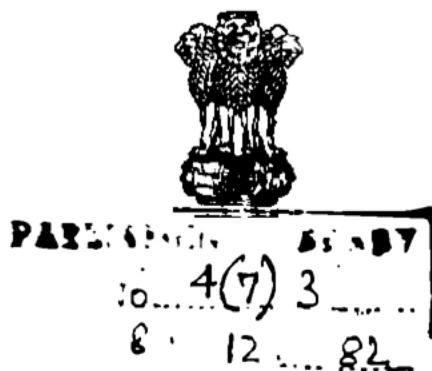


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Saturday, December 18, 1971
Agrahayana 27, 1893 (Saka)

LOK SABHA DEBATES

(Third Session)



(Vol. X contains Nos. 21 to 31)

LOK SABHA SECRETARIAT
NEW DELHI

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CONTENTS

No. 27—Saturday, December 18, 1971/Agrahayana 27, 1893 (Saka)

| | | COLUMNS |
|---------------------------------------------------------------------------------------------|-----|--------------|
| <i>Re. Presence of U. S. Seventh Fleet in Bay of Bengal...</i> | ... | 1 |
| <i>Re. Elections to State Assemblies</i> | ... | 2 |
| <i>Re. Declaration of Cease-Fire</i> | ... | 2 |
| Union Territories Taxation Laws (Amendment) Bill | | |
| Motion to consider | ... | 2—11 |
| Shri K. C. Pant | ... | 2—5 |
| Shri Biren Dutta | ... | 5—6 |
| Shri Indrajit Gupta | ... | 6—8 |
| Shri P. K. Deo | ... | 8 |
| Clauses 2, 3 and 1 | | |
| Motion to pass | ... | 10 |
| Announcement <i>re.</i> statements by the Prime Minister and the Defence Minister... | | |
| | ... | 11 |
| Essential Commodities (Amendment) Bill— | | |
| Motion to consider, as passed by Rajya Sabha | ... | 11—14, 17—25 |
| Shri Ghanshyam Oza | ... | 11—13, 22—24 |
| Shri Gadadhar Saha | ... | 13—14 |
| Shri S. M. Banerjee | ... | 17—19 |
| Shri Panna Lal Barupal | ... | 19 |
| Shri C. Chittibabu | ... | 19—22 |
| Clauses 2 to 5 and 1 | | |
| Motion to pass | ... | 25 |
| Statement <i>re.</i> facilities for disabled servicemen and war widows— | | |
| Shrimati Indira Gandhi | ... | 14—17 |
| Statutory Resolution <i>re.</i> Punjab State Electricity Board | | |
| Shri K. R. Ganesh | ... | 25—27 |
| | ... | 25—26 |

**Uttar Pradesh Cantonments (Control of Rent and Eviction)
(Repeal) Bill**

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-------|
| Motion to consider, as passed by Rajya Sabha | ... | ... | 27—33 |
| Shri Vidya Charan Shukla | ... | ... | 27—28 |
| Shri S. M. Banerjee | ... | ... | 28—30 |
| Shri Mohammad Ismail | ... | ... | 30—32 |
| Shri Narsingh Narain Pandey | ... | ... | 32—33 |
| Clauses 2, 3, and 1 | | | |
| Motion to pass | ... | ... | 33 |
| Statement by Defence Minister reviewing the outcome of recent armed conflict arising out of the Pakistani aggression on India— | | | |
| Shri Jagjivan Ram | ... | ... | 34—40 |

LOK SABHA DEBATES

1

2

LOK SABHA

14:02 hrs.

RE : ELECTIONS TO STATE ASSEMBLIES

Saturday, December 18, 1971/Agrahayana 27, 1893 (Saka)

The Lok Sabha met at Fourteen of the Clock

[MR. SPEAKER in the Chair]

RE: PRESENCE OF U.S. SEVENTH FLEET IN BAY OF BENGAL

SHRI JYOTIRMOY BOSU (Diamond Harbour) : I have given notice under rule 377 about the presence of the Seventh Fleet. May I say a few words with your permission ?

In a Washington news of the U.S. Defence Department dated 17-12-71 (the time is about 10 $\frac{1}{2}$ hours behind Indian Standard Time), it has been revealed that the U.S. Navy ships would stay in the Bay of Bengal under the pretext of arranging security for American citizens in Pakistan. With the object of complicating the issue further, the United States Government Pentagon spokesmen has stated that it is too early to draw any conclusions from the unilateral cease-fire ordered by India, and has added that the U.S. Naval task force is continuing its course towards East Pakistan even after the Pakistani surrender to Indian forces. They have summed up by saying that the surrender does not really change a thing and the situation in East Pakistan is still confusing. This they have called a show by U.S. force and the task force is on a political mission. This U.S. design which is revealed further by the utterances of the U.S. Commander in the Pacific. Admiral John S. Cain Jr., who has said that the U.S. Seventh Fleet may play a larger role in the Indian ocean as the Viet Nam war winds down.

This is a very serious matter and we must have a discussion on the floor of the House.

SHRI P. K. DEO (Kalahandi) : I have given notice under rule 377. We want a categorical answer from the Government as to how the elections to the State Assemblies are going to be held. It was decided in all-party meeting in the Prime Minister's room that the elections to the various Assemblies would be suspended at least till the end of October. And now there is a state of emergency as also the Defence of India Act. The fundamental rights and the right of expression, freedom of speech etc., have been suspended. I learn from the Lok Sabha Secretariat that no notice has been given of a Bill for extending the life of the various Assemblies by one year more. Under the circumstances, I want a definite statement whether the elections are going to be held and how it can be done when the fundamental rights are suspended and there is the Defence of India Act.

RE: DECLARATION OF CEASE-FIRE

PROF. MADHU DANDAVATE (Rajapur) : I would like to know whether the declaration of the "cease-fire" means that we have committed ourselves to the position of the *status quo ante* (*Interruption*) I have the right to raise the issue, and I will do it in the most dignified manner. Sir, I am raising this issue with your prior permission. Therefore, I would like to know whether after the declaration of "cease-fire", there is commitment to "status quo ante" and whether there is an obligation on our part to hand over those Indian territories which were liberated in the course of the recent war back to Pakistan or whether the government intends to keep the liberated territories with us.

14:06 hrs.

UNION TERRITORIES TAXATION LAWS (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI

K. C. PANT) : Sir, I beg to move* :

"That the Bill further to amend certain taxation laws in the Union territories, be taken into consideration."

This Bill has been brought forward for all the Union territories as part of the national effort to find additional resources for the relief of Bangla Desh refugees. This matter was discussed at a meeting attended by the Governors and Chief Ministers of States in October last and it was agreed that both the Centre and the States should raise additional resources in their respective spheres of taxation for being utilised exclusively for the relief of Bangla Desh refugees.

This House has already passed a number of measures in so far as the decisions related to the Central sphere. Most of the States have also undertaken necessary legislation in regard to matters falling in the State sphere. The present Bill seeks to give effect to the decisions relating to the States in so far as the Union territories are concerned.

This is a comprehensive measure covering all the nine Union territories and follows the line recommended to the States for adoption on a uniform basis. The Governments and Administrations of the Union territories were also consulted before the proposals were finalised.

Before I refer to the details of the Bill, I would like to say a word in so far as the Bill relates to Union territories with legislatures. The members from Goa, Daman and Diu had written to me that the Legislative Assembly of that Union territory should appropriately consider a measure like this. There is no Legislative Assembly in Manipur at present and the functioning of the Legislative Assembly of Tripura has been suspended. So far as these two Union territories are concerned, the legislation has to be passed by Parliament. We were told that the Legislative Assembly of Goa, Daman and Diu was not scheduled to meet before March, 1972 and that the Legislative Assembly of Pondicherry was likely to meet only by the end of January, 1972. We could not wait that long and we thought that a comprehensive Bill covering all the Union territories would be the most

expeditious method of achieving the object. The Governments of both the Union territories have agreed to this. I would also add that the present levies are intended for the purposes of the Union and not for augmenting the revenue of the Union territories. Under article 246 (4) of the Constitution, Parliament has power to make laws for all the Union territories in regard to all matters enumerated in the Seventh Schedule to the Constitution.

The Bill provides for the amendment of the Indian Stamp Act, 1899, as in force in the different Union territories to provide for an additional duty of 10 paise on instruments relatable to entry 63 of the State List. A similar levy has already been imposed in respect of instruments relatable to entry 91 in Union List.

The other levies proposed in the Bill are as follows :

- (a) a surcharge on payments for admission to entertainment at the rate of 10 paise per ticket or where the entertainment tax is paid in a lump sum at 5 per cent of such tax, in the Union territories of Delhi, Manipur, Tripura, Goa, Daman and Diu and Chandigarh ;
- (b) a surcharge on bets equal to 10 per cent of the basic tax, in the Union territories of Delhi, Manipur and Tripura ;
- (c) a surcharge on the tax on sale of goods including sales of motor spirit and lubricants at 2 per cent of the basic tax, in the Union territories of Delhi, Manipur, Goa, Daman and Diu, Pondicherry and Chandigarh ;
- (d) a surcharge on non-commercial motor vehicles at 10% of the basic tax in Delhi, Manipur, Goa, Daman and Diu and Pondicherry ; and
- (e) a surcharge on bus passenger fares of Re. 1 and above at 5 per cent of the basic tax in Chandigarh.

These additional levies may bring in extra revenue of the order of about Rs. 75 lakhs in

* Moved with the recommendation of the President.

a whole year. This is not a large amount compared to the size of the resources needed to meet the expenditure on the Bangladesh refugees, but, I hope that this will be looked upon as a humble contribution to the national effort by the people of the Union territories. Sir, I commend the Bill to the House.

MR. SPEAKER : Motion moved :

"That the Bill further to amend certain taxation laws in the Union territories, be taken into consideration."

SHRI BIREN DUTTA (Tripura West) : Sir, the people of India have done a commendable job in the liberation struggle of Bangladesh and we are proud of it. Now the question before us is that of meeting the economic difficulties of India. On that I would like to put a question to the hon. Minister. It has already been ably put by the *Indian Express*, which asks :

"Will the mounting tax arrears be ever recovered or not for ever ? Last year the gross arrears of income-tax and corporate tax amounted to as much as Rs. 841 crores a figure large enough to finance two big steel plants."

Government have just now come to collect some taxes from Union territories which are some of the areas which are so backward and so poor. Why can't government come forward with measures to realise these Rs. 841 crores ? The people of India will be behind the government if they come forward with such a measure in the House to recover those arrears of taxes which have been avoided by the big capitalists for a long period. Is it because of the pressure of big money that they are not doing it ? To bring in new measures for realising taxes from the Union Territories for relief to refugees is not just. Government should not try to impose any more taxes on these backward Union territories. It is much better to try to collect all the tax arrears, especially when the emergency powers are at their disposal. Instead of mopping up the black money you are coming here for taxing the poor people of those backward areas for getting a paltry sum. I do not think this legislation will bring the government much money. On the other hand, it will create more trouble to the people of those areas, particularly to the States of Manipur and

Tripura, where the transport cost of materials is already very high. This Bill will benefit only the business community who will raise the prices, thereby increasing the suffering of the people of Manipur and Tripura.

So, I do not find any reason why at this moment this Bill has to be brought in. I wish the government would withdraw this Bill.

SHRI INDRAJIT GUPTA (Alipore) : Mr. Speaker, it was a bit of a surprise to me to find that when moving this Bill for consideration the Minister has not thought it fit to try to amend this to bring it into line with what the government has already said in the case of similar proposals which were made in the case of West Bengal. In keeping with this meeting of Governors and Chief Ministers of States held in New Delhi on the 12th November 1971, which is being quoted in the Statement of Objects and Reasons in the case of all these new duties and taxes for refugee relief it has been mentioned that certain taxes and duties and surcharges on instruments of mass circulation falling within the field of taxation of the States should be imposed. Following that they have selected certain items on which they want to impose these taxes.

Now, I may inform the House that a few days ago, when the Consultative Committee for West Bengal met on the 2nd and 3rd of this month, a similar structure of proposals was put before the Consultative Committee and Mr. Pant explained that this was a sort of uniform proposal which was being put before all the States in the country and all of us, more or less, agreed to accept it. But when we got down to discussing these specific proposals, a large number of Members, a majority of Members in the Committee, belonging to all parties, including the ruling party pointed out that while they welcome or certainly do not object to extra duties or taxes imposed on things like entertainment or privately-owned vehicles, to a large measure, the opposition was voiced to the proposal of raising the sales tax. The experience has shown that the imposition of additional sales tax invariably leads to a more than proportionate increase in the price of commodities. This has been the common feature throughout, even if the sales tax is increased nominally, that it is always found that the business and the market take advantage of that and raise the

[*Shri Indrajit Gupta*]

retail selling price much more than what is warranted by the increase in the sales tax. Therefore, all Members had pleaded in that Committee that this particular item should be reconsidered and that should be withdrawn. At present, at any rate, the Government has no machinery that we can think of by which they can prevent this kind of unwarranted price increase being imposed on the community. This particular item is directly related to the living and economic conditions of the people. Everybody had pleaded that this particular item should be left out.

Finally, after consideration, in that Committee where Mr. Pant was present and the Prime minister was also present, they agreed that only no sales tax they are prepared to make a concession. You please find it out. That is the only item on which you agreed. I am really surprised to find that in the case of small union territories, the sales-tax is being proposed again. We wanted such item to be selected which do not directly hit the pocket of the ordinary common man. You want to impose the sales tax on motor vehicles or things like that. We do not object to that. We had even suggested liquor. I do not know why the Government has chosen not to increase the tax on liquor. The sales tax will have directly inflationary effect though there is no justification for it. But it is found, every time, it leads to an unwarranted rise in retail selling prices. Particularly now, in the new situation that has arisen, we do not expect that this thing will go on for very long, that the Bangla Desh affair will be a long-term one—we do not think so or we do not hope so—and, therefore, at this stage just to impose the sales-tax throughout all these union territories is both unnecessary and inadvisable, and it should be withdrawn.

As regards passenger fares, transport fares, it says here that on all fares of "one rupee and above" the sur-charge will be imposed. It is a question of going into details. As far as union territories comprise a particular town or a particular city only, there, very probably, the maximum bus fare within one town or city would not come within the purview of this. But in the case of those union territories where distances are longer and where the main mode of transport for people is bus, it may be that quite a number of bus fares do exceed one rupee and come into the category

of "one rupee and above". But this also we feel is unnecessary. Why do you unnecessarily tax the travelling public by this increase, for in some of these areas road transportation is the only method of transport available to them. Therefore, I would just like to say—I won't take up more time—that this question of passenger fares on the buses and the question of the sales tax should be reconsidered and these should be withdrawn. The other ones can remain. There is no need to impose fresh burdens now on the common people at this time.

SHRI P. K. DEO (Kalahandi) : I oppose this Bill firstly on the ground that Bangla Desh has become a reality and the refugees should start their trek back homeward. So, on the plea of feeding the Bangla Desh refugees no such impost should be coming before us.

Secondly, I object to this on the ground that it is an indirect tax and will hit the common man, more so, the Union Territories. We know which are the Union Territories. My friend, Mr. Biren Dutta, from Tripura has highlighted the problems in Tripura. Tripura's population has been doubled, by the influx of refugees. So, taking into consideration this fresh impost of indirect tax, however small it may be, it will affect the common man. It will have an inflationary effect and on the plea of this sales tax and indirect taxation, the unscrupulous businessmen will naturally take recourse to raise the sale price.

So, I strongly object to this Bill and I think now that all Bills introduced in this House to raise additional resources for the refugees should come to an end.

Thank you, Sir.

SHRI K. C. PANT : I was a little surprised at my hon. friend, Mr. Deo's remarks because I do not really think that there can be any objection to this measure in toto or in principle. He seems to suggest that because the hostilities had ended, therefore, this measure is unnecessary. That is not correct. As I explained in my opening statement, this amount of money which is being raised, is a part of the total national effort to raise resources to look after the refugees. That need still continues. We hope the refugees will go back soon in an orderly manner, and even so, there is the expenditure already incurred, and

that is by no means covered by the resources already raised. In fact, the Budget provision so far made amounts to Rs. 360 crores and we have to raise as much of resources, new resources, as is humanly possible, to meet this expenditure and the Centre and the States are raising Rs. 35 crores each additionally in a full year. The Centre has done its part and this Parliament has approved all measures under which fresh resources have been raised as part of those taxation measures and many of the States have followed suit. Some States which have not yet brought forward the measures will do so and it is only in respect of Union Territories that we have come now before the House.

I have already indicated that the amount of money being raised is not very much. I would remind Shri Biren Dutta that he was possibly thinking of some of the more remote and not so well-to-do Union Territories. There are other Union Territories like Delhi and Chandigarh which should certainly make their contribution. I don't think that the remoteness of the area or the relative backwardness of the areas has anything to do with this. Everybody, every citizen in this country should contribute, I feel, to this national effort which is a national necessity. Now what he said would amount to denying some people, even some regions the privilege of making their contribution to this effort I don't think there is anyone in this country who would not like to make his due contribution to this effort. He also said this will not bring much money, and that is all the more reason for this, if I may say so. On the one hand we don't want to put too much burden on the people and on the other hand we don't altogether deny them the privilege of making this contribution and therefore we have thought it necessary to bring forward this measure.

Shri Gupta referred to opposition in the Consultative Committee to the proposal for imposing surcharge on sales-tax and also the surcharge on passenger fares. So far as sales-tax is concerned, as I told him, it was certainly opposed, but we have kept it, it has become law and it has not been dropped. On the passenger fare we came to a consensus in the meeting of the Consultative Committee. We had made alteration. In this case there is only one Union Territory, namely, Chandigarh in which a surcharge on passenger fares

of 5% was levied on the basic fare. That is, when the passenger fare is one rupee or more and not otherwise and in no other Union Territory. So, I would like him to understand that this particular measure applies only to Chandigarh, not to others. As he himself said, Chandigarh is a City Union Territory and therefore this one rupee would cover all the fares within the city. As for fares to other parts of Punjab, Haryana and so on, Punjab and Haryana have both accepted this measure. Therefore, even for the sake of uniformity with neighbouring States of Punjab and Haryana and because this would not affect anybody in the Union Territory, I think, this is acceptable, and in fact, this is necessary. I think it would be invidious to leave this out and put something in favour of Chandigarh as against Punjab or Haryana, for instance.

These I think, are the points that were made and I have replied and I hope the House will agree to this measure.

MR. SPEAKER : The question is :

"That the Bill further to amend certain taxation laws in the Union Territories, be taken into consideration."

The motion was adopted.

MR. SPEAKER : There are no amendments. The question is :

"That Clauses 2, and 3, the Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted

Clause 2, and 3, the Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI K. C. PANT : Sir, I beg to move :

"That the Bill be passed."

MR. SPEAKER : The question is

"That the Bill be passed."

The motion was adopted

14.29 hrs.

**ANNOUNCEMENT RE. STATEMENTS
BY THE PRIME MINISTER AND
THE DEFENCE MINISTER**

MR. SPEAKER : Before taking up the next item I have to inform the House that the Prime Minister will make a statement at 2.45 P.M. and the Defence Minister at 3.30 P.M.

AN HON. MEMBER : Likely to make a statement?

MR. SPEAKER : It is not 'likely', but she will make a statement. She had been out but she has definitely reached back.

SHRI S. M. BANERJEE (Kanpur) : I hope you will give us also an opportunity to make a statement on the international situation. We also want to make some statement some day. We have been demanding this from you.

MR. SPEAKER : Let him not raise it every day.

14.30 hrs.

ESSENTIAL COMMODITIES (AMENDMENT) BILL

**THE MINISTER OF STATE IN THE
MINISTRY OF INDUSTRIAL DEVELOPMENT
(SHRI GHANSHYAM) OZA :** I beg to move:*

"That the Bill further to amend the Essential Commodities Act, 1955, as passed by Rajya Sabha, be taken into consideration".

The main purpose of bringing forward this amending Bill is to make the provisions of section 12A of the Essential Commodities Act permanent. As the House is perhaps aware, the provisions of section 12A will cease to have effect on the 31st December, 1971. When the Bill was last amended, some hon. Members had expressed the desire that this amendment should be for a longer period or should be put on a permanent basis. But at

that time Government thought that first they could have it for a period of two years and then they could review the position. We have also taken this opportunity to remove certain anomalies that are existing in the Act and to make the provisions of some of the sections more purposeful and more effective.

As hon. Members are aware, section 12A deals with orders which are called special orders. When Government notify that a certain order is to be treated as a special order, the trials under those provisions are to be held summarily. We have found that this has had a very salutary effect. We have been able to deal with the situation more effectively thereby and it is the experience of the State Government and the Union territories that these provisions have been salutary and they have desired that they should be maintained on the statute-book. Therefore, we have brought forward this amending Bill to make section 12A which is expiring on the 31st December, this year, a permanent provision. It is, however, an enabling thing, and it is only when Government notify that a particular order is to be treated as a special order that the trial will be summary. But we know that the provision of the law are a bit stringent, and, therefore, we have also provided that these notifications are to endure only for a period of two years and thereafter they would cease to operate and shall have to be reviewed. We have made this provision because of the stringency of the provisions relating to special order.

As I have said, we also want to utilise this opportunity to plug certain loopholes that we have found in the implementation of the Act.

For example, under section 2 (1) (J) Government are authorised to issue orders so as to make search, seizure etc, legally. Under that provision, the officers who is doing the search can seize the articles in respect of which the law has been violated, but he cannot seize the receptacles, the coverings and the vehicles. This was a bit irksome in the implementation of the law, and, therefore, to make things clear, we have said that the officer who is searching the vessels, vehicles or aircraft or any other mode of conveyance cannot be empowered only to seize the articles but

*Moved with the recommendation of the President.

also can seize the conveyance or the receptacles or the coverings or whatever else he finds it necessary to seize. Therefore, by this amendment, we are covering that loophole.

We have also amended section 3. Government are authorised to issue a notification in the larger interests to take possession of stocks of commodities.

When Government procure stocks of certain commodities, they have to decide on the price to be paid to them. As the law stands, what is specified to be paid is the controlled price and the post-harvest price. Wherever there is a controlled price fixed, it is not necessary to take into account the post-harvest price. This is an apparent anomaly. So we are making it clear that wherever there is a controlled price of a commodity, Government should be authorised to procure it at that price. There is no meaning in taking into account some other factor when the controlled price of a commodity is fixed. Therefore, the word 'and' appearing in the clause is being substituted by 'or'.

We have also sought to amend sec. 5. It authorises the Central Government to delegate powers. The Central Government can issue orders delegating power to the State Governments and the officers concerned. But the section is not clear whether the Government can delegate the power of issuing orders and notifications also. In certain cases, Government have to issue notifications. So by another amendment, we are including notifications also within this because without it it is a bit anomalous and it does not allow us to implement the Act effectively, and in the spirit in which we want it.

These are the few amendments proposed and I commend my motion to the House.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Essential Commodities Act, 1955, as passed by Raja Sabha, be taken into consideration".

SHRI GADADHAR SAHA (Birbhum) : Mr. Speaker, Sir, this Bill intends to control the price, production and distribution of essential commodities. Therefore, on the good occasion before the House, there can be no two

opinions. There can be no dispute on the point that the prices of essential commodities should be controlled and the consumers' interest should be protected. I want to make some points in this connection.

My first point is that people now find a situation in which smuggling, hoarding, profiteering black-marketing and adulteration go on unchecked and uncontrolled. This gives rise to rise in prices. Government have not been successful in checking all these offences. Prices are deliberately raised by the capitalists and monopolists to rob the common people. They take advantage of shortage of commodities or create artificial scarcity to fleece the common people. The ruling Congress Government instead of punishing them, aid them. Therefore, the Act must be impartially, strictly, quickly and efficiently enforced to curb these activities.

My second point is that traders and businessmen who smuggle goods in vehicles and carriers should be stopped from doing so and be punished severely.

My third point is about adulteration of foodstuffs and medicines. The traders and big monopolists are very successful in befoiling the Government and indulging in this offence and in adulterating foods and medicines. Rice, pulses and kerosene are all being adulterated and sold at a high rate and this sort of adulteration is going on in the field of medicines and all essential commodities and ultimately benefits go to the traders. There is no question of controversy here. The question is one of finding out concrete steps to set up a machinery which will prevent and check the monopolists from robbing the common people.

14.43 hrs.

STATEMENT RE. FACILITIES FOR DISABLED SERVICEMEN AND WAR WIDOWS

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI-MATI INDIRA GANDHI) : During the last few difficult days, the thoughts of the nation have been with the gallant officers and men of our Army, Navy, Air Force and the Border

[Shrimati Indira Gandhi]

Security Force. Soon the lights will go up in our cities but in many hearts darkness will remain. However proud a nation or a family is of sacrificing its best for the country, this sentiment cannot help the widow in grappling with the problems of daily life, or the children who are bereft of a father's guiding hand. For brave young men, straight and strong in body, to be suddenly without a limb, is not only a matter of physical pain but of mental shock and agony. None of these want pity or charity. What they need is compassionate understanding, and assistance to re-adjust themselves to the sudden and unforeseen change in their lives. We must assure them that life still has much to offer them and they in turn have much to offer society.

I have been deeply concerned with this question since 1962 when I became Chairman of the Citizens' Central Council. Then and again in 1965, I visited almost every military hospital along our borders and also our rehabilitation centres. I have been haunted by the thought that we have not done enough.

The lives of martyrs cannot be valued in terms of money. Their sacrifice is beyond recompense. But a grateful nation remembers its debt, and its obligation to them to mitigate the sufferings of their wives and children. Government have now decided to rectify, in so far as possible, the deficiencies in our programmes for the war disabled and the families of those who have died fighting.

Since our aim has been to give special help to the weakest in our society, at this moment we should not forget the other physically handicapped and disabled. They also need our help. They can and should become useful workers in various fields. Many of them show special aptitude for certain vocations which compensate for their handicap.

For all these handicapped, the problem is one of providing the appropriate training and opportunity. Hence, we propose to bring a Bill before Parliament to make it obligatory for all employers who employ more than 25 people in the public as well as the private sector to reserve a certain proportion of their vacancies for the physically handicapped. Many industrialists and employers have already assured me that they have begun to do this

and will pursue the matter further. I hope that even those employers who are not covered by this enactment will come forward voluntarily to follow this law.

The public sector undertakings are required to reserve vacancies for ex-servicemen including the disabled. However, it is true that the position regarding actual employment is not satisfactory. Government have, therefore, decided to issue a directive to all undertakings, where necessary by amending their Articles of Association, to fill vacancies on the same basis as government departments. Such a directive would enlarge the reservations for disabled servicemen.

Coming to employment under Government, there are already orders for the rehabilitation of disabled officers of the defence forces in civil posts—classes I and II—by relaxation of age limits, medical standards etc. Effective implementation of these facilities will be ensured. As regards disabled exservicemen, preference will be given to them in the 10% and 20% vacancies reserved for ex-servicemen generally in classes III and IV posts respectively. In addition, in certain circumstances vacancies up to another 7% will be made available only to disabled ex-servicemen.

In the unreserved quota of vacancies in both these classes disabled servicemen already get some preference. It has now been decided to give them first priority along with retrenched government employees. It has also been decided that upto 2 members of the family of a serviceman killed in action will be given priority for employment immediately after the retrenched government employees and disabled servicemen. They will be exempted from going through the employment exchange.

We realize that merely expending the employment opportunities will not be enough. It will be equally necessary to assist the disabled exservicemen to take full advantage of these opportunities. Government propose to arrange a variety of training courses.

The widows of our fighting men need special consideration. We intend to start schemes to train them in skills particularly suited to their requirements. The details are being worked out by a small group.

Government have also decided to assist the

full cost of education up to the end of the first degree course of the dependants of all personnel of the defence and para military forces killed or permanently disabled during the current hostilities. Government will also meet the full cost of such dependants who are at present undergoing post-graduate courses.

We can enact laws, but it is the outlook of the public which makes all the difference. Public behaviour towards the handicapped should not be affected by old prejudices. On the contrary, we must all help to make them self-reliant again. No longer need such a handicap prevent a person leading a full life.

I am glad that actuated by the same considerations as the Union Government, several State Governments have taken up schemes to assist servicemen and their families through land allocation, cash grants, educational stipends etc. I hope that this governmental effort will be reinforced by the widest measure of popular support.

14.48 hrs.

ESSENTIAL COMMODITIES (AMENDMENT) BILL—Contd.

SHRI S. M. BANERJEE (Kanpur) : Mr. Speaker, Sir, at the outset I say that I support the Bill but while supporting the Bill I must point out to the hon. Minister that the prices of essential commodities have risen and not only in Delhi, but in other places too.

As pointed out by my hon. friend Shri Idrisji Gupta when he was speaking on the Defence of India Bill, after the budget, prices went up ; taking advantage of this emergency some of the unscrupulous businessmen have increased the prices of practically all the essential commodities.

In Delhi the prices of vegetables had gone up ; the price of sugar had gone up by 20 paise or more in several places, though we were assured in this House by the hon. Minister Shri Ahmed that the price of sugar would not go up. The price of kerosene oil fixed as 61 paise per litre has gone up to 67 paise in some places. People are forced to pay through their nose because it is used in homes for preparation of food, etc. There was no question

of any torch cell being available unless somebody paid at least fifty per cent more than the actual price. It is not available even then.

During the black out people had to use candles in their homes, but no candle was available, it was available only to those who were prepared to pay more. Then, the prices of some of the ordinary medicines used regularly by some of the patients went up. The first answer of the chemist to enquiries was that the medicine was not available. Then he would say he would find out if something was left, and it was made available if the customer was prepared to pay more.

The price of meat has risen from Rs. 5 to Rs. 6 a kilo. The price of fish in some of the markets has risen from Rs. 7 to Rs. 9 a kilo. The price of eggs has risen from Rs. 3.50 to Rs. 4 a dozen. The cost of lunch, breakfast and dinner has increased in ordinary restaurants by at least 25 to 30 per cent. We are the only fortunate persons in this House and the other House who have to pay only Rs. 4.20 for a good lunch in the imperial sense, because it is highly subsidised. So, we are enjoying, whereas in a city like Delhi people have to pay 25 to 30 per cent more.

I would like to know from the hon. Minister whether he is aware that the cost of an ordinary crude blanket, not a fine one, has increased by Rs. 5 to Rs. 7, and the cost of flannel and other woollen goods have increased by 10 to 25 per cent. in certain places even by 30 per cent.

It is quite clear that some of the businessmen, I do not accuse every one, have minted money even during this emergency at the cost of the entire nation. That is why some of the people still feel that the war should have continued, so that they are able to sell goods at exorbitant prices.

This amendment was to expire on 31st December, 1971. It is now sought to amend section 12A to provide that it will have operation only for a period of two years with suitable saving provision. What is the use of having it if we have not been able to punish these guilty people? Powers have been given to officers not only to seize contraband articles like gold but even the aircraft carrying them, but what happened in the past? When gold was found, neither the gold nor the BOAC

[Shri S. M. Banerjee]

aircraft carrying it was confiscated. Gold may not be an essential commodity, but it is essential for many people. So, I would request the hon. Minister to tell us how many people have been punished during this period of emergency after the Budget was announced. It is no use passing legislation. We know what is happening. We discuss the railway accidents, and there are more railway accidents. We discuss the floods, and there are more floods in the country. We discuss the rise in prices, and prices rise more. Do we take it that it is better not to discuss these matters, because we give vent to our feelings but our suggestions are not implemented by the Government ?

I hold the Government responsible for the price rise. Even though the hostilities have ceased, prices are bound to increase further. Let Government take note of it and issue certain instructions to those who can possibly control prices to see that prices are not allowed to rise. The prices are to be stabilised at a reasonable level. But what is a reasonable level ? Is it the 1947 level or 1957 level or 1967 level or what ? The Government should see that some deterrent punishment is given not only on paper but also in actual practice, so that it may be an eye-opener to those who are actually enjoying at the cost of the nation.

श्री पन्नाकाल बालपाल (गंगानगर) : बध्यक महोदय, मैं एक सूचना देना चाहता हूँ। श्री बनर्जी ने मूल्यों के बारे में जो बात कही है, वह ठीक है। मेरी पत्नी ने आज मुझ से कहा कि इन छिकारिया ठाला सूला मुनाफाकोर व्यापारियों को गोली बर्दान नहीं लगी और हमारे जवानों को लगी। उसने कहा कि राष्ट्रपति भवन में जो दुकान है, उस पर बजन बढ़ाने के लिए चीनी पर पानी छिकक कर देता जा रहा है, कम तोला जा रहा है और बीस पैसे ज्यादा लिए जा रहे हैं। मैं चाहता हूँ कि इस बारे में अभी जांच कराई जाये।

* **SHRI C. CHITTIBABU (Chingleput) :** Hon. Mr. Speaker, Sir, I am thankful to you for giving me an opportunity to say a few words on The Essential Commodities

(Amendment) Bill. I welcome this Bill because it deals with essential commodities required by our common people. It is the primary duty of a developing country that the essential commodities like foodgrains, edible oil, medicines and so on are made available to the common people at a moderately reasonable price level and then only the common people will be able to appreciate the development efforts made by the Government. If the Government want to secure the willing cooperation of the common people in their efforts to raise the standard of living of the people, then it must be ensured that the production and distribution of essential commodities are controlled legally so that the common people are able to secure the basic necessities of life.

14.59 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Sir, 58 commodities have been listed under this law as essential commodities. I would like to point out that the Government have recently levied an excise duty on newspapers, which comes to two paise per newspaper. But the newspaper owners without any compunction have raised the price of newspapers by 7 paise or 8 paise. It must be remembered, Sir, that the common people of the country cannot afford to have the mass media of communication like Radio or some other luxuries of the present day like frequenting cinema which are normally within the reach of people in a developing country. Even the poorest of the poor try to buy a newspaper and get some information regarding the happenings in the country. With the increase in price of newspapers, they are deprived even of this facility. I would appeal to the hon. Minister that the newspaper should also be declared as an essential commodity so that the newspaper owners do not raise the price according to their whims and fancies. The Government with the noble objective of accouring succour and relief to millions of Bangla Desh refugees levied an excise duty of 2 paise, but the newspaper owners have raised the price by 10 paise. I would urge upon the Government that newspaper should also be listed under this Act as an essential commodity.

15. hrs.

Sir, certain provisions contained in the Essential Commodities (Amendment) Act,

*The original speech was delivered in Tamil.

1964 will be in force only upto 31.12.1971. In particular, the provision regarding the process of conducting summary trial in the case of violation of special orders issued by the Government, is now sought to be put on a permanent basis under this amending bill. This is to be welcomed by all of us, especially when more than 22800 offences were committed in the year 1970. This bill has been introduced at the appropriate time.

I would say here that there is no meaning in just controlling the essential commodities. I say this because adulteration in the country has gone up by leaps and bounds. The producers and the merchants know that the people will have to buy their essential requirements and they exploit this dependence to their full advantage. They take several devious ways of adulterating the essential commodities and try to become rich quickly by selling such adulterated essential commodities. I would request that the hon. Minister should implement more stringently the Prevention of Food Adulteration Act and then only the people will be benefited by the provisions of Essential Commodities Act.

While replying in Rajya Sabha to the point regarding fixation of procurement price on the basis of post-harvest price, the hon. Minister referred to the activities of Food Corporation of India in the country which are aimed at securing fair prices to the small producers. So far as Tamil Nadu is concerned the Food Corporation of India has procured only 500 tonnes of *kuruvali* paddy. While there is procurement potential available in the country, we see that foodgrains are imported. The hon. Minister may say the State Government has not been extending enough co-operation in this activity. I would point out that the State Government of Tamil Nadu is not only interested in the procurement activity of the Food Corporation but also in the welfare of small cultivators and producers. The State Government is not only interested in its survival but also in the survival and welfare of the people of the State. I would stress that the Food Corporation of India should intensify its procurement activity in Tamil Nadu.

I would also refer to the fact that under this Bill the notifications issued under this Act are subject to review every two years. I am not able to comprehend that, when the

Government want to put certain provisions on the statute book on a permanent basis, they should seek a provision which will enable them to review the notifications issued under this Bill. I feel that this is contrary to the intentions of the Government. I would request the hon. Minister to clarify this point in his reply.

Before I conclude, I would stress that newspaper should also be declared as an essential commodity. I would also suggest more vigorous implementation of Prevention of Food Adulteration Act so that the people are able to derive the advantage from the provisions of Essential Commodities Act.

SHRI GHANSHYAM OZA : Mr. Deputy-Speaker, Sir, while the hon. Members by and large welcomed these amendments, they have utilized this opportunity to express their concern about certain things like price rise, non-availability of certain commodities and, as was pointed out by my hon. friend, Shri Barupal, adulteration also. The hon. Member belonging to the DMK, who spoke last, while welcoming the amendments, expressed the desire that notification under Sec. 12 A should not have only a life of two years. I am afraid he has not properly followed the provisions of section 12 (a), which relates only to summary trials. Orders are issued under Section 3 and if any order issued under Section 3 is notified as a special order, then the courts are entitled to try those offences in a summary manner. We have got the Criminal Procedure Code ; we have got the Criminal Jurisprudence. Every accused is supposed to be innocent. When he is held up before the court, he is given every opportunity to defend himself and there is a laborious procedure by which he gets an opportunity to prove that he is innocent. (*Interruption*) I am coming to that. So far as the essential commodities are concerned, we say, these crimes are not against persons and that these crimes are against society and, therefore, they should be dealt with more firmly, drastically and in a summary manner, so that we can quickly dispose of these cases. But we should not forget that, after all, it is a stringent provision in law and, whenever a stringent provision in law is made, we must have some safeguard.

We do not say that these provisions will not be continued after two years. If after two

[Shri Ghanshyam Oza]

years it is found that in view of the prevailing state of commodities being available, the price rise, etc. we should extend the period, the Government is authorised to extend the period of notification. We shall not have to come to Parliament for extending the period of notification. After two years, the Government will review the position as to what is the position about supply of essential commodities, what is the price trend, etc. All these things can be taken into consideration. If we find that in the larger interest of the community we should extend the period of notification, we shall do so. These powers are with the Government. We have not to come to Parliament for that. We have made this particular provision and I am sure this will satisfy the hon. Members.

Then, some hon. Members showed concern about the price rise and I share their concern. The Essential Commodities Act is a permanent feature of our economy. We know that constraints are bound to develop. The way in which we are fast developing, we are raising resources and diverting them to certain production sectors and we have formulated several plans, in doing so, occasions are bound to arise when there will be short supplies and there will be constraints here and there. Therefore, we have to put the Essential Commodities Act on a permanent basis on the statute book to deal with the situation as we are facing today.

There is Emergency now and we have got the Defence of India Act and the Defence of India Rules framed thereunder. We can take more effective measures. As the House knows, in Delhi, we have put so many persons behind the bar. So many other States have taken drastic action. Apart from the Defence of India Act and the Rules made thereunder, even under the Essential Commodities Act, all these powers have been delegated to State Governments. We are always writing to State Governments to utilise the powers so that supplies are maintained and that undue rise in price does not take place and that hoarding does not take place. There is the power to get things dehoarded. All these powers have been delegated to the State Governments. We are constantly in touch with the State Governments to see that supplies are maintained. Whenever we find that a certain commodity is in short supply,

we rush it to a particular area if other things permit us to do so. We have to look to the defence requirements also. Certain commodities have to be diverted for meeting the immediate needs of the army people.

We have alerted the State Governments to keep a watchful eye on the commodities which are essential for the purpose of the community and see that the prices are properly maintained. As the House knows the Delhi Administration has alerted itself and it has appointed so many inspectors and it has opened so many fair price shops and these fair price shops have been forced to display prices in their shops at which the commodities will be available. All these measures are having some effect. But I must tell the hon. Members that by merely putting a law on the statute book we should not derive satisfaction and that if the law is there on the statute book, everything will be all right. We cannot be complacent about it. That thing will not do. In the society we have also to be very watchful. For that purpose, Consumers' Resistance Movements have started. Citizens' Council is also there. Women's Council is also functioning and with the co-operation of all these bodies, we hope that at the present juncture we will be able to maintain the price line. This is all what I would like to say.

MR. DEPUTY SPEAKER. The question is :

"That the Bill further to amend the Essential Commodities Act, 1955, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER : There are no amendments to the clauses. So, I will put all the clauses to vote.

The question is :

"That clauses 2 to 5, Clause 1, the Enacting Formula, and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 to 5, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI GHANSHYAM OZA : I move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

15. 12 hrs.

**STATUTORY RESOLUTION
RE. PUNJAB STATE ELECTRICITY
BOARD**

**THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI K. R.
GANESH) :** I beg to move :

"Whereas in pursuance of sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (54 of 1948), the Government of the State of Punjab has, with the approval of the Legislative Assembly of that State, fixed by its Order No. 8268-21&E/64 dated the 28th April, 1964, the sum of rupees twenty crores as the maximum amount which the Punjab State Electricity Board may at any time have on loan under sub-section (1) of the said section 65 ;

And whereas the Government of the State of Punjab proposes to increase the aforesaid amount to rupees fifty crores ;

And whereas the Legislative Assembly of the State of Punjab has been dissolved ;

And whereas under the Proclamation, dated the 15th June, 1971, issued by the President under article 356 of the Constitution, the powers of the State Legislature are exercisable by Parliament ;

Now, therefore, it is hereby resolved that the Lok Sabha do accord approval to the proposal of the Government of the State of Punjab to fix under sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (54 of 1948), the sum of rupees fifty crores as the maximum amount which the Punjab

State Electricity Board may at any time have on loan under sub-section (1) of the said section 65."

MR. DEPUTY SPEAKER : The question is :

"Whereas in pursuance of sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (54 of 1948), the Government of the State of Punjab has, with the approval of the Legislative Assembly of that State, fixed by its Order No. 8268-21&E/64 dated 28th April, 1964, the sum of rupees twenty crores as the maximum amount which the Punjab State Electricity Board may at any time have on loan under sub-section (1) of the said section 65 ;

And whereas the Government of the state of Punjab proposes to increase the aforesaid amount to rupees fifty crores ;

And whereas the Legislative Assembly of the State of Punjab has been dissolved ;

And whereas under the Proclamation, dated the 15th June, 1971, issued by the President under article 356 of the Constitution, the powers of the State Legislature are exercisable by Parliament ;

Now, therefore, it is hereby resolved that the Lok Sabha do accord approval to the proposal of the Government of the State of Punjab to fix, under sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (54 of 1948), the sum of rupees fifty crores as the maximum amount which the Punjab State Electricity Board may at any time have on loan under sub-section (1) of the said section 65."

The motion was adopted.

MR. DEPUTY-SPEAKER : Mr. Vidya Charan Shukla.

AN HON. MEMBER : He is not there, Sir.

MR. DEPUTY SPEAKER : If he is not there, I am helpless.

There is no other business. So, the House stands adjourned till 3.30 p.m.

15.14 hrs.

The Lok Sabha then adjourned till thirty minutes past Fifteen of the Clock

The Lok Sabha reassembled at thirty minutes past Fifteen of the Clock.

[MR. DEPUTY SPEAKER—in the Chair]

**UTTAR PRADESH CANTONMENTS
(CONTROL OF RENT AND EVICTION)
(REPEAL) BILL**

MR DEPUTY SPEAKER : Shri Vidya Charan Shukla.....

Before the Minister speaks, I have to inform the House that the Defence Minister would make the statement at 3-45 instead of at 3-30 P.M.

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA) : Sir, I beg to move :

"That the Bill to provide for the repeal of Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952, as passed by Rajya Sabha, be taken into consideration."

The Bill is very simple and direct and its purpose is very limited. I do not consider that it needs any elaborate explanation. It was introduced in the Rajya Sabha on 12th August, 1971 and was discussed and passed by it on 17th November, 1971. The intention of the Bill is to bring about uniformity between the Cantonment areas of Uttar Pradesh and rest of the areas of Uttar Pradesh State in the matter of rent control law.

Before the commencement of the Constitution, the power to make laws in respect of rent control and regulation of house accommodation in Cantonment areas was exercised by the former State Legislatures. In most of the States, the State Rent Control Act was applied to Cantonment areas and those Acts continued to be in force in those areas. But in Uttar Pradesh, the Cantonment areas were excluded from the application of the State Act, *vide* the U. P. (Temporary) control of Rent

and Eviction Act, 1947 by an amendment made therein shortly before the commencement of the Constitution, with the result that there was no rent control law in force in the Cantonment areas in that State. As a result, the U. P. Cantonments (Control of Rent and Eviction) Act, 1952 drawn up on the lines of the said State Act of 1947 was enacted by Parliament by virtue of powers conferred under Entry 3 of the Union List I of Seventh Schedule of the Constitution.

Since the promulgation of the said Central Act of 1952, a number of amendments have been made to the State Act of 1947, without any corresponding amendments to the Central Act of 1952. Consequently, representations have been received by Government for amending the Central Act of 1952 so as to bring it in line with the provisions of the State Act of 1947.

Section 3 of the Cantonments (Eviction of Rent Control Laws) Act, 1957 empowers the Central Government to extend, by issue of a notification in the official gazette, to any cantonment any enactment relating to the control of rent and regulation of house accommodation which is in force on the date of issue of the notification in the State in which the cantonment is situated. In exercise of this power, the Central Government have extended various State Rent Control Acts to cantonment areas situated in the respective States. This extension cannot be applied to Cantonments in U.P. since a law on the subject enacted by Parliament is already in force. It is, therefore, proposed that the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952 be repealed and the Uttar Pradesh (Temporary) Control of Rent and Eviction Act, 1947 (or such other Rent Control Act as may be in force in U.P.) be then simultaneously extended to the Cantonment areas in Uttar Pradesh by issue of a notification under the said Central Act of 1957. This will avoid the need of amending the said Central Act of 1952 each time the State Act is amended. It is in this way that we can maintain in Cantonments the position at par with the remaining areas of the State.

SHRI S. M. BANERJEE (Kanpur) : As stated by the hon. Minister Shri Vidya Charan Shukla, the scope of the Bill is very limited, and I would like to say something on it, while welcoming it.

I feel that the time has come when in the various Cantonment areas, whether in U.P. or any other State, all the restrictions which are at present operating should be removed. In U.P., in the various cantonments, especially in the Cantonment Board of Kanpur, the elected representatives passed a resolution, of which I am sure the hon. Minister is aware, that some of the areas such as the bazar areas where this particular Act which is now being repealed was made applicable should not be under the cantonments.

Sir, what was the history of the cantonment? The Britishers when they were ruling our country wanted that their soldiers should be away from the Indian population and that was why this tendency was created among them that the soldiers and the O.R.s., especially the B.O.R.s. and even the cantonment officials should not mix with the civilian population.

After Independence in 1947, and even in 1962 and 1965, the civilian population of the cantonment areas has shown that they at the rear are prepared to help our jawans in the forward areas in defence. When they are doing everything to help the armymen, there should be no restriction and all restrictions placed on the various cantonment areas should be removed.

It is a tragedy that still in the Kanpur cantonment and other cantonments, such as Jullundur which I have seen, the roads are named after some of the British officers who had used all the force at their command to kill our people in the 1857 war of independence. We have decided that by 31st December 1971 if the cantonment board of Kanpur does not remove the signboards of these roads, we would remove them forcibly. Recently, during India's war with Pakistan which started on 4th December, young man of Kanpur, Lt. Deepak Das had laid down his life for the sake of the country; he was a young man of 21 years and he was the son of one renowned doctor, namely Dr. B. G. Das, and he had sacrificed his life. I knew the boy ever since he was five years old. Today I got the news that this boy had passed away on the 8th December, and so he is no more with us. We wanted to name a particular road in the name of this great martyr, Lt. Deepak Das. But there were certain objections from the cantonment board, but the people of

Kanpur have named the biggest road in the cantonment after this great martyr Lt. Deepak Das.

So, I would request the hon. Minister to respect our national traditions and see that the cantonments do not remain only for the army. When we call our army, the people's army then there should be no difference between the armymen in the cantonment and those in the city.

When Shri Bhakt Darshan had brought forward a non-official resolution on the subject, the then Deputy Defence Minister Shri Surjit Singh Majithia had assured the House that Government would bring forward a comprehensive legislation to amend the Cantonments Act enacted at the time of British rule. But that comprehensive Act has not come so far. So, I would like to have an assurance from the hon. Minister that the new Act will be brought forward soon to democratise the working of the entire cantonment board and to make the employees in the cantonments just like those at other places.

With these words, I request the hon. Minister to see that there is no disparity of treatment whatsoever as between the population of the city and the cantonment. After all, who are the jawans? They are the sons of our peasants, workers and middle class employees. The British days are over. Today what is the difference between the city and the cantonment? In these days of total war, while the jawan fights in the front, the other members of his family who form the civil population are at the rear giving him support in his fight for the country's safety and security.

With these words, I support the Bill and request the hon. Minister to take note of what I have said.

श्री मोहनमद इस्माइल (वैरकपुर): उपायक यहोदय, यह जो विदेयक पेश किया गया है उस के बारे में मुझे कोई बहुत उदादा नहीं बोलना है। सिफ़े पांच विलास आहता हूँ कि यह कैन्टोनमेंट एक्ट जो है वह 1923 का है जब कि जयेज लोग इस को लाये थे। उस से उनका मकसद यही था कि किसी तरह से हमारे आदिक्षियों की जनता से बलग रखता जाये और वहाँ रहने वाले

[श्री मुहम्मद इस्माइल]

आदिनियमों का रहन सहन और तीर तरीका जनता से बलग रखा जाये। इसी भक्षण को लेकर यह ऐक बना था और चौबीस साल की आजादी के बाद भी हमने उसको बदला नहीं है। हमने इस तरफ बिल्कुल ध्यान नहीं दिया। लेकिन आज जब हमारी भावनायें अबने सैनिकों को तरफ हैं और देश की जनता ने उनका समर्थन किया है और उनको साहस बंधाया है और 55 करोड़ जनता की सहानुभूति उनके साथ है, इसके बाबजूद कैन्टोनमेंट्स को जनता से अलग कर दिया गया है। आज पलिक से सैनिकों को मिलने नहीं दिया जाता, आस पास के लोगों से मिलने नहीं दिया जाता, उन पर तरह तरह की पाबन्दियां लगाई गई हैं, उनका ऐडमिनिस्ट्रेशन अलग है, उनके आफिसर्स अलग हैं। आस पास की जो म्यूनिसिपलिटीज हैं जबदस्ती उनका पानी ले लिया जाता है। वहां के लोगों की तकलीफें बढ़ती हैं, तब भी उन पर विचार नहीं किया जाता। इस तरह से अफसर लोग वहां के ऐडमिनिस्ट्रेशन को चलाते हैं। जितना भी मैला कचरा है वह म्यूनिसिपल एरियाज में फेंक दिया जाता है, और जब म्यूनिसिपलिटीज उन को हटाने को कहती हैं तो कैन्टोनमेंट्स के आफिसर्स कहते हैं : नविंग दूड़ग, कुछ नहीं किया जा सकता तुम को ही उठाना होगा। मेरी कॉस्टिट्यूट्यून्सी में इस तरह की घटना घट चुकी है।

इसकिए मैं कहता चाहता हूँ कि यह जो ऐक है वह रिटिंग जमाने का बना हुआ है। इस को तबदील करके एक कामिंग्हेन्सिव ऐक बनाया जाना चाहिए। ऐसा कानून बनाया जाना चाहिए जो हमारे देश की भावनाओं के अनुरूप हो और देश की जनता से उनका करीब का रिस्ता हो। बाबिल हमारे ही बच्चे ते वहां पर जाते हैं और काम करते हैं। जब वह कैन्टोनमेंट में जाते हैं तो उन को हम से बलग कर दिया जाता है। न तो वह अबवार पहल सकते हैं और न हम से बलग कर सकते हैं। मैंने तो यहां तक देखा है कि जब चुताव जाता है तब कैन्टोनमेंट में कॉमिंग्हेन्सी को भी नहीं जाने दिया जाता है। वह जो कर

उनको बप्रोत नहीं कर सकते। जो बोट देना चाहते हैं उन पर तरह तरह की पाबन्दियां आयद की जाती हैं।

इसलिए एक कामिंग्हेन्सिव बिल लाया जाना चाहिए और इसको पूरी तरह से तबदील करना चाहिए। जो रिटिंग जमाने की बीजें हैं वह हमारे लिए कलंक हैं, खास तौर से देश और रूलिंग पार्टी के लिए। अभी कुछ मिनट पहले हमारी प्रधान मंत्री ने कुछ तजवीजें पेश की हैं बायल और मारे गये जवानों के परिवार वालों के लिये। उनके बच्चों के लिये नौकरियों और दूसरी तरह की सुविधाओं की बातें कही गई हैं। लेकिन इस ऐक को ठीक से बदलने की बात नहीं की जाती है। अब गवर्नरमेंट पर जिम्मेदारी आ गई है कि जल्दी से जल्दी कैन्टोनमेंट के ऐक को तबदील किया जाय ताकि जो वहां पर फोरं रहती है उनके बारे में जनता यह महसूस करे कि यह जवान भी हमारे हैं। देश की लड़ाई में हमारे जो जवान जाते हैं उनको लोग मिठाई खिलाते हैं, तिलक लगाते हैं और मालायें पहनाते हैं लेकिन जब वह लोग कैन्टोनमेंट्स में रहते हैं तब वह पुरानी भावना लेकर ही रहते हैं। ऐसी बात नहीं होनी चाहिए। इसलिए जो बिल आया है उसकी जगह पर एक कामिंग्हेन्सिव बिल लाया जाना चाहिए और जो भी बुराहायां हैं उन को दूर किया जाना चाहिए जिस में जवानों के साथ हमारे रिशेशस्स अच्छे ही सके।

श्री भर्तीह नारायण शंखे (गोरक्षपुर) : उपाध्यक्ष महोदय, मंत्री महोदय जै जो संशोधन विक्रेता जै किया है मैं उसका समर्वेत करता हूँ ऐट कन्ट्रोल एण्ड एक्विशन ऐक की जो भावनाएं हैं वह कैन्टोनमेंट एरियाज में भी लगानी चाहिये वहां पर गरीब लोग भी रहते हैं। आज हालत यह है कि वहां पर जो लोग रहते हैं वह मकान बनवाना चाहते हैं और जो बनेमिटीज भी नहीं हैं उनका काल डडाना चाहते हैं, लेकिन उनकी जात है कि सरकार ने इन्हें दिल्ली के बाहर भी इस पर ध्यान नहीं दिया है कि उन लोगों की जिम्मेदारी को बेहतर बनाने के लिये कोई साकारण रखते।

33 U.P. Comts. (Control of AGRAHAYANA 27, 1893 (SAKA) Review of outcome of 34
rent etc.) (Repeal) Bill
Indo-Pak armed conflict (St.)

मैं आप के हारा भांडी महोत्तम से निवेदन
करता आहता हूँ कि वह इन बीजों की तरफ
ध्यान दें और उन को ठीक करने का प्रयत्न
करें।

15:47 hrs.

STATEMENT BY DEFENCE MINISTER
REVIEWING THE OUTCOME OF
RECENT ARMED CONFLICT ARISING
OUT OF THE PAKISTANI AGGRE-
SION ON INDIA

SHRI VIDYA CHARAN SHUKLA : Sir, I have taken note of the valuable points that have been made by the hon. Members. I would like to personally assure Shri Banerjee that the Government have already drafted a comprehensive amending Bill for amending the old Cantonments Bill Act. As the hon. Member knows, this is a small Bill for a small purpose related only to Uttar Pradesh, and therefore, I do not think there is much controversy over this particular Bill and I am sure that it will be approved unanimously by the House.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to provide for the repeal of the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

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

SHRI VIDYA CHARAN SHUKLA : I move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM) : Mr. Deputy-Speaker, Sir, I am sorry I have been late by a few minutes in coming to the House. I am rushing from Kanpur.

On Friday, December 3rd, around 5:40 p.m., Pakistan had unleashed its total war on India, with pre-emptive strikes at our airfields and heavy attacks on our defensive positions all along the western frontier. We were able to commence our counter action on the western front only around midnight.

On the eastern frontier, we moved in the early hours of Saturday, December 4th, from different directions into what was then known as East Pakistan to act in concert with the Mukti Bahini and other elements of the National Liberation Forces of Bangla Desh. With the signing of the Instrument of Surrender by Lt.-Gen. Niazi, Martial Law Administrator of Zone B, at 16:31 hours on Thursday, December 16th, the people of Bangla Desh were finally freed from West Pakistani subjugation of a quarter of a century and from the brutal terror that had gripped them since March 25, 1971.

The successful completion of this campaign of liberation, within a period of 12 days, across a vast expanse of land, criss-crossed with rivers and rivulets, inhabited by nearly 75 million people and held down by 93,000 regular and para-military forces of West Pakistani origin will rank in the annals of military history as a remarkable feat.

The strategy of our forces to bypass main cities to avoid civilian casualties and to prevent damage to national assets surprised the enemy.

The speed of our flanking movements and the determination with which they were pressed rendered the long prepared positions of the enemy untenable.

The Mukti Bahini fought shoulder to shoulder with our forces. The Presidents

[Shri Jagjivan Ram]

Fighters provided invaluable assistance by harassing the enemy in the rear and by enabling our forces to overcome numerous riverine obstacles.

The Indian Air Force achieved mastery of the vast airspace within the first twenty-four hours by completely annihilating the PAF in Bangla Desh. The punishment inflicted from the air on military installations and positions caused tremendous havoc. The supply as well as escape routes by air were completely sealed.

Helicopters were extensively used to land our troops in the rear. A battalion of paratroopers was dropped at predetermined places north of Dacca. The link of these paratroopers with the ground forces of the Mukti Bahini and the Indian Army made it possible for us to reach the outskirts of Dacca on the eleventh day of the Campaign.

Our Navy played a significant role. The Eastern Naval Command deployed our Aircraft Carrier VIKRANT with supporting ships and submarines to immobilise the port facilities at Chittagong and in the Khulna-Chalna-Monga complex and to damage airfields and military installations on the southern periphery. Amphibian landings were carried out at Cox's Bazaar to seal off a possible escape route for the enemy to Burma.

It appears that the Martial Law Administrator had lost operational control over his Divisional Commanders at an early stage of the battle. The Pakistani troops, however, fought gallantly. Their Commanders did not pay heed to the messages addressed by General Manekshaw to save their lives. Major-General Rao Farman Ali's initiative was overruled by Firdi. It was only in the evening of December 15th that the wisdom of stalling further bloodshed dawned on the military rulers.....(Interruptions)

By then the tables had been turned on the aggressor on the Western front. Pakistan's massive offensive thrusts in the Poonch, Chikamb and Rajasthan sectors were effectively blunted. The fight to protect our sacred soil against Pakistan's furious onslaughts was fierce. Our Javelans stood their ground with dogged determination, and thrust the

enemy back into his territory. Repeated attempts on the part of the enemy to infiltrate behind our lines were frustrated. The Local Kashmiris helped to round up straggling infiltrators. To protect our vital land communications in Jammu and Kashmir, we carried the war into the enemy's territory. To keep the enemy away from Rajasthan and Gujarat, we made significant gains in the Barmer and Kutch sectors. We succeeded in drawing the enemy's reserves into open battle and in scattering his attacking forces.

The Indian Air Force struck, without interruption, by day and by night at aircraft on the ground, at airfield installations, runways and radar stations. Troop concentrations were broken up and armoured columns were scattered. Important installations of military value were severely damaged and the transportation system was disrupted. In addition, the IAF provided air cover to our ground forces and co-operated with them in destroying the enemy's tanks. Our air defence units took a heavy toll of enemy's intruding aircraft. In the concluding stages of the conflict, the enemy's air activity was reduced to a fraction of ours.

The task of the Western Naval Command was to contain the Pakistani fleet and prevent it from hitting at our shipping and our ports.

The House is aware of the two daring attacks mounted by our Western fleet which damaged port and shore installations at Karachi and substantially reduced the strength of the Pakistani fleet. In consequence, the enemy was unable to interfere with our maritime shipping. While our ports functioned normally, our Navy completely succeeded in cutting off the enemy's supplies by sea.

The enemy has paid dearly for aggression. Pakistani losses in equipment are computed at 94 aircraft, 246 tanks, two warships two sub-marines, two minesweepers and 16 gunboats, both in the Eastern and Western sectors. Vital installations of military significance have been severely damaged. Pakistani casualties are known to have been very heavy. Obviously, it is impossible to have the exact figures. A full tally of prisoners is not yet available. In Dacca alone as many as 24,000 have surrendered.

The cease-fire on the Western front became effective yesterday at 8 p.m. At that hour,

we were in occupation of numerous pockets of Pakistani territory. In Kargil, Gurais and Uri sector, our troops have occupied nearly 50 posts. In the Tithwal sector, a substantial portion of the Lipa valley is in our hands. Some commanding heights across the cease-fire line have been taken by us in the Poonch-Rajauri-Naushehra sector. The whole of the Akhnur Dagger salient and a number of border posts in the Jammu sector are with us. We have crossed the Basantar River and the greatest part of the Shankargarh-Zafarwal salient is in our possession. The Dera Baba Nanak Enclave south of Ravi has been occupied by us. Several border posts in the Dera Baba Nanak-Ajnala-Amritsar-Khem Karan-Ferozepur-Mamdot and Fazilka sectors have been taken. In the Bikaner sector, Rukanpur, Ranhal and Bijanot have been captured. In the Jaisalmer-Islamgarh-Bhatkhanwala Khu area, we are 4 to 8 miles inside Pak territory. Apart from a number of border posts on the border of Sind, including Chhad Bet, we have occupied the whole of Nagarparker Bulge and captured Chachro and Virawah. We have effective control right up to Naya Chor and Umarkot in the Pakistani Province of Sind. The posts and the pockets in our possession ensure the security of our Western borders and provide full protection to our vital road links.

Our losses have been comparatively smaller. We lost 45 aircraft, 73 tanks and one frigate. All our installations are in full operational order.

For the liberation of Bangla Desh, 1,047 of our brave officers and men laid down their lives, 3,047 were wounded and 89 are missing.

On the Western front, 1,426 were killed, 3,611 were wounded and 2,149 are missing.

The area west of Munnawar Tawi was, at the time of cease-fire, in Pakistan's possession; so is the enclave west of Sutlej at Husainiwala. There is a very small lodgement in Pakistan's possession in the area in the west of Fazilka around village Pakka.

Pakistan's military adventure has recoiled on its military leaders. The experience of 14 days of fighting, the loss of territory and of manpower, together with the severe damage inflicted on equipment and installations would,

as soon as the facts become known to them, convince the people of Pakistan of the disastrous consequences of unprovoked armed aggression.

16.00 hours.

On the evening of the December 16th, the Prime Minister announced a unilateral cease-fire. This would convince not only the people of Pakistan but the world at large in regard to our intentions. In our view, there is no dispute between our two countries which cannot be settled by friendly negotiation between ourselves.

We have no territorial ambitions. Our jawans who have fought so bravely and who have sacrificed their lives at the call of duty will, however, need to be assured that their sacrifices will yield results of lasting value to the peoples of India and Pakistan. They already have the satisfaction that they have contributed to the liberation of Bangla Desh and to the emergence of a Secular Democratic State on our Eastern Borders. It will now be our endeavour to forge, through bilateral negotiations, a new relationship with Pakistan, based not on conflict but on co-operation, guaranteeing to us the security of our borders and our vital road communications, and assuring to the peoples of the two countries freedom from fear of recurring wars and an opportunity to devote their full attention to economic and social progress.

We have to redeem the pledges we made to our people when we were elected to power. I am sure the people of Pakistan and Bangla Desh also ardently desire to devote their attention to similar tasks. Let us hope that the experience of fourteen days of armed conflict with Pakistan will help to usher an era of peace and prosperity for the sub-continent.

The House owes its gratitude to the vast number of men and women whose exertions and sacrifices have contributed to the success of our arms. We owe a special duty to the next of kin of those who have laid down their lives and to those who have been disabled by the conflict. We have also to make good the equipment we have lost. The tax-payer will, no doubt, do his part. The nation may, however, wish to give expression to its sentiments by organising a massive voluntary effort to provide relief to those who have

[Shri Jagjivan Ram]

suffered and to provide to the armed forces the equipment they have lost.

We could not have achieved this success but for the enthusiastic exertions of our farmers and our industrial workers. A special word of thanks is due to the railwaymen and truck drivers who kept supplies moving and to the personnel who manned our telecommunication network. The men in charge of our merchant shipping succeeded in keeping up a steady stream of supplies. I am also full of admiration for the courage and fortitude of the common man who carried on his normal tasks in the face of enemy gun-fire along our borders and around the airfields.

The nation can be proud of the devotion, the dedication, the determination, the skill and the efficiency of those of our citizens who fought, with all their might, on land, at sea, and in the air, the dark forces of aggression.

Our military leadership rose to the occasion. The co-operation, understanding and cohesiveness achieved by the three services in planning and executing the joint operations have been gratifying. The Defence Forces of India are now a well-knit team, capable of guaranteeing the security of our motherland against external aggression. Their success on the battlefield should give us confidence in our war on poverty and want.

On behalf of the Defence Services and the Ministry of Defence, may I tender their grateful thanks for the generous appreciation by this august House, and indeed by the entire nation, of the efforts made by them to perform their national tasks to the best of their ability.

16.05 hours

The Lok Sabha then adjourned till Ten of the Clock on Monday, December 20, 1971/Agrahayana 29, 1893 (Saka).