

Sixth Series, No. 9

Tuesday, April 5, 1977  
Chaitra 15, 1899 (Saka)

# LOK SABHA DEBATES

First Session  
(Sixth Lok Sabha)



LOK SABHA SECRETARIAT  
New Delhi

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## LOK SABHA

Tuesday, April 1, 1977/Chaitra EL, 1899  
(Saka)

The Lok Sabha met at Eleven of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

## WELCOME TO THE PARLIAMENTARY DELEGATION FROM FINLAND

MR. DEPUTY SPEAKER: At the outset, I have to make announcement.

On behalf of the Speaker, on my own behalf and on behalf of the Hon'ble Members of the House, I have great pleasure in welcoming the Hon'ble Members of the Parliamentary Delegation from Finland who are on a visit to India as our honoured guests. The members of the delegation are:

1. Mr. Kuumo Honkonen, M.P.—Leader of the delegation.
2. Mr. Ralf Friberg, M.P.
3. Mr. Pertti Salolainen, M.P.
4. Mrs. Terhi Nieminen, M.P.
5. Mr. Heimo Linna, M.P. and
6. Mr. Jaakko Hissa.

The delegation arrived early this morning and will be in India till the 9th April. They are now seated in the Special Box. We wish them a happy and fruitful stay in our country. Through them we convey our greetings and best wishes to the Parliament, Government and the People of Finland.

## ORAL ANSWERS TO QUESTIONS

### IMPLEMENTATION OF RECOMMENDATIONS OF HATHI COMMITTEE

\*1. SHRI VASANT SATHE: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) the present stage of implementation of the recommendations of Hathi Committee on Drugs; and

(b) particulars of final decisions taken/proposed to be taken recommendation-wise?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). The Report of the Committee on Drugs and Pharmaceuticals Industry (Hathi Committee) has been under consideration of the Government. Final decision on the various recommendations made by this Committee shall be taken as soon as possible.

SHRI VASANT SATHE: This Report of the Hathi Committee, as the hon. Minister will be knowing, has been there for quite some time before the Government and we thought that in view of the importance of the recommendation it will be implemented with all earnestness. But so many things have transpired in between and may I particularly invite the attention of the hon. Minister, who is a dynamic person himself, to the recommendation in Chapter V, at page 86 of the Report. Para 4 says:

"Between 1952 and 1965 and even upto 1968 well-known multi-national units and a few Indian units operating in this country received a big impetus to boost their turn over in

the shape of "Permission Letters". 364 of these items were permitted to be manufactured by 15 leading foreign units. Four of these items were bulk drugs and the remaining 360 items were formulations, many of which could have been easily manufactured by the Indian Sector....."

MR. DEPUTY SPEAKER: You are entitled to supplementary.

SHRI VASANT SATHE: His reply was only that it is under consideration. I am reading this out to invite his attention so that he can give reply in full. This is a short thing.

"The formulations included household remedies, such as formulations containing vitamins and minerals, many of which did not require a doctor's prescription, cough mixtures, ring worm ointments, 'health salts' gripe mixtures, laxative tablets, etc...."

The particular recommendation of the Committee is that these 117 well-known medicines for the common man should be manufactured in India by the Public Sector and also by the Indian Sector. What is the Government's policy regarding this?

SHRI H. N. BAHUGUNA: Sir, I had already submitted that the matter is under consideration. So far as this Government is concerned, it is a question of days that we have been here. Shri Sathe would recall, as a Member of the Fifth Lok Sabha and who continues even now, that the shoe is on some one else's leg.

Right now, I can assure him that it will not take as long as the other side took when they were sitting on this side. I can assure him that the whole of the recommendations will receive due consideration. Many of them are unexceptionable.

SHRI VASANT SATHE: I thank the hon. Minister for promising to take expeditious action. I would also

like to invite his attention to another important recommendation about having a national drugs authority both for production as well as qualitative control and price control. What is the Government's thinking relating to this? Perhaps, he might not have applied his mind.

SHRI H. N. BAHUGUNA: We are intensively thinking on the whole question.

SHRI CHITTA BASU: Sir, the hon. Minister is reported to have observed very recently that it is Government's policy to provide medicines for millions. In view of this observation having been made recently by the hon. Minister, may I know from the Government whether some of the recommendations of the Hathi Committee are directly related to taking measures in the matter of translating into action the so called efforts? If so, I want to know whether he is in a position to assure the House that he will take immediate steps for the supply of medicines at cheapest rates to the masses of our country.

SHRI H. N. BAHUGUNA: Sir, not a day more than is necessary will be lost in finalising the Government's views on this very important and specific sector of our economy.

SHRI SONU SINGH PATIL: Will the hon. Minister be pleased to state whether the Hathi Committee had declared the permission letters and the C.O.B. licences as without any legal backing? If so, will he be pleased to declare all such activities as illegal? Is it a fact that the C.O.B. licence and permission letters so declared were for the production of the extent of Rs. 184 crores out of the national production of Rs. 450 crores in 1976-77? If this is so, why was this production of non-essential items by the foreign firms allowed? What is the intention of the Government? Is it their intention to stop it?

**SHRI H. N. BAHUGUNA:** As I said, this is a new Government and anything done by the predecessor Government is also under review along with the recommendations of the Hathi Committee. I think it has done a great service in the matter of this particular sector.

**DR. SUSHILA NAYAR:** Sir, I would like to know whether it has been the policy and it has been discussed for a long long time, that certain drugs which are commonly required should be produced in bulk and supplied to the consumers at cheap rate. So far, some steps have been taken in regard to what are regarded as lifesaving drugs, which are required by very few people. I would like to know from the Hon. Minister whether he is in a position to tell us as to what is being done to supply commonly required drugs like aspirin, vitamin and other drugs for children, at as cheap a rate as possible. This can only be done if they are produced in bulk and also if they are produced by the small manufacturers whose overheads are small as compared to the big manufacturers of drugs.

**SHRI H. N. BAHUGUNA:** Sir, the hon. Member being a physician has a good deal of experience and I agree with her that a lot of things should be done. But, I have only asked for a very small reprieve so that we can come out with a total policy in regard to this question.

**SHRI NATVARLAL B. PARMAR:** I would like to know whether the recommendations of the Hathi Committee have been twisted, diluted and changed by the officials in the interest of the multi-nationals like Pfizer, Sandoz and May & Baker? If so, the details thereof.

**SHRI H. N. BAHUGUNA:** The question of dilution does not arise because the whole thing has not yet been finalised. I can assure the hon. Member that anything that is done by this go-

vernment will not be in the interest of anyone except India.

**SHRI JYOTIRMOY BOSU:** Is the Minister aware of the fact that a multi-national organisation of drugs, viz., OPPi of Bombay has set-up a very powerful lobby in the Capital with their huge office of a resident representative to stall the recommendations of the Hathi Committee by influencing the officials. If so, what steps have been taken by the government in this regard?

**SHRI H. N. BAHUGUNA:** The greatest guarantee against all these types of activities is my hon. friend, Shri Bosu. So, we need not be afraid of the resident representative.

#### PURCHASE OF CRANES BY ONGC FROM DEMAG OF GERMANY

\*2. **SHRI JYOTIRMOY BOSU:** Will the Minister of PETROLEUM be pleased to state:

(a) whether Oil and Natural Gas Commission or any other Government Oil Organisation has bought cranes and other items from DEMAG of Germany;

(b) if so, facts thereof; and

(c) who are their representatives/agents in India?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):** (a) to (c). A statement giving the requisite information is laid on the Table of the Sabha.

#### Statement

(a) to (c). The ONGC invited open tenders in 1975 for the purchase of 8 truck-mounted mobile cranes of 40/45 tonne capacity. Since one of the firms reduced its offer after the opening of the tenders, the ONGC held negotiations with all firms who had made technically acceptable offers. The re-

vised offers of these firms were as follows:—

| Name of the firm/<br>Indian agent                | Name of machine  | Source | FOB price for 8<br>cranes<br>(Rs.) | CIF price for 8<br>cranes<br>(Rs.) |
|--|------------------|--------|------------------------------------|------------------------------------|
| 1 Earth Moving & Ma-<br>chinery Co. New<br>Delhi | Hoist -5460      | USA    | 1.34 crores                        | 1.58 crores                        |
| 2 Nisscho-Iwai, Japan.                           | Link belt HC-218 | Japan  | 1.42 crores                        | 1.62 crores                        |
| -J   |                  |        |                                    |                                    |
| 3 Escorts Ltd.,<br>Faridabad                     | North-West 60-T  | USA    | 1.32 crores                        | 1.74 crores                        |
| 4 Maruti Heavy<br>Vehicles Ltd.,<br>Gurgaon.     | Demag TC-280-L   | German | 1.62 crores                        | 1.76 crores                        |

2. After duly considering these offers, the ONGC proposed that orders should be placed with the lowest tenderers namely M/s. Earth Moving and Machinery Co., New Delhi for American Hoist Cranes. While this proposal was being examined in the Ministry, M/s. Maruti Heavy Vehicles Ltd., Gurgaon, the Indian agents for Demag cranes, revised their offer from Rs. 1.76 crores to Rs. 1.70 crores (CIF).

3. The Minister of Petroleum did not agree with the ONGC's proposal and expressed the view that Demag cranes should be purchased even though these were not the lowest priced. This view was ultimately accepted by the Ministry of Finance and ONGC were thereupon asked in February 1976 by the Ministry of Petroleum to place an order on Maruti Heavy Vehicles Limited for 8 Demag cranes at a total cost of Rs. 1.70 crores.

4. Spare parts for the aforesaid Demag cranes have been ordered in March, 1977 for Rs. 29.27 lakhs, through Maruti Heavy Vehicles (Pvt) Ltd.

**SHRI JYOTIRMOY BOSU:** Sir, in this context I would like to know whether the ONGC's requirement was genuine or not because I have great doubt as this involves Mrs. Indira and Son and Co. Ltd. The ONGC required

8 truck-mounted mobile cranes of 40-45 tonnes each. The tender calling was an eye-wash as they had urged the erstwhile pseudo socialist Minister, Shri Malaviya, to give the business to Maruti Heavy Vehicles Ltd., New Delhi and the Commission for this deal was about 21 per cent which was wholly paid in foreign exchange. The business was given to Maruti Heavy Vehicles Ltd., New Delhi as they were the agents of the West German firm called Demag.

Sir, in the context of what I have said, is it also a fact that the erstwhile pseudo socialist Minister, Shri Malaviya, in his note dated 29th January, 1976, over-ruled the ONGC's recommendation that the lowest quotation should be accepted. He had stated on the file:

"I do not agree with ONGC's recommendation to buy the US cranes which seems to have been motivated by the lower cost of these cranes."

Sir, I would also like to know whether it is a fact that the business was given to Maruti Heavy Vehicles Ltd., New Delhi, even when their quotation was Rs. 1.76 crores and that of the Earth Moving and Machinery Company, that is, HOIST, was Rs. 1.58 crores.

I would also like to know whether the erstwhile Minister also stated on the file:

"I am not convinced that the cheapest should prove best for us. More so, because Demag machines are stronger and sturdier. It can be used for longer periods...."

They might enjoy that reputation second to none. Demag is a good international company outside the U.S.A. and we should try and establish special relations with them. Therefore, I want to know what are the other things that he said. He also said: "I do not see any useful purpose in pursuing for further reduction in price." I would like to know about it from the hon. Minister.

SHRI H. N. BAHUGUNA: It is a fact, Sir that Maruti Heavy Vehicles Ltd., Gurgaon, was given this tender in spite of their higher bid and the lower ones were left out. It is also true that the then Petroleum Minister, Mr. Malaviya, made the notings on the file, but my hon. friend appears to know more about it than myself. I do not have the file with me. Therefore, I will not challenge him on that score. But if my memory goes right, the claim of the hon. Member appears to be somewhat the way it appears on the file.

SHRI JYOTIRMOY BOSU: Is it also a fact that the honourable erstwhile Congress Minister, Shri C. Subramaniam who is sitting here on our right—the Minister of Finance requested the Minister for Petroleum to reconsider his decision and let the ONGC accept the lowest tender for the supply of American hoist cranes. Thereupon the former Petroleum Minister recorded that the quotation be considered favourably. The Finance Minister said: "Do not accept the lowest quotation. Give this to any other capitalist country except the highest quotation because it involves the Prime Minister's son Mr. Sanjay Gandhi." What a

shame and what a bad day for the country!

MR. DEPUTY SPEAKER: What is the question now?

SHRI JYOTIRMOY BOSU: The question is whether the erstwhile Finance Minister has turned down the recommendations of his own Ministry, i.e., Secretary of Expenditure and has approved the quotation of the much higher price from another capitalist country.

SHRI H. N. BAHUGUNA: It is a have gone through this very unfortunate case with some concern and anxiety. But I think, to them that made the decision unfortunate, but to the nation it is serious. But I think Mr. Subramaniam knows the use of English better than any one of us do. He never said: "Give it to any one". He put it in the words "make the tender more competitive". So, I do not really know whether his Ministry thereafter took care to see his noting and follow his advice or not. The whole thing concerning that appeared to have been done in a manner which creates so many doubts in many good intentioned minds.

SHRI JYOTIRMOY BOSU: On a point of order. I have given notice to lay it on the Table of the House. Under Rule 368, I have given prior notice and provided a copy to you.

MR. DEPUTY SPEAKER: Mr. Bosu, in the first place, the document has not been seen by anybody. So, I request you to give it at the Table of the House and we shall see whether it can be laid on the Table.

SHRI JOYTIRMOY BOSU: Sir, you cannot proceed without disposing it of.

MR. DEPUTY SPEAKER: I have already disposed it of. You have given it at the Table and we will examine what can be done.

**SHRI JYOTIRMOY BOSU:** I have complied with the requirements as per the rules. You can't take the arbitrary decisions here. I have complied with the rules. I have given an advance copy to the Secretary General. How on earth can you say that I should hand it over at the Table?

**MR. DEPUTY SPEAKER:** Under the rules, the Speaker has to look into the document, and the Speaker has not had the time to look into it.

**SHRI JYOTIRMOY BOSU:** Kindly see rule 368 and also directions 117 and 118. They provide that an advance copy should be given; it should be authenticated and notice should be given before 10 O'clock. You say it will be looked into. . .

**MR. DEPUTY-SPEAKER:** You have just handed over the document.

**SHRI JYOTIRMOY BOSU:** Before the sitting of the House. Do not say things which are not correct.

**MR. DEPUTY-SPEAKER:** The Speaker has had no time to look into it. I have already given my ruling: it will be looked into and if it is in order to lay it on the Table, you will be permitted to lay it on the Table.

**SHRI JYOTIRMOY BOSU:** I am now giving you this copy; you can do what you like. [Laid on the Table of the House. Placed in Library. See No. LT-48A/77].

**DR. SUBRAMANIAN SWAMY:** So far the hon. Minister has answered only one part. In view of that I should like to know about the other item. May I know whether the ONGC had also invited tenders for 24 trucks and there also the tender was given to Maruti Company or Maruti Heavy Trucks; Maruti is an omnibus name; their tender was high by about 2 and half times of the lowest tender; yet it was offered to them. Maruti, instead of manufacturing the truck in

this country, imported 12 from Germany and 12 from the United States International Harvesters. Mr. Sanjay Gandhi also happened to be a commission agent of that company. May I know whether these are facts and also whether the trucks were actually imported though they could have been produced in this country as we have the capacity to manufacture trucks in this country?

**SHRI H. N. BAHUGUNA:** The hon. Member is asking a specific question about trucks. The information available with me is to the effect that what was brought from Germany was cranes and not trucks. Of course cranes were mounted on the trucks. To that extent they have been purchased. So far as other things are concerned, I will need further information.

**श्री कुवर लाल गुप्त :** उपाध्यक्ष महोदय, क्या यह सही है कि मारुति हेवी विहिक्लिस से ओ एन जी सी ने 6 रोड रोलर भी खरीदे हैं जब कि उनका टेंडर लोयस्ट भी नहीं था ? यह मारुति हेवी विहिक्लिस एक फ्राड है वयोंकि इसके पास सारी मशीनरी कुल 12 हजार रुपये की है। मैं जानना चाहता हूँ कि जो रोड रोलर खरीदे गए वह कितने लाख रुपए के थे और कहां से खरीद करके वह सप्लाई किए गए ? अगर यह ठीक है तो क्या मंत्री महोदय इस चीज की इंकावायरी करेंगे कि ओ एन जी सी ने मारुति हेवी विहिक्लिस से कितना माल खरीदा है और कितनी इल्ली-गैलिटीज की हैं और जिन चेयरमैन या अफसरों ने गैर कानूनी कार्यवाही की दया उनके खिलाफ आप कार्यवाही करेंगे ?

**SHRI H. N. BAHUGUNA:** The question is getting wider and wider. We were only concerned with crane in this question. If the hon. Members want more information which is not just now available with me, they will have to give me notice. If something is brought to

my notice which is worthy of enquiry, it will be done. In the instant case I can say that this order was given over-ruling the ONGC. The ONGC had said that it should not be given to Maruti Vehicles Ltd. but in the Government of India, the Petroleum Minister over-ruled that view. The Secretary to the Government is not at all responsible; I have seen the files with regard to this matter; the officers have had no hand in the matter.

श्री मधु लिमये : उपाध्यक्ष महोदय, मैं इस सम्बन्ध में माननीय मंत्री का ध्यान एक बात की ओर दिलाना चाहता हूँ जिस पर बेरा प्रश्न आधारित होगा कि श्रो एन जी सी, सेक्रेटरी पेट्रोलियम, सेक्रेटरी एक्सपेंडीचर (फाइनेंस मिनिस्ट्री), सेक्रेटरी एकोनामिक अफेयर्स—हम लोग इन सिविल सर्वेन्ट्स के ऊपर हमेशा हमला करते हैं जब वे गलत काम करते हैं, मैं स्वयं भी करता हूँ लेकिन यह जो मामला है केन वाला इससे इमरजेंसी का गंदा चेहरा बिल्कुल साफ आपके सामने आता है। चार-चार सिविल सर्विस के अधिकारियों ने लगातार कहा कि यह नहीं होना चाहिये, लेकिन हमारे श्री केशव देव मालवीय ने—उनका नाम मुझे अवश्य लेना चाहिये, क्योंकि वे बड़े प्रगतिशील हैं, हमारे रूसी मित्र भी उनको बड़ा प्रगतिशील मानते हैं—इसमें इस्तक्षेप किया। इस लिये मैं पूछना चाहता हूँ कि इस तरह का राजनीतिक स्तर पर जो इस्तक्षेप हुआ और संजय के सामने और उनके मारति हैवी व्हीकल्ज के सामने ये लोग जो जुके हैं—केशवदेव मालवीय और हमारे लायक दोस्त श्री सी० सुब्रह्मण्यम्—तो क्या आपके पास इस बात की कोई जानकारी है कि प्रधान मंत्री के डर से, इन अधिकारियों के द्वारा जो राय दी गई थी, उस राय को बदल दिया गया? क्या आप इस बात की भी जांच करायेंगे—जैसा इन्होंने कहा है कि इनको कोई कमीशन नहीं मिली, लेकिन हमको जानकारी है कि इनको हायर प्राइस पर 21 प्रतिशत और लोअर प्राइस पर 15 प्रतिशत

कमीशन विदेशी मुद्रा में मिली है और जो विदेशी बैंकों ने जमा है? क्या मंत्री महोदय इस बात का भी आश्वासन देंगे कि आप प्राइम मिनिस्टर साहब, फाइनेंस मिनिस्टर साहब और आप के रेवेन्यू इंटिलिजैन्स ते बात करके अपने खुफिया विभाग के द्वारा इसकी जांच करायेंगे कि इसमें सत्य क्या है?

श्री हेमवती नन्दन बहुगुणा : मान्यवर, माननीय मधु लिमये जी के प्रश्न के दो भाग हैं। पहले भाग में उन्होंने यह कहा है कि तमाम अधिकारियों की राय के विरुद्ध तत्कालीन मंत्री श्री केशव देव मालवीय ने जो आज्ञा दी वह अनुचित थी। यह किसके दबाव से हुआ? मेरी राय में मैं इस बक्त इतना ही कह सकता हूँ कि उन्होंने जो आदेश दिये वे उचित नहीं थे। उन्होंने तमाम अफसरों को आवार-रूल किया—किस के डर से किया, किस के कहने से किया.....

श्री मधु लिमये : मैं सिर्फ इतना पूछना चाहता हूँ—क्या आप इस की खोज करायेंगे?

श्री हेमवती नन्दन बहुगुणा : उनका दूसरा प्रश्न यह है कि उनको कुछ विदेशी मुद्रा मिली या नहीं मिली। माननीय मधु लिमये जी ने जो पूछताछ की है, मैं इस बात को माननीय प्रधान मंत्री जी के सामने—इस सारे प्रश्न के सभी शंशों की बाबत, मेरी अपनी राय, सदन में माननीय सदस्यों ने जो बातें कही हैं वे प्रव उन तक पहुंचा दूंगा। मेरी राय में सरकार पूरी जानकारी प्राप्त करना शायद जरूर पसन्द करेगी।

श्री मनोहर लाल : मारति, जिसके मैनेजिंग डायरेक्टर युवा-समाट संजय गांधी हैं, 4 करोड़ का मामला है.....

श्री हुकम चन्द्र कछवाय : उसको क्यों इतना बड़ा रहे हो?

श्री मनोहर लाल : मैं तथाकथित युवक-समाट कह रहा हूँ। उत्तर प्रदेश रोडवेज की 450 बसेज की बाड़ी बनाने.....

**MR. DEPUTY-SPEAKER:** This question relates to ONGC. Your supplementary does not arise out of this. Next question.

**श्री मनोहर लाल :** उपाध्यक्ष महोदय, यह बहुत महत्वपूर्ण मामला है। साढ़े चार करोड़ की बात है—लेकिन आप मुझ समय नहीं दे रहे हैं 450 बसेज की बाड़ी बनाने का मामला है.....

**MR. DEPUTY-SPEAKER:** I have already said that it does not arise out of this question. I have already called the next question.

#### Judges in Madras High Court

**\*3. SHRI M. KALYANASUNDARAM:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) the sanctioned strength of judges of the High Court of Madras;
- (b) whether any judges are working in that High Court on temporary basis; and
- (c) the reasons for not filling up the vacancies there, if any?

**THE MINISTER OF LAW, JUSTICE AND COMPNAY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) The sanctioned strength of the High Court of Madras at present is 16 Permanent Judges and 6 Additional Judges.

(b) At present 14 permanent Judges and 2 Additional Judges are in position.

(c) The matter has been under the consideration of Government. Consultation with various authorities has taken time.

**SHRI M. KALYANASUNDARAM:** Only 16 Judges have been working as against the sanctioned strength of 22. May I know for how long these

vacancies were kept in abeyance? If it is a long period, will the minister examine why it is so? May I know whether the basis on which the sanctioned strength was fixed was wrong? Is it not a fact that because these vacancies existed for a very long time, it resulted in arrears piling up in the High Court?

**SHRI SHANTI BHUSHAN:** The two vacancies of permanent judges have been existing since 1st August, 1975 and there have been other additional vacancies also for a considerable period. The reason for the appointment not having been made is that the Chief Justice of the Court and the Chief Justice of India have to be consulted and they have been changing their opinions. So far as the present Government is concerned, the hon. Member would appreciate that it has come to office only recently. The whole matter is under the examination of the present Government and we hope to take a decision very quickly in the matter.

**SHRI M. KALYANASUNDARAM:** I cannot hold the present Minister responsible for the delay. But will he examine the cause for this imordinate delay? In view of the amendment to the Civil Procedure Code and the Criminal Procedure Code, will the Government examine whether there is still need for the present sanctioned strength and whether there is any decline in the work of the High Courts?

**SHRI SHANTI BHUSHAN:** I may assure the hon. Member that the whole question as to why the appointment to the High Court has remained pending for so long would be examined. Here I would like to make a submission that so far as the recommendation of the Chief Justice of the High Court and the Chief Justice of India is concerned, in view of Article 121 of the Constitution that there should be no discussion about the conduct of judges,

it is not right to discuss the conduct in public of persons holding judicial authority because that is likely to impair their efficiency. I assure the hon. Member that all his sentiments in the matter would be borne in mind. The whole matter would be very closely examined before the Government takes a decision.

So far as the other part of the question is concerned, this would also be examined as to what the strength of the High Courts should be keeping in view the various amendments which have been made in the CPC and CrPC. I hope the hon. Member will bear with me.

**SHRI RAMA CHANDRA MALLICK:** Whether it is a fact the large number of cases are still pending in the Madras High Court and other courts and what action Government is contemplating in this regard?

**SHRI SHANTI BHUSHAN:** It is true that in various High Courts there are arrears and therefore, the matter is receiving very close consideration of the Government. The Government will devote its thought to this problem at an early date.

**SHRI ARAVINDA BALA PAJANOR:** Since 1975 vacancies of two permanent judges have been lying unfilled. There are four additional judges who are working there. What prevented the Government from appointing two permanent judges out of these four additional judges? I do not think two years time is required for consultation between the Chief Justice of India and the Chief Justice of the High Court.

**SHRI SHANTI BHUSHAN:** The question is about the appointment of two additional judges.

**SHRI ARAVINDA BALA PAJANOR:** It is about two permanent judges. They are waiting from 1975 onwards.

**SHRI SHANTI BHUSHAN:** There were 2 additional judges; and there were 2 permanent vacancies. The question of appointing those two additional judges to the permanent vacancies was considered by the government, the recommendations of the Chief Justice of the High Court and the Chief Justice of India were obtained; and in the light of the consultations with those Chief Justices, the term of those two additional judges for the time being has been extended by the previous government. So far as the present government is concerned, as I said the matter is under examination as to what exactly should be done.

**SHRI K. MAYATHEVAR:** I submit that the hon. Law Minister had commented on the judges of the Madras High Court. We should not make any comments on the Chief Justice of the Supreme Court, or of the High Courts. I admit the point. So far as the former Chief Justice of the Madras High Court, Mr. Veeraswami is concerned, he is facing a grave criminal charge which is pending before the sessions court at Madras. I would like to know the position of the case, its nature and whether government would look into it. We are not commenting on the conduct of the case. But that gentleman has committed criminal offences violating all justice, as a matter of fact. (Interruptions).

**MR. DEPUTY SPEAKER:** I am sorry that question does not arise out of this Question.

**श्री मनोहर लाल :** उपाध्यक्ष महोदय, मैं आपके माध्यम से, विधि मंत्री जी से पूछना चाहता हूँ कि जो भारत के विभिन्न राज्यों के हाई कोर्टों के कितने ही जजों का स्थानान्तरण किया गया उनकी प्रमोशन रोक दी गई क्योंकि उन जजों ने इंदिरा जी के मुताबिक अपने फैसले नहीं दिए थे, क्या उन जजों को वापस भेजने का प्रावासन मंत्री महोदय देंगे ?

MR. DEPUTY SPEAKER: I must be very clear on one point. The Question relates to the High Court of Madras. You cannot extend it to the entire country. Therefore I am very sorry I will not be able to permit that kind of a question. Those who want to ask specific questions can do so. (Interruption).

श्री मनोहर लाल : क्या विधि मंत्री महोदय यह बतायेंगे कि क्या यह बात सही नहीं है कि मद्रास की हाई कोर्ट के एक जज ने इंदिरा जी के मुताबिक फैसला नहीं दिया था, इस कारण से उनका स्थानान्तरण किया गया ? क्या मंत्री महोदय, यह आश्वासन देंगे कि इस प्रकार से हुए स्थानान्तरण या रोकी गई प्रमोशन के सम्बन्ध में वे कार्यवाही करेंगे ?

MR. DEPUTY SPEAKER: Mr. Manohar Lal, I allowed you on the previous question as also on this question; but unfortunately you seem to be asking a question which is not connected with this Question. Please be specific; when you ask questions, you should put them on the basis of the Question that is there.

SHRI SHANTI BHUSHAN: As far as the Madras High Court is concerned, one judge was transferred from Kerala to Madras on the 3rd January, 1977. As far as the transfer of judges from one High Court to another, which had been made during the period of Emergency without the consent of those judges is concerned, the policy of the present government is generally against it. And this government would like to transfer back those judges from the High Courts to which they have been transferred, of course after obtaining their consent. If some of them want to remain where they have been transferred, it is a different matter. But I would like to make one thing clear: whether any exception should be made to

this general principle, is still under the examination of the present government. A definite policy in regard to that would be suitably considered and adopted.

श्री मनोहर लाल : मेरा एक व्यवस्था का प्रश्न है। आपने कहा है कि यह मद्रास के बारे में बाल है और दूसरे प्रान्तों के बारे में सबाल नहीं किये जा सकते हैं। मेरा व्यवस्था का प्रश्न यह है कि अगर मंत्री महोदय जवाब देना चाहें और उनके पास सबाल का जवाब देने के लिए मेटीरियल हो तो आप उनको जवाब देने दें, उनको रोकें नहीं।

MR. DEPUTY-SPEAKER: It is not a point of order. I want to make it quite clear for future guidance that when there is a question on the Order Paper, the Minister will be asked to answer only that specific question and supplementaries relating to that question. You cannot traverse the entire ground all over the country. Even if the Minister has got the information, still he can give it only when a separate question is tabled, and not by way of answer to a supplementary.

श्री हुकम चन्द कछवाय : मद्रास न्यायालय जैसे देश में अनेकों उच्च न्यायालय हैं और भी जों की कमी है और उस कमी की वजह में लाखों केसिस पांच पांच और दस दस वर्षों से पैंडिंग पड़े हुए हैं। मद्रास की तरह में सभी उच्च न्यायालयों में जजों की नियुक्ति कब तक कर दी जाएगी ? मैं जानना चाहता हूं कि कितने जजों की कमी है और केसिस जल्दी निपट सकें इसके लिए सरकार कौन सी व्यवस्था करने जा रही है ?

SHRI SHANTI BHUSHAN: Government is fully conscious of the problem that even the sanctioned strength of Judges in the High Courts...

श्री हुकम चन्द कछवाय : मेरा व्यवस्था का प्रश्न है। मैंने प्रश्न हिन्दी में किया है और

इसका उत्तर भी हिन्दी में ही आना चाहिये । संती महोदय बहुत प्यारी हिन्दी बोलते हैं । मैं इनकी हिन्दी पर फिदा हूँ ।

‘ श्री शान्ति भूषण : सरकार को इस बात की पूरी जानकारी है.....

SHRI MOHANARANGAM: Sir, we want the answer in English, because the whole question relates to Tamil Nadu.

MR. DEPUTY-SPEAKER: The Minister may reply in any language he pleases.

AN HON. MEMBER: The translation is there.

SHRI MOHANARANGAM: The translation that we are getting is only half.

MR. DEPUTY-SPEAKER: The Minister can speak in any language.

SHRI SHANTI BHUSHAN: Mr. Deputy-Speaker, may I say that I am equally in love with all the languages of this country? I would like to learn all the languages of this country.

SHRI ARAVINDA BALA PAJANOR: The translation that we are getting for the last five days is imperfect. So, we would like to have the replies in English.

SHRI SHANTI BHUSHAN: May I, with your permission, so far as this particular question is concerned, answer in both Hindi and English?

The Government is fully conscious that even the sanctioned strength of High Court Judges in various High Courts have not been maintained for long periods by the previous Government for reasons best known to them. The Government, therefore, has been examining this issue and would like to come forward with solutions to this problem, as quickly as possible.

It would also be examining as to what strength is necessary in the High Courts to solve the problem of pending arrears, because the Government feels that every case must be decided as expeditiously as possible.

श्री शान्ति भूषण : सरकार को इस बात की पूरी जानकारी है कि हाई कोर्ट में जितने जजों की संख्या सेंक्षण्ड रही है उस पर भी उनकी नियुक्तियां जल्दी नहीं की गई हैं और काफी समय तक वहां पर नियुक्तियां पड़ी रही हैं । सरकार इस समस्या पर अपना ध्यान पूरी तौर से देगी और जल्दी ही कुछ निर्णय लेगी कि इस सम्बन्ध में क्या करना है । नियुक्तियां जल्दी होनी चाहिये, और कितने जजों की जरूरत किस हाई कोर्ट में है उसके ऊपर भी सरकार ध्यान दे कर अपनी नीति निर्धारित करेगी ।

#### Re-examination of Acts passed during Emergency by High Power Committee

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\*4. SHRI SAMAR GUHA:  
SHRI BASHIR AHMAD:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government propose to set up a high power Committee to re-examine all the Acts passed by Government during period of Emergency from June 26, 1975 to March 23, 1977; and

(b) if so, main features thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) While Government have decided as a matter of policy to undertake a thorough review of MISA and examine the existing laws to see whether they are adequate to deal with eco-

nomic offences and the security of the country without denying the citizen the right of access to courts, no decision has so far been taken to set up a high-powered Committee for the purpose.

(b) Does not arise.

**SHRI SAMAR GUHA:** I am sorry to point out that though he is a very eminent lawyer, he has not given proper attention to the Question. I had not mentioned MISA only. He has by passed the main burden of my question. It is known that during the emergency about 101 general Acts, which related to economic, political and judicial matters as also labour and various other problems, were adopted by Parliament. These deal with very vital issues and affect the people as a whole. So, I want to know whether Government will institute a thorough enquiry through an expert legal committee, including representatives of Government as well as of the Supreme Court and High Court Bar Associations, to go into the merits and demerits of these Acts and recommend whether some of them should be amended or repealed. He should go deep into the matter and say categorically whether all these Acts would be probed into by a high power expert legal committee.

**SHRI SHANTI BHUSHAN:** The policy to review the Acts has been indicated by the Government in Paragraph 6 of the Address to Parliament by the Acting President of India. The policy is to review those Acts which had imposed curbs on the fundamental freedoms and civil rights of the people with a view to restoring the rule of law and the right to freedom of expression to the press. A large number of Acts had been passed during the period of the emergency. In fact, the number of Acts passed by Parliament was 138. They include a number of Acts which are of a controversial nature. Government would review all those Acts which are of a controversial nature in

order to determine what is to be done, but so far no decision has been taken regarding the method to be adopted for reviewing those Acts. However, the suggestion regarding the setting up of a high power committee for this purpose will be considered by the Government.

**SHRI SAMAR GUHA:** My second question relates to constitutional amendments passed during the emergency. We were in jail for most of the time and we do not know exactly how many were adopted. As far as I know, five Acts were passed by Parliament, and they have completely changed the basic character of our Constitution.

I want to know from the Government—this time, they have used different words—whether a national commission is to be instituted by the Government to enter into a national dialogue with all sections of the people, including the legal experts and men of legal opinions to see that are the provisions of the Acts which should be amended, what are the amendments that we have already adopted which should be repealed or changed or amended so that the principle of democracy and socialism, as is our objective in our recent manifesto, is defended and the people are assured that in future there is no possibility, whatsoever, of this kind of emergency taking advantage of the vague clause of emergency in the Constitution and there is no possibility, whatsoever, to enforce any autocratic and tyrannical rule to which the whole country was subjected to?

**SHRI SHANTI BHUSHAN:** The Government proposes to bring a comprehensive measure for constitutional amendments which will also cover 42nd Constitution Amendment Bill and the provisions would have to be adopted in order to finalise the decision of the Government. In regard to what amendments have to be made in the Constitution, this is under the

consideration of the Government and the Government would be taking a decision thereon very shortly.

SHRI BASHIR AHMAD: There is a 42nd Constitution Amendment Bill. There are two amendments to the Civil Procedure Code and the Criminal Procedure Code. By virtue of these amendments, the power of the court has been taken away and the power to approach the court has also been taken away. I would like to know from the hon. Minister when he is going to make a report about these amendments and the Maintenance of Internal Security Act and by what date these amendments will be carried out so that the difficulties of the litigants may be minimised to the maximum extent.

SHRI SHANTI BHUSHAN: I have already replied that all the controversial Acts which had been passed during the period of emergency would be reviewed by the Government in order to decide as to what policy the Government would adopt in regard to the changes made by these Acts. The matter referred to by the hon. Member would also be suitably considered and the policy of the Government on that would be formulated.

SHRI K. LAKKAPPA: There are certain Acts which were passed by the previous Government which would be reviewed by the present Government. I would like to ask a specific question from the hon. Minister. During the emergency certain Acts were passed to put down certain economic offences like smuggling, hoarding and blackmarketing. I would like to know what is the attitude of the present Government towards them, as far as these Acts are concerned?

SHRI SHANTI BHUSHAN: The general policy.... :

SHRI K. LAKKAPPA: I am asking a specific question.

(Interruptions).

SHRI MADHU LIMAYE: You should ask a specific question.

(Interruptions)

MR. DEPUTY-SPEAKER: The Minister is on his legs. The Minister will reply.

SHRI SHANTI BHUSHAN: The Government's general policy is that every person, before any action is taken against him, must have protection from the court and the general policy to that effect would be adopted. The Government is determined to deal with such economic offences like smuggling itself with a heavy hand. The exact policy of the Government in this regard would be suitably formulated very shortly.

PROF. P. G. MAVALANKAR: The Law Minister has given us an assurance that urgent attention is already being given to the matter and they are going to review all the 138 Acts passed during the emergency by the previous Government. He knows that many of us on this side of the House, during that unfortunate and sad period, had opposed tooth and nail not only the more important, obnoxious and controversial legislation but also the apparently non-controversial legislation. The manner in which they were brought forward and the manner in which they were hurriedly got through by the House was also opposed by us.

I would like to ask the hon. Minister, while he is reviewing the MISA and the 42nd Constitution Act, whether he will not go into the question of all the 138 Acts including what he described as non-controversial legislation, with a view to seeing whether they were passed in a right way or in a hushed-up way. I should also like to know whether the Government have decided upon any order of priorities with regard to taking up the more obnoxious Acts first and get them repealed as soon as possible so that the bad effects of those Acts are not inflicted on the people.

Secondly, I would also like to know whether the hon. Minister has a mind to keep the laws which are not repealed in abeyance so that this Government at least does not commit a sin of implementing those wrong, bad and unjust Acts which the previous Government got through the subservient Parliament by having a large number of Opposition leaders in jail and keeping other Opposition Members silent and even not allowing the voices of the people speaking here to go to the masses and the voters of this vast country.

**SHRI SHANTI BHUSHAN:** I appreciate the sentiments expressed by the hon. Member. The need of the speed in the matter and the speed in the review cannot be over-emphasized by the Government. It would engage itself in this task with the utmost expedition.

So far as the other point raised by the hon. Member is concerned in regard to laws described as of a non-controversial nature, the present Government also will be in agreement with the provisions contained in those Acts even though a wrong procedure or a hurried procedure, etc. might have been applied by the previous Government. I would like to submit to the hon. Member that if a right thing has been done and if the entire country, the present Government as well as the present Opposition are in agreement with the laws which have been enacted, then so far as the aspect of hurry is concerned, that may not be regarded as very important now.

**श्री उपर्सन :** मंत्री महोदय ने कहा है कि संविधान के 42वें संशोधन को समाप्त करने के लिये वह एक संशोधक विधेयक लायेंगे। मैं यह जानना चाहता हूँ कि क्या वह इस विधेयक को अगले बजट सत्र में लायेंगे।

**SHRI SHANTI BHUSHAN:** I would not be in a position to give a cate-

gorical assurance. But it would be an attempt of this Government to bring forward a comprehensive Constitution Amendment Bill in the very next session of this House.

### Judicial Reforms

**\*5. SHRI C. K. CHANDRAPPAN:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government have already taken steps to implement various proposals of Judicial Reforms which were implied in the 42nd Amendment of the Constitution enacted by the Fifth Lok Sabha;

(b) if so, the salient features thereof; and

(c) the main features of the proposals under consideration of Government for full and speedy implementation?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) to (c). It has been stated in the President's Address that during the course of the year comprehensive measure will be brought before Parliament to amend the Constitution. The 42nd Amendment of the Constitution will be taken into account when working out the proposed measure. In the meantime no steps have been taken to implement the provisions relating to creation of All India Judicial Service and treating Administration of Justice as a concurrent list subject.

**SHRI C. K. CHANDRAPPAN:** In the 42nd Constitution Amendment Act, there are provisions for setting up of the tribunals for the expeditious disposal of the cases relating to land reforms and wages of agricultural workers and others. I would like to know the attitude of the present Government in this regard as to whether the delay in bringing forward a comprehensive measure will

not affect the interests of these classes of people.

**SHRI SHANTI BHUSHAN:** So far as the provisions of the 42nd Constitution Amendment Act relating to the setting up of the tribunals are concerned and the corresponding exclusion of the jurisdiction of the High Courts is concerned, that will also be a matter which will need examination when the policy of the Government in regard to the comprehensive Constitution Amendment is finalized.

**SHRI C. K. CHANDRAPPAN:** Now, since these are important matters and a large number of cases relating to land reforms are pending in courts, I would like to know from the Hon'ble Minister whether he can indicate when they can come forward, approximately, with the Amendment—may be in the next session. Can he give an assurance that he will be coming forward with such an amendment?

I would also like to know what will be their attitude, when they come forward with the Amendment, in regard to the Ninth Schedule in the Constitution—whether the Ninth Schedule in the Constitution will be abandoned as was proclaimed by the present Prime Minister.

**SHRI SHANTI BHUSHAN:** As I said earlier, while it would be Government's intention and effort to bring that comprehensive Constitutional Amendment measure as early as possible, perhaps in the very next Session of the House, I am not in a position today to give a categorical assurance.

So far as the Ninth Schedule of the Constitution is concerned, that also raises important matters for consideration and so long as the Government's policy has not been formulated I would not be in a position to say anything about it.

**SHRI SOUGATA ROY:** The Congress Government was of the opinion that 'justice delayed is justice denied' and because so many cases relating to land reforms for the benefit of the poor landless labourers and farmers were pending in the High Court, they took up the idea of forming Tribunals for Land Reforms, for procurement matters and for Labour matters under the 42nd Amendment Bill. What is the attitude of the present Ministry in regard to the speedy disposal of these cases and towards the principle that justice delayed is justice denied? The Minister may please make his attitude clear.

**SHRI SHANTI BHUSHAN:** Government is fully conscious and believes that justice delayed is justice denied and, therefore, a procedure has to be there by which there is quick administration of justice and whereby disputes are settled as quickly as possible. At the same time, whether there can be an early disposal of disputes only by Tribunals and not in any other court which is an independent court, needs examination. Therefore, the Government will examine 11 aspects of the matter before formulating its policy.

#### WRITTEN ANSWERS TO QUESTIONS

##### Fertilizer Plant at Paradip

\*6. **SHRI PRADYUMNA BAL:** Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the proposed Fertiliser Plant Project at Paradip, Orissa, the foundation of which was laid by the then Prime Minister in 1974, is going to be worked out; and

(b) if so, the progress made in the direction of execution of the Project?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):**

(a) and (b). The Paradeep fertilizer project was not so far taken up for implementation due to the resources constraint. The question of implementing this project would be considered when additional fertilizer capacity is planned.

### रासायनिक उर्वरकों की कीमत

\* 7. श्री यमुना प्रसाद शास्त्री : क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि सरकारी क्षेत्र के रासायनिक उर्वरक कारखानों में यूरिया, फास्फेट और पोटाश जैसे रासायनिक उर्वरकों की प्रति टन लागत कितनी है और किसानों को इस समय उनमें से प्रत्येक उर्वरक प्रति टन किस दर पर दिया जा रहा है ?

पेट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवतीनन्दन बहुगुणा) : सरकारी क्षेत्र के कारखानों में यूरिया और फास्फेटिक उर्वरकों की प्रति टन निर्माण लागत अलग अलग है, जो प्रयुक्त संभरण सामग्री, अपनाई गई प्रक्रिया, संयंत्र की अवधि, स्थान, उपभोगिता लागत आदि जैसे पहलुओं पर निर्भर करती है। पोटाश का, जिसको सीधे उर्वरक के रूप में और एन० पी० के० उर्वरकों में संघटक के रूप में प्रयोग किया जाता है, पूर्ण रूप से आयात किया जाता है।

तीन मुख्य नाइट्रोजन युक्त उर्वरकों अर्थात् यूरिया, कैल्शियम अमोनियम निट्रेट और अमोनियम सल्फेट के खुदरा मूल्य सांविधिक रूप से निरंत्रित किए जाते हैं। इस समय उनके मूल्य निम्न प्रकार हैं :—

यूरिया . रुपये 1650 प्रति टन  
कैल्शियम  
अमोनियम  
निट्रेट . रुपये 1035 प्रति टन

अमोनियम सल्फेट रुपये 935 प्रति टन (50 किलो ग्राम)  
रुपये 925 प्रति टन (100 किलो ग्राम)

फास्फेटिक फर्टिलाइजर्स के मूल्य सांविधिक रूप में नियंत्रित नहीं किए जाते हैं। तथापि मार्च, 1976 से, प्रचलित मूल्य समर्थन योजना के अनुसार कम्लैक्स फास्फेटिक फर्टिलाइजर्स के अधिकतम बिक्री मूल्य सरकार द्वारा निर्धारित किए गए हैं। इस समय प्रचलित मूल्य विवरण में दिये गये हैं जो सभा पटल पर रखा गया है। [दिविये संख्या एल-टी-48/1977] विभिन्न एकों द्वारा निर्मित सिंगल मुपर फोस्फेट के मूल्य फार्मूला के अनुसार, जिसकी सरकार द्वारा अनुमोदन हुआ है, फर्टिलाइजर्स एसोसिएशन आफ इंडिया द्वारा निर्धारित किये जाते हैं। मुरिएट आफ पोटाश का वर्तमान मूल्य 795 रुपये प्रति टन है जिसे कृषि मंत्रालय द्वारा निर्धारित किया जाता है।

सरकार ने सरकारी क्षेत्र और गैर सरकारी क्षेत्र के निर्माण एकों में उर्वरकों के उत्पादन की लागत की गहन जांच करने के लिए श्रीद्योगिक लागत तथा मूल्य ब्यूरो के अध्यक्ष डा० एस० एस० मराठे की अध्यक्षता में एक समिति का गठन किया है। समिति की रिपोर्ट शीघ्र प्राप्त होने की आशा है।

### Completion of Talcher Fertilizer Plant

\*8. SHRI GANANATH PRADHAN: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the Fertilizer Plant has been completed at Talcher in Orissa; and

(b) if so, the facts thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILI-

**ZERS (SHRI H. N. BAHUGUNA):** (a) and (b). The Fertilizer plant at Talcher is still under implementation. According to present schedule, one stream of the fertilizer plant is expected to be mechanically completed by June, 1977 and commissioned by October, 1977; the second stream is expected to be mechanically completed by September, 1977 and commissioned by January, 1978.

#### Election to Tamil Nadu Assembly

\*9. **SHRI K. GOPAL:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether elections to Tamil Nadu Assembly are proposed to be held in the near future; and

(b) if so, the salient features thereof?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) Election to the Tamil Nadu Legislative Assembly is proposed to be held as soon as possible. No decision has, however, been taken in the matter.

(b) Does not arise.

#### बुन्देलखण्ड एक्सप्रेस

\*10. **श्री लक्ष्मीनारायण नायक :** क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या जांसी और मुगलसराय के बीच चलने वाली बुन्देलखण्ड एक्सप्रेस जांसी से मानिकपुर के बीच पैसेंजर गाड़ी के रूप में चलती है; और

(ख) यदि हां, तो क्या इसे जांसी से मानिकपुर के बीच में भी एक्सप्रेस गाड़ी के रूप में चलाने के लिए कोई कार्यवाही करने का विचार है?

**रेल मंत्री (श्रोता मधु दण्डवते) :** (क) जी, हां।

(ख) जी नहीं।

#### रसायनों और उर्वरकों के मूल्य

\*11. **श्री नवाब सिंह चौहान :** क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार का विचार उर्वरक, कीट नाशक औषधियों, खरपतवार नाशक औषधियों जैसे रासायनिक पदार्थों के मूल्य कम करने का है; और

(ख) यदि हां, तो तत्संबंधी योजना की मूल्य बातें क्या हैं तथा यह काम कब तक पूरा हो जाएगा।

**पंद्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती नन्दन बहुगुणा)** (क) और (ख) : यह सरकार का प्रयास रहा है कि उर्वरक, कीटनाशी और शाकनाशी सहित अनिवार्य रसायनों का मूल्य कम किया जाए ताकि इनको यथासंभव कम दाम पर उपभोक्ताओं को उपलब्ध कराया जाए। रसायनों के मूल्यों का, जो सांविधिक रूप से नियंत्रित है, समय समय पर पुनरीक्षण किया जाता है।

#### Production of Fertilizers

\*12. **SHRI SUSHIL KUMAR DHARA:** Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) the quantum of production of Fertilizers (all varieties) in the country, annually;

(b) present requirement of the same for land under cultivation; and

(c) the target of production in the next five years and whether any change in production method is contemplated?

**THE MINISTER FOR PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):**

(a) :—

(Production in lakh tonnes)

| Year    | Nitrogen | Phosphate |
|---------|----------|-----------|
| 1975-76 | 15.35    | 3.20      |
| 1976-77 | 18.90    | 4.80      |

(Provisional)

Potash is not produced in the country.

(b) During 1977-78, the agronomic requirement is estimated at 31.30 lakh tonnes of nitrogen, 8.71 lakh tonnes of phosphate and 4.10 lakh tonnes of potash.

(c) Targets of production are fixed on an annual basis after discussions with the management of various operating units. As such, no firm targets of production have been fixed for the next five year. However, production by 1981-82 is estimated to be of the order of about 44 lakh tonnes of nitrogen and 10.50 lakh tonnes of P2O5.

In choosing know-how and processes for fertilizer production, India is keeping abreast with the latest technological developments. New processes would be adopted for future plants if found technologically and economically suitable to the Indian conditions.

### बम्बई हाई से तेल निकाला जाना

\* 13. श्री ज्ञानेश्वर प्रसाद यादव क्या पेंट्रोलियम मंत्री यह बताने की कृपा करेंगे कि :—

(क) बम्बई हाई से प्रति दिन कितना तेल निकाला जा रहा है ;

(ख) क्या बम्बई हाई से बम्बई तक पाइप लाइन बिछाने का कार्य मई, 1977 तक पूरा हो जायेगा ; और

(ग) यदि हां, तो इस पर कुल कितना व्यय होगा ?

पेंट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती नन्दन बहुगुणा) : (क) बम्बई हाई से प्रति दिन 35,000 बैरल तेल निकालने का सम्भाव्य उत्पादन क्षमता को स्थापित किया जा चुका है।

(ख) जी, नहीं।

(ग) प्रश्न ही नहीं उठता।

### Konkan Railway

\*14. SHRI BAPUSAHEB PARULEKAR:

SHRI ANNASAHEB GOTKHINDE:

Will the Minister of RAILWAYS be pleased to state when do Government propose to start the project of Konkan Railway?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):** The Final Location Survey of Apta-Dasgaon section of the proposed Apta-Mangalore line has been completed. The Final Location Survey from Dasgaon to Ratnagiri with spot checks on the earlier survey from Ratnagiri to Mangalore is also nearing completion. It will be the Government's endeavour to mobilise resources to the maximum possible extent for construction of new railway lines in backward areas. This matter will be pursued expeditiously with all vigour so as to enable the taking up of the Konkan Railway line.

दिल्ली और बम्बई के बीच तेज चलने  
कर्त्ता मार्किनी

\* 15. श्री नारायण कृष्ण शेखरलकर : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या अनेक वर्षों से केवल दो ही तेज चलने वाली रेलगाड़ियां 'यथा' पंजाब मेल और बम्बई-ग्रन्तसर एक्सप्रेस बरास्ता आगरा-नवालियर, भोपाल और इटारसी दिल्ली और बम्बई के बीच चल रही हैं ;

(ख) क्या इस मार्ग पर एक और तेज रेलगाड़ी चलाने की लगातार मांग की जाती रही है ; और

(ग) यदि हां, तो क्या शीघ्र ही इस मार्ग पर जनता एक्सप्रेस या कोई अन्य रेल गाड़ी चलाई जाएगी ?

रेल मंत्री (प्रो० मधु दण्डवते) : (क) जी हां ।

(ख) जी हां ।

(ग) लाइन और टर्मिनल सम्बन्धी असता को ध्यान में रखते हुए इस मामले पर विचार किया जायेगा ।

**Transfer, Demotion and Supersession of High Court and Supreme Court Judges**

\*16. SHRI KANWAR LAL GUPTA : Will the Minister of LAW JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) how many High Court Judges were transferred or demoted during the emergency period;

(b) their names and reasons for transfer or demotion;

(c) whether some of the High Court and Supreme Court Judges were also superseded;

(d) if so, reasons therefor?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) :** (a) and (b). Twenty-one High Court Judges were transferred during the period of emergency imposed in June, 1975. The transfers were effected in accordance with the policy prevailing at that time. There is no provision in the Constitution for demotion of Judges. Presumably, the Member has in mind the case of two Judges, namely, Shri U. R. Lalit and Shri R. N. Aggarwal who were not re-appointed on the expiry of their two year term as Additional Judges of Bombay and Delhi High Court respectively. A statement showing the names of the Judges who were transferred is laid on the Table of the House.

(c) Only in the Supreme Court a Judge was made Chief Justice when another Judge senior to him was available, during the period of the emergency.

(d) According to the statement issued by the then Law Minister on 29th January, 1977, the appointment of Shri Justice M. H. Beg as Chief Justice of India was in keeping with the declared policy of the Government and was no reflection on Shri Justice H. R. Khanna. He is further reported to have said that Shri Justice Khanna would have had a short tenure of only about 5 months if appointed as C.J.I., whereas Shri Justice Beg would have a longer tenure of 13 months and that it was the then Government's view that appointment to the high office of the Chief Justice of India should not be for a short period.

## List of Chief Justice / Judges Transferred During Emergency

| S. No. | Name of the Judge transferred            | Name of the High Court |                  | Date of taking over |
|--------|--|------------------------|------------------|---------------------|
|        |  | From                   | To               |                     |
| 1      | Shri S. Obul Reddy<br>(Chief Justice)    | Andhra Pradesh         | Gujarat          | 7-7-76              |
| 2      | Shri B. J. Divan<br>(Chief Justice)      | Gujarat                | Andhra Pradesh   | 1-7-76              |
| 3      | Shri D. S. Tewatia                       | Punjab & Haryana       | Karnataka        | 28-6-76             |
| 4      | Shri O. Chinnappa Reddy                  | Andhra Pradesh         | Punjab & Haryana | 28-6-76             |
| 5      | Shri C. Kondiah                          | Andhra Pradesh         | Madhya Pradesh   | 24-6-76             |
| 6      | Shri D. M. Chandra Shekhar               | Karnataka              | Allahabad        | 5-7-76              |
| 7      | Shri J. R. Vimadalal                     | Bombay                 | Andhra Pradesh   | 24-6-76             |
| 8      | Shri S. H. Sheth                         | Gujarat                | Andhra Pradesh   | 24-6-76             |
| 9      | Shri Sadanandawamy                       | Karnataka              | Gauhati          | 24-6-76             |
| 10     | Shri S. I. Rangarajan                    | Delhi                  | Gauhati          | 22-6-76             |
| 11     | Shri C. M. Lodha                         | Rajasthan              | Madhya Pradesh   | 28-6-76             |
| 12     | Shri A. P. Sen                           | Madhya Pradesh         | Rajasthan        | 29-6-76             |
| 13     | Shri T. U. Mehta                         | Gujarat                | Himachal Pradesh | 7-7-76              |
| 14     | Shri D. B. Lal                           | Himachal Pradesh       | Karnataka        | 5-7-76              |
| 15     | Shri A. D. Koshal                        | Punjab & Haryana       | Madras           | 5-7-76              |
| 16     | Shri M. Baha-ud-Din Faroqi               | Jammu & Kashmir        | Allahabad        | 20-9-76             |
| 17     | Shri P. Govindan Nair<br>(Chief Justice) | Kerala                 | Madras           | 3-1-77              |
| 18     | Shri Rajinder Sachar                     | Sikkim                 | Rajasthan        | 10-5-76             |

## List of Judges Transferred as Chief Justices during Emergency

|    |                            |                  |                 |         |
|----|----------------------------|------------------|-----------------|---------|
| 19 | Shri S. N. Shankar         | Delhi            | Orissa          | 1-11-75 |
| 20 | Shri M. R. A. Ansari       | Delhi            | Jammu & Kashmir | 29-1-76 |
| 21 | Shri Manmohan Singh Gujral | Punjab & Haryana | Sikkim          | 7-5-76  |

## Development of Railways in Sunderban, Hasnabad to Sealdah Station in West Bengal

Station in West Bengal after the completion of the techno-economic survey?

\*17. SHRI ALHAJ M. A. HANNAN: Will the Minister of RAILWAYS be pleased to state the development of the proposed Railways meant for the Sunderban, Hasnabad to Sealdah

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): Traffic Survey for construction of the following rail links in the Sunderban area of West Bengal has been completed:

| Name of the line                              | Length<br>(in kms.)                                | Cost<br>(Rs. in crores) |
|---|--|-------------------------|
| (1) Canning-Golakari . . . . .                | 20 Electric Traction                               | 2.95                    |
| (2) Likhnikantpur-Kakdwip . . . . .           | 30 Do.   | 3.77                    |
| (3) Hasnabad-Hatgachha<br>(Pratapadityanagar) | 29 Steam Traction                                  | 5.10                    |
| (4) Canning-Hatgachha<br>(Pratapadityanagar)  | 30 Do.   | 4.13                    |
| (5) Sonarpur-Dhamkhali . . . . .              | 50 Do.   | 2.73                    |
| (6) Budge Budge to Namkhana . . . . .         | 82 { Steam Traction<br>Electric Traction . . . . . | 6.45<br>10.30           |

As a result of the survey, the proposed new lines indicated at items 1-5 above have not been found to be economically viable in the absence of adequate traffic. The estimated capital cost of these new lines (159 kms.) would be Rs. 18.68 crores excluding rolling stock. Survey Reports have indicated that these new lines may prove to be unremunerative. A decision on the construction of these lines will depend upon the availability of resources in consultation with the Planning Commission.

#### Survey for Ernakulam-Alleppey Coastal Railway

\*18. DR. HENRY AUSTIN: Will the Minister of RAILWAYS be pleased to state:

(a) whether the survey for the Ernakulam-Alleppey Coastal Railway in Kerala has been completed; and

(b) if so, when do Government propose to start the construction thereof?

THE MINISTER OF RAILWAYS  
(PROF. MADHU DANDAVATE):

(a) Yes, Sir.

(b) The question of taking up this project is under consideration in consultation with the Planning Com-

mission. A decision will be taken on the scheme while making a review of the 5th Five Year Plan, taking into account the availability of resources.

पूर्वोत्तर सीमान्त रेलवे में नियुक्त हरिजन और आदिवासी कर्मचारी

\* 19. श्री युवराज : क्या रेल मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या पूर्वोत्तर सीमान्त रेलवे में काफी बड़ी संख्या में रेल कर्मचारी कार्यरत हैं और यदि हाँ, तो उनकी कुल संख्या कितनी है;

(ख) क्या इस रेलवे में नियुक्त हरिजनों और आदिवासी कर्मचारियों की संख्या उनके लिए आरक्षित पदों की संख्या से कम है; प्रीर

(ग) यदि हाँ, तो हरिजनों और आदिवासियों के लिए आरक्षित पूरा कोटा कब तक भरे जाने की सम्भावना है?

**रेल अंत्री (प्र० मधु दग्धवते) :** (क) और (ख). एक विवरण सभा पटल पर रख दिया गया है?

(ग) इस कमी को यथासम्भव शीघ्र दूर करने के प्रयास किये जा रहे हैं।

### विवरण

(क) पूर्वोत्तर सीमा रेलवे पर 31-3-77 को कर्मचारियों की कुल संख्या इस प्रकार थी :

|                                  |   |   |       |
|----------------------------------|---|---|-------|
| श्रेणी I                         | . | . | 126   |
| श्रेणी II                        | . | . | 364   |
| श्रेणी III                       | . | . | 33660 |
| श्रेणी IV (सफाई वालों को छोड़कर) | . | . | 50299 |
| श्रेणी IV (सफाई वाले)            | . | . | 5727  |

(ख) हरिजनों को अनुसूचित जातियों में और आदिवासियों को अनुसूचित जन-जातियों में शामिल किया जाता है। उपर्युक्त पैरा (क) के सामने कर्मचारियों की जो संख्या दिखायी गयी है, उसमें अनुसूचित जातियों और अनुसूचित जन-जातियों के कर्मचारियों की संख्या इस प्रकार थी :

| अनु० जाति अनु० जन-<br>जाति          |      |      |
|-------------------------------------|------|------|
| श्रेणी I                            | 3    | 6    |
| श्रेणी II                           | 23   | 6    |
| श्रेणी III                          | 2910 | 1016 |
| श्रेणी IV (सफाई वालों<br>को छोड़कर) | 6548 | 2931 |
| श्रेणी IV (सफाई वाले)               | 4373 | 13   |

सीधी भर्ती के कोटे में अनुसूचित जातियों और अनुसूचित जनजातियों के कर्मचारियों की संख्या में जितनी कमी थी, वह नीचे दिखायी गयी है :

### अनुसूचित अनुसूचित जोड़ जातियां जन-जातियां

|           |    |     |     |
|-----------|----|-----|-----|
| श्रेणी II | 72 | 92  | 164 |
| श्रेणी IV | 93 | 139 | 232 |

श्रेणी III के कर्मचारियों की संख्या में कमी प्रायः तकनीकी कोटियों में है और इस कमी का कारण उपर्युक्त उम्मीदवारों का उपलब्ध न होना है। श्रेणी IV के कर्मचारियों की संख्या में कमी गंगमैन की कोटि में है जिसका कारण यह है कि अनुसूचित जन-जाति के उम्मीदवार अपने घरों से दूर जाकर नौकरी करने के इच्छुक नहीं हैं और अनुसूचित जातियों के मामले में कमी रिक्तियों का अभाव होने के कारण है।

### Increase in prices of Petrol and Diesel

\*20. SHRI P. KANNAN: Will the Minister of PETROLEUM be pleased to state:

(a) whether there has been any further increase in prices of petrol, diesel and other lubricating oils recently; and

(b) if so, the facts thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS & FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). Recently, there has been no increase in the ex-refinery or basic ceiling selling prices of petrol, diesel oil or lubricating oil.

### Production by Fertilizer Factories and Requirement of Fertilizers in the country

1. PROF. SHIBBAN LAL SAKSENA: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) the names of the various fertiliser factories, Government owned and private owned, all over the country with their annual production in each of the last three years;

(b) the names and places of new fertiliser factories under construction with the proposed capacity and the

date by which they will go into production; and

(c) the total present need of fertiliser in the country and the amount of fertiliser need met from inside the country and by imports from outside, country-wise?

THE MINISTER OF PETROLEUM AND CHEMICALS & FERTILIZERS (SHRI H. N. BAHUGUNA): (a) A statement is laid on the Table of the House. [Placed in Library. See No. LT-49/77].

(b) A statement is laid on the Table of the House. [Placed in Library. See No. LT-49/77].

(c) The estimated agronomic requirement of fertilizers for the year 1977-78 is 31.30 lakh tonnes of Nitrogen, 8.71 lakh tonnes of Phosphate and 4.10 lakh tonnes of Potash. As the indigenous production of nitrogen and phosphate is likely to fall short of the agronomic requirement, the gap would have to be met by imports from different sources. Potash is not produced in the country and is, therefore, entirely imported. Disclosure of import details for 1977-78 is not considered advisable in the public interest.

#### Provision for Electrification of Madras-Tiruvelllore Line

2. SHRI O. V. ALAGESAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether the budget provision for electrification of Madras-Tiruvelllore line in the Southern Railway for the year 1976-77 has been increased; if so, what is the increased provision;

(b) when is the project likely to be completed; and

(c) whether the extension of the project upto Arakonam has been taken up?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): (a) An additional amount of Rs. 42

lakhs has been allotted to this project during the year 1976-77, bringing the revised provision upto Rs. 42.18 lakhs.

(b) By 1980.

(c) No.

रेलवे सुरक्षादल के कर्मचारियों के बेतनमान

3. श्री रामानन्द तिवारी : क्या रेल मन्त्री यह बताने की कृपा करेंगे कि :

(क) रेलवे सुरक्षा दल के कांस्टेबलों, हैड कांस्टेबलों, असिस्टेंट सब-इंसपेक्टरों और सब-इंसपैक्टरों के बे नमान क्या क्या हैं;

(ख) क्या उन्हें 12 से 13 घंटे तक "ड्यूटी" पर रोका जाता है;

(ग) उन्हें आकस्मिक तथा अन्य प्रकार की छुट्टी कितनी अवधि के लिए दी जाती है;

(घ) क्या छुट्टी की अवधि के दौरान उन्हें तथा उनके परिवार के सदस्यों को रेलवे "पास" दिये जाते हैं; और

(इ) क्या सरकार उन्हें वर्दियां देती है और यदि हां, तो उन्हें श्रीम तथा शर्दूलतुमों में कितनी कितनी वर्दियां कितनी-कितनी अवधि के लिए दी जाती हैं ?

रेल मंत्री (प्रो० मधु दण्डवते) :

(क) बेतनमान नीचे बताये गये हैं :—

|                    |            |
|--------------------|------------|
| रक्षक              | 200-240 रु |
| प्रधान रक्षक       | 225-308 रु |
| सहायक सब-इंसपेक्टर | 260-400 रु |
| सब-इंसपेक्टर       | 330-560 रु |

रक्षक, प्रधान रक्षक, सहायक सब-इंसपेक्टर और सब-इंसपेक्टर कमाता: 10 रु 15 रु, 20 रु और 25 रु का विशेष अस्ता पाने के भी पात्र हैं।

(ख) रक्षक, वरिष्ठ रक्षक और प्रधान रक्षक की ड्यूटी का समय सामान्य : 8 घंटे होता है। आपवादिक परिस्थितियों में, तात्कालिक आवश्यकताओं की पूर्ति के लिये उनकी ड्यूटी के घंटे कभी-कभी बढ़ा दिये जाते हैं। सहायक सब-इंसपेक्टर और सब-इंसपेक्टर पर्यवेक्ष कर्मचारी हैं, अतः उनकी ड्यूटी के घंटे निश्चित नहीं होते।

(ग) रेलवे सुरक्षा दल के कर्मचारियों को अन्य रेल कर्मचारियों की भाँति ही नैमित्तिक तथा अन्य छुट्टियां दी जाती हैं। इस दल के कर्मचारियों को एक कलेण्डर वर्ष में 12 दिन की नैमित्तिक छुट्टियां दी जा सकती हैं। जिन कर्मचारियों को राजपत्रित छुट्टियां बिल्कुल नहीं मिलती अथवा पूरी नहीं मिलती, उन्हें 15 दिन की विशेष नैमित्तिक छुट्टियां दी जाती हैं। पूर्वोत्तर सीमा रेलवे पर काम करने वाले कर्मचारियों को 5 दिन की अविरिक नैमित्तिक छुट्टियां दी जाती हैं। औसत वेतन छुट्टी के संबंध में स्थिति यह है कि दल के कर्मचारी अपनी ड्यूटी की अवधि के 1/11 भाग के बराबर ऐसी छुट्टी पाने के पात्र हैं।

(घ) जी हां।

(ङ) जी हां। एक विवरण सभा पटल पर रखा गया है जिसमें अपेनित सूचना दी गई है। [ग्रन्थालय में रखा गया। देखिये संख्या एल०टी०—५०/७७]

#### Fast train from Gondia to Bombay V.T.

।

4. SHRI GEV. M. AVARI: Will the Minister of RAILWAYS be pleased to state:

(a) whether any proposals have been received to run a fast train from Gondia to Bombay V.T.; and

(b) whether Government are aware of the demand for running 'Vidarbha Express' on the above route in the same manner as Tamil Nadu or Andhra Pradesh Express?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):

(a) Yes.

(b) Yes.

#### Conversion of Rupsa-Talband Line into Broad Gauge Line

5. SHRI S. KUNDU: Will the Minister of RAILWAYS be pleased to state at what stage is the proposal to convert the metre gauge Railway line of Rupsa-Talband in Orissa into broad gauge?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): Based on the recommendations of the Uneconomic Branch Lines Committee, a Traffic Survey for conversion of Rupsa-Talband Narrow Gauge section into Broad Gauge was carried out in 1971. The estimated cost of conversion of Rupsa-Bangriposi line covering a distance of 89 kms. was found to be Rs. 3.79 crores and the Discounted Cash Flow (D.C.F.) rate of return 2.53 per cent against the requirement of 10 per cent for making a project remunerative. A fresh assessment of the traffic potential of this line is, however, being made, taking into account the latest developments in the area.

#### Drilling at Bakultala and Bodra in West Bengal

6. SHRI SOUGATA ROY: Will the Minister of PETROLEUM be pleased to state:

(a) the results of exploratory drilling at Bakultala and Bodra in the South of West Bengal; and

(b) the progress made so far?

THE MINISTER OF PETROLEUM AND CHEMICALS & FERTILIZERS

(SHRI H. N. BAHUGUNA): (a) and (b). In both, Bakultala and Bodra wells which were drilled to 3700 metres and 4200 metres respectively, no oil/gas bearing horizons of commercial significance were found. The wells were, therefore, abandoned.

### Prices of Insecticides

7. SHRI P. RAJAGOPAL NAIDU: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government are aware that the prices of insecticides are beyond the purchasing capacity of small farmers; and

(b) if so, whether, Government propose to take steps, to reduce their prices?

THE MINISTER OF PETROLEUM AND CHEMICALS & FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). At present Government exercises no control on the prices of pesticides. However, the Bureau of Industrial Costs and Prices has been requested to make a study on the cost structure of major items of pesticides manufactured in the country and on the possibilities of their cost reduction. Appropriate action as may be necessary will be taken on receipt of the report of the Bureau.

### Electrification of Katwa-Calcutta Railway Line

8. SHRI DHIRENDRANATH BASU: Will the Minister of RAILWAYS be pleased to state whether electrification of Railway from Katwa to Calcutta will be taken up during the financial year 1977-78?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): Calcutta/Howrah to Bandel railway line has already been electrified. There is no proposal at present to electrify the remaining section between Bandel and Katwa.

### रासायनिक उर्वरकों का उत्पादन

9. श्री हुमदेव नारायण यादव : क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में रासायनिक उर्वरकों का उत्पादन करने वाले कारखानों के नाम क्या हैं और विभिन्न प्रकार के रासायनिक उर्वरकों के उत्पादन की कुल लागत क्या है और देश में प्रत्येक राज्य में इसे किस ग्रूप पर सप्लाई किया जाता है ; और

(ख) विदेशों से कितनी मात्रा में रासायनिक उर्वरकों का आयात किया जाता है और इसका आयात किस दर पर किया जाता है और देश में किस दर पर उसकी सप्लाई की जाती है ?

पैट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमबती नन्दन बहुगुणा) : (क) रासायनिक उर्वरक का उत्पादन करने वाले कारखानों से संबंधित व्यौरे सभा पटल पर रखे गए विवरण में दिए गए हैं। [ग्रन्थालय में रखा गया। देखिए संध्या एल०टी०-51/77] देश में स्ट्रेट नाइट्रोजनयुक्त उर्वरक और स्ट्रेट फास्फेटिक्स और कम्प्लेक्स उर्वरकों का उत्पादन बड़ी मात्रा में किया जाता है। देश में निर्मित विभिन्न प्रकार के उर्वरकों की कुल उत्पादन लागत, औद्योगिक लागत और मूल्य व्यूरो के अध्यक्ष डा० एस० एस० मराठे की अध्यक्षता में स्थापित समिति के अन्वेषण धीन है।

तीन मुख्य नाइट्रोजनयुक्त उर्वरक अर्थात् यूरिया, अमोनियम सल्फेट और कैंसियम अमोनियम नाइट्रोजन के फुटकर मूल्य सांविधिक नियंत्रण में हैं। इनके बतंमान मूल्य निम्न प्रकार हैं :—

| रूप्रति मी. टन             |      |
|----------------------------|------|
| यूरिया                     | 1650 |
| अमोनियम सल्फेट             | 935  |
| कैल्सियम अमोनिया नाइट्रोजन | 1015 |

वे मूल्य सारे देश में समान हैं। स्ट्रेट और कम्पलेक्स दोनों फास्फेटिक उर्वरक के मूल्य सांविधिक रूप से नियंत्रित नहीं हैं। तथापि मार्च, 1976 से लागू मूल्य समर्थन योजना के अनुसार सरकार म्प्लैक्स उर्वरकों के अधिकतम विक्रय मूल्य निर्धारित कर रही है। विद्यमान अधिकतम विक्रय मूल्य बता वाला विवरण पत्र सभा तटल पर रखा गया। [प्रध्याय में रखा गया। देखिये संख्या एल० टी०—५१ ७७] विभिन्न नियतांशों द्वारा निर्मित सिंगल सुपर-फास्फेट का अधिकतम विक्रय मूल्य फटिलाइजर एसोसिएशन आफ हैंडिया द्वारा इस सूत्र (फार्मूला) जिसे सरकार के अनुमोदन प्राप्त था, के अनुसार निर्धारित दिए गए हैं।

(ख) देश के अधिकतम वाणिज्यिक हित के लिए विभिन्न स्वतों से आयातित किए गये रासायनिक उर्वरकों के दर का बताना उचित नहीं समझा गया है। भाग (क) के उत्तर में बताए गए नाइट्रोजनयुक्त उर्वरकों अर्थात् यूरिया अमोनियम सल्फेट तथा कैल्सियम अमोनियम के मूल्य सांविधिक रूप से निर्धारित मूल्य हैं। अन्य आयातित स्ट्रेट और कम्पलेक्स उर्वरकों के मूल्य समय समय पर कृषि मंत्रालय द्वारा निर्धारित किए जाते हैं। प्रचलित मूल्य सभा पटल पर रखे गए विवरण में दिखाए गए हैं। [प्रध्याय में रखा गया। देखिये संख्या एल० टी०—५१ ७७]

राजस्थान में नई रेल लाइनें

10. श्री भीठा लाल पटेल : क्या रेल मंत्री यह बताने की हुपा करेंगे कि :

(क) पांचवीं पंचवर्षीय योजना के दौरान राजस्थान में कितनी नई रेल लाइनें बिछाने का विचार है;

(ख) क्या इन तथ्यों के बाबजूद राज्य में नई रेल लाइनें नहीं बिछायी जा रही हैं जबकि अनेक नई रेल लाइनों के लिए सर्वेक्षण किया जा चुका है और यदि हां, तो इसके क्या कारण हैं और किन-किन रेल लाइनों के लिए सर्वेक्षण किया जा चुका है और क्या उन रेल लाइनों पर आने वाली कुल लागत सहित सर्वेक्षण प्रतिवेदन को सभा पटल पर रखा जाएगा ; और

(ग) क्या जिन लाइनों का सर्वेक्षण हो चुका है उनमें करौली होकर जाने वाली धीलमुर-गंगापुर सिटी लाइन शामिल नहीं है और यदि हां, तो इसके क्या कारण हैं और क्या भविष्य में इस लाइन का सर्वेक्षण किया जायेगा, यदि नहीं तो इसके क्या कारण हैं और यदि हां, तो कब तक ?

रेल मंत्री (प्रो० मधु दण्डवते) : (क)

राजस्थान में पड़ने वाली डावला-सिध ना लाइन के निर्माण का काम पांचवीं योजना के दौरान पहले ही पूरा हो चुका है। इस समय राजस्थान में न तो कोई इसगी नयी लाइन निर्माणाधीन है और न निर्माण के लिए अनुमोदित की गयी है। चूंकि सम्पूर्ण 5वीं पंचवर्षीय योजना के दौरान नयी रेलवे लाइनों का काम हाथ में लेने संबंधी प्रस्तावों को अभी तक अंतिम रूप नहीं दिया गया है इसलिये यह कहना मुश्किल है कि 5वीं पंचवर्षीय योजना की बकाया अवधि में राजस्थान में किसी नयी रेलवे के लाइन निर्माण का काम हाथ में लिया जायेगा।

(ख) राजस्थान में निम्नलिखित नयी लाइनों के संबंध में सर्वेक्षण हाल में पूरे किए

चा चुके हैं अथवा प्रमत्ति पर हैः—

| लाइन का नाम                     | लम्बाई<br>(कि० मी०<br>में) | अनुमानित<br>लागत<br>(करोड़ रुपयों<br>में) | वर्तमान स्थिति   |
|---------------------------------|----------------------------|---|--|
| 1. रतलाम-वाम्बा डा (I)          |                            |   | सर्वेक्षण पूरे किये जा चुके हैं और सर्वेक्षण रिपोर्टों और अनुमानों की जांच की जा रही है। |
| मार्ग . . . . .                 | 1-78.76                    | 24.55                                     |  |
| नयी बड़ी लाइन (II)              |                            |   |  |
| मार्ग . . . . .                 | 11-95.13                   | 34.26                                     |  |
| 2. नाथद्वारा -- पालना . . . . . | 190                        |   | उपलब्ध नहीं है इंजीनियरी-एवं यातायात सर्वेक्षण प्रगति पर है।                             |
| नयी मीटर लाइन                   |                            |   |  |

उपर्युक्त लाइनों को बनाने का काम शुरू करने के बारे में अंतिम निर्णय सभी दृष्टिकोणों से सर्वेक्षण-रिपोर्टों को जांच पूरी हो जाने तथ धन की उपलब्धता को ध्यान में रखते हुए किया जायेगा।

नयी लाइन परियोजनाओं की सर्वेक्षण रिपोर्टें तकनीकी प्रकृति की होती है और केवल विभागीय उपयोग के लिये ही होती है, आमतौर पर, ये रिपोर्टें सभा पटल पर नहीं रखी जाती हैं।

(ग) इस लाइन के लिए कोई सर्वेक्षण नहीं किया गया है। वर्तमान कठिन वित्तीय स्थिति के कारण निकट भवियत में इस लाइन के सर्वेक्षण एवं निर्माण का काम शुरू करना रेलों के लिए कठिन होगा।

सतना से बरासता रीवा बयोहारी तक  
रेल लाइन

11. श्री दलपत सिंह परस्ते : क्या रेल मंत्री यह बताने की हृषा करेंगे कि :

(क) क्या मध्य प्रदेश सरकार द्वारा मध्य रेलवे में सतना रेलवे स्टेशन से बरासता

र वा योहारी तक नई रेल लाइन का निर्माण करने का प्रस्ताव, 1972, 1973 और उससे भी पूर्व प्रेषित किया था जिससे कि यह नई लाइन सिगरौली-कटनी के रास्ते बयोहारी को जोड़ सके; और

(ख) क्या र वा नगर के महत्व और अत्यन्त पिछड़ क्षेत्र के विकास को देखते हुए सरकार का विचार पांचवीं पंचवर्षीय योजना-वधि में उबत रेल लाइन का निर्माण करने का है?

रेल मंत्री (प्रो० मधु दण्डवते) :

(क) जी हां,

(ख) 1973 के दौरान सतना से बयोहारी तक एक शाखा लाइन के लिए किये गये सर्वेक्षण से पता चला कि इस परियोजना से मचेष्ठ यातायात नहीं होगा तथा यह वित्तीय दृष्टि से सक्षम नहीं होगी और इसलिये परियोजना को छोड़ दिया गया। 1973 के दौरान किये गये सर्वेक्षण के आधार पर सतना से रीवा तक की कम लम्बाई में लाइन के लिए पुनर्योग्यकरण किया गया है। संसाधनों की उपलब्धता को दृष्टिगत रखते हुए सभी दृष्टिकोणों से रिपोर्ट की जांच कर लिये जाने

के बाद इस विषय में अंतिम निर्णय लिया जायेगा।

**Survey report for bringing Amraoti on Nagpur-Bombay Trunk Line**

12. SHRI VASANT SATHE: Will the Minister of RAILWAYS be pleased to state:

(a) what is the stage of the proposal to bring Amraoti on Nagpur-Bombay Trunk line;

(b) whether the survey report on the proposal has been received; and

(c) the action taken/proposed to have it expedited?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):

(a) to (c). Preliminary Engineering-cum-Traffic Survey for bringing Amraoti on the Nagpur-Bombay Main line has been included in the Budget for 1977-78. Further consideration to this project will be given after the survey is completed and the report thereof is received and examined from all angles.

**पैट्रोलियम उत्पादों की मूल्य नीति पर पुनर्विचार**

13. श्री नारायण कृष्ण शेजवलकर: क्या पैट्रोलियम मंत्री यह बताने की कृपा करेंगे कि क्या पैट्रोलियम उत्पादों की मूल्य नीति पर पुनर्विचार करने का विचार है?

पैट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती नन्दन बहुगुणा): सरकार ने 14 जुलाई 1975 से, तेल मूल्य समिति की अंतरिम रिपोर्ट में की भयी सिफारिशों पर आधारित एक नयी मूल्य व्यवस्था लागू की। समिति ने अन्तिम रिपोर्ट प्रस्तुत कर दी है, जिसकी जांच की जा रही है।

बेरोजगार इंजीनियरों के लिए सहायक उद्योगों का आरक्षण

14. श्री नारायण कृष्ण शेजवलकर: क्या पैट्रोलियम मंत्री यह बताने की कृपा करेंगे कि:

क्या केवल बेरोजगार इंजीनियरों के लिये सहायक उद्योगों के आरक्षण का प्रस्ताव है?

पैट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती नन्दन बहुगुणा): इस प्रकार के कोई उद्योग नहीं हैं। अतः उन्हें बेरोजगार इंजीनियरों के लिए आरक्षित करने का प्रश्न नहीं उठता।

**मध्य प्रदेश में तेल शोधक कारखाने की स्थापना**

15. श्री नारायण कृष्ण शेजवलकर: क्या पैट्रोलियम मंत्री यह बताने की कृपा करेंगे कि क्या मध्य प्रदेश में कोई तेल शोधक कारखाना स्थापित किये जाने की सम्भावना है?

पैट्रोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवती नन्दन बहुगुणा): मध्य प्रदेश में शोधनशाला स्थापित करने सम्बन्धी कोई प्रस्ताव इस समय सरकार के विचाराधीन नहीं है।

**Restoration of Old Rail Link between Miraj and Sangli**

16. SHRI ANNASAHEB GOTKHINDE: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is a long-standing demand to restore the old rail link between Miraj and Sangli old railway station, on South Central Railway, that was dismantled consequent upon the broad gauge conversion; and

(b) if so, the reaction of Government thereto?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):**  
(a) Yes.

(b) While converting the Poona-Miraj Metre Gauge line into broad gauge, a new alignment was adopted to bring the main Sangli town on the main line and a new broad gauge station has been built for the purpose. The new location for a broad gauge station was also inescapable due to the area in and around the existing metre gauge alignment and Sangli station being heavily built up. The decision to re-align the line between Miraj and Sangli and the new location of the Sangli station were approved by the Maharashtra State Government. It is, therefore, not possible to accept the demand at this stage.

#### **Conversion of Miraj-Latur Line into Broad Gauge Line**

**17. SHRI ANNASAHEB GOT-KHINDE:** Will the Minister of RAILWAYS be pleased to state the latest position regarding the conversion of Miraj-Latur narrow gauge line on South Central Railway into Broad gauge?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):** Preliminary Engineering-cum-Traffic surveys for the conversion of Miraj-Kurduvadi-Latur Narrow Gauge sections to Broad Gauge, and construction of a new Broad Gauge line from Latur to Latur Road have been carried out. The Survey Reports have been examined and it is found that the project is very unremunerative. The availability of resources do not permit this work to be taken up now.

#### **Improvement of Workshop at Arakonam (Southern Railway)**

**18. SHRI O. V. ALAGESAN:** Will the Minister of RAILWAYS be pleased to state:

(a) whether any proposal for improvement and streamlining of the workshop at Arakonam on Southern Railway has been taken up; and

(b) if so, the main features thereof?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):**  
(a) No.

(b) Does not arise.

#### **Payment of Bonus to Railway Employees**

**19. SHRI VASANT SATHE:**  
**SHRI K. RAMAMURTHY:**

Will the Minister of RAILWAYS be pleased to state:

(a) whether the question of payment of bonus to the Railway employees is under consideration of Government; and

(b) if not, whether Government propose to consider it during 1977-78?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):**  
(a) and (b). As far as bonus issue is concerned, as stated by me in this House on 29th March, 1977, this issue has been complicated by the former Government. Since that has introduced a new Bonus Policy for the country, we will have to re-examine the entire issue in depth, before we take any concrete steps.

#### **Rigging in Lok Sabha Election in West Bengal**

**20. SHRI JYOTIRMOY BOSU:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it has been alleged by the CPI(M) Leftist Front, Janata Party and the Congress for Democracy that the Congress Party in West Bengal restored to large-scale

rigging in certain constituencies in connection with the last Lok Sabha poll; and

(b) if so, the facts thereof and action proposed to be taken thereon?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) A telegram was received by the Election Commission on 18th March, 1977 from S/Shri Prafulla Chandra Sen, Jyoti Basu, Bijoy Singh Nahar, Makhan Paul and Ashok Ghosh alleging massive rigging in several Parliamentary Constituencies in West Bengal in the recent general election to the Lok Sabha, and demanding re-poll.

(b) The Election Commission had received reports from the Returning Officers of 8 Parliamentary Constituencies in West Bengal that the poll in 30 polling stations had been vitiated by violence and accordingly as provided in section 58(2)(a) of the Representation of the People Act, 1951, the Commission declared the poll at those polling stations to be void and directed a fresh poll to be taken in five polling stations on the 19th March, 1977 and in the remaining polling stations on the 20th March, 1977.

#### Rigging in Barrackpore, Katwa, Dum Dum and other Constituencies

21. **SHRI JYOTIRMOY BOSU:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether his attention has been drawn to the news published in leading newspapers in West Bengal on rigging in Barrackpore, Katwa, Dum Dum and other constituencies resorted to by the ruling party in West Bengal in the last Lok Sabha poll; and

(b) if so, Government's reaction thereto?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) Yes, Sir.

(b) The Election Commission had received reports from the Returning Officers of 8 Parliamentary Constituencies in West Bengal that the poll in 30 polling stations had been vitiated by violence and accordingly as provided in section 58(2)(a) of the Representation of the People Act, 1951, the Election Commission declared the poll at those polling stations to be void and directed a fresh poll to be taken in five polling stations on the 19th March, 1977 and in the remaining polling stations on the 20th March, 1977

#### Provision of Funds for Tirunelveli-Kanyakumari Broad Gauge Line

22. **SHRI M. KALYANASUNDARAM:** Will the Minister of RAILWAYS be pleased to state:

(a) the broad features of proposals received from the General Manager Construction, Bangalore for provision of funds for the construction of Tirunelveli-Kanyakumari broad gauge line for the year 1976-77; and

(b) the amount sanctioned?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):** (a) The Southern Railway proposed a minimum allotment of Rs. 3 crores for this project for 1976-77 for meeting the commitments made in the previous years.

(b) Rs. 3.35 crores have been finally allotted in 1976-77.

#### Victimisation of Employees during Emergency Period

23. **SHRI SAMAR GUHA:** Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) the number of employees belonging to his Ministry who have been (i) dismissed (ii) pre-maturely

retired and (iii) punished by Government during the period of Internal Emergency;

(b) State-wise break-up of such figures; and

(c) whether Government propose to set up an appropriate body to re-examine the cases of such victimised Central Government employees?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) 'NIL' in respect of Ministry of Chemicals and Fertilizers.

(b) and (c). Do not arise.

**Employees dismissed, retired and punished during Emergency**

24. SHRI SAMAR GUHA: Will the Minister of PETROLEUM AND CHEMICALS & FERTILIZERS be pleased to state:

(a) the number of employees belonging to his Ministry (i) dismissed; (ii) pre-maturely retired; and (iii) punished during the period of Internal Emergency;

(b) State-wise break-up of such figures; and

(c) whether Government will set up an appropriate body to re-examine the cases of such victimised officials?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) (i) Nil. (ii) 3.

(iii) Nil.

(b) This Ministry has no Branch Offices at places other than Delhi. The information is, therefore, nil.

(c) The officials referred to in part (a) of the question have been retired under the normal rules of review for retention in service after the age of 50/55 years. As such the question of re-examining their cases does not arise.

**Proposal to invite Legal Opinion on Laws adopted during Emergency**

25. SHRI SAMAR GUHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government propose to invite the legal opinion of Supreme Court and High Court Bar Associations on the merits of the laws adopted by the Parliament during the period of Emergency; and

(b) if so, the steps likely to be taken by Government?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) No, Sir.

(b) Does not arise.

**Fresh look on Demands of Trade Unions of Railwaymen**

26. SHRI C. K. CHANDRAPPAN: SHRI R. K. MHALGI:

Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposal under consideration to have a fresh look on the demands made by the trade unions of the railwaymen during the all India strike in 1974; and

(b) if so, the salient features thereof?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):

(a) and (b). The policy of the Government is to consider all genuine demands that Recognized Federations put forward and examine them in depth in the context of the resources available.

**Oil Exploration in Kerala Coast**

27. SHRI C. K. CHANDRAPPAN: Will the Minister of PETROLEUM be pleased to state:

(a) whether the Central Government have received any proposal from

the Government of Kerala for taking up oil exploration in Kerala Coast;

(b) if so, the main features of the proposal; and

(c) what decision has been taken by the Central Government thereon?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):** (a) Yes, Sir.

(b) The request of the Government of Kerala is for exploration off the Kerala coast in order to determine the oil prospects there.

(c) The surveys conducted so far in the Continental Shelf off the Kerala coast have not indicated good sedimentary deposits except towards the deeper portions of the Shelf. The ONGC has plans to conduct further seismic surveys in this area.

सतना से रीवा होते हुए मिर्जापुर सिंगरौली तक रेलवे लाइन का निर्माण

28. श्री यमुना इसाद शास्त्री : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सतना रेलवे स्टेशन से रीवा होते हुए मिर्जापुर या सिंगरौली तक रेलवे लाइन का निर्माण करने के मंवंध में सर्वेक्षण कार्य पूरा हो चुका है ; और

(ख) यदि हाँ, तो इस लाइन के निर्माण का कार्य वह तक प्रारम्भ किया जाने वाला है ?

**रेल मंत्री (प्रो० मधु दण्डवते) :** (क) और (ख). रीवा के रास्ते सतना से ब्योहारी (कट्टनी-सिंगरौली लाइन पर एक स्शटेन) तक एक शाखा लाइन जिससे ब्योहारी और रीवा का सम्पर्क सिंगरौली और मिर्जापुर से हो जाता, के लिए 1973 में एक यातायात सर्वेक्षण किया गया था। उस सर्वेक्षण रिपोर्ट के अनुभार इस लाइन से इतना यातायात

नहीं होगा जिसके आधार पर इसके निर्माण का आंचित्य सिद्ध हो सके और यह लाई ; अलाभ कारी होगी। अतः इस परियोजना को छोड़ देने का विनिश्चय किया गया। लेकिन 1973 की रिपोर्ट में उपलब्ध आंकड़ों के आधार पर सतना से रीवा तक एक कम लम्बी लाइन के निर्माण के लिए हाल में ही पुनर्ल्यांकन किया गया है। रिपोर्ट की व्यारेवार जांच करने के बाद और नाधनों की उपलब्धता को दृष्टिगत रखते हुए इस प्रस्ताव पर कोई निर्णय लिया जाएगा।

#### Drilling of Oil in Cauvery Basin

**SHRI K. GOPAL:** Will the Minister of PETROLEUM be pleased to state :

(a) whether drilling of oil is going on in Cauvery Basin; and

(b) if so, the results achieved so far?

**THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):** (a) and (b). No drilling is being conducted at present. The wells drilled earlier onshore did not indicate presence of oil or gas in commercial quantities. Drilling in the offshore areas of Cauvery Basin is expected to be taken up shortly.

मध्य प्रदेश में नई रेल लाइनें

30. श्री लक्ष्मीनारायण नायक :

श्री छवि राम अरगल :

वह रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) नई रेल लाने विभाने के लिए मध्य प्रदेश से सरकार को प्राप्त हुए प्रस्तावों को क्या सूची है; और

(ख) उन पर क्या कार्यवाही की जा रही है ?

रेल मंत्री (प्रो० मधु दण्डवते) : (क) और (ख). एक विवरण सभा पटल पर रखा जाता है। [ग्रन्थालय में रखा गया दस्तिये संख्या एल टी-52 '77]

**आयातित उर्वरकों की रासायनिक जांच**

31. श्री नवाब सिंह औहान : क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार आयातित उर्वरकों की रासायनिक जांच करती है; और

(ख) यदि हां, तो गत दो वर्षों में कितने मामलों में आयातित उर्वरकों को निर्धारित मानक से निम्न स्तर का पाया गया और दोषी फर्मों के विरुद्ध क्या कार्यवाही की गई है ?

पंडोलियम तथा रसायन और उर्वरक मंत्री (श्री हेमवतीनन्दन बहुगुणा) : (क) जा हां। आयातित उर्वरक के सभी लदे हुए जहाजों का निरीक्षण लशन बन्दरगाहों पर निरन्तर किया जाता है। निरीक्षण के दौरान नमूने लिए जाते हैं और उनका विश्लेषण किया जाता है। विश्लेषण की रिपोर्ट कुषि तथा सिचाई मंत्रालय को भेजी जाती है।

(ख) गत दो वर्षों के दौरान लगभग 334 लदानों में से 15 जहाजों जो 6 सप्लाइयरों के थे, का माल ठेकों की विशिष्टयों के अनुहप नहीं पाया गया था। 12 लदे हुए जहाजों के चार सप्लाइयरों से 3,73,750 यू० एस० डालरों का जुर्माना बसूल किया गया है। शेष लदे हुए तीन जहाजों से संबंधित दो मामलों को भ्रत्तिम रूप दिया जाना है।

**Abrogation of the Constitution (42nd Amendment) Act**

32. SHRI BASHIR AHMAD: SHRI HUKMDEO NARAIN YADAV:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) what steps Government propose to take to make ineffective or abrogate the Constitution (42 nd Amendment) Act and restore the fundamental rights guaranteed to the citizens under the Constitution and to restore the Independence of Judiciary; and

(b) whether Government propose to appoint a Committee to review the appointment of committee Judges?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) Government will place before Parliament a comprehensive Bill to amend appropriately the Constitution of India.

(b) No, Sir.

नारायणपुर रेलवे स्टेशन और रेलवे लाइन को गंगा के कटाब से बचाना

33. श्री ज्ञानेश्वर प्रसाद यादव : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पूर्वोत्तर रेलवे के नारायणपुर रेलवे स्टेशन एवं रेल लाइन को गंगा के कटाब से बचाने की कोई योजना सरकार ने मंजूर की है; और

(ख) यदि हां, तो तत्सम्बन्धी मुख्य बातें क्या हैं ?

**रेल मंत्री (प्रो० मधु दम्भवते) :** (क). पिछले वर्ष की बाढ़ों के दौरान, नारायणपुर रेलवे स्टेशन (पूर्वोत्तर रेलवे) के निकट गंगा नदी का पश्चिमी तट बुरी तरह कट गया और नदी की कोर लगभग 287 मीटर भीतर धुसकर रेलवे लाइन तक पहुंच गयी। चूंकि इससे रेल-पथ का संरक्षा को गम्भीर खतरा पैदा हो गया था, अतः बिहार राज्य सरकार से यह अनुरोध किया गया था कि और आगे कटाव की रोक-थाम के लिए पर्याप्त सुरक्षा व्यवस्था करे और नदी के द्वारा और आगे विछ्वास से रेलवे लाइन को बचाये। राज्य सरकार ने इसके लिए लगभग 365 लाख रुपये की एक योजना बनायी है और तकनीकी दृष्टि से उसकी स्वीकृति के लिए उसे गंगा बाढ़ नियंत्रण निगम को भेजा गया है, जिसकी प्रतीक्षा की जा रही है। रेल मंत्रालय ने इस बात के लिए अपनी सहमति पहले ही दी है कि वह अन्य तीन प्रभावित पक्षों, अर्थात् बिहार राज्य सरकार, परिवहन मंत्रालय (राष्ट्रीय राजमार्ग) तथा भारतीय तेल निगम (तेल पाइप लाइन), के साथ मिलकर बराबर-बराबर खर्च वहन करने को तैयार है। इस योजना को अभी राज्य सरकार की स्वीकृति मिलना बाकी है। स्थिति की गम्भीरता को देखते हुए राज्य सरकार से अनुरोध किया गया है कि वह इस कांम को शीघ्र शुरू कराये और आगामी मानसून से पहले इसे पूरा कर दे।

**(ख) राज्य सरकार द्वारा बनायी गयी प्रारम्भिक योजना में नदी के किनारे-किनारे 13,200 फुट दूरी में पलस्तर करना और अवतरण मंच बनाना तथा 13 नग जोड़-बन्ध बनाना शामिल है। तथापि, इस योजना को गंगा बाढ़ नियंत्रण आयोग के परामर्श से अभी अंतिम रूप दिया जाना है।**

#### Transfer of High Court Judges

**34. SHRI BAPUSAHEB PARULEKAR:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government propose to reconsider the question of transfer of High Court Judges who were transferred during the period of Internal Emergency; and

(b) if so, broad features thereof?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) and (b). The matter is under review and the Government will take a decision shortly.

#### चालू उर्वरक कारबाने और उनका उत्पादन

**35. श्री नारायण कृष्ण शेजवलकर :** क्या रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय भारत में कितने उर्वरक कारबाने चल रहे हैं, उनके मालिकों के नाम क्या हैं, उनकी उत्पादन क्षमता कितनी है तथा गत तीन वर्षों के दौरान प्रत्येक में कितना कितना उत्पादन हुआ है; और

(ख) क्या देश में वर्तमान मांग और आवश्यकता पूरी करने के लिए उनका उत्पादन पर्याप्त है; और

(ग) यदि नहीं, तो यह कमी पूरी करने की क्या योजनाएं हैं?

**पंद्रोसियम तथा रसायन और उर्वरक मंत्री (श्री हेमबतीनन्दन बहुगुणा) (क)** एक विवरण पत्र सभा पटल पर प्रस्तुत है : [प्रश्नालय में रखा गया। देखिए पंख्या एन टी 53/77]

**(ख) और (ग).** देश में उर्वरक की मांग को पूरा करने के लिए देशीय उत्पादन अपर्याप्त होने पर कमी को पूरा करने के लिए आयात की व्यवस्था की जायेगी।

**Damage to Coconut cultivation due to pollution**

36. DR. HENRY AUSTIN: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government are aware of the wide-spread damage to Coconut cultivation in Vypeen Islands in general and Kadamakudi Panchayat in particular consequent on the pollution by poisonous smoke coming of the Fertilizer and Chemicals Ltd. in Udyog Mandal, Ernakulam Dist. Kerala and the destruction to the marine and back water wealth arising from uncontrolled letting out of poisonous waste materials into the Periyar river; and

(b) if so, steps taken by Government to deal with these serious ecological problems?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b). According to available information, no complaints have been received from Vypeen Islands in general and Kadamakudi Panchayat in particular about damage to coconut plantation as a result of any fumes from the Udyogamandal unit of FACT. No representations have been received from any of the local bodies or institutions regarding damage to marine or backwater wealth due to letting out of the effluents into the Periyar river. In the past there were some individual representations regarding decay in marine life due to effluents. There were also some oral representations by the local Panchayat before the Estimate Committee of the Kerala legislature in general about the atmospheric and water pollution from the chemical factories in the Udyogamandal area.

The company is presently discharging effluents into the river, with the approval of the Kerala State Board for Prevention and Control of Water Pollution, after neutralising the pollutants. The company has also

prepared a long-term scheme for the prevention of water pollution on a permanent basis. The scheme which is estimated to cost about Rs. 125 lakhs is under the consideration of the Kerala State Board for Prevention and Control of Water Pollution.

**पूर्वोत्तर सीमान्त रेलवे पर केन्द्रिय में नया स्टेशन बनाने का प्रस्ताव**

37. श्री युवराज : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पूर्वोत्तर सीमान्त रेलवे पर कटिहार मालदह सेक्षण पर केन्द्रिय मानक स्थान पर एक नया स्टेशन बनाने का विचार है ; और

(ख) यदि हां, तो यह नया स्टेशन कब तक बन जायेगा ?

रेल मंत्री (प्रो॰ मधु दण्डवते) : (क) जी हां ।

(ख) आशा है कि यह स्टेशन इस वर्ष की समाप्ति तक खुल जायेगा ।

**बरीनी से कटिहार तक बड़ी रेल लाइन**

38. श्री युवराज : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बरीनी से कटिहार तक बड़ी रेल लाइन न होने से दिल्ली का गौहाटी अ साम नागालैंड आदि से सीधा सम्पर्क नहीं है ;

(ख) क्या दिल्ली-ग्रासाम मेल के यात्रियों को अपनी यात्रा के दौरान बरीनी में बड़ी रेल लाइन की गाड़ियों से मीटर गेज की गाड़ियों से आना जाना पड़ता है ; और

(ग) यदि हां, तो कटिहार के रास्ते से सम्पूर्ण पूर्वोत्तर भारत से सीधा सम्पर्क

जोड़ने के लिए बरीनी से कटिहार के बीच तक बड़ी लाइन बिछायी जायगी ?

**रेल मंत्री (प्रो० मधु दण्डवते) :** (क) दिल्ली और पूर्वोत्तर क्षेत्र में न्यू वोंगाईगांव के बीच फरक्का के रास्ते बड़ी लाइन सम्पर्क पहले से ही मौजूद है। यदि बरीनी-कटिहार लाइन को बड़े आमान में बदल दिया जाये, तो दूरी कम हो जायेगी।

(ख) जी हां।

(ग) बरीनी-कटिहार खण्ड को मीटर आमान से बड़े आमान में बदलने के लिए प्रारम्भिक इंजीनियरी-एंव यातायात सर्वेक्षण कर लिये गये हैं। आमान परिवर्तन की इस योजना का काम शुरू करने के प्रश्न पर विचार तभी किया जायेगा, जब वाराबंकी-समस्तीपुर और बोंगाईगांव, गुवाहाटी खण्डों के आमान परिवर्तन का काम, जो स्वीकृति-प्राप्त योजनाएं हैं, काफी आगे बढ़ जायेगा।

#### Rail connection between Salem and Trichy

39. SHRI P. KANNAN: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposal to connect Salem with Trichy by rail; and

(b) if so, when will it start working?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):** (a) and (b). These places are already connected by rail via Erode and Karur. There is, however, no proposal to provide a new direct link.

#### Conversion of metre gauge lines into broad gauge in Vidarbha Region

40. SHRI GEV. M. AVARI: Will the Minister of RAILWAYS be pleased to state the programme of conversion of metre gauge railway line into broad gauge railway line in the Vidarbha

area of the Maharashtra State, during the current Five Year Plan or in the next Plan?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):** It is presumed that the reference is to Khandwa-Purna metre gauge railway line. Construction of a portion of this line from Khandwa to Hingoli passing through Vidarbha region was completed in 1961. There is no programme for gauge conversion of this line at present.

**proposal to run fast trains on metre gauge lines in Vidarbha Region**

41. SHRI GEV. M. AVARI: Will the Minister of RAILWAYS be pleased to state whether Government are considering any proposal to run fast trains on metre-gauge line in Vidarbha area of Maharashtra State?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):** Yes.

#### Proposals for double lines and halt stations in West Bengal

42. SHRI SOUGATA ROY: Will the Minister of RAILWAYS be pleased to state:

(a) the number of proposals for (i) double lines (ii) halt stations under consideration by Government in West Bengal for the last one year; and

(b) which ones have been sanctioned?

**THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE):** (a) (i) 2.

(ii) 16.

(b) Of the above, the following five halt stations on the Eastern Railway have been sanctioned:—

1. Harish Nagar—between Banpur and Gede.
2. Satberia—between Bongaon and Gopal Nagar.

3. Madartalla—between Sonarpur Junction and Kalikapur.
4. Bhapla—between Champapukur and Bashirhat.
5. Lake Garden—between Ballygunj and Kalighat.

#### Production of molasses

43. SHRI P. RAJAGOPAL NAIDU: Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

- (a) whether rates of molasses produced by the sugar factories are controlled; and
- (b) if so, price of molasses fixed in different States?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Yes Sir. The Central Government exercises control on the prices of molasses under the Central Molasses Control Order, 1961 as amended from time to time. This Order is applicable to all the States other than U.P., Punjab, Haryana, Bihar, Maharashtra and West Bengal which have fixed the prices of molasses under their own Molasses Control Acts.

(b) The current price of Grade 1 sugar factory molasses in all the States except Punjab, Haryana and West Bengal is fixed at Rs. 6 per 100 kilograms.

The prices in the States of Punjab, Haryana and West Bengal are as follows:—

| (Price Rs. per 100 kilograms) |                   |             |      |
|-------------------------------|-------------------|-------------|------|
| Punjab                        | Haryana           | West Bengal |      |
| For<br>Distilleries           | For<br>Industries |             |      |
| 1.00                          | 3.00              | 6.00        | 2.68 |

#### Double railway line between Bongaon and Calcutta

44. SHRI DHIRENDRANATH BASU: Will the Minister of RAILWAYS be pleased to state whether the work on double line between Bongaon and Calcutta will be taken up during the financial year 1977-78?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): The resources position does not allow this work to be taken up in 1977-78.

#### New railway lines sanctioned for Andhra Pradesh

45. SHRI P. RAJAGOPAL NAIDU: Will the Minister of RAILWAYS be pleased to state:

- (a) the new railway lines recommended by the Government of Andhra Pradesh to be taken up by the Central Government;
- (b) the lines sanctioned out of them this year; and
- (c) when the sanctioned lines will be taken up?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): (a) The following Railway lines have been proposed by the Andhra Pradesh State Government:—

- (i) Nadikude-Bibinagar Broad Gauge line—150 kms.
- (ii) Ramagundam → Nizamabad Broad Gauge line—160 kms.
- (b) Construction of Nadikude-Bibinagar new line is an approved work. Survey for the line from Ramagundam to Nizamabad has also been approved.
- (c) Construction of the Bibinagar-Nalgonda section (74 kms.) of Nadikude-Bibinagar line has been taken up in the first phase. Survey for Ramagundam-Nizamabad line is in hand and its construction will be considered after completion of the survey.

### Exploration for petroleum and gas resources in Godavari Basin

46. SHRI P. RAJAGOPAL NAIDU: Will the Minister of PETROLEUM be pleased to state:

(a) whether exploration for petroleum resources and natural gas is being done in Godavari basin or on the East Coast in Andhra Pradesh; and

(b) if so, the result thereof?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) and (b): As a result of seismic surveys conducted during the previous two field seasons, a location near Narsapur has been released for drilling. Preparatory work has been taken in hand to start drilling at this site.

### Production of Synthetic Rubber

47. SHRI P. RAJAGOPAL NAIDU: Will the Minister of PETROLEUM be pleased to state:

(a) whether synthetic rubber is produced in our country; and

(b) if so, the quantity produced during 1976-77?

THE MINISTER FOR PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): (a) Yes, Sir.

(b) The production of Synthetic Rubber (S.B.R.) during the year 1976-77 was 22, 934 tons.

### बिड़ला परिवार द्वारा नियंत्रित कम्पनियां

48. श्री हुक्मदेव नारायण यादव : क्या विधि, न्याय और कम्पनी कार्य मन्त्री यह बताने की कृपा करेंगे कि बिड़ला परिवार द्वारा नियंत्रित कम्पनियों में 1947-48 और 1975-76 के वित्तीय वर्षों में कितनी पूँजी लगी हुई थी ?

विधि, न्याय और कम्पनी कार्य मन्त्री (श्री शांति भूषण) : सरकार वे पास उन कम्पनियों के नामों के विषय में जो वर्ष 1947-48 की अवधि में बिड़ला परिवार के नियंत्रणाधीन रही, कहा जाता है कि संबंध में कोई सूचना उपलब्ध नहीं है। बिड़ला और वे बड़े आद्योगिक घराने से संबंधित कम्पनियों की नवीनतम प्रमाणिक सूची वर्ष 1969 में आद्योगिक लाइसेंसिंग नीति जांच समिति की रिपोर्ट में प्रकाशित की गई थी। पूर्वोक्त सूची में बाद में बहुत से परिवर्तन हुए हैं और हाल ही के वर्षों के कुछ और अधिक कम्पनियां आ गई हैं जिनको प्रत्यक्ष या अप्रत्यक्ष रूप से बिड़ला परिवार की समझा जाता है। इन कम्पनियों की मूर्ति परिसम्पत्तियों के मूल्य के संबंध में वर्ष 1974 की सूचना तुरन्त उपलब्ध है जो लगाई गई पूँजी को प्रतिविवित करती कही जा सकती है। इन आंकड़ों को प्रदर्शित करता हुआ विवरण पत्र सभा पट्ट पर रखा है।

[प्रन्थालय में रखा गया देखिए संख्या ए.ल.टी. 54 / 77]

पांचवीं पंचवर्षीय योजना के दौरान राजस्थान में बनाए जाने वाले ऊपरी-पुल

49. श्री मीठा लाल पटेल : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) पांचवीं पंचवर्षीय योजना के दौरान राजस्थान में कितने रेल सड़क ऊपरी-पुल बनाने का विचार है और कहां कहां पर :

(ख) क्या पश्चिम रेलवे ब्लॉक कोटा डिवीजन में दिल्ली और गंगापुर सिटी के रेलवे फाटकों पर एक रेल ऊपरी-पुल बनाने की आवश्यकता है; और

(ग) यदि हां, तो यह ऊपरी-पुल कब तक बन जायेगा।

रेल मंत्री (प्रो० मधु दण्डवते) :  
(क) चार वे हैं:-

(i) पश्चिम रेलवे पर सबाई माधोपुर में, समपार संख्या 151 के बदले में,

(ii) पश्चिम रेलवे पर जयपुर के समीप समपार संख्या 217 के बदले में,

(उपर्युक्त इन दो का निर्माण कार्य हाल ही में पूरा हुआ है।

(iii) पश्चिम रेलवे पर भोलबाड़ा में, समपार संख्या 67 के बदले में; और

(iv) उत्तर रेलवे पर राय का बाग (जोधपुर) में।

(ख) रेल और सड़क यातायात के वर्तमान घनत्व का विचार करते हुए, पश्चिम रेलवे के कोटा मंडल में हिंडौन और गंगापुर सिटी में वर्तमान समपारों के बदले ऊपरी / निचले सड़क पुलों की व्यवस्था करना आवश्यक नहीं समझा गया है और न ही राज्य सरकार अथवा स्थानीय प्राधिकरण द्वारा इन्हें प्रयोजित किया गया है।

(ग) प्रश्न नहीं उठता।

दिल्ली और जबलपुर के बीच सीधी रेलगाड़ी चलाने का प्रस्ताव

50. श्री निर्मल चन्द्र जैन : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या दिल्ली और जबलपुर के बीच एक सीधी रेलगाड़ी चलाने का कोई प्रस्ताव सरकार के विचाराधीन है; और

(ख) यदि हाँ, तो इस प्रस्ताव को कब तक कार्य रूप दे दिया जायेगा ?

रेल मंत्री (प्रो० मधु दण्डवते) :  
(क) जी नहीं।

(ख) प्रश्न नहीं उठता।

2.03 hrs.

#### PAPERS LAID ON THE TABLE

श्री उपरेन (देवरिया) : उपायक महोदय मेरा व्यवस्था का प्रश्न है। मर्वी लोग जो पेपर्स और विद्यायक यहाँ रखते हैं वह हमें नहीं मिल पाते। जो पैकेट आप के सचिवालय से भेजे जाते हैं वे भी हमें नहीं मिल पाते जिससे हम लोग उन्हें पढ़ नहीं पाते तो क्या आप ऐसो व्यवस्था करेंगे जिससे वे हम को मिल सकें ?

MR. DEPUTY-SPEAKER: The papers that are being laid on the Table cannot be given in advance. Most of them are Notifications and these Notifications are placed in the Library: they are not sent to all the Members. If you want, you can refer to them in the Library.

NOTIFICATIONS UNDER BURMAH SHELL (ACQUISITION OF UNDERTAKINGS IN INDIA) ACT, ESSENTIAL COMMODITIES ACT, OIL AND NATURAL GAS COMMISSION ACT, ETC.

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): I beg to lay on the Table—

(1) A copy of the Burmah Shell (Acquisition of Undertakings in India) (Administration of Fund) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 945 (E) in Gazette of India dated the 24th December, 1976 under sub-section (2) of section 20 of the Burmah Shell (Acquisition of Under-

takings in India) Act, 1976. [Placed in Library. See No. LT-55/77].

(2) A copy of Notification No. G.S.R. 94 (E) (Hindi and English versions) published in Gazette of India dated the 28th February, 1977, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-56/77].

(3) A copy of the Oil and Natural Gas Commission (Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 46 in Gazette of India dated the 8th January, 1977—under sub-section (3) of section 31 of the Oil and Natural Gas Commission Act, 1959. [Placed in Library. See No. LT-57/77].

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

(i) Review (Hindi and English versions) by the Government on the working of the Indian Oil Corporation Limited, Bombay, for the year 1975-76.

(ii) Annual Report (Hindi and English versions) of the Indian Oil Corporation Limited, Mombay, for the year 1975-76 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-58/7.]

(5) (i) Review (Hindi and English versions) by the Government on the working of the Madras Refineries Limited, Manali, Madras, for the year ending 30th June, 1976.

(ii) Annual Report (Hindi and English versions) of the Madras Refineries Limited, Manali, Madras, for the year ending the 30th June, 1976 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-59/77].

(6) (i) Review (Hindi and English versions) by the Government on the working of the Engineers India Limited, New Delhi, for the year 1975-76.

(ii) Annual Report (Hindi and English versions) of the Engineers India Limited, New Delhi, for the year 1975-76 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-60/77].

(7) (i) Review (Hindi version) by the Government on the working of the Hindustan Petroleum Corporation Limited, Bombay, for the year 1975.

(ii) Annual Report (Hindi version) of the Hindustan Petroleum Corporation Limited, Bombay, for the year 1975 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(8) A statement showing reasons for delay in laying the papers mentioned at item No. (7) above. [Placed in Library. See No. LT-61/77].

(9) (i) A copy of the Annual Report together with the Audited Accounts (Hindi and English versions) of the Oil Industry Development Board, New Delhi, for the year 1975-76, under sub-section (4) of section 20 of the Oil Industry Development Act, 1974 read with rule 29(2) (e) of the Oil Industry Development Rules, 1975.

(ii) A copy of the Review (Hindi and English versions) by the Government on the above Report

[Placed in Library. See No. LT-63/77].

**MADRAS CITY MUNICIPAL CORPORATION (SECOND AMENDMENT) ACT, NOTIFICATION UNDER TAMIL NADU DISTRICT MUNICIPALITIES ACT, ETC.**

**THE MINISTER OF WORKS AND HOUSING AND SUPPLY AND REHABILITATION (SHRI SIKANDER BAKHT):** I beg to lay on the Table:—

(1) A copy of the Madras City Municipal Corporation (Second Amendment) Act, 1976 (President's Act No. 42 of 1976) (Hindi and English versions) published in Gazette of India dated the 29th November, 1976 under sub-section (3) of section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976. [Placed in Library. See No. LT-64/77].

(2) A copy each of the following Notifications under section 304 of the Tamil Nadu District Municipalities Act, 1920 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976, issued by the President in relation to the State of Tamil Nadu:—

(i) G.O. Ms. No. 1117 published in Tamil Nadu Government Gazette dated the 30th June, 1976.

(ii) G.O. Ms. No. 1731 published in Tamil Nadu Government Gazette dated the 15th September, 1976.

(iii) G.O. Ms. No. 2194 published in Tamil Nadu Government Gazette dated the 17th November, 1976.

(3) Three statements (Hindi and English versions) explaining reasons for not laying the Hindi versions of the notifications mentioned at (2) above.

(4) A copy each of the following Notifications under section 432 of the Madurai City Municipal Corporation Act, 1971 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu:—

(i) The Rules for Election of Mayor and Deputy Mayor of the Corporation of Madurai, published in

Notification No. G.O.Ms. 379 in Tamil Nadu Government Gazette dated the 24th March, 1976.

(ii) The Rules relating to the adjudication of disputes on elections of Councillors, Mayor or Deputy Mayor of Madurai City Municipal Corporation, published in Notification No. G.O. Ms. 1730 in Tamil Nadu Government Gazette dated the 15th September, 1976.

(5) Two statements (Hindi and English versions) explaining reasons for not laying the Hindi version of notifications mentioned at (4) above.

[Placed in Library. See No. LT-65/77].

**NOTIFICATIONS UNDER COMPANIES ACT, MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, DISPUTED ELECTIONS (PRIME MINISTER AND SPEAKER) ORDINANCE, ETC.**

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 642 of the Companies Act, 1956:—

(i) The Trustees (Declaration of Holdings of Shares and Debentures) (Amendment) Rules, 1976 published in Notification No. G.S.R. 37 Gazette of India dated the 1st January, 1977.

(ii) The Companies (Secretary's Qualifications) Amendment Rules, 1977 published in Notification No. G.S.R. 185 in Gazette of India dated the 5th February, 1977.

[Placed in Library. See No. LT-66/77].

(2) A copy each of the following Notifications (Hindi and English versions) under sub-sec-

tion 3 of section 67 of the Monopolies and Restrictive Trade Practices Act, 1969:—

- (i) The Monopolies and Restrictive Trade Practices Commission (Recruitment and Conditions of Service of Registrar, Joint Registrar, Deputy Registrar and Assistant Registrar of Restrictive Trade Agreements) Rules, 1976, published in Notification No. G.S.R. 1615 in Gazette of India dated the 20th November, 1976.
- (ii) The Monopolies and Restrictive Trade Practices Commission (Recruitment of Members of Staff) Amendment Rules, 1977 published in Notification No. G.S.R. 95(E) in Gazette of India dated the 28th February, 1977. [Placed in Library. See No. LT-67/77]. LT-68/77.
- (3) A copy of the Disputed Elections (Prime Minister and Speaker) Rules, 1977 (Hindi and English versions) published in Notification No. S.O. 246(E) in Gazette of India dated the 9th March, 1977 under sub-section (3) of section 33 of the Disputed Elections (Prime Minister and Speaker) Ordinance, 1977. [Placed in Library. See No. LT-68/77].
- (4) A copy of Notification No. G.O. Ms. 2328 published in Tamil Nadu Government Gazette dated the 8th December, 1976, under sub-section (3) of section 8 of the Hindu Marriage Act, 1955 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu.

(5) A statement (Hindi and English versions) explaining reasons for not laying the Hindi versions of the above Notification. [Placed in Library. See No. LT-69/77].

- (6) A copy of the Delimitation of Council Constituencies (Uttar Pradesh) Amendment Order, 1976 (Hindi and English versions) published in Notification No. G.S.R. 875(E) in Gazette of India dated the 11th November, 1976, under sub-section (3) of section 13 of the Representation of People Act, 1950. [Placed in Library. See No. LT-70/77].
- (7) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 169 of the Representation of the People Act, 1951:—

- (i) The Conduct of Elections (Second Amendment) Rules, 1976 published in Notification No. S.O. 795(E) in Gazette of India dated the 14th December, 1976.
- (ii) The Conduct of Parliamentary Elections (Sikkim) Rules, 1977 published in Notification No. S.O. 45(E) in Gazette of India dated the 25th January, 1977. [Placed in Library. See No. LT-71/77].

- (8) A copy of the Registration of Elections (Amendment) Rules, 1977 published in Notification No. S.O. 35(E) in Gazette of India dated the 21st January, 1977, under sub-section (3) of section 28 of the Representation of the People Act, 1950. [Placed in Library. See No. LT-72/77].

(9) A copy of the Kerala Small Industries and Development Promotion Corporation Amalgamation Order, 1977, published in Notification No. S.O. 241(E) in Gazette of India dated the 18th March, 1977, under sub-section (5) of section 396 of the Companies Act, 1956.

(10) A statement explaining reasons for not laying simultaneously the Hindi version of the above Notification. [Placed in Library. See No. LT-73/77].

(11) A copy each of the following papers under section 62 of the Monopolies and Restrictive Trade Practices Act, 1969:—

(i) Report (Hindi version) pertaining to the execution of the provisions of the Monopolies and Restrictive Trade Practices Act, 1969, for the period from 1st January to 31st December, 1974.

(ii) Report pertaining to the execution of the provisions of the Monopolies and Restrictive Trade Practices Act, 1969, for the period from 1st January to 31st December, 1975.

(12) A statement (Hindi and English versions) explaining the reasons for not laying simultaneously the Hindi version of the Report mentioned at item No. 11 (ii) above. [Placed in Library. See No. LT-74/77].

(13) A copy of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 and (English versions) under sub-section (2) of section 8

of the Representation of the People Act, 1950. [Placed in Library. See No. LT-75/77].

NOTIFICATIONS UNDER INDIAN RAILWAYS ACT, ETC.

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) issued under section 47 of the Indian Railways Act, 1890:—

(i) The Railways Red Tariff (Ninth Amendment) Rules, 1976, published in Notification No. G.S.R. 1640 in Gazette of India dated the 20th November, 1976.

(ii) The Railways Red Tariff (Tenth Amendment) Rules, 1976, published in Notification No. G.S.R. 1641 in Gazette of India dated the 20th November, 1976.

(iii) The Railways Red Tariff (Eleventh Amendment) Rules, 1976 published in Notification No. 3735 in Gazette of India dated the 11th December, 1976.

(iv) The Open Lines (Railways in India) General (Amendment) Rules, 1976 published in Notification No. G.S.R. No. 112 in Gazette of India dated the 22nd January, 1977.

(v) The Railway Passengers (Cancellation of Tickets and Refund of Fares) Rules, 1976 published in Notification No. S.O. 346 in Gazette of India dated the 22nd January, 1977. [Placed in Library. See No. LT-76/77].

- (2) A copy of Notification No. S.O. 264 (Hindi and English versions) published in Gazette of India dated the 21st January, 1977, issued under sub-section (2) of section 568 of the Indian Railways Act, 1890 [Placed in Library. See No. LT-77/77].
- (3) A copy of the Railway Rates Tribunal (Amendment) Rules, 1977 (Hindi and English versions) published in Notification No. G.S.R. 272 in Gazette of India dated the 26th February, 1977, issued under sub-section (1) of section 44 of the Indian Railways Act, 1890 [Placed in Library. See No. LT-78/77].
- (4) A copy of the Report (Hindi and English versions) on the progress made in the intake of Scheduled Castes and Scheduled Tribes against vacancies reserved for them in recruitment and promotion categories on the Railways for the half-year ending the 31st March, 1976. [Placed in Library. See No. LT-79/77].

PAPERS UNDER COMPANIES ACT, ETC.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): I beg to lay on the Table a copy each of the following papers under sub-section (1) of section 619A of the Companies Act, 1956:

- (1) (i) Review (Hindi and English versions) by the Government on the working of the Bharat Aluminium Company Limited, New Delhi, for the year 1975-76.
- (ii) Annual Report (Hindi and English versions) of the Bharat Aluminium Company Limited, New Delhi, for the

year 1975-76 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-80/77].

- (2) (i) Review (Hindi and English versions) by the Government on the working of the Bharat Gold Mines Limited, for the year 1975-76.
- (ii) Annual Report (Hindi and English versions) of the Bharat Gold Mines Limited for the year 1975-76 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-81/77].
- (3) (i) Review (Hindi and English versions) by the Government on the working of the Hindustan Zinc Limited, Udaipur (Rajasthan) for the year 1975-76.
- (ii) Annual Report (Hindi and English versions) of the Hindustan Zinc Limited, Udaipur (Rajasthan) for the year 1975-76 along with the Audited Account, and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-82/77].
- (4) (i) Review (Hindi and English versions) by the Government on the working of the Hindustan Copper Limited, Calcutta, for the year 1975-76.
- (ii) Annual Report (Hindi and English versions) of the Hindustan Copper Limited, Calcutta, for the year 1975-76 along with the Audited

Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-83/77].

(5) (i) Review (Hindi and English versions) by the Government on the working of the Mineral Exploration Corporation Limited, Nagpur, for the year 1973-74.

(ii) Annual Report (Hindi and English versions) of the Mineral Exploration Corporation Limited, Nagpur, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(6) (i) Review (Hindi and English versions) by the Government on the working of the Mineral Exploration Corporation Limited, Nagpur, for the year 1974-75.

(ii) Annual Report (Hindi and English versions) of the Mineral Exploration Corporation Limited, Nagpur, for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(7) (i) Review by the Government on the working of Mineral Exploration Corporation Limited, Nagpur, for the year 1975-76.

(ii) Annual Report of the Mineral Exploration Corporation Limited, Nagpur, for the year 1975-76 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-85/77].

(8) (i) Review (Hindi and English versions) by the Government on the working of the Steel Authority of India Limited, New Delhi, for the year 1975-76.

(ii) Annual Report of the Steel Authority of India Limited, New Delhi, for the year 1975-76 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(9) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at item Nos. (5) and (6) above.

(10) Two statements (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi versions of papers mentioned at item Nos. (7) and (8)(ii) above. [Placed in Library. See No. LT-86/77].

ANNUAL REPORT ON THE COAL MINES,  
LABOUR WELFARE ORGANISATION, NOTIFICATION UNDER DELHI SHOPS AND ESTABLISHMENTS ACT, ETC.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I beg to lay on the Table:

(1) A copy of the Annual Report (Hindi and English versions) on the activities of the Coal Mines Labour Welfare Organisation for the year 1975-76. [Placed in Library. See No. LT-86/].

(2) A copy of the Delhi Shops and Establishments (Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. F. 4(26)/76/CIS/Lab/21094-98 in Delhi Gazette dated the 2nd Decem-

ber, 1976, under sub-section (3) of section 47 of the Delhi Shops and Establishments Act, 1954. [Placed in Library. See No. LT-87/77].

(3) A copy of Notification No. G.O.Ms. 951 (Hindi and English versions) published in Tamil Nadu Government Gazette dated the 24th December, 1975 issued under the Tamil Nadu Catering Establishments (Amendment) Act, 1975 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu. [Placed in Library. See No. LT-88/77].

(4) A copy each of the following Notifications (Hindi and English versions) under sub-section (4) of section 38 of the Industrial Disputes Act, 1947 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu:

(i) G.O.Ms. 871 published in Tamil Nadu Government Gazette dated the 13th October, 1976 making certain amendments to the Tamil Nadu Industrial Disputes Rules, 1958.

(ii) G.O.Ms. 912 published in Tamil Nadu Government Gazette dated the 27th October, 1976 making certain amendments to the Tamil Nadu Industrial Disputes Rules, 1958. [Placed in Library. See No. LT-89/77].

(5) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 40 of the Industrial Disputes Act, 1947.

(i) S.O. 4697 published in Gazette of India dated the 11th December, 1976.

(ii) S.O. 47 published in Gazette of India dated the 1st January, 1977. [Placed in Library. See No. LT-90/77].

(6) A copy of the Annual Report (Hindi and English versions) of the Employees' State Insurance Corporation for the year 1975-76, under section 36 of the Employees' State Insurance Act, 1948. [Placed in Library. See No. LT-91/77].

(7) A copy of the Annual Report (Hindi and English versions) of the Central Board for workers Education, for the year 1975-76. [Placed in Library. See No. LT-92/77].

(8) A copy each of the following Notifications under sub-section (2) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952:

(i) The Employees' Provident Funds (Sixth Amendment) Scheme, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1717 in Gazette of India dated the 4th December, 1976

(ii) The Employees' Provident Funds (Seventh Amendment) Scheme, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1740 in Gazette of India dated the 11th December, 1976.

(iii) The Employees Deposit-linked Insurance (Amendment) Scheme, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1788 in Gazette of

India dated the 25th December, 1976.

- (iv) G.S.R. 239 published in Gazette of India dated the 19th February, 1977 containing Corrigendum to Notification No. G.S.R. 1355 dated the 18th September, 1976.
- (v) The Employees' Provident Funds (Amendment) Scheme, 1977 (Hindi and English versions) published in Notification No. G.S.R. 305 in Gazette of India dated the 5th March, 1977.
- (vi) G.S.R. 406 published in Gazette of India dated the 19th March, 1977 containing Corrigendum to Notification No. G.S.R. 1717 dated the 4th December, 1976.
- (vii) The Employees' Family Pension (Third Amendment) Scheme, 1976 (Hindi and English versions) published in Notification No. G.S.R. 174 in Gazette of India dated the 5th February, 1977. [Placed in Library. See No. LT-93/77.]
- (9) A copy of the Annual Report (Hindi and English versions) for the year 1975-76 on the working of the Employees' Provident Funds and the Employees' Family Pension Scheme. [Placed in Library. See No. LT-94/77.]
- (10) A copy of the Limestone and Dolomite Mines Labour Welfare Fund (Group C and Group D posts) Conditions of Service and Recruitment Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 274 in Gazette of India dated the 26th February 1977, under sub-section (4) of section 16

of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972. [Placed in Library. See No. LT-95/77.]

- (11) A copy of the Beedi Workers Welfare Cess Rules, 1977 (Hindi and English versions) published in Notification No. G.S.R. 54(E) in Gazette of India dated the 2nd February, 1977, under sub-section (3) of section 7 of the Beedi Workers Welfare Cess Act, 1976. [Placed in Library. See No. LT-96/77.]
- (12) A copy of the Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 199 in Gazette of India dated the 12th February, 1977 under sub-section (3) of section 35 of the Contract Labour (Regulation and Abolition) Act, 1970. [Placed in Library. See No. LT-97/77.]
- (13) A copy of the Metalliferous Mines (Amendment) Regulations, 1977 (Hindi and English versions) published in Notification No. G.S.R. 308 in Gazette of India dated the 5th March, 1977, under sub-section (7) of section 59 of the Mines Act, 1952. [Placed in Library. See No. LT-98/77.]
- (14) A copy of the Employees' State Insurance (Central) Amendment Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 56 in Gazette of India dated the 8th January, 1977, under sub-section (4) of section 95 of the Employees' State Insurance Act, 1948. [Placed in Library. See No. LT-99/77.]

12 hrs.

## MESSAGES FROM RAJYA SABHA

**SECRETARY-GENERAL:** Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

(i) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance Bill, 1977, which was passed by the Lok Sabha at its sitting held on the 31st March, 1977, and transmitted to the Rajya Sabha for its recommendation and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(ii) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Food Corporations (Amendment) Bill, 1977, which has been passed by the Rajya Sabha at its sitting held on the 4th April, 1977.

—

12.02 hrs.

## FOOD CORPORATIONS (AMENDMENT) BILL

As PASSED BY RAJYA SABHA

**SECRETARY-GENERAL:** Sir, I lay on the Table of the House the Food Corporations (Amendment) Bill, 1977, as passed by Rajya Sabha.

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## CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

## IMMEDIATE RELEASE OF POLITICAL PRISONERS

**SHRI JYOTIRMOY BOSU** (Diamond Harbour): Sir, I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:—

"The political prisoners still behind the bars and their immediate release."

**SHRI SAMAR GUHA** (Contai): Sir, I want to make a submission...

**MR. DEPUTY-SPEAKER:** Is it on this call-attention?

**SHRI SAMAR GUHA:** Yes, Sir. Yesterday I met the hon. Speaker. This matter involves the fate of political prisoners who are still in a very miserable condition in jails in West Bengal and other places. Therefore, I requested him to allow the other Members also to participate in this. As the rule does not permit it, he himself suggested that it could be converted into half-an-hour discussion. I have given notice of that.

**MR. DEPUTY-SPEAKER:** I have seen that. But a call-attention cannot be *ipso facto* converted into a discussion. Therefore, the hon. Minister will make the statement now. The hon. Member can give notice of half-an-hour discussion separately which will be considered.

PROF. DILIP CHAKRAVARTY (Calcutta South): On a point of order. In Hazaribagh jail, the prisoners ...

MR. DEPUTY-SPEAKER: No. The hon. Member cannot take the opportunity of rising on a point of order and giving some information like this. The Minister will make the statement.

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, Consequent on the revocation, on the 21st March, 1977 of the proclamation of the Emergency made on 25th June, 1975, all persons detained in pursuance of the provisions of Section 16A of the Maintenance of Internal Security Act have been released. There were, however, about 6,851 persons still in detention on 25th March, 1977. They had been detained under Section 3 of the Maintenance of Internal Security Act, grounds of the detention had been furnished to them and their continuance in detention had been approved by the Advisory Boards.

We have already announced our policy in regard to the Maintenance of Internal Security Act. Further specific proposals will come before the House in due course in the light of our earlier announcement. Consistent with our policy, we are clearly of the view that no one should be kept under detention for an indefinite period. We are accordingly advising the State Governments to release all those still under detention except where interests of security of the country are clearly involved or where persons have been detained on account of their recent indulgence in violent activities.

With the lapse of the provisions of Section 16A of MISA, the vast majority of political prisoners have already been released. Presumably, the Hon'ble Member has in mind the Naxalites, as they are called, in detention. According to the information available with the Government, there were 645 such persons in detention in West Bengal, Tamil Nadu, Kerala and Andhra Pradesh on 25th March, 1977. While we do not at all approve of their ideology and while we would clearly reiterate

that any violent activity on the part of Naxalites or others would be firmly dealt with in accordance with law, we are also of the view that indefinite continuance in detention of even such persons cannot be any solution to the problems posed by them. We are, therefore, advising the State Governments specifically to release all such Naxalites in detention, except in cases where such detentions had been made on account of their recent indulgence in violent activities. Several questions have been asked about the number of persons who were detained, etc. So, with your permission, I would like to place on the Table of the House a detailed statement about the number of persons detained in various States during the period of Emergency. [Placed in Library. See No. LT-99A/77.]

MR. DEPUTY-SPEAKER: Yes. Mr. Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU: Mr. Deputy-Speaker, Sir, we joined hands with other 'Congress-opposed forces' to defeat Congress and to restore civil liberties and human rights and as the election results have shown, the Indian people are with us wholly and that is precisely the reason we are here today.

Our Home Minister, Chaudhuri Charan Singh, had said in a meeting in Muzaffarnagar on 27th February, 1977 and it appeared in *The Tribune* on 1st March, 1977:

"The Janata Party leader, Mr. Charan Singh, today said that the Janata Party if it came to power would repeal security laws like the MISA, abrogate the 42nd Constitution Amendment and make electoral laws equal for all".

I am glad to see that the matter is now in progress and I expect that it would be completed *in toto* before long.

In the President's Address, it has also been stated:

"Having regard to the gross abuse to which the Maintenance of Internal Security Act has been put during

**(Shri Jyotirmoy Bosu.)**

the last two years, a thorough review of the Act will be undertaken with a view to repealing it and examining whether the existing laws need further strengthening to deal with economic offences and security of the country ...."

Sir, I do not wish to carry coal to Newcastle, but I wish to mention here as a person who has shared the platform with the ruling party every where in the country that a target date should be announced. This is because you have mentioned in the last sentence of para 2 of your statement:

"We are accordingly advising the State Governments to release all those still under detention except where interests of security of the country are clearly involved or where persons have been detained on account of their recent indulgence in violent activities."

Shri Shanti Bhushan is sitting so close to the Home Minister, and he knows full well that there is ample provision in the Criminal Procedure Code to prosecute anybody who acts as a criminal. Therefore, people with a political background should not be brought within the ambit of this.

I would also like to refer to para 3 of the statement made by the hon. Home Minister. In the last sentence, it is stated:

"We are, therefore, advising the State Governments specifically to release all such Naxalites in detention, except in cases where such detentions had been made on account of their recent indulgence in violent activities.

I again repeat that there is ample provision in the Criminal Procedure Code and the persons with a political background should be released at once and you can proceed against those who have done any acts of crime under the normal laws and prosecute them.

It was stated that political prisoners, even if they were misguided should be

released to allow them to think and mend themselves. I would give an example. Shri K. C. Pant, erstwhile Minister and conscience keeper of Shrimati Indira Gandhi, in matters of preservation of democracy admitted on the floor of this House that secretly he had met a number of Naxalites and his plea and pretext to us was that they wanted to give them a chance to mend themselves and released those Naxalites who agreed under pressure to join the Congress. In West Bengal, we call them 'Cong-shells'.

Another erstwhile Minister, Shri Kedar Singh, a messenger boy of erstwhile Prime Minister, Shrimati Indira Gandhi met secretly so-called Naxalites in Meerut Jail. He refused to sign the visitors' register. When I asked him why he refused to sign the register having went inside the jail and met the inmates, his reply was, how I came to know of it. I said: I have got a white crow, which comes and gives me all the news in the morning.

I understand that this Government in principle have decided to act in this matter favourably to preserve human rights and civil liberties. I would like to have a confirmation that no political person would be kept under detention without a trial. And also people with a political background, if prosecuted on false charges, such as the case of Mr. George Fernandes which is a glaring example of how politics worked in the case of Mr. George Fernandes and false cases were fabricated and the CBI fully co-operated. Therefore, you know what the Police in this country is. They fabricate cases and involve political leaders according to the wishes of their masters. So, we do not wish to be tools in the hands of such people. I would request the hon. Minister. Kindly release all political prisoners. Kindly withdraw all cases against political prisoners. ...

AN HON. MEMBER: There should be a general amnesty for all political prisoners.

SHRI JYOTIRMOY BOSU: I will come to that.

Shrimati Indira Gandhi and her stooge Ministers like the Minister of State, Shri Om Mehta, never revealed the figures because it was so enormous. Even a leading Youth Congress leader said recently:

"In West Bengal we are having emergency since 1971."

1930—1932—Chaudhari Saheb will remember because he is an old freedom fighter and a Congress man. The Congress Party was declared illegal because of the civil disobedience movement but the Britishers did not do any blanket arrest for detention etc. Only those who continued with their activities were prosecuted but never detained. Therefore, in a free country, what we get to-day cannot even be equated with that we got when we were a subjugated race. But in the Indira Raj because somebody was a member of a particular party, he was detained. The whole country became a vast prison. If you read the documents of Amnesty International and if you read foreign newspapers like the *New York Times* and the *Washington Post*, your head will hang in shame. I tell you that this country's image has been tarnished beyond recovery and I do not know how long and how many decades it will take to brighten up our face....

MR. DEPUTY-SPEAKER: You please ask your clarification.

SHRI JYOTIRMOY BOSU: Then, Sir, about the unheard of atrocities and tortures perpetrated by the erstwhile Indira regime, even relations were not spared.

You know how the brother of Mr. George Fernandes was beaten up.

Here is a news item in the *Indian Express*:

"Relatives of political prisoners found themselves socially ostracised by family friends and even relatives who seemed to fear that the authorities would give them black if they were caught talking to such people. Middle-aged women, who had lived a sheltered existence inside the four walls of their household, had to make weekly rounds to the sordid premises of the jail and criminal courts. Businesses were ruined with no male members to look after the shops...."

This is how you made people's life awfully miserable. At least for 10 lakhs of people their life was made miserable because if 2 lakhs were detained, for each person we can take that there are five dependants. For preserving one person in power all these sordid acts were committed. Just like Mr. George Fernandes case, there are thousands of fabricated cases....

MR. DEPUTY-SPEAKER: Please conclude.

SHRI JYOTIRMOY BOSU: I tell you one thing. I am afraid you are new to this House. In the Business Advisory Committee it was decided that 45 minutes would be set aside for a call-attention motion....

MR. DEPUTY-SPEAKER: The hon. Member should know that 45 minutes is for the entire call attention motion and not for a single Member. You cannot take all the 45 minutes.

SHRI JYOTIRMOY BOSU: That provision is not there.

MR. DEPUTY-SPEAKER: Besides, the BAC of the new House will have yet to decide on it.

I am now asking you to seek your clarification.

SHRI JYOTIRMOY BOSU: I am glad the hon. Home Minister, Choudhary Saheb has said that he is going to publish and give to the House the figures of detenus. Our figures are incomplete. In West Bengal—in the Chittaranjan Locomotive Works 14 railway workers who are trade-unionists are still behind the bars. You should know what the MISA says—Section 3 (1) (A) (1) and (if). What are the figures? Let me quote. In Andhra, Shri G. G. Rao, a trade union leader is behind the bar. In West Bengal, CPI(M) workers—125 are detained under MISA and 137 are languishing without trial. About the so-called Naxalites, 500 are behind the bars under MISA and 1600 are in prison without trial. Forward Bloc, RSP and a section of the Congress—200 have been detained under MISA. Approximately 5000 political prisoners are rotting in jails in West Bengal under our great democratic leader, Mr. Sidhartha Shankar Ray! In the last two years, 25 political prisoners have died in the jails. You can imagine what it is. Mr. Bharati, a CPI worker, was beaten to death in the Ujjain jail. There are figures about Jamaat-e-Islami also. So all these details we will get. A DMK Member, Mr. Chitti Babu was beaten to death in the jail and when the post-mortem was held, it was found that his intestines were badly damaged.

They had not even spared intellectuals, poets and literary giants. I want figures of MISA cases State-wise, DIR cases State-wise. Section 107 CrPC cases State-wise and Section 109 CrPC cases State-wise. I want to know the specific charges against them. There have been a number of journalists there. There are other intellectuals also. I want to suggest that there should be a general amnesty for them. I want to know whether you will appoint an enquiry commission in this regard and fix responsibility for penal action and nothing short of it.

CHAUDHURI CHARAN SINGH: The hon. Member has delivered a

speech, it is not just a few points which he referred to. He made a long speech. I would like to refer to two specific points raised by him. He has referred to a sentence in my statement in which I said:

'We are advising the State Governments to release all those still under detention except where interests of security of the country are clearly involved or where persons have been detained on account of their recent indulgence in violent activities.'

As regards the first category, this category includes the spies, those who have been working for foreign countries, some of them who have gone underground etc. Such of them as were arrested have been put under this category. The break-up of these prisoners is not available to me. I will get these cases examined and in regard to cases where I consider that detention is no longer justified, I will see that such persons are released.

As regards those who were indulging in recent activities, this is a statement which is confined to those persons who have been arrested upto 25th March. There are certain cases of persons who committed violence after lifting of emergency. Those cases will also be examined and these cases will be proceeded with under regular law and necessary proceedings will be started in law courts.

Regarding fixing target, I cannot give any assurance because we can only advise the State Governments. Final action lies in their hands. We will do our best in seeing that action is taken as early as possible.

He said about excesses committed by the police during the emergency or even before the emergency. I may assure the House that whether it be the police or the Government officials etc. it is not they so much who are to be blamed as the political leadership that was there. So I would

request the hon. Member not to be very unkind to the police in future.

SHRI JYOTIRMOY BOSU: You have not said anything about general amnesty. You have not said anything about the specific point I raised about under-trials.

MR. DEPUTY-SPEAKER: Mr. Bosu, you have had enough of your say. And the Home Minister has answered most of your points.

SHRI SHYAMNANDAN MISHRA (Begusarai): Mr. Deputy-Speaker, Sir, I am only on a point of clarification. The hon. Home Minister was not pleased to refer to the number of Naxalites in Bihar.

MR. DEPUTY-SPEAKER: I think the statement is here.

SHRI SHYAMNANDAN MISHRA: Would he be pleased to give us the figures of Naxalites? (Interruptions)

MR. DEPUTY-SPEAKER: Now, no more questions please. I have already called the hon. Minister Dr. Chunder.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): Sir, I have given notice to raise an important matter under Rule 377.

MR. DEPUTY-SPEAKER: You have given the notice which is being looked into. You cannot raise it on the floor of the House. Nobody else will take the floor excepting Dr. Chunder whom I have already called.

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12.26 hrs.

STATEMENT RE. GOVERNMENT'S POLICY ON UNIVERSALISATION OF LITERACY, IMPROVEMENT OF SECONDARY EDUCATION, RESEARCH, POLITICAL VICTIMISATION IN THE DEPARTMENT OF EDUCATION AND CULTURE AND REMOVAL OF RESTRICTIONS ON ELECTIONS TO STUDENTS' UNIONS

THE MINISTER OF EDUCATION,  
SOCIAL WELFARE AND CULTURE

(SHRI PRATAP CHANDRA CHANDER): I am grateful to the Speaker for having given me this opportunity to make a statement in this august House.

The Government would like to give the highest priority to the universalisation of literacy in the country. I am informed that 87 per cent of the children in the age group 6—11 and 39 per cent of the children in the age group 11—14 have facilities for primary and middle school education in our country as at present. The present Fifth Plan envisages enrolment of 96 per cent of the age group 6—11 and 46 per cent of the age group 11—14. In regard to adult literacy, according to the 1971 census, 34 per cent of the population above the age of four are literate. In terms of numbers, I understand, more than 200 million adults above the age of 15 are still illiterate. The dimensions of this problem are truly gigantic. However, the present Government are extremely anxious that urgent steps should be taken to achieve substantial progress in the matter of universalisation of elementary education and promotion of adult literacy. We have not yet had time to study in detail the various aspects of the problem and also consult the States who are primarily concerned with this. However, we would take the earliest opportunity to study this question in detail and prepare a time-bound plan of action for universalisation of elementary education and promotion of adult literacy. We shall also make earnest efforts to reduce the existing gap between the world of work and world of education keeping in view the principles of basic education as enunciated by our Father of the Nation, Mahatma Gandhi.

The secondary education sector especially the curriculum, syllabus and text books may all require to be looked into to lighten the academic burden on the students to enable them to turn their attention to sports.

[**Shri Pratap Chandra Chander]**

recreation, cultural aesthetic pursuits and social work. At the level of higher education fundamental and applied research deserve greater emphasis. I should also like to state here that we are not in favour of undue interference in the field of education.

Many Hon'ble Members of this House and other friends are approaching me and also writing to me about complaints of political victimisation in the Departments of Education and Culture. I asked for details of premature retirements and reversions in the Departments of Education and Culture. I find that as far as the Department of Education and its attached and subordinate offices are concerned, there has been no case of premature retirement during the last 2 years. There has been one case of reversion, but it would appear that this reversion was based on entries in the confidential records. However, this case is also under review.

In the case of Department of Culture, while there was no premature retirement or reversion in the Department at the Secretariat level, three cases of premature retirement in the attached offices have been reported. I have directed that these cases may be reviewed and submitted to me. I have also issued directions that a thorough check should be made in the attached and subordinate offices, under the Departments of Education and Culture, to verify whether there has been any case of victimisation on political grounds. I have also issued similar instructions to obtain the same information in regard to the autonomous organisations attached to the Departments of Education and Culture. I hope to secure the information urgently and complete the review within a few days. I should like to assure the Hon'ble Members that all cases which involve political victimisation will be reviewed.

We shall write to the State Governments and universities requesting them to review the action taken against the staff in the educational organisations on political grounds, in the changed circumstances. I am hoping that the State Governments and Universities will respond to our request.

I have learnt that instructions had gone from the Ministry suggesting temporary postponement of elections to the various student unions in the Universities. I have directed that revised instructions may issue removing these restrictions. I am also taking up a review of instructions issued during the last 20 months in the wake of emergency imposing similar restrictions. (*Interruptions*).

**MR. DEPUTY-SPEAKER:** Mr. Bosu, do not interrupt now. That subject-matter is now over. You will have enough opportunities to raise it again. Let the Home Minister introduce the Bill. Then you can have your objections and points of order.

—  
12.33 hrs.

**GOVERNMENT OF UNION TERRITORIES (AMENDMENT) BILL\***

**THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH):** Sir, I beg to move for leave to introduce a Bill further to amend the Government of Union Territories Act, 1963.

**MR. DEPUTY SPEAKER:** The question is:

"That leave be granted to introduce a Bill further to amend the Government of Union Territories Act, 1963."

*The motion was adopted.*

\*Published in Gazette of India Extra ordinary, Part II, section 2, dated 5-4-77.

CHAUDHURI CHARAN SINGH:  
Sir, I introduce the Bill.

MR. DEPUTY-SPEAKER: Now, I will listen to your points of order. I cannot listen to any point of order when there is no business before the House.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): Mr. Deputy-Speaker, Sir, these Bills have been sent only this morning. They are very important Bills which seek to undo some of the mischiefs done by the previous government. As they have been circulated only today how are we to study them? The rule says that there should be at least seven days' notice. What is the urgency? The exception should not become the rule. Of course the Speaker has got powers to waive the notice and allow the introduction. Tomorrow is the last date. I know what Mr. Patnaik is telling you. He is bringing to your notice that the Memorandum has been circulated. I have gone through the Memorandum, but the Memorandum does not explain the urgency of this. Can't they wait till the next Session? I object to the introduction of the Bill and I object to the Speaker waiving the notice period.

SHRI ARAVINDA BALA PAJANOR (Pondicherry): I would like to submit, Mr. Deputy-Speaker, Sir, that I would like to have a method by which you can suggest to the government so that we can hear all the Members at the same time because now we are not able to hear the proceedings properly.

MR. DEPUTY-SPEAKER: That is why the Members should have some restraint. If one by one speaks, every Member can have a chance to speak.

SHRI ARVINDA BALA PAJANOR: Sir, the lunch hour is approaching and the brain power has no value and I don't think many of the Members will be here now. Mr. Deputy-Speaker, the

present Government is very much against the Emergency provisions. And we know pretty well that last time when the 42nd Amendment and some other amendments were presented before this House, they used to supply the material about 8 O'clock or 9 O'clock and I had raised it in this very same House that this is a very bad practice. I agree with Mr. Kalyanasundaram for giving more time to introduce a Bill like this. Actually, I have got my paper today at 8.30 A.M. and this is not the way to treat us and if that is going to be the method and you are going to hurry with these Bills, I think you are going to bury justice.

SHRI SOUGATA BOY (Parrotspore): The charge against the previous government was that it tried to rush through legislation during emergency. We are making the same charge against the present Government that it is trying to do the things in a similar way.

MR. DEPUTY-SPEAKER: Mr. Kalyanasundaram, I may say that what the Secretary was giving me was a copy of the Memorandum. The Memorandum has been circulated and they have explained the urgency that is forcing them to adopt this course and the Speaker has waived notice and he has permitted this Bill to be introduced. So, there the matter ends.

—  
12.36 hrs.

STATEMENT RE. GOVERNMENT OF UNION TERRITORIES (AMENDMENT) ORDINANCE

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, with your permission I lay on the Table an explanatory statement (Hindi and English version) giving reasons for immediate legislation by the Government of Union Territories (Amendment) Ordinance, 1977.

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12.37 hrs.

## DELHI ADMINISTRATION (AMENDMENT) BILL\*

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, I beg to move for leave to introduce a Bill to amend the Delhi Administration Act, 1966.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to amend the Delhi Administration Act, 1966."

*The motion was adopted.*

CHAUDHURI CHARAN SINGH: Sir, I introduce the Bill.

—

## STATEMENT RE. DELHI ADMINISTRATION (AMENDMENT) ORDINANCE

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): With your permission again I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Delhi Administration (Amendment) Ordinance, 1977.

—

12.39 hrs.

## DISPUTED ELECTIONS (PRIME MINISTER AND SPEAKER) BILL\*

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): I beg to move for leave to introduce a Bill to provide for authorities to deal with disputed elections to Parliament in the case of Prime Minister and Speaker of the House of the People and for matters connected therewith.

MR. DEPUTY-SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to provide for Authorities to deal with disputed elections to Parliament in the case of Prime Minister and Speaker of the House of the People and for matters connected therewith."

I have received notice from three Members and I will allow those three Members to speak.

SHRI SHYAMANANDAN MISRA (Begusarai): Mr. Deputy Speaker, Sir. I am rising to express certain doubts and misgivings about this measure. And if the hon. Law Minister succeeds in removing those doubts and misgivings. I will not finally oppose this motion. But at the moment the position is that it seems to me quite obvious that this measure is contrary to the spirit of Article 14 of the Constitution which provides for equality before law. At the same time I am not able to understand why the present Government should be as keen as the previous government was that a Member when he or she becomes the Prime Minister he or she should be considered as a different animal to be treated in a different kind of zoo. That is the position which is, frankly speaking, not very clear to me. That the present government should subscribe to that principle, as did the earlier government, is on the face of it strange. I have no doubt, Mr. Deputy-Speaker, that my government is as much committed to the salutary principle of equality before law as any one of the members of the party is. At the same time, I realise that they have certain difficulties to contend with at the present moment which they may not have in the future. But I venture to think that there could be some other alternatives before the government. It is also quite clear—it does not require any reiteration to the hon. Law Minister—that our election manifesto states

\*Published in Gazette of India Extraordinary, Part II, section 2.  
dated 5.4.77.

that we shall ensure that all individuals including those who hold high offices are equal before law.

What is the concept of equality before law? Is it being sought to be observed in this case? These are the crucial questions before us.

Equality before law means that among equals the law should be equal and should be equally administered; that is, likes should be treated alike. Are we not as Members alike? I do hope that the hon. Law Minister thinks that we are all alike and that he would certain by do something to undo the grave wrong that has been done to the Constitution. I would have been happy if the hon. Law Minister had made it clear in the statement of objects and reasons itself that the ultimate objective of the government was to clear the position in this regard, namely, it could not subscribe to the idea of placing the Prime Minister above law. I do not think that there could be any objection to the ultimate objective of the hon'ble Law Minister being made clear in the statement of objects and reasons itself; nothing came in the way of its being mentioned in the statement of objects and reasons. Even so I do hope that even at this point of time, the non. Law Minister would come forward, if not today, tomorrow, with a Bill to repeal Article 329 of the Constitution. I would now be coming to certain other points. But before I do so I would like to emphasise that the special privilege in favour of an individual continues to disfigure the Constitution; and it does do away with the salutary principle of equality before law. We should like the hon'ble Law Minister to make it clear to the House and to the world that he and this government do not subscribe to the principle that the Prime Minister can do no wrong, that the Prime Minister should be treated in a different category altogether. However, I do realise, as I said earlier, that the government is placed in a difficult predicament because of the

amendment of the Constitution and there is not sufficient time to undo the wrong that has been done to the Constitution. The Constitution now requires that a special authority shall be provided to try election cases relating to the Prime Minister and the Speaker and that authority was sought to be provided by an ordinance. It is also clear to me that this Bill is a substantial improvement upon the ordinance that had been promulgated by the earlier government because the earlier government had tried to institute a kind of tribunal which was unheard of in judicial history. There was to be a congerie of persons to try out election cases relating to the Prime Minister and the Speaker. This Bill seeks to eliminate non judicial elements from the tribunal and this provides for the matter to be referred to a judicial tribunal. To that extent, it is an improvement upon the ordinance that was promulgated by the former government in February. But my submission to the government and the hon'ble Law Minister is that they should take early steps to undo the wrong that has been done to the Constitution and to the sacred principle of equality before law.

Now a question may be asked: If you do not provide for an authority, would there be a vacuum in law? If the ordinance was allowed to lapse, would there have been a vacuum or chaos in law? If that is so, that position has to be taken into account. But to my mind, there could not have been any vacuum, although I am assailed by a doubt, because article 329 says that no such election shall be called into question except before such authority not being any such authority as is referred to in clause (b) of article 329. Clause (b) refers to the ordinary tribunals which try other election cases. That really creates a difficult situation, but since the hon'ble Minister happens to be a great expert in law, I would ask: if there is a vacuum in law, what operates? Would the government be called to account for that? Can there

[Shri Shymanandan Misra]

be a vacuum in 'aw? If there is indeed a vacuum in law, is it not that somehow the court will have to bring itself to accepting the existing forum for that purpose? The hon'ble Minister should have examined the position namely, if the ordinance had been allowed to lapse, there would have been a vacuum so far as the authority to try such cases was concerned. To my mind, if there was a vacuum, it would not have been allowed to remain by the court and the existing authority would have been allowed to operate.

Secondly, my doubt is with regard to the forum of appeal. If the Chief Justice of the Supreme Court appoints a judge of the Supreme Court to try the cases relating to the hon. Prime Minister and the hon. Speaker, would not the Supreme Court as a forum of appeal be shut out? It may not be so. That is also my position but let the minister make the point clear. Apart from that, in accordance with the provisions of the amended Constitution. I think that any forum of appeal is ruled out in this case. I am now taking a different position altogether. I am not merely taking the position that since the tribunal would be appointed by the Chief Justice of India from amongst the judges of the Supreme Court, the Supreme Court cannot be a forum of appeal; I am also taking into account the provisions of article 329 of the Constitution as it stands. Is not any forum of appeal completely ruled out according to article 329? Should the position be allowed to remain as it is? Could not a forum of appeal have been provided for? Perhaps the Constitution comes again in the way. Has the hon'ble minister examined whether there would be a forum of appeal in the matter of these election cases? These are some of my doubts and I hope the minister will clear them.

श्री शशीकला यादव (जबलपुर) : अध्यक्ष महोदय, हम लोगों ने, जनता पार्टी के

लोगों ने अपने घोषणा पत्र में कहा था कि कानून के आगे हिन्दुस्तान के 62 करोड़ आदमी बराबर रहेंगे लेकिन यह बिल जो आया है इस में कहा नहीं है कि प्रधान मंत्री और स्पीकर के लिये अलग ट्रिव्यूनल बनाया जायगा और उस में जांच की जायगी। मैं पूछना चाहता हूं और यह कहना चाहता हूं कि पिछले प्रधान मंत्री ने जो प्रधान मंत्री इस देश में रहे जिसने हिमालय को गुलाम बनाया, गंगा को गुलाम बनाया, जिसने विन्ध्यक्षेत्र को गुलाम बनाया, जिसने कावेरी, गोदावरी से लेकर सतलज तक सब को गुलाम बनाया, जिस ने देश के खेतिहर मजदूरों को गुलाम बनाया, जिसने देश के 62 करोड़ आदमियों को गुलाम बनाया वह सारे देश को गुलाम बनाने वाले आदमी कौन थे? वह कौन था? वह प्रधान मंत्री थी। जो प्रधान मंत्री इस तरह की गलती कर सकता है वह कोई खुदा नहीं है। उन के लिये इस तरह से अलग कोई प्रावधान किया जाये इस को हम वर्दांशत नहीं करेंगे। मैं सरकार से कहना चाहता हूं कि इस तरह की कोई विशेष सुविधा या कोई प्रिविलेज देकर प्रधान मंत्री और स्पीकर को अलग रखा जाये, यह कोई अच्छी परम्परा नहीं है। पिछले प्रधान मंत्री से यह बात सावित हो गई है कि प्रधान मंत्री कोई खुदा नहीं होता, केवल इन न ही होता है। उन से भयकर भूलें हुई है। जिन को इस देश के करोड़ों लोगों ने भोगा है। लाखों लोग जेल गये हैं। यह सारा कुछ प्रधान मंत्री ने ही किया था। आज दूसरे प्रधान मंत्री और स्पीकर बने हैं वे निष्पक्ष ही रहेंगे इस बात की क्या सम्भावना है? इसलिये मैं अपने ला मिनिस्टर से और अपनी पार्टी से निवेदन करना चाहता हूं कि ऐसा प्रावधान नहीं होना चाहिये। आज सवेरे जब मैंने बैलट देखा तो 9

बजे यहां दौड़ कर आया। मेरी भावनाओं को बहुत टेस लगी है। ला मिनिस्टर से मेरा निवेदन है कि इस बिल को तुरन्त वापिस लिया जाय। इस तरह का कोई ट्रिव्यूनल नहीं बनाया जाना चाहिये। अगर यह बनाया जायेगा तो देश के नौजवान इस का समर्थन नहीं करेंगे हम चाहते हैं सरकार इस बिल को वापिस ले। कानून के सामने हाईकोर्ट सुप्रिम कोर्ट या दूसरी अदालतों में प्रधान मंत्री और इस देश की 62 करोड़ जनता जिसमें कंगल चपरासी सभी आते हैं वहां पर जायें मैं अपनी पूरी भावनाओं के साथ इस बात को यहां पर कह रहा हूँ पिछली प्रधान मंत्री ने जो पाप किये हैं उन से सावित हो जाता है कि इस देश में प्रधान मंत्री बहुत बड़ी गलतियां कर सकता है व्यों कि वह भी इन्सान होता है और सभी इन्सानों में कानून के सामने बराबरी होना चाहिये। यही मेरा ला मिनिस्टर से निवेदन है। इतना ही कहकर मैं अपनी बात समाप्त करता हूँ।

श्री मध्य लिम्ये (वांका) : उपाध्यक्ष महोदय, इस विधेयक के पेश होने से मुझे डर लग रहा है कि देश में गलतफहमी फैलेगी। मैंने जब आज कार्यसूची देखी तो मैं भी परेशान हो गया कि जिस विधेयक का हम लोगों ने विरोध किया था—हम में से अधिकांश तो उस समय जेलों में बन्द थे लेकिन जो सदनमें मीजूद थे उन्होंने अपनी भावना स्पष्ट शब्दों में व्यक्त की थी और हमने भी अपने विचार जेल से बाहर भेजने का प्रयास किया था इसलिए आज इसको देख कर मैं परेशान हो गया। यह जो कांस्टीट्यूशन अमेंडमेंट एक बना उसका नाम ही बड़ा गन्दा है। आप नाम देखिये :

Special Provisions as to elections to Parliament in the case of Prime Minister and Speaker.

क्या प्रधान मंत्री और क्या स्पीकर, ज़ चुनाव के मैदान में वे उत्तरते हैं तो वे

केवल लोक सभा के उम्मीदवार होते हैं और उसके अलावा कुछ भी नहीं होते। मतदाताओं को मालूम भी नहीं होता कि कौन प्रधान मंत्री होने वाला है। ऐसी हालत में लोक सभा के उम्मीदवारों में किसी प्रकार का कोई विषम व्यवहार करना वह हमारे संविधान के जो बुनियादी सिद्धान्त हैं, समानता के सिद्धान्त हैं उनके विपरीत होगा।

मैं जानता हूँ कि 329(ए) को तत्काल रद्द करने में सरकार के सामने कुछ कठिनाइयां हैं लेकिन फिर भी मेरी मान्यता है कि पहले तो उद्देश्यों का जो ज्ञापन है उसमें बिल्कुल सफाई के साथ कहना चाहिये, जैसा कि श्यामनन्दन जी ने कहा कि किस परिस्थिति में हम यह विधेयक पेश कर रहे हैं। इसमें दूसरी गलती यह हुई है कि इस विधेयक के साथ साथ उसी दिन कार्यसूची में 329(ए) को रिपील करने वाला संविधान संशोधन विधेयक भी आना चाहिए था। तब गलत-फहमी नहीं होती। मैं जानता हूँ—शायद कानून मंत्री यह सोच रहे हैं कि यदि वे 329(ए) वाला संशोधन विधेयक यहां पेश कर भी दें और वह लोकसभा में पास भी हो जाय, तो यह ज़रूरी नहीं है कि वह राज्य सभा में भी पास हो जाय। इस के लिये मैंने पहले ही यह सुझाव दिया था कि देश के जितने महत्वपूर्ण मामले हैं, लेजिस्लेटिव प्रोग्राम्ज हैं, संवैधानिक संशोधन हैं—इनके बारे में आपको विरोध पक्ष के नेता से सलाह मण्डिरा करना चाहिये। मैं, उपाध्यक्ष महोदय, आप के माध्यम से कानून मंत्री जी से प्रार्थना करूँगा कि वे आपचारिक तौर पर विरोध पक्ष के जो नेता हैं—राज्य सभा में या इस सदन में—दोनों को बुलाइये और उन से बातचीत कीजिये। मैं यह बात सभी संवैधानिक संशोधनों के बारे में नहीं कह रहा हूँ, क्योंकि इस सम्बन्ध में उनकी अपनी राय है, उनकी अपनी नीति है, अपने कार्यक्रम हैं, हम उनमें रुकावट नहीं बनना चाहते। लेकिन जैसा मैंने उनसे कहा था कि क्या एमजैसी को आप एबेरेशन

## [ श्री मधुलिमये ]

समझते हैं। तब उन्होंने कहा कि एमजॉसी के दौरान जो हुआ है, वह हमारी परम्परा के अनुरूप नहीं है, ग्रेस की परम्परा के अनुरूप नहीं है। इसलिये जन-स्वातन्त्र्य और जन-श्रद्धिकार पौपुलर-लिबर्टीज और पौपुलर राइट्स—इनके बारे में हमारी उनकी एक राय है। इसलिये मेरा कहना है कि पहले संविधान संशोधन में आप केवल ऐसी दो-तीन बातों को रखिये जिनके बारे में किसी को गलतफहमी नहीं हो सकती है, जिनके द्वारा हम जनता के छोटे हुए श्रद्धिकारों को लौटा रहे हैं। भाषण-स्वातन्त्र्य का अधिकार, अपने वोट से अपने प्रतिनिधियों को चुनने का अधिकार या संघ स्वातन्त्र्य का अधिकार, समानता का अधिकार—ये सब बातें उसमें आती हैं।

जहां तक मुझे मालूम है—चब्बाण साहब पूरी पालियामेन्ट्री कांग्रेस पार्टी के नेता हैं, ऐसा नहीं है कि केवल लोक सभा के ही नेता हैं। इस लिये वे अपने राज्य सभा के सहयोगी से—मुझे पूरा भरोसा है—बात करेंगे। मैं चाहता हूं कि मंत्री महोदय इस सदन को आश्वासन दें कि वे इस तरह का विधेयक लायेंगे और अगर उपाध्यक्ष महोदय आपको इजाजत दें उद्देश्यों का जो जापन है उस में भी आप संशोधन कीजिये। क्योंकि यह ऐसा डाक्यूमेन्ट है, जिसके बारे में 100 साल के बाद भी कहा जा सकता है कि जनता पार्टी की सरकार एक चुनाव घोषणा पत्र के आधार पर जीत कर आई, लेकिन पहले ही छोटे सत्र में वह ... ऐसा विधेयक लेकर आई, जिसमें समानता के सिद्धान्त का हनन हुआ। इसलिए रिकार्ड को साफ करने के लिए अगर उपाध्यक्ष महोदय आपको इजाजत दें तो उसमें संशोधन कीजिये, उसमें एक वाक्य रखिये—चूंकि रिक्तता और शून्यता का खतरा था, इसलिये हम ऐसा कर रहे हैं। लेकिन हमारी नीति ऐसी नहीं है, हम समानता के प्रति दृढ़-संकल्प हैं और समानता का रास्ता कायम करने के लिये कोशिश कर रहे हैं।

13.00 hrs.

SHRI HARI VISHNU KAMATH (Hoshangabad): I rise on a point of order. I fail to understand why the Janata government should continue to hold the babies, or rather, the ugly ducklings of the predecessor government. (Interruption) I invite attention to Article 123 of the Constitution, clause (2), Government could easily have found a way out of the course that they have adopted this morning—an unhealthy and undesirable course for the Janata government to adopt. The Memorandum under Directions 19A and 19B supplied along with the explanatory statement laid on the Table along with the Bill states that the ordinance was promulgated by the President on the 3rd February 1977. Now the present Bill seeks to replace the said Ordinance with certain modifications. Now, is that the only way open to the Government? Could Government not have taken recourse to article 123, clause (2), which would have easily helped them, without holding this baby before Parliament, this new Parliament, this Janata Parliament? Clause (2) says:

"An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and"

The latter part of above does not apply. Further, part (b) says:

"(b) may be withdrawn at any time by the President."

This is very very helpful. If they had taken it very seriously and if part (a) is not acceptable, they could have

advised the President to withdraw the ordinance to restore the *status quo ante* prior to emergency. I would like the Law Minister to throw light on this matter.

**SHRI SHANTI BHUSHAN:** Mr. Deputy-Speaker, Sir, I am very happy that this matter has been raised by the hon. Members, Shri Shyamnandan Misra, Shri Sharad Yadav and Shri Madhu Limaye and a point of order by Shri Kamath also.

I would like to say with all the emphasis at my command that the Government is totally opposed to the whole of article 329A. The Government is fully committed to restore absolute equality between the Prime Minister and the Speaker on the one hand and all the other hon. Members of Parliament on the other hand. The Government believes that in all these matters the principle of equality is so basic and an integral part of democracy that without this equality no democracy can really succeed in this country.

But the hon. House would appreciate the difficulties and the constraints under which the present Government has to function today for a certain period, on account of the things done by the previous government earlier. As the House is aware, article 329A was enacted under very very unfortunate circumstances in August 1975. I am, however, very happy that a part of that article 329A, namely, clause (4), was found to be so opposed to the basic structure of the Constitution that it was struck down by the whole Supreme Court. But, so far as the other clauses were concerned, namely, clauses (1), (2) and (3), the Supreme Court did not get any opportunity in that case to pronounce upon with the result that those clauses are still in existence in the Constitution of India.

Now this Ordinance was promulgated by the previous Government is in

accordance with the requirements of article 239A. I would just read out as to what the requirement of article 329A is. That article says:

“(1) Subject to the provisions of Chapter II of Part V except sub-clause (e) of clause (1) of article 102, no election—

(a) to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election;

(b) to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election;

shall be called in question, except before such authority....”

—now what follows is very important—

“not being any such authority as is referred to in clause (b) of article (329) or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned”.

So that, so long as the constitutional amendment was on the statute-book, the position was that neither Parliament, nor the President in exercise of his ordinance-promulgating authority, could again provide for the same authority, because it was expressly said, “such authority (not being any such authority as is referred to in clause (b) of article 329)”, which means that the High Court to which the election petition has to be presented against other Members of Parliament has been ruled out. So, while the Government was very keen that the position of absolute equality must

[Shri Shanti Bhushan]

be immediately restored between the Prime Minister and the Speaker on the one hand the other hon. Members on the other hand, this constraint imposed by article 329A came in its way.

Government wants to introduce a Bill for the total and complete repeal of article 329A, and I would appeal to the Leader of the Opposition as well as friends on the other side to help us in establishing this equality between the Prime Minister and the Speaker on the one side and the other Members of the House on the other. This Bill, I hope, would be introduced very early.

The Ordinance which had been issued by the previous Government provided that in the case of the Prime Minister and the Speaker, the authority to decide the dispute about the election would be a kind of a parliamentary committee consisting of three representatives of the Lok Sabha, three representatives of the Rajya Sabha and three nominees of the Government. The public sentiment was that such an authority would not command the confidence of the public. The option before us was to substitute some authority other than the High Court, because that was prohibited by the article itself, and we thought that if we could not substitute a High Court as the authority as in the case of other Members of Parliament, we must not substitute an inferior authority, but might substitute a superior authority. That was the reason behind this provision and we thought that as we could not have any authority other than a Judge, we would have a permanent sitting Judge of the Supreme Court to be nominated by the Chief Justice.

Shri Shyamnandan Mishra raised a point that the Ordinance could have been withdrawn under article 123(2) (b). There is no doubt that it could have been withdrawn, but if it had been withdrawn and no other Bill had been introduced, there would have

been a vacuum. Shri Mishra appears to be under the impression that if there was a vacuum, the courts would perhaps have formulated some kind of a remedy, the High Court perhaps might have entertained a petition against the Prime Minister or the Speaker. I am very sorry to say that that would not be the legal position in the face of the clear provision in article 329. So, if the Ordinance had been withdrawn or allowed to lapse, the position would have been exactly the reverse of what the hon. Member contemplates, namely, we would have been open to the charge that by allowing the Ordinance to lapse, while we are not restoring and cannot constitutionally restore the authority of the High Court to question the election of the Prime Minister and the Speaker, we are eliminating even such authority as was provided by the Ordinance, and it would have been said that the election of the Prime Minister and the Speaker could not be questioned before any forum. So, some forum had to be provided. A vacuum should not be allowed to come in. Therefore, we have, within the constraints of the Constitutional provision, provided for a Supreme Court Judge. There cannot be any possible objection to that.

But, at the same time, we would like the judge of the High Court to be substituted as quickly as possible and therefore that Bill would be introduced. Another point which has been raised is about the appellate forum. Now care has been taken that here a Supreme Court judge who would be nominated by the Chief Justice, would not be deciding the election petition. It would be the authority constituted by a notification of the President. But the authority will be that sitting judge of the Supreme Court who is nominated by the Chief Justice with the result that he would be functioning as the authority, and since that authority would be a judicial authority, it would be disposing of judicial disputes, judicial controversies. Therefore, the de-

cision of such an authority would be questionable by an appeal to the Supreme Court under Article 136 of the Constitution.

Just as in the High Courts, sometimes a matter is decided by a single judge of the High Court, and even though a High Court judge has disposed of a matter, an appeal lies in the High Court itself before two judges or a large number of judges, the legal position would be that in regard to this single judge of the High Court who would be deciding a dispute as an authority constituted, an appeal would lie against the decision of that single judge of the Supreme Court before the Supreme Court as such under Article 136 of the Constitution.

I hope that with this clarification, any doubts in the matter anywhere in the country, which might otherwise have been there and the point which had now been so pointedly raised, would be completely set at rest and we shall get the co-operation of the entire House in our firm resolve, as quickly as possible, to put the constitutional position on a sound footing which is in the fitness of things in a democratic country.

MR. DEPUTY-SPEAKER: He has answered all the points. Has he leave of the House to introduce the Bill?

SHRI SHYAMNANDAN MISHRA: One point remains to be clarified. According to the provision of Article 329 of the Constitution, the appeal is perhaps not eliminated. I want to know the clear position. It appears to me—on a cursory view of Article 329; as the Bill was circulated amongst us this morning and we did not have enough time to go into it—in accordance with the provision of Article 329, that the appeal is not barred.

SHRI SHANTI BHUSHAN: In fact, earlier also, before the High Court

was designated as the authority to deal with the election petition, the House would recall that there used to be a tribunal to decide election petitions. At that stage, this very question had been raised in High Courts and the matter had ultimately gone to the Supreme Court and arguments had been advanced that because Article 329 contemplated no authority other than the authority laid down under Article 329, it would alone decide the election disputes. Therefore, that had ruled out either the writ petition in the High Court against the decision of the election tribunal or an appeal to the Supreme Court under Article 136. But the Supreme Court had decided on that question that Article 329 did not rule out the constitutional power of the Supreme Court to entertain a writ petition against the decision of the election petition or the power of the Supreme Court under Article 136 to entertain the appeal against the decision of the tribunal. There is no reason to think that the Supreme Court will not take this in view.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for authorities to deal with disputed elections to Parliament in the case of Prime Minister and Speaker of the House of the People and for matters connected therewith."

*The motion was adopted.*

SHRI SHANTI BHUSHAN: I introduce the Bill.

STATEMENT RE: DISPUTED ELECTIONS (PRIME MINISTER AND SPEAKER) ORDINANCE

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): I lay

<sup>†</sup>Introduced with the recommendation of the Vice-President acting as President.

[Shri Shanti Bhushan]

on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Disputes Elections (Prime Minister and Speaker) Ordinance, 1977.

13.15 hrs.

MOTION OF THANKS ON THE ADDRESS BY THE VICE-PRESIDENT ACTING AS PRESIDENT

MR. DEPUTY-SPEAKER: We shall begin further discussion on the motion of thanks on the Address by the Vice-President acting as President.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Before we begin discussion on the motion of thanks on the Address by the Vice-President acting as President, I would like to make a statement regarding the sitting of the House. Yesterday, you would recall, it was decided that the debate on the motion would continue for an hour this morning and the Prime Minister would be requested to reply to the debate at 2 P.M. As things have gone on in the House now, we see that one hour after the Question Hour is over and the time for lunch recess has come. I would, therefore, request you to agree to forego the lunch recess and continue with the debate on the President's Address. This will give an opportunity to more hon. Members to speak and participate in the debate. The Prime Minister will then reply to the debate at 3 P.M.

SHRI K. RAGHU RAMAIAH (Guntur): Sir, it has been the customs and the procedure in this House all these years that when changes like this are made, the Opposition is also consulted. While I have no objection to the present proposal, I would like my hon. friend, the Minister of Parliamentary Affairs, to follow the time-honoured customs of consulting the Opposition

about any extension of time or extension of the sitting of the House or any such accommodation. We are willing to cooperate. But we should not be ignored.

SHRI RAVINDRA VARMA: I wish to say that I am extremely sorry that I did not have the occasion to consult the Opposition. I will see that such a lapse does not occur in future.

MR. DEPUTY-SPEAKER: I think the House agrees to the suggestion put forward by the Minister of Parliamentary Affairs.

HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: I would also suggest that, if need be, we may sit beyond 6 O'clock today to complete some of the Government business.

श्री शरद यादव (जबलपुर) : उपाध्यक्ष महोदय, मैं थोड़ा सा बिहार वाला मामला जो था उसकी ओर आपका ध्यान दिलाना चाहता है। आप देखिये कि हिन्दुस्तान में जो भी मामला हुआ है बिहार विधान सभा को भंग करने के बारे में कितने नौजवानों की जानें गईं, कितनी ही हमारे साथ ज्यादतियां ई, सब कुछ हुआ और 90 आदिमियों ने इस्तीफा दे रखा है। और उस विधान सभा को जिसने इन सब पाप किये हैं भंग कराने के प्रश्न पर नौजवान लोग लोक सभा के सामने भूख हड़ताल कर रहे हैं। बिहार में नौजवान तकलीफ में हैं, उनकी भवनाओं को ठेस लग रही है। लाखों लोगों ने दस्तखत करके दिया है कि इस लोक सभा के चुनाव में बिहार की जनता ने सारे कांग्रेस के जो खड़े हुए बिजली के खम्भे थे सब को हरा दिया। मैं भी छात्र संघर्ष समिति के सदस्यों के साथ प्रधान मंत्री से मिला था और उन्होंने 8 दिन का वक्त दिया था कि इस बीच कोई फैसला हो जायगा। लेकिन अभी तक उस बारे में कोई फैसला नहीं हुआ है। बिहार के लोगों की जो भवनायें हैं, जितनी कुरबानियां

उन्होंने दी हैं, जितनी हमने यातनायें और कष्ट सहे हैं, उन सब को ध्यान में रखते हुए मेरा सरकार से निवेदन है कि जो नौजवान भूख हड्डियां पर बैठे हुए हैं उनकी तरफ देख कर और बिहार के नौजवानों और जनता की भावनाओं को समझ कर के सरकार जल्दी से फैसला दे और उस पापी विधान सभा को भंग करे। जनता ने तो अपना फैसला दे दिया है अब आपको फैसला देना चाहिये।

श्री मधु लिम्ये (दावा) : आप उन लड़कों से मिल लीजिये।

श्री श्यामनन्दन मिथ्ये (बेगूसराय) : उपाध्यक्ष महोदय, आप उन छात्रों से मिलने जायें, या कोई मंत्री महोदय मिलने जाय। 4 छात्र यहां पर उपवास कर रहे हैं। सवाल है विधान सभा के चुनाव का elections to the Assembly का सरकार को इसके सम्बन्ध में भी अपनी स्थिति इसी सेशन में साफ कर देनी चाहिये।

MR. DEPUTY-SPEAKER: Now, we proceed with the discussion on the President's Address. As there is hardly 1-1/2 hours time left, it would be appreciated if the hon. Members take only about 5 minutes each.

Shri Chitta Basu.

SHRI CHITTA BASU (Barasat): Mr. Deputy-Speaker, Sir, as you are aware, the Sixth Lok Sabha has been constituted against the background of a series of political events of extraordinary and far-reaching significance. Therefore, in all fairness, the President's Address is to be viewed in the light of the political changes that have taken place in the country.

The result signifies, in short, the unshakable faith of the Indian masses in the parliamentary institutions and the democratic processes, despite strong-arm policies of the erstwhile Government to reverse them. It is nothing short of mass revolt against the tyranny of a thin caucus who

went in the name of the Government and who permitted the operation of extra-constitutional powers at various levels. It was a silent revolt but conspicuous in its eloquence.

This is the inevitability of the process of history. We know that certain policy statements have been made by the Government and those policy statements are really in accordance with the mass movement in the country. Particularly, I refer to the statements made by the Minister of Railways and the Minister of Communications wherein the wishes and aspirations of the working class, the labour leaders and the employees have been properly reflected in the matter of reinstating those employees who were dismissed or suspended because of the participation in legal trade union activity.

13.20 hrs.

[SHRI DHIRENDRANATH BASU in the Chair]

We know that the new Government is riding on the wave of victory. New hopes and expectations have also been raised among the masses. This mass enthusiasm has to be further consolidated and strengthened. It is necessary that the Government of the day should take appropriate measures and specific and concrete decisions in the matter of ensuring popular involvement in policy making and also in administration. I am sorry to note that no mention of this aspect has been made in the President's address. I think this is a lacuna, and this has to be taken note of.

I further appeal to the Government that such measures should immediately be taken whereby the people will feel that there will really be a change for the working classes of this country. The House knows that the agricultural workers of our country constitute an overwhelming majority of the working population. It has been the policy of the erstwhile Government to allow the State Governments to fix up the minimum wages for agri-

[Shri Chitta Basu]

cultural labourers. As you know, in many States, the minimum wages for agricultural labourers have been fixed, but in most of the States these minimum wages are not being given to the agricultural labourers. This Government is committed to give effect to the Gandhian principles. According to Mahatma Gandhi it is in the villages that India lives and the agricultural workers of our country, as I mentioned earlier, constitute an overwhelming bulk of the working population. I think the Government should take immediate measures to see that there is general implementation of the minimum wages for agricultural workers. Labour is a Concurrent subject: I don't know why the Government cannot have laws of a nature which will also include enforcement of the minimum wages in different States in respect of agricultural workers and Scheduled Castes and Scheduled Tribes and Adivasis who have been subject to inhuman atrocities in the past. In the President's address there is no specific mention of measures to safeguard their interests in their economic, social and political life.

The organised working class is happy to know that the Government is willing to amend the Bonus Act. But it has not been specifically mentioned as to whether this amendment will be given effect to with retrospective effect. Government should amend the Bonus Act immediately and restore the right to a minimum bonus of 8.33 per cent with retrospective effect from 1975.

Today during the call-attention on political prisoners, some statement has been made, but the statement is not specific and clear. As far as my knowledge goes, the State Government of West Bengal recently made a statement wherein it has been said that more than 6,264 political prisoners are still behind the prison bars in the State of West Bengal. There

are various charges against them; there are undertrial prisoners. There has not been any specific declaration of amnesty for the release of all political prisoners. That is very necessary in order to avoid the legal complications. I do not have much time to discuss that. But it is well known and it should be known to this Government also, that, while these political prisoners were in jail, many of them have been victims of oppression and torture in jail; many of them have also been killed while in jail, and we have heard of built-up stories of killing on the plea of so-called encounter with the police. There have been many instances of this nature. It is for the Government of India to institute a thorough inquiry into the matter relating to the question of political prisoners and declare immediately an amnesty for the immediate release of all political prisoners.

Certain points have been raised by the Leader of the Opposition as to the justifiability of the Forty-Second Constitution Amendment. I would like to remind him that, although they have the plea that the Forty Second Amendment has been made for the strengthening of the democratic fabric of our country, it is our feeling, it is our considered opinion, that it was perpetrated only to perpetuate the one-party rule and to perpetuate the Emergency. Therefore, in the fitness of things, if they are really for the strengthening of the democratic character of our Constitution, they should not oppose any move from the present Government for scrapping that Forty-Second Constitution Amendment Act.

I would further request you to consider that there is a new situation now in the country. The State Legislatures in different parts of our country, after the poll results, have got no moral or legal claim to wield the authority of the State. There should be immediate elections in the States. Unless that is done, the Governments in the States will not have the con-

dence of the people to run the Governments.

These are the few points which were lacking in the President's Address. Even in this late hour, the Prime Minister or the other Ministers who take part in the debate can give these specific assurances to the House and to the country, so that the people can feel that there has been a real change in our country and they can also have the feeling of meaningful participation in the governance of the country.

SHRI P. K. DEO (Kalahandi): Mr. Chairman, Sir, it was the biggest ambition in my life to see a non-Congress Government at the Centre and evolution of a two-party system, so that the monopoly of power could be wrested from the ruling Party. If the history of evolution of democracy in this country is to be written, this will find a place that, as early as 1948, after placing all that we had at the feet of Mother India, I and Shri R. N. Singh Deo raised the banner of opposition in the name of Ganatantra Parishad. I am alive today to see this unique spectacle, but he is not here, he is dead and gone.

In 1952, an attempt was made for the first time in the first Lok Sabha for the polarisation of the opposition parties in this House and the National Democratic Party was formed with Shri Shyama Prashad Mukherjee as the leader and Shri R. N. Singh Deo as the Secretary-General.

For this magnificent election results, I salute the people of this great country, who during this emergency in their typical characteristic manner endured all hardship and sufferings, indignation and humiliation and waited for the appropriate time to undo the wrong and have manifested their vitality and maturity in putting a non-Congress Government in the Centre. This unprecedented, bloodless coup will go down in the history of the world as a magnificent achieve-

ment of the people. It had the unique leadership of Loknayak, Shri Jayaprakash Narayan, to whom all my salutations go. Democracy has taken a firm root in this country and will be a permanent feature in our life.

The elections are over and the Government have settled down to business. I would like to remind you that in spite of minority of votes, it is the Congress Party which managed to be in power for thirty years.... If you analyse the voting figures, it used to vary from 37 per cent to 42 per cent in favour of the Congress Party. But it is because of the multiplicity of the opposition parties that they could be in power for all these thirty years.

In all humility, in the name of God, in the name of this ancient land Bharat Versha and in the name of democracy, I plead with our revered Prime Minister, respected Babuji, Sardar Parkash Singh Badal and the various other components of the Janata Party to eschew all their differences and to bury them and try to forge a viable alternative to the Congress Party and to form one Party under one discipline. This is because our experience regarding SVD Governments has been very bitter in the past. In Orissa, we had the opportunity to share power with the Congress Party, the Jan Congress Party and the Utkal Congress three times, but the Government did not run its full term. Taking all these facts into consideration, I again request the various components, the various constituents of the Janata Party, to forge into one party. Only in that case, they can fulfil the aspirations and expectations of the people. The President, in his Address, has rightly pointed out about the evolution of a healthy two-party system and I hope it will materialise in the near future.

In this old land, a new era of freedom has dawned which was eclipsed during the emergency. There is no more the climate of suffocation, suspicion and suspense, which in those days vitiated the premises of Parlia-

[Shri P. K. Deo]

ment House, and the Central Hall. The Central Hall which used to be humming with various activities and intellectual discussion had the look of a ghost house. The whole country was converted into a prison. We know that various atrocities and excesses had been committed by the then Government during that period. I take this opportunity to give a few examples which will provide a peephole to look into the ghastly panorama of the holocaust that was perpetrated during that period.

One, Shri Parsuram Satpathi, a budding journalist and a youth leader was murdered in broad daylight in Bholangir and he was crushed to death by the jeep of the Youth Congress and upto now the truth has not been brought to light.

Shri Sarat Chandra Singh Deo, an MLA in my constituency, died in mysterious circumstances in the Inspection Bungalow of Rayaguda while he was on tour with the Estimates Committee and in spite of our request to the Chief Minister, nothing was done.

Shri Satya Prasad Mund, an innocent and respected lawyer of Bhavampatna was put behind the bars because some RSS pamphlets were found at his place. Some students singing patriotic songs were put behind the bars as MISA prisoners. The crime they committed was that they were singing patriotic songs. Shri Natwar Paihan MLA was detained under MISA had a heart attack in the jail and in spite of my request to the Chief Minister to release him, at least on parole, nothing was done. So, in the shape of an amendment, I have made a request that an inquiry should be made into the excesses committed by the various Chief Ministers during the emergency and appropriate action should be taken against them.

The President has reiterated the pledge of the Government to remove destitution within a time limit of 10 years. To form a socialist and egali-

tarian society we need not take a leaf from Engel or Marx or Lenin. We need not import the connotation of socialism from Moscow or Peking. India is basically a socialist country. Bharat is not a Bhoga Bhoomi, it is a Thyaga Bhoomi. The Isavasyopanishad of the Yajur Veda says:

ईश व स्वमिद सर्वं यत्किंचित् जा त्थां उगत्  
तेन त्यक्तेन मुंजोये : ॥ गृहः कः स्य दिव्यदृष्टनम् ।

It is our good fortune that the Prime Minister is the embodiment of all those values for which India is great to-day and I hope our objective would be achieved in the Gandhian way. I wish the Prime Minister all success and I sincerely hope that what has been mentioned in the President's Address will be achieved in the time schedule.

The President has not dilated in his speech regarding the various socio-economic programmes and the steps to be taken to remove disparities between man and man and region and region.

In spite of 25 years of planning, there has been no impact on the western districts of Orissa even though that area has been endowed with vast natural resources. No employment opportunities have been created in spite of 25 years of planning and all the money has flowed to the coastal districts. Even peons, even clerks, motor car drivers and cleaners are being recruited in that area from outside.

Our demand for a second steel plant for which there was a Satyagraha before the Prime Minister's house in which Shri Biju Patnaik also participated, should be implemented as soon as possible. It is our good fortune that the mantle of the Steel Ministry has fallen on his bold shoulders and I hope he will fulfil the genuine demand of Orissa.

Then, Sir, the Indravati project which will irrigate 5 lakhs acres of

chronically drought-affected western districts of Orissa and also generate 600 megawatts of hydel power and which will go a long way to help putting up an aluminium plant due to the availability of high-grade bauxite ore there, should be taken up. I stress all this because the Fifth Five Year Plan is going to be recast and with all humility I submit that this should be given effect to. In the shape of an amendment to the President's Address to the Motion of Thanks to the Acting President, I suggested that it should be made mandatory for all Ministers and Members of Parliament to declare their assets publically every year and to make them available for public scrutiny. I think Government will give thought to it.

Shri Morarji Desai was the Chairman of the Administrative Reforms Commission. Shri V. Shankar was the Secretary and Shri H. V. Kamath was also the Member of the Commission. In the first Report they suggested that an Institution like Ombudsman, Lok Pal or Lok Ayukta should be installed soon to look into the people's grievances and complaints. As Shri Morarji Desai has become the Prime Minister, he should take the first step to have the Lok Pal and the Lok Ayukt Act passed soon as recommended by him.

The previous Government never gave thought to this. This Bill was introduced. It continued for five years and ultimately lapsed. Taking into consideration all these facts, I beg to submit that the Prime Minister should give a serious thought to this matter.

Lastly, I would like to submit that we are going to submit our Election Returns. We all know that Election Returns which we have to submit will be a false statement, because all of us have spent much more than what has been prescribed in law. So, I would request the Law Minister to give a serious thought to this question that

all political parties should be registered under the Society Registration Act of 1860 and their yearly account should be audited and published within the prescribed period of one year from the date of election.

With these words I conclude.

SHRI NARENDRA P. NATHWANI (Junagadh): The speeches on this Motion of Thanks centre round mainly on two points—bread and liberty. Both are essential. In fact they are complementary to each other. I shall deal with the question of liberty.

It is most gratifying that in his Address the Acting President referred to the urgent need of restoring rule of law and freedom of expression. He also assured the nation that a number of measures were contemplated to strengthen democratic functioning. He also referred to the need for restoring proper balance amongst the three organs of the State—Executive, Judiciary and the Legislature. This stress on democratic functioning is a corollary to the issue on which the elections were fought during the last month. What was the issue? It was a clear specific single issue, namely, the people had to choose between democracy and dictatorship, dictatorship of the worst type. There can be dictatorships of an enlightened nature. But here it was of a fascist type. What are the essential characteristics of a fascist type of dictatorship? In a fascist type of dictatorship the cry is for 'one leader, one party and one banner' and the erstwhile ruling party had adopted the slogan 'India is Indira and Indira is India' which represented one of these characteristics of Fascism. We have now known how internal emergency was declared on 25th June, 1975. The promulgation was made. And only after that the Cabinet meeting was held and this step was approved. So, it was a decision taken by one individual, namely, the then Prime Minister of India. It was this issue of Emergency which was raised specifically in a pointed manner without any ambiguity before the electorate

[Shri Narendra P. Nathwani]

and they gave their verdict by an overwhelming majority in favour of the Janata Party and with Congress for Democracy. The Leader of the Opposition himself said the other day while participating in this Debate that people had rejected emergency and the attendant amendments of MISA and Pre-censorship.

SHRI A. K. ROY (Dhanbad): I have got a point of order. The House does not have quorum. Both the Treasury benches and the opposition benches are empty. Nobody is there in the House. The debate should be discontinued. They should not neglect the speech of new Members. It should not be the case that only when important members speak everybody will be there and when new members speak, nobody will be there. It will be only discrimination. On this point I raise my point of order. I propose that this debate must discontinue.

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): I respect the feelings of the hon. Member that all members should be present here. But during the lunch hour it has been the practice, of this House not to raise the question of quorum.

So far as Treasury Benches were concerned, Mr. Shanti Bhushan was here and he left only when I had come and resumed my seat here. We are taking note of whatever is being said here. I am sure my learned friend will see that when the debate is replied to on behalf of the Government all important points will be answered. However, I do hope that all the Members will be here. For lunch hour, you do not need the quorum.

MR. CHAIRMAN: Anyway, if the quorum is challenged, the bells may be rung.

SHRI H. N. BAHUGUNA: I said that there was no need for the quorum during lunch hours.

MR. CHAIRMAN: All right. Let the hon. Member continue.

SHRI NARENDRA P. NATHWANI: Sir, I heard the Leader of the Opposition to say that the people had rejected only the emergency. But, Sir, there are members of the erstwhile ruling party and some of them, both inside and outside the House, who still try to pass over, may even dismiss this verdict of the people by saying first that the defeat was due to some excesses committed by overzealous officials and then tried to find some scapegoats and in this connection references made to the high personages namely Sarvashri Bansi Lal, Sanjay Gandhi and V. C. Shukla. How far it is true, has to be examined by the persons concerned. It is not that a few isolated, casual, solitary instances were responsible for their rout in this election. Suppression of the freedoms and the democracy was resorted to systematically and in an organised manner. Not only the Leaders of the Opposition parties were taken in detention but some Members of the erstwhile ruling party in Parliament who were independent were also detained and thus the freedom of expression on the part of the ruling party members was also suppressed. We also know how the press was gagged.

We know that the press was gagged to a great extent. Let alone the members of the opposition who were detained under MISA but even the genuine hardships were not allowed to be published. I can give you instances after instances. Here, I would only quote one to show to what extent the press was gagged. Sir, it was a case of a village in a part of Saurashtra, where people experienced scarcity of water. In 'PHUL CHHAB' published from Rajkot a news item was published that there was scarcity of water and people were experiencing hardship and that the authorities should look into it.

But the censor officer came down upon 'PHUL CHHAB' and told them

to take note that this was emergency and such news item should not be published. When his attention was drawn to the news item being correct, he replied that even if there was hardship such a fact should not be published, even if the trains were not running according to time, people would have to say that there was no delay and hardship because during that emergency there was to be no suggestion of any hardship suffered by people.

Sir, there were also restrictions placed on holding of meetings. That brings me to my personal case. In September, 1975, there was Maharashtra State Lawyers' Conference in Bombay. Lawyers from outside Bombay were brought and given accommodation by the Government. A handful of lawyers from Bombay attended it and they approved of the emergency. I had gone abroad and just returned. I am a retired judge of the High Court and I decided to call a meeting—a closed door meeting—of the lawyers from Greater Bombay to consider in a constructive manner the civil liberties and the rule of law under the Constitution.

Sir, it is interesting to note what happened? There was a notification issued at that time by Government prohibiting the assembly of five or more persons without the permission of the Police Commissioner. This was going to be a closed door meeting of lawyers only interested in the rule of law. That meeting was to be addressed by three persons—Shri M. C. Chagla, former Chief Justice of Bombay High Court, Shri J. C. Shah, former Chief Justice of Supreme Court and myself, former judge of the Bombay High Court. I, for sake of caution, applied for Police Commissioner's permission. The Police Commissioner is a wise person. He saw no objection to this meeting being held but he knew the cabinet might not like it. Therefore, he referred the matter to

the Cabinet—though he was not bound to do it. The Cabinet turned down my application. I took the matter to Bombay High Court. The matter was argued for 30 days before a Division Bench. Shri Jethmalani and Shri Palkhiwala argued the matter on behalf of myself and other petitioners. Ultimately the judgement was given in our favour permitting us to hold the meeting. The Government of Maharashtra preferred an appeal for stay which was granted by the Supreme Court. Technically the matter is still there. Personally, I believe that in view of withdrawal of Emergency and the subsequent events, that have happened, that appeal would not be heard and it would be withdrawn. But what is to be noticed is that it is not a few isolated acts of excesses alleged to have been committed but it was a systematic programme and an organised comprehensive scheme to suppress liberties, to terrorise the people and then to gag the press. The situation that prevailed at that time can be described in an Urdu couplet:

हम आह भी भरते हैं तो हो जात हे बदनाम  
वे वत्त भी करते हैं तो चर्चा ही होती ।

What I mean is this: when democracy was smothered we, the lawyers, could not discuss it in a meeting which was to be addressed among others by Mr. Chagla, the ex-Foreign Minister of India and other judges. We were dubbed as spreading sedition, spreading treason and so on.

So, Sir, these alleged acts of excesses could not be passed over merely as stray examples. If the public has expressed its condemnation, that condemnation is directed against Emergency and the reign of terror that prevailed during those 19 months. This does not mean that we do not believe in discipline. We know that law without liberty is tyranny. Liberty without law and order, without discipline, is chaos. This is well-known. When we ask for restoration of civil

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liberties or rule of law, it does not mean that we want to encourage indiscipline. That must be made very clear.

Sir, yesterday an hon. Member from the opposite side said that progressive measures by way of land reforms and by way of social and economic changes were thwarted by reactionary judicial system. I do not know whether that hon. Member knows about a full bench of 13 Supreme Court judges having been constituted in December 1975 to re-consider the principle laid down in Keshvananda Bharati's case which said that Parliament could not amend the Constitution so as to abrogate the fundamental basic structure of the Constitution. At that time several judges of the Bench asked the Attorney General one relevant question: "Can you give us a single instance where a progressive measure—either economic or social—has been thwarted by the Supreme Court or by any of the High Courts?" No answer was given to that question. So, Sir, what is the use of indulging loosely in a statement like this that the judicial system has come in the way of economic and social progress.

14 hrs.

Lastly, Sir, yesterday another hon. Member from the opposite side tried to compare the respect with which members of the present ruling party listened to the advice given by Shri Jayaprakash ji. Sir, we know the power that was exercised by Shri Sanjay Gandhi. He exercised extra-constitutional power. He had no position as such. His only qualification was that he happened to be the son of the then Prime Minister and the highest authorities, namely, even Chief Ministers are reported to have touched his feet and praised him sky high. How could you compare such a case with that of members of the ruling party—whatever may be the ruling party—listening to the advice or seek-

ing advice from men like Acharya Kripalani or Jayaprakash ji? Such analogy is puerile, Sir, with these words I support the Motion of Thanks to the President's Address moved by Shri Karpoori Thakur.

श्री जगदम्बी भशाद यादव (गोड्डा): माननीय सभापति जी, मैं माननीय कपूरी ठाकुर जी के धन्यवाद ज्ञापन प्रस्ताव का समर्थन करने के लिये खड़ा हुआ हूँ। हमारे प्रतिपक्ष के माननीय सदस्य ने हमारे कार्यकारी राष्ट्रपति जी के इस अभिभाषण को बड़ा / ही हल्का कहा। मैं इतना ही कहना चाहता हूँ कि ~~माननीय~~ के ~~दोहरे देखन में छोड़े जाने कर्त्ता~~ ~~मम्भेन~~। उसी तरह से यह देखने में तो छोटा है लेकिन जनता सरकार की संपूर्ण कार्यवाहियों का दिशा निर्देश करने के बहुत ही सक्षम है।

मैं कांग्रेसी/ सदस्यों को याद दिलाना चाहता हूँ कि जनता सरकार ने आज कम-से-कम इन्हें यह आजादी तो दी है कि वह अपने भावों को सदन में और सदन से बाहर प्रकट कर सकें। आपात-कालीन/ स्थिति लगाने के बक्त इनकी स्थिति यह थी कि मंत्रि-परिषद् के सदस्य भी यह नहीं जान सके कि आपातकालीन स्थिति की घोषणा होने जा रही है। और यह भी नहीं जान सके कि शिमला कांफरेंस जो पाकिस्तान के साथ हो रही थी, उसमें क्या हो रहा था। वहां कि जानकारी मंत्रि-परिषद् के सदस्यों को भी नहीं थी। लेकिन आज सौभाग्य है कि जनता पार्टी के शासन में/ इनको सारी बातें कहने की पूरी इजाजत है, छूट है।

आज सचमुच में प्रजातंत्र का बहुत बड़ा उद्घाटन हो रहा है। इनके समय में रेडियो और टेलीविजन का सरकारीकरण हो गया था, सिवाय सरकार के/ और कोई दूसरी बात उस पर नहीं होती थी, लेकिन

आज आप देखें कि कल हमारे प्रधानमंत्री का संदेश उस पर प्रसारित हुआ और आज उसके इतिहास में पहली बार प्रतिपक्ष के नेता का भाषण/प्रसारित होगा और टेलीविजन पर दरशाया जायेगा। सचमुच मैं यह प्रजातंत्र का रूप है जो जनता पार्टी के चलते दिर्घर्षित हो रहा है।

कांग्रेसी सदस्यों ने आपात स्थिति लाने के कारण यहां बताया है, मैं उनसे पूछना चाहता हूं कि जिस समय गुजरात और विहार में आन्दोलन पूरे जोर पर था, उस समय आपातकालीन स्थिति क्यों नहीं लागाई गई? यह आपातकालीन स्थिति तब लागाई गई तब तत्कालीन प्रधानमंत्री चुनाव में/वैधानिक रास्ते से कोर्ट में हार गई। जब कांग्रेसी सरकार के सारे मंत्री चुनाव हार चुके थे, सरकार गिर चुकी थी, तब सरकार जाते-जाते आपातकालीन स्थिति उठा गई। उन्हें ऐसा लगा कि आपातकालीन स्थिति के दौरान जो तत्कालीन विरोधी दलों के लाखों लोगों को जेल में डाला है, उसको लेकर कहीं अपना ही हथियार अपने ऊपर न चल जाये। लेकिन मैं जनता पार्टी की ओर से आश्वासन देना चाहता हूं/कि जनता पार्टी ऐसे कारणों को हाथ में लेकर किसी प्रकार से भी जनतंत्र का गला घोटना पसन्द नहीं करेगी।

3

सभापति महोदय, मैं कार्यकारी राष्ट्रपति महोदय के उस भाषण का उल्लेख करना चाहता हूं जो इस सरकार का मार्गदर्शन करके के लिए दिया गया है। सबसे बड़ी समस्या आज देश की अगर कोई है, जिसके कारण कांग्रेसी सरकार को छव्वस्त होना पड़ा, तो वह बेकारी की समस्या है। भारत के नौजवान बेकारी से परेशान होकर आजादी के आन्दोलन

में कूदे। सचमुच इस देश के सामने सबसे बड़ी ज्वलन्त समस्या बेकारी की है। हमारे कार्यकारी राष्ट्रपति जो ने इस सरकार का निर्देशन किया है कि 10 वर्ष में बेरोजगारी की समस्या का निदान किया जायेगा। मैं सरकार से निवेदन करूँगा कि बेकारी के इस निदान की भूमिका जल्द से जल्द तैयार हो, जिससे भारत की जनता के सामने यह सरकार की कार्यवाही प्रकट हो सके और नौजवानों को आश्वासन मिल सके कि सचमुच में जिस सरकार को बनाने में उन्होंने अपना खून-पसीना एक किया है, वह सरकार सक्षम है और उसने कदम आगे बढ़ाया है। जिससे बेकारी घटेगी।

कार्यकारी राष्ट्रपति जी ने कृषि की नीति के बारे में भी उल्लेख किया है। वास्तव में यह कृषक समाज और ग्रामीण समाज ही था जहां पर कांग्रेस की जड़ थी लेकिन 30 वर्षों के शासन में कांग्रेस ने कृषकों की और ग्रामीणों की उत्तोक्षा की जिसके कारण उम समुदाय ने कांग्रेसियों को धराशायी किया। हमारे कार्यकारी राष्ट्रपति जो ने कहा है, कि “किसानों को अपने उत्पादन का उचित दाम नहीं मिला है, कृषि तथा सम्बद्ध विकासों के लिए विनियोजन बहुत ही अपर्याप्त है और गांवों की स्थिति मुधारने की आवश्यकता पर बहुत कम ध्यान दिया गया। एक लाख से ज्यादा गांवों में पीने/के पानी जैसी प्राथमिक मुविधा भी नहीं है। मेरी सरकार रोजगार उन्मुख नीति अपनाएगी, जिसमें कृषि विकास, कृषि उद्योग, छोटे और कुटीर उद्योगों को विशेष रूप से ग्रामीण इलाकों में प्राथमिकता मिल सके।”

यद्यपि इस अभिभाषण में नीति निर्देश तो दिया गया है, लेकिन सरकार

[श्री जगदम्बी प्रसाद यादव]

की कृषि नीति का अभी भी स्पष्टीकरण नहीं हो पाया है। सरकार अभी यह तय नहीं कर पाई है कि किसानों को उनके उत्पादन का/ क्या मूल्य दिया जाए। सरकार कृषि उत्पादन का अधिक मूल्य देने में हिचक रही है, मगर यह भी स्मरण रखना चाहिए कि कृषि के इम्प्लीमेंट्स के दाम बहुत बढ़ गए हैं। उदाहरण के लिए जो पार टिलर पहले 4 या 6 हजार रुपए में बिकता था, आज वह 21 हजार रुपए में बिकता है। इसके लिए सरकार की नीति भी उत्तरदायी है। जो चीजें इम्पोर्ट की जाती हैं उन पर 40 परसेंट कर लिया जाता है। इस के अतिरिक्त 20 परसेंट उत्पादन कर और 3 से 13 परसेंट राज्यों का बिक्री कर है। इस प्रकार सिर्फ एक पावर टिलर पर 70, 75 परसेंट सरकारी कर हो जाते हैं। अगर सरकार चाहे, तो वह इसमें कुछ रियायत देकर किसानों द्वारा प्रयुक्त इम्प्लीमेंट्स को कम दाम पर दे सकते हैं। खाद, बीजों और जीवनोपयोगी चीजों के सम्बन्ध में भी यही स्थिति है। सरकार एक तरफ तो किसानों के उत्पादन का दाम अधिक दे और दूसरी तरफ वह कृषि के इम्प्लीमेंट्स तथा जीवनोपयोगी चीजों के दाम कम करे; तभी दामों में कुछ तारतम्य स्थापित हो सकता है।

आज देश भ्रष्टाचार से पीड़ित है यह सर्वविदित है कि भ्रष्टाचार ऊपर से आता है, नीचे से नहीं। मेरा आग्रह है कि इस सम्बन्ध में जांच समितियां बिठाई जाएं, जिस से ऊपर के भ्रष्टाचार का उन्मूलन करने का रास्ता प्रशस्त किया जा सके। केन्द्र के पश्चात् प्रदेशों के स्तर पर भी जांच समितियों की स्थापना की जाए, जिस से भ्रष्टाचारियों को

दंडित किया जा सके और अन्य लोगों को भ्रष्टाचार करने का साहस न हो।

जहां तक छात्रों का सम्बन्ध है, मेरा निवेदन है कि चूंकि उन्होंने इस संघर्ष में दो वर्ष लगाए हैं, इस लिए सर्विस में जाने के समय उनको दो वर्ष कनडोन किए जाएं। देश में, और खसकर बिहार में, जेलों से छूटने के बाद उनके एडमिशन में कठिनाई हो रही है। इन लिए सरकार को उन लोगों के एडमिशन की व्यवस्था करनी चाहिए।

बिहार विधान सभा को भंग करने के लिए हर एक प्रजातांत्रिक तरीके से आन्दोलन किया गया था। लाखों लोगों के प्रदर्शन हुए, करोड़ों लोगों ने हस्ताक्षर किए, हड़ताल और बन्द का मार्ग अपनाया गया। यह तथ्य है कि बिहार की जनता बिहार विधान सभा को भंग करना चाहती है। बिहार की 54 की 54 सीटों पर कांग्रेसी हार गए हैं। यह इस बात का प्रत्यक्ष प्रमाण है कि बिहार की जनता को वहां से सरकार पर भरोसा नहीं रहा है। इस लिए सरकार से मेरा आग्रह है कि बिहार विधान सभा को अविलम्ब भंग किया जाए।

**SHRI VASANT SATHE (Akola):**  
Sir, I have been hearing with rapt attention the speeches made by the hon. members from the government side on the Motion of Thanks to the Vice-President acting as President for his Address. Let me say at the outset that although his speech is brief, the basic sentiment expressed by the Vice-President acting as President about consolidating democracy in this country and hoping that a two-party system will emerge is laudable. On economic policy to evolve a policy of decentralisation of agro-rural industry, of doing justice to the rural class, to the agricultural class, giving them better

price and all that, all this is a laudable statement in his Address. The only thing that hurt me in the speech was a little sense of euphoria. That could be seen when in the very first page there was an attempt to condemn generally the previous Government and say that the verdict of the people of this country has gone against (a) proclamation of emergency by itself and (b) 42nd Constitutional Amendment. I beg to submit for your consideration and that of the House whether this analysis is really borne out by the facts. And immediately it is said that in the entire northern belt an avalanche, a flood, an earth-quake of resentment, discontent, dissatisfaction and anger of our people went against the Congress because of the excesses committed during the emergency. No one can deny that. And the Congress, as our leader has said, has to learn a lesson. If we do not, we will never be able to face the people again. So, I agree that there has to be an introspection of looking within the heart by the Congress organisation. But when we try to analyse and say that this has been a vote against the proclamation of emergency under those circumstances to which I will come presently, then we must remember that proclamation of emergency was for the whole country and not only for north and if the people were against emergency, then people will have reacted in a similar manner throughout the country. Remember the other wave, 1971 wave to which wave some of my friends like my dear friend Shri Bahuguna was a contributory and beneficiary and so our great leader Babuji; then in that wave on the call of garibi hatao, on that promise, on that assurance, on that hope the entire country had reacted from Kanyakumari to Kashmir, from Bombay to Bengal, from Goa to Gauhati, the whole country reacted in the same manner except Tamil Nadu where the issue was local and not a national one. That one can say, that the reaction of the whole country was the mandate of the whole country. It does not appear

to be that the resentment throughout the nation was against emergency. Some people say that it is against the 42nd Amendment. If that was so, the people would have rejected the Congress on the 42nd Amendment throughout the country. But that has not happened. I am not going into percentages. What will be the conclusion? Why has North in such an unanimous manner rejected the Congress? The answer is simple, i.e. the excesses committed in the North angered the people so much that it created a disgust in the minds of the people there. That is why it ran through the whole North. Therefore, while analyzing the situation, unless we have a correct diagnosis of the disease throughout the country, we will not be able to provide a proper remedy. So, I will plead with my friends on the government side to consider that the resentment is not against the 42nd Amendment by itself, as our leader has said. If there are any defects in the 42nd Amendment—e.g. to-day there was a proposition debated—and if you want to come forward with any concrete suggestion which does not militate against the fundamental proposition viz. of supremacy of Parliament, we are willing to consider and cooperate. Let us say this very frankly. Our attitude to cooperate with the government is there, because we feel and we sincerely hope that here is an opportunity where a democracy of a two-party system can get consolidated. And that is why we are in earnest to cooperate. But, for this cooperation, the climate must be this: cooperation requires two hands. Cooperation must be on both sides. It is never one-sided. There must be eagerness on the part of the government also to have cooperation. Otherwise when we say, "we will cooperate", if you say, "Who cares for you?", how can we cooperate?

In the very breath of offering cooperation, no one from our side has said: "Forget and forgive." I do not know whom you are quoting. I have not known anyone saying, "Please

[Shri Vasant Sathe]

forget and forgive." Yet I find speaker after speaker on the other side saying: "No. We are not going to forget; we are not going to forgive. What do you talk of forgetting? Can we forget the atrocities, can we forget those who died in jails, can we forget those whom you have shot here in Turkman Gate?" We say: "Please don't forget." Therefore, don't also forget the past. I would like now to quote something about the attitude of no less a person—I am thankful that the hon. Prime Minister has come just at the right time. I do not want to say something behind his back. When we say, "don't forget", don't forget the attitude of our worthy Prime Minister towards firings, killings and shoot-at-sight. You, Sir, will find this in his autobiography, volume one, page 255—at that time he was the home minister of Bombay State. I quote:

"During this period, a communist labour union had created a disturbance in Amalner city; and the police had resorted to firing while suppressing the disturbance. 8 or 9 persons died during the police firing."

Then in the next paragraph it is stated thus:

"The Maharashtra Provincial Congress Committee and its president demanded a public enquiry into the firing at Amalner. The communists and some others had already made such demand.....

Another quotation:

"If the police, whose work on such occasions was difficult, were not given protection, then those who created disturbances would get encouraged and succeed in their mischievous aims. If the police became demoralised it would be almost impossible to control such disturbances. I, therefore, refused to take any further action in the matter.

The agitation for an enquiry, however, continued and the Pradesh Congress Committee obtained the support of Shri Jawaharlal Nehru and Sardar Saheb. Both of them wrote to Balasaheb in this connection. Sardar Sahib had written to say that, as many people were asking for a judicial enquiry, we should think of getting such an enquiry made and as the police were not at fault at all there was no reason to worry about the results of the enquiry. Balasaheb felt rather worried and asked me what his reply to the leaders should be. I said that there would be only two possible solutions in this matter. He could either write to Delhi that such an enquiry was not proper as it would cause a great deal of damage, or alternatively, I could resign and let him make an enquiry."

Then, at the end of this, he says:

"On receiving this letter, Jawaharlalji and Sardar Saheb informed us that they had no intention of interfering with our right to take decisions in such matters and that they only wanted to tell us what had come to their notice. They, therefore, said that they would leave the decision to us....

There were many other unpleasant occasions when firing had to be resorted to while quelling anti-government disturbances during my tenure as Home Minister in Bombay State up to 1956. But after this incident, the Central Government did not make any suggestion for an independent judicial enquiry."

Then came the famous occasion of Sanyukta Maharashtra Agitation in Bombay and our worthy Prime Minister was then the Chief Minister. In that firing, according to him, 84 persons were shot and killed, but people say that 105 persons were killed. I will not go into that. But what were the facts? I will quote Shri C. D.

Deshmukh, not known to be biassed or partial, progressive or reactionary. I am quoting from page 819 of the debates of 25th July 1956, where Shri C. D. Deshmukh says:

"There is evidence to show that they were instructed by the Chief Minister to shoot at sight and to shoot to kill, that the deliberate use of tear gas before intended firing brought out women and children from their rooms choking for breath, only to be shot down by the indiscriminate firing of the police, using tommy guns, firing several rounds to the second, that there were 2,500 rounds fired, resulting in 80 persons dead and 450 injured, that the police injuries through stones and acid bulbs were insignificant and not contemporaneous with the firing episodes."

I would further like to quote on this very occasion a speech, when an enquiry was asked for, and Shri Morarji persistently refused even to hold a judicial enquiry into those killing, when the matter was raised in this House, when Shri V. N. Gadgil had spoken on this subject. I am quoting from page 468 of the debates of 21st February, 1956.

I quote:

"When I read this morning that the Chief Minister stated that there was a plan to overthrow the Government and to take the city by force, though he has not named by whom, I felt it was a serious statement. If that is true, then in the interest of the public and in the interest of the future of this country, it is necessary, that an enquiry by, or presided over by, the highest judicial authority in this country should be instituted."

Then he further goes on to say:

"Now, was there a real plan? If there was a plan, when did the

great Chief Minister of Bombay discover it? If he discovered it after the incidents took place, then surely it is no testimony to the efficiency of his police."

Further on, he says:

"In his second statement, he has said that there has been no indiscriminate firing. I have here a newspaper, the copies of which have been, so far as I know, taken possession of by the police in Bombay, and in which the names of 69 persons occur and a description is given as to how they received these wounds. Out of these 69, the Lok Sabha will be surprised to know that 23 are non-Maharashtrians. There are Sikhs, Gujaratis, Marwaris and there are people from other communities. The nature of the wounds and the place of the body on which the wounds have been received have also been mentioned. The wounds have been received from the eye to the toe. They have received wounds while on the street, while they were in the room and while they were on the terrace. They range from a boy of 14 to an old lady of 64."

Therefore, when you say "don't forget", we also say to you "don't forget".

If a Chief Minister feels that there is danger of a city being taken over and therefore he can order shooting at sight, indiscriminate shooting by the police, killing people who can never go back to their families as the 14-year old boy, then, if there is danger felt to the whole country, to the Capital... (Interruptions). The Prime Minister is going to reply at 3 O'Clock. Have some patience.

The assessment of the previous Prime Minister might have been completely wrong. You can make that allegation. I am not questioning your right. All I am saying is that when allegations of *mala fides* were made

[Shri Vasant Sathe]

against him, he held his ground saying that he thought that there was danger to the city and therefore they resorted to firing. I think he will stand by that action, unless he has changed his mind.

THE PRIME MINISTER (SHRI MORARJI DESAI): I have not.

SHRI VASANT SATHE: I know you will not, you said it at a public meeting also.

Can you, in the same breath, say, when a call is given at a rally of five lakhs at Ram Lila Maidan to people to go and surround the house of the Prime Minister....

SHRI MORARJI DESAI: That is wrong.

SHRI VASANT SATHE:..... and asking the police and the army to disobey what they consider to be unlawful orders..... (Interruptions)

Yesterday, when Mr. George Fernandes was speaking, we kept quite. Now, you should have at least the courage and courtesy to hear me. You may not agree with me. If the police and the army should not obey orders which they at least considered as unlawful, who will decide? (Interruptions) I asked the great leader Morarji Bhai, who was also the Home Minister, who was to decide about it. Can the police decide about the order given by the superiors as illegal? If when he gave his order to the police to shoot at sight in Bombay, were the police to say that they would disobey it, could he have agreed? We must have some standard. Here was a situation in the country in the background of what had happened in Gujarat where the elected legislators were forced out in the name of some samiti. This was followed by burning rails and disturbing meetings by throwing stones. I myself have been a victim of stone throwing in Gujarat. I would have been killed but for the fact that

that stone just missed the mark. (Interruptions) I therefore, submit for your kind consideration that this was the background of the action on 25th. The background of the situation under which action was taken on 25th which was rejected by the people has no bearing for emergency as such. It was for the excesses committed in a particular part. That is a fact and we agree. Now, I come to our great leader Shri George Fernandes. (Interruptions)

In Madras, while speaking on March 29, 1974, Shri George Fernandes, exhorted railway men.

SHRI MORARJI DESAI: May I know what is the time limit? (Interruptions).

SHRI VASANT SATHE: Shri Raj Narain spoke for about two hours. Shri George Fernandes also spoke for some time. You cannot give me 30 minutes? (Interruptions).

I will quote this and then finish. (Interruptions).

SHRI S. KUNDU (Balasore): On a point of order.

SHRI VASANT SATHE: You quote the rule under which you rise to a point of order.

SHRI S. KUNDU: I draw your kind attention to....(Interruptions).

I am raising a point of order. (Interruptions).

SHRI VASANT SATHE: He must formulate a point of order.

MR. CHAIRMAN: You have already finished your speech. (Interruptions) Therefore, he cannot raise the point of order now.

SHRI S. KUNDU: The Janata Party will give maximum opportunity to the members of the opposition to speak here. The Janta Party is proud that the right to speak is restored to them.

I want to say one thing. What I have been observing from yesterday is that when you are in the Chair, sometimes I find that some people speak for 45 minutes to an hour. Today, the Deputy-Speaker specifically gave the ruling that no Member should speak for more than 5 or 6 minutes so that most of the Members could be covered. I find, the hon. Member, Mr. Sathe, is speaking for quite some time. Sometimes, he is quite irrelevant. You are giving him so much time... (Interruptions).

SHRI VAYALAR RAVI (Chiravinkil): Let them study the rules first and then raise points of order. It is our time; it is not their time. (Interruptions).

SHRI VASANT SATHE: I am concluding.

I was quoting Mr. George Fernandes. He said:

"Realise the strength which you possess, Seven days strike of the Indian Railways will cause every thermal station in the country to close down. A ten days strike of the Indian Railways—every steel mill in India would close down and the industries in the country will come to a halt for the next 12 months. If once the steel mill furnace is switched off, it takes 9 months to re-fire. A 15-day strike in the Indian Railways—the country will starve."

Then, in an interview with "Der Spiegel" published in its issue of 12th April, 1976, Mr. George Fernandes admitted that he had built up an underground organisation and that his supporters were engaged in sabotage and other subversive activities. He said:

"I am totally in favour of violence against things.... In November last, in the Union State of Karnataka alone, we had caused derailment of 52 trains. We have created some unrest."

He continued to say:

"All forms of struggle including satyagrahas, strikes, sabotage, guerilla action is legitimate."

This was the belief. They wanted to paralyse the transport, create situation similar to one which was created in Chile and bring about the collapse of the Government. You know what happened in Delhi after this and whose hand was behind. With a situation similar to that of Bangladesh, what democracy would have survived in this country? Therefore, I would say, don't forget and don't forgive; let us not concentrate on the basic reconstruction of this country; don't do all this; all that you have to do now is to keep on harping on one thing—'Atrocities, Atrocities'.

14.45 hrs.

[KUNARI ABHA MAITI in the Chair]

I congratulate you, Madam. At least one lady here could take the Chair. In the light of the attitude of Mr. Morarji Desai who reiterated to the ladies today that he does not consider any woman worthy of holding any high office, I don't know how you are there!

MR. CHAIRMAN: Please come to your point.

SHRI VASANT SATHE: I am coming to it.

I will be very happy when the Janata Party comes into existence. Today there is no Janata Party. Today the Janata Party is an embryo; it is still in conception. A conception of 19 months in jail is a good conception. And now, you have also named the baby which is yet to be born. We don't know whether this baby, the Janata Party, will be a girl or boy, but we are very happy.

MR. CHAIRMAN: You have taken more than half an hour. (Interruptions).

SHRI VASANT SATHE: There is nobody else from my side; I am the only one. The Prime Minister is to reply at 3 O'clock; so there are still fifteen minutes.

MR. CHAIRMAN: But there are others yet to speak.

SHRI VASANT SATHE: I have only one point more.

The Janata Party is yet to be born: I wish it will be a good and healthy baby. Because of the type of people who have come together I am not sure whether the Janata Party is really going to be born at all. Therefore, I offer all my good wishes to the Prime Minister to have this baby and to have this Party. I hope you will concentrate hereafter on the constructive side and not keep on repeating 'nineteen months of atrocities' and forget all your own atrocities of the past. Everyone has skeletons in the cupboard including my friend Mr. Patnaik. Therefore, don't harp on these things: it does not pay. Concentrate now on construction and cooperation. (Interruptions).

I thank you very much for giving me this opportunity to speak.

SHRIMATI RENUKA DEVI BARAKATAKI (Gauhati): Mr. Chairman, I rise to support the Motion of Thanks that has been so ably moved by my hon. friend, Shri Karpuri Thakur, and also equally ably supported by my hon. friend, Shri Hegde. I am sure that all sections of the House will join with me and support me when I say that the Acting President's Address was delivered after the most momentous election that we had since the independence of our country. The election which we have just had was an election which we should remember. The Opposition as well as the ruling Party feel that the election is free and fair only if both sides get equal op-

portunity for mobilising public opinion, for placing before the people their policies and programmes for public scrutiny. But in this election, the Congress Party had done whatever they could. The abrupt and sudden announcement of the election put the Opposition in trouble; the sudden detention of hundreds and thousands of people as political prisoners put us in trouble. But actually what we have seen is that, in this election, the people have given their massive verdict against the Congress Party.

The other day when Mr. Chavan, Leader of the Opposition, was speaking in the House—I heard him with great respect and expectation—he was telling us that the Congress had learnt its lessons. But his very speech bore testimony to the fact that the Congress has learnt nothing from the stunning repudiation with which they have been removed from power. He said that this repudiation and failure of the Congress Party was because of Emergency, that the people did not like the Emergency. Mr. Sathe was also telling us that it was because of the excesses of Emergency that Congress had been removed from power in northern India. The Leader of the Opposition, Mr. Chavan, was telling us that it was because of Emergency and that was why the Congress ended the Emergency. It has amused me. I would like to ask my hon. friend whether the Congress ended the Emergency of its own accord or they had no option but to end the Emergency in the face of the massive verdict of the electorate when they were thrown out from power. That is why, they ended the Emergency. They waited till the moment Shrimati Indira Gandhi was defeated in the election; then only, they ended the Emergency. It amused me very much when Mr. Chavan wanted credit for ending the Emergency. He is now Leader of the Opposition. I know him very well. We have worked together for 15 or 16 years; Mr. Morarji Desai, Mr. Chavan and some of us of this side were all in the Unit-

ed Congress. Mr. Chavan said afterwards that Emergency was not a part of the Congress tradition. I did not know that the hon. Leader of the Opposition could use this type of euphemistic phraseology. He was never using such a phraseology earlier; his language used to be very simple, straightforward and truthful. But now he has started using euphemistic phraseology—'Emergency is not a part of the Congress tradition'. Why? Is it because he wanted to cover up the enormous guilt of his party? Is that the reason why he has used this euphemistic phraseology? We all know what Mrs. Indira Gandhi and her Government were doing during the Emergency. Mr. Sathe was telling us today that Emergency was not repudiated all over India because many Members from the South have got elected from Congress tickets; there was no uniformity all over India. Mr. Chavan wanted to tell us that they were not responsible for Emergency; it came as a dark cloud on the sky and went off on its own as if the Congress Party had no responsibility, as if Mr. Chavan, Mr. Sathe, Mr. Brahmananda Reddy and Mr. Hitendra Desai had no responsibility for the declaration of the Emergency...

SHRI VASANT SATHE: Who said?

SHRIMATI RENUKA DEVI BARAKATAKI: You have said it.

SHRI VASANT SATHE: I never said that. We accept the responsibility for Emergency. But the verdict of the people is not against Emergency *per se* (Interruptions).

SHRIMATI RENUKA DEVI BARAKATAKI: Shri Chavan tried to give an impression as if he and his party had no responsibility in declaring the Emergency, as if he and his party had no responsibility in permitting an individual to cling to power, as if he and his party had no responsibility in removing the right of the highest organs of the judiciary to examine whether the declaration of the Emer-

gency was warranted in public interest, for the preservation and of the security or integrity of our country, as if he and his party were not responsible in snuffing out our fundamental rights, in arresting and detaining hundreds of thousands of citizens from all professions and walks of life, as if he and his party were not responsible for lawless laws that would have put even the worst of dictatorship to shame, as if he and his party were not responsible in snuffing out the freedom of the press and trying to convert all mass media into instruments for the suppression of truth and the propagation of falsehood, for the propagation of the personality cult and the cult of the dynasty, as if he and his party were not responsible for subjecting hundreds of innocent non-violent dissenters including women and children to brutal and inhuman torture, as if he and his party were not responsible in snuffing out the rights of the trade unions, as if he and his party were not responsible for eroding the role of the judiciary to afford protection to the rights of the citizens, for legislating to put a person above the law, and foreroding the Rule of Law. In short, Shri Chavan wanted to give an impression, as if he and his party were not responsible for concentrating all power in the hands of an individual and extra-constitutional coterie of courtiers and heir-apparents. They wanted to give an impression that Congressmen had nothing to do with all these things, but in fact, they are responsible for all these things. Hundreds and thousands of people were put behind the bars and it disturbed the normal lives of many people. Shri Reddy was the Home Minister then. Can he tell us what for those people were arrested and put behind the bars? Tell us why I was arrested. What was the crime that I had committed.

The Congress Party was in power for thirty years. The people have given a massive verdict now in favour of Janata Party. We have now come

[Shrimati Renuka Devi Barkataki]

to power with a massive mandate of the people. The people have asked us to form a Government and they want a clean administration. It is through a silent revolution that they have sent us to power. We hope that the Government formed by our Party will be loyal to the objectives for which we have been returned to this House.

THE PRIME MINISTER ( SHRI MORARJI DESAI): Madam Chairman, while replying to the debate on the President's Address, I would like to take care to see that I am not provoked into using a language which was used by my hon. friend, Shri Sathe, or even by the hon. the Leader of the Opposition. I do not want to set a wrong example from this side of the House. But, if members of the Opposition make provocative speeches and if replies are given to those speeches by members on this side, I do not think that there can be any legitimate cause for complaint. It would only be proper if neither this side nor that side uses any derogatory language against anybody or nobody makes incharitable remarks which are not consistent with anybody's self-respect. That is what I would beg of all the members of this House to do. I hope I will not fail in setting an example in this matter.

I was, therefore, pained to hear the Leader of the Opposition comparing Janata Party to a strange animal. I wish he had not used those words. I do not want to retaliate. We are all strange animal's in one sense. Ultimately we belong to the animal species. But man is different from an animal in the sense that man has more discretion and intelligence which animals do not have. But if we forget that, then we relapse into animal terminology. I hope that will not be done in the future. That is all I beg of him to do.

I was also surprised because even in spite of his experience of many years as a member of the government that he should have used such language. The new experience he is now having of sitting on the Opposition Benches for the first time in his life is rich experience which I had sometime ago and by which I benefited and I am sure he will also benefit but it will take some time for him and his colleagues because they are not very easily corrigible. They do not follow the system of self-introspection. That is where the difficulty comes in. I hope they will do so now. Then the improvement will be quick. But who am I to improve them? It is not for me to do that. It is for them to think about it.

But I was surprised when he said that nothing was said in the President's Address about the economic programme. I do not know whether he cared to hear it or to read it afterwards. We have very clearly stated what the policy of government will be in regard to economic programmes. Does he realise that we hardly got even 2 days to prepare the Address after assumption of office and in that did he expect that we formulate detailed programmes? I do not know if he has the capacity. At least I do not have it. But we have mentioned what requires to be done and what we are going to do. We will be judged only by what we do in future and we will certainly welcome all criticism in this matter if we fail in our undertaking and we will not try to retaliate as they are trying to do. And yet, it is said that we are retaliating. Where are we retaliating? At least I have not done so. I was surprised when my hon. friend, Shri Sathe or rather, I should not be surprised because I know him very well.

I have never heard anything else from him in this House during the years he was here and I was on the other side. What he referred to had

happened 21 years ago. He is not bothered about what happened 21 months ago but he does not mind mentioning and repeating ad nauseam what happened 21 years ago. I have replied to him in this very House from the Opposition Benches and let him refresh his memory from the records of this debate. I will not, therefore, reply him here. I have said what I have to say not on one occasion but on several occasions and still he goes on repeating these matters after 21 years in the knowledge that he is not distorting facts

He quotes from my autobiography. I am very happy that he did 'o me the honour of reading it at any rate. But I am sorry that he has only looked at some controversial points which have little relevance here and he did not have the courtesy to read the whole thing together. Apart from that it would be wrong for me to say that he mis-appropriated the time of the House. He went on speaking even though the Chair asked him to cut short his speech. But then he objected to other people interjecting whereas some Member on this side spoke, he began to interject. Is that the way how he will set a good example? May I request him to have more patience now as he is in the Opposition. I could not restrain him before nor do I wish to restrain him now. It is difficult for anybody to restrain him. Even it was not possible for Mrs. Gandhi to restrain him when he spoke from this side. I know that. He spoke anything that he liked. Let him do so. It will hurt him. It does not hurt me. But in this House if I do like-wise, will not somebody be justified in paying me back in the same coin. How would I complain about that? But he goes on complaining about us.

SHRI VASANT SATHE: I quoted facts. I quoted from the debate.

SHRI MORARJI DESAI: I do not know whether my hon. friend has any regard for facts. Does he ever bother about facts, I do not know?

SHRI VASANT SATHE: You said, "Do not forget? Let memories be sharp."

SHRI MORARJI DESAI: Now he is getting excited like that. He complains about people having been shot in Bombay. I had said he does not bother about facts. That is all right. Why restrain him if he does not wish to restrain himself.

Does he realise that in Bombay, all the Members of my party, the majority of whom were Maharashtrians, never raised a protest before me about what had happened in all those years. Was that not a sufficient support for what had happened. He was nowhere at that time. Twenty years ago, I do not know what he was and what he was doing. Let him learn a lesson from that as also from the leader of the Opposition. Let him ask him whether he had told me that I had done wrong. Then he will be justified in saying what he is saying. Therefore, what I did at that time was not done without pain. But I was forced to do that. That is, the police were forced to do it. It was not that I went and gave orders. Of course, it is true, that if I had said that, no police man would have fired. Then no one should have fired. That is true.

I do not deny that responsibility. But what had happened then? The whole of the Bombay city would have been finished. Nothing else would have remained in Bombay city if it had not been done. Who did it? — It was done by the Maharashtrian officers. It was not done by anybody else.

See what happened in Delhi. Who burnt it, who bulldozed it? It was the Administration of the past Government which did it. I do not want to say that the former Prime Minister did it. I do not know who did it. But it was done in her regime. Therefore, that regime has to be blamed. The buildings were bulldozed without any

[Shri Morarji Desai]

proper notice. Notice of a few hours! Is that the way to deal with the people? Have I ever dealt with like that? I am sorry my hon. friend tries to compare those happenings with the happenings of emergency. Delhi was burning. How did it happen?

I am glad he recognised it, that there was a meeting attended by five lakhs of people. Of course the police report at that time was that it was attended by only 50,000. I am glad that that knowledge has dawned on him today, that they were 5 lakhs. But what does that show? That shows the feelings of the people, and the feelings of those who attended; otherwise they would not have attended it. We were not in Government. We were non-officials. How would people have come there? We had no money to bring them in trucks. They came on their own and they heard us patiently. And it is objected to on the ground that we declared Satyagraha there. Does he understand what Satyagraha means? I don't know whether he has ever practised Satyagraha. I don't know whether he is capable of practising Satyagraha. Satyagraha does not mean that any force can be used by anybody. I would be the last person to do it. If anybody were to do it I would certainly protest about it. He referred to Gujarat happenings. Who were responsible for those happenings? It is these Congress people, not the opposition, who have encouraged them, and gave money to the young people. Who protested about it? I protested and said that they should never do any wrong thing and if they persisted then I will have to sacrifice my life. And it was therefore that I undertook a fast to stop violence and to stop other things also.

15.11 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Therefore, it is not for my learned friend to advise me. I only hope he

takes a lesson from this. That is all that I hope. I do not know whether my hope is too much. At any rate one could hope for the best and be prepared for the worst!

Let us not, in our anxiety to defend the indefensible, say things which unnecessarily cause repercussions. When he said that people were fired upon like that, does he realise that Pandit Jawaharlal Nehru phoned to me that very evening when the riot started in Bombay and asked me to call the military; to call the tanks but asked me to finish it as quickly as I can. I told him. I am very sorry. I won't call the military. If I had called the military the casualties would have been five times of what they were, and the police would have lost their morale. I did not want to use maximum force. I wanted to have minimum force. I told him that if I was not able to control it in two days I would resign and get out of Government but I will not call the military. This is what I had told him. Therefore please be careful about what you say.

After all, I would not find fault with any Government if they meet violence with force. I would not find fault with any Government for that matter. I would not find fault with the post Government. Government has to use force to suppress violence. I have always said that. I will say it even now. But when there is no violence why should force be used? I cannot understand this. These are the standing instructions. They were the standing instructions when I was there and even now when I am here.

There was a strike going in Madras the other day soon after we took charge. The Governor phoned to me. They said, they are doing dharnas, not allowing people to do their work. I told him, if they do it and there is no violence, don't use any force, no tear-gas, no lathi-charge. You can arrest them and prosecute them. These are the instructions which I gave. These

are the instructions of this Government.

But, if some State Governments which are not under our control do something, I will not be responsible for it. But we will certainly take action to see that that does not happen. That I can certainly assure you.

Then, the hon. the leader of the Opposition said—that we had not mentioned any programme. I would refer him only to page 3 from the second paragraph onwards. The programme has been given. But, does he expect that we can spell it out immediately? Did they spell it out their Twenty-point programme? They only said twenty-points and, like mantras, they went on repeating all the while and nothing was spelt out. I have not objected to any of them. (Interruptions) They said twenty-five and then it became twelve in their manifesto. That is the tragedy of it. What is the use of saying all these? I have gone into it very deeply. I do not neglect whatever comes from you. I want to benefit from it if I can. That is all I would like to add.

Therefore, Mr. Deputy-Speaker, Sir, I would only beg my friends to have more patience in this matter and not to compare the Janta party to a strange animal. I hope more restraint will be observed in future. That is all I expect. If it does not, I shall go on using restraint from my side. That I can assure him. We have started implementing our professions and the Leader of the Opposition will be broadcasting to the nation to-day. He did not ask for it. We have requested him to do it. Is that not true?

This is what we are going to do. Indeed I had mentioned and I can assure my hon. friend, Shri Sathe also that if he has any complaint about any administrative actions resulting in any oppression, I would request him to tell me. I can assure him that all grievances capable of redress would be looked into. That is the attitude of this Government in the matter of law and

order, in the matter of economic order, in the matter of social order and in the matter of administration. We have mentioned all these things. But we cannot put details into that address. That is what ought to be appreciated. They wish that the Janta party will break up—this is what the Leader of the Opposition said that the Janta party will break-up in no time and that it cannot last. If wishes were horses, then everybody will ride on them. It is not possible. As a matter of fact, it is the wrong desire that leads to the down-fall of the people. That has happened. That is the tragedy of it.

Let us take a lesson from it and not have wrong desires. After all, how will it benefit the Opposition? If he thinks that the two party system should function and if it is good for democracy, should we not wish that this should last? If you defeat this party legitimately when the occasion comes I will not resist. Even if they so desire the Janta party will not break up. I do not know what will happen in the future. But I only hope and trust that this wish will not be fulfilled. This will not benefit him at all. He said that they have been defeated. It is true that the people declared themselves against the emergency and therefore they had been defeated. If we had not won, then how are we here? I do not know if the people did not prefer us to them, how would we have got the votes? I cannot understand this which is such a simple matter. I never thought that he was not using his commonsense in this matter. I am afraid if his desire is to see that the Janta party goes out he will be in possession of office, this is an indiscreet statement. That is all I can say.

Sir, as long as the Janta Party is in Government, we will see to it that we will establish democratic traditions by our behaviour not by asking other people to do it if our performance falls short of the expectations. I shall be thankful to the leader of the opposi-

[Shri Morarji Desai]

tion to point it out to me or for that matter any member of the opposition can point that out to me so that we can improve upon it. No man is wise enough not to learn from others. And that was the fault committed by the previous government. That was the fault committed, and I may be pardoned if I say, by the then Prime Minister. If that had not happened, then all that happened would not have happened. But whatever happened is for the best in my view. If sufferings come, they come to chasten us. And it is then that we can improve. Even three years ago I told my friend that what is happening is for the good of the country. This country would not have learnt a lesson until it suffered. We got freedom very easily because of Mahatma Gandhi. I have always felt that we did not pay sufficient price and therefore, this country did not realise the value of freedom. We had to pay a price. We have paid that price during the last twenty months and I hope we will not have to pay a further price now. At any rate we will see to it that we will not extract any price from the Opposition. Let me assure the Opposition. That is not our intention to do so. If any price is to be paid, we will pay it, but we will not make others pay it. That will be our attitude in this matter. What do we want? I am quite sure our aims are common. I do not doubt that they also want to see that this country becomes great, happy, strong and to help the human society to be happy. That is our aim. I am quite sure the aims are common. But aims may be anything. Unless the means are pure, nothing can be free from blemish. That is what the Father of the Nation taught us. It is possible that we will make mistakes. After all, we are not angels nor can we say that we have no faults. All have faults. But let us not try to take advantage of faults of each other but try to help each other in removing them. If we do that, I am quite sure the future of the country is very good. I have no doubt that it has been my faith for years that

this country cannot go down, it is bound to go up and become happy and in the terms of Mahatma Gandhi, it would establish "Ram Raj". If that happens in this country, then we will be able to be of some service to the world in creating those conditions by our example. We do not have to advise other people or to give sermons to other people. It is enough if we serve ourselves by promoting peace and goodwill in the world. Well, that will be our foreign policy. Of course, there is difference in the foreign policy of non-alignment. Non-alignment must be there. It is not a policy which is in doubt, but sometimes aberrations enter in that policy. We will try to see that aberrations will not come. That is all that we can say. I don't say that formerly aberrations had come deliberately or by mischief. That is not my contention at all. But I would say that inhuman efforts, sometimes weaknesses do come. We have got to guard against them and that is what we are trying to learn by experience.

Non-alignment can be practised only if there is freedom from fear and fortunately this country passed through such fears in the last twenty months that I can never compare this condition to any other conditions in the history of this country. But we have got to live it down. We have got now to see that such fear does not recur again in this country. We must have freedom from fear in this country. Otherwise, we will not grow at all. If anything has plagued us in this country, it is this fear which has plagued us and it is that which comes in the way of development on all sides. Unless we are able to restore this freedom from fear in this country, all our efforts at development are not going to succeed and in that common endeavour of removing that fear I would appeal to my friends in the Opposition to help us in seeing that fear is removed from the minds of the people at large. But that can happen only when we ourselves shed fear. We are not afraid if we have to get out of this Government. That was the

fear from which the past government suffered. It was, therefore, that emergency came; otherwise emergency would not have come. And my friend, the Leader of the Opposition has said that this was a vote against emergency. Can there be a greater criticism of it than that? And who had supported the Emergency very strongly? He himself. But I suppose he was not free to do otherwise. It is that freedom which we want to restore to everybody not only here but to all of you. This is what we would like to do. There will be no democracy unless there is freedom from fear and it is this which we have got to restore and everything that we have will be directed towards that end.

Therefore, I want my hon. friend, Shri Sathe, to be free from fear. But I also want him to be free from bravado; Bravado does not give fearlessness. It brings for him more fear. Therefore, may I suggest to him to see this. If he does not wish to see it, I shall have no quarrel with him. I have not considered him as anything but a friend. I know that when I was in the Opposition benches he was talking to me very freely. But when it came to speaking here he spoke in a different language. Now, this is what we ought to avoid. I know he will want to say one thing and then say another thing. Even now in his speech here I saw that. He respects me and also condemns me. Both things are done.

SHRI VASANT SATHE: Is it not freedom from fear?

SHRI MORARJI DESAI: This is not freedom from fear. This is freedom from truth. Therefore, let us be more careful about it. We ought to be more careful about it that there should be fearlessness in practising truth. If that is not realised, I am afraid we will never acquire freedom from fear.

I do not want, Sir, to take up time of this honourable House because I do not see there was much criticism of what is done because there is not much done yet. Things are being done. Therefore, how can there be much criticism? The criticism is only in the air and I have nothing to reply about it. I have only to appeal to my hon. friends to see that we work together in cooperation. That does not mean that they should not criticise us. We welcome every criticism that you make. But let us make in such a manner that we don't hurt each other. That is all my request, Sir. Thank you.

MR. DEPUTY SPEAKER: Now, no question will be replied.

SHRI O. V. ALAGESAN (Arko-nam): I am on my legs Sir.

MR. DEPUTY-SPEAKER: You may be on your legs, but on what? If it is a point of order, you could have said 'point of order'.

SHRI O. V. ALAGESAN: I am going to ask the Government to give a categorical assurance that they will continue the work of the Sarkaria Commission. Will the Prime Minister be pleased to say something on it? That is what I want.

SHRI MORARJI DESAI: May I say, Sir, that the Sarkaria Commission's work is going on? It is not complete and I cannot take any definite action unless that is complete and I have requested Mr. Sarkaria to complete his work as soon as it is possible as he has said that he will do it in four months.

MR. DEPUTY SPEAKER: Now some amendments have been moved to the Motion of Thanks. I will put all these amendments to vote together unless any hon. Member wants that any of the particular amendments should be put separately.

[Mr. Deputy Speaker]

I shall now put all the amendments together to the vote of the House.

All\* the amendments were put and negatived.

MR.DEPUTY-SPEAKER: The question is:

"That an Address be presented to the Vice-President acting as President in the following terms:—

"That the Members of Lok Sabha assembled in this Session are deeply grateful to the Vice-President acting as President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on the 28th March, 1977."

The motion was adopted

15.31 hrs.

STATUTORY RESOLUTION RE  
CONTINUANCE IN FORCE OF THE  
PROCLAMATION IN RESPECT OF  
TAMIL NADU

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHIARAN SINGH):

SIR, I beg to move:

"That this House approves the continuance in force of the Proclamation, dated the 31st January, 1976, in respect of Tamil Nadu, issued under Article 356 of the Constitution by the President, for a further period of one year with effect from the 10th March, 1977".

As Hon'ble Members may be aware the Proclamation under Article 356 of the Constitution in respect of Tamil Nadu was issued by the President on

31st January, 1976. This was done in pursuance of a report received from the Governor of Tamil Nadu in which grave allegations of corruption and mal-administration were also made against the Government headed by Shri Karunanidhi. The President's Rule was again extended for a period of six months in September, 1976 by another Resolution of the Parliament. Before the expiry of the last extension, the previous Government moved a Resolution in the Rajya Sabha on 1-3-1977, for the continuance of President's Rule in that State for a further period of one year with effect from 10th March 1977 which also was accorded approval. The legal position is that as the resolution for extension of Proclamation has been passed by Rajya Sabha for the continuance of President's Rule, a resolution by Lok Sabha to the same effect is necessary within 30 days of its 1st sitting after re-constitution.

According to the amended provisions of article 356(4) of the Constitution of India, the period of extension of President's Rule now stands raised to one year. This is, however, only an enabling provision, because the Proclamation in this regard can be revoked at any earlier time. I do not wish to go into the merits of imposing President's Rule in Tamil Nadu nor into the justification for extending it indefinitely. Our Government is committed to restoring normalcy and early popular rule in the States under President's Rule.

Hon'ble Members would bear with me that it is not possible to revoke the Proclamation without holding Elections in the State, since that would mean an administrative vaccum. It will be the endeavour of Government to have elections in Tamil Nadu in the course of next few months. I would, therefore, request the House to pass the Resolution for continuance

\*Amendment negatived: Nos. 1 to 5, 26 to 91, 102, 103, and 160 to 162.

of President's Rule for a period of one year, so that administration could continue to function till a popular Government is in position.

With these words, Sir, I commend the Resolution for approval of this House.

MR. CHAIRMAN: Resolution moved:

"That this House approves the continuance in force of the Proclamation dated the 31st January, 1976, in respect of Tamil Nadu, issued under article 356 of the Constitution by the President, for a further period of one year with effect from the 10th March, 1977."

15.34 hrs. -

[KUMARI ABHA MAITI in the Chair]

SHRI P. KANNAN (Salem): Madam Chairman, President's rule in Tamil Nadu is being extended but the people of Tamilnadu want an early poll. I should request the concerned Ministers to hold early elections because we should like the same results now as we have got here. We also want that there should be no withdrawal of any case. Chargesheets and trials are pending in courts in Tamil Nadu against some of the Ministers and M.Ps. All corrupt persons should be brought to trial. I request the Central government not to withdraw any case. This is what was done in respect of Mr. George Fernandes and Shri Subramaniam Swamy. This Government should assure us that there will be no interference in judicial matters; in fact they assured the people that they would not do so but the first act done by the Janta Government was to withdraw those cases. I do not think that they are doing justice to the judiciary. We want no interference with the judiciary and we told the Congress Party government and Mrs. Indira Gandhi also that they should not do so. But the very first act of this government was to withdraw

those cases. It is for the judiciary to give verdict that Shri George Fernandes and Shri Subramaniam Swamy were innocent or not. If they are proved innocent, then it is well and good. But it is for the judiciary to come to the conclusion whether they are innocent or not. It is not for the executive to decide this. Because these two gentlemen happened to be elected on Janta Party ticket, should the cases against them be withdrawn? There are thousands of cases against innocent and poor persons in other parts of the country. But those cases have not been considered by the present Government. Let not the withdrawal of cases against Mr. George Fernandes and Shri Subramaniam Swamy as happened at the Centre be repeated in Tamil Nadu where there are cases against the erstwhile Chief Minister and other Ministers, because you have won three seats in Tamil Nadu in alliance with the DMK. I do not think that you will get even one seat in Tamil Nadu State Assembly Elections if the cases against the persons belonging to DMK were to be withdrawn. The desire of the Tamil Nadu people is not to withdraw the cases against them. The Sarkaria Commission has given findings on 7 charges. Action must be taken against the persons and they should be punished. Action should also be taken on other cases that are pending trial. After the President's rule in Tamil Nadu, all the labourers have been paid Wages, the bonded labourers have been released and rescued during the Congress regime under the leadership of Shrimati Indira Gandhi. The hill tribes have got the benefits by way of implementing the 20-Point programme in Tamil Nadu. All the cases that were not detected during the previous Government have been detected and discovered during the President's rule. The Statewide sensational case called the Poolavari double murder case—where a father and his son were murdered—in which Mr. Karunanidhi was involved was not pursued. Mr. Karunanidhi

[Shri P. Kannan]

screened the offenders but the case was treated as undetected. We gave a petition to the Prime Minister, Shrimati Indira Gandhi, when she visited Tamil Nadu. At the instance, special police were deputed to detect the case. Now, the case has been detected and the persons responsible were chargesheeted in which the District DMK Secretary is an accused. The people of Tamil Nadu desire that the proceedings and pending trials should continue and they should not be withdrawn, as has been done in the cases of Shri George Fernandes and Shri Subramaniam Swamy. Proceedings of the pending cases against all the DMK Ministers and others should not be stopped. We will be supporting the Centre for all progressive measures that they may take, otherwise, we will not be supporting your Government.

SHRI O. V. ALAGESAN (Arko-nam): Madam Chairman, I welcome this Resolution because it is to fill the gap in the present difficult situation. The question is as the elections cannot be held here and now, President's rule has to be extended. As per the Resolution brought forward by the Home Minister, President's rule is to be extended for one year. But I am glad that the Minister has clarified that it does not mean that the President's rule will go on for one more year and the elections would be held as soon as possible. In this connection, I would like to say that I have heard the Prime Minister's broadcast to the nation yesterday. It was a welcome one and it was marked by wisdom and humility. It looks to me that he is a changed man now. He has to live down several of his past reputations. I think he will be slowly doing it, which can be inferred from the way he took back his comments that he made on women in general and from what he said on the radio yesterday. I hope he has changed. We are interested in seeing that the trends of change taking place

in him are strengthened. Recognising the inherent lacuna in the geographical distribution of seats won by the Janata Party in the last election, he has hastened to assure the people of the south that he will be considerate towards them and see that their interests are safe in his hands. He claimed that his is a national government and no segment of the population will feel orphaned. This is a welcome assurance, taking a realistic view of the results of the election, unlike some Janata members who fell foul with us when we pointed out that very fact. But mere assurance is not enough. Government should think of some institutional arrangements and spell them out so that the above assurance is translated into suitable action. He has also assured the State Governments that he will be even handed in dealing with them and also he will not indulge in securing defections or toppling State Administrations. This is also a welcome statement of policy.

But what do we find? Already at party level and governmental level efforts have started to secure the defection of the All India ADMK from its electoral alliance with the Congress, CPI and Muslim League and get it attached to an alliance with the Janata Party. The leader of All India ADMK in Parliament is being wooed. The General Secretary of the All India ADMK, Shri M. G. Ramachandran, is being pursued and passionately wooed because the realisation has dawned on the Janata Party that when they clubbed themselves with the DMK in the last elections, it was an embrace of death. Now they want to retrieve the situation by aligning themselves with the All India ADMK. Is this not an effort at defection? On the other hand, the DMK leader is rather afraid and he is giving a hot chase to the Janata Party so that he may retain their friendship so that he may get a few more seats in the Assembly election tomorrow. But I think the

Janata Party has learnt its lesson and will not have any more truck with the DMK. Even on the eve of the last election, we do not know whether this alliance was struck on the initiative of the local leadership or whether the local leadership was over-ruled by the All India leadership and they were advised to have this alliance. But let us wait and see whether the Prime Minister keeps his promise and refrains from weaning the All India ADMK away from its present stand or tries to force that party into an alliance with the Janata.

The Prime Minister has also said that an autonomous machinery to probe charges of corruption or misuse of office at all levels is proposed to be established. The statement is not quite clear. The other day the Home Minister said, he will have three separate enquiries conducted into Maruti, Nagarwala episode and charges against the former Defence Minister, Shri Bansi Lal. I want to know whether the Prime Minister's statement supersedes that of the Home Minister or whether the autonomous body is an addition to the bodies mentioned by the Home Minister. This may be made clear.

Again I am thankful to the Prime Minister for giving a categorical assurance on the floor of the House that the Sarkaria Commission of Enquiry will be continued. I wanted to have such a categorical assurance because the term of the Commission came to an end on 1st February this year. So, unless the term of the Commission is extended, it will not be possible for it to go into the other allegations made against the erstwhile DMK Chief Minister and the erstwhile DMK Ministers. If I heard the Prime Minister aright he said that he had asked Mr. Sarkaria to complete the enquiry within a period of four months. I would like to submit that the time that is allowed to Mr.

Sarkaria is not enough. Of the total allegations Mr. Sarkaria chose 28 and it took one year for the Commission to complete enquiry into seven allegations. Now there are 21 more allegations and they are very important and very complicated. I would like to read these 21 allegations. They are:

1. Mekala pictures.
2. Anjukom Pictures.
3. Gopalapuram House.
4. Anjukam Pathipakam—Murasoli.
5. Son's house, Tiruvarur.
6. Dharma.
7. Vaidyalingam.
8. Veeranam. That is a project to bring drinking water to the city of Madras from Veeranam lake. Crores of rupees have been swallowed in that.
9. JKK Angappa Chettiar.
10. Samayanallur Power Station.
11. Sugar scandal.
12. V. S. T. Mudaliar.
13. Amirtham.
14. Kodai-Palani Road.
15. Private Trusts.
16. Anbil Dharmalingam.
17. Aditanur Vellandu Bank.
18. Trade Union.
19. Intimidation of Press.
20. Police excesses.
21. Sakthi Pipes.

These are the 21 allegations that are yet to be enquired into by Mr. Sarkaria. So to say that Mr. Sarkaria should complete his enquiry into all these allegations which are very complicated and which are having ramifications within that short period of a year to enquire into only 7 allegations, I would submit is not realistic. I do not want the Government to ask Mr. Sarkaria to hasten with the enquiry. I want that Mr. Sarkaria should be given more time so that he completes the enquiry. Now it is for the Government to take action.

I entirely agree with the Prime Minister that discipline should not be imposed from outside but it should be self-discipline. That is what Gandhiji had said. I would be excused if I say

[Shri O. V. Alagesan]

that it was the Janta Party which was responsible for creating conditions of indiscipline in the country which brought about the then much needed emergency. Now emergency has been lifted. Several things have happened in the State of Tamil Nadu after the lifting of emergency and I would like the Government to take note of them because they are straws in the wind. There was a bus strike to which the hon. Prime Minister made a reference while replying to the discussion on the Motion of Thanks to the President for his Address. I do concede that the workers employed in the transport corporation may have had pent-up grievances. But what happened is this: one driver was transferred from one depot in the city of Madras to another and immediately, there was a strike. Thousands of students who had to write their examinations were inconvenienced. Many more thousands of others going to offices and other places were inconvenienced. People were talking in the streets that this was the first taste of the Janata government. I do not decry anybody. I am only pointing out that these are straws in the wind. The bus strike provided a certain amount of disillusionment to the people in the city of Madras who returned two non-Congress candidates out of the 3 constituencies.

Then there was another incident. Immediately after the lifting of the Emergency, some 30 or 40 students stormed the room of the Vice-Chancellor in the Madras University. They did not even seek permission for an interview. They just went there and demanded an interview, got into his room and wanted that all examinations should stand postponed. Naturally, the Vice-Chancellor was not able to give an immediate answer. I beg to think, Madam Chairman, that if campus indiscipline again spreads, it will not be to the good of the country, and to that of the younger generation of this country. Again, I am told that

the janata meal which was being supplied for one rupee has been given up by the hoteliers in the city of Madras and elsewhere. This has caused great hardship to the ordinary people and to the poorer sections. I am not able to know the reason why this healthy change which was introduced during the Emergency—this is not a case of arresting persons or putting them in jail—has been given up. The Home Minister may perhaps taken the trouble of finding out and seeking that this at least is restored.

I have already spoken about the electricity department which is in a very very bad way. It requires a thorough overhauling. I am sorry to say that the Advisers' regime did not have time to look into this. It so happens that on the day the new Minister of Energy who hails from Tamil Nadu—I wish him well and wish him success—was taking his oath of office, news came in that there will be a further cut in the electricity supply. There was already a 30 per cent cut.

They now propose to make it a 50 per cent cut. I am told that the cut is now 40 per cent. Madam Chairman, you know that this is summer and that for having good crops, it is necessary for the pump sets to be working well, so that the standing crops do not wither away. (*Interruptions*) I am not saying anything against your government, or against Mr. Ramachandran. He has started well. He said that he will look into the ongoing projects, assess them and see what can be done. So, I am bringing this to his notice, even though he may not be here now. It is very unfortunate that on the day of his taking the oath (*Interruptions*) a further cut was announced in the supply of electricity. The reason why I am pleading thus is that the Neyveli project has produced 75 per cent more power this year, than last year. Most of it is being supplied to Tamil Nadu. When that is the case, there is not much convincing reason why this cut should be continued in the first instance

and, secondly, why it should be increased further. So, I would like the hon. Minister to look into the matter. Because, we read in the newspapers that he is visiting Madras on the 9th of this Month and he is going to have discussions with the officials of the Electricity Department. That is why I am urging that he may have a good look into the power projects of Tamil Nadu and try to improve matters.

I would like to say a few things about the imperative needs and requirements of my constituency. I have been pleading for a long time for a bridge near Pallipet on a road which is an inter-State road connecting Tamil Nadu with Andhra Pradesh. The people have been put to much difficulty there for want of this bridge on the river. Though the Central Government was willing, the DMK Government was not recommending the work to be taken up. Now that there is President's Rule, which is being sought to be extended for a short while, I hope the Advisers' regime will see its way to recommend this work and see to it that it is taken up immediately.

There is also a proposal to establish a sugar factory in Tiruttani Taluk in my constituency. That has to be cleared by the Central Government because of which the project is being delayed. I hope the hon. Minister will ask the concerned Ministry to see that this proposal to establish a sugar factory is cleared.

There is a very famous temple in my constituency at Sholingar. The hon. Prime Minister felt offended when the Leader of the Opposition called the Janata Party a strange animal, and a reply came from the other side that it is something like a....

CHAUDHURI CHARAN SINGH: I do not know what the hon. Member is speaking about. The House is now considering a very limited question just now, whether there should be an extension of the President's Rule or not. That is all. All questions about elec-

tions, alliance, Janata Party etc. are not relevant here.

SHRI O. V. ALAGESAN: Perhaps the hon. Minister is not well acquainted with the practice in this House. It is customary, it is usual during such discussions to make reference to these things. We can say that such and such things should be done and until the elections are held it is for the Government here to deal with those things, because Parliament is in charge of the administration of Tamil Nadu. In fact, the previous Home Minister was presiding over a Committee of MPs on Tamil Nadu, which was looking into these matters. In fact, the other day in my speech I requested the Government to see that this Committee of MPs on Tamil Nadu should be set up as early as possible. So, I am very relevant when I am urging these things. This refers to the administration of Tamil Nadu and they have to do all these things. The Home Minister has to take note of them and see that these things are done.

#### 16 hrs.

I am coming to a temple. The other side answered back saying that we are aware of Narasimhavatra where the Lord Himself took the shape of both a man and an animal. So, why should they be very much ashamed of being called an animal? In this temple, the presiding deity is Lord Shri Lakshmi Narasimha. It is a very beautiful temple. Many pilgrims and tourists go there. I want that a road should be made and a winch should be provided so that all people may reach the temple and have a good darshan.

The hon. Education Minister made a statement today. It was a preliminary statement. Naturally he could not go in any depth into the various matters that have to be looked into by him. I have no grievance about that but I would like to draw attention to a brochure published by the expert

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body, the National Council of Educational Research and Training, where there is discrimination made in the teaching of English between non-Hindi and Hindi States. It has been mentioned in that brochure that the teaching of English in non-Hindi States can start from the ninth standard and that too for two periods in a week. On the other hand, they have said that the teaching of English could start in the Hindi-speaking States from the sixth standard and will be taught for five periods. I drew the attention of the erstwhile Education Minister also to this very great discrepancy and the discriminatory treatment that has been meted out to the Hindi and non-Hindi States. He said that he would correct the discrepancy, that he would declare a new policy. So, I would beg of the new Education Minister to study this matter, I would not hustle him, and see that this discrepancy is removed and that in the matter of teaching English to the boys, whether they are in the Hindi States or non-Hindi States, the same policy is followed, and that there is no discrimination.

With these few words I support the Resolution moved by the hon. Home Minister.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I thank you very much for giving me this opportunity of saying a few words.

At the risk of being told that I am out of order by the hon. Home Minister, I would like to take this opportunity of drawing his attention to a few very important and urgent problems that exist in my State today.

First and foremost is the fact that in Tamil Nadu more than in any other State in this country, we are beset by the problem of drought of very serious proportions. This is a continuation of the drought conditions which have been there for a very long time. Dur-

ing the period of the DMK regime, from 1972 onwards, we had the miserable experience of finding all drought relief money being channelled into pockets other than those intended, with resulting loss to the State as a whole. Therefore, on this occasion when we are discussing the Resolution for extending President's rule, it is but correct and meet that I should draw the attention of the new Government to this very important problem, so that it is immediately taken up by the hon. Minister through his agencies and put on a war footing.

As a result of this, there will be a lasting effect. It is not that we only want our agricultural labour to get employment by digging earth work roads here and there but the long distant perspective on irrigation schemes. That work can be undertaken as drought relief work so that on the one hand, we will have income through employment for agricultural labour and on the other hand, we will have already this ground work of new irrigation schemes.

Apart from that, I would like to draw the attention of the Minister to the fact that there was a problem of sinking bore wells in the drought areas. These give enough water and the water is available as drinking water for the villagers. But when the existing bore wells go out of order, then there is no arrangement for maintenance so that they continue to function properly. The water is there; the bore well is there and the statistics are there, but because the bore well is out of order, the water is not there as drinking water for the villagers. Therefore, it is extremely necessary that immediate steps should be taken to solve this problem. For the simple reason that these pump sets were given on contract to a particular firm outside Tamil Nadu against the advice of the officials by the erstwhile Karuna-nidhi Government and the whole matter was not handled properly. The mechanics who are responsible for see-

ing them function properly do not bother about it. Then there is a commission which is also looking into it. Meanwhile, please take up the work of maintenance of existing bore wells and drought relief measures for the people of my State, if they are to receive any relief whatsoever.

Then there is a problem for the handloom weavers which we raised also in the form of an amendment to the President's Address. The Prime Minister, when replying to the debate on the President's Address just escaped by saying that we are new; we do not know all the problems; we have to study problems. So, I can, in all humility, bring it to the notice of the Home Minister, this problem so that at least they can take up these problems, study them and see that very quick results are found.

Then there is a question of sales tax on hosiery products in Tamil Nadu. As a result of this, the manufacturers and the workers in the hosiery industry have to suffer a lot. This is a discriminatory sales tax which has gone against the hosiery industry in Tamil Nadu and the traditional market has now been lost on account of this. Unfortunately, the earlier Karunanidhi Ministry had introduced this tax. We had brought this matter to the notice of the Central Government during the President's Rule. The matter was on the anvil. We were assured that it would be reviewed. Therefore, I would like the Home Minister taking over this portfolio to look into this matter of my State and see that a decision is taken very soon in order to give relief to this key industry. There are thousands of workers dependent on it and this is a small scale industry. The Prime Minister yesterday assured that small scale industries are going to be helped. This can be a magnificient step by the Central Government that they would help the hosiery industry in Tamil Nadu by seeing that this discriminatory tax is removed there and protection is given

to them so that that industry can prosper once more as in the past.

There are a series of lock-outs in the glass and enamel factory in Salem, in Metres Instruments in Madras. And certain mills are closed in my own constituency of Coimbatore either for financial reasons or for other reasons. There is the Lotus Mill. They made a request for financial assistance from the banks that was necessary to get it going. I hope the Minister will see that this is immediately looked into so that in this period our workers are guaranteed employment and the normal and democratic system of our country continues to function smoothly as a result of the elections which were conducted.

Another point that I would like to make is about our indigenous system of medicine i.e. Ayurveda. In the south and in many other parts of the country, many people go in for Ayurvedic medicines. The Health Minister is not here. I would like to bring to his notice one thing. In the south, particularly in Tamil Nadu, Kerala and Andhra Pradesh, there are many Ayurveda pharmacies. Particularly, in Tamil Nadu, quite a few Ayurveda pharmacies, hospitals and nursing homes have come up because they have been able to serve the people and many people from the North also go there to get treatment for certain ailments which allopathy cannot cure. So much so that the WHO has decided to have a research scheme along with Ayurveda pharmacies in Coimbatore. It is a great credit to our country because the UNESCO and the UNO themselves are recognising that India has got a good heritage in the medical field also as we have in education and other cultural fields. The erstwhile Karunanidhi Government had a kind of allergy—I do not know why—particularly to Ayurveda medicines and pharmacies which are concentrated more in Kerala. So they introduced a 40 per cent sales tax on Ayurvedic drugs. We had brought this to the

[Shrimati Parvathi Krishnan]

attention of the Government and pointed out that it was most unfair that our indigenous system of medicine was being discriminated against. I am not speaking as a person coming from Kerala or from the South. I am speaking in terms of encouraging the indigenous system of our medicine. The 40 per cent sales tax on Ayurveda medicines which the poor people are using is something which is just beyond one's imagination. Of course, the people of my city Coimbatore go to Palghat and pay Rs. 4/- more to go by bus and get the medicines. But what about others in Tamil Nadu? Why this discrimination against our indigenous system of medicine?

Surely, the Minister of Health can go into this matter and see that the protection is given to our Ayurveda medicines and this discrimination is removed. This will benefit the poor people who take to Ayurveda treatment. This will be a great move forward in removing discrimination between one State and another and between allopathic medicines and indigenously prepared medicines.

Lastly, when we are discussing the extension of the President's Rule in Tamil Nadu, I would like to say that elections in Tamil Nadu should be held at the earliest. The Home Minister has said that the elections will be held in a few months. We have been seeing various reports in the newspapers that the elections may be held in three months or four months or six months or two months. We have been demanding elections to the Tamil Nadu Assembly at the earliest possible time to give an opportunity to the people of Tamil Nadu to have a duly elected popular Government to deal with these problems and many other problems which we cannot discuss here for want of time today. I do not think the hon. Minister is in a mood to reply to all the problems. That is why I have

brought only a few problems to his notice and I would appeal to him to look into them immediately. I would appeal to him to give an assurance here and now as to how soon the elections will be held. The elections should be held not in a few months but at the earliest giving time to the people of the State to have the electoral rolls rectified. During the recent elections in our State, we were horrified to find that many voters of long years of standing suddenly found themselves outside the electoral rolls. We had this experience and we overcame it. We do not want to accuse anyone of rigging the elections. But that attempt was there. We are glad that we overcame it and that is because of the strength of democratic spirit, democratic ideas and democratic norms that exist in our State.

In conclusion, I would again urge upon the Home Minister to give an assurance that democracy will be taken one step forward by having the State Assembly elections as early as possible and ensuring a duly democratically elected popular Government in the State.

SHRI KUMARI ANANTHAN: (Nagercoil): First of all, I wanted to point out one thing. The hon. Member Shri Alagesan misquoted our Prime Minister when he referred to the Sarkaria Commission. Our Prime Minister had said that Justice Sarkaria wanted four months. There is no question of giving four months. Our Prime Minister asked Shri Sarkaria about the investigation and the Justice asked for four months time to complete it, which was agreed to.

Then, another Hon. Member spoke about electricity cuts. In what way is our Prime Minister responsible for that? In what way can the Janata Government take the responsibility? It was your regime which was there at that time and you were responsible for it. The present Minister has said that we will see that the present

projects and systems are fully utilised. That means you have not utilised them properly and fully, so it is a reflection on your own regime.

Then, there is another thing. The lady Member who spoke just now said that some names were found missing from the electoral rolls but that she did not want to find fault with anybody. The responsibility can be placed only on the previous Government and that is why she did not want to find fault with anybody. Not only have they left out some names, but there were attempts at rigging also. I have ample proof of it. I have a bundle of papers duly signed by the Presiding Officer. With the permission of the Chair I can place it on the Table.

Then, another Hon. Member mentioned the first strike after we took over. Without lifting the rifle and without using any force we could bring the strike to a happy ending. You should give encomiums to the Janata Government for this.

Another thing is that the Janata Government will not swing in its responsibility of upholding justice. As I said yesterday, our measuring yard will not swing or bend in favour of anybody. At the same time it will not leave out anybody from the purview of enquiries by the Commissions.

With these words, I conclude.

**SHRIMATI PARVATHI KRISHNAN:** Just a point of personal clarification: the enumerations were done when the DMK was in power in 1975. So, he should stand corrected.

**SHRI KUMARI ANANTHAN:** It was revised when your Government took over.

**SHRIMATI PARVATHI KRISHNAN:** Not my Government: I never had my Government.

**SHRI A. ASOKARAJ (Perambalur):** Madam Chairman and Hon. Mem-

bers, it is a happy occasion for me to deliver this maiden speech as a member of the All India Anna D.M.K. from Tamil Nadu.

In the month of January 1976 the corrupt D.M.K. Government was dismissed and President's rule was imposed. The Tamil Nadu people expected Assembly elections along with the Parliamentary elections but, unfortunately, it was not so.

The Home Minister has announced the Assembly elections to the Kashmir Assembly within three months. I wonder and don't understand why the Hon. Minister has not said anything about the Tamil Nadu Assembly elections though it was dissolved fifteen months ago. Some officials are acting in a highhanded manner and the people are unable to express their feelings. Hence I request the Prime Minister through the Chair to announce immediate elections to the Tamil Nadu Assembly. If the Government do not announce it immediately, the people of Tamil Nadu will have doubts regarding the credibility of the statement that democracy is said to be flourishing now. Government says that they have faith in the people's verdict: then why don't the Government allow the people of Tamil Nadu to give their verdict? The present administration may be a good one, but a popular Government will be a better, and the people of Tamil Nadu will give their verdict for a better one.

There is no popular Government in my State now. Therefore, I have to talk about my constituency here. My constituency, namely, Perambalur, is a very backward area, it is a drought-hit area. People belonging to the Scheduled Castes and Scheduled Tribes and backward classes are living in huts. Human beings cannot live in such huts, we should really be ashamed of this. These huts are often destroyed by fire. So, the Government should come forward with comprehensive plans to change these huts. The drinking water problem is an

[Shri A. Asokaraj]

enormous one. People have to go for miles to fetch a pot of water. Protected water supply must be ensured. I would request the Government to come forward immediately with plans for this purpose and also arrange for execution of these plans immediately. I would like to warn the Government through the Chair that, if Government do not make the necessary arrangements to meet the basic needs of housing and water supply, I am afraid, people would resort to revolutionary methods.

I would request the Government to allocate funds for small and cottage industries as it is a drought-hit area.

Regarding education, I would like to express my views as I was a reputed teacher for ten years prior to my election. The present system has neglected the essence of Indian culture. Government should try to help the teacher to restore his personality in the educational set-up by means of suitable methods. At this juncture, I would like to congratulate Dr. P. C. Chunder, the present Minister of Education, through the Chair, for his thinking on reforming the secondary school system. I would like to suggest to the hon. Minister of Education that autonomous boards may be set up for Elementary, Secondary and Collegiate education, so that they can function without interference from the bureaucrats.

We should not forget that poverty compels the parents to keep their children out of school so that they can work and supplement the family earnings. It is a sorry state of affairs. The Education Minister plans to employ two million primary school teachers and high school students for spreading literacy in the villages where their schools function, each taking on ten illiterates. On behalf of the All India Anna DMK, I congratulate the Education Minister for this concrete proposal, and I would request him to have it implemented honestly.

Regarding secondary education in Tamil Nadu, the graduate teachers are in two administrative wings, namely, 'A' wing and 'B' wing. It was discussed elaborately with the former DMK Ministers, but they did not take any action for the unification of the wings as they always tried to separate the teachers for their political gains. I request the Education Minister through the Chair to do the needful to abolish the separate wings of graduate Assistants in Tamil Nadu.

The Acting President has noted in his speech that the family planning programme which was implemented last year has caused public anger and resentment. I would like to draw the attention of the Education Minister through the Chair that the teachers in Tamil Nadu are made to bring family planning cases. Thus, they are humiliated and they are losing their prestige and image among the public. They are not allowed to teach, but are compelled to bring family planning cases. On behalf of our *Puratchi Thalaivar* Shri M. G. Ramachandran and our All-India Anna DMK, I thank the acting President for mentioning in the Address that the family planning programme will be pursued vigorously as a wholly voluntary programme and as an integral part of a comprehensive policy covering education, health, maternity, child care, family welfare, women's rights and nutrition.

In his Address to the Joint Session of both the Houses, the acting President has observed that, in the economic sphere, the Government is pledged to the removal of destitution within a definite time-frame of ten years. Though it is not easy to achieve it within ten years, I wish for it.

The farmers have been denied reasonable and fair price for their products. I request the Government to improve the conditions in villages—for their betterment. Handloom weavers must be given all sorts of assistance.

As we have already promised, our All India Anna DMK would support the Government in all their constructive and progressive measures.

\*SHRI A. MURUGESAN (Chidambaram): Madam Chairman, on behalf of All India Anna Dravida Munnetra Kazhagam, I rise to say a few words on the Resolution seeking to extend the President's rule in Tamil Nadu.

At the very outset, I would refer to the regrettable omission in the President's Address to both the Houses of Parliament. It is unfortunate, that the Acting President in his Address has not reiterated the solemn assurance of late Pandit Jawaharlal Nehru, which was scrupulously observed in letter and spirit by late Lal Bahadur Shastri and Shrimati Indira Gandhi, that Hindi would not be imposed on non-Hindi speaking people of our country. I hope that at least the Home Minister in his reply to this Debate would assure us that Hindi would not be imposed on non-Hindi speaking people of India.

The Acting President in his Address has assured that his Government, which swears by the name of Mahatma Gandhi and which professes to follow the footsteps of the Father of the Nation, would give a pivotal place to rural India in its scheme of economic development. I am an agriculturist by birth and I am spending my life among the agriculturists. There is a proverb in Tamil which says that, when the agriculturist starts his calculations, he will find that only the measure is with him and nothing else. His grievances are manifold. The Government should arrange for the supply of improved varieties of seed, fertilisers, tractors etc., at the appropriate time and at reasonable prices. He does not get remunerative price for his produce. For the last one year, he is undergoing untold indignities and his

labour is not honoured properly. The President's rule in Tamil Nadu has stopped even the bonus of Rs. 10 per bag being paid to him. Yesterday, the hon. Minister of Agriculture of the Government of India has, in his discussions with the State Agriculture Ministers, pointed out that the agriculturists of the country would be paid remunerative prices for their wheat, paddy etc., and as an incentive for increased production they would be given some bonus also. I welcome this wholeheartedly. I need not say that the agriculturists are the backbone of Indian economy and as repeatedly pointed out by Mahatma Gandhi, unless their welfare is assured, the nation's welfare will be in jeopardy.

After the enactment of the law liquidating rural indebtedness, the agriculturists are finding hard to get credit facilities for their operations. Before the local money-lenders were shunted out, alternative credit giving institutions should have been established in the rural areas. I do not mean to say that the agriculturists live on loans only. But, on account of the fact that they are not getting remunerative prices for their produce, they are perennially in debt. Here lies the importance of having alternative credit institutions for them. This must be done by the new Government at the earliest.

In most of the rural areas of our country, drinking water is so acute that the villagers walk many miles to get drinking water. In particular, the village women have to face this ordeal throughout the year. In my district this is a chronic problem. Ulundurpet, Kallakurichi and other adjoining areas face drinking water shortage for so many years now. The new Government at the Centre must provide this primary need of the people living in the rural areas.

\*The original speech was delivered in Tamil.

[Shri A. Murugesan]

The former Central Minister, Shri C. Subramaniam gave an assurance about the opening of second-cut mine in Neiveli and here I need not emphasise the need for the setting up of Thermal Plant there for generating electricity needed for this purpose. Electricity is required for bringing out under-ground water and for so many other important economic activities. I request that this must be sanctioned immediately.

In Chidambaram and Tanjore Districts, which are known as the granary of Tamil Nadu, the land which gives three crops a year has become dry for want of water. Even after the construction of dams across Hemavathi and Harangi the Karnataka Government is not honouring the 1924 agreement in regard to the sharing of Cauvery water between Tamil Nadu and Karnataka. If this water dispute is not resolved forthwith, the entire Tamil Nadu is likely to become an arid zone. The Janata Party Government at the Centre must find an immediate solution to this problem.

Our leader, Shri S. D. Somasundaram, has in his speech referred to the necessity of having representative Government in Tamil Nadu as early as possible. My leader Puratichi Thalai-var M.G.R. and the national leader, Shri J. P. has also emphasised the urgency of having Elections. I request that immediate elections to the State Assembly must be conducted in Tamil Nadu.

Immediately after freedom, Mahatma Gandhi stressed the role of Panchayats in a democratic system and pointed out that they should be vested with necessary powers. In my capacity as the Vice-Chairman of the Keerapalayam Panchayat Union, Chidambaram Constituency, I have felt the need for this. I stress with all the force at my command that the Panchayats should be vested with adequate powers so that

the villages can get the benefit which they deserve.

At the end, I suggest that the following programme of activities must be undertaken in my constituency, Chidambaram. Construction of revetment between Orattur and Sakkangudi on Vellar, Dairy and Poultry farms with financial assistance to run them, khadi and village industries, increased supply of drugs and appointment of staff in Chidambaram Hospital, enhancement of wages to the agricultural labour and their general upliftment, protected water supply, street-lighting, provision of house-sites and also financial assistance to Harijans backward classes for constructing houses, improvement of roads, raising into a post-graduate college the Government Nandmar boys and girls High Schools, Chidambaram.

With these words, I conclude after thanking you, Madam Chairman, for giving me an opportunity to speak in this House.

\*SHRI K. RAMAMURTHY (Dharmapuri): Madam Chairman, the people of Tamil Nadu will regrettfully welcome this Resolution which seeks to extend the President's rule in Tamil Nadu by another year. I say this because the Prime Minister and the Home Minister of the Janata Party Government, immediately after their assumption of high offices, assured that elections to the Assembly would be held as early as possible. Now this Resolution seeking to extend the President's rule in Tamil Nadu might create an impression in the minds of the people of Tamil Nadu that the Janata Party Government would hold Elections to the Assembly only after Janata Party becomes popular among the people of Tamil Nadu.

This is my maiden speech and I have chosen to speak in my mother-tongue Tamil. For the past several years I have been watching the proceedings in this House. I get the feeling that the established rules and traditions in the

\*The original speech was delivered in Tamil.

conduct of the business of this House have gone to the winds. In 1957, in this House, Shri E. V. K. Sampath spoke in Tamil and secured this right of speaking in our mother-tongue in this House. The late Pandit Jawaharlal Nehru gave a solemn assurance to the non-Hindi Speaking people that English will continue so long as the non-Hindi speaking people want. This assurance has been implemented till the Congress Government at the Centre has scrupulously adhered to the assurance of Jawaharlal Nehru. Now we are afraid of the future. The Janata Party which has come to power at the Centre is a conglomeration of parties with different ideologies. It consists of Hindi fanatics also—Jana Sanghis and Socialists. These leaders in their tours of Tamil Nadu have sown the seed of hatred in the minds of the people of Tamil Nadu. I would like to have a categorical assurance from this Government that they would honour the sacred and solemn assurance of Jawaharlal Nehru that Hindi will not be imposed on non-Hindi speaking people, and English will continue so long as they wish.

If what I have heard is true, then it is a matter to be condemned by all of us here. I understand that in the Health Ministry non-Hindi knowing officials are being thrown out. If this is true, then the separatist tendency which has died down in South will get a fresh lease of life. This Government can allay the fears of the people of Tamil Nadu by reiterating unequivocally the solemn assurance of Jawaharlal Nehru in regard to non-imposition of Hindi on the people of South.

PROF. DILIP CHAKRAVARTY (Calcutta South): There will be no imposition.

SHRI K. MAYATHEVAR (Dindigul): The hon. Member is raising a

very important point on behalf of the people of Tamil Nadu but the hon. Home Minister who is going to reply to the debate is not listening to his speech. I request him through you Madam Chairman, to kindly note down the points the Member is raising and reply to them.

SHRI K. RAMAURTHI: The Acting President's Address has been discussed in this House. Neither in the President's Address nor in the speeches of the ruling Party members there has been no indication about the ruling Party's economic programme. "We will change the laws; the freedom of the Press would be restored; all the detenues under MISA have been released; the dreadful MISA has been repealed"—these seem to be the theme-song of the ruling Party Members. What does this Government propose to do for the 24 crores of people not even getting an income of a rupee a day? Unfortunately in the D.M.K. rule, Tamil Nadu has come to the last position in the economic map of States in India. Maximum number of people below the poverty line are in Tamil Nadu. What is the economic programme of Janata Party Government for these people, I would like to know. The Central Government have given guidelines in regard to the standard acres as stipulated in different land reforms laws enacted by the States. It is strange that in spite of this, in Tamil Nadu the minimum prescribed by the State is higher than that stipulated in the guidelines of the Central Government. Under the President rule, at least the State land reform law must be brought on par with the Central guidelines.

After the liquidation of rural indebtedness, as per the 20-Point Programme it was thought that the moneylenders in Tamil Nadu would have been decimated. After the Parliamentary election it is strange that the moneylenders have come

[Shri K. Ramamurthi]

back to the surface. It is more astonishing that immediately after the Janata Government resume office in the Centre, they have started pressurising the poor people to give interest dues and the loans. I wonder whether they are the sponsors of Janata Party in Tamil Nadu and are also sympathetic towards the ruling Party at the Centre now. It is a matter to be condemned that with the coming to power of Janata Party the released bonded labour has again become slaves. Naturally, the extension to President's rule in Tamil will not give satisfaction to the people of Tamil Nadu.

As pointed out by the hon. Member, Shrimati Parvati Krishnan, drinking water is so acute a problem in Tamil Nadu that even if you are prepared to pay money you will not get drinking water. In my constituency, Dharmapuri boring wells have been dug, tanks have been desilted and underground water is being exploited. Still the people are suffering for want of drinking water and they have to go four or five miles for it. Dharmapuri has been declared as a backward area and yet nothing has so far been done to provide drinking water to the people. Shrimati Parvati Krishnan pointed out to many hundreds of lock-outs and lay-offs in the industrial sector of Tamil Nadu. The Plantation workers are not getting their dues according to the Plantation Workers Act as well as the minimum wages as per the Minimum Wages Act. The wages of labour are being denied. For the past four months, the Glass industry workers in Salem have been denied their wages and unemployed due to the illegal closure.

This should be looked into by the Central Government as Tamil Nadu is directly administered by it.

Before I conclude, I would stress that elections to the Assembly must

be held forthwith in Tamil Nadu. I thank all the hon. Members for having heard my maiden speech in Tamil patiently and conclude with the hope that a Notification regarding Elections to the Assembly in Tamil Nadu would soon be issued by the Central Government.

SHRI MOHANARANGAM (Chengalpattu): Madam Chairman, I am very thankful to you for having given me the opportunity to express my views and my feelings on the extension of President's rule in Tamil Nadu.

Tamil Nadu is now ruled by the officials acting in the name of the President. We have been asking them to conduct the elections for the State Assembly for the past one year and elections to the municipalities for the past 5 years. Municipal elections were conducted in 1969. The period expired in 1972. We asked for Municipal Elections in 1973. The period was extended to 1974 and then again to 1975 and 1976. For the past few years we have been asking for Municipal Elections to be held. We have been asking for elections to be held to the Panchayats. Panchayat elections were held during the year 1970. The period expired during the year 1975. The then Chief Minister Mr. Karunanidhi told us that elections will be conducted within 6 months. After 6 months he again said that this will be conducted in another 6 months. Afterwards, that Government was dismissed. For the past one year we have been asking our President to conduct elections for both municipalities and panchayats but no step has been taken so far. I hope that necessary steps will be taken by the concerned authorities now.

With regard to the Film Industry, under the regime of Mr. Karunanidhi the entertainment tax was increased to 65 per cent. This was done just to reduce the political popularity of

Mr. M.G.R. who is our leader. Mr. Karunanidhi increased the tax to 65 per cent in Tamil Nadu whereas the tax is 40 per cent in Andhra Pradesh and 35 per cent in Karnataka. You cannot see anywhere in the whole of India any State where it has been increased to 65 percent as it has been increased in Tamil Nadu. That was done only to reduce the popularity of Mr. M.G.R. who is our leader.

With regard to language issue, I request the Prime Minister to give a categorical assurance on the floor of the House that Hindi will not be imposed on the people of the non-Hindi speaking areas. Pandit Jawaharlal Nehru had given this assurance. But what we find is that from Fifth Standard onwards Hindi is being imposed on the students of Tamil Nadu. I request the Prime Minister through the Chair, to give this categorical assurance that Hindi will not be imposed on the non-Hindi people. Immediate instructions should also be given to non-Hindi speaking States not to compel the students to learn Hindi. With regard to language, I wish to point out that our State is not like any other State. We have got our own rich literary traditions. We have a hoary past and a rich language in which our poets have given sermons and scriptures. We want that equal status should be given to our language on par with Hindi. Improvement of a language should not be at the cost of another language. So we want all importance to be given to our language.

AN HON. MEMBER: Why don't you speak in Tamil?

SHRI MOHANARANGAM: If I speak in Tamil language, the Members and the Ministers will never be able to understand that. That is why I am speaking in English which is an international language. (*Interruptions*)

MR. CHAIRMAN: You may carry on.

SHRI MOHANARANGAM: Madam Chairman, after the election was over, in our State, the A.I.D.M.K. volunteers were beaten up by the D.M.K. volunteers with the help of the police force. I do not know why the Janta party has joined hands with this discredited and corrupt Chief Minister, Shri Karunanidhi in the election. That is the reason why the Janta party has not even got half a dozen members out of the forty from the Tamil Nadu. (*Interruptions*).

Shrimati Indira Gandhi never joined the D.M.K. You were talking about the 1971 election. Our leader, M.G.R., was in D.M.K. at that time and Shri Jagjiwan Ram was in the Congress. Now, the entire political force is in the hands of M.G.R. in Tamil Nadu. Certain things, Madam Chairman, were intimated to the concerned authority to rectify during the regime of Shri Karunanidhi. There were some officers who had no political affiliations were acting and doing certain things according to rules. As a result, some of the high officials were even suspended and dismissed or they were asked to retire voluntarily. I shall give here some instances. Some officers of the Tamil Nadu Government were asked to retire voluntarily. I asked the concerned authorities to take steps to reinstate those officials who were compelled to retire voluntarily in Tamil Nadu Government. All the time I had been asking the Government to take necessary steps in conducting the elections not only for Assembly but also for Municipalities and Panchayats Boards. We only want that the entire administration of my State should be run by a properly elected Government and not by the officers under the President's Rule.

DR. HENRY AUSTIN (Ernakulam): Madam Chairman, I support the resolution moved by the hon. Home Minister seeking another term for the President's Rule.

While supporting this Resolution, I would like to point out with anguish

[Dr. Henry Austin]

the fact that the great State of Tamil Nadu is bereft of a popular government, for reasons well known to every honourable member of this House. The sad circumstances under which the previous regime had to be removed by the Government still brings in our ears. The decision of the then Government has been subsequently justified beyond any shadow of doubt by the recent Lok Sabha elections.

This clearly showed that the endeavour to detach a part of our country from the national mainstream by trying to create a cess-pool of reaction and limited loyalty will not be tolerated by the people of our country. Despite the fact that they have got great cultural achievement and despite the fact that they are guided by certain cultural rejuvenation and regeneration in recent years, still, they are proud of the national heritage of our country. The recent election is a positive proof of a new resurgence, of nationalism and desire to make our country great and to make their culture part of the composite culture of our great country. Sir, I do not want to make a long speech here. But, I would like to say that the experiment, the devise, taken by the previous Government in constituting a Committee of Members of Parliament to advise the Administration run by the President was a very good move. I hope that the Home Minister will look into the possibility of reconstituting the Committee for whatever period the President's Rule may subsist as an interim measure. (Interruptions)

CHAUDHURI CHARAN SINGH: Do you want the holding of the elections as early as possible?

DR. HENRY AUSTIN: I am not referring to the elections now. Of course, I welcome the statement of the Prime Minister regarding early elections. There was a consultative

Committee of Members of Parliament to advise the Tamil Nadu Administration under President's Rule which was presided over by the Home Minister.

That Committee was of great help in making the necessary suggestions and, perhaps here, the reviving of such a Committee would be helpful.

Sir, one of the reasons for my participation in this debate is highlight the existing severe drought conditions in Tamil Nadu. Sir, in the areas that I visited a few months back the scarcity of essential commodities and particularly that of drinking water is very acute. It is a very bad situation indeed. Of course, the previous Administration had been helpful in boring 6,000 bore-wells but I am very sorry to say that the maintenance work has been neglectful and many of these wells are in disuse now. This is a serious situation which might be attended to.

Sir, in Karur, Chengalpatu and other areas the handloom weavers are facing a very serious problem in as much as that they cannot find a market for their produce. They have been in this handloom industry for ages and the goods produced in those areas have acquired a certain standard. But today because of neglect thousands of people—if not lakhs—are suffering and the Administration might take adequate interest or devise measures to relieve the workers involved in this large industry from this situation of unemployment and possible extinction of this industry.

Sir, another serious situation that obtains in Tamil Nadu is the fact that many mills in Coimbatore and Madurai—centres of textile industry—are running sick. I think about eight or nine mills have already been declared sick mills and Government—as I am told—has only decided to take over one sick mill. It is a very bad situation. If the textile industry comes into bad days, then it will affect our whole economy.

Now the thing which interests not only the people of Tamil Nadu but also the people of entire South is the completion of Jammu—Kanyakumari railway line. The railway line has already been extended upto Jammu and only certain missing links are there in the South. I do hope the hon. Home Minister, who takes up matters seriously, will look into this. Though I know it is not directly under his control.

Again, Sir, there has been great interest—both in Kerala and Tamil Nadu—for starting a railway line connecting the ancient city of Madurai with the developing port of Cochin. Sir, I represent Cochin. It is in my constituency. I think certain survey has already been undertaken and I do not know what its present stage is. This railway line would also create facilities for the development of tourism because hundreds of foreigners are coming to Madurai to see the Madurai temples and also to Cochin. On the way is Idikki where we have the giant hydro-electric project. Nearby we have also a great game sanctuary at Thekkady. All these places could be connected if this railway line from Cochin harbour to Madurai is started. This will throw open the hinterland of Tamil Nadu to Cochin Harbour.

Now, another thing I have noticed in my recent tour to Tamil Nadu is the tremendous scope for development of fisheries. On the Kerala coast, as is well-known, there has been a great blue revolution since 1952. I had also a part to play in initiating this great blue revolution which has revolutionised the coastal Kerala. It has now spread to some other coastal States also. Tamil Nadu offers tremendous potential for the development of fisheries.

One of the nine fish breeding centres of the world, as marine biologists have pointed out, lies hardly about 800 kilometres of the coast of Tut-

corine on the coromondal coast. According to marine biologists, if you exploit the potentials of Wadge Bank as it is named after a German biologist in the later part of the 19th century, we will have fed the entire South and South-East Asia by high protein food, sea-food of various kinds. Today the sea-food industry is catching up and in Kerala alone we have exported in the course of the last year about 350 crores of rupees worth shrimps and other frozen sea-food in foreign exchange. Kerala coast is nothing when compared to the great Wadge Bank and in the Sixth Five Year Plan we are planning to have what we call deep-sea fishing and Tamil Nadu offers much more than Kerala and other coastal States for the development of fisheries, through deep sea fishing.

Sir, I have said enough. I would like to say that a fresh wind is blowing in Tamil Nadu. I told this to my friends in the North when I met them some time back in the AIIC or in the Parliament itself. They used to ask what was happening in Tamil Nadu—why so much of provincialism, chauvinism and limited loyalties were fostered there.

MR. CHAIRMAN: The time is up.

DR. HENRY AUSTIN: One more minute, Madam. So, that phase seems to be over and every one should be proud of it. Of course, people of Tamil Nadu and the South in general are proud of their culture and their heritage, but we always considered those cultural achievements as an integral part of an integrated whole—the composite culture of India. Towards this end we have been striving and we are glad to say that this desideratum has excited a lot of people in our country. Let us stand for the unity of the country and in the process let us also throw more emphasis on the development of the south and satisfy the aspirations of the people of Tamil Nadu in particular and the entire south in general.

SHRI S. NANJESHA GOWDA  
(Hasan): Madam Speaker, hon. Member.

AN HON. MEMBER: No, Madam Chairman.

SHRI S. NANJESHA GOWDA: I am a new Member. I am new to parliamentary affairs also. So, kindly bear the mistake of mine.

Now, I am speaking in support of the Resolution already moved. Many of my friends, Sir, have spoken many things. I also want to say something about what happened in Karnataka. About Tamil Nadu, I share the feelings of all Tamil Nadu friends. There is no doubt about it.

Regarding Karnataka also, I want to say something because I had no opportunity, in spite of requests, to speak on any occasion previously.

MR. CHAIRMAN: You should speak on Tamil Nadu.

17.00 hrs.

SHRI S. NANJESHA GOWDA: I must speak only on Tamil Nadu? But I observed that many friends spoke beyond the subjects every time. As a new Member, kindly give me the opportunity to say something. As my friends already said, in Karnataka there are no elections for Taluka Boards and Panchayats and all those things for the last 8 years. On this occasion, I request, through the Chairman, this honourable Government to conduct elections to those august bodies fairly and honourably. Regarding the last elections, I want to say a few words. My friend Lakkappa comes from Karnataka, from a constituency which is adjacent to my constituency. He says that people came in a procession to vote for Congress. He also says that the Congress has done a lot in the past

thirty years. He has forgotten that before 1971 he was saying quite the opposite: let him say what his feelings were then and what he was doing before 1971. He used to fight like a tiger and criticise the Congress. (Interruptions) I am sorry to say that he has become a circus tiger during the last 18 months during emergency just as the circus tiger is being controlled by somebody else, he was controlled by somebody else. On Karnataka elections and other things so many persons spoke about north and south, about regional feelings, communal feelings, etc. I do not think that it is a healthy feature.... (Interruptions) In so many constituencies people did not come in procession; they were not in love with the Congress. I know that people were paid in some constituencies for coming in processions. So many ministers have spent so heavily for elections; they took advantage of the poverty of the people. One Minister spent lakhs and lakhs in my constituency. That money is corrupt money, black money. I have got records to show that he amassed corrupt money. Here is the report of the Public Accounts Committee of the Karnataka legislature. The Committee consists of 10 Congress MLAs and 5 opposition MLAs and the Accountant General. In 1974-75 they submitted this report to the Government of Karnataka; this is a unanimous report; ten Congress members and 5 opposition members sat with officers of the government and examined the records and they put on record what has been proved and they give the details of all the scandals and then they give their final conclusion and I shall read from that for only one minute. It is true that money was looted. Now, he is a Minister in the present Government. He was the President of the Karnataka State Co-operative Marketing Federation. The charges are framed against him by the Congress Party people themselves. In this connec-

tion, I will read out the relevant portion of the Public Accounts Committee Report of the Karnataka Government. (Interruptions). As per the report of the PAC, it is stated that Shri Srikantiah was the President of the Karnataka Co-operative Marketing Federation. I will read out the relevant portion at pages 261-62:

"Ad hoc decision of the President to transport fertilisers to Belgaum from Bangalore instead of from Hubli contrary to the advice tendered by the officers in July 1970 that causing a loss to the tune of Rs. 73,000...."

Then, there are other items involving Rs. 1.5 crores by defrauding by the same person. I will take up this matter on some other occasion as time is limited. Thank you.

SHRI R. KOLANTHAIVELU (Tiruchengode): Madam Chairman, President's rule in Tamil Nadu has been extended. But now the people are unable to send their representatives to the State Legislature. The people are unable to express the difficulties faced by them through the medium of Legislature. The people are as a whole in practical difficulties because they are not able to get their grievances redressed through their elected representatives. On behalf of the All India Anna D.M.K. I plead, on the floor of the House, that the elections to the State Legislature should be conducted at an early date. Now, there was a system adopted by the erstwhile Chief Minister of Tamil Nadu—the mass contact system. This does neither good to the people nor to the Government. I would say that this system should either be followed in its true sense or it should be dropped. By taking advantage of the President's rule, the D.M.K. power-mongers are threatening the public endangering their life and security. During the regime of the DMK Government, the party people tried

to engage the Government machinery for their own personal ends. The police are indirectly supporting the DMK rowdy elements and some of the Anna D.M.K. volunteers have been threatened and beaten up. On top of it, the police registered cases against the Anna D.M.K. volunteers and not the DMK volunteers. This fact was brought to the notice of the I. G. of Police by the Anna D.M.K. leaders. But so far no action has been taken by the Police I would request the Government to look into this matter seriously and take necessary steps immediately so that justice is done to the aggrieved persons of Anna D.M.K. There are some pending cases against the DMK leaders and those cases should be expedited. I would request the Government to take suitable steps to implement the pending public work schemes that have been left undone by the previous Government. In many parts of constituency in Tamil Nadu, there are no village link roads. I request the government to look into the matter. Only when the villages are linked by proper roads, education will improve. In my constituency most of the villages are not at all connected by roads. So, the children find it very difficult to go to school. So, I request the government to take steps to construct link roads as soon as possible in an economic way.

In Tamil Nadu, the farmers have to deposit huge sums to buy a tractor by way of loan. This amount should be reduced. We know that this government is mainly for the uplift of the poor sections of the people and we hope that the water problem in the villages will be solved. Certainly we lend our cooperation and support in eradicating poverty in the country if the will of the people is duly respected and really weighed.

On the floor of this House, I request the government to expedite the execution of the work on the Salem

[Shri R. Kolanthaivelu]

Steel Plant. The inter-State water dispute also must be settled as soon as possible. The Kalpakkam atomic power station has been pending for a long time. This must be looked into. The Tuticorin thermal plant also should be given due consideration and the government must take suitable action.

With these words, I conclude my maiden speech.

\*SHRI A. V. P. ASAITHAMBI (Madras North): Mr. Chairman, I am grateful for this opportunity being given to me to participate in the discussion on the Resolution seeking to extend the President's rule in Tamil Nadu. So far as my party, the Dravida Munnetra Kazhagam, is concerned, there can be no two opinions about the need for holding elections to the Assembly in Tamil Nadu at the earliest. In 1975 State Conference of D.M.K. we demanded that along with Parliamentary elections the elections to the Assembly also must be held. The former Central Government held the Assembly Elections in Kerala. But they were hesitant to order Assembly elections in Tamil Nadu because they were inhibited by the fear that the Congress Party might not be able to win the elections in the State. The D.M.K. would welcome unreservedly any time the Assembly elections in Tamil Nadu.

It is necessary for me to analyse here the background and the basis on which the President's rule was imposed in Tamil Nadu. This House must know that the duly elected D.M.K. Government was in power in the State. In 1971 General Elections, the Congress Party was having alliance with D.M.K. and through its influence and support the Congress Party could get its members elected

to the Lok Sabha and also to the Assembly.

On June 12, 1975 the Allahabad High Court set aside the election of the Prime Minister Shrimati Indira Gandhi to Lok Sabha. Immediately, our D.M.K. President, Dr Kalaignar Karunanidhi, declared that Shrimati Gandhi must step down in order to set up firm democratic traditions in the country. This annoyed Shrimati Gandhi and she started nurturing her desire to dismiss the D.M.K. Government in Tamil Nadu. On June 25, 1975, the Emergency was proclaimed all over India, and all the national leaders were put behind bars. On 27th, two days after the declaration of the Emergency, the D.M.K. Executive Committee passed a unanimous resolution demanding the revocation of Emergency and the release of all national leaders. The D.M.K. was the first political party to pass such a resolution. Naturally, Shrimati Gandhi's desire to dismiss the D.M.K. Government became a determination. On the basis of a Petition submitted by Shri M. G. Ramachandran, who parted company with D.M.K. in 1972, on January 31, 1976 the D.M.K. Government—a majority party Government in the State—was dismissed unceremoniously. Even the Governor of the State was kept in darkness about this unholy act. An illegal and anti-democratic act was perpetrated with least compunction.

Many of us were arrested forthwith. From January 31, 1976 the Police was hounding and hunting the D.M.K. members. From February 1, their efforts intensified and 20,000 D.M.K. workers including many leading lights of the party were taken into custody. Under MISA 2000 persons were arrested. Many prominent leaders of D.M.K. were put in Madras Central Jail. They were put in the Cell in 9th Block where leprosy

\*The original speech was delivered in Tamil.

patients had been kept. On February 2, at about 7 P.M. we were taken away from our rooms along with other criminals and we were all cruelly beaten. Shri Chitti Babu, a former M.P. from D.M.K., later succumbed to the injuries sustained in this beating. Another worker, Shri Balakrishnan died in Madurai jail as a consequence of such atrocious action on the part of the police. The Jail Superintendent could not have by himself done this. He was instigated by a Central Minister for the purpose of instilling fear in the workers of D.M.K. Shri Om Mehta, the Central Minister, is reported to have encouraged the Jail Superintendent in this atrocity. I demand that a parliamentary inquiry should be ordered immediately in the dispicable conduct of this Central Minister.

After the imposition of President's rule, Shrimati Indira Gandhi visited Madras and she was gracious enough to announce publicly that water from Krishna river would be brought to Madras as if it could be done in a fortnight. One year has gone by after that and till now not even preliminary talks have been initiated with the Andhra State Government for this purpose. Is it not a deliberate deception practised on the gullible people of Madras?

The hon. Member from Kerala referred to the need of nourishing national integration. It has been misconstrued that the D.M.K. preaches separation. I have to state with all the force at my command that the D.M.K. is not a party preaching separation. It seems to be the other way round. Shri C. Subramaniam in his speech on the floor of this House spoke glibly about the pattern of voting in the Parliamentary elections—North voting for Janaia Party and the entire South voting for the Congress. Inspite of the Allahabad High Court's stigma on her, if only Shrimati Gandhi had won in the elections, with the majority she has from South. In all probability she might have declared

a separate South India and become its Prime Minister. D.M.K. has been preaching for more than three decades the need for national integration. There is no South or North and India is one country. D.M.K. has unflinching faith in this.

It is being bandied about that there should be a stable Central Government and then only the inter-State disputes could be solved amicably. Has Cauvery water dispute between Tamil Nadu and Karnataka been solved though there is a stable Government at the Centre for the past thirty years? Has the Pandiyar Ponnampuzha dispute between Tamil Nadu and Kerala been solved though the Congress Party has been in power at the Centre for the past three decades uninterruptedly? Devaraj Urs Ministry and Achutha Menon Ministry in Karnataka and Kerala respectively were toys in the hands of Mrs. Gandhi. Even then these disputes have not been solved. None can touch the unity of the country and none can show his evil designs on the integrity of India. India should be and will become a great power in the comity of nations.

North India is afflicted by floods with monotonous regularity. Similarly there is recurring drought in South. In order not only to solve this twin problem but also to foster national integration, river Ganga must be linked with river Cauvery. Some people have expressed fears about the enormous sum needed for this purpose. But once in this very House, Dr. Ram Manohar Lohia has referred to the need for the creation of a laud army. We have got more than enough manpower in this country. The labour employed for digging canals in different States can be given food and clothing. They can be assured of 4 acres or 5 acres of land on the banks of canals dug by them. Naturally they will work with all their enthusiasm. Besides solving the problem of unemployment, irrigation and

(Shri A. V. P. Asaithambi)

agriculture will also get a fillip by this arrangement. The Janata Party Government should pay attention to this scheme in all seriousness.

In Tamil Nadu two MISA detainees died in prison. Many hundreds must have died in North Indian. I suggest that all the bereaved families must be given a life pension of Rs. 1000 a month by the Central Government. Then only we will be doing our duty by the dead.

It is expected that the President's rule must be impartial and honest. But in Tamil Nadu during President's rule corruption and malpractices have multiplied beyond imagination. The Congress people have secured positions of profit during President's rule. The former Congress Minister, Shri Ramaya has become the Vice-Chairman of Planning Body of the State. The former Minister, Shri Rajajram Naidu has become the President of the Housing Board. Even after the ignominious defeat of the Congress Party in the recent elections they are clinging to their seats. Either they must resign or they must be pushed out by the Central Government.

Many have referred to perfidious role of the Governor of Tamil Nadu, Shri Sukhadia, who is reported to have resigned. The Congress Members seem to have become his staunch defenders in this House. It is rumoured that he is likely to become the President of the All Indian National Congress. At the time of elections, he went from village to village and compelled the leaders of villages and their followers to vote for the Congress Dr. Handa, a prominent supporter of the Congress, has attacked his activities during the election. An inquiry must be ordered by the Central Government in regard to his role in the recent elec-

tions D.M.K. wholeheartedly welcomes elections to the Assembly in the State and the Central Government must conduct this at the earliest.

With these words, I conclude my maiden speech.

**SHRI M. KALYANASUNDARAM** (Tiruchirapalli): Mr. Chairman, this Resolution for the extension of President's Rule in Tamil Nadu, I appreciate, is inevitable. But, at the same time, I will join the previous speakers in urging that the elections to the State Legislature must be held as early as possible, and the elections should be as fair and as free as possible. The people must be allowed to have a government of their own choice, without any interference from the Centre. This will be the test before the people of Tamil Nadu for the new Janata Government in Delhi. The verdict passed by the people of Tamil Nadu recently during the Lok Sabha elections is clear. They have rejected the DMK, and they have also rejected the Janata. That is why the previous speaker, my esteemed friend, Shri Asai Thambi, was so sober in this House. He was waxing eloquent about national unity, about linking Ganga with Cauveri, I have no hesitation in supporting him in that demand. They have at least now become wise after their defeat. If the DMK had not been defeated, whether Chaudhuri Charan Singh is sitting here or Shri Morarji is sitting here or Shrimati Indira Gandhi is sitting here, nothing can prevent them from fomenting separatist and chauvinist slogans. I am proud that my party and the all India Anna DMK stood in the forefront in fighting against their separatist policy.

**SHRI A. V. P. ASAITHAMBI:** Without the help of ADMK these people could not come here.

**SHRI M. KALYANASUNDARAM:** He was narrating in this House the

sufferings undergone by the DMK people after the dismissal of their Government. Some of them may be true, or may not be true; I am not prepared to challenge them. I would sympathise with them, if they have suffered, because I would not support any action like that. But, may I ask Shri Asaithambi whether he has forgotten all the things that were done during the regime when his party was in power. How many political murders took place then? Do not try to hide those facts from this House. The days of misleading this House are over. There was a time when 22 members belonging to that Party were sitting here, the most eloquent and very effective speakers. All their top leaders like Karunanidhi, Anbazhagan, Neduchezhiyan, were free to campaign as they liked.

SHRI A. V. P. ASAITHAMBI:  
What about Shri Manoharan?

SHRI M. KALYANASUNDARAM:  
All the details which the hon. Member, Mr. Asaithambi, mentioned here in this House were placed before the people. But the people rejected them and gave a clear verdict in favour of the progressive alliance and the policy pursued by the alliance. This is what the Government here should take note of. Do not play with the mood of the Tamil Nadu people. For the first time after nearly 15 years the people of Tamil Nadu have joined the mainstream. The Janata wave is there in a different way. Please listen to my point seriously. I have no political motive. I am only trying to place some facts before this House for the consideration of the new Ministers. After the formation of this Government, the DMK is more jubilant than even the Janata Party itself. They are celebrating the victory in the hope that they can hide themselves or seek shelter for their crimes.

Secondly, all the blackmarketeers and hoarders have become very active in the past one week. What has happened to cement? The fixed price

of cement is Rs. 19.20, but you cannot get a bag of cement anywhere in Tamil Nadu for less than Rs. 30 or Rs. 31 now. This is the position today. I challenge anyone to contradict me. Thousands of building workers are unemployed. I have visited important centres for two days. All private constructions have come to a standstill. Cement is not at all available in the open market.

Yarn, especially of coarse variety, used for making carpets, bedsheets and towels, has shot up by 50 to 60 per cent in the course of one week. It is not available in the open market. Thousands of handloom weavers are starving for want of yarn. Such things are happening. The prices of edible oils, pulses and other essential commodities have shot up. The wholesale traders think that their Raj has come and that they will be free to do whatever they like. In your anxiety to undo everything that was done during the Congress regime, please do not undo the good things that they had done. One good thing that they did was to remove DMK from power and to appoint a Commission of Enquiry. Some other good things have also taken place by way of implementing the 20-point programme, especially giving relief to the rural poor and cultivating tenants.

Today, drought conditions are very serious in my State. Even the Cauvery delta is drought-affected. Three lakhs of acres have remained fallow for three years consecutively. The Janata Party leaders are believers in national unity. If you want to preserve the unity of this country, bring the people of Tamil Nadu into the stream of national reconstruction so that we may build a new India. Whatever may be our political attitude towards this Government, we will not be wanting in our efforts for rebuilding and restructuring the national economy of our country. Please take this point seriously.

[Shri M. Kalyanasundaram]

If the Cauvery water dispute was not settled earlier, if the Krishna water does not come to Madras, I will not blame the former Central Government alone, because the DMK Government was the main culprit. Because the DMK was in power, it could not come. Mrs. Gandhi did not announce the decision about the Krishna water suddenly on 15th February. It was there in the Gulhati Commission's report ten years ago. When Mr. Sanjiva Reddy was the Chief Minister of Andhra Pradesh, it was settled that Krishna water would be available to Madras for drinking purposes. That was settled ten years ago.

It is nothing new. The DMK Government failed when they were in power. What is their real demand. How does he explain their attitude regarding the State autonomy and Joint Government at the Centre? They are still pursuing this demand. In Coimbatore, in December 1975, did he not say that if there were elections, Mr. Karunanidhi will be the Chief Minister and if there were no elections, then Mr. Karunanidhi will become the Prime Minister. Is he going to become the Prime Minister of India? Is it not a vailed threat to separate the State?

The drought conditions are very serious there. I would request the Government to send a team there to study the whole thing. Some lasting benefit must be given. The water table is going below, because there is no water in the river. In the non-delta area, it has gone very low. We are in a very unfortunate position. The whole of Tamil Nadu is bleeding due to this nusery. There is no drinking water available in many villages in all the districts of Tamil Nadu. There the sand is so hot and so dry. That is the position of the Tamil Nadu area. Kindly show some mercy to Tamil Nadu. Please

do not view their problem from a political angle. Please send a team there immediately so that they may study the whole thing and give them relief immediately. If the Centre gives adequate relief and earns the good will of the people of Tamil Nadu I will have no political jealousy on that.

Recently, there was a railway accident. The Government is being misled here. When I was speaking on the Railway Budget, there was an assurance that the Minister will be very vigilant and he will be able to control even the Railway Board. What is the position? Does anybody know how that accident took place? Does anybody know the real cause of that accident? West Coast Express Train was running at a high speed. When it was passing through Sevoor station, suddenly, the bogies got derailed and so on. What happened to the passengers and the railway workers who were sitting by the side of the cabin. Thirty people must have been killed. The railway authorities said that only six people were killed. Today, they have increased the number to nine. Even today, they are not able to tell the truth about the accident. What kind of enquiry is taking place. The enquiry is there to suppress the facts and hide the causes of the accident. There was a warning when the train was in Salem, that is 150 miles away. The driver again reminded that some peculiar noise was being heard. One of the parts of the coach slipped down and was caught between the wheels when coaches derailed, one after another and capsized.

I would request the Government to hold a proper enquiry into the causes of the accident. The enquiry by the railway inspection officers is not proper; it will not give you the truth about the accident. If you want to get at the truth in the interest of the nation to avoid such accidents in future, you must hold a proper

enquiry. Our railways have got a proud record in the matter of accidents.

Late Shri Lal Bahadur Shastri had given us an example. He was not responsible for that accident. The natural causes were there. But till he resigned.

AN HON. MEMBER: What about Mr. Alagesan?

SHRI M. KALYANASUNDARAM: Let us emulate the example of Mr. Lal Bahadur Shastri, not of Mr. Alagesan.

SHRI O. V. ALAGESAN: On a point of information....

SHRI M. KALYANASUNDARAM: I am not yielding. Two Members cannot speak at the same time. He cannot interrupt me. I will not allow him to interrupt me.

SHRI O. V. ALAGESAN: Who is he to allow or not allow me to interrupt It is for the Chair. Sir. on a point of personal explanation.

MR. CHAIRMAN: Since you have referred to him, let him explain.

SHRI O. V. ALAGESAN: I placed my resignation in the hands of the then Prime Minister, Mr. Nehru. He advised me not to be hasty. He said. "Mr. Lal Bahadur Shastri has already resigned. You do not resign." So, on the advice of that great leader, I did not press my resignation. Let the House know it.

SHRI M. KALYANASUNDARAM: I want a thorough inquiry to be made into that accident. You send a senior officer from the Railway Board and the State railway officer. You also depute some senior officer from the Home Ministry. It is welcome. Let there be a proper inquiry to find out the real causes of the accident so that

proper lessons may be drawn for the future of the safety of the rail travel. This is a very serious matter. I want a thorough probe into the matter.

With these words, I resume my seat.

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Mr. Chairman, Sir, I am glad to find that the resolution has not been opposed by any hon. Member. And yet long speeches have been delivered. I raised a point of order but I was overruled. Perhaps, it seems that the hon. Members were right in saying what they did. The question, however, is whether I can reply to all the points raised from fishery development to railway development and the railway accident. The hon. Members have covered a very wide field. I do not find myself competent to answer all those points raised at such a short notice.

I would only refer to three or four specific points that have been made on which the Government can take some action. Firstly, about the question of drinking water, I will see what relief can possibly be extended at the instance of the Government of India as soon as possible. I do not know the extent of the problem. But, as I have said, I will do my best so far as the Government of India is concerned.

Secondly, some cases of excesses committed during the President's Rule were also mentioned....

AN HON. MEMBER: And also during the DMK's regime.

CHAUDHURI CHARAN SINGH: Here, I am concerned only with the President's rule. If specific instances are brought to the notice of the Government, I assure my hon. friends there that strict action will be taken. An inquiry will be held and if the persons who are accused of crimes and excesses committed by them are found guilty, strong action will be taken against them.

[Chaudhuri Charan Singh]

Another point that was made was about the constitution of the Advisory Committee. I said that perhaps no such Committee was necessary. But I find I was wrong. It is a statutory Committee. I understand that the Home Ministry has already taken necessary steps in the matter and soon a Committee will be appointed.

Now, there is a question about Hindi. Some of my friends have imported heat into this question but that heat was imported unnecessarily. This Government has absolutely no intention of imposing Hindi on any State or Union Territory.

Now, so far as elections are concerned, the Resolution itself says that the elections will be held within a few months. Supposing I had said in the Resolution that they will be held 'within three months' or 'within four months' or 'as early as possible' I think matters would not have improved thereby. I have already committed myself to the statement that the elections will be held within a few months and the term 'few months' can include a period of two months to four months also. I am ready to amend the words of the Resolution to read 'as soon as possible' if that will satisfy the Hon. Members.

So far as the fairness of the elections is concerned, this question need not have been raised at all. We ourselves have been victims of unfair elections. I therefore assure the Members there that so far as we are concerned, we will do our best to see that the elections are free and fair.

Now, I may say that in as much as the people of Tamil Nadu will soon be in charge of their own destiny, perhaps no emotion need to spent over this issue any more. With these words, I hope the Resolution will be accepted by the House.

SHRIMATI PARVATHI KRISHNAN: There were some points regarding closures and so on. Will the Consultative Committee be formed soon and these matters be referred to them, as these are of extreme urgency?

CHAUDHURI CHARAN SINGH: The Consultative Committee is being formed very soon.

MR. CHAIRMAN: The question is:

"That this House approves the continuance in force of the proclamation dated the 31st January, 1976 in respect of Tamil Nadu, issued under article 356 of the Constitution by the President, for a further period of one year with effect from the 10th March, 1977."

*The motion was adopted.*

17.48 hrs.

STATUTORY RESOLUTION RE: CONTINUANCE IN FORCE OF THE PROCLAMATION IN RESPECT OF NAGALAND

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): I beg to move the following Resolution in the House:

"That this House approves the continuance in force of the proclamation dated the 22nd March, 1975, in respect of Nagaland, issued under article 356 of the Constitution by the President, for a further period of one year with effect from the 26th March, 1977".

The State of Nagaland came under the President's Rule with effect from 22nd March, 1975, the date on which the proclamation under Article 356 of the Constitution was issued by the President. This proclamation was approved by the Lok Sabha on 25th March, 1975 and by the Rajya Sabha on 26th March, 1975. Since then, three extensions of six months each

were approved. The last time the Resolution for further continuance in force of the proclamation in Nagaland for six months, with effect from 26th September, 1976, was passed by the Lok Sabha on 20th August, 1976. The proclamation was thus in force upto and inclusive of 25th March, 1977. The continuance of the proclamation for a period of one year from 26th March, 1977 was also approved by the Rajya Sabha on 1st March, 1977.

If the House is pleased to approve and adopt the resolution I have moved, President's Rule in Nagaland can continue for one more year. This would not preclude elections being held long before the period of one year could expire. Government would like to have such elections as soon as the climatic conditions in Nagaland could permit the holding of elections. Monsoon breaks out in Nagaland much earlier and, therefore, elections would not be possible, for reasons of climate, in June. But we are most anxious that elections should be held in Nagaland as soon as possible.

I commend the Resolution to this House for approval.

**MR. CHAIRMAN:** There is only one member to speak on this. Shrimati Rano M. Shaiza..... She is not here. I shall put the Resolution to the vote of the House. The question is:

"That this House approves the continuance in force of the Proclamation dated the 22nd March, 1975, in respect of Nagaland issued under article 356 of the Constitution by the President, for a further period of one year with effect from the 26th March, 1977."

*The motion was adopted.*

17.52 hrs.

**CALTEX [ACQUISITION OF SHARES OF CALTEX OIL REFINING INDIA) LIMITED AND OF THE UNDERTAKINGS IN INDIA OF CALTEX (INDIA) LIMITED] BILL**

**THE MINISTER OF PETROLEUM AND CHEMICALS & FERTILISERS (SHRI H. N. BAHUGUNA):** Sir, I beg to move\*:

"That the Bill to provide, in the public interest, for the acquisition of the shares of Caltex Oil Refining (India) Limited and for the acquisition and transfer of the right, title and interest of Caltex (India) Limited in relation to its undertakings in India and thereby to secure that the ownership and control of the petroleum products produced by the Caltex Oil Refining (India) Limited, and marketed and distributed by the said undertakings, in India, are so distributed as best to subserve the common good, be taken into consideration."

This is a Bill which helps this nation to have control over one of the most strategic areas of its economy connected with both development and defence. The Caltex and the other concerns which are being taken over have been doing their business in this country for quite some time. Nevertheless, it has been the consistent policy followed by the nation to own and conduct the affairs connected with this sector of our industry through the system of public ownership; that is almost a national consensus, a national policy. It is, therefore, proposed to take over all these interests, and provision therefor has been made.

One thing is true that this take-over is through the agreement arrived at between the predecessor Government and Caltex (India) Limited, and this Government would not like to go back upon that agreement. Therefore, we have brought forward this Bill providing for the same type of compensation as was agreed upon between the predecessor Government and the Caltex whose interests we propose to take over. I hope that the House will welcome this measure and

\* Moved with the recommendation of the Vice President acting as President.

[Shri H. N. Bahuguna]

give us the benefit of their advice. Hereafter, we have only a tiny company, the Assam Oil Company, which is outside public ownership. India, in this manner, has acquired 99.9 per cent of its oil industry as public-owned enterprise. I hope, the good wishes and the cooperation of the Members of this House and our working class, the workers and officers connected with this industry, will help us to tide over the difficult situation which we find ourselves in relation to oil and oil products.

With these words, I commend the Resolution to the House for its approval.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide, in the public interest, for the acquisition of the shares of Caltex Oil Refining (India) Limited and for the acquisition and transfer of the right, title and interest of Caltex (India) Limited in relation to its undertakings in India and thereby to secure that the ownership and control of the petroleum products produced by the Caltex Oil Refining (India) Limited, and marketed and distributed by the said undertakings, in India, are so distributed as best to subserve the common good, be taken into consideration."

DR. HENRY AUSTIN (Ernakulam): Mr. Chairman, Sir, I heartily welcome this Bill moved by hon. Shri Bahuguna, Minister of Chemicals and Fertilizers. My mind goes back to the early sixties when as General Secretary of the Petroleum Workers' Union, we submitted a memorandum to the then Minister for Petroleum representing that all the then existing foreign oil companies such as Burmah Shell, Esso, S.V.O.C., Caltex etc. be nationalised. At that time, some sections of the press criticised the workers for bringing forward such a move. They thought that the skies would fall down if these foreign companies were nationalised. They

thought that these companies were strong pillars of our economy and without the support of these foreign companies, our economy could not be sustained. Much water flowed under the bridge since then and every time when moves were made and bills were introduced to nationalise Burmah Shell, Esso and other companies, we had supported them. As the hon. Minister has said, with this, almost 99 per cent of the oil companies have been brought under Government; only one per cent is left.

Sir, I would like to point out that the problems arising out of the taking over by the Government of these privately-owned foreign companies have not been solved, particularly relating to workers. In my constituency there was a tin factory owned by Esso, when it was nationalised. There were about 150 workers in that factory. Consequent on the taking over of that company, this tin factory which was an integral part of the establishment was left in the lurch. The workers have been making repeated representations to the former Minister for Petroleum, Shri K. D. Malaviya that they may be allowed to continue; they are prepared to form a cooperative society to manage that factory in Ernakulam. There is a move for selling that factory to some private capitalist. When the workers are coming forward to run this factory after forming a cooperative society, it is incumbent on the part of the Government to provide requisite facilities to enable the workers to run that factory. Kindly look into this aspect as also in general to the other aspects concerning employees when you take over the Caltex Company and see that the workers are given proper compensation, where required, and proper arrangements are made for them for employment and other service conditions.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, April 6, 1977/Chaitra 16, 1899 (Saka).