patel, Shri Dharmasinhbhai
Chowhan, Shri Bharat Singh	Patel, Shri Meetha Lal
Chunder, Dr. Pratap Chandra	Patidar, Shri Rameshwar
Danwe, Shri Pundalik Hari	Patil, Shri S. D.
Dasgupta, Shri K. N.	Patnaik, Shri B. ju
Dave, Shri Anant	Patwary, Shri H. L.
Dawn, Shri Raj Krishna	Pertin, Shri Bakin
Deshmukh, Shri Nanaji	Phirangi Prasad, Shri
Deshmukh, Shri Ram Prasad	Pipil, Shri Mohan Lal
Digvijoy Narain Singh, Shri	Pradhan, Shri Gananath
Dutt, Shri Asoke Krishna	Pradhan, Shri Pabitra Mohan
Fernandes, Shri George	Raghavendra Singh, Shri
Ganga Bhakt Singh, Shri	Raghavji, Shri
Ganga Singh, Shri	Raghubir Singh, Shri
Godara, Ch. Hari Ram Makkasar	Rai, Shri Gauri Shankar
Guha, Prof. Samar	Rai, Shri Narmada Prasad
Harikesh Bahadur, Shri	Rai, Shri Shiv Ram
Heera Bhai, Shri	Rakesh, Shri R. N.
Jain, Shri Nirmal Chandra	Ram, Shri R. D.
Kachwai, Shri Hukam Chand	Ram Charan, Shri
Kailash Prakash, Shri	Ram Gopal Singh, Chaudhury
Kapoor, Shri L. L.	Ram Kinkar, Shri
Khalsa, Sri Basant Singh	Ram Murti, Shri
Kishore Lal, Shri	Ramapati Singh, Shri
Krishan Kant, Shri	Ramdas Singh, Shri
Kureel, Shri Jwala Prasad	Ramji Singh, Dr.
Kushawaha, Shri Ram Naresh	Ranjit Singh, Shri
Malhotra, Shri Vijay Kumar	Rao, Shri Raje Vishveshvar
Malik, Shri Mukhtiar Singh	Rodrigues, Shri Rudolph
Mallick, Shri Rama Chandra	Sai, Shri Larang
Mandal, Shri B. P.	Saini, Shri Manohar Lal
Mankar, Shri Laxman Rao	Satapathy, Shri Devendra
Mathur, Shri Jagdish Prasad	Satya Deo Singh, Shri
Mohd. Hayat Ali, Shri	Sharma, Shri Rajendra Kumar
Mondal, Dr. Bijoy	Shastri, Shri Bhanu Kumar
Murmu, Father Anthony	Shastri, Shri Ram Dhari
Nahata, Shri Amrit	Shastri, Shri Y. P.
Nathu Singh, Shri	Shiv Sampati Ram, Shri
Nathuni Ram, Shri	Shrikrishna Singh, Shri
Nayak, Shri Laxmi Narain	Shukla, Shri Chimanbhai H.
Onkar Singh, Shri	Singh, Dr. B. N.
Oraon, Shri Lalu	Sinha, Shri Purnanarayan
Pandey, Shri Ambika Prasad	Somani, Shri S. S.
Pandeya, Dr. Laxminarayan	Suman, Shri Surendra Jha
Paraste, Shri Dalpat Singh	Swatantra, Shri Jagannath Prasad
Parmal Lal, Shri	Tan Singh, Shri

Tej Pratap Singh, Shri
Thakur, Shri Aghan Singh
Tiwary, Shri Madan
Tiwary, Shri Ramanand
Tohra, Shri G. S.
Tripathi, Shri Ram Prakash
Tyagi, Shri Om Prakash
Ugrasen, Shri
Varma, Shri Ravindra
Verma, Shri R. L. P.
Verma, Shri Raghunath Singh
Verma, Shri Sukhdeo Prasad
Yadav, Shri Gyaneshwar Prasad
Yadav, Shri Sharad
Yadav, Shri Vinayak Prasad
Yadava, Shri Roop Nath Singh
Yuvraj, Shri

MR. CHAIRMAN : Subject to correction, the result* of the division is :
Ayes 19; Noes 132.

The motion was negatived.

MR. CHAIRMAN : I shall now put all the remaining amendments Nos. 98, 120 and 150 to Clause 5 to the vote of the House.

Amendments Nos. 98, 120 and 150 were put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6—(Term of office and retirement of members)

SHRI A. K. ROY : I beg to move :

Page 4, line 6,—

for "nominated" substitute "elected"
(78)

Page 4, line 24,—

for "nomination" substitute "election"
(79)

Page 4, line 25,—

for "nominated" substitute "elected".
(80)

Page 4, lines 25 and 26,—

for "nominated" substitute "elected"
(81)

Page 4, line 28,—

for "re-nomination" substitute "re-election" (82)

MR. CHAIRMAN : I shall now put amendments No. 78 to 82 to the vote of the House, together.

The Amendments Nos. 78 to 82 were put and negatived.

MR. CHAIRMAN : Now the question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 8—(Committees of the Council)

MR. CHAIRMAN : Now clause 8. Mr. Vavalar Ravi is not here. Mr. Nair, are you moving ?

SHRI B. K. NAIR : Yes, Sir. I to move :

Page 4, line 40,—

for "such Committees" substitute—

"Executive Committee and such other Committees" (92)

Page 4,—

after line 43, insert—

"(1A) The Executive Committee shall consist of seven members and shall include one member at least from each of the categories referred to sub-clauses (a), (b), (d) and (e) in subsection (3) of section 5." (93)

*The following Members also recorded their votes :

AYES : Shri A. K. Roy

NOES : Sarvashri Chand Ram, Jena Bahadur, Bega Ram Chauhan, Roop Lal Sonas D. Amat, Raj Keshar Singh and Dr. Shingwan Dass Rathor.

MR. CHAIRMAN : Mr. Borole, are you moving ?

SHRI YASHWANT BOROLE: Yes, Sir. I beg to move :

Page 5, line 3,—

add at the end—

“, but not exceeding one-third of of the strength of the Committee.”
(138)

SHRI B. K. NAIR : I want to speak on my amendment, Sir.

MR. CHAIRMAN : For just one minute.

SHRI B. K. NAIR : The Council as now proposed, consists of 29 members. And it will have many obligations also. I suggest that 29 is too unwieldy a number, for the effective functioning of a body like this. The Bill also provides for suitable committees to be appointed. I am making a definite suggestion, viz. that among those committees, the primary position may be given to the functioning of an Executive Committee, which may be able to discharge day-to-day functions. I also suggest that the Council may also include a vice-chairman. You have got a chairman. You can also have a vice-chairman who will act in his place and also preside over the meetings when the chairman is absent. And the executive committee may also be appointed. That is my suggestion. Along with this, I have given some more details :

“The Executive Committee shall consist of seven members and shall include one member at least from each of the categories referred to in sub-clauses (a), (b), (d) and (e) in sub-section (9) of section 5.”

I am also suggesting the constitution of the Committee. I think the Minister will not object to it, because they have already provided for the committees to be appointed. Why not have an executive committee ?

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI) : The Council itself is not a large body. It is a body of only 20. So, to have a small executive committee from out of that, would not be necessary and would not be frangible. Particularly when all the possible positive recommendations that could have been considered, were considered by the Select Committee and we have come to this conclusion, I think, it is not possible for me to accept it.

So far as the committees are concerned, they are there. They can be there for specific purposes. The executive committee is something which substitutes the Council, which would not be the proper thing, in matters of general nature. I can understand a small problem being referred to a small committee, for small papers or for a small paper. I can understand that, or a specific case being referred to a committee of 3. That power it already has. And to have a small body with a permanent say, and on a permanent statutory level, would not be proper. Otherwise the fact is that the Council has the authority to constitute committees. If, in pursuance of that authority, it wants to set up a small committee, it can always be done.

SHRI B. K. NAIR : How frequently does this Council meet ? Does it meet once in three months or six months ?

SHRI L. K. ADVANI : As often as it is possible.

SHRI B. K. NAIR : Why should they not meet as frequently as is necessary ? They may not meet so frequently.

MR. CHAIRMAN : Are you satisfied with the reply of the hon. Minister ? Do you want to withdraw your amendment ?

SHRI B. K. NAIR : I am not pressing it.

MR. CHAIRMAN : Is it the pleasure of the House that Mr. Nair be allowed to withdraw his amendments ?

SEVERAL HON. MEMBERS : Yes.

Amendments Nos. 92 and 93 were, by leave, withdrawn.

MR. CHAIRMAN : Mr. Borole, are you pressing your amendment ?

SHRI YASHWANT BOROLE : I am not pressing my amendment.

MR. CHAIRMAN : Is it the pleasure of the House that Mr. Borole be allowed to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 138 was, by leave, withdrawn.

MR. CHAIRMAN : The question is :

“That clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

MR. CHAIRMAN : As far as clause 9 is concerned, Mr. Vayalar Ravi has given his amendments; he is not here. There is no amendment to clause 10. There is one amendment No. 54 by Shri Unnikrishnan. He is also not here. There is no amendment to clause 12. So, I shall put clauses 9 to 12 to the vote of the House. The question is :

"That clauses 9 to 12 stand part of the Bill."

The motion was adopted.

Clauses 9 to 12 were added to the Bill.

Clause 13. (*Objects and functions of the Council.*)

MR. CHAIRMAN : Mr. Raj Krishna Dawn, are you moving your amendments ?

SHRI RAJ KRISHNA DAWN : No.

MR. CHAIRMAN : Mr. Vinayak Prasad Yadav, are you moving your amendment ?

SHRI VINAYAK PRASAD YADAV : I am not moving my amendment.

SHRI DHIRENDRANATH BASU : I beg to move :

Page 5, line 30,—

for "and news agencies in India"
substitute—

"Journals, advertising agencies and all news agencies in India". (5)

Page 5, line 32,—

after "functions," insert—

"and such other functions as the Council may deem necessary for improving the standards of newspapers, journals and all news agencies" (6)

SHRI CHITTA BASU : I beg to move :

Page 6,—

after line 30, insert—

"(ii) to keep under continuous review and to concern itself with any development which affects or is likely to affect the freedom of the Press." (17)

SHRI AMRUT KASAR : I beg to move :

Page 5, line 29,—

after "Press" insert—

"from Government and private authorities and individuals" (41)

Page 5,—

after line 34, insert—

"(aa) to hold inquiries in the unilateral cancellation of accreditation by the Government." (42)

SHRI A. K. ROY : I beg to move :

Page 6, lines 16 to 18,—

for "including those brought out by any embassy or other representative in India of a foreign State".
substitute—

"and any other foreign publications," (83).

Page 6, line 27,—

add at the end—

"except for the cases of victimisation, retrenchment, dismissal where the opinion of the Council would be binding on the parties" (84)

Page 6, line 30,—

add at the end—

"and to plan for its diffusion with a viable objective of ultimate social ownership" (85)

SHRI B. K. NAIR : I beg to move :

Page 5,—

omit lines 35 and 36. (94)

Page 6, line 28,—

for "concern itself with" *substitute—*

"adopt effective measures to curb and counteract" (95).

SHRI G. N. BANATWALLA : I beg to move :

Page 6,—

for lines 31 to 33, *substitute—*

"(j) to undertake such studies and to express its opinion in regard to any such matter as the Council may deem fit or as may be referred to it by the Central Government" (105)

SHRI G. K. CHANDRAPPAH : I beg to move :

Page 6,—

after line 27, insert—

"(hh) to study and make recommendations to the Government about the pattern of newspaper ownership and to recommend how the newspaper ownership can be

diffused and delinked from the monopoly industrial houses.

(hhh) to study the problems relating to service conditions, wages, security of job concerning editors, working journalists and other newspaper employees and make recommendations to the Government for providing them better conditions of work and looking after their welfare." (136)

SHRI B. K. NAIR : I beg to move :

Page 6,—

after line 35, insert—

"(1) to inculcate in journalists a spirit of enquiry and strict adherence to truth in reporting events and impartiality and objectivity in offering comments :

(m) to see that newspapers provide adequate coverage to events and developments in the National reconstruction activities and development projects :

(n) to focus full attention to all aspects of life in rural areas." (96)

MR. CHAIRMAN : Shall I put all the amendments to vote together ?

SHRI DHIRENDRANATH BASU : We want to speak a few words; I will be brief. The hon. Minister will certainly agree with me that the powers and functions of the Council should not be very limited. The object of the Council should be to preserve freedom of the Press, to maintain and improve the standards of newspapers, news agencies, television and radios and all mass media. They should be invested with such powers so that the autonomy of the Press Council will be preserved. The hon. Minister has already explained that he is very much for the freedom of the press; we also say so; we also say that there should be more autonomy for the Press Council; within the purview of the powers and functions of the Press Council all must be kept, namely, newspapers, news agencies, television, radio, all mass media should come under its purview. Television and radio should not be excluded; lakhs of people hear the radio and see the television. I am appealing to the hon. Minister to accept my amendment.

SHRI CHITTA BASU : My amendment relates to clause 13.

MR. CHAIRMAN : Speeches should be made only if necessary.

SHRI CHITTA BASU : Clause 13 says that the object of the Council shall be "to preserve the freedom of the Press and to maintain....." Then follows the definition of the Press Council. But in those functions, the catalogue of which has been mentioned here, there is no item wherein there is any indication by which the Press Council will preserve the freedom of the press. Therefore, I simply want to add this as one of the functions of the Press Council, viz.,

"To keep under continuous review and to concern itself with any development which affects or is likely to affect the freedom of the Press."

I think, the Minister should have no objection in accepting this because it is the main object of the Bill and in the functions he has not mentioned in a very explicit manner.

SHRI AMRUT KASAR (Panaji) : My amendment has come about on the practical difficulties faced by newspapers. As assurance has already come from the Minister. This amendment is moved not to show any distrust or that I distrust him, but the Minister or the portfolio may change, or Government may change. Because of the liberal ideals of this Government, the Government has assured of this freedom, but the weapon in the hands of most of the Governments is that of accreditation by which the press man gets a right to go to any office and seek information. They are able to attend the Assembly proceedings. They are able to go into the Secretariat because of the accreditation. Many times the Government cannot get the accreditations of the newspaper as punishment. In order to safeguard that I have suggested this amendment and I think this amendment will be a protection to the newspaper and it may be accepted.

SHRI A.K. ROY (Dhanbad) : This Clause is the most important one relating to the powers and functions of the Council. I have already said that the freedom of the press means freedom of the pen, freedom from the purse and freedom for the people and to achieve that freedom not only democratic tongue but also democratic teeth are required. With these amendments, I tried to provide a few democratic teeth to the hon. Minister.

We have got an idea that controlled press means only controlled by the Government. But here I too read a few lines from Pandit Jawahar Lal Nehru as have been written about the freedom of the press :

"Freedom of the Press usually means non-interference of the Government. But there is such a thing as interference by the private interests. I am unable

[Shri A. K. Roy]

to understand how a small group represents the freedom of the press."

Not only that, I would like to draw your attention to the Resolution of the Indian Federation of the Working Journalists. It says—

"Changing the ownership and management of the press controlled by the big industrial houses are imperative and should be an integral part of the other changes in the socio-economic order that are in the offing in India. Working Journalists do not believe in the pedestrian theory of the growth at any cost."

We have got the affairs of Verghese. But we merrily forgot the affairs of Pran Chopra who was the Editor of the Statesman and was sacked, as some of the editorials were supposed to be friendly with the United Front Government. Similar things happened with many other editors also. There is sub-clause (h) which says:

"to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in news agencies.

Provided that nothing in this clause shall be deemed to confer on the Council any functions in regard to disputes to which the Industrial Disputes Act, 1947, applies".

Here I would like to say that the Council's say should be decisive in the case of victimisation of working journalists and editors. Whenever any editor will find himself in difficulty it will be referred to the Council and the Council's say should be binding on the management. If you do not provide these democratic teeth, the management and owners will never care for the Council's opinion.

Sub-clause (i) says "to concern itself with developments as such concentration of or other aspects of ownership." This is only a negative part. What is the positive aspect of the Council? The positive outlook of the Council should be, as I have suggested, "to plan for its diffusion with a viable objective of ultimate social ownership". I have already proposed working journalists' cooperative to run a newspaper. This has already been started in one or two cases in India and its operating in some places outside also. I want that the objective should be precisely put. That is why I have said that the objective of diffusion and viable social ownership must be incorporated in the Bill. Instead of adopting this kind of positive approach, the Minister has put in

subclause (g)", to undertake studies of foreign newspapers including those brought out by any embassy....." etc. This will sound as if the Press Council will operate as an agency of the Foreign Ministry. It looks odd and it sounds vulgar. That is why I have said that you need not elaborate by mentioning publications brought out by embassies and other things. These are details which need not be part of the Bill. You can easily avoid it by saying "any other foreign publication". That will serve your purpose and it will not sound odd. I hope the Minister will accept these three constructive suggestions and incorporate them in the Bill.

PROF. DILIP CHAKRAVARTY : If the hon. member is referring to Mr. Pran Chopra's support to the United Front Government in West Bengal, it should be 1967 or 1969 and not 1968, because there was no United Front Government in West Bengal in 1968.

SHRI A.K. ROY : You read what Mr. Setalvad has written. That does not in any way affect the merit of what I have proposed.

24.00 hrs.

SHRI B.K. NAIR : In my view, the powers of the Council are insufficient. I agree with Mr. Roy, that this is a Council without teeth. It is a Council without any bones or even spine. As at present contemplated, it will be an ineffective body and it would not be able to do anything to safeguard the freedom of the press. In the constitution itself, we are providing for a very heavy and substantial representation of the owners. What do they contribute to the freedom of the press?

They provide nothing material. What about freedom of expression and freedom of ideas? You have stated what is to be done by the people employed, the editors and the employees. But the owners are just constraints on freedom. There are six owners on the Press Council. There is no function that they have to perform except to veto whatever is being done. So, with this heavy weight tied on to their neck, if you are going to constrain the staff employed still further, I am afraid it is not going to serve the purpose.

Incidentally, in Clause 14 we are providing for punishment to every other category. If something is done by a journalist, the Council will come down on his head like a ton of bricks, but what about six gentlemen who may be tampering with

the freedom of the press? Nothing is provided here. The editor may be hauled up, the journalist may be reprimanded, everything can be done against them, but what about these six gentlemen who are sitting on the Council with their tons of money? Nothing is provided for against them. Is it assumed that they will not commit any offence? All the time they are committing offences.

I am suggesting that the reference to the code of conduct be deleted by omitting lines 35 and 36 in page 5.

Secondly, much has been said about the functions of the press, but what about their social obligations? That is the main point that I want to stress. They are confining their activities and circulation only to the cities. They do not go to the countryside, they do not care for the Harijans and backward classes. Everyday something is happening to the Harijans, but how does the Harijan come in the newspapers? He comes in only as a criminal, as a victim of a shooting and firing, nothing else. The fact that he is having a peaceful life in the countryside, is contributing to the building up of the nation and the part he plays in the economy of the country are never given in the newspapers of the country. Maintenance of professional standards, integrity etc., are all right and very necessary, but it is necessary to inculcate in journalists a spirit of enquiry and strict adherence to truth in reporting events and impartiality and objectivity in offering comments. These things are lacking now. We have also to see that newspapers provide adequate coverage to events and developments in the national reconstruction activities and development projects, and further that they focus full attention to all aspects of life in the rural areas. My amendments seek to provide for these things.

SHRI G.M. BANATWALLA (Ponnani): Clause 13(a)(b) provides for a code of conduct for newspapers, news agencies and journalists. I submit that the freedom of the press is a very delicate and sensitive thing. A handful of people should not be allowed to impose their views on such a delicate and sensitive things. I have therefore moved an amendment.

We must also take note of the fact that as many as three strong Minutes of Dissent are appended with respect to the Report of the Joint Committee. Therefore, I, at this stage, appeal to the Treasury Benches and to the august House to see that no prior restraints are imposed upon the press specially in the form of a code of conduct which implies a code of discipline to be adhered to by the press.

I have also moved a second amendment to clause 13(a)(j) saying that the Press

Council can undertake such studies as may be entrusted to the Council and express its opinion on such matters as may be referred to it by the Central Government. Sir, there is no reason why the initiative of the Press Council should be curbed and killed. Let the Press Council decide on any matter which it may take up either on its own initiative or referred to it by the Central Government. Therefore, my amendment provides that the Press Council should be allowed to have the initiative to express such opinions on freedom and in dependence of the press as it may deem fit. It should also express its opinion on such other matters as may be referred to it by the Central Government in addition to the matters taken up on its own initiative. I hope this amendment giving the initiative to the Press Council will be accepted by this august House.

MR. CHAIRMAN: I want to make one observation. Because amendment No. 104 is the same as amendment No. 94, it should not be considered as moved.

Now, Mr. Chandrappan may speak on amendment No. 136.

SHRI C.K. CHANDRAPPAN: I do not want to make a speech. I think the Minister will accept my amendment. That is the crux of the matter in deciding whether the press is free. So, I hope he will accept it.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): I think most of the points raised were raised in the First Reading also, and I had indicated that the Government itself is conscious that freedom of the press can be fully guaranteed and ensured only when the various constraints imposed by the present pattern of ownership are also removed. But as I said then, the Press Council is not a body which can complete this task. The Press Council has to keep this in mind while adjudicating while framing its approach, and to that extent there is a provision in the Bill already. But this is a matter which essentially has to be dealt with, as I said, by the Press Commission, and the Press Commission has to make its recommendations to the Government and the Government on that basis will come to Parliament again because this is not a matter in which this Press Council can do very much.

Shri Banatwalla referred to the three Notes of Dissent. That too I had dealt with while replying to the First Reading. I would like to state again that when in 1965 this legislation was brought, the first Press Commission's recommendation that the Press Council should be required to formulate a code of conduct was before

[Shri L. K. Advani]

it, but the legislation adopted did not say the word "formulate" and the Council reiterated this view. It stated :

"It is neither necessary nor desirable, and not even feasible, to draw up a comprehensive code and that it would be better and more useful to build up in course of time a body of case law gathered from the principles formulated in its adjudications in the several concrete cases before it".

That is why the term "build up a code of conduct" was used. The present Press Council Bill also adheres to that. This matter was discussed at length in the Select Committee and the preponderance of opinion was in favour of retaining the term "to build up a code of conduct".

Yet another point was made here about advertising agencies and radio and television being brought within the purview of this. So far as advertising agencies are concerned, I do not think it would be proper to bring them here. But so far as radio and television are concerned, I do think that they are important media of communication and, in a way, analogous to the press. So, when we think in terms of granting autonomy to these media, we will have to provide a suitable machinery and mechanism which keeps track of their conduct also.

Shri Chitta Basu has moved some amendments. But I would like to point out that the Bill, as it is elaborates more effectively what he has sought to achieve. For instance, one of the functions that he has suggested, in Amendment No. 17, is :

"to keep under continuous review and to concern itself with any development which affects or is likely to affect the freedom of the press".

Sub-clause (1) of clause 13 reads :

"The objects of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in India".

Not only that, it goes on to elaborate the functions of the Council in this regard, by saying :

"to ensure on the part of newspapers, news agencies and journalists, the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship".

Then it says :

"to encourage the growth of a sense of responsibility and public service.....".

He was saying something about public accountability. I think all these provisions can be worded differently, and I do not dispute that if a draftsman like Shri Chitta Basu had been with us, he might have framed it still better; I do not know. But, as it is, it is very comprehensive and it deals with the various aspects and various dimensions of this particular matter.

In fact, in the Select Committee itself many Members felt that provisions like these should be cut down to the minimum otherwise, very often these provisions read like pious platitudes. It will certainly not be the object of this House to indulge in any pious platitude. We would like every provision to be very specific so that it would contribute to greater effectiveness of the Council. I would, therefore, plead with all the members to look at clause 13 in its totality, because all the points that they have broadly mentioned are there. So, if he kindly withdraws the amendments, it would be still better. Otherwise, I would appeal to the House to reject them.

SHRI CHITTA BASU : I do not want to press my amendments and I am willing to withdraw them. Your argument has been that all these points have been included. You may or may not accept my amendment, but my point is that it is not included, particularly in view of the fact that in sub-clause (i) . . .

SHRI L. K. ADVANI : Exactly the word you have used is there.

SHRI CHITTA BASU : You have mentioned :

"to concern itself with developments such as concentration of or other aspects of ownership of newspapers and news agencies which may affect the independence of the Press; "

This is one aspect of the independence of the press, the freedom of the press. That I agree. You have said that that aspect of the problem can be fairly dealt with in a

better way by the Press Council. I agree. But to my mind, there are other threats to the freedom of the press. You have singled out this one. But what about the other threats? Have you mentioned anything about them?

SHRI L. K. ADVANI : What has been raised by Shri Chitta Basu just now was, in a different way, raised by Shri Banatwalla, because he drew my attention to sub-clause (j), which says :

"to undertake such studies as may be entrusted to the Council and to express its opinion in regard to any matter referred to it by the Central Government."

and he said "why not make the Council on its own do something if it wants to?" I can point out that the subsequent sub-clause (k) takes care of both what Shri Chitta Basu would like the Press Council to do as well as what Mr Banatwalla would like the Council to do. It does not confine itself merely to study, it gives it complete residuary authority in its own sphere to the extent of subserving the main objectives. It says :

"to do such other acts as may be incidental or conducive to the discharge of the above functions."

We can always observe that in all such legislations, we always empower and give authority to the body, which is being created under statute to do whatever else is necessary and conducive so that sub-clause (j) does not, in any way, restrict the authority of the Council itself and it only empowers the Government to do something and ask the Council to undertake a study. For instance, in this House, some Members may ask the Government to have a matter studied by the Council, then the Government can, in view of sub-clause (j) ask the Council to do it.

SHRI B. K. NAIR : About social responsibility, he said, it is all covered in sub-clause (2). That is entirely a different thing. I will say that the entire thing is concerned with a sort of lower-middle class and upper-class strata of society. The countryside is not touched. You say that the Janata Party is committed to the development of country-side. Why not you put the responsibility of the papers also?

MR. CHAIRMAN : That will do.

SHRI L. K. ADVANI : It covers everything.

MR. CHAIRMAN : Mr. Dhirendranath Basu, are you withdrawing your amendment nos. 5 and 6?

SHRI DHIRENDRANATH BASU : Yes. I seek leave of the House to withdraw my amendments.

Amendments Nos. 5 and 6 were, by leave, withdrawn.

MR. CHAIRMAN: Mr. Chitta Basu, are you withdrawing your amendment No. 17?

SHRI GHITTA BASU : Since the hon. Minister has assured that this aspect of the problem would be the concern of the Press Council, I seek leave of the House to withdraw my amendment.

Amendment No. 17 was, by leave, withdrawn.

MR. CHAIRMAN : Mr. Amrit Kasar, are you withdrawing your amendment nos. 41 and 42?

SHRI AMRUT KASAR : Yes, sir. I seek leave of the House to withdraw my amendments.

Amendments Nos. 41 and 42 were, by leave, withdrawn.

MR. CHAIRMAN : Mr Roy, are you withdrawing your amendment nos. 83, 84 and 85?

SHRI A. K. ROY : No. I want to make your job simple. I want you to put amendment nos. 83 and 84 to voice vote and on amendment no. 85, I want division.

MR. CHAIRMAN : I put ~~amendments~~ nos. 83 and 84 moved by Shri A. K. Roy to the vote of the House.

Amendments Nos. 83 and 84 were put and negatived.

MR. CHAIRMAN : Now, I put Amendment No. 85 to Clause 13 moved by Shri A. K. Roy to the vote of the House.

Those who are in favour may say, Aye.

SHRI A. K. ROY : Aye.

MR. CHAIRMAN : Those who are against may say, No.

SEVERAL HON. MEMBERS : No.

MR. CHAIRMAN : The Noes. have it; the Noes have it.

SHRI A. K. ROY : The Ayes have it.

MR. CHAIRMAN : Let the Lobby be cleared. . . . The Lobbies have been cleared.

[Mr. Chairman]

The question is :

Page 6, line 30,—

add at the end—

"and to plan for its diffusion with a viable objective of ultimate social ownership" (85)."

The motion was negatived.

SHRI B. K. NAIR : I would like to withdraw my Amendments Nos. 94, 95 and 96.

Amendments Nos. 94 to 96 were, by leave withdrawn.

MR. CHAIRMAN : I now put Amendment No. 105 of Shri Banativala to the vote of the House.

Amendment No. 105 was put and negatived.

MR. CHAIRMAN : I now put Amendment No. 136 of Shri Chandrappan to the vote of the House.

Amendment No. 136 was put and negatived.

MR. CHAIRMAN : Now, the question is :

"That Clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

sec. 26 (Power to censure)

SHRI DHIRENDRANATH BASU : I beg to move :

Page 6, line 47,—

add at the end—

"but in case of complaint of not of a serious matter, the Council shall also have the authority to condone the newspaper, news agency, the editor or the journalist of such a complaint". (7).

SHRI CHITTA BASU : I beg to move :

Page 6, line 40,—

after "misconduct" insert—

"or that there have been abridgement of or encroachment upon, or interference with the freedom of Press by any authority including the Government." (18).

Page 6, line 41,—

after "concerned" insert—

"or any authority including the Government," (19).

SHRI LAXMI NARAIN NAYAK : I beg to move :

Page 6, line 47,—

add at the end—

"and in case the warnings are ignored, the council may, after giving three warnings, recommend to the Government closure of any newspaper or news agency which will be binding on the Government (46).

SHRI A.K. ROY : I beg to move :

Page 6, line 47,—

add at the end—

"or suggest some other measures to the Government and the Government shall act according to that". (86).

Page 7, line 5,—

for "empower" substitute "debat" (87).

SHRI B. K. NAIR : I beg to move :

Page 6, line 47,—

add at the end—

"and, if considered necessary, adopt extreme deterrent action against the offenders" (97).

SHRI YASHWANT BOROLE : I beg to move :

Page 6, line 48,—

for "may" substitute "shall" (140).

Page 6, line 50,—

add at the end—

"except in case where the Council on representation by aggrieved complainant decided to entertain a complaint". (141).

SHRI L. K. ADVANI : Mr. Chairman, do I have your permission to leave the

the House? There is voting in the other House. My colleague, Mr. Ravindra Varma, will attend to this Bill.

MR. CHAIRMAN : Yes.

Now, I would request the hon. Members to be brief and to the point.

Mr. Dhirendranath Basu.

SHRI DHIRENDRANATH BASU : The hon. Minister for Parliamentary Affairs and Labour and the hon. Minister of Information and Broadcasting are dynamic Ministers. To add to their dynamism, I want to add at the end of page 6, line 47 :

"but in case of complaint of not of a serious matter, the Council shall also have the authority to condone the newspaper, news agency, the editor or the journalist of such a complaint."

If these powers are given to them, if this autonomy is given to them, then the editors or reporters or news editors can express their views independently and need not look to the Directors or Managers who sometimes compel them to say what they do not want to report. That is why I have requested through my amendment for the addition of these words—so that more liberty, more power, may be given to the Press Council ; they must have this power to condone. By this the individual ownership and monopoly houses in the press can be done away with. Those persons can enjoy the liberty. Freedom of press should be a 'must', and the hon. Minister in charge of the Bill, while replying to the debate, has agreed to this. Therefore, I would request him through you, Sir, to accept this amendment.

SHRI CHITTA BASU (Barasat). Mr. Chairman, you will kindly see this clause 14. I also want to draw the attention of the Minister to this clause. It deals with the powers to enquire. Now, the power to enquire against whom? Certain agencies, authorities or individuals. I read the clause :

"Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper or news agency has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct . . ."

These are the subjects about which an inquiry can be instituted. I may be allowed to say that the principal objective of the Bill is to preserve the freedom of

the Press. There is no provision, as you will find, to hold and enquiry any complaint or otherwise as to whether there has been any abridgement of the freedom of Press. This is the position. I want to correct it. I want to say that the principal objective of the Bill being the preservation of the freedom of the Press, the right to enquire should also be extended if there is any instance of abridgement or encroachment upon or interference with the freedom of the Press by any authority including government. Unless that is included, I think—I am sorry to make this comment the very principal objective of the Bill will not be fulfilled.

So far as my amendment No. 19 is concerned, it is after all consequential in nature. Therefore, I do not want to dilate on it. I think the hon. Minister will give proper thought to this principal point.

श्री लक्ष्मी नारायण नायक (खजुराहो) : समापति महोदय, मैं खंड 14 में यह कहना चाहता हूँ कि समाचार पत्र की स्वतंत्रता तो रहनी चाहिए लेकिन जो आचार संहिता का उल्लंघन करे और प्रतिरक्षित समाचार बराबर प्रकाशित करे और प्रेस परिषद् भंगर तीन बार चेतावनी भी दे उस के बाद भी वैसा ही करता रहे तो केवल चेतावनी देने से ही काम नहीं चलेगा । यानी जहाँ भ्रष्टाचार की स्वतंत्रता भी रहनी चाहिए वही भ्रष्टाचार भंगर आचार संहिता का उल्लंघन करता है और प्रेस परिषद् उस समाचार पत्र को तीन बार चेतावनी देता है फिर भी वह नहीं मानता है, आचार संहिता का बराबर उल्लंघन करता है तो इसमें मैंने यह कहा है कि परिषद् की तीन बार चेतावनी की भ्रष्टाचार पर समाचार पत्र तथा समाचार एजेंसी का प्रकाशन बन्द करने की सरकार को अधिक शक्ति देनी चाहिए जो सरकार पर बाध होनी । यानी उस का प्रकाशन फिर बन्द होना चाहिए । इसलिए ऐसी स्थिति में प्रेस परिषद् सरकार को सिकारित कर सकेगी और सरकार उसको मानेगी नहीं

[श्री लक्ष्मी नारायण नायक]

कि जहाँ समाचार पत्र की स्वतंत्रता रहनी चाहिए वहीं उस पर यह प्रकृत की लगाना चाहिए ।

SHRI A. K. ROY (Dhanbad) : This is another check, rather another tool I want to add to the Bill. You know we are all victims of yellow journalism. There are so many things happening of general public importance and social importance but because our papers are in the hands of persons of such organizations that we are everyday readings something else. You know the famous saying of Oscar Wilde that the difference between literature and journalism is that literature is never read and journalism is unreadable. So, it is becoming like that. Yellow journalism does not only mean misleading news. Yellow journalism also means partisanship in focussing news. I can tell you that you can see very many important news against people and operation on the people that are being by-passed.

For example, yesterday, I was looking a journal. I come to know with horror that one naxalite prisoner, Shri Krishna Chetty was hanged in Coimbatore Jail in Madras. But no paper reported it. Such a type of silence, is a conspiracy. I should say. This is the worst type, yellow, black or blue journalism, I do not know. Then a miner was drowned. Not a single line was in the paper. The papers are very busy about the scandals what is the Minister doing ? It takes a lot of time. Parliament has no time to think or even to devote any time to this type of social or political oppression.

MR. CHAIRMAN : Then, what is your suggestion ?

SHRI A. K. ROY : That is why I say that the Press Council must be a body which will suggest some measures to the Government to take action. Otherwise, who will listen. The Government shall act according to that. Another point is this. It is very intelligently said that if something is ending in a court of law, the Press Council will not take action on it. This is a very wrong thing. If suppose action is to be taken against the workman, the management says that a departmental enquiry has nothing to do with the inquiry in the court. The same procedure should be followed regarding any enquiry against the management of papers whether the cases are pending before the court of law or not ; the Press Council will have the free dom and authority to take action against that management. So, I request

the new Minister of Information and Broadcasting to accept the smallest amendment—Amendment No. 87.

For 'Empower' substitute 'debar'

This being the smallest amendment, I hope, the new Minister has been empowered to accommodate this type of amendment.

MR. CHAIRMAN : Now Amendment No. 97 by Mr. Nair.

SHRI B. K. NAIR : About the potential offenders, they being the members of the Press Council, many times, the charge is made about the violation of journalistic ethics committed by a journalist. May be it might have been committed at the behest of the owner. The owner may have prevailed upon him to a particular line. But when it comes to the question of taking action against him the entire Press Council may turn against him. The owner may also join. I think this is not a happy state of affairs. In fact, this body may be converted into a sort of supreme arbitration body. In the case of complaint against a journalist, suppose it is a legitimate one, the Chairman should not be allowed to debar him or to prohibit him. This body must be effective. It should protect the rights. They must be empowered to act as a supreme arbitration body. So, I am suggesting that the potentiality of the mischief on the part of the owner also must be covered under the functions and powers of this body and in suitable cases, drastic action will be taken against the offender. When the owner may act on a particular line, the journalist may act on the particular line. What happens? I am suggesting that this body may be treated as a supreme arbitration body.

MR. CHAIRMAN : That you have said. Now I come to amendment No. 141 by Shri Borole.

SHRI YASHWANT BOROLE : Mr. Chairman, I would not have wasted the time of the House. But, I want to draw your attention to my amendment. This is made with a view to curtail the time. It should be taken up by the Press Council in deciding the complaint. There are a number of complaints which are triable and which are highly significant. If they come up before the Press Council, naturally, the Chairman has been given the discretion to see that the complaints shall be entertained by the Press Council. But it is said that the Press Council may take or may not take cognisance of that complaint. So, it is again, discretion. It will have to be left with the Press Council to go through all the complaints again.

So, I have just reversed the process and I have said that the word 'shall' may be substituted by the word 'may', provided that the Council shall not take the cognisance of the complaint, if in the opinion of the Chairman, there is not sufficient ground for holding the enquiry. Once the Chairman takes that decision that there is no ground for holding an enquiry, it should be obligatory on the part of the Press Council not to entertain it. But, at the same time, I have provided by my amendment No. 141 that he who has been aggrieved by this decision of the Chairman shall alone move the Press Council which, in its wisdom again will consider that aspect. By this procedure the number of complaints will be curtailed and a lot of time will be saved. Naturally, when a decision on a complaint is delayed, it is delay which denies justice. Therefore, I hope that the Minister will apply his mind and accept my amendment.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND LABOUR (SHRI
RAVINDRA VARMA) : Mr. Chair-
man, Sir, I shall try my best to deal with
the points that the hon'ble Members have
raised after much study on different clauses
of the Bill. I will first deal with the amend-
ment of my distinguished friend, Shri
Borole, whose amendment seems to be
rather simple and straightforward.

Sir, in the context in which this has
been used in Clause 14 we believe that the
word 'may' as has been used does mean
'shall'. Therefore, there is no parti-
cular need to accept the amendment of
the hon'ble Member. Now, I shall refer to
amendment No. 97 of Shri Nair which
also is a very important amendment
undoubtedly. It says:

"and, if considered necessary, adopt
extreme deterrent action against the
offenders"

Sir, there can be no two opinions on this
matter that if it is found that there is a
reason to take action, deterrent action
should be taken. But we believe that the
amendment as it has been phrased now is
somewhat vague and the Council has, in
fact, by other clause been vested with powers
either to go on admonish or censure news-
papers for the offence of the kind that the
hon'ble Member has referred to against the
standards of journalistic ethics. So, I plead
with the hon'ble Member not to press the
amendment because the intention of the
amendment has been taken note of by
the other Clauses of the Bill. Now, I
turn to amendments No. 18 and 19 of my
good friend, Shri Chitta Basu. As far as
amendment No. 19 is concerned, the hon'
ble Member has admitted that it is a con-
sequential amendment and, as such, I will
deal only with amendment No. 19. Here

again the hon'ble Member would like the
Press Council to keep under continuous
review and associate itself with any devel-
opment likely to affect the freedom of the
Press. Government shares the hon'ble
Members' concern about the freedom of
the Press and, in fact, the whole idea of the
Bill is to ensure the freedom of the Press.
The Select Committee as well as the other
House which adopted this Bill had gone
into this question very much in detail and
Government feel that it is not necessary to
accept the amendment as proposed because
the purpose of the amendment will be
served by the provisions in Clause 15(4) to
which I will invite the attention of the
hon'ble Member. He will see that this
clause will empower the Council to make
such observations as it may think fit in any
of its decisions or reports in respect of the
conduct of any officer and of the Govern-
ment as a whole.—as the hon. Member
was keen to point out,—for the purpose
of carrying out its objectives and for the pur-
pose of carrying out its functions, under
the Act. Therefore, his point would be
met by this provision. Therefore, I request
him not to insist on his amendment.

Regarding Mr. Dhirendranath Basu's
amendment, no doubt it is a very important
amendment. The reply to it is covered in
the arguments which I have advanced
earlier in reply to Mr. Chitta Basu's amend-
ment. I would therefore request him not
to press his amendment for this reason.

MR. CHAIRMAN : Does anybody
want to withdraw any amendment?

SHRI DHIRENDRANATH BASU :
In view of the sentiments expressed by the
hon. Minister, I seek leave of the House to
withdraw my amendment No. 7.

MR. CHAIRMAN : Does he have
the leave of the House to withdraw his
amendment?

SOME HON. MEMBERS : Yes.

*Amendment No. 7 was by leave, with-
drawn.*

SHRI CHITTA BASU : I seek leave of
the House to withdraw my amendments
Nos. 18 and 19.

MR. CHAIRMAN : Does he have the
leave of the House to withdraw his amend-
ments?

SOME HON. MEMBERS : Yes.

*Amendments Nos. 18 and 19 were, by leave,
withdrawn*

SHRI LAXMI NARAYAN NAYAK :
I seek leave of the House to withdraw my
amendment No. 46.

MR. CHAIRMAN : Does the hon. Member have the leave of the House to withdraw his amendment?

SOME HON. MEMBERS : Yes.

Amendment No. 46 was, by leave, withdrawn.

MR. CHAIRMAN : Mr. A. K. Roy, do you want to press your amendments Nos. 86 and 87?

SHRI A. K. ROY : Yes, I am pressing my amendments.

MR. CHAIRMAN : I will now put amendments Nos. 86 and 87 of Shri A.K. Roy to the vote of the House.

Amendments Nos. 86 and 87 were put and negatived.

MR. CHAIRMAN : Amendment No. 97. Shri Nair. He is not here. All the same. I have to put it to the vote.

I am now putting amendment No. 97 by Shri B.K. Nair to the vote of the House.

Amendment No. 97 was put and negatived.

MR. CHAIRMAN : Amendment Nos. 140 and 141, Shri Borole.

SHRI YASHWANT BOROLE : I seek leave of the House to withdraw my amendments, praising the manner in which the Minister has dealt with it.

MR. CHAIRMAN : Does the hon. Member have the leave of the House to withdraw his amendments?

SOME HON. MEMBERS : Yes.

Amendments Nos. 140 and 141 were, by leave, withdrawn.

MR. CHAIRMAN : Now I am putting Clause 14 to the vote of the House.

The question is:

"That Clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Clause 14A (New).

Mr. Chairman : We now come to Mr. Banatwalla's amendment for adding a new Clause, 14-A.--Amendment No. 106.

You may please move it. That is the only thing; you may also make your submissions. Please be brief.

SHRI G.M. BANATWALLA : I move my amendment No. 106.
I beg to move:

Page 7,

after line 10, insert—

"14A. (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that any action of the Central Government or a State Government unreasonably encroaches upon the freedom of the Press, the Council may after giving the concerned Government an opportunity of being heard, hold an enquiry in such manner as may be provided by regulations made under this Act.

(2) If, as a result of the enquiry, the Council is of the opinion that the action of the concerned Government constituted an unreasonable encroachment upon the freedom of the Press, it may submit a report with its recommendations to the President.

(3) The President shall, as soon as may be on the receipt of the report, direct the concerned Government to carry out the recommendations contained in the report." (106)

Clause 14 deals with powers to censure. The Bill is wanting in a very important respect. The Press Council has the power to take cognisance of complaints against newspapers, news agencies, editors and working journalists. Complaints against them can be considered by the Press Council and the Press Council also can have the power to censure them under Clause 14 of the Bill. However, there is no specific provision about the power of the Press Council to take cognisance of any complaints against the State Governments or the Central Government with respect to the problem of the Press. Therefore, it is necessary that such a power should also be given to the Press Council. The Press Council, when it has the power to censure the editors, news agencies, working journalists and others, must have also the power to take cognisance of complaints against the Government and come to a decision. I have, therefore, moved this amendment seeking for a new Clause 14A. The amendment provides that any such complaints against the Government can be taken cognisance of by the Press Council. The Press Council can, thereafter, hold an enquiry and if it is satisfied that the complaint is justified, it can make a report with its recommendations to the President. The President should thereafter issue necessary direction to the Government concerned in order to see that the recommendation of the Press Council is implemented. This will add to the effectiveness of the Press Council and will remove lacunae of the Bill. The Bill, as I said has been wanting this particular aspect and the present clause has the necessary teeth to

the Press Council so that the complaints of the State intervention and interference with the freedom of the press can be taken due note of by the Press Council.

SHRI RAVINDRA VARMA : Sir, I appreciate the spirit with which good friend, Mr. Banatwalla, has raised this point and moved amendment and it is very clear from what he has stated in the amendment as well as the eloquent exposition and the rationale behind the amendment is that he does not want to leave anybody free from the scope of the Bill. He wants to plug every loophole and see that the press Council is empowered to deal with any emergency situation that may arise whether it be the Government or some other agency, which is the agency that attracts the kind of complaints that he had referred to in his speech. But I would like to point out to him that if he reads the Bill and all the clauses of the Bill together, it will be absolutely clear to him that there is no attempt whatsoever on the part of the Government to exclude or exempt the Government. There is no loophole of the kind that the hon. Member apprehends because when he goes further in the Bill he will come to Clause 15(4) which I would like to read out. It says:

"15(4) The Council may, if it considers it necessary for the purpose of carrying out its objects or for the performance of any of its functions under this Act, make such observations, as it may think fit, in any of its decisions or reports, respecting the conduct of any authority, including Government."

Therefore there is a specific mention of the Government and if there is any action on the part of the Government which is offensive, which the Council must take cognisance on which the Council must make observation, which the Council must condemn, the Council is perfectly free under 15 (4) and make such observation in the report. Therefore, it is very clear that the Bill in no way exempts the Government whatsoever and then the other parts of the amendment that he has moved to make it necessary for a report to be made.

15.00 hrs.

It is clear from the Bill that the Council has to submit its report to the two Houses of Parliament. When the Council submits its annual report to the two Houses of Parliament, if the Government is found guilty, if any complaints have been made against the Government, if any critical observations have been made against the Government, that would be recorded in the report. As the Parliament is a sovereign body of the country, it will have an opportunity to criticise, warn and condemn the Government if the Government is

found guilty by the Council. In the circumstances, I hope, the hon. Member's amendment is not necessary and I would request him to withdraw it.

SHRI G.M. BANATWALLA : In view of the hon. Minister's assurance, I seek leave of the House to withdraw my amendment.

Amendment No. 106 was, by leave withdrawn

Clause 14B (New)

SHRI AMRUT KASAR : I beg to move:

(i) Page 6 Line 36,—

for "14" read "14A" ;

(ii) Page 7,—

after line 10, insert—

"14B. (1) If, on receipt of a complaint made to it or otherwise, the Council has reason to believe that the Government or any agency under the control of the Government has without assigning any reason cancelled the regular allotment of the advertisements in order to bring about financial coercion on the newspaper, the Council may, after giving the Government or Government Agency concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act, and if it is satisfied that it is necessary so to do, it may for reasons to be recorded in writing, disapprove the conduct of the Government or the Government Agency, as the case may be.

(2) The Council may require any or all newspapers to publish any inquiry and disapproval of the conduct of the Government under this section." (43)

Mr. Chairman, Sir, the spirit of my amendment and the amendment which was moved by Shri Banatwalla is the same. The hon. Minister has already given an assurance, I would, therefore, only make a mention of one specific matter and that is about the issue of Government advertisement to the small newspapers. The Government can use their coercive power by withdrawing the Government advertisements to the small newspapers. The small newspapers suffer because of this attitude of the Government. They coerce the small newspapers by withdrawing the allocation of Advertisements to them if they go against the Government. The purpose of my amendment, therefore, is only to safeguard the interests of the small newspapers.

MR. CHAIRMAN : Mr. Ajitsinh Dabhi : Your amendment No. 91 is the same as the one moved by Shri Kasar. You cannot, therefore, move it, but you can speak if you like.

SHRI AJITSINH DABHI : Mr. Chairman, Sir, it is an old adage that money makes the mare go, and it is all the more true in the case of newspapers today. The Government advertisement is a steady source of money which most of the newspapers are badly in need of for their existence. The Government advertisements are a powerful weapon in the hands of the Government. If this weapon is not properly and judiciously used, it may jeopardise the freedom of the press which is the main objective of this Bill. With this weapon, the Government can press, depress, impress, repress and suppress the Press. That is why, I support the amendment that a new clause 14B should be added to make the Government answerable to the Press Council in those cases where the Government or any governmental agency tried to coerce the newspapers by withdrawing the allocated quota of advertisement.

This amendment seeks to empower the Press Council to make an enquiry in a case where the Government arbitrarily withdraws the advertisement from a newspaper. It would also empower the Press Council to disapprove the Government and to get the enquiry and the disapproval to be published in the newspaper. The other day, an hon. Member, perhaps Shri Kanwar Lal Gupta, complained against the yellow Press and he demanded that the advertisements should be withdrawn from the yellow press. Sir, ours is a secular State, yet some people who had their origin in RSS try to lend narrow sectarian outlook to the public life through the Press. Therefore, I see no difference between the people who want to lend yellow colour to the Press and the people who want to lend a *bhagwa* colour to the Press.

I will just conclude my submission by giving only a very patent illustration as to how the Government can gag the Press by physical coercion and by financial coercion, i.e. by not giving advertisements. I will be quoting a few lines from "India To-day", from its 1st August, 1978 issue.

MR. CHAIRMAN : How is it relevant ! We are dealing with your amendment.

SHRI AJITSINH DABHI : It is regarding advertisements. (*Interruptions*)

SHRIMATI PARVATHI KRISHNAN : The Minister has to finish studying the brief.

MR. CHAIRMAN : You can make a statement instead of citing illustrations. (*Interruptions*)

SHRI AJITSINH DABHI : Please allow me ; I will finish within a minute. It relates to an incident in Bihar which happened only a few months back. I am quoting from page 16 :

"The threats to the freedom of the press have come from Chief Minister Karpooi Thakur and state Agriculture Minister Kapildeo Singh..

It all started when Kapildeo Singh stopped a group of newsmen on the landing of the state assembly stairs and allegedly threatened to send goondas to the editors instead of contradictions if they do not stop publishing falsehood..

These two newspapers have suffered advertisement cuts for nearly twenty days last winter. They were carrying out investigations in connection with the infamous Barahiya episode. The minister's name was somehow linked with it. In the Bihar Vidhan Parishad Kapildeo Singh has also threatened to stop advertisement to those newspapers which highlighted the alleged sex scandal involving a minister..

A few weeks ago, Thakur virtually pounced upon a reporter of a local English daily for trying to reveal the truth regarding panchayat elections in the state...."

MR. CHAIRMAN : What has this got to do with the amendment ? Your amendment related to advertisements.

SHRI AJITSINH DABHI : This is with regard to advertisements. I will conclude with this quotation :

"...Earlier it was rumoured that the Government was out to "buy or bully" the Patna press. One of Thakur's press advisers wrote an 18-page letter to the weekly's special Bihar issue. The chief minister himself had written to the management of a big paper asking it to withdraw its Patna correspondent. When all these efforts presumably failed, one junior minister, having "very good" relations with some newsmen was allegedly sent out on a mission with a "money-bag" to solve the awkwardness of "problem newsmen".

....What is now happening in Bihar clearly indicates that the Thakur administration has mounted a double-pronged attack on the press. It is apparently waging a war at arms length

with sophisticated 'bully-weapons' and character-assassination campaigns on a scale inconceivable even during emergency days...."

MR. CHAIRMAN : It will not go on record now.

(Interruptions)**

MR. CHAIRMAN : It is not going on record. Why do you take the trouble ?

SHRI AJITSINH DABHI : Ultimately, in this case, advertisements were withdrawn from these newspapers. With this sad commentary on what sort of freedom of the Press this ruling Janta Government wants in this country, I commend that this particular amendment be accepted.

SHRI RAVINDRA VARMA : Mr. Chairman, the amendments standing in the name of my good friend Mr. Kasar and my equally good friend Mr. Dabhi are very important amendments undoubtedly, because everybody in this country is aware of the importance of advertisement for newspapers, especially small newspapers. There can be no two opinions on the question of importance of advertisements and the fact that in the past there had been considerable experience of advertisements being used either to boost the finances of newspapers or to starve newspapers so that they may go out of circulation. Therefore, this is not a new subject and perhaps my good friend, Mr. Dabhi is quite competent to talk about this subject. I shall not challenge his competence or the competence of his party to talk on this subject. But I do believe that as far as this Bill is concerned, we are not so much concerned with the instances which can be quoted or cited, but we are more concerned with the danger and how the danger can be prevented by the Press Council. Therefore, in spite of the tremendous temptation to answer the hon. Member in the coin that he has used which is rather a very cheap coin, if I may say so. I shall resist the temptation.

SHRI VAYALAR RAVI : Cheap coin ?

SHRI RAVINDRA VARMA : I do not know in which coin you trade. It is better to trade in cheap coin than in counterfeit coin. (Interruptions) I do not know in which coin you would like to trade.

SHRI P. VENKATASUBBIAH (Nandyal) : He says you are also trading in the same coin. That is what he had said.

(Interruptions)**

MR. CHAIRMAN : Mr. Dabhi, I am not allowing it to go on record. This is not the way. (Interruptions) You must hear the Minister.

(Interruptions)**

MR. CHAIRMAN : I am sorry, it would not go on record.

SHRI AJITSINH DABHI : I am entitled to know about it. He cannot misrepresent me.

MR. CHAIRMAN : Let the Minister first say.

SHRI RAVINDRA VARMA : I never misrepresented anybody. Mr. Chairman, in your wisdom, you permitted him to read out from the newspaper about something.

(Interruptions)

SHRI VAYALAR RAVI : So unany.

SHRI RAVINDRA VARMA : I would like to ask the hon. Member whether all such instances for the past few years have been quoted by the hon. Member. Obviously not. (Interruptions) Obviously not. He had cited one or two instances. Now the Member had his say and I must also have my say. (Interruptions) Otherwise, it is not possible to have a running conversation. If I misrepresented him, he can correct me. All that I said was that he had cited some instances. I beg to submit to this House that these instances are not exhaustive ; and these instances have relevance, as far as this clause of the Bill is concerned, only to highlight certain dangers. Therefore, I said, that I did not want to deal with the dirty past of some persons or some parties. I do not want to do so because that is not relevant nor do I want to answer every one of the instances, half of which were on record and half of which were not perhaps on record. It do not want to deal with them. I want, therefore, to deal with the essence of the question which my hon. friend, Mr. Kasar, has raised in a very able manner; and the essence of his question lies in the danger that is posed to the circulation of the newspapers, finances of the newspapers and stability of the newspapers by the manner in which the Government which has got control over advertisements might use its power to provide newspapers with advertisements. That is the very

[Shri Ravindra Varma]

real danger to which he has pointed out; we do not want to shut our eyes to this; we cannot shut our eyes to it because of the experience which is before the country and the newspapers. I should like to submit in all humility to my hon. friend that if they look at clause 13(a) read along with 15(4) to which I have already made a reference, they would see that there is enough scope to ensure that the government does not use or misuse its policy in the manner in which the hon. Member apprehended it might be used or in the manner in which Governments might have done in the past. We want to insure against that danger. How do we insure against that danger in this Bill? If you read 13(2)(a) it says precisely, beyond a shadow of doubt that 'to help newspapers and news agencies to maintain their independence....' You cannot say that the purpose is to maintain independence of the newspapers but penalise them for their independence. Therefore it is very clear from this clause what the purpose of the Press Council is; that will be binding on the government; that will ensure the independence of newspapers. It will not therefore make use of the policy of advertisements as an instrument in any way to inhibit the independence that is quite clear in 13(2)(a). Because it is clear in 13(2)(a) read with 15(4) I would appeal to my hon. friend not to insist on his amendment but to withdraw it.

MR. CHAIRMAN : There were two similar amendments 41 and 43 ; one was moved, that is 43 ; the other was barred. So, I shall put amendment No. 43 to the vote of the House.

Amendment No. 43 was put and negatived

MR. CHAIRMAN : The question is "That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill

MR. CHAIRMAN : We take up clause 15.

Clause 16 (Levy of fees)

SHRI B. C. KAMBLE : I move my amendment No. 15a.
Page 7,—

after line 40, insert—

"Provided that no such fees shall be levied on newspapers including weeklies or periodicals whose total circulation for sale does not exceed ten thousand copies ;

Provided further that fees shall be levied at lower rates on small newspapers, and medium rates on medium newspapers and at higher rates on big newspapers." (15a)

If the government is prepared to give an assurance I will not press it for division.

15: 19

[SHRIMATI PARVATHI KRISHNAN in the Chair]

There should be some exemption to small newspapers whose circulation is below 10,000. Government have accepted already the principle of small papers, medium papers and big papers. My suggestion is about exemption. Amongst the small, medium and big papers there should be a sort of gradation so far as levying of fees is concerned. So far as levying of fees is concerned, I think Government should have no difficulty in accepting this amendment and in case the uniform rates are there, then small papers will be swallowed by medium papers and medium papers will be swallowed by big papers. That is the purpose of my amendment and if the hon. Minister is prepared to give an assurance, I will not press it at all.

MR. CHAIRMAN : You just give an assurance and he will not press it.

SHRI RAVINDRA VARMA : Remedies are very simple but the results are complex. Comrade Chairman, I understand the anxiety of the hon. Member, Shri Kamble, to see that the newspapers—particularly the small newspapers—many of them are language newspapers—serve the miffual areas in the district'. They do not suffer in any way under the dispensation that is contemplated by this bill and, therefore, I can understand the reasoning behind the hon. member's proposal. But he has made matters rather simple for the Government by saying if he is assured, the manner in which the rules are framed will protect the papers, the circulations of which is below 10,000, I think he referred to 10,000, then he would find it possible not to press his amendment. I would like to assure him, the very reason why there is no specific provision, Government believes that the suggestion which the hon. member has made and similar suggestions can be taken care of by the rules that are framed under this Act. I think I can assure him further that it will be ensured that the fees that are levied for registered newspapers will be on a graded scale. The fees would be at a high rate for big newspapers and at a lower rate for medium newspapers and still at a lower rate as far as small newspapers are concerned. As far as small newspapers are concerned the circulation of which is less than 5,000,

will be exempted from the levy. I think in the light of this which the Government will do in favour of the small newspapers the hon. member, Shri Kamble, will not insist.

SHRI B.C. KAMBLE : I withdraw my amendment.

Amendment No 152 was by leave, withdrawn.

MR. CHAIRMAN. The question is :
"That clause 16 stand part of the Bill."

*The motion was adopted.
Clause 16 was added to the Bill.*

MR. CHAIRMAN : I come to clause 17. There is an amendment by Dr. Ramji Singh. He is absent.

There is no amendment to Clause 18. I will put clauses 17 & 18 together to the vote of the House.

The question is:

"That Clauses 17 and 18 stand part of the Bill."

*The motion was adopted.
Clauses 17 & 18 were added to the Bill.*

Clause 19 (Budget)

MR. CHAIRMAN : There is an amendment to clause 19 by Shri Kamble.

SHRI B.C. KAMBLE : I beg to move:

Page 8, line 15,—

add at the end—

"who shall cause those copies to be laid on the Table of both Houses of Parliament for discussion and approval in the same manner and by the same procedure applicable to a Money Bill."
(119)

The purpose of my amendment is that as the principle of levying fees upon the newspapers has been accepted, this amounts to taxation. Therefore, whatever may be the Annual Financial Statement of the Press Council, i.e. about the Budget, that should be presented to both the Houses of Parliament. There should be discussion just like a discussion on a Money Bill. That should be disposed of accordingly. That is the purpose of my amendment.

SHRI RAVINDRA VARMA : I think this clause is a very simple clause. I would submit that there is no special reason why the hon. member should insist on the amendment that he has proposed. The reason is that the Council has, under the provisions of the clause that are already there, to prepare a Budget in respect of the ensuing financial year showing the estimated receipts and expenditure, copies of which shall have to be forwarded to the Central Government, which in turn will include them in the Budget of the Ministry of Information and Broadcasting and the Budget of the Ministry of Information and Broadcasting including this comes before the House, therefore, the Houses of Parliament have a discussion for approval. Therefore, the members's point has already been met by the provisions of the clause. I hope he will not insist on this amendment.

SHRI B. C. KAMBLE : I withdraw my amendment No. 119.

Amendment No. 119 was, by leave, withdrawn.

MR. CHAIRMAN: The question is :

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

MR. CHAIRMAN: Clause 20. There is an amendment by Shri Chitta Basu but he is not present.

The question is:

"That Clauses 20 to 22 stand part of the Bill."

The motion was adopted.

Clauses 20 to 22 were added to the Bill.

MR. CHAIRMAN: Clause 23. There is an amendment by Shri Anant Dave but he is not present.

The question is :

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

MR. CHAIRMAN: Clause 24. There is an amendment by Mr. Vayalar Ravi, but he is absent.

[Mr. Chairman]

The question is :

"That Clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

Clause 25 was added to the Bill.

Clause 26 (*Power to make regulations*)

SHRI RAVINDRA VARMA: In this clause, there is a printing mistake which has to be corrected. In sub-clause (a) of clause 26, it has been misprinted as "section 19". It should be "section 9".

MR. CHAIRMAN: If the House agrees, we shall enter that correction.

HON. MEMBERS: Yes.

MR. CHAIRMAN: The correction will be entered in clause 26.

The question is :

"That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27 was added to the Bill.

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

MR. CHAIRMAN: There is an amendment to the Long Title.

SHRI B. C. KAMBLE: I move my amendment No. 107.

PROF. P. G. MAVALANKAR: I wish to go on record and congratulate the Minister of Parliamentary Affairs for doing this wonderful job by way of replacement for the Minister of Information and Broadcasting.

MR. CHAIRMAN: I hope the Minister of Information and Broadcasting associates himself with these congratulations.

SHRI B. C. KAMBLE: I beg to move:

Page 1, in the Long Title, add at the end—

"with the objective of securing to all Indians justice, social, economic and political liberty of thought, expression, belief and faith; equality of status and of opportunity; fraternity assuring the dignity of the individual and the unity of India." (107)

As it stands, the Long Title reads:

"to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India."

This is a vague title. It has no content and it appears a little empty and some amendment must be introduced into this long title. What is the purpose for which freedom of the press is necessary? What is the purpose for which maintenance of and improving the standards of newspapers is necessary? That is completely absent. So, I have brought in an amendment which is not my own amendment. I have bodily lifted the Preamble of our Constitution and put it here. It reads like this:

"with the objective of securing to all Indians justice, social, economic and political; liberty of thought, expression, belief and faith; equality of status and of opportunity; fraternity assuring the dignity of the individual and the unity of India."

This means, preparing India for full nationhood. If that is not the purpose of freedom of the press or of improving the standard of newspapers...

MR. CHAIRMAN: Don't make a long speech on the long title

SHRI B. C. KAMBLE: My speeches are never longer than necessary.

This is not my amendment. I have bodily lifted it from the Preamble. Therefore, I request the hon. Minister to accept it, so that it will be more meaningful.

SHRI L. K. ADVANI: He has himself said that this has been bodily lifted from the Preamble. The laws that we frame in this House are all supposed to subserve the Preamble of the Constitution. So, this also will subserve the Preamble of the Constitution. Otherwise, we have to repeat this Preamble in every statute.

Having made his point, I hope he would be agreeable to accept my request to withdraw his amendment.

SHRI B. C. KAMBLE: I do not press.

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

SOME HON. MEMBERS: Yes.

Amendment No. 107 was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That the Title stand part of the Bill."

The motion was adopted.

The title was added to the Bill.

SHRI L. K. ADVANI: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI P. VENKATASUBBAIAH (Nandyal): At the outset I would like to compliment the hon. Minister who piloted this Bill, and equally the my friend Shri Ravindra Varma who was able to complete the task of the hon. Minister in his absence. Of course, at times the hon. Minister of Parliamentary Affairs suffers from more self-righteousness; that is the trouble with him.

I happened to be in the Joint Committee, and we were able to complete the work in record time. By the prescribed time we were able to present our report.

MR. CHAIRMAN: I hope you will finish your speech in record time.

SHRI P. VENKATASUBBAIAH: I will certainly obey your ruling.

The main feature of this Bill is to build up and regulate the working of the various newspapers, to build up healthy traditions, to keep the press free from all sorts of pressures or exploitations.

Another important feature is that there is equitable representation made for all the sections of the fourth estate.

As the hon. Minister has pointed out, we do not want to put more teeth into this Press Council. It is only sort of advisory in nature, and in this context I would only like to bring to the notice of the hon. Minister one thing. Whatever may be our professions, pious, honest and all that, we should not forget the fact that today, as things stand, many of the chain newspapers with large circulations are under the stranglehold of big business. In pre-independence days, newspapers were built up on high traditions with a high sense of patriotism and service to the people, guaranteeing freedom of expression. Unfortunately, as time passed, newspapers have come under the stranglehold of big business. Even today we are not able to release them from their stranglehold. With large circulations, they have got all the trappings of the press, but they succeed in subverting freedom of speech

in this country. I hope that this Government will take the necessary steps to break this monopoly and see that the freedom of the press is really preserved in its pristine purity.

Whoever may be in office or Government, there is a tendency to use advertisements as a weapon to make newspapers play to the tune of the party in power. That also has to be safeguarded against. The Press Council, I feel, will play a notable part in fulfilling our objective in that respect also.

Of course, no teeth are put into the Council, but a Code of Conduct is sought to be built up among the newspapers and those working in the profession. I hope the reading public will benefit by the dissemination of proper news. We are hamstrung by various constraints put on the freedom of the press. I hope in course of time we will be able to build up a healthy tradition.

With these words, I support the Bill.

SHRI C. K. CHANDRAPPA (Cannanore): Madam Chairman, we supported this Bill and now this is an important occasion because the Parliament expresses itself that the press should be free and the freedom of the press should be preserved. That is the meaning of the Bill. But if that expression has to be translated, then I think the duty of the Government, as I reminded in the course of the discussion, is very important that the press should be freed from the industrial houses. And the hon. Minister said that it will be one of the tasks of the Press Council which is likely to be appointed in future. I only would like to remind the hon. Minister that the Press Commission, I am sure, will take several years to complete its work, and when its recommendations come before the Government, it would also take years together to find its acceptance and put into implementation. In this long process, if we allow this expression of Parliament diluted by the direct operation of monopoly houses, then I am afraid that this Bill which we are enacting today also might meet with the same fate as the old Bill that we have in the past—the Press Council Bill. I do not wish that. Therefore, I would like the hon. Minister to say something more positively and something more concretely whether the Government has some positive steps to initiate so that the ownership of the press will be diffused and it will be delinked from the business houses. I hope something will be done in that direction and if that is done, the desire of Parliament today expressed through this Bill will have greater meaning. I wish it a great success.

SHRI SAUGATA ROY (Barrack-pore): Madam Chairman, I join the other Members of the House in extending our support for the Press Council Bill. After all, there has been a debate on the Press Council Bill which has now come after scrutiny by a Joint Select Committee of Parliament and Members have at length expressed their views on the Bill. I would only like to add our Party's sentiment on that. The Press Council Bill to the extent that it is a genuine attempt to promote the freedom of the press in the country deserves everybody's support.

Madam Chairman, there has been a distortion in the functioning of the press during the Emergency which everybody in this country has condemned. People say even now that the distortions, though they are no longer there legally, have crept into the press and as my hon. friend Shri Chandrappan has pointed out, these distortions mainly come into the picture because of the ownership of the press which is still in the hands of a few monopoly houses or the jute press as it is called, and the press till today does not fully reflect the aspirations of the people, the aspirations of the rural people, the aspirations of the downtrodden, if I may say so. The press in the country is still representative of the urban elite in the country and does not represent what Gandhiji called the 'dumb millions' of the country. The efforts of everybody in this country should be diverted towards this end. But in the meantime it is good that the Government has come forward with the Press Council Bill, which will also set up a Press Council, which, no doubt, will take a long time, but I also urge upon the hon. Minister that in the last Lok Sabha an attempt was made to bring forward a Bill to diffuse ownership of newspapers and this Government has also to take fresh steps in this way and give its thought in the matter.

With this, Madam Chairman, I again add my support and my Party's support to the Bill and the concepts underlying the Bill.

श्री लाल कृष्ण आडवाणी : सभामनि महोदय, मैं सदन के सभी सदस्यों का आभारी हूँ जिन्होंने इस विधेयक को अपना समर्थन दिया है। मात्र प्रेस परिषद् का एक प्रस्ताव में पुनर्जन्म हो रहा है और पिछले जन्म में उसका कुछ कठिनाइयों का सामना करना पड़ा, जिन के कारण जितनी उस से उम्मीद थी, वह पूरी नहीं कर पाई थी।

SHRI P. VENKATASUBBIAH :
Kindly speak in English.

श्री लाल कृष्ण आडवाणी : आप हिन्दी भी समझ लेते हैं और इस में कोई दिक्कत की बात नहीं है। तो मेरा यह मत नहीं है कि पिछली प्रेस परिषद् की प्रभावी नहीं रही। पिछली प्रेस परिषद् ने काम तो किया है और अच्छा काम किया है लेकिन जितना उस से उम्मीद की उतना काम नहीं किया और जो समस्याएँ उस समय मदस्यता के सम्बन्ध में पैदा हुई थी, उनके कारण काफी समय तक गतिरोध बना रहा। इस बार इस नये विधेयक में व्यवस्था ऐसी की गई है कि जिस के कारण प्रेस परिषद् की मदस्यता स्वाभाविक रूप से घाटोमेटिक रूप में हो और जितनी प्रतिनिधि संस्थाएँ हैं पत्रकारों की वे अपने प्रतिनिधि ठीक प्रकार में उस में भेजे।

यहाँ पर जितनी चर्चा हुई है, बाहर पत्रकारों के साथ जितनी चर्चा हुई है, उससे स्पष्ट है कि प्रेस परिषद् का बहुत मुश्किल प्राप्त है बहुत मदभावना प्राप्त है जनता की और पत्रकारों की, और मैं उम्मीद करता हूँ कि इन मदभावना के बलवृत्त पर यह प्रेस परिषद्, जो उस के दो प्रमुख उद्देश्य हैं, एक तो भारत-अनुशासन और एक संस्वात्म व्यवस्था करना और प्रेस की आजादी के ऊपर कहीं से भी अग्रर आक्षेप होता है, उस पर कोई हमला करता है, उसके ऊपर कोई भी आंच धाती है, वह चाहे सालकों की तरफ से हो या चाहे सरकार की तरफ से हो या और किसी भी तरीके में हो, तो उस से उसकी सुरक्षा करना, इन दोनों उद्देश्यों की पूर्ति में यह प्रेस परिषद् सफल होगी।

मैं पुनः सदन के सभी सदस्यों का और सभी वर्गों का, जिन्होंने यहाँ पर इस की समर्थन दिया है, आभार प्रकट करता हूँ।

15'45 hrs.

MR. CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted.

VISVA-BHARATI (AMENDMENT) BILL

THE MINISTER OF EDUCATION,
SOCIAL WELFARE AND CULTURE
(DR. PRATAP CHANDRA CHUNDER):
I beg to move:

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the Visva-Bharati Act, 1951, made in the motion adopted by Rajya Sabha at its sitting held on the 25th July, 1978 and communicated to this House on the 27th July, 1978 and do resolve that the following 22 Members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

(1) Shrimati Renuka Devi Barkataki, (2) Shri Bedabrata Barua, (3) Shri Tridib Chaudhuri, (4) Shri Dhirendranath Basu, (5) Shri Rudolph Rodrigues, (6) Shri C. K. Chandrappan, (7) Shri Ajitsinh Dabhi, (8) Shri Raj Krishna Dawn, (9) Shri V. Kishore Chandra S. Deo, (10) Shri R. D. Gattani, (11) Shri Samar Guha, (12) Shri V. G. Hande, (13) Shri Nirmal Chandra Jain, (14) Shrimati Mohsina Kidwai, (15) Dr. Sarojini Mahishi, (16) Shri P. R. Rajagopal Naidu, (17) Shri K. A. Raju, (18) Shri Ramjiwan Singh, (19) Dr. Saradish Roy, (20) Shri Jagannath Sharma, (21) Shri Rajendra Kumar Sharma and (22) Shri Pratap Chandra Chunder."

MR. CHAIRMAN: Motion moved:

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the Visva-Bharati Act, 1951, made in the motion adopted by Rajya Sabha at its sitting held on the 25th July, 1978 and communicated to this House on the 27th July, 1978 and do resolve that the following 22 Members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

(1) Shrimati Renuka Devi Barkataki, (2) Shri Bedabrata Barua, (3) Shri Tridib Chaudhuri, (4) Shri Dhirendranath Basu, (5) Shri Rudolph Rodrigues, (6) Shri C. K. Chandrappan, (7) Shri Ajitsinh Dabhi, (8) Shri Raj

Krishna Dawn, (9) Shri V. Kishore Chandra S. Deo, (10) Shri R.D. Gattani, (11) Shri Samar Guha, (12) Shri V. G. Hande, (13) Shri Nirmal Chandra Jain, (14) Shrimati Mohsina Kidwai, (15) Dr. Sarojini Mahishi, (16) Shri P. Rajagopal Naidu, (17) Shri K. A. Raju, (18) Shri Ramjiwan Singh, (19) Dr. Saradish Roy, (20) Shri Jagannath Sharma, (21) Shri Rajinder Kumar Sharma and (22) Shri Pratap Chandra Chunder."

SHRI SAUGATA ROY: The Education Minister thought it fit to refer this Visva-Bharati (Amendment) Bill to a Joint Committee. I may invite his attention to an memorandum recently circulated by several very important intellectual people from West Bengal, where they have said that the original concept of Tagore in founding the Visva-Bharati, that it would be a rural university where only fine arts and philosophy would be taught, should be kept. The feeling is that Visva-Bharati has out-grown, over-grown its usefulness by branching out into various streams of sciences and other subjects. I would submit that even at this stage the House can give instructions to the Joint Committee to see that Tagore's original idea must be maintained and that Visva-Bharati should be a liberal humanist institution for bringing about harmony between all sections of the people, and not just a run of the mill university where every discipline of thought is taken up. Such a restriction should be put on this Committee. While making this suggestion to the Education Minister at this stage, I would invite his attention again to the feeling which has been expressed by the intellectual elite of West Bengal about preserving the original concept of Tagore, so far as this institution is concerned.

The Special flavour which it had upto 1951, before the Government of India took over the University, should be retained. I hope that the Education Minister, who is a very noble son of West Bengal and who represents the intellectual elite of West Bengal, will be make his efforts to keep the special character of the Visva-Bharati University.

SHRI P. K. KODIYAN (Adoor): Madam Chairman, I am glad that the Government has come forward with this Bill and that it is being referred to the Joint Committee. The Ordinance which was promulgated in 1971 was a retrograde step and in my opinion, it was probably a step for all the distortions that have taken place and I hope that all the distortions will be corrected and that the Joint Committee will give due consideration to the important points preser-

[Shri P. K. Kodyan]

ving the nuke character of this institution. But at the same time, I want to point out that ever since the University was founded by the illustrious founder, it had been allowed to drift away from the great ideals of its illustrious founder. I should say that it has been forced to adjust itself to the general pattern of education in our country and reduce itself to the status of any other university in our country. Now it is caught in a controversy, I should say, it is in the midst of pulls from different directions; on the one hand, there is a very strong opinion that the unique character of this University should be preserved and on the other hand, there is an opinion that more and more subjects, science and other subjects should be added and more more students should be admitted and it should function more or less like any other University conferring degrees in Science and Humanities. In this matter, I would like to say that the Joint Committee should find out a sort of via-media so that the University can preserve some of the unique features that it had when it was founded, viz., the emphasis on Indian culture, study, particularly, of the relationship between eastern and western culture, the study of ancient languages, etc. and also its emphasis on the rural bias or rural development. At the same time, it can also work as any other University, admitting more and more students in science faculties and humanities. I hope the Joint Committee would consider this aspect also.

I would also like to refer one or two other aspects of the working of this University. In the functioning of the university, in the administration of the university, there should be more and more democratisation, that is, the teachers, the students and other employees and workers of the university, should have an ample opportunity to associate themselves in the formulation as well as implementation of the policies of the university. In order to avoid certain unhappy incidents that had taken place prior to 1971, the cooperation of different sections of the university, that is, the teachers, the students as well as the employees and the workers of the university, is very essential.

The last point that I want to refer to is in relation to the functioning of the organisation of workers and the students. In order that the workers and the students' organisations should be allowed to function freely, of course, within the overall discipline of the university, they should be allowed to exercise their initiative to contribute to the general growth and development of this unique institution, at the same time giving them freedom to work for their own sectional interests.

With these words, I conclude my remarks.

PROF. DILIP CHAKRAVARTY (Calcutta South): Madam Chairman, I rise to say something on the points raised by my hon. friend, Mr. Saugata Roy. Being very near as a matter of proximity from Visva-Bharati to Calcutta, I also hear about these pins made out by some intellectuals. But very few people really spell out what them mean by Tagore's ideologies.

Only the other day, about 10 days before, I met Shri Binod Mukherjee—all of you must have heard his name; he is now saying in Delhi at Nizamuddin East. When I met him, he was in at wonderful mood and he told me that some person from the city of Calcutta or from other cities used to go to Shantiniketan in the '30s and '40s; they used to see the thatched cottage including the serpents in side and used to write long editorials or write-ups praising the climate of Shantiniketan. In those days, water was scarce and they would even be praising water scarcity in Shantiniketan.

I do not see what is wrong in modernising the campus of the Visva-Bharati, in having some modern subjects. So, I hope, the Education Minister would do well to ask them to spell out what really they mean by maintaining Tagore's ideals.

That is all I wish to submit at this stage.

PROF. P. G. MAVALANKAR (Gandhinagar): Madam Chairman, I am very grateful to you for permitting me to say a few words on this, I believe, important occasion when we are sending this very useful and necessary Bill for a very careful and detailed consideration by our colleagues in the Joint Committee.

Before I come to my points, I quite see the point of my hon. friend, Prof. Dilip Chakravarty that retaining certain uniqueness of this institution does not mean not accepting certain modern subjects, modern facilities, etc. But I think, what my hon. friend Shri Saugata Roy was saying was, in so doing, you do not create an institution which has no relevance or bearing on what Tagore stood for and strove for. That is the only point. If that is so, I only want to make two points briefly. One is that I think education has to be considered as a liberating force and the other is that culture and creativity must be for a soulful contribution to man's fullest development in various walks of life. If these two ideals or aims can be achieved—one being education as a liberating force not only in terms of broad humanising of the individual's

attitude towards life, but education as a liberating force in its broadest sense or fullest sense, and the second being that culture and creativity must be considered as factors helpful and necessary for a soulful contribution to the building up of a citizenry in the new India—I think Tagore's *Visva-Bharati* has a role to play. Tagore's idea of Unity of Man, Tagore's idea of Freedom of Man, an Tagore's ideals of Liberty as a fundamental purpose of life, should all be woven into the kind of teaching and instruction and learning that goes on. If this is done, to a large extent in a most spontaneous manner and with the least administrative bottlenecks and external forces, then I think this University will make a useful contribution.

One final word and I have done. Perhaps at this stage he may not reply, but I just want to ask the Minister about what he says in the Aims and Objectives. I quote :

"The University has faced serious difficulty in its day to day working on account of the negative attitude adopted by certain persons".

He has not spelt it out. Probably he wants to say in a moderate language, in an academic tone, because he would not like to say in detail. I do not want to force him to say anything, but this is exactly the kind of difficulty that is faced by many of our institutions which begin with good ideals and good dreams but somehow get caught in wrong hands or get dominated by wrong people.

SHRI SAUGATA ROY : Including Gujarat Vidyapeeth.

PROF. P.G. MAVALANKAR : that is why I mentioned 'many of our institutions'; I did not want to elaborate. I am prepared to consider Vidyapeeth as one of them. We find many good institutions in memory of good leaders, but the soul of it is lost and we merely follow the outward structure. The soul is lost. Therefore, I want the distinguished Education Minister to tell us what exactly these things are because I feel, a Professor myself and an educationist myself that although on the one hand, we need more universities what we need on the other hand is not, at the moment, proliferation of Universities and Colleges. I know the UGC has put some kind of a moratorium on that and it is good. What is needed is that the existing Universities become better, and that the more specialised institutions like the one mentioned by Shri Saugata Roy, The Gujarat Vidyapeeth in Ahmedabad, and other institutions like the Kashi Vidyapeeth in Varanasi, The *Visva Bharati* at Shanti

Niketan, etc. should all become places of international education and of international attraction. I am sorry that the "Auroville", a new experiment has gone into some kind of difficulty in Pondicherry.

Therefore, I am making the point in conclusion that in regard to the *Visva Bharati* University, I hope the Select Committee will go into the matter as to how best we can do it by leaving things to the people concerned, without making it cumbersome in terms of administrative details and bottlenecks.

Although I am not a son of Bengal as Shri Saugata Roy described the Education Minister, I consider myself a son of Bengal because I am a son of India and Bengal is a part of India. Gurudev was also for some time in Ahmedabad, my home city. He spent some years of his formative life with his elder brother, a judge, in that famous building which has been for a very long time the pride of Ahmedabad. We have taken inspiration from some of his ideals of unity and human freedom. I hope these ideals will be reflected in this newly modified Bill which now goes to the Select Committee.

16.00 hrs.

डा० रामजी सिंह (भागलपुर):

समापति महोदय, अभी यह प्रश्न नहीं है कि विश्व भारती के सम्बन्ध में विशेष विचार हो। यह मेरा सीधाय है कि मैंने विश्व भारती विश्वविद्यालय में रह कर थोड़ा अपना शोध का काय किया है और वहाँ के विद्वानों के सम्पर्क में रहने का सीधाय मुझे मिला है। मुझे 1952 से ही विश्व भारती जाने का सीधाय रहा। उस समय के विश्व भारती और अब के विश्व भारती में बहुत अन्तर है। अभी लगता है कि विश्व भारती जो रवीन्द्रनाथ की थी वह है नहीं। मुझे स्मरण है कि उस समय के पुराने लोग कहा करते थे कि जब आदिवासियों का बस्तियों का लोग हटाते थे और बड़े-बड़े महल वहाँ बनाये जाते थे, तो मुहदेव रोते थे। मैंने देखा है कि अब तो हम समझते हैं कि इस विषयक

[डा० रामजी सिंह]

के बाद प्राधुनिकीकरण की माडर्नाइजेशन की मंडनैप थोड़ी और चची तो शांति-निकेतन, विश्वभारती और दूसरे विश्व-विद्यालयों में कोई अन्तर नहीं रहेगा।

विश्व भारती का अर्थ यह नहीं है, जैसा कि हमारे माननीय माधवलकर जी ने कहा कि उसका प्राधुनिक युग में कोई रेनेसेंस नहीं है। भारतवर्ष में सन् 150 विश्वविद्यालयों का ही उनका लाइक से क्या रेलेसेंस है? प्रत्येक विश्वविद्यालय का अपना एक चरित्र होता है, जब वहां कोई जाये तो मानुस पूछे कि यह विश्वविद्यालय यह है। जैसे अलीगढ़ विश्वविद्यालय का एक चरित्र है और उसका हमारे शिक्षा मंत्री जो फिर एक नये विधेयक के द्वारा वापिस कर रहे हैं। ता चाहिए यह कि विश्व भारती का जो अपना चरित्र है, उसका वापिस करना चाहिए। नहीं तो, 150 विश्वविद्यालय हैं ही।

इसीलिए जब राज्य-सभा में दूसरे मदन में विश्वविद्यालय विधेयक पर चर्चा हो रही थी, तो वहां काफी चिन्ता प्रकट की गई, वहां इस विधेयक का कोई सामान्य स्वागत नहीं हुआ।

मैं संयुक्त प्रचर समिति के लोगों के चिन्तन करूंगा कि वह मुद्देव की शिक्षा के सम्बन्ध में उनके जीवन-प्रायणों को देखें। मुझे तो कई दीक्षास्त भाषण भी वहां सुनने का अवसर मिला है। यह जो कहते हैं कि वहां कुछ नगेटिव, निरेघातमक दृष्टिकोण लाये गये हैं, असल में इम्प्लीमेंटेशन की कमी है। जिस समय दास साहब वहां के कुलपति थे, प्राचार्य थे तो वहां दूसरा वातावरण था। इसलिए मैं प्रार्थना करूंगा कि संयुक्त प्रचर समिति के लोग वहां जायें और मुद्देव की चीजों को देखें कि उनके शिक्षा के आवेग क्या थे।

मुद्देव के विषय में कहा जाता है कि वह केवल संस्कृति और कला के उपासक थे, ऐसा नहीं है। उन्होंने अपने जीवन के शेष काल में शांति निकेतन के साथ श्री निकेतन की स्थापना की थी यानि कला को जीवन में जोड़ने का प्रयत्न किया था, लेकिन प्राधुनिकीकरणकी जो माया है, उसका जो व्यामोह है वह 149 विश्वविद्यालयों में रहने दें, रवीन्द्र नाथ की विश्व भारती को रवीन्द्र नाथ के सपनों में बाँड़ें। हम यह नहीं कहने कि वह पुराना मद्रास ही जायेगा, आज घातों विश्वविद्यालय को देखने के लिए नहीं, बल्कि विश्व भारती का देखने के लिए लाना घात है। इसलिए मैं कहना चाहूंगा कि प्राधुनिकीकरण की बात को बहुत ज्यादा ध्यान नहीं देना चाहिए।

अभी हमारे माधवलकर साहब ने कहा कि **घाई एन गेट सन प्राक बंगाल**। विश्व भारती बंग भारती नहीं है। विश्वभारती विश्वभारती है। मुझे याद है, जब मैं पहली बार 1952 में गया था तो एक मनेशिया की लड़की, एक में थोर एक गुजरात के कुल 3 फिलासफों का क्लास में थे। इसलिए विश्व भारती का बंग भारती नहीं, इसका सबमुच में विश्वभारती के रूप में परिणत करना चाहिए। अगर भारत विश्व को कुछ दे सकता है तो अध्यात्म विज्ञान और छोटे-छोटे उपकरणों के लिए तो हमारे यहाँ इस्टीमेटेड प्राक टटनालाजी बम्बई, मद्रास और दिल्ली में हैं। हम यह कहा कह रहे हैं कि वहां उपनिषद् की पढ़ाई शुरू कीजिए। जब आप इन अभि-संज्ञा के संस्थानों को छोड़ देते हैं, जब अलीगढ़ का जो अपना चरित्र रहा है, उसको वापिस कर रहे हैं तो शांति निकेतन का विश्वभारती का जो चरित्र है, उसके साथ छेड़छाड़ करना शायद विश्व भारती के साथ छेड़छाड़ करना ही नहीं, वह भारतीय संस्कृति का जो सपना मुद्देव ने देखा था, उसके

साथ छेड़छाड़ करना हीना । किन्ना सलाहकार समिति में भी श्री कृष्ण कृपालानी ने एक बड़ो गभोर चर्चा उपस्थित की और कहा कि विश्वभारती के सम्बन्ध में प्रस्तुत विधेयक स्वागतयोग्य नहीं है और यह विश्वभारती को भ्रात्य हत्या है । राज्य सभा में भी जो विवाद हुए हैं, उन में भी स्वागत के स्वर नहीं थे ।

इस लिए मैं प्रवर समिति के माननीय सदस्यों से प्रार्थना करूँगा कि वे इस विधेयक पर आग्रहपूर्वक हो कर विचार करें और इसका गुरुदेव की दृष्टि से देखें । गुरुदेव चीन और रूस भी गये थे । उन्होंने पाश्चात्य जगत का भी सपना देखा था । विज्ञान के साथ अध्यात्म को जोड़ने का उनका सपना था, जो भारत कर सकता है, और इसी के लिए विश्वभारती का जन्म हुआ था । मैं समझता हूँ कि विश्वभारती के माननीय सदस्य इस बात को ध्याने रखेंगे ।

DR. PRATAP CHANDRA CHUNDER: I should like to think our young energetic Member, Shri Saugata Roy for drawing our attention to a very important matter, whether the *Visva-Bharati* is fulfilling the original ideas of Tagore and if not, that we should try to include these ideas in this Bill.

I know this controversy which is going on but I will respectfully submit to this House that much of this controversy is based upon an inadequate appreciation of facts. In fact we have noticed in the observation of Prof. Dilip Chakravarty that there is some dispute about the original ideas of Tagore himself. What were these ideas? So, instead of going to the secondary source, we have tried to go into the primary sources and incorporate the primary sources in this Bill very carefully. The clauses are not before us. So I would not like to go into the details, but I would briefly say that the original objects of Tagore have been included in the Memorandum of Association of the *Visva-Bharati Society* which was set up in the early 1905.

Now, in this objects clause there was one very significant mention that all the objects were governed by the respect for *Shantam, Shisam, Adustiam*. But in the existing Act, this phrase, *Shantam, Shisam,*

Adustiam has been completely struck out. That shows that the spiritual and moral concept which was there in the constitution of the *Visva-Bharati* has not been introduced in the original Act. So we thought that to restore the original ideas of Poet Tagore, it would be necessary to bring back this whole concept and instead of having truncated objects in the Bill, we have introduced the entire objects of Tagore in this Bill.

The second main change which we tried to introduce is this, that these truncated objects were included in the residuary powers of the University. That means the University could or could not follow some of these objects. But we have now taken the objects into a special clause of the Bill which can be interpreted as the objects clause, "The objects of the University would be..." and that includes the entire objects which have been set out in the original Memorandum of Association of *Visva-Bharati*. I will submit that these changes will certainly be sufficient for the purpose of keeping before *Visva-Bharati* the ideas of Poet Tagore and it will be necessary for the University to stick to the objects and not to deviate from them. Incidentally, when I got some communications from some of the respected scholars and journalists from Calcutta about the objects of *Visva-Bharati* and their protests about the manner in which the Bill has been brought, I wrote a letter to them saying that they had not spelt out what the objects were. For the information of the hon. Members, particularly, Dr. Ramji Singh, who said, *Charitra vapas karna chahiye*, I can tell him that in the days of poet Tagore, his original idea had to be modified to a great extent because *Visva Bharati* was ultimately affiliated with the Calcutta University and the students were getting the instructions to go through various disciplines of Calcutta University. If we were to return to the original character which was modified during poet Tagore's lifetime, then we have to scrap this Act altogether, to repeal this act, and bring *Visva Bharati* into the fold of Calcutta University, although it is not all desirable. The real problem was modernisation and the poet himself felt that general instructions alone will not do. Students who would come out of this institution would require jobs. It is not education in general. But, it should be some sort of job-oriented education so that the standards which will be recognised in society in general will have to be adopted. So, the poet, with great lamentation, conceded the demands of the students that *Visva Bharati* might be linked up with some standardised universities. However, we do not want to make *Visva Bharati* as any other university but it should have and distinct character of its own.

[Dr. Pratap Chand Chunder]

Therefore, this major change has been proposed in this Bill. I hope whatever has passed in this House now will be placed before the Select Committee when it will have its deliberations. Moreover, I can assure you and other hon. Members that really we want to democratise the organisation of the university. At present, in all bodies there is the provision for nomination and these nominations are made by the Visitor with the recommendation of the Minister. But, now we want to shed our power and we would like to give the power to the academic communities of the university including the teachers Pathabhavana School so that, ultimately, the functioning of the university will depend largely on the academic community. As you know, Madam, all these human institutions depend on the good and bad features of human conduct. So, when the academic community will have majority in the management, we expect that they will respect the ideals of Poet Tagore and will strive to maintain the university in accordance with the ideals that Tagore himself contemplated.

With these words, I humbly submit to this House to accept the motion that I have moved.

MR. CHAIRMAN: The question is:

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill further to amend the *Visva-Bharati Act, 1951*, made in the motion adopted by Rajya Sabha at its sitting held on the 25th July, 1978 and communicated to this House on the 27th July, 1978 and do resolve that the following 22 Members of Lok Sabha be nominated to serve on the said Joint Committee, namely:

- (1) Shrimati Renuka Devi Barakataki
- (2) Shri Bedabrata Barua
- (3) Shri Tridib Chaudhuri
- (4) Shri Dhirendranath Basu
- (5) Shri Rudolph Rodrigues
- (6) Shri C. K. Chandrappan
- (7) Shri Ajitsinh Dabhi
- (8) Shri Raj Krishna Dawn
- (9) Shri V. Kishore Chandra S. Deo
- (10) Shri R. D. Gattani
- (11) Shri Samar Guha
- (12) Shri V. G. Hande
- (13) Shri Nirmal Chandra Jain
- (14) Shrimati Mohsina Kidwai
- (15) Dr. Basojini Mahishi
- (16) Shri P. Rajagopal Naidu

- (17) Shri K. A. Raju
- (18) Shri Ramjiwan Singh
- (19) Dr. Saradish Roy
- (20) Shri Jagannath Sharma
- (21) Shri Rajendra Kumar Sharma
- (22) Dr. Pratap Chandra Chunder"

The motion was adopted.

16.15 hrs.

INDUSTRIAL RELATIONS BILL.

MR. CHAIRMAN: Now, the House will take up the motion on the Industrial Relations Bill.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I beg to move:

"That the Bill to consolidate and amend the law relating to the registration of trade unions of employees and employers, the rights and liabilities of registered trade unions and settlement of trade union disputes, the conditions of employment of employees, and the investigation and settlement of disputes between employers employed in industrial establishments or undertakings and their employers, and for matters connected therewith or incidental thereto, with a view to promoting healthy industrial relations leading to accelerated economic development and social justice, be referred to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely:

- (1) Shri Chitta Basu, (2) Shri Dinesh Bhattacharya, (3) Shri S. R. Damani, (4) Shrimati Minal Keshav Gore, (5) Shri Hukam Chand Kachwai, (6) Shri Amrit Nahata, (7) Professor P. G. Mavalankar, (8) Shri Prasannabhai Mehta, (9) Shri B. K. Nair, (10) Shri K. S. Narayana, (11) Shri K. A. Rajan, (12) Shri A. E. T. Barrow, (13) Shri K. Ramamurthy, (14) Shri Ramdas Singh, (15) Shri Saugata Roy, (16) Shri Ram Dhari Shastri, (17) Shri Digvijaya Narain Singh, (18) Shri Govind Ram Miri, (19) Shri Ugrasen, (20) Shri R. Venkataraman, (21) Shri C. Venugopal, (22) Shri Ravindra Varma and 11 from Rajya Sabha;

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

that the Committee shall make a report to this House by the last day of the first week of December, 1978;

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

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

In moving the motion I would like to draw the attention of the House to the fact that in respect of the other two Bills too which were introduced along with this Bill yesterday the proposal is that the same Joint Committee should study the Bills. This is because, as I explained earlier, the three Bills together give a comprehensive picture of the relations, the procedures, the machineries that are being proposed. I would only say further, Comrade Chairman, that in the case of some other Bills in the past there have been instances of the same Committee studying more than one Bill and reporting to the House. I do not want to take the time of the House in reciting or citing such instances. I would only say this much by way of observations in making the motion. I hope the House will accept the motion.

MR. CHAIRMAN: Motion moved:

"That the Bill to consolidate and amend the law relating to the registration of trade unions of employees and employers, the rights and liabilities of registered trade unions and settlement of trade union disputes, the conditions of employment of employees, and the investigation and settlement of disputes between employees employed in industrial establishments or undertakings and their employers, and for matters connected therewith or incidental thereto, with a view to promoting healthy industrial relations leading to accelerated economic development and social justice, be referred to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely:

(1) Shri Chitta Basu, (2) Shri Dinen Bhattacharya (3) Shri S. R. Damani, (4) Shrimati Mrinal Keshav Gore, (5) Shri Hukam Chand Kachwai, (6) Shri Amrit Nahata, (7) Professor P. G. Mavalankar, (8) Shri Prasan-nhal Mehta, (9) Shri B. K. Nair, (10) Shri K. S. Narayana, (11) Shri K. A. Rajan, (12) Shri A. E. T. Barrow, (13) Shri K. Ramamurthy, (14) Shri Ramdas Singh, (15) Shri Saugata Roy, (16) Shri Ram Dhari Shastri, (17) Shri Digvijaya Natarain Singh, (18) Shri Govind Ram Mri,

(19) Shri Ugrasen, (20) Shri R. Venkatsarman, (21) Shri C. Venu-gopal, (22) Shri Ravindra Varma

and 11 from Rajya Sabha;

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

that the Committee shall make a report to this House, by the last day of the first week of December, 1978;

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

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

There is an amendment for circulation of the Bill for the purpose of eliciting opinion by Shri Ram Dhari Shastri. He is absent. Shri Purnanarayan Sinha.

SHRI PURNANARAYAN SINHA :

I moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1978."

PROF. DILIP CHAKRAVARTY (Calcutta South): It is stated by my hon'ble friend, Shri Ravindra Varma, that this Bill has been brought with a view to promoting healthy industrial relations and to accelerate industrial development and social justice. I am emphasising on this aspect of 'Social justice'. In the district of Burdwan, Raniganj and Kulti coalmining area, hundreds of houses are collapsing and thousands of inhabitants are vacating the area, which is bringing in untold misery to the ordinary people. I have received an answer to Unstarred Question No. 5083 on 30-8-78, that is, yesterday, wherein it is not denied that there is a continuing hazard of subsidence and landslides in the Raniganj and Kulti coalmining area.

MR. CHAIRMAN: This is a Bill on Industrial Relations. Kindly speak only on the Bill.

PROF. DILIP CHAKRAVARTY: I have shown the connection, Madam, between this Bill and this matter which I am raising. Let it go before the Select Committee for their consideration.

MR. CHAIRMAN: This is to go to the Select Committee.

PROF. DILIP CHAKRAVARTY: I know. That is why I say, let the Members of the Select Committee bear these things also in mind.

At present 112 collieries under Eastern Coalfields Limited are existing in Raniganj coalfield and in 40 such collieries, hydraulic sand-stowing is adopted. Six more collieries would be taken up for such stowing in future. Then, what about the rest? The people are suffering due to the hazards of subsidence as pointed out by the district administration. Due to lack of funds, they cannot fill the empty pits with sand. That has created lot of problems. Subsequently, the matter was again brought up for discussion with the specially invited representative of the State Government on 17-6-1978 in the Sixth Meeting of the Coal Conservation and Development Advisory Committee held at Calcutta and it was unanimously decided that the Area Development Authority may be formed immediately under the West Bengal government, with representatives of the coal companies, Coal Controller and Director-General, Mines Safety.

The proposal for having an Area Development Authority is to make it a focal point for integrated development of the area, including diversion of railway lines, roads, or transfer of inhabitants. I emphasise this last point, namely, the transfer of inhabitants. Now the question arises: Who is to bell the cat? I suggest that till such time as the Area Development Authority is constituted, a programme of hydraulic sand-stowing be adopted. The Coalmining Management in the area should not plead paucity of funds to cover up their inaction resulting in untold suffering to the inhabitants due to the hazards of subsidence or landslide rendering thousands of people homeless.

With these words, I hope, the hon. Minister and also the Members of the Select Committee would give sufficient importance to this important aspect of the problem which I have raised just now. Thank you, Madam.

SHRI SAUGATA ROY (Barrackpore): Madam, yesterday, when the Motion for introduction of the Bill was brought in this House, there was a strong opposition to the introduction from all sections of the House, because, in this very ambitious Industrial Relations Bill, which the hon. Minister has brought forward after a long delay and a lot of tall promises, there were certain clauses which were curbing the right of strike.

Certain notices had to be given for calling a strike. Government has got an arbitrary control over the right to strike of the workers. Also, in the provision relating to lockout, which is contained in the same sub-heading of Chapter VIII, a similar ban was not put on lock-out, to the extent that strike was banned.

The Rules of Procedure provide for asking the House to instruct the Joint Select Committee to make special or additional provisions in the Bill to see that a certain thing is done. And that is why Madam, under Rule 75(3) I move:

“That at the end of the Motion for reference of the Bill to the Select Committee, the following be added, namely,—

‘The House gives instructions to the Joint Select Committee to which the Industrial Relations Bill is proposed to be referred, to make additional provisions in the Bill, to see that the right to strike of the workers is not curbed.’”

Because, Madam, with due respect to the composition of the Committee and to all the Members who will be in that Committee, may I say that law in this country has never been very favourable to the employees? It has always been favourable to the employers. And the composition of the Committee is not determined with respect to the views of the members regarding the labour problems. It may very well happen that the composition of this Committee may be such that it will be weighted more in favour of the employers. In that case, the majority may decide, or may take a decision on this proposed Industrial Relations Bill, which may well be, that the right to strike which has been proposed in the Bill will be kept or further curbs on the right to strike will be put. I want to submit that this special and additional provision should be made in this Bill so that the right to strike of the employees, which is a fundamental right, is not taken away. We have got a weak working class in this country and this fundamental, right is a political right and not so much a constitutional right, as such. But, it is a political right, in the sense that we have a very weak and less-organised working class in this country and therefore it is the ultimate weapon and we have to see that this is not curbed. Also I proposed that there should be a special instruction to see that the right to lock-out is limited and curbed to as large an extent as possible. I again want to move that this additional enabling provision be made in the Bill and give specific instructions to the Select Committee so that it may reflect the feelings of the Members of the

House who feel that there should not be a cut on the right to strike of the workers. On the other hand, all possible curbs should be put on the right to lock-out of the employers. The employers are still doing so in so many ways all over the country. So many jute mills are closed in the country. The working class is expecting so much from the Bill and unless such provisions are made in the Bill, the aspirations of the working class cannot be fulfilled. So, it is a very ambitious Bill.

SHRI PURNANARAYAN SINHA (Tezpur): Madam, in moving my amendment I have got to draw the attention of the House to rules 298 and 299. Rule 299 reads as follows:

"299. Members who are not members of the Select Committee may be present during the deliberations of the Committee but shall not address the Committee nor sit in the body of the Committee."

From the very inception, this Bill has taken a considerable time for conceiving before it came for consideration and after it was introduced there was an opposition even from the Government Bench. Under these circumstances, it is better that a wider public opinion should be called for in order to finally bringing up the Bill in a form which the House can accept. So, my idea of proposing this amendment is that either it be sent to recognised Labour Federations of the country which are under the control of different political leaders or the scope of the Select Committee may be made wider by enlarging the number of Members of the Select Committee so that they are drawn from different sections of the House. At the same time, all those persons who are active workers in the Trade Unions, those who organise the unions, those who organise labour, who organise the strike, those who support the cause of the labour and those who have gained experience in the Labour courts and Tribunals will be considerably helpful in bringing forward an acceptable form of the Bill. Therefore, I said that either the Bill is referred to the recognised Labour Federations of the country or the number of Members of the Select Committee may be made larger to at least 45—40 from this House and 15 from the other House—so that all shades of opinions are represented on this Committee and they can thrash out the differences in various provisions of the Bill. They would also consider other questions with regard to the legislative competence of the House and whether 60% majority of the Union must be there in order to call a strike is also acceptable to all the Unions. So, I propose that the number of Members of the Select Committee—if it is decided

to refer the Bill to the Select Committee—may be made larger so that wider sections of the people of the House are represented on the Committee. Therefore, I request the hon. Minister to name 30 hon. Members of this House from different sections, and let 15 or even less number of Members from the other House come and represent on this Committee. I only want the active trade union leaders and workers who are Members of this august House to be on the Select Committee so that they can, amongst themselves, discuss the provisions of the Bill and bring forward a bill which will be universally acceptable to all sections of the House. This is my submission and with this submission I press my amendment.

SHRI M. KALYANASUNDARAM (Tiruchirappalli): Comrade Chairman, I regret that the hon. Minister should persist in moving this motion for referring the Bill to a Joint Committee. At the same time, I also regret that you should be in the chair when such a motion is being discussed. You are one of the stoutest opponent of this Bill. Perhaps nobody else is available to occupy the chair and allow you to make the speech opposing the Bill.

In spite of our opposition to the Bill, a Member of my Party has been included in the Select Committee and we have no objection to enter the Joint Committee. It does not mean that in any way, directly or indirectly, we support the anti-working aspects of the Bill. That only shows that we are determined to fight inch for inch and step for step on the anti-working class provisions of the Bill and see that reason will prevail on the Government to make some changes. With that attitude, a Member of my Party has agreed to serve on the Joint Committee.

The Bill by this time has attained notoriety throughout the country and the organised trade unions and important trade union centres have opposed some of the principles especially the right to strike and right to collective bargaining. These are the rights earned by the working class of this country over a period of fifty years through sufferings and sacrifices, facing bullets and repression. Those rights are now sought to be curtailed. The ruling party are taking pride that they have restored democracy and they have done away with emergency. If one carefully scrutinises this Bill, so far as the working class of this country is concerned, this Bill seeks to make the conditions of emergency permanent with regard to the right to strike and right to collective bargaining. This is a Bill which cannot be supported by any one, leave alone those who support the working class;

[Shri M. Kalyanasundaram]

even those who want to have industrial peace in this country would not give their support to this measure. This will only create more unrest among the workers, because the workers cannot effectively settle their disputes by availing of the Government conciliation machinery or any other machinery. There will be prolonged negotiations without any settlement. That means, the workers will get frustrated and there will be direct action, unprepared direct action, and dislocation of industry. This Bill will not secure the objectives for which the Bill is introduced.

Even at this stage, I would urge upon the ruling party to drop this motion and bring about another Bill in the light of the suggestions made by the All India Trade Union Congress and other trade union centres in this country.

There is another point. The Government is trying to rush through this Bill. The time given for the Select Committee is upto the last day of the first week of the next session. That shows that the Government is anxious to pass this Bill. Let them have it. Even if they pass the Bill, the provisions of the Bill, which are anti-working class, will be opposed by the working class in the factories and streets. You have to face these things. I would, therefore, urge upon the Government to give sufficient time to the Joint Committee to examine the provisions very thoroughly, record evidence and give another opportunity to the trade unions so that the Joint Committee at least can have the satisfaction of having gone through the Bill more thoroughly and fully. I would urge upon the Minister to extend the time limit for the Joint Committee.

SHRI SOMNATH CHATTERJEE (Jadavpur) : Through this Bill which is being proposed to be referred to a Select Committee, the right of the workers to strike is sought to be frustrated and taken away—which is a stab in the back of the working classes. I do not know who is the real author of this Bill. The entire industrial relations machinery in this country is now sought to be bureaucratized. And I did not know that Mr. Ravindra Varma was so fond of bureaucrats. This stint of Ministership of 1-1/2 years seems to have completely corroded whatever proper attitude to labour relations he might have had.

This Bill has earned the unique distinction of being rejected by almost all important trade unions. One thing is very clear, viz. that in our country where the working class has very limited rights under the Constitution of this country, those limited

rights are going to be taken away. There are in-built provision, which provide for discrimination amongst the working classes, and between the working classes of different geographical areas also. And the minimal right which has been earned by the working class in this country to go on strike, is sought to be frustrated and taken away through an absurd proposal that has been mooted in this Bill. The Constitution of India and this bill seem to be totally inconsistent with each other. They cannot tally. That is why we say that by this Bill, an attempt has been made to take away the very minimal rights of the working class in this country.

By a majority, they will send this Bill to the select Committee. But I feel that in the matter of this Bill, the Select Committee has a very great responsibility. We would like to see that the Select Committee does not try to dispose of this matter hurriedly, without full consideration, but that it takes into consideration the views of all the different sections of people, of trade unions, and of the working class as a whole. The State Governments should be consulted in this matter. We would like to know how the Government of India, which is trying to restore democratic rights in this country, could make such a comprehensive effort to almost nullify the little democratic rights that the working class in this country possesses.

16.38 hrs.

[SHRI RAM MURTI *in the Chair*]

You have seen, Mr. Chairman, Sir the type of thinking that has been put in the making of this Bill. There is a chapter dealing with the so-called unfair practices. One of them speaks about what are the activities which are supposed to be unfair practices on the part of the employees and of the trade union of employees. It is provided that it will be unfair practice.

“to indulge in coercive activities with the intention of preventing the certification of a registered trade union of employees as sole negotiating agent or chief negotiating agent, or the constitution of a negotiating committee.”

This is supposed to be an unfair practice. Apart from what is sought to be conveyed here, this is a pernicious proposal. Somebody might have called Mr. Ravindra Varma as an ambassador for labour. But what is he trying to prove? Is this the way you are trying to preserve the rights of the working classes? There is not a single proposal in the whole Bill which

advances the right of the working class, even by one small step. On the other hand, hurdles have been put in various matters—which take away the rights of the working class.

Supposing a demonstration will be staged at the residence of the employers and the managerial staff. Now the demonstration has been held by the Supreme Court to be a fundamental right, if it is not violent. If there is a peaceful demonstration before the residence of the employer who has misappropriated the provident fund, who has not paid the provident fund and who has not paid wages and salaries also, then that is to be treated as an unfair practice and then it is to be referred to the tribunal. You kindly see what is constitution of the tribunal. On page 15 of the Bill, it says :

"No person shall be qualified for appointment as the Presiding Officer of a Tribunal unless among other things—

- (a) he has been an officer of the Ministry or Department of the Central or State Government dealing with Law or Labour, not below the rank of a Deputy Secretary, or equivalent post, for not less than five years."

Therefore, the Deputy Secretary in the Labour Department who has specialised in labour activities for five years will be qualified to be the President of the Tribunal. Now, is it not a mandatory provision that he must be a Judge or a District Judge or a Presiding Officer of a Labour Court? Then it further says :

"He has, in the opinion of the appropriate Government, adequate experience in industrial relations."

There will be no check and we know that most of the governments in this country are functioning totally under the control of the bureaucracy. Who will be the Presiding Officer of this Tribunal? What will be the composition of the Tribunal? There is nothing indicated. And then there is a question of so-called unfair practice like the right to become a negotiating agency, a chief negotiating agency and so many other duties and functions have been given to the Tribunal. It will depend almost on the hands of this bureaucracy. Now for whose benefit you have brought forward this Bill?

The Bill had been introduced yesterday and it had been sent to the Select Committee. We would very strongly urge that the fullest opportunity should be given to the Select Committee to take all evidence, views of the different sections of the working people in this country and there should not be any measure which should be sought to be hurried through or bulldozed either through the Committee or through this House. Let us not at least give this impression to the people of this country, the working people of this country that this Parliament which had not been able to advance their rights is keen to take away their rights in a manner which creates a suspicion and doubt among the minds of the people of this country. Therefore, I strongly urge that this matter should be taken note with due importance by the Select Committee; and I am sure that Mr. Ravindra Varma will think many times before trying to show his weight or the weight of his party either in the Select Committee or in this House in getting this Bill pass.

SHRIMATI PARVATHI KRISHNAN

(Coimbatore) : Mr. Chairman, Sir, thank you very much for giving me this opportunity to speak. I want to draw the attention of the Minister and the Members of this Select Committee to certain rather dangerous and obnoxious clauses in the Bill, because the hon. Minister, in the Statement of Objects and Reasons states that he has tried to streamline the labour legislation that exists in the country and to bring forward a comprehensive measure which, according to him, is going to deliver the goods, as far as industrial relations are concerned in favour of the working class. I beg to differ. Because the only streamlining that has taken place is—I would like to point out to the Members of the Select Committee and the Members of the House that all the worst provisions of the Maharashtra Industrial Relations Act, Madhya Pradesh Industrial Relations Act, BIR, Gujarat Industrial Relations Act and so on have been streamlined into this legislation. This is something which the working class has been consistently opposing and the bankruptcy of those legislations has been seen. Year after year, for instance, in Bombay when the millowners signed an agreement with the so-called recognised unions—recognised under the BIR—every year there is a strike, the agreement is thrown into the Arabian Sea and the employers have to pay what the workers demand. Such things are there. Now here comes the Minister and makes such a misleading statement in the statement of objects and reasons and then he expects us to think all the rest of it is something very very innocent and very progressive and democratic.

[Smt. Parvathi Krishnan]

I am sorry and that is why I should like the Members of the Select Committee to go into this aspect seriously.

About unfair labour practices my colleague Shri Somnath Chatterjee has already spoken; yesterday at the introduction stage itself I said that from our party and the All India Trade Union Congress to which I belong we take very serious objection to these unfair practices. But of course his inspiration comes from the BIR and the practice in Maharashtra. I am not surprised.

The next question is a question which has been dogging the trade union movement and industrial relations in this country for a pretty long time *viz.*, selection of the negotiating agent. In the statement of objects and reasons the Minister has written that various interests have been consulted. I should like to remind the hon. Minister that out of 11 central trade unions organisations, nine have said that they want recognition by ballot.

The President of the INTUC Shri Bhagwati has only recently in Bangalore made a statement that their organisation also is coming round to this point of view ... (Interruptions) I said 'coming round'. I have used my words carefully Mr. Stephen. I am convinced that in the Select Committee three wise and sensible members of your party who have been sent there will certainly come round when they see public opinion. I hope they are also living in this new allegedly free atmosphere, democratic atmosphere. With your principle of democratic majority, a vast majority, nine out of eleven have said that they would like to have recognition by ballot. If you bring forward a different formula certainly it will not be acceptable to the working class and you will have history repeating itself, whether in Bombay or in a number of other places, including the Railways. Because of the manner in which industrial relations in the railways are being neglected you are finding that one after the other category associations are coming up. We are in favour of industrial organisations wherever industries are there. But when the recognition policy of government is so bankrupt, naturally those categories who find themselves neglected and forgotten by the vested interests in the recognised unions come into being, as for instance, Loco Running staff association who conducted a strike, similarly the ticket checking staff association, carriage wagon staff, and so on, every single category. There are 800 categories no doubt but at the same time there are some categories that are large in number and also powerful in their organisations. That is why we have said,

when you have those vested interests in the recognised unions, recognition by ballot is the method which would be a democratic method. Comrade Minister, that is what I should like you to convey to all your comrades who will be there in the Select Committee.

Lastly with regard to the right to strike, the hon. Minister was very impassioned when he said: never will we touch the right to strike and so on. He has got that method; the manner in which he says it sounds extremely convincing but if Members of the Select Committee go very carefully through the Bill, they will find the right to strike is cut in a very subtle, extremely subtle manner, of which only this Minister is capable of...

AN HON. MEMBER : This is not undue persuasion ?

SHRIMATI PARVATHI KRISHNAN : This is very legitimate criticism. Let us go by his assurance, otherwise we can always refer it to the Committee of Assurances. . . .

Therefore, as far as the right to strike is concerned, the point is, the methodology that has been given in this Bill for settling of the industrial disputes is such that the right to strike is being emasculated and on the surface is this appearance we are not touching the right to strike because we believe in democracy. It is only in the emergency period that the right to strike was taken away, etc. It was not taken away. Many strikes did take place during the emergency period. I have reminded the Minister again and again and the House, I do not want to elaborate that point because right to strike was never surrendered. All Central Trade Union Organisations even at the time of aggression by the Chinese was there in 1962, the working class said, we are for the defence of the country but we will not surrender our right to strike. In 1965 the working class was second to none in helping the war effort. But they did not surrender their right to strike. Therefore, I would warn the Minister that again the working class is not going to surrender the right to strike. Merely by saying that it is illegal, merely by all those threats and penalty provisions do not

think that you are going to be able to outlaw strikes in this country. So long as capitalism continues, so long as the exploitation is there by the big multinational corporations, by the monopolists, by the Government itself in the Railways and in the Central Government services, the workers will see that they safeguard their right to strike irrespective of any legislation. Therefore, when you are coming with the comprehensive industrial relations legislation, you should see that the right to strike is safeguarded and you should see that your conciliation machinery is strengthened and go into whatever defects were there in the conciliation machinery. And that is what is important. All this cooling of a period of sixty days, this and that, this cumbersome thing is to bamboozle the general public. Industrial peace cannot be maintained by the legislation of this sort. Industrial peace will come when the workers have really democratic functioning union, when the recognition of the unions is through a democratic process and when workers also have the confidence that they can make their voice felt on Government policy. Because, otherwise, the delays are there at the governmental level, in referring matters to adjudication, in intervening when conciliation proceedings are there. The delays are mainly because of the Government. Therefore, this right to strike, I would say, has to be examined very very carefully. Mere saying that the right to strike is not banned, because those words of banning are not there, therefore, strikes are legal, we cannot accept this position. And the working class in this country, Mr. comrade Minister, is mature enough, is serious enough and will understand exactly what the implications are. You cannot bamboozle the working class by saying "but we have not taken away the right to strike. It is there. But it is only the ultimate weapon and we have created all other things that will see that strikes can be avoided, etc." No, the working class cannot be bamboozled

in that fashion. This, I would like to bring to the notice of the hon. minister and to the Select Committee and my comrade Shri Saugata Roy who is sitting here on my right. Lastly, I would like to say (*Interruptions*) by this clandestine way of banning the right to strike, the working class will not be taken in.

Lastly, the interference that is going to be there as far as registration is concerned and the powers that are being given to the Registrar of the Trade Unions is something that we cannot accept, because this is really giving more and more powers to the bureaucracy and not safeguarding and strengthening the democratic functioning of trade unions. For instance, when a strike ballot is taken, who the hell is the Registrar to supervise it? It is the workers themselves and the leadership of the union who will supervise it. There are a hundred and one examples of that sort. The powers of the Registrar have to be gone into very carefully and far from giving him greater powers, you will have to see that the democratic functioning of the trade unions is strengthened further and that has to be left to the trade unions. That is why I agree with Comrade Somnath Chatterjee when he said, we hope that you will consult the trade unions in a proper manner and not in a slipshod way of a working group and trying to make out that that is the whole tripartite machinery. You should see that the trade unions are given a full opportunity. They are the best judges of how to strengthen the democratic functioning of their own organisations. I certainly do not think that the Government which cannot have democratic functioning in its own party, is going to be able to teach us how to run our unions democratically.

SHRI SARAT KAR (Cuttack) : I do not want to enter into a long debate at this stage when the Bill is to be referred to a Joint Committee, but I would like to make some suggestions.

16.38 hrs.

[SHRIMATI PARVATHI KRISHNAN in the Chair]

There is already a consensus in the House that this Bill should be carefully examined. I would not support the extreme statement that this Bill proposes to perpetuate emergency nor do I want to say that the right to strike has been completely snatched away. The Minister

[Shri Sarat Kar]

said that the right to strike is the ultimate weapon and not the fundamental weapon. We must strike a balance between the right to strike and the running of our national industries. Because the Bill is important, I feel it should be circulated for eliciting public opinion. All sections of people and political parties should sit together and invite memoranda from the trade unions and the people.

MR. CHAIRMAN : The Defence Minister is due to make a statement now. After that you can resume your observations.

SHRI SARAT KAR : I have almost finished. Only a minute more. I support the proposal of Shri Purnanarayan Sinha that more members should be added to the Joint Committee, specially members with experience of trade unions and also members from the younger elements should be added. Sometimes unscrupulous labour leaders lead the workers astray. So, when we say that for recognition of unions there should be secret ballot, similarly there should be secret ballot for strike so that the opinion of majority of the workers may be taken into consideration.

17:00 hrs.

STATEMENT RE. REPORTED
SELECTION OF AIRCRAFT FOR
INDIAN AIR FORCE

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM) : MR. Chairman, Government have apprised the House from time to time of the position concerning the selection of a new type of aircraft to replace the Canberras and Hunters.

On 29th August, 1978, Hon'ble Member Shri Raj Narain, made some observations in the House under Rule 377, bearing on the subject. It has accordingly become necessary to clarify the position. Let me state categorically, at the very outset, that no decision has been taken by Government yet as to the type of aircraft to be acquired or manufactured in India for the purpose in view. The Committee of the Cabinet which is concerned has yet to consider the report of the Team of experts and senior officials who were deputed to visit Sweden, France and the U.K. to make a comparative evaluation of the JAGUAR, the MIRAGE F.1 and the VIGGEN, which as the House will recall, are the three types of aircraft which have been under consideration for the purpose.

It is not possible, specially at this stage when the Cabinet Committee has still to consider the matter and arrive at a decision, to offer any comments on the points raised by Hon'ble Member, Shri Raj Narain—whether concerning the French offer or any of the other offers. It will also not be proper to disclose the contents of any exchanges between the Government of India and the Government of France, or for that matter, with any other friendly foreign Government concerned. But the question of ignoring any offer, or of in any way overlooking either its merits or demerits, simply does not arise.

I should like to categorically deny that a selection has already been made, or a decision already taken, in the matter. I need hardly add that any suggestion or insinuation that any "commission" has been distributed as a consideration for such an alleged decision—either at the instance of a "caucus" or "pressure group", or otherwise—is entirely untrue.

It will be for the concerned Cabinet Committee to go into all relevant aspects of the various offers strictly on merits and arrive at a decision. The sole consideration kept in view will be the national interest. Due note will be taken of any valid facts or points of view that may be expressed on the subject, but not of any inspired reports, interested rumours or ill-informed or misleading speculations.

श्री कंवर काम नुस (दिल्ली सदर) :
श्री मंत्री महोदय ने जो शीप सेलेक्शन एयर क्रेफ्ट के बारे में बतलव्य दिया, मैं उस के बारे में उन से पूछना चाहता हूँ कि इन का निर्णय कब तक होगा क्योंकि इस वर्ष से यह मामला पेंडिंग में है। जल्दी फैसला होना चाहिए और दूसरी तरफ़ दाब बढ़ावों में आप ने रिपोर्ट पढ़ी होगी कि तीन बार पाकिस्तान द्वारा हमारी टेरीटरी में कायमि हो चुकी है। माइन और सोफिस्टिकेटेड बेपन पाकिस्तान कर रहा है। ऐसे एयरक्रेफ्ट खरीद रहा है जो लाहौर से दिल्ली तक आ सकते हैं। नेवी की संख्या भी उनकी बढ़ गई है। इस परसेंट अपने बजट का वह इस पर खर्च कर रहा है। फ़्रांस से जो एयरक्रेफ्ट वह खरीद रहा है वह इतने सोफिस्टिकेटेड हैं कि हमारे देश में उनका मुआबिका करने वाले एयरक्रेफ्ट नहीं हैं। बास तीर से

यह कांफ़ोरम रोड बनने के बाद और चाइनीज रॉकेट जो रहे हैं उन को देखने के बाद मित्र से साबित होता है कि उन की भी पाकिस्तान के साथ सांठगांठ है, इन सारे वैक्यूअण्ड को देखते हुए लगता है कि पाकिस्तान जिस उद्देश्य से यह सब कर रहा है वह नाक है। तो मैं इतना ही पूछना चाहता हूँ कि इस सम्बन्ध में हमारी क्या तरादी ? मंत्री महोदय इसे साफ़ करें।

SHRI JAGJIVAN RAM : I may answer this question, though it does not strictly arise out of the statement.

I may add that we keep ourselves informed by all available channels and means about the build-up of military strength and of other developments of any significance to our geo-strategic environments. I would like once again to assure the House that everything necessary is being done, and will continue to be done, to ensure our defence and national security.

MR. CHAIRMAN : Shri Raj Narain. Clarification, not a speech.

श्री राज नारायण (रायबरेली) : स्पीच में आगे दे रहा हूँ? प्राय पहले ही क्यों देना बोलती है?

The speaker is he who speaks the least. बड़ी स्टावर है तो कम से कम बोलता है। लेकिन मैं देखता हूँ कि प्राय ज्यादा बोलती है।

मैं गानधीय सुरक्षा मंत्री को से यह जानना चाहता हूँ कि क्या यह सही है कि जो एक्स्पर्ट कमेटी है उसके केवल यह पूछा गया है कि आज हमारी आवश्यकता किन से पूरी हो सकती है? पहली बात तो यह है।

दूसरी बात यह है कि वायुसेना के जो युवा अधिकार हैं उनकी रिपोर्टें अपर

डिक्रेस मिनिस्टर चाहते तो अभी भी मेरे पास है, उनकी आकांक्षा क्या है, कैसे हथियारों से ये लड़ना चाहते हैं? यह बात तो बिल्कुल स्पष्ट हो गई है कि यह जो जगुबार है इसकी उड़ान का वेग जो है वह मित्रों की उड़ान के वेग से 15-20 प्रतिशत कम है। तो क्या यह सही है और इस पर कमेटी ने कोई जांच की है या नहीं? इसके अलावा जहाज की खरीद क्या होनी चाहिए? दुश्मनों के जो राडार होते हैं उन राडारों से बचकर, कम से कम ऊंचाई पर जा कर उड़े और मनु को मारकर फिर वहाँ से वापिस चला आये—यह खरीद किस जहाज में है, क्या इसकी कोई जानकारी सरकार ने की है या नहीं?

मैं इस बात की भी सफाई चाहता हूँ क्या यह सही है कि जब प्रधान मंत्री जी अगरीका गए थे तो उनके साथ उनके क्लिब सचिव श्री वी० गंकर और उनके पोलिटिकल (राजनीतिक) सचिव श्री कर्ति भाई भी गये थे जो कि लंदन में उतर गए थे और प्रधान मंत्री के लौटने के बहुत दिन बाद वापिस आये तो वे कहाँ कहाँ गये? हमारे पास पूरी रिपोर्ट है, हम किसी को फंसाना नहीं चाहते हैं लेकिन हम चाहते हैं कि बात साफ हो क्योंकि इसमें देश का सवाल है, राष्ट्र का सवाल है, इसमें किसी व्यक्ति का सवाल नहीं है। इसलिए वे वहाँ उतर कर कहाँ कहाँ गए और क्या जगुबार से सम्बन्धित जो अफसरान हैं, उनको बेचने वाले, उनसे उन लोगों की बातचीत हुई तथा उनकी सारी व्यवस्था किन किन लोगों ने की—इन सारी बातों की जानकारी सुरक्षा मंत्री जी के पास आ गई है या नहीं?

श्री जगजीवन राव : कहाँ तक यह सभी प्रश्न इस सम्बन्ध के सम्बन्ध में उठाने जा सकते हैं—इसका निर्णय तो प्राय

[श्री जगदीश राम]

दे सकते हैं। मैं इतना भयभीत नहीं। बाइंग कि जो एम्प्लॉई एजिडरारी लान व उड्डान दोनों जहाजों का तुलनात्मक अध्ययन किया है और सभी पहलु से किया है। किसकी क्षमता कितनी है, उड़ान का वजन कितना है, कौन कौन अस्त्र-जाल है, किस ऊँचाई पर उड़ सकते हैं—इन सारों बातों की जानकारी उन्होंने दी है और तुलनात्मक दृष्टिकोण से भी है और निम्न कबिनेट के ऊपर छाड़ दिया है।

प्रधान मंत्री के साथ कौन कौन गया था, वे कहाँ कहाँ उतरे—इसकी जानकारी तो मुझे नहीं है। लेकिन मैं यह कहना चाहूँगा कि ऐसा कोई निर्यात विधायता कि गुवार के सम्बन्ध में कोई प्रश्न निश्चय हुआ है, सच्चाई से बहुत दूर है। तुलनात्मक दृष्टिकोण से देख कर, जैसा मैं पहले कहा है, राष्ट्रीय सुरक्षा के लिए या सब में प्रयोजन का हवाइ जहाज होना उसके बारे में निश्चय किया जायेगा।

SHRI C. K. CHANDRAPPAN (Gannanore): If I understood the hon. Minister correctly, he said that there is a need to replace the ageing aircraft or the outmoded ones, and also that three types of aircraft, Jaguar, Mirage and Viggen are under examination. Now, I would like to know in the context of his statement whether the requirement of this new type of aircraft has been discussed at the Army level or at whichever level it should be in the Defence Ministry, and a final decision taken that we have to go in for these new kinds of aircraft, or whether there was any opinion that the existing aircraft which are used for defence purposes could be modified and brought to the level to meet the requirements. I would also like to know whether, apart from these three aircraft which you mentioned, the Expert Committee has considered any other aircraft, particularly from the Socialist part of the world. I am mentioning this because of the fact that we have MIG manufacturing capacity here. MIG-23 is known and proved as one of the good aircrafts. I want to know whether all those aspects have been considered.

SHRI JAQJIVAN RAM: If it were possible to do with anyone of the existing aircrafts of the Indian Air Force, that would have been the simplest method to do. But the decision to replace the Canberra and Hunter has been taken by the experts of the Indian Air Force. They have the authority and we have to go by their advice. They have evaluated all these three, no more, because there was no other offer for any other kind of aircraft of this variety. So far as the Socialist countries are concerned, of course, we have in our Indian Air Force quite a sizeable number of aircrafts of the Socialist countries, but the type of aircraft that we require for this purpose has not been offered by them.

27.22 hrs.

INDUSTRIAL RELATIONS BILL— Contd.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Madam Chairman, I am very grateful to the hon. Members who have offered their views and also observations on the motion that I have made. I am particularly grateful to the hon. Member, Shri Ram Murti, who gave us an opportunity to listen to you as well.

The observations that hon. Members have made mainly centre around three points. One is about the need for consultation. The other is the anxiety or apprehension about the possibility that there might be some inhibition about the right of the working class to invoke the ultimate weapon of strike. The third is that the Committee may be subjected to undue influence. These, by and large, are the three main points that the hon. Members who took part in the debate made. Of course, as could be expected, some hon. members spoke with greater vehemence and more effect, and some hon. Members presented their point of view as suggestions.

I find myself in a somewhat difficult position, which I hope the House would appreciate. If I am very vehement in the defence of every clause that this Bill contains, then it can very well be said that I have made up my mind, the Government has made up its mind and, therefore, the Joint Committee is a farce. If I do not defend, at least some of the major points that constitute the scheme, then it may be said that I am so apologetic about the Bill that I myself seem to be so much

susceptible to the voice of the hon. Member opposite that I am having second thoughts. I know, therefore, that I face this dilemma in answering the observations that have been made.

I would rather like to err on the side of caution and say that since the Joint Committee will scrupulously scrutinise every clause in the Bill, it would be better on the part of the Government not to give impression that it would like to defend every clause as it is found today in the Bill.

17.15 hrs.

[SHRI N.K. SHYWALKAR in the Chair]

But I must say that if this Bill has come before this House in the shape in which it has come, it is because the Government feels that it has had sufficient consultations to be able to visualise a consensus which eventually may be acceptable to all sections concerned. Now, it may well be that the Government's estimate is wrong, it may well be that it can be corrected to the point, where it would become acceptable to everybody, it may well be that there would be differences of opinion. I do not to hazard any statement about the shape in which the Bill will come from the Select Committee.

SHRI RAJ NARAIN (Rae Bareilly) : Joint Select Committee.

SHRI RAVINDRA VARMA : Yes, thank you. This is the month of Ramzan sharif and the habilitation as well as the manner of certain hon. Members may remind me of certain aspects of culture.

SHRI K. GOPAL (Karur) : Iftar dinner.

SHRI RAVINDRA VARMA : What I said also includes that.

My hon. friend, perhaps, did not hear the word 'habilitation'.

श्री राज नारायण : अब विषय पर आइए ।

श्री रविन्द्र वर्मा : आप अनुमति देंगे तो जरूर आएंगे हाँलाकि यह आप की प्रायत नहीं है ।

श्रीवरी बलवीर सिंह (होमियारपुर) : आप को इन की बातका अभी पता नहीं है ।

SHRI RAVINDRA VARMA : I was saying that therefore, as far as I am concerned, I would like to assure the House

of two or three things, which are enough as far as the answer to the observations are concerned. The first one is that there can still be the fullest consultations as was said earlier yesterday and I repeat it today, I do hope that the Joint Committee will give an opportunity to all section of the working class, trade unions, not only working class but also the employers and others who are affected by industrial disputes to present their point of view, so that the Committee may come to its conclusions after weighing the evidence that will be laid before it, after analysing this problem and after looking into the suggestions that are incorporated in the clauses in the Bill. I would not, therefore, say anything in advance about the shape in which the Bill will come from the Joint Committee. But I would assure the House that the effort of the Government will be to see that the Committee is not subjected to any undue influence. A reference was made to the fact that the majority may be of one view. There is always a danger in democracy of majority and minority and difference of opinion. But I can assure the House that as far as I know....

SHRI K. GOPAL : Janata is an example.

SHRI RAVINDRA VARMA : My hon. friend should reciprocate the tenor of my observation. If he unnecessarily wants to needle me, I would have to use a thimble and I have to show that all skins are equally sensitive.

I was, therefore, trying to say that in spite of the fact there is majority and minority in democracy, there will be no attempt on the part of the Janata Party or this Government in any manner to steam-roll the Joint Committee because this is too serious a subject. Just because a subject happens to be serious with implications and ramifications, that will affect not only one class but the whole of the society, one cannot say that the matter should not be discussed. The matter has to be discussed. Every point of view has to be listened to and the hon. Members of the House must have confidence in each other that every Member of Parliament who is a Member of the Committee will fulfil his responsibility as a Member of Parliament, not as a representative of a particular religious group or a particular class or a particular party, but as a Member of Parliament elected by six hundred thousand and odd voters who are the symbols of sovereignty of this country. Therefore, I am sure that the Joint Committee will look at all the objections that have been raised from this point of view.

[Shri Ravindra verma]

Now I must make a reference to the question of right to strike. I went into the question yesterday. Again my friend, Mr. Saugata Roy and a few others who did not have an opportunity to speak yesterday referred to this question. I do not want to take the time of the House at this hour by going into this at length. But I will repeat what I said yesterday, in spite of my friend, Comrade Parvathi Krishnan saying that....

श्री राज नारायण : उन को छोड़ दें ।

श्री रवीन्द्र वर्मा : उन को कैसे छोड़ सकते हैं। जब हाऊस के सामने उन्होंने अपनी बात रखी है, तो उस का जवाब देना मेरा कर्ज हो जाता है।

श्री श्याम नन्दन मिश्र (बेगूसराय) : 'कामरेड' एक नई चीज बला दी है आप लोगों ने।

श्री रवीन्द्र वर्मा : इस में आपकी क्या एतराज है ?

You can opt out of that.

SHRI SHYAMNANDAN MISHRA : I have already opted out. Why do you fasten it on her ?

SHRI RAVINDRA VARMA : She has not objected nor has she delegated the right of protection to you. I do not know. It is upto her to get up and say that I should not call her "comrade."

SHRIMATI PARVATHI KRISHNAN : Every hon. Member is welcome to have his personal allergy. What can I do Comrade Minister ?

श्री राज नारायण : किसी को किसी चीज पर एतराज है, किसी को किसी और चीज पर एतराज है। मिश्र जी को कामरेड शब्द पर एतराज है।

SHRI SHYAMNANDAN MISHRA : "comrade" does not suit her.

SHRI RAVINDRA VARMA : I do not know and I should not go further into that, who suits whom as a comrade !

I can only say, once again, that there will be no attempt, either subtle or otherwise, to deny the right of the working class to strike. If the Joint Committee feels that anything in this, as I said yesterday, militates against the conception of reconciling the rights of individuals, groups and classes with the rights of the society as a whole, the Joint Committee will, certainly, come up with a conclusion that what has been suggested is wrong or obnoxious or whatever the word the hon. Member wants to use and would say, eliminate it or amend it, and it will come before the House. Therefore, when it comes before the House, the House will be in a position to say, at that time, whether the recommendations of the Joint Committee, in any way, militate against fundamental rights. I do not have to answer it in advance.

The last thing that I would like to say is about such things as strike ballots, interference by the Registrar of Trade Unions, etc. These are matters of detail into which I would not like to go, at this stage, specially to defend anything that is said there, not because there is no case in what is said there, but it would be pre-judging the views of the Joint Committee.

SHRIMATI PARVATHI KRISHNAN : I said it for the benefit of the Joint Committee.

SHRI RAVINDRA VARMA : I shall not deal with it at greater length.

Then my good friend—for a change, I would call her my good friend—Shrimati Parvathi Krishnan, also said about the working class in India bring mature enough to see through all this....

SHRIMATI PARVATHI KRISHNAN : I would like to know from him whether he is demoting me or promoting me. Is it a demotion or a promotion ? I do not know.

SHRI RAVINDRA VARMA : There is no question of any kind of "motion". Therefore, my hon. friend should not look at it as demotion or promotion and should not create commotion in the House.

While dealing with this question, I would only say to her, in this respect, that everybody knows that the working class is mature but this fact about maturity of the working class should be involved not only in one field but in every field.

श्रीवरी बलवीर सिंह : यह नई बात है। आप इस बंध से बात कह रहे हैं। इस सेनेट कमेटी ने भी माना है। वहाँ पर भी हम ने बहस कर ली है। उस समय क्या आयोग, क्या नहीं आयोग, धर्मा से आप कैसे सारी बातें कह सकते हैं। धर्मा से सारा बहस कैसे ट्रेड यूनियंस के बारे में हो सकता है? क्या धा लोगों ने सजेसन देने हैं।

श्री श्रीवत्स राव : आप बहस करते के हमारे प्राइमरी को छीन लेना चाहते हैं। (अपमान)

SHRI RAVINDRA VARMA : The Hon. Member is perhaps quite right but the difficulty, as I told you earlier, is that if I don't answer, I will be accused of not answering and if I answer, it is said I am anticipating. Therefore, I sometimes have the difficulty of being buffeted between the green signal and the red signal. Under the circumstances, I think I have said enough by way of answer to the observations that have been made and I can assure the House that I will use all the influence at my command with the Select Committee to ensure that it looks at every aspect of the Bill, in the light of the apprehensions that have been expressed here, as well as the necessities of the situation.

I commend the motion to the acceptance of the House. There is one thing, if I may say it. In response to the suggestion that has been made that time may be short, if I may make a formal motion amending it, I may say 'first week of December,' instead of 'first week of the next session.'

MR. CHAIRMAN : Your amendment is 'first day'. That is all right. Now, there is an amendment by Shri Purna Sinha. Are you pressing or withdrawing it?

SHRI PURNANARAYAN SINHA : I have made an alternative suggestion that the Committee should be enlarged. If he accepts the enlargement of the Committee, I have no objection.

MR. CHAIRMAN : I don't want any conditional withdrawal. Either you say that you withdraw or you don't withdraw. There can be only either of these two; there cannot be any conditions.

SHRI PURNANARAYAN SINHA : I was not convinced. I made a suggestion that the Committee may be enlarged to include all sections, and there was an alternative suggestion to refer it to another Committee.....

SHRIMATI PARVATHI KRISHNAN : There is no motion before the House for enlargement of the Committee.

SHRI PURNANARAYAN SINHA : There was no reply to my suggestion : I have not heard anything from the Minister so far as my suggestion is concerned.

MR. CHAIRMAN : Anyway, you are free to press or not to press.

SHRI PURNANARAYAN SINHA : I am pressing in that case.

SHRI RAVINDRA VARMA : I may say one thing to the Hon. Member. It is not possible that the Committee should include everyone who is competent and interested. But the Hon. Member seems to have some apprehensions that those who are not members of the Committee cannot depose before the Committee. It is not so.

SHRI PURNANARAYAN SINHA : Unless he is a Minister he cannot depose.

SHRI RAVINDRA VARMA : No, a Member can depose. He can be called; he can tender evidence. Nothing is preventing him. Therefore, he need not have that mis-apprehension. He only cannot act as a Member.

SHRIMATI PARVATHI KRISHNAN : I am on a point of order. There is no motion before the House for enlarging the Committee. Notice should have been given, but there is no notice. In the case of the motion for eliciting public opinion, lack of notice was condoned; but that does not mean that something else can be thrust on the House.

MR. CHAIRMAN : I want to know finally whether the Hon. Member wants to press his amendment or he wants to withdraw.

SHRI PURNANARAYAN SINHA : It is a provision of law that a Minister may, with the permission of the Chairman, address a Committee of which he is not a Member. So, it empowers only Ministers to address a Select Committee; other Members cannot. I therefore suggested that, in order to include all sections of the people, the Committee may be enlarged.

Dissent is possible. Let it go on record that with this dissent I withdraw.

MR. CHAIRMAN : I don't think such sort of a thing can be recorded. You are free to withdraw or not to withdraw. I am asking you again and again whether you want to press your amendment or not.

SHRI PURNANARAYAN SINHA : Dissent is in the field. I withdraw.

The amendment was, by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That the Bill to consolidate and amend the law relating to the registration of trade unions of employees and employers, the rights and liabilities of registered trade unions and settlement of trade union disputes, the conditions of employment of employees, and the investigation and settlement of disputes between employees employed in industrial establishments or undertakings and their employers, and for matters connected therewith or incidental thereto, with a view to promoting healthy industrial relations leading to accelerated economic development and social justice, be referred to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely (1) Shri Chitta Basu, (2) Shri Dinen Bhattacharya, (3) Shri S.R. Damani, (4) Shri Shrimati Mrinal Keshav Gore, (5) Shri Hukam Chand Kachwai, (6) Shri Amrit Nahata, (7) Professor P.G. Mavalankar (8) Shri Prasannabhai Mehta, (9) Shri B.K. Nair, (10) Shri K.S. Narayana, (11) Shri K.A. Rajan, (12) Shri A.E.T. Barrow, (13) Shri K. Ramamurthy, (14) Shri Ramdas Singh, (15) Shri Saugata Roy, (16) Shri Ram Dhari Shastri, (17) Shri Digvijaya Narain Singh, (18) Shri Govind Ram Miri, (19) Shri Ugrasen, (20) Shri R. Venkataraman, (21) Shri C. Venugopal, (22) Shri Ravindra Varma,

and 11 from Rajya Sabha;

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

that the Committee shall make a report to this House by the last day of the first week of December, 1978.

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

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

The Motion was adopted

17.33 hrs.

HOSPITALS AND EDUCATIONAL INSTITUTIONS (CONDITIONS OF SERVICE OF EMPLOYEES AND SETTLEMENT OF EMPLOYMENT DISPUTES) BILL.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA) : Sir, I beg to move :

"That the Bill to consolidate and amend the law relating to the conditions of service of employees employed in hospitals and educational institutions with a view to securing the welfare of such employees, and for the investigation and settlement of disputes between such employees and their employers, and for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely : (1) Shri Chitta Basu, (2) Shri Dinen Bhattacharya, (3) Shri S.R. Damani, (4) Shrimati Mrinal Keshav Gore, (5) Shri Hukam Chand Kachwai, (6) Shri Amrit Nahata, (7) Professor P.G. Mavalankar, (8) Shri Prasannabhai Mehta, (9) Shri B.K. Nair, (10) Shri K.S. Narayana, (11) Shri K.A. Rajan, (12) Shri A.E.T. Barrow, (13) Shri K. Ramamurthy, (14) Shri Ramdas Singh, (15) Shri Saugata Roy, (16) Shri Ram Dhari Shastri, (17) Shri Digvijaya Narain Singh, (18) Shri Govind Ram Miri, (19) Shri Ugrasen, (20) Shri R. Venkataraman, (21) Shri C. Venugopal, (22) Shri Ravindra Varma,

and 11 from Rajya Sabha ;

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

that the Committee shall make a report to this House by the last day of the first week of December, 1978 ;

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

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

MR. CHAIRMAN : The question is :

"That the Bill to consolidate and amend the law relating to the conditions of service of employees employed in hospitals and educational institutions with a view to securing the welfare of such employees, and for the investigation and settlement of disputes between such employees and their employers, and for matters connected therewith or incidental, there-to, be referred to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely, (1) Shri Chitta Basu, (2) Shri Dinen Bhattacharya, (3) Shri S.R. Damani, (4) Shrimati Mrinal Keshav Gore, (5) Shri Hukam Chand Karchwai, (6) Shri Amrit Nahata, (7) Professor P.G. Mavalankar, (8) Shri Prasannabhai Mehta, (9) Shri B.K. Nair, (10) Shri K.S. Narayana, (11) Shri K.A. Rajan, (12) Shri A.E.T. Barrow, (13) Shri K. Ramamurthy, (14) Shri Ramdas Singh, (15) Shri Saugata Roy, (16) Shri Ram Dhari Shastri, (17) Shri Digvijaya Narain Singh, (18) Shri Govind Ram Miri, (19) Shri Ugrasen, (20) Shri R. Venkataraman, (21) Shri C. Venugopal, (22) Shri Ravindra Varma,

and 11 from Rajya Sabha ;

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

that the Committee shall make a report to this House by the last day of the first week of December, 1978 ;

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

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

The Motion was adopted.

27'34 hrs.

EMPLOYMENT SECURITY AND MISCELLANEOUS PROVISIONS (MANAGERIAL EMPLOYEES) BILL

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA) : Sir, I beg to move :

"That the Bill to provide for the security of employment to Managerial employees, the recovery of amounts payable to such employees by their employers and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely ;

(1) Shri Chitta Basu, (2) Shri Dinen Bhattacharya, (3) Shri S.R. Damani, (4) Shrimati Mrinal Keshav Gore, (5) Shri Hukam Chand Karchwai, (6) Shri Amrit Nahata, (7) Professor P.G. Mavalankar, (8) Shri Prasannabhai Mehta, (9) Shri B.K. Nair, (10) Shri K.S. Narayana, (11) Shri K.A. Rajan, (12) Shri A.E.T. Barrow, (13) Shri K. Ramamurthy, (14) Shri Ramdas Singh, (15) Shri Saugata Roy, (16) Shri Ram Dhari Shastri, (17) Shri Digvijaya Narain Singh, (18) Shri Govind Ram Miri, (19) Shri Ugrasen, (20) Shri R. Venkataraman, (21) Shri C. Venugopal, (22) Shri Ravindra Varma,

and 11 from Rajya Sabha ;

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

that the Committee shall make a report to this House by the last day of the first week of December, 1978 ;

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

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

MR. CHAIRMAN : The question is :

"That the Bill to provide for the security of employment to managerial employees, the recovery of amounts payable to such employees by their employers and for matters connected therewith, be referred

Mr. Chairman]

to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely :

(1) Shri Chitta Basu, (2) Shri Dinan Bhattacharya, (3) Shri S.R. Damani, (4) Shrimati Mrinal Keshav Gore, (5) Shri Hukam Chand Kachwal, (6) Shri Amrit Nahata, (7) Professor P.G. Mavalankar, (8) Shri Prasanbhai Mehta, (9) Shri B.K. Nair, (10) Shri K.S. Narayana, (11) Shri K.A. Rajan, (12) Shri A.E.T. Barrow, (13) Shri K. Ramamurthy, (14) Shri Ramdas Singh, (15) Shri Saugata Roy, (16) Shri Ram Dhari Shastri, (17) Shri Digvijaya Narain Singh, (18) Shri Govind Ram Miri, (19) Shri Ugrasen, (20) Shri R. Venkatarman, (21) Shri C. Venugopal, (22) Shri Ravindra Varma and 11 from Rajya Sabha ;

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

that the Committee shall make a report to this House by the last day of the first week of December, 1978 ;

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

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

The motion was adopted.

MR. CHAIRMAN : The hon. Home Minister wants to make a statement. . . .

SHRI DINEN BHATTACHARYA : Before he makes the statement, Sir, I want to know how long the House will continue. Will it be upto 6.00 p.m. or . . .

MR. CHAIRMAN : I am in the hands of the House. Actually it is a little premature. The time now is only 5.35 p.m.

SHRI DINEN BHATTACHARYA : After some time, it will be 6.00.

MR. CHAIRMAN : Don't be impatient. We shall decide later. The Home Minister.

17-5 hrs.

STATEMENT RE. INCIDENT OF STONE THROWING AT BOAT CLUB RESULTING IN INJURIES TO THE MINISTER OF EXTERNAL AFFAIRS, SHRI ATAL BEHARI VAJPAYEE.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S.D. PATIL) : I have ascertained the facts relating to the incident which took place this morning in the course of which Shri Atal Behari Vajpayee received injuries on his forehead as a result of stone throwing. Delhi Police have informed us that about 1200 students had assembled at the Boat Club to demonstrate their feelings of sorrow and anger. About five or six girls amongst the students so assembled were permitted to go in a Police jeep to present a Memorandum to the Deputy Speaker. During the time, Shri Vajpayee reached the Boat Club and addressed the students climbing on the bonnet of another Police Jeep. Even while he was addressing the students, some tried to climb on the jeep. Some from the crowd threw stones, one of which hit Shri Vajpayee on the forehead. The injuries which he has received have been attended to at Dr. Ram Manohar Lohia Hospital. He is under observation in the Hospital. One Constable also received minor injuries.

Two persons namely Vijay Kumar, a student of Punjab University and Shri Ram Krishan, a student of evening classes, DAV College, Lajpat Nagar, New Delhi have been arrested and a case of FIR No. 539, dated 31-8-1978 under sections 147/148/149/506/308/332/353 IPC, P.S. Parliament Street, New Delhi, has been registered against them and investigations are continuing. There was no lathi charge but the students were chased away with canes by the Police after this incident.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : In the morning in my statement, I said that Bhim Sain who was there in the Boat Club belonged to Cong (I). I do not know his latest affiliation. I do not know if he belongs to Congress or Congress (I).

MR. CHAIRMAN : How does it arise? I do not think it arises out of the statement. He has taken note of that .

SHRI O.V. ALAGESAN (Arkonam) : I do not know where is the necessity of his saying now that he does not know if he belongs to Congress. He may even belong to RSS.

SHRI KANWAR LAL GUPTA : Don't provoke me unnecessarily. I am fair enough. When I am not threatened I have said it. (Interruptions)

SHRI HARIKESH BAHADUR (Gorakhpur) : I can make the point very clear. I have gone there. I have seen Mr. Bhim Singh there. He is an MLA of Kashmir and he belongs to Congress (R).

MR. CHAIRMAN : This is not an expression he should make here. After all in the morning he has said it and that was all right. I am not allowing any question on that now.

17.37 hrs.

ASSENT TO BILLS

SECRETARY : Sir, I lay on the Table following two Bills passed by the Houses of Parliament during the current session and assented to since a report was last made to the House on the 24th August, 1978 :—

1. The Appropriation (No. 4) Bill, 1978.
2. The Tobacco Board (Amendment) Bill, 1978.

MR. CHAIRMAN : Now, Mr. Chand Ramji, do you want to move your Bill? What do you propose to do?

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM) : If it is possible.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK) : If the House is agreeable to sit for 2-3 hours.

MR CHAIRMAN : I just want to know the opinion of the House. What is the desire of the House? Next item is Shri Chand Ram's Motor Vehicles (Amendment) Bill. Two hours are allotted but it may take a longer time. Is the House prepared to sit longer?

SEVERAL HON. MEMBERS : No, no.

MR. CHAIRMAN : So, do we adjourn *sine die* now?

SOME HON. MEMBERS : Yes, yes.

MR. CHAIRMAN : So, the House stands adjourned *sine die*.

17.40 hrs.

Lok Sabha adjourned sine die.

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880

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