

Sixth Series, No.11

Thursday, April 7, 1977
Chaitra 17, 1899(Saka)

LOK SABHA DEBATES

First Session
(Sixth Lok Sabha)



LOK SABHA SECRETARIAT
New Delhi

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No. 11—Thursday, April 7, 1977/Chaitra 17, 1899 (Saka)

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LOK SABHA DEBATES

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LOK SABHA

Thursday, April 7, 1977/Chaitra 17,
1899 (Saka)

The Lok Sabha met at
Eleven of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWER TO QUESTION

SHORT NOTICE QUESTION

Regularization of Unauthorized colonies.

SNQ 4. SHRI KANWAR LAL GUPTA: Will the Minister of WORKS AND HOUSING AND SUPPLY AND REHABILITATION be pleased to state:

(a) what is the policy of the Government regarding the regularization of unauthorized colonies;

(b) does Government propose to change the Master Plan; and

(c) if so, will Government announce to set up a Committee to suggest necessary changes in the Master Plan?

THE MINISTER OF WORKS AND HOUSING AND SUPPLY AND REHABILITATION (SHRI SIKANDAR BAKHT): (a) It was decided by Government in February, 1977 to regularise the various unauthorized colonies in Delhi subject to certain terms and conditions. Copy of the orders issued is placed on the Table of the House. [Placed in Library. See No. LT 223/77].

(b) Wherever such regularization is considered necessary and is feasible in accordance with the terms and

conditions stipulated change of land use will be considered on merits for being incorporated in the Zonal Development Plan/Master Plan.

(c) A High Level Implementation Body is to be set up to watch the progress of regularisation and development of unauthorized colonies in accordance with the policy laid down by Government.

श्री कंवर लाल गुप्त : पिछले बीस महीने करीब आठ लाख लोगों को पुरानी सरकार ने उजाड़ कर दूर फैक दिया है और करोड़ों रुपये की सम्पत्ति नष्ट इस प्रकार से हुई है, डिमालिशन की वजह से हुई है। वहां उनको फैका गया है जहां बैसिक एमेनेटीज भी नहीं हैं और इंसान हैवानों की तरह रह रहे हैं। क्या मंत्री जी बतायेंगे कि क्या यह ठीक नहीं है कि ये सब डिसिंज 1974 में प्रधान मंत्री की मौजूदगी में डी डी ए के अफसरों की मौजूदगी में, लिए गए ये और यह तय किया गया था कि 1971 के पहले के भी जितने कंस्ट्रक्शंज हैं उनको तोड़ दिया जाए, खत्म कर दिया जाए। मैं जानना चाहता हूँ कि यह निर्णय क्या प्रधान मंत्री की मौजूदगी में नहीं हुआ था।

यह जो इम्प्ले मॉन्टेशन बाड़ी है यह कब तक बन जाएगी ?

क्या आप कोई डैड लाइन फिक्स कर सकते हैं जब तक इन कालोनीज को रेम्यु-लेराइज कर दिया जाएगा ?

SHRI SIKANDAR BAKHT: The decision of demolition was taken at a meeting held in the then Prime Minister's room during the first half

of July 1974. The high level implementation body will be set up very soon.

SHRI KANWAR LAL GUPTA: Can you fix some deadline for regularisation?

SHRI SIKANDAR BAKHT: I cannot give a deadline just now.

श्री कंवर लाल गुप्ता : क्या मंत्री महोदय एश्योर करेंगे हाउस को कि मास्टर प्लान में बदल होगी और लैंड यूज में भी बदल होगी ? शास्त्री नगर जैसी बहुत सी कालोनीज हैं जिन को मास्टर प्लान में रेजीडेंशल एरिया नहीं बताया गया है लेकिन वहां कम से कम सात सत्तर हजार की आवादी है और करोड़ों रुपया लगा हुआ है क्या उन कालोनीज के लैंड यूज को आप चेंज करेंगे और एश्योर करेंगे कि इस प्रकार की जो बड़ी बड़ी कालोनीज हैं वे डिमालिश नहीं की जाएंगी ।

कई मार्किट वालों को भी पहले वाली सरकार ने हटा कर दूर फैक दिया था जहां पर एमेनेटीज नहीं हैं । क्या आपने पता लगाया है कि वहां पर क्या क्या एमेनेटीज दी जानी चाहिए । वहां पानी, सड़कें, ड्रेनेज नहीं हैं । मैं जानना चाहता हूं कि क्या आप उनका सर्वे करेंगे और वहां जो जल्ही चीजें हैं वे मुहैया करेंगे ?

पिछली सरकार ने स्लम्ज हो हटाया । उन लोगों के पक्के मकान वहां पर थे । मैं जानना चाहता हूं कि उनको वहीं पर क्वार्टर बना करके ये क्वार्टर उनको वहीं पर दिए जाएंगे ?

SHRI SIKANDAR BAKHT: With your permission, I have already answered first two questions that the use of the land will be considered on merits and changes will be made. In regard to part (c), I have said that the development of unauthorised colonies will be made in accordance with the policy laid down by Government. It has also been committed

by the Government that those who have been displaced from residential areas, will be re-settled in the same areas.

SHRI JAGANNATH RAO: After the lifting of the emergency many juggi jhopris have come up in a mushroom way. Will the Government see that they will be demolished after providing basic amenities to these people?

SHRI SIKANDAR BAKHT: It is receiving the attention of the Government.

पंडित डॉ० एन० तिशारी : 1975-76 में कई कालोनीज को बुलडोजर्स में गिरा दिया गया था और उनमें कुछ मकान अभी स्टेंडिंग हैं । जिनके मकान तोड़ दिये गये उन में से कुछ लोगों के दूसरी जगह मकान या जमीन दी गई, कुछ को नहीं दी गई । तो क्या मंत्री जी ऐसे कैसेज को एग्जामिन करेंगे प्रायः जिनके मकान तोड़ दिए गए हैं उनको राहत देने का कुछ इंतजाम करेंगे ?

श्री सिकंदर बख्त : जी हां ।

SHRI P. RAJAGOPAL NAIDU: Will the Government provide alternative arrangements to the displaced persons?

SHRI SIKANDAR BAKHT: Yes.

जी यमुना प्रसाद शास्त्री : मैं मंत्री जी से जानना चाहता हूं कि जिन लोगों के घर गिराये गये हैं उन लोगों को क्या सरकार मुश्किल देने पर विचार कर नहीं है ? और दूसरी बात यह है कि बहुत सी राज्य सरकारों ने भी इस इमरजेंसी के दौरान बिना अदालतों का निर्णय लिए हुए जबरदस्ती लोगों के घरों को गिरा दिया है । क्या केन्द्रीय सरकार उन राज्य सरकारों को भी यह निर्देश देगी कि जिन लोगों के इस तरह से घर गिराये गये हैं बिना न्यायालयों के आदेश, के उन लोगों को घर बाने के लिए और जो घर गिराये गये हैं उनकी क्षतिपूर्ति के लिए राज्य

सरकार समुचित सहायता दे और अतिरिक्त करे। क्या इस तरह का निर्देश सरकार देते जा रही है?

श्री सिकन्दर बख्त : अभी तक मैं इस सवाल को देख नहीं सका हूँ।

श्री रमेश प्रसाद शास्त्री : जो प्रश्न यहां पूछा गया है यह उसी से पैदा होता है।

श्री सिकन्दर बख्त : सवाल का पहलू यह है कि कुछ लोगों के मकानात को न जायज तौर पर गिराया गया है। इस सवाल के पहलू को एगजामिन करने की ज़रूरत है जिसको देखा जाएगा, उस के बाद ही मैं कुछ कह सकूँगा।

PROF. P. G. MAVALANKAR: I want to know whether it is a fact that nearly a million people are involved in this kind of displacement. In view of the large numbers involved, may I know whether the Government would see to it that those people who have been evicted from their old places would be brought back in their respective colonies, if at all feasible? And, with regard to those who will be left out and those who are in the unauthorised colonies, will the Government see to it that basic amenities are given to them? Will the Government also see to it that cheap transport facility is available to them so that they can come from long distances to their places of work?

SHRI SIKANDAR BAKHT: For the first part, figures are not available with me. For second and third, yes.

श्री हुक्म चन्द्र कुमार : देश के बड़े-बड़े महानगरों में बहुत बड़ी संख्या में ऐसी बस्तियां हैं जो गैर-कानूनी हैं, परन्तु उनको बिजली और पानी दिया हुआ है। मैं जानना चाहता हूँ कि जब वह गैर-कानूनी हैं, तो उनको बिजली और पानी क्यों दिया गया। यदि यह सुविधाएं दी गई हैं

तो क्या सरकार ने राज्य सरकारों को आदेश दिये हैं कि उन्हें अब न उजाड़ा जाये और वहीं उन्हें मंजूरी दी जाये?

देहातों की जनता अधिकतर शहरों की तरफ आग रही है, इसी कारण इन बस्तियों का निर्माण होता है। क्या सरकार ऐसा कोई प्रयास कर रही है जिससे देहातों में भी अच्छे मकान हों और लोग वहीं रह सकें और वहीं उन्हें रोजगार आदि भी मिलें?

श्री सिकन्दर बख्त : जो आपके सवाल का दूसरा हिस्सा है, वह अभी तक मेरी तरजु में नहीं आया है। जहां तक आपके सवाल के पहले हिस्से का तालिका है, यह सवाल दिल्ली से ज्यादा संबंधित है।

श्री हुक्म चन्द्र कुमार : अध्यक्ष महोदय, इस प्रश्न में यह कहीं नहीं लिखा है कि यह दिल्ली से संबंधित है। मंत्री महोदय प्रश्न समझे नहीं और वह गलत बयान दें, इससे क्या बात बनती है। इस प्रश्न में दिल्ली का कहीं जिक्र नहीं है।

SHRI SIKANDAR BAKHT: The hon. Member is correct, Sir.

श्री एम० राम गोपाल रेड्डी : गुजराता इलैक्शन में दिल्ली के निवासियों ने जनता पाटीं को बोट इस उम्मीद पर दिये हैं कि जो लोग दूर दूर चले गये हैं, स्लम ड्वैलस रहे हैं, उनको उनकी पुरानी बस्तियों में लाया जायेगा। मैं मंत्री महोदय से जानना चाहता हूँ कि उनकी उस उम्मीद को पूरा करने के लिये क्या किया गया है? क्या उन बाहर निकाले गये स्लम ड्वैलस हो फिर वापिस लायेंगे?

श्री सिकन्दर बख्त : वे लोग बापस लाये जायेंगे।

श्री बीरेन्द्र प्रसाद : मैं यह जानना चाहता हूँ कि मास्टर प्लान के अन्तर्गत कितनी

फैमिलीज के मकानात गिरा दिये गये हैं ? जिनके मकान गिराये गये हैं, उनके लिये सरकार ने क्या व्यवस्था की है और कहां की है ?

श्री सिकन्दर बख्त : कितनी फैमिलीज के मकानात गिराये गये हैं, उनकी तादाद तो बता नहीं सकता हूँ, लेकिन इतना जरूर किया गया है कि जो रिसैटलमेंट के हालात इस बक्त हैं, उनको दूरस्त करने की कोशिश की जा रही है। दूसरे यह कि जो रैजीडेंशियल एरियाज के लोग हटाये गये हैं, उनको फिर वहां लाकर बसाया जायेगा।

डा० सुशीला नाथर : मैं यह जानना चाहती हूँ कि कई जगह जहां ये झुग्गी झोपड़ी बाले थे या इस तरह की अनेथोराइज्ड बस्तियां थीं जो उठाई गई वहां पर कुछ समाज सेवी संस्थाएं इन वे बच्चों की शिक्षा स्वास्थ्य इत्यादि के लिए काम कर रही थीं, अब जहां वे ले जाए गए हैं वहां पर उन संस्थाओं को भी जगह मिलनी चाहिए जिस से वे उनकी सेवा कर सकें और वे इस की मांग भी कर रही हैं, तो उस के बारे में मंत्री महोदय कुछ तवज्ज्ञ देंगे ? वहां पर बहुत डिस्ट्रिमिनेशन हुआ है। पार्टी बन्दी की वजह से कुछ को दिया है कुछ को नहीं दिया है।

श्री सिकन्दर बख्त : अगर वहां उन के पास जगह थीं तो यहां भी दी जायेगी।

श्री मुहम्मद शफी कुरेशी : मंत्री महोदय ने अपने जवाब में कहा कि कुछ लोगों को नाजायज तरीके से हटाया गया है जिस का लाजिमी नतीजा यह होता है कि कुछ लोगों को जायज तरीके से हटाया गया है। आगे उन्होंने कहा कि सब को वापस लाया जाएगा। तो क्या जिन को जायज तरीके से हटाया गया है उन को भी और जिन को नाजायज तरीके से हटाया गया है उन को भी वापस लाय जायेगा ?

श्री सिकन्दर बख्त : मैं ने अर्ज किया है कि जो लोग दिल्ली के रेजीडेंशियल एरियाज से हटाए गए हैं उन को उन एरियाज को डेवलप करने के बाद वहां बसाया जाएगा।

श्री रूपनाथ सिंह यादव : 'मंत्री महोदय बताने की कृपा करेंगे कि इन एरियाज में जो हरिजन और गरीब थे उन को बसाने के लिए सरकार क्या इंतजाम कर रही है ?

श्री सिकन्दर बख्त : जो आम लोगों को बसाने के लिए ढंग होगा वही उन के लिए भी बरता जाएगा।

श्री सुरेन्द्र वित्तम : क्या माननीय मंत्री जी बतलाने की कृपा करेंगे कि सौःदर्यीकरण के नाम पर दिल्ली के अलावा लखनऊ, बम्बई आदि नगरों में भी गरीबों को उजाड़ दिया गया है तो उन के पुनर्वास की व्यवस्था के लिए क्या वे गंभीरता से विचार कर रहे हैं क्यों कि सब के पुनर्वास की व्यवस्था के लिए सब के आंकड़े इकट्ठे करने हैं।

श्री सिकन्दर बख्त : मैं ने इस सवाल पर इस पहलू से तो गौर नहीं किया है, लेकिन इस को देखेंगे।

SHRI JYOTIRMOY BOSU: Will the hon. Minister kindly tell us as to whether he has received any communication from Syed Abdulla Bukhari who spoke for both Hindus and Muslims about rehabilitation and resettlement of those persons who were bulldozed out of Turkman Gate and Ajmal Khan Road, etc.? If so, what is the text of the communication and what action has been taken?

SHRI SIKANDAR BAKHT: I have not received any communication.

SHRI SOUGATA ROY: I would like to know from the hon. Minister whether the area around Jama Masjid, which used to be very unclean and which is a place of worship, is

proposed to be brought back to its original position. (Interruptions)

SHRI VASANT SATHE: He had promised during elections that all those persons who were removed from there would be brought back. He wanted to know when are you going to do it?

SHRI SIKANDAR BAKHT: This question does not flow from the original Question. (Interruptions)

MR. SPEAKER: The question is clear as to whether you are going to bring back the slums to the original place. Say either 'yes' or 'no'.

SHRI SIKANDAR BAKHT: The changes made around Jama Masjid are of a permanent nature.

DR. BALDEV PRAKASH: I would like to know from the hon. Minister whether the persons who have been bulldozed out of Delhi will be given built-up constructed houses or plots or loans to build the houses.

SHRI SIKANDAR BAKHT: I have already answered that those areas are going to be re-developed and the persons who were sent away from there are going to be settled in those very spots. There is no question of giving loans to them.

श्री राम कंवार बेरवा : अध्यक्ष महोदय, मैं आपके द्वारा माननीय मंत्री जी से जानना चाहता हूं कि जिन गरीब लोगों को, जोकि विलिंग वर्गरह का काम करते थे, शहर से दूर ले जाकर 20-22 मील पर डाल दिया गया है और अगर एक बड़े परिवार में चार परिवार थे तो एक परिवार को एक जगह और दूसरे परिवार को दूसरी जगह रखा गया तो क्या सरकार इस बात का आश्वासन

देगी कि इस प्रकार की कोई कठिनाई होगी तो उनको एक ही कालोनी में मकान देने की व्यवस्था की जायेगी ताकि वे अच्छी तरह रह सकें?

SHRI SIKANDAR BAKHT: I have not been able to look into that question.

SHRI K. LAKKAPPA: The whole question involves politics so far as Delhi is concerned.

MR. SPEAKER: Why do you want to add it to that?

SHRI K. LAKKAPPA: Regarding hut-dwellers, pavement dwellers and others, the previous Government had taken certain steps to see that their conditions of living were ameliorated. The Master Plan was prepared and its implementations was under progress. I would like to know from the hon. Minister whether the present Government is going to undo the Master Plan prepared by the previous Government to see that the entire question is taken up from the political angle. I would like the hon. Minister to give a categorical assurance that he will not disturb the Master Plan prepared by the previous Government to ameliorate the conditions of living of hut-dwellers, pavement dwellers and others.

SHRI SIKANDAR BAKHT: The present Government intends to do much more than what the previous Government had done.

श्री गौरी शंकर राय : मान्यवर, इस प्रश्न के संबंध में एक भ्रम पैदा हो गया है। विरोध पक्ष के लोग यह नहीं समझते हैं कि रेजिडेंशल एरिया कौन है। मैं माननीय मंत्री महोदय से जानना चाहता हूं क्या जामा मस्जिद का वह रेजिडेंशल एरिया है जिसके संबंध में आपने जवाब दिया है? इस बात को मंत्री महोदय स्पष्ट कर दें।

श्री सिकन्दर बहल : सारी गलतफहमी यही है। जामा मस्जिद का जो एरिया बनाया गया है वह रेजिडेंशल एरिया नहीं है।

श्री चांद राम : मैं सरकार से जानना चाहता हूँ कि जिन लोगों को वहां से हटाया गया है क्या उनको मकान बना और बेजिनेस करने के लिए माली इमदाद दी जाएगी?

श्री सिकन्दर बहल : अगर वहां रहने के लिए ही मकान बनाये जायेंगे तो मकान बनाने के लिए माली इमदाद देने का सवाल नहीं उठता है।

—
11.25 hrs.

QUESTION OF PRIVILEGE—contd.
CERTAIN REMARKS BY SHRI T. N. KAUL
ON TELEVISION NETWORK IN U.S.A. IN
JULY, 1975

MR. SPEAKER: On 1st April, 1977, Shri Jyotirmoy Bosu sought to raise a question of privilege against Shri T. N. Kaul, the then Ambassador of India in U.S.A. for certain remarks made by him on television network in USA in July, 1975. Shri Bosu stated that Shri Kaul had *inter alia* said that "political leaders had not been jailed but detained in houses".

Shri Atal Behari Vajpayee, the Minister of External Affairs, made a statement in the House on 1st April, 1977 in regard thereto. He, *inter alia*, said that clarification had been called for from Shri Kaul and Shri Kaul's contention was that he had no intention of distorting the facts and that his remarks were based on the information then available with him. Shri Kaul also submitted that if his remarks based on incomplete information had hurt anyone, it was unfortunate but he had no intention of making a wrong statement. Shri Vajpayee had stated that the remarks of Shri Kaul were not based on facts.

I have carefully considered the matter. In order to constitute a breach of privilege, the impugned statement should relate to the proceedings of the House or to Members in the discharge of their duties as Members of Parliament. It may be seen that the impugned statement of Shri Kaul related to political leaders and not to Members of Parliament as such, although Members of Parliament are also political leaders.

Secondly, Shri Kaul's remarks were made in July, 1975 when the Fifth Lok Sabha was in existence. The matter cannot be raised as a privilege issue in the Sixth Lok Sabha.

In the circumstances, no question of privilege is involved in the matter.

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11.27 hrs.

PAPERS LAID ON THE TABLE
CENTRAL ADVISORY COMMITTEE FOR
LIGHTHOUSES (PROCEDURAL) RULES,
1976, SEAMEN'S P.F. (AMDT.) SCHEME,
1976, SHIPPING DEVELOPMENT FUND
COMMITTEE (E.C.P.F.) RULES, 1976, AN-
NUAL REPORTS OF POOMPUHAR SHIPPING
CORP., MADRAS FOR 1975 & 1976, AN-
NUAL REPORTS OF SHIPPING DEVELOP-
MENT FUND COMMITTEE FOR 1974-75 AND
1975-76, NOTIFICATIONS *re*. TAMIL NADU
MOTOR VEHICLES RULES AND STATE-
MENTS

THE PRIME MINISTER (SHRI MORARJI DESAI): I beg to lay on the Table:—

- (1) A copy of the Central Advisory Committee for Lighthouses (Procedural) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1734 in Gazette of India dated the 11th December, 1976 under sub-section (3) of section 21 of the Indian Lighthouses Act, 1927. [Placed in Library. See No. LT-164/77]

(2) A copy of the Seamen's Provident Fund (Amendment) Scheme, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1284 in Gazette of India dated the 4th September, 1976 under section 24 of the Seamen's Provident Fund Act, 1966. [Placed in Library. See No. LT-165/77].

(3) A copy of the Shipping Development Fund Committee (Employees' Contributory Provident Fund) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. No. 93 in Gazette of India dated the 15th January, 1977, under sub-section (3) of section 458 of the Merchant Shipping Act, 1958. [Placed in Library. See No. LT-166/77].

(4) A copy each of the following papers (Hindi and English versions) under sub-section (3) of section 619A of the Companies Act, 1956 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:—

(a) Annual Report of the Poompuhar Shipping Corporation, Madras for the period ended 31st March, 1975 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(b) Annual Report of the Poompuhar Shipping Corporation, Madras for the period ended 31st March, 1976 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(5) Two statements (Hindi and English versions) showing reasons for delay in reports mentioned at (4)(a) and (b) above. [Placed in Library. See No. LT-167/77].

(6) A copy each of the following papers (Hindi and English versions) under sub-section (6) of section 16 of the Merchant Shipping Act, 1958:—

(i) Annual Report of the Shipping Development Fund Committee for the year 1974-75 along with the Audited Accounts.

(ii) Annual Report of the Shipping Development Fund Committee for the year 1975-76 along with the Audited Accounts.

(7) Two statements (Hindi and English versions) showing reasons for delay in laying the reports mentioned at (6) above. [Placed in Library. See No. LT-168/77].

(8) A copy each of the following Notification (Hindi and English versions) under sub-section (3) of section 133 of the Motor Vehicles Act, 1939 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. 2241 published in Tamil Nadu Government Gazette dated the 29th September, 1976 making certain amendment to the Tamil Nadu Motor Vehicles Rules, 1940.

(ii) G.O. Ms. 2579 published in Tamil Nadu Government Gazette dated the 18th October, 1976 making certain amendment to the Tamil Nadu Motor Vehicles Rules, 1940.

[Shri Morarji Desai]

- (iii) G.O. Ms. 2614 published in Tamil Nadu Government Gazette dated the 10th November, 1976 making certain amendment to the Tamil Nadu Motor Vehicles Rules, 1940.
- (iv) G.O. Ms. 2668 published in Tamil Nadu Government Gazette dated the 17th November, 1976 making certain amendments to the Tamil Nadu Motor Vehicles Accidents Claims Tribunals Rules, 1961.
- (v) G.O. Ms. 66 published in Tamil Nadu Government Gazette dated the 26th January, 1977 making certain amendments to the Tamil Nadu Motor Vehicles Rules, 1940.
- (9) A statement (Hindi and English versions) showing reasons for delay in laying the Notification mentioned at (8) above. [Placed in Library. See No. LT-169/77].

NOTIFICATIONS UNDER TAMIL NADU AGRICULTURAL PRODUCE MARKETS ACT, 1959 AND STATEMENT

THE MINISTER OF AGRICULTURE AND IRRIGATION (SHRI PRAKASH SINGH BADAL): I beg to lay on the Table:—

A copy each of the following Notifications under sub-section (4) of section 29 of the Tamil Nadu Agricultural Produce Markets Act, 1959 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) Memo. No. 69404/AMI/73-3 published in Tamil Nadu Government Gazette dated the 13th August, 1975.
- (ii) Memo. No. 100402/AMI/73-3 published in Tamil Nadu Govern-

ment Gazette dated in 13th August, 1975.

(iii) G.O. Ms. No. 759 published in Tamil Nadu Government Gazette dated the 19th May, 1976.

(iv) Memo. No. 76441/AMI/76-3 published in Tamil Nadu Government Gazette dated the 20th October, 1976.

(v) G.O. Ms. No. 1903 published in Tamil Nadu Government Gazette dated the 20th October, 1976.

(vi) G.O. Ms. No. 1009 published in Tamil Nadu Government Gazette dated the 20th October, 1976.

(vii) G.O. Ms. No. 1923 published in Tamil Nadu Government Gazette dated the 27th October, 1976.

(viii) G.O. Ms. No. 1941 published in Tamil Nadu Government Gazette dated the 10th November, 1976.

(ix) G.O. Ms. No. 1969 published in Tamil Nadu Government Gazette dated the 27th October, 1976.

(x) G.O. Ms. 1982 published in Tamil Nadu Government Gazette dated the 3rd November, 1976.

(xi) Memo. No. 49234/AMI/75-II in Tamil Nadu Government Gazette dated the 10th November, 1976.

(xii) G.O. Ms. No. 2063 published in Tamil Nadu Government Gazette dated the 10th November, 1976.

(xiii) G.O. Ms. 2974 published in Tamil Nadu Government Gazette dated the 17th November, 1976.

(xiv) G.O. Ms. 2093 published in Tamil Nadu Government Gazette dated the 17th November, 1976.

(xv) G.O. Ms. No. 2107 published in Tamil Nadu Government Gazette dated the 19th November, 1976.

(xvi) G.O. Ms. No. 2126 published in Tamil Nadu Government Gazette dated the 24th November, 1976.

(xvii) G.O. Ms. No. 2235 published in Tamil Nadu Government Gazette dated the 15th December, 1976.

(xviii) G.O. Ms. No. 2335 published in Tamil Nadu Government Gazette dated the 29th December, 1976.

(xix) G.O. Ms. No. 2355 published in Tamil Nadu Government Gazette dated the 5th January, 1977.

(2) A statement (Hindi and English versions) explaining reasons for not laying the Hindi versions of the above Notification. [Placed in Library. See No. LT-170/77].

MR. SPEAKER: Item No. 4. Shri Bahuguna.

THE MINISTER OF WORKS AND HOUSING AND SUPPLY AND REHABILITATION (SHRI SIKANDAR BAKHT): With your permission, Sir....

AN HON. MEMBER: Where is the permission?

(Interruptions)

REVIEW AND ANNUAL REPORT OF INDO-BURMA PETROLEUM CO. LTD., CALCUTTA FOR 1975-76

SHRI SIKANDAR BAKHT: On behalf of Shri H.N. Bahuguna, I beg to lay on the Table:—

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

(1) Review by the Government on the working of the Indo-Burma Petroleum Company Limited. Calcutta for the year 1975-76.

(2) Annual Report of the Indo-Burma Petroleum Company 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-171/77].

MR. SPEAKER: Normally, the Ministers write to me when they are not here. That is the normal practice. I hope, it will not happen next time.

NOTIFICATIONS UNDER URBAN LAND (CEILING AND REGULATION) ACT, 1976, TAMIL NADU URBAN LAND (CEILING AND REGULATION) ACT, 1976, TAMIL NADU SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, TAMIL NADU REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ACT, 1977 AND NOTIFICATIONS UNDER TAMIL NADU URBAN LAND TAX ACT, 1966 AND STATEMENTS

SHRI SIKANDAR BAKHT: 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 46 of the Urban Land (Ceiling and Regulation) Act, 1976:

(i) The Urban Land (Ceiling and Regulation) Eighth Amendment Rules, 1976, published in Notification No. G.S.R. 33 in Gazette of India dated the 1st January, 1977 together with an explanatory memorandum.

(ii) G.S.R. 34 published in Gazette of India dated the 1st January, 1977 containing corrigendum to Notification No. G.S.R. 1261 published in Gazette of India dated the 28th August, 1976 together with an explanatory memorandum.

(iii) S.O. 38 published in Gazette of India dated the 1st January, 1977 together with an explanatory memorandum.

[Shri Sikandar Bakht]

(iv) The Urban Land (Ceiling and Regulation) Ninth Amendment Rules, 1976 published in Notification No. G.S.R. 958(E) in Gazette of India dated the 29th December, 1976 together with an explanatory memorandum.

(v) S.O. 463 published in Gazette of India dated the 5th February, 1977 together with an explanatory memorandum.

(vi) The Urban Land (Ceiling and Regulation) Tenth Amendment Rules, 1977 published in Notification No. G.S.R. 183 in Gazette of India dated the 5th February, 1977 together with an explanatory memorandum. [Placed in Library. See No. LT-172/77].

(2) A copy each of the following Notification under sub-section (3) of section 45 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1976 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) S.R.O. A-387(C)|76 published in Tamil Nadu Government Gazette dated the 19th October, 1976.

(ii) G.O. Ms. No. 2275 published in Tamil Nadu Government Gazette dated the 24th November, 1976.

(iii) S.R.O. A-478(a)|76 published in Tamil Nadu Government Gazette dated the 23rd December, 1976.

(iv) S.R.O. A-39(b)|77 published in Tamil Nadu Government Gazette dated the 22nd February, 1977.

(3) Four statements (Hindi and English versions) explaining reasons for not laying the Hindi versions of the Notifications at (2) above. [Placed in Library. See No. LT-173/77].

(4) A copy each of the following Notification under sub-section (2) of section 70 of the Tamil Nadu Slum Areas (Improvement and Clearance) 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) G.O. Ms. 43 published in Tamil Nadu Government Gazette dated the 11th February, 1976 making certain amendments to the Tamil Nadu Slum Clearance Board Non-Technical Subordinate Service Rules, 1972.

(ii) G.O. Ms. 44 published in Tamil Nadu Government Gazette dated the 11th February, 1976 making certain amendments to the Tamil Nadu Slum Clearance Board Non-Technical Subordinate Service Rules, 1972.

(iii) G.O. Ms. 689 published in Tamil Nadu Government Gazette dated the 9th June, 1976 making certain amendment to the Tamil Nadu Slum Clearance Board Non-Technical Subordinate Service Rules, 1972.

(iv) G.O. Ms. 752 published in Tamil Nadu Government Gazette dated the 23rd June, 1976 making certain amendment to the Tamil Nadu Slum Clearance Board Non-Technical Subordinate Service Rules, 1972.

(v) G.O. Ms. 753 published in Tamil Nadu Government Gazette dated the 23rd June, 1976 making certain amendment to the Tamil Nadu Slum Clearance Board Engineering Officers Service Rules, 1972.

(vi) G.O. Ms. 843 dated the 16th June, 1976 making certain amendments to the Tamil Nadu Slum Clearance Board Non-Technical Officers Service Rules, 1972.

(vii) G.O. Ms. 908 dated the 24th June, 1976 making certain amendment to the Tamil Nadu Slum Clearance Board Non-Technical Subordinate Service Rules, 1972.

(viii) G.O. Ms. 1050 published in Tamil Nadu Government Gazette dated the 11th August, 1976 making certain amendments to the Tamil Nadu Slum Clearance Board Service Rules, 1972.

(ix) G.O. Ms. 1207 published in Tamil Nadu Government Gazette dated the 15th October, 1976.

(5) A statement (Hindi and English versions) explaining reasons for not laying the Hindi versions of the Notifications at (4) above. [Placed in Library. See No. LT—174/77].

(6) A copy of the Tamil Nadu Requisitioning and Acquisition of Immoveable Property (Amendment) Act, 1977, (President's Ass. No. 6 of 1977) (Hindi and English versions) published in Gazette of India dated the 4th March, 1977. [Placed in Library. See No. LT—175/77].

(7) A copy each of the following Notifications under sub-section (2) of section 45 of the Tamil Nadu Urban Land Tax Act, 1966 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:—

- G.O. Ms. No. 2014 published in Tamil Nadu Government Gazette dated the 1st October, 1975.
- G.O. Ms. 2015 published in Tamil Nadu Government Gazette dated the 1st October, 1975.
- GO. Ms. No. 2084 published in Tamil Nadu Government Gazette dated the 29th October, 1975

(iv) S.R.O. A-192/76 published in Tamil Nadu Government Gazette dated the 16th June, 1976.

(8) A statement (Hindi and English versions) explaining reasons for not laying the Hindi version of the Notification at (7) above. [Placed in Library. See No. LT—176/77].

REPORT ON GENERAL ELECTIONS TO LEGISLATIVE ASSEMBLIES (1970—72), HIGH COURT OF RAJASTHAN (ESTABLISHMENT OF A PERMANENT BENCH AT JAIPUR ORDER, 1976, COMPANIES (ACCEPTANCE OF DEPOSITS) 3RD AMDT. RULES, 1976 AND DELIMITATION OF COUNCIL CONSTITUENCIES (U.P.) AMDT. ORDER, 1977.

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

- (a) A copy of the Report on the General Elections to the Legislative Assemblies in India (1970—72) Volume—II (Statistical).
- (b) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the above Report. [Placed in Library See No. LT—177/77].
- (3) A copy of the High Court of Rajasthan (Establishment of a Permanent Bench at Jaipur) Order, 1976 (Hindi and English versions) published in Notification. No. G.S.R. 911(E) in Gazette of India dated the 8th December, 1976, issued under section 51 of the States Reorganisation Act, 1956. [Placed in Library. See No. LT—178/77].
- (4) A copy of the Companies (Acceptance of Deposits) Third Amendment Rules, 1976. (Hindi and English versions) published in Notification. No. G.S.R. 965(E) in Gazette of India dated the 31st December, 1976, under sub-section (3) of section 642 of the Companies Act, 1956. [Placed in Library. See No. LT—179/77].
- (5) A copy of the Delimitation of Council Constituencies (Uttar Pra...

desh) Amendment Order, 1977 (Hindi and English versions) published in Notification No. G.S.R. 123(E) in Gazette of India dated the 23rd March 1977, under sub-section (3) of section 13 of the Representation of the People Act, 1950. [Placed in Library. See No. LT-180/77].

CERTIFIED ACCOUNTS OF NATIONAL INSTITUTE FOR TRAINING IN INDUSTRIAL ENGINEERING, BOMBAY FOR 1975-76, ANNUAL REPORT OF TECHNICAL TEACHERS' TRAINING INSTITUTE (EASTERN REGION) CALCUTTA FOR 1975-76 ETC.
ETC.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (SHRI PRATAP CHANDRA CHUNDER): I beg to lay on the Table:

(1) (i) A copy of the Certified Accounts of the National Institute for Training in Industrial Engineering, Bombay, for the year 1975-76.

(ii) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the above Accounts. [Placed in Library. See No. LT-181/77].

(2) Annual report (Hindi and English versions) of the Technical Teachers' Training Institute (Eastern Region) Calcutta, for the year 1975-76. [Placed in Library. See No. LT-182/77].

(3) Annual Report (Hindi and English versions) of the Technical Teachers' Training Institute (Western Region) Bhopal, for the year 1975-76. [Placed in Library. See No. LT-183/77].

(4) A copy of the Annual Report (Hindi and English versions) of the Indian Council of Historical Research for the year 1974-75, under rule 45 of the Memorandum of Association and Rules of the Indian Council of Historical Research. [Placed in Library. See No. LT-184/77].

(5) A copy of the Certified Accounts (Hindi and English versions) of the Indian Council of Historical Research for the year 1974-75 under rule 44(d) of the Memorandum of Association and Rules of the Indian Council of Historical Research. [Placed in Library. See No. LT-185/77].

(6) A copy of the University Grants Commission (Fitness of Certain Universities for Grant) Amendment Rules, 1976, (Hindi and English versions) published in Notification No. G.S.R. 1747 in Gazette of India dated the 18th December, 1976, under sub-section (3) of section 25 of the University Grants Commission Act, 1956. [Placed in Library. See No. LT-186/77].

(7) A copy of the Annual Report (Hindi and English versions) of the School of Planning and Architecture, New Delhi, for the year 1975-76. [Placed in Library. See No. LT-187/77].

(8) A copy of the Certified Accounts (Hindi and English versions) of the Jawaharlal Nehru University, New Delhi for the year 1974-75. [Placed in Library. See No. LT-188/77].

(9) A copy each of the following papers under sub-section (4) of section 23 of the Institutes of Technology Act, 1961:—

(i) Certified Accounts of the Indian Institute of Technology, Delhi, for the year 1974-75 along with the Audit Report thereon, (Hindi version).

(ii) Certified Accounts of the Indian Institute of Technology, Madras, for the year 1975-76 along with the Audit Report thereon.

(10) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the document mentioned at 9(ii) above. [Placed in Library. See No. LT-189/77]

(11) A copy each of the following Notifications (Hindi and English versions) under section 54 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 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 Tamil Nadu Private Colleges (Regulation) Rules, 1976, published in Notification No. G.O. Ms. 1285 in Tamil Nadu Government Gazette dated the 25th June, 1976.

(ii) G.O. Ms. No. 1286 published in Tamil Nadu Government Gazette dated the 25th June, 1976.

(iii) G.O. Ms. No. 1287 published in Tamil Nadu Government Gazette dated the 25th June, 1976.

(iv) G.O. Ms. No. 2216 published in Tamil Nadu Government Gazette dated the 3rd November, 1976.

(v) G.O. Ms. No. 2477 published in Tamil Nadu Government Gazette dated the 1st December, 1976. [Placed in Library. See No. LT-19077].

(12) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Science, Bangalore, for the year 1975-76.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above report. [Placed in Library. See No. LT-19177].

(13) A statement (Hindi and English versions) explaining reasons for not laying the Annual Report and Accounts of the Indian Institute of Management, Calcutta for the year 1975-76 within a period of 9 months after the close of the accounting year. [Placed in Library. See No. LT-19277].

(14) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Management, Ahmedabad, for the year 1975-76. [Placed in Library. See No. LT-19377].

(15) (i) A copy of the Annual Report (Hindi and English versions) of the Indian School of Mines, Dhanbad for the year 1975-76.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Report. [Placed in Library. See No. LT-19477].

VEGETABLE OIL PRODUCT PROCEDURES (REGULATION AND REFINED OIL, MANUFACTURE) AUDIT ORDER, 1977, TAMIL NADU COOP. SOCIETIES (AMDT.) ACT, 1977, TAMIL NADU COOP. LAND DEVELOPMENT BANK (AMDT.) ACT, 1977, ETC. ETC.

THE MINISTER OF ENERGY (SHRI P. RAMACHANDRAN): On behalf of Shri Mohan Dharia, I beg to lay on the Table:

(1) A copy of the Vegetable Oil Product Producers (Regulation of Refined Oil Manufacture) Amendment Order, 1977 (Hindi and English versions) published in Notification No. G.S.R. 103(E) in Gazette of India dated the 2nd March, 1977, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-19577].

(2) A copy each of the following President's Acts (Hindi and English versions) under sub-section (3) of section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976:

(i) The Tamil Nadu Co-operative Societies (Amendment) Act, 1977 (President's Act No. 1 of 1977) published in Gazette of India dated the 10th January, 1977.

(ii) The Tamil Nadu Co-operative Land Development Banks (Amendment) Act, 1977 (President's Act No. 2 of

1977) published in Gazette of India dated the 10th January, 1977. [Placed in Library. See No. LT-196/77].

(3) (i) A copy of the Annual Report of the Tamil Nadu Civil Supplies Corporation Limited, Madras for the year 1973-74, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (3) of section 619A of the Companies Act, 1956 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.

(ii) A statement (Hindi and English versions) explaining reasons for not laying the Hindi version of the above Report. [Placed in Library. See No. LT-197/77].

(4) A copy each of the following Notifications (Hindi and English versions) under sub-section (4) of section 119 of the Tamil Nadu Co-operative Societies Act, 1961 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. 549 published in Tamil Nadu Government Gazette dated the 18th August, 1976.
- (ii) G.O.Ms. No. 550 published in Tamil Nadu Government Gazette dated the 18th August, 1976.
- (iii) G.O.Ms. No. 731 published in Tamil Nadu Government Gazette dated the 10th November, 1976.
- (iv) G.O.Ms. No. 844 published in Tamil Nadu Government Gazette dated the 22nd December, 1976.
- (v) G.O.Ms. No. 843 published in Tamil Nadu Government Gazette dated the 22nd December, 1976.

(vi) G.O.Ms. No. 18 published in Tamil Nadu Government Gazette dated the 8th January, 1976. [Placed in Library. See No. LT-198/77].

(5) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 38A of the Tamil Nadu Co-operative Land Development Banks Act, 1934 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. 826 published in Tamil Nadu Government Gazette dated the 15th December, 1976.
- (ii) G.O.Ms. No. 36 published in Tamil Nadu Government Gazette dated the 9th February, 1977. [Placed in Library. See No. LT-199/77].

(6) A statement (Hindi and English versions) showing reasons for delay in laying the Notifications mentioned at (4) and (5) above. [Placed in Library. See No. LT-200/77].

(7) A copy of the Audit Report (Hindi and English versions) on the Accounts of the Tea Board for the year 1974-75 along with the statement of Accounts. [Placed in Library. See No. LT-201/77].

(8) A copy of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

- (i) Review by the Government on the working of the State Trading Corporation of India Limited, New Delhi, for the year 1975-76.
- (ii) Annual Report of the State Trading Corporation 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. [Placed in Library. See No. LT-202/77].

(9) A copy of the Tobacco Board (Second Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1576 in Gazette of India dated the 6th November, 1976, under sub-section (3) of section 32 of the Tobacco Board Act, 1975. [Placed in Library. See No. LT-203/77].

(10) (i) A copy of Notification No. G.O.Ms. 279 published in Tamil Nadu Government Gazette dated the 12th May, 1976 making certain amendment to the Tamil Nadu Weights and Measures (Enforcement) Rules, 1967, under section 43 of the Tamil Nadu Weights and Measures (Enforcement) Act, 1958.

(ii) A statement (Hindi and English versions) explaining reasons for not laying the Hindi version of the above Notification.

(iii) A statement (Hindi and English versions) showing reasons for delay in laying the Notification mentioned at (i) above. [Placed in Library. See No. LT-204/77].

(11) A copy of the Certified Accounts (Hindi and English versions) of the National Co-operative Development Corporation, New Delhi, for the year 1975-76 together with the Audit Report thereon, under sub-section (4) of section 17 of the National Co-operative Development Corporation Act, 1962. [Placed in Library. See No. LT-205/77].

(12) A copy of the Certified Accounts (Hindi and English versions) of the Cardamom Board, Ernakulam for the year 1975-76 and the Audit Report thereon, under sub-section (4) of section 19 of the Cardamom Act, 1965. [Placed in Library. See No. LT-206/77].

MR. SPEAKER: I wish you had come in time.

THE MINISTER OF COMMERCE AND CIVIL SUPPLIES AND CO-OPERATION (SHRI MOHAN DHARIA): I am extremely sorry.

MR. SPEAKER: Item No. 9.

SHRI PRATAP CHANDRA CHUNDER: Sir, Mr. Purushottam Kaushik has already taken your permission. He is in the Rajya Sabha.

MR. SPEAKER: Yes; he has written to me.

ANNUAL REPORT OF INTERNATIONAL AIRPORTS AUTHORITY OF INDIA FOR 1975-76 WITH CERTIFIED ACCOUNTS FOR THE YEAR ENDED 31-3-1976, ANNUAL REPORTS OF AIR INDIA AND INDIAN AIRLINES FOR 1975-76, ETC. ETC.

SHRI PRATAP CHANDRA CHUNDER: On behalf of Shri Purushottam Kaushik, I beg to lay on the Table.

(1) A copy of the Annual Report (Hindi and English versions) of the International Airports Authority of India for the year 1975-76, under sub-section (2) of section 25 of the International Airports Authority Act, 1971. [Placed in Library. See No. LT-207/77].

(2) A copy of the Certified Accounts (Hindi and English versions) of the International Airports Authority of India for the year ended 31st March, 1976 together with the Audit Report thereon, under sub-section (4) of section 24 of the International Airports Authority Act, 1971. [Placed in Library. See No. LT-208/77].

(3) A copy each of the following Reports (Hindi and English versions) under sub-section (2) of section 37 of the Air Corporations Act, 1953:

(i) Annual Report of the Air India for the year 1975-76.

(ii) Annual Report of the Indian Airlines for the year 1975-76. [Placed in Library. See No. LT-209/77].

(4) A copy each of the following papers (Hindi and English versions) under sub-section (4) of section 15 of the Air Corporations Act, 1953:

(i) Certified Accounts of the Air India for the year 1975-76 together with the Audit Report thereon.

(ii) Certified Accounts of the Indian Airlines for the year 1975-76 together with the Audit Report thereon. [Placed in Library. See No. LT-210/77].

(5) A copy each of the following Notifications (Hindi and English versions) under section 14A of the Aircraft Act, 1934:—

(i) The Aircraft (Sixth Amendment) Rules, 1976 published in Notification No. G.S.R. 1739 in Gazette of India dated the 11th December, 1976, together with an Explanatory Note.

(ii) The Aircraft (Amendment) Rules, 1977 published in Notification No. G.S.R. 48(E) in Gazette of India dated the 29th January, 1977 together with an Explanatory Note.

(iii) The Aircraft (Second Amendment) Rules, 1977 published in Notification No. G.S.R. 49(E) dated the 31st January, 1977 together with an Explanatory Note. [Placed in Library. See No. LT-211/77].

PRIATION ACCOUNTS (CIVIL) FOR 1975-76, NOTIFICATIONS UNDER CUSTOMS ACT, 1962, ETC., ETC.

THE MINISTER OF FINANCE (SHRI H. M. PATEL): I beg to lay on the Table:

(1) A copy each of the following papers (Hindi and English versions) under article 151(1) of the Constitution:

(i) Report of the Comptroller and Auditor General of India, for the year 1975-76, Union Government (Civil).

(ii) Report of the Comptroller and Auditor General of India, for the year 1976—Union Government (Commercial)—Part II—Central Fisheries Corporation Limited. [Placed in Library. See No. LT-212/77].

(2) A copy of the Union Government Appropriation Accounts (Civil) for the year 1975-76 (Hindi and English versions).

[Placed in Library. See No. LT-213/77].

(3) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962:

(i) G.S.R. 134(E) published in Gazette of India dated the 29th March, 1977 together with an explanatory memorandum.

(ii) G.S.R. 135(E) published in Gazette of India dated the 29th March, 1977 containing corrigendum to Notification No. G.S.R. 711(E) dated the 2nd August, 1976.

(iii) G.S.R. 146(E) published in Gazette of India dated the 31st March, 1977 together with an explanatory memorandum.

(iv) G.S.R. 147(E) published in Gazette of India dated the

31st March, 1977 together with an explanatory memorandum.

- (v) G.S.R. 148(E) published in Gazette of India dated the 31st March, 1977 together with an explanatory memorandum.
- (vi) G.S.R. 149(E) published in Gazette of India dated the 31st March, 1977 together with an explanatory memorandum.
- (vii) G.S.R. 150(E) published in Gazette of India dated the 31st March, 1977 together with an explanatory memorandum.
- (viii) G.S.R. 151(E) published in Gazette of India dated the 31st March, 1977 together with an explanatory memorandum.
- (ix) G.S.R. 166(E) published in Gazette of India dated the 1st April, 1977 together with an explanatory memorandum. [Placed in Library. See No. LT-214|77]

(4) A copy of Notification No. G.S.R. 158(E) (Hindi and English versions) published in Gazette of India dated the 1st April, 1977 issued under the Central Excise Rules, 1944 together with an explanatory memorandum. [Placed in Library. See No. LT-215|77].

(5) A copy each of the following Notifications (Hindi and English versions) under section 58 of the Central Excises and Salt Act, 1944.

- (i) The Central Excise (Twenty-eighth Amendment) Rules, 1976 published in Notification No. G.S.R. 937(E) in Gazette of India dated the 21st December, 1976 together with an explanatory memorandum.

(ii) The Central Excise (Third Amendment) Rules, 1977 published in Notification No. G.S.R. 88(E) in Gazette of India dated the 25th February, 1977.

(iii) The Central Excise (Seventh Amendment) Rules, 1977 published in Notification No. G.S.R. 165(E) in Gazette of India dated the 1st April, 1977.

(iv) The Central Excise (Fifth Amendment) Rules, 1977 published in Notification No. G.S.R. 443 in Gazette of India dated the 2nd April, 1977. [Placed in Library. See No. LT-216|77].

(6) A copy each of the following Notifications (Hindi and English versions) under sub-section (5) of section 53 of the Tamil Nadu General Sales Tax Act, 1959 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.Ps 145 published in Tamil Nadu Government Gazette dated the 23rd February, 1977 making certain amendments to the Tamil Nadu General Sales Tax Rules, 1959.

(ii) G.O.Ps 77 published in Tamil Nadu Government Gazette dated the 9th March, 1977.

(iii) G.O.Ps 162 published in Tamil Nadu Government Gazette dated the 9th March, 1977 making certain amendments to the Tamil Nadu General Sales Tax Rules, 1959. [Placed in Library. See No. LT-217|77].

(7) A copy of Notification No. F. 4(2)/76-Fin(G) (Hindi and English versions) Published in Delhi Gazette dated the 24th March, 1977, under section 72 of the Delhi Sales Tax Act, 1975. [Placed in Library. See No. LT-218|77].

REVIEWS AND ANNUAL REPORTS OF
BHARAT OPHTHALMIC GLASS LTD., DURGA-
PUR TUNGABHADRA STEEL PRODUCTS
LTD., FOR 1975-76, ETC., ETC.

the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-222[77].

(5) (i) Review by the Government on the working of the Hindustan Machine Tools Limited, Bangalore for the year 1975-76.

(ii) Annual Report of the Hindustan Machine Tools Limited, Bangalore, 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-223[77].

(6) (i) Review by the Government on the working of the Triveni Structural Limited, Naini, Allahabad, for the year 1975-76.

(ii) Annual Report of the Triveni Structural Limited, Naini, Allahabad, 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-224[77].

(7) (i) Review by the Government on the working of the Mining and Allied Machinery Corporation Limited, Durgapur, for the year 1975-76.

(ii) Annual Report of the Mining and Allied Machinery Corporation Limited, Durgapur, 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-225[77].

(8) (i) Review by the Government on the working of the Bharat Pumps and Compressors Limited, Naini, Allahabad, for the year 1975-76.

(ii) Annual Report of the Bharat Pumps and Compressors Limited, Naini, Allahabad, 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-226[77].

उद्योग मंत्री (श्री बृजलाल शर्मा) :
मैं कम्पनी अधिनियम, 1956 की धारा 619क की उपधारा (1) के अन्तर्गत निम्न-लिखित पत्रों (हिन्दी तथा अंग्रेजी संस्करण) की एक-एक प्रति सभा पटल पर रखता हूँ :—

(1) (i) Review by the Government on the working of the Bharat Ophthalmic Glass Limited, Durgapur, for No. LT-219[77].

(ii) Annual Report of the Bharat Ophthalmic Glass Limited, Durgapur, 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-219[77].

(2) (i) Review by the Government on the working of the Tungabhadra Steel Products Limited, for the year 1975-76.

(ii) Annual Report of the Tungabhadra Steel Products 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-220[77].

(3) (i) Review by the Government on the working of the Cement Corporation of India Limited, New Delhi, for the year 1975-76.

(ii) Annual Report of the Cement Corporation 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. [Placed in Library. See No. LT-221[77].

(4) (i) Review by the Government on the working of the Bharat Heavy Plate and Vessels Limited, Visakhapatnam, for the year 1975-76.

(ii) Annual Report of the Bharat Heavy Plate and Vessels Limited, Visakhapatnam, for the year 1975-76 along with the Audited Accounts and

11.29-3/4 hrs.

ASSENT TO BILLS

SECRETARY-GENERAL: Sir, I lay on the Table following ten Bills passed by the Houses of Parliament during the current session and assented to since a report was last made to the House on the 29th March, 1977:

- (1) The Appropriation (Vote on Account) Bill, 1977.
- (2) The Appropriation Bill, 1977.
- (3) The Appropriation (Railways) Vote on Account Bill, 1977.
- (4) The Appropriation (Railways) Bill, 1977.
- (5) The Tamil Nadu Appropriation (Vote on Account) Bill, 1977.
- (6) The Tamil Nadu Appropriation Bill, 1977.
- (7) The Nagaland Appropriation (Vote on Account) Bill, 1977.
- (8) The Nagaland Appropriation Bill, 1977.
- (9) The Pondicherry Appropriation (Vote on Account) Bill, 1977.
- (10) The Pondicherry Appropriation Bill, 1977.

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11.30 hrs.

PETITION RE CONDUCT OF CHIEF
MINISTER, CERTAIN MINISTERS
AND OFFICIALS OF ANDHRA
PRADESH

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I beg to present a petition signed by Shri Konda Lakshman Bapuji and twenty-one other members of Andhra Pradesh Legislature in respect of the conduct of the Chief Minister, certain Ministers and Government officials of Andhra Pradesh. (Interruptions).

SHRI K. LAKKAPPA (Tumkur): On a point of order.

MR. SPEAKER: What is your point of order?

SHRI K. LAKKAPPA: This is under rule 160. There are certain rules laid down for submitting a petition. Shri Jyotirmoy Bosu, in his petition, has raised an objectionable matter. It pertains to the functioning of the States. The Chief Minister, certain Ministers and Government officials of Andhra Pradesh have been involved in this petition. Rule 160 clearly says in sub-section (b):

"any matter of general public interest provided that it is not one—

(b) which should ordinarily be raised in a State Legislature."

The subject-matter of this petition relates to the conduct of the Chief Minister, certain Ministers, and Government officials of Andhra Pradesh. It pertains to the State Legislature. Therefore, my submission is that, ordinarily, this can be raised only in the Legislative Assembly there. (Interruptions).

MR. SPEAKER: Please sit down. I have heard your point of order. You have yourself said 'ordinarily'.

Next item.

SHRI K. LAKKAPPA: What is your ruling, Sir?

MR. SPEAKER: No ruling is required. You have yourself said that 'ordinarily' it should be raised in the State Legislature. (Interruptions).

All of you may please sit down. It has been raised not once, but many times. It is not a new thing. I have not created any precedent here. It has been raised here earlier also. Whether it will be discussed or not is a different matter. But I cannot prevent a Member from raising it.

Mr. Charan Singh (*Interruptions*).

MR. SPEAKER: I had gone to item 14. Everything was over and the Home Minister was on his legs and then it is not proper to go on shouting live this.

THE PRIME MINISTER (SHRI MORARJI DESAI): I appeal to my friends on both sides to observe some decorum. I am not referring to any hon. Member individually. It is not for individual Members to regulate each other. I shall be very thankful to all the hon. Members if they refrain from regulating all these matters between themselves. I would seek the cooperation of the whole House in this matter.

MR. SPEAKER: I am glad that the Prime Minister has made this request. I do not think all of us could hear what was said after the Home Minister got up. I appeal to both sides not to indulge in cross-discussion, because then the trouble starts.

—
11.36 hrs.

STATEMENT RE: PROPOSAL OF GOVERNMENT TO ORDER INQUIRY INTO EXCESSES COMMITTED DURING THE PERIOD OF EMERGENCY

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, we have recently passed through one of the darkest periods of our history. The events following the proclamation of emergency have been a traumatic experience for all those who cherish the high ideals of our founding fathers and leaders of our struggle for independence. This is not so because some of us have undergone personal suffering, but because we saw before our own eyes the defilement of all the values for which we have lived and struggled. It is indeed a tribute to the political maturity of the people that there has been a peaceful

and orderly change and that we have now an opportunity to undo the wrongs of the past. We will, however, be failing in our duty if we do not take positive steps to ensure that the events of the recent past are not repeated in future and to expose the abuse of power by a handful of people who had unleashed untold repression and terror on the Nation.

Besides changes in the Constitution and other laws, this objective can be achieved only by bringing to book all those who are guilty of excesses, malpractices and misdeeds during the emergency, from the highest political authority down to the lowest functionary of the Government. We are not acting in a spirit of revenge or in anger (*Interruptions*) but only redeeming our pledge to the people and fulfilling their mandate. (Shri K. Lakkappa: All the guilty men are now in the Government). Even, otherwise, it is only fair that those who are guilty, do not escape punishment. We want this to be a lesson to all so that in future none may dare misuse authority for personal ends.

We are aware that a large number of officials acted out of fear and under trying circumstances. We have, therefore, no intention of being vindictive. Nor would we allow any kind of witch-hunt. But those few, who, going out of their way, indulged in excesses to please others cannot be allowed to escape the consequences.

The list of misdeeds of the emergency is indeed very large. There have been a large number of cases of gross abuse of the powers of arrest and detention. There have been instances of maltreatment and atrocities on detenus and political prisoners. There has been compulsion and use of force in the implementation of the Family Planning programme leading to a number of violent incidents. In the name of the beautification of cities, there have been illegal demolitions leaving thousands homeless and taking them miles away from their

vocation . . . (Shri K. Lakappa: You have no sympathy for hut dwellers). Eversince we assumed office, we have been giving anxious consideration to this matter. Keeping in view the importance of the subject and the anxiety of the Members of the House. I thought it appropriate to make a statement defining Government's thinking on the subject.

We propose to appoint a Commission of Inquiry under the Commissions of Inquiry Act 1952 to look into all complaints of excesses, malpractices, abuse of authority during the emergency and all matters related thereto. The Commission of Inquiry . . . (Shri Vaya'ar Ravi . . . of your choice) . . . will be headed by an eminent judge. The exact terms of reference and the mode of inquiry will also be determined after taking into consideration the advice of the Chairman of the proposed Commission of Inquiry.

We have already received some specific allegation which *prima facie* seem to deserve an inquiry. However, it is likely that due to the fear psychosis created during the emergency most people suffered in silence and did not have the courage to represent their grievances. It is intended hence that the Commission should be in a position to invite specific complaints within a specified time limit and decide which of such allegations should be inquired into. We would expect the Commission to give its findings within a period of six months. Also we hope that the Commission will be able to give interim reports which may enable us to initiate follow up action even before the receipt of the final report.

It is my ardent hope that our policy will be welcomed by all sections of the House. In particular, I will request Honourable Members to extend all possible assistance to the proposed Commission to enable it to discharge its onerous responsibilities.

SOME HON. MEMBERS rose—

SHRI DINEN BHATTACHARYYA (Serampore): One submission, Sir, is it a fact . . .

MR. SPEAKER: No please. I will have to ask you to resume your seat. I am on my legs. You cannot stand also. Please resume your seat. . . (Interruptions) Nothing will be taken down.

—
11.43 hrs.

STATEMENT RE PROPOSAL OF GOVERNMENT TO ORDER INQUIRY INTO THE DEATH OF DACOIT SUNDER SINGH IN THE CUSTODY OF DELHI POLICE

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, some doubts have been expressed regarding circumstances leading to the death of Shri Sunder Singh, who was in the custody of the Delhi Police in connection with a case under the Indian Arms Act. It is said that he was escorted to the Tughlakabad Fort area on 24-11-1976 and some arms and ammunition were recovered on the basis of the information disclosed by him. Another case u/s 25/26/27/54/59 of the Indian Arms Act was registered at PS Kalkaji, Delhi *vide* FIR No. 897 dated 25-11-1976. After the recovery, when the police party was returning to the East District of Delhi in early hours of the morning, one of the wheels of the vehicle in which Shri Sunder Singh was being escorted is said to have got punctured near the cremation ground, Geeta Colony. The driver stopped the vehicle. Other members of the party also came down to help the driver. Shri Sunder Singh is said to have sought permission to ease himself. In order to enable him to answer the call of nature one of his hands was released from the hand-cuffs. Taking advantage of the darkness and the fact that he was at that time escorted by one SI and one Constable only, he is reported to have

[Chaudhuri Charan Singh]

jerked himself free of the chain tied to the policeman's belt. He is said to have run towards the river. In the early hours of the morning of 25th November, 1976, the police found his body and took it to the hospital where he was declared dead. An inquest into his death was conducted by a magistrate. The post-mortem was conducted by Dr. Vishnu Kumar of the Maulana Azad College, New Delhi.

The C.B.I. has been asked to enquire into the death of Shri Sunder Singh. Necessary instructions in this regard were issued on 30-3-1977. The allegation made in certain quarters that the sister of Shri Sunder Singh had earlier been raped or molested at a Police Station in Haryana will also be looked into.

(Interruptions)

MR. SPEAKER: You have a right to raise a discussion. I do not shut down discussion from any side. But the procedure must be followed. The procedure is that you write to the Speaker. We will have discussion.

The moment the statement is made, if people on one side begin getting up, the people on the other side will also get up. It may not be satisfactory.

You write to me pointing out that such and such a thing is not satisfactory, I want to have discussion on that. I will have discussion with the Minister of Parliamentary Affairs. That must be done. Therefore, don't go on like this. It is not proper. If anybody does it, I would say, don't record it. I will be helpless I will be sitting helplessly in my seat. One Member seeks clarification. If 400 members seek clarification where are we to go? You may write to the Speaker; you may ask for a debate. We shall have to proceed in an orderly way.

Mr. Jyotirmoy Bosu, your point is as good as what Mr. Kalyanasundaram is saying. What I say about him applies to you also.

Nothing is being recorded. I am not allowing you. Everybody will try to copy Mr. Jyotirmoy Bosu. The moment you do it, other hon. Members will try to copy you. The rule is there for everybody. The rule-book can be quoted by everybody. There will be no end to it. What I told to Mr. Kalyanasundaram applies to you also. Please write to me. If there is anything, I will look into it. When I say 'write to me' I mean, not Sanjiva Reddy, but too the Chair.

If I go on giving assurance to everybody there will be no end to it. I am not going to answer. There cannot be any discussion between the Chair and the member.

Mr. Advani.

CHAUDHURI CHARAN SINGH: Mr. Jyotirmoy Bosu was referring to a Resolution . . .

MR. SPEAKER: He was referring to something else. You will have to answer that also. You will have to answer both. Therefore, don't answer anything. (Interruptions).

Order please. Why do you shout? He has not answered anything

THE PRIME MINISTER (SHRI MORARJI DESAI): The proceedings of the House are to be regulated by the Chair, and not to be regulated by Members like this.

MR. SPEAKER: Shri Advani to make statement.

11.52 hrs.

STATEMENT RE. FORMATION AND FUNCTION OF SAMACHAR AND ITS FUTURE

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): Sir, I consider it necessary to make a statement on the formation and functions of Sama-

char' and its future, as Hon. Members are aware that this news agency has been the subject matter of widespread criticism.

My predecessor had in his statement in the Lok Sabha on January 21, 1976 justified the formation of a single news agency and said that Government had noted it with satisfaction that the managements of PTI, UNI, Hindustan Samachar and Samachar Bharati had passed resolutions supporting the idea of a single and strong national news agency. He had also said that the managements of these agencies had proposed to merge themselves into a single agency and that Government would be prepared to assist in this process in different ways.

A Society names Samachar was registered on January 24, 1976 with 12 members of the Managing Committee including Shri G. Kasturi, Editor, 'Hindu' as its Chairman. The four erstwhile news agencies decided to accept the bye-line of Samachar with effect from February, 1, 1976 and adopted resolutions transferring their assets and liabilities as also their functions and personnel to Samachar with effect from April 2, 1976. Samachar thereupon bought the shares of the PTI, UNI, Hindustan Samachar; while the shares of Samachar Bharati which were held by the State Governments of Mysore, Gujarat, Bihar, Rajasthan and Uttar Pradesh were gifted to Samachar in response to the requests of Chairman of Samachar.

To bring about complete integration of the four agencies, Samachar appointed three Committees one each on (a) personnel; (b) rate structure and (c) administrative code and bye-laws. These committees were respectively headed by Shri R. P. Billimoria who is now Chairman of SAIL. Dr. Ram S. Tarneja, Associate General Manager of M/s. Bennett Coleman and Times of India, and Shri P. C. Gupta, Managing Editor, 'Jagran', Kanpur. Some of the recommendations of the committee

dealing with the integration of personnel have already been accepted by Samachar and the pay scales of its employees rationalised and made uniform with effect from July 1, 1976.

I have mentioned earlier that my predecessor had stated in this House that Government would be prepared to assist the managements of the four erstwhile news agencies in the process of merger in different ways. Besides making ad-hoc grants-in-aid of Rs. 50 lakhs in two instalments to enable Samachar to tide over its unsatisfactory financial situation, Government had persuaded the State Governments to gift their shares of Samachar Bharati to Samachar. Government had also guided the Managing Committee of Samachar in taking policy decisions. To this extent, the autonomy of the Society was severely limited and, therefore, the criticisms about the functioning of Samachar are valid.

I want to assure the House that the present Government is committed to ensuring freedom of the Press which naturally includes freedom and autonomy of a news agency. I have, therefore, decided to constitute a committee of experts to examine and report on the future of Samachar within one month. The constitution of such a committee has been considered necessary, as pre-emptive dissolution of Samachar and its reversion to the erstwhile four news agencies are likely to create some problems, particularly in regard to the personnel who have been brought on a uniformly higher scales of pay and emoluments. Hon'ble Members will agree with me that the interests of the employees have to be protected while ensuring complete freedom of news agencies from Government influence or control.

As Hon'ble Members are aware, Samachar in its capacity as the single news-agency has become a member of the News Agencies Pool of the non-aligned countries

[Shri L. K. Advani]

and entered into bilateral arrangements with a number of news agencies of the non-aligned countries for mutual exchange of news. Also, India was elected as the Chairman of the Coordination Committee of the News Agencies Pool of the non-aligned countries at the Conference of the Information Ministers of non-aligned countries held in Delhi in July 1976. This post was held by Shri Mohammad Yunus in his capacity as a member of the Managing Committee of the Samachar. He has since resigned from the Managing Committee. The Committee of experts will examine how India will continue to function as the Chairman of the Coordination Committee and in what manner arrangements will be made with foreign news-agencies for exchange of information.

Today, Samachar enjoys total monopoly of collection and dissemination of news within the country and abroad. The Committee of Experts will review this position and make suitable recommendations in the light of Government's policy as briefly outlined above.

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12.00 hrs.

STATEMENT RE: ALLOTMENT OF ACCOMMODATION TO MEMBERS OF PARLIAMENT

PANDIT D. N. TIWARY: (Gopalganj): Mr. Speaker, Sir, in the election for the Sixth Lok Sabha more than 400 new Members have been elected. The Lok Sabha Secretariat had made arrangements for temporarily accommodating the new Members of Lok Sabha in Vithalbhai Patel House, Western Court Hostel, Lodhi and Ranjit Hotels, besides in various State Guest Houses located in Delhi, as most of the Members Pool accommodation continued in the occupation of ex-Members. Besides, the Directorate of Estates had also placed a few residential units temporarily at the disposal of the Secretariat and the House Committee on request for temporary allotment to

Members. As soon as some flats became vacant, the House Committee decided to allot these houses on the basis of the following priorities:—

1. Members residing in Hotels.
2. Members residing in far off places.
3. Those sharing accommodation with other allottees in Vithalbhai Patel House.

Accordingly, available accommodation was offered to Members on 2nd April 1977 with the request to convey their acceptance by 4th instant (A.N.), so that in case of their non-acceptance these could be offered to other Members. Out of 84 Members who were temporarily offered accommodation placed at the disposal of this Secretariat, only 60 have collected occupation slips till date. Allotments were also made to other Members of the aforesaid category in temporary accommodation made available by Government viz. Pataudi House Suites, D-II Flats in Kidwai Nagar and Type IV accommodation in Pandara Road and other areas, but the same were not acceptable to Members on account of their being not furnished/not in good condition besides being situated far away from Parliament House. About 95 Members have been accommodated in Vithalbhai Patel House and Western Court Hostel.

As in the past, the House Committee met and placed bungalows, twin-flats and three bed-roomed flats both 'vacant' and 'To be vacated' at the disposal of various Parties/Groups in Parliament on the basis of their strength for recommending the names of Members of their respective parties to whom they would like to allot bigger type of accommodation.

The Accommodation Sub-Committee has been constituted and it would consider the allotment of two bed-roomed flats etc., to the remaining Members on vacation basis. But the Committee is facing difficulties as some of the new Members have gone into the residential units before they

were surrendered by the Ex-Members. The House Committee has not taken cognizance of such occupation while allocating quotas of Bungalows, Twin-flats and Three bed roomed flats to various Parties/Groups in Lok Sabha. 216 Ex-Members are over-staying and out of them 30 to 40 have requested for further extension ranging from one month to six months.

The House Committee appreciate the difficulties experienced by the hon. Members for suitable accommodation particularly near Parliament House and are doing their best to find out an early solution.

This can only be done when the old Members vacate. The House Committee is requesting the old Members to vacate at the earliest. I am confident that after vacation by the old Members the situation will ease.

I may also add, Sir that many ex-Chief Ministers, ex-Ministers, ex-Speakers, ex-Ambassadors and ex-Supreme Court judges have come to this House and they need bigger accommodation. I would request the Government to make available more bungalows so that their needs could be met.

MR. SPEAKER: Members want that the statement made by Pandit D. N. Tiwary be circulated. It will be circulated later.

—
12.04 hrs.

CONSTITUTION (FORTY-THIRD AMENDMENT) BILL*

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

MR. SPEAKER: Motion moved:

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

SHRI YESHVANTRAO CHAVAN (Satara): Mr. Speaker, Sir, I am taking this opportunity to explain the point of view of my party on the question of this Constitution Amendment Bill. At one stage it was said that it was only going to be introduced and now it is said that it is going to be considered. I don't know the position exactly. But, I am told that possibly they may not continue the consideration. But some of the clauses of the Bill have got relevance to political situations in many States in the country and therefore, I want to make it clear on behalf of my Party, and myself to the Opposition (*Interruptions*) and to Government, particularly, that they should know that we are opposed to clauses 3 and 4 of the Bill. We are going to oppose, making my point clear, particularly the point for reducing the period from six years to five years. We are opposed to that. So, I wanted to give information to the House earlier.

SOME HON. MEMBERS rose—

MR. SPEAKER: Of course, every Party need not oppose this. You need not oppose it on the Party basis now.

SHRI ARAVINDA BALA PAJANOR (Pondicherry): We are entitled to express our views.

MR. SPEAKER: Only one can oppose it. It may be Anna DMK or somebody. The rules are clear on that.

SHRI ARAVINDA BALA PAJANOR: One correction, Sir. It is All-India Anna DMK, it is not Anna DMK.

*Published in Gazette of India Extraordinary, Part II, section 2, dated 7th April, 1977.

MR. SPEAKER: All right. I did not know that.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): Please permit me to speak for a few seconds. Today is the last day of the Session according to what was already announced. This is an important Constitution Amendment Bill. My Party is pledged to support the amendment contained in this Bill because even at the time when the Constitution (Forty-second Amendment) Bill was discussed, we opposed it.

MR. SPEAKER: I know that. But if you get up like this, it is not proper. The rules are very clear that only one of them can oppose the Bill.

SHRI M. KALYANASUNDARAM: I am not opposing. I am supporting the Bill.

MR. SPEAKER: All right, but please sit down. Now nothing is going to be recorded.

SHRI M. KALYANASUNDARAM**

MR. SPEAKER: Anybody may support the Bill or oppose it, I am not interested in that. Mr. Kalyanasundaram, you are getting up again, I am only sorry. All I can say is I am extremely sorry. On every issue if this happens with other Members also, kindly let me know what can a poor Speaker do. I allowed the Leader of the Opposition to speak.

SHRI M. KALYANASUNDARAM: But there are many parties who want to express the views.

MR SPEAKER: There is no question of parties. Then it becomes a discussion. It can be discussed. The Bill is for discussion only, but not at the introduction stage. At this stage one can only oppose. The rules are very clear on that if you kindly read them. So, kindly sit

down. Kindly don't get up to speak. If you do that, others will also do it and I will be helpless.

SHRI SHANTI BHUSHAN: The Leader of the Opposition has stated that he wants to intimate that clauses 3 and 4 of the Bill are to be opposed by him. All that I should like to say on that matter is that last time in 1971 or 1972, when elections to the Lok Sabha and various State Assemblies took place, people had voted those who succeeded in the elections for five years. The mandate that had been given to them by the people was for a period of five years. Sometime back when the term of the Lok Sabha and various state assemblies was sought to be extended from 5 to 6 years and the Constitution was also amended to that effect, there was a lot of reaction in the country..(Interruptions). Recently concluded elections to Parliament have demonstrated what the feelings of the people are in regard to that matter..(Interruption). At this stage I have no desire to say anything more in the matter; when the Bill comes up for consideration, I shall give my views.

MR. SPEAKER: The question is:

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

The motion was adopted.

SHRI SHANTI BHUSHAN: Sir, I beg to introduce the Bill.

12.09 hrs.

MATTERS UNDER RULE 377

(i) INCOME-TAX RAID ON THE OFFICE OF AVARD

MR. SPEAKER: Shri Jyotirmoy Bosu may raise the matter of which he has given notice.

**Not recorded.

SHRI ARAVINDA BALA PAJANOR (Pondicherry): Sir, I have a point of order to make. We are given to understand that the discussion will be taken up later on. But we have been told—I do not know whether it is correct or not—that the discussion will be taken up on the 9th instant and the Bill will be passed. And for that purpose you have extended the House. Sir, we have not gone back to our constituencies since the House has been in session. Tomorrow is Good Friday. We have to go to our Constituencies.

MR. SPEAKER: I myself do not know about the extension of the House. If there is going to be an extension, the Government will come and say that they are going to do it. Therefore, there is no point of order. (Interruptions).

Now, Mr. Jyotirmoy Bosu. you may continue.

SHRI JYOTIRMOY BOSU (Diamond Harbour): The Association of Voluntary Agencies for Rural Development (AVARD) of which Shri Jayaprakash Narayan is the President, has been engaged in the field of rural development for the last 20 years. AVARD is an all-India Federation of non-official agencies functioning in rural areas and has a membership of about 150 organisations, spread all over the country. AVARD has been helping its members in all aspects of rural development and also in the preparation of micro-level plans; a dozen of them making pointed documents; and also has been implementing a few development projects. One such area where this Association has undertaken comprehensive area development work is Musahri Block Muzaffarpur District, Bihar and other areas of Bihar, West Bengal, Orissa, Manipur, either directly or through its member agencies. Musahri Block is well-known to the

people of India for its being the scene of intensive and extensive Naxalite activities. Shri Jayaprakash Narayan had to spend more than one and a half years in that area to bring peace.

The financial assistance for taking up the development work in Musahri and other areas was received from a foreign donor known as the Central Agency, West Germany through People's Action for Development (India)—a society set up in the Ministry of Agriculture and Irrigation (Department of Agriculture). The idea was that the Government is kept fully informed about the sources of funds and their disposition.

To malign AVARD, especially its President, Shri Jayaprakash Narayan, an extraordinary income-tax raid was conducted by the Intelligence and Investigation Wing of the Income-Tax Department on 5-2-76. The raid was carried out simultaneously at its head office at New Delhi, the two project offices at Muzaffarpur and Jamui in Bihar at the residences of its Vice-President, Shri Radhakrishna, General Secretary, Shri A. C. Sen, Accounts Officer, Shri R. L. Goe and also Shri S. K. Bahri who happened to be one of the partners of AVARD's Audit Firm. The raid party also visited both the offices of AVARD's auditors; Messrs. Aiyar & Co. and Chandiok & Galiani. After the raid all the books of account including relevant documents and some office records of the Head Office as well as the project offices were seized by the Income Tax Department. This raid was also given wide publicity by the Samachar in the Press, without giving and opportunity to the office holders even to explain the manner and functioning of AVARD. All the seized documents are still with the Income Tax Department.

It is interesting to note how the whole welfare development work of

[Shri Jyotirmoy Bosu]

AVARD was politicised by the than government. In reply to an Unstarred Question (No. 13) in the Lok Sabha, the Minister of State in the Ministry of Agriculture and Irrigation, Shri Shah Nawaz Khan, informed the Lok Sabha on March 8, 1976 that the Ministry of Agriculture itself had received the necessary funds mostly in the form of fertiliser and wheat for the three projects being executed by AVARD. But then only two days later, Shri Brahmananda Reddy, under orders of Shrimati Indira Gandhi, the then Minister of Home Affairs speaking in the Lok Sabha on 10 March 1976 and in the Rajya Sabha on 11th March, 1976 while quoting the above figures of receipts by the Ministry of Agriculture said that the Association had received these amounts from some foreign sources—the sources and the manner these assistances were received are under investigation of the Government of India; a blatant and shameful untruth. From this, it is clear that all administrative actions on AVARD were of political nature.

Thereafter, sizable AVARD funds amounting to about Rs. 45 lakhs lying with the Ministry of Agriculture and Irrigation were frozen under instructions from the Home Ministry. Instructions were also issued by the Ministry of Agriculture and Irrigation to all the State Governments that no help or co-operation be extended to AVARD in any manner or form. Even AVARD member agencies and other organisations directly or indirectly connected with it were also subjected to similar restrictions. This is how Shrimati Indira Gandhi made an effort to do a character assassination of Shri Jayaprakash Narayan; and using this forum is disgraceful. Will the Home Minister please assure this House that the restrictions imposed will be withdrawn forthwith?

SHRI A. C. GEORGE (Mukandapuram): Sir, today is Maundy Thursday and tomorrow is Good Friday. I hope this House will have some respect for minorities and allow us to

celebrate our festivals. I support what Mr. Pajanor has submitted regarding the extension of the session.

SHRI ARAVINDA BALA PAJANOR: Sir, I agree with Shri Subramaniam that this side of the House also must be given due consideration. It is not that easy for us to go back and come again. For the past so many days we have been in Delhi and we want to go back. When the opposition leader rose to oppose the introduction of the Bill, you said that one member from the opposition can oppose the introduction. The leader of the opposition must have been under the impression that the Bill will not come up for consideration this session. We were all under the impression that the House is adjourning sine die today. But we have been noticing that at 6 o'clock it is said that the House will sit up to 7.30, that the session is being extended and so on.

MR. SPEAKER: The Minister of Parliamentary Affairs will make a statement. Before that there are one or two statements by other ministers also. I am also made to believe that we are not sitting on the 9th. Why don't you give me some time now? There was a plane crash yesterday. When I called the minister concerned, he was perhaps in the Rajya Sabha and he was not available. I will request him to make a statement. Before that, the Home Minister will reply to Mr. Jyotirmoy Bosu's statement.

SHRI A. C. GEORGE: We could not hear anything of what Mr. Jyotirmoy Bosu said.

MR. SPEAKER: I will have it circulated. His statement and the minister's reply—both the statements—will be circulated to you.

SHRI VASANT SATHE (Akola): I rise on a point of order. Rule 377 says:

"A member who wishes to bring to the notice of the House any

matter which is not a point of order shall give notice to the Secretary General in writing, stating briefly the points which he wishes to raise in the House, together with the reasons for wishing to raise it, and he shall be permitted to raise it only after the Speaker has given his consent, at such time and date as the Speaker may fix."

This is not a notice like short notice question or any other thing. This is only for your consent. How is it that previous notice of this statement which was read out just now became available to the Minister for him to have a written reply got ready to be read out here? This appears to be a mutual arrangement!

MR. SPEAKER: The rule says that notice will be given to the Speaker.

Notice was given to the Speaker and a copy of the notice was sent to the Home Minister yesterday. Apart from the rules, it was given to the Secretary-General, it was sent to the Home Minister and it is in the Order Paper. Now what you read just now, has been strictly followed. Therefore, he is ready with the reply also.

SHRI C. M. STEPHEN (Idukki): I am rising on a point of order. The Minister can make a statement under Rule 372 on a matter of public importance with the consent of the Speaker but no question shall be asked at the time the statement is made. But he cannot make a statement in answer to a question raised under 377. In 377 a special procedure has been stipulated that the Member makes a statement, it goes on record and the Secretary-General then passes it on to the Minister.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): I do not object to 377 notice and the Minister promptly obliging with the reply. But similar notice was given by me on the Railway accident that took place in Tamil Nadu involving lives of people. When I raised that point, why..... (Interruptions).

MR. SPEAKER: The Minister made a statement on the railway accident. If you want a discussion, you can certainly have a discussion. (Interruptions).

SHRI SHYAMNANDAN MISHRA (Begusarai): I want to make a brief submission for your consideration. So far as this point of order is concerned, whenever any hon. Member makes a submission under Rule 377 he wants to draw the notice of the House to a matter of public interest, and the House includes the Government. Now it had been the practice of the previous Government to ignore the observations made under Rule 377—Generally it had been their practice. On many occasions—you will find on record—the Chair also wanted the Government to take notice of the observations.

Now, if any government is responsive to the observations made, it goes to the credit of that government; and there is nothing in the way of the government making a statement thereon. (Interruptions).

SHRI C. M. STEPHEN: It is a matter of procedure.

SHRI SHYAMNANDAN MISHRA: I have not disturbed you at all. Otherwise whatever observations we make under rule 377 would fall on deaf ears. We don't want any government to be deaf to the observations made by any hon. Member.

MR. SPEAKER: Now may I ask Mr. Kaushik to make the statement?

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): I want to make the statement. (Interruptions).

MR. SPEAKER: I have permitted all of you. All of you can have it.

SHRI C. M. STEPHEN: Kindly don't take it that way. I have raised a point of order. I have cited a rule. I want a ruling from the Chair. There are certain procedures under which

[Shri C. M. Stephen]

information can be elicited from the government. They can have a discussion; they can have a half-an-hour discussion. They can have a call—attention; they can put a Motion; they can have a short notice question. These are the different methods whereunder information can be called for. Rule 377 states what should be done under 377. That is the end of it. Under 377, a reply to the point raised by the Member is not called for at all. Therefore on the spot, it is not called for at all. If, after hearing the observations the Minister feels that a statement under rule 372 is called for, he can give notice and come with a statement. Not in reply to what has been said under 377. I want a ruling on that.

MR. SPEAKER: I think rule 377 is very clear, in that sense. No reply from the Minister is anticipated in this rule. The Minister may make a statement, if necessary, later on. That is a different matter.

Mr. Kaushik may make a statement on the plane crash.

SHRI M. KALYANASUNDARAM: I am on a point of order.

MR. SPEAKER: You have been on a point of order so many times. Anyway, proceed.

SHRI M. KALYANASUNDARAM: You don't listen to me. You will be compelling me to say something more drastic. Don't make me protest like that.

MR. SPEAKER: Yes; proceed.

SHRI M. KALYANASUNDARAM: I request the Chair to be reasonable. Rule 377 is a valuable privilege given to the Members to bring to the notice of the government immediately any matter of public importance, other than the point of orders. I had given notice under 377 regarding a serious railway strike. I had met you personally and represented to you. I met the Minister of Parliamentary Affairs

and represented to him about the urgency of it. But that was ignored. It did not see the light of the day. (Interruption). I don't object to the Minister giving a prompt reply. I welcome that. I welcome it if the Ministers are ready to give a reply even for 377. It is a good improvement. But that treatment should be given to all the Members who give notice under 377.

DR. HENRY AUSTIN (Ernakulam): I fully endorse it.

SHRI ARAVINDA BALA PAJANOR: I would like to make a submission.

MR. SPEAKER: No, no.

12. 36 hrs.

STATEMENT RE. CRASH OF AN AIRCRAFT OF NATIONAL REMOTE SENSING AGENCY NEAR ONGOLE, ANDHRA PRADESH

पर्यटन और नागर विमानन मंत्री
(श्री पुष्पोत्तम कौशिक) : अध्यक्ष महोदय, अत्यन्त दुख के साथ मुझे इस सदन को विज्ञान तथा तकनीकी विभाग से संबद्ध नेशनल रिमोट सैंसिंग एजेंसी के एक बी० सी०-३ विमान की भ्यानक दुर्घटना के बारे में सूचना देनी पड़ रही है।

नेशनल रिमोट सैंसिंग एजेंसी का एक डी० सी०-३ विमान, बी० टी० ई० ई० एल०, जो 5 अप्रैल, 1977 को भारतीय समय के अनुसार 0615 बजे मराक पुर के दक्षिण पूर्व में एक सर्वेक्षण उड़ान के लिए मद्रास से रवाना हुआ था, आंध्र प्रदेश में ओंगोल के निकट एक गांव में ध्वस्त हो गया। दुर्घटना में कूँ के पांच सदस्यों तथा नेशनल रिमोट सैंसिंग एजेंसी के पांच कर्मचारियों के मारे जाने की खबर है।

नागर विमानन के महानिदेशालय ने बम्बई के विमान सुरक्षा नियंत्रक, श्री एम० एम० चावला को जांच करने के लिए घटनास्थल पर जाने के लिए आदेश दे दिये हैं।

निश्चय ही सदन को मेरी ही भाँति इस दुर्घटना से गहरा सदमा पहुंचा होगा और वह इस असहय शोक में तथा मृतकों के परिवारों के प्रति सहानुभूति प्रकट करने में मेरा सहभागी होगा। विज्ञान तथा तकनीकी विभाग ने प्रत्येक मृतक के परिवार को पांच हजार रुपए का अनुग्रह अनुदान स्वीकृत किया है।

12.37 hrs.

MATTERS UNDER RULE 377—Contd.

(ii) COMPLAINTS ABOUT MALPRACTICES DURING RECENT ELECTIONS TO LOK SABHA

SHRI SHYAMNANDAN MISHRA (Begusarai): I have given a notice under Rule 377 and I have been informed that I would be given an opportunity to speak today.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Some questions have been raised about Government's intention to seek the permission of the House to continue sitting for another day. I wish to state on behalf of the Government that the Government has no intention to do so and we hope that the Government's business that has been included in the agenda for the session will be completed to day itself.

SHRI SHYAMNANDAN MISHRA: Mr. Speaker, Sir, under Rule 377, I draw the attention of the House to a matter of great public importance, nay of great importance to the democratic process itself of which this House is the product.

Rule 377

Though the elections to the Lok Sabha have been, by and large, fair and augur well for our democracy, it is learnt that the Election Commission has received complaints about serious malpractices committed in certain areas.

Some of these malpractices which were in gestation for some time now seem to be coming of age, thanks to the perfection of technique achieved by its perpetrators. And unless the Government makes thorough enquiries into them and takes effective steps to prevent them in the future, what appears now relatively a small affair may, very soon, assume grave proportions imperilling the democratic process itself.

Rigging is now being done in a well-organised, pre-planned manner, and, what is really disturbing,—with the active aid and assistance, or at least connivance, of the State machinery—is the manner in which they are doing it.

I will begin with the Begusarai constituency which I have the honour to represent. There men in high authority had hatched plots with gangsters and anti-social elements armed with lethal weapons to capture booths on a large scale with the result that the administration and the police officers, merely looked on. So much so that in the Sonapur booth of Begusarai which was protected by four rifled men, the ballot boxes were snatched away by an armed gang and a repoll was ordered. But, strangely enough, no enquiries were made as to how such a loot could be perpetrated.

Notorious antisocial gangs armed with rifles and sten guns moved from booth to booth like an invading army with a number of vehicles led by a pilot jeep in order to intimidate voters and presiding officers and to capture booths. The Government had completely abdicated its functions in favour of this gang in this entire belt. At one booth a presiding officer told

[Shri Shyamnandan Mishra]

me after seeing the rifles of the gangsters that he would have been happier if the bullets pierced his heart instead of destroying democracy. The Election Commission was also informed of the ballot boxes having been taken out at an unauthorised place at the district headquarters and tampered with. The evidences supporting this were preserved for some time for inspection by the Election Commission but nobody turned up to look into the complaint. At one booth, Katari, in this very constituency the polling was completed by the gangsters of a local MLA by 7.30 A.M. when the polling starts and, ultimately, a repoll had to be ordered. Altogether, nearly 150 booths were captured in this Parliamentary Constituency. In the adjacent Ballia constituency the situation was so bad that six persons lost their lives as a result of shooting and bomb explosion.

Two candidates of the Jehanabad and Sitamarhi constituencies were arrested on the polling day because they were found terrorising the polling parties and voters with the help of unlicensed arms, bombs etc.

In Banka 15 to 20 booths were looted by the candidate opposed to the Janata Party. Trucks and vehicles were seized by the authorities in which were found unlicensed arms and bombs. One bomb manufactured by the supporters of a party candidate exploded and two of the supporters died, one instantly and the other in the hospital.

The other glaring instances are Dum Dum and Barrackpore in West Bengal, Amethi in Uttar Pradesh and many areas in Kerala. The situation in the Ferozpur Constituency of Punjab has figured in the press. But I will not refer to it as the matter is sub judice. There may be other pockets too.

All in all the malpractices included seizure of booths by antisocial gangs armed with lethal weapons, the ar-

rest of workers of opponents one or two days before poll, running away with the ballot boxes, the discrepancy between the votes polled as per records and the votes counted, the duplication of ballot papers on a large scale, taking out of ballot boxes at unauthorised places and tampering with them, and the making of major decisions and concessions to various interests by Governments which should function merely as a 'caretaker Government' during the elections.

It is necessary that the Government investigate these cases fully and take effective steps to prevent their recurrence in future.

12.45 hrs.

PARLIAMENTARY PROCEEDINGS
(PROTECTION OF PUBLICATION)
BILL

MR. SPEAKER: We will now proceed with Item No. 18.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): I beg to move:

"That the Bill to protect the publication of reports of proceedings of parliament, be taken into consideration".

At this stage, at the very outset, I have just a few remarks to make. During the period of Emergency there were three Statutes which curbed the freedom of the Press. The first one was the prevention of Publication of Objectional Matter Act; the second one was the repeal law repealing the publication of parliamentary proceedings immunity law, and the third one was the Press Council Act which was repealed. The first of these laws was repealed in this House yesterday, and today we are dealing with the second one. I would think there is no controversy whatsoever in this regard. In fact, the immunity in respect of coverage

of parliamentary proceedings was by virtue of the law enacted in 1956, which is one of the very few laws that have been sponsored by non-official Members. There are very few laws of this nature and the credit of sponsoring this law goes to late Shri Feroze Gandhi, who was a distinguished Member of this House. It was adopted by the Parliament in 1956. Up to 1976, for a period of about twenty years, I, personally, have known of not a single instance where this immunity was in any way abused by the members of the Press Corps. But a blanket allegation was made against them, against the entire Press community in the Statement of Objects and Reasons of the Bill that was moved by my predecessor Shri Vidyacharan Shukla. It was said at that time in the statement of Objects and Reasons:

"But actual experience proved that the privilege given by the Act was misused frequently and systematically. Many newspapers reported with impugnity and often on the front page and with banner headlines such motivated and wrong charges levelled in the parliament against different persons as would have invoked the laws of the land. Because of the protection afforded by this law to the press the persons affected were deprived of the remedy the country's laws promised to vindicate their personal honour. The misuse of this privilege assumed extraordinary proportions during the last three years.

This was the rationale that was offered to parliament when this repeal Bill was mooted, which repeal Bill we now want to set aside and restore the original position. As I said yesterday. I totally disagree and my Government disagrees with the entire approach that if somebody from the opposite side makes an allegation against us . . .

SHRI K. LAKKAPPA (Turnkur): The previous Government also suggested that we should relax it because it was brought at the time of the Emergency.

SHRI L. K. ADVANI: I think I have made my point very clear. So far as the Emergency is concerned, the Defence of India Rules took complete consideration of what the press should do and there was no need for a Bill of this kind. There was no need for a Bill of the kind we repealed yesterday. These two Bills were intended to make the Emergency provisions a permanent part of our set-up. They were intended to institutionalise the draconian policies of the Executive during the Emergency and therefore I feel it imperative. . . .

SHRI K. LAKKAPPA: That was not the intention. The security of the country and the integrity of the country were the most important considerations at that time.

SHRI L. K. ADVANI: I may point out that even the earlier Bill as adopted by Parliament (i.e. Feroze Gandhi Bill) did not confer any blanket and absolute immunity on the press. There are limitations even on that privilege. We Members of Parliament in this House enjoy the privilege of making statements without fear of becoming liable for criminal and civil proceedings but, at the same time, if any statement made in the House is irresponsible or defamatory, the Chair has the right to expunge such phrases or to ask the Member concerned to withdraw his remarks. There are several provisions in the Rules of the House itself to act as an effective curb or check on any irresponsible and defamatory utterances.

Similarly, as I have said, this law itself provided, while bestowing immunity on the Press, for so many provisos—that the publication must be a substantially true and accurate report, that the publication must be

[Shri L. K. Advani]

for the public good, etc. It should not be with a view to blackmailing any one or with a view to seeking personal vendetta or anything of that kind. Thirdly, the publication must not be actuated by malice. These are specific phrases that the Feroze Gandhi Act provided for and which we, while moving this Bill, have put forth before you in their original form. There has been no change, there has been no departure of any kind from the original Bill.

Therefore, I commend it to the House with all the emphasis at my command, and I hope that, as the Bill which was adopted yesterday, this Bill also will be adopted unanimously.

MR. SPEAKER: Motion moved:

"That the Bill to protect the publication of reports of proceedings of Parliament, be taken into consideration."

We have four more Bills. I do not know whether we will be able to finish them. Yesterday I prevented one or two Members from speaking, so that we could push through that Bill. Is Mr. Purnanarayan Sinha present in the House? I would like to give him a chance. Yesterday he was very unhappy: I could not call him. I would like to call him first.

SHRI PURNANARAYAN SINHA (Tezpur): Mr. Speaker, Sir, I come from a place on the India-China border, Tezpur which was threatened by Chinese aggression as far back as 1962. The then Prime Minister, Pandit Jawaharlal Nehru, said on the floor of this august House that his heart went out to the people of Assam at their hour of peril when on 20th November, 1962, Government had to evacuate the administration from Tezpur. The Local Government obeyed, but we refused and we tried to keep up the morale of the people. I come from that area.

(MR. DEPUTY-SPEAKER in the Chair).

I have the honour to say that I founded a newspaper 15 years ago, and I have been editing it—for the last 15 years. This is an independent paper; it is not affiliated to any political party . . .

AN HON MEMBER: You belong to a political party.

SHRI PURNANARAYAN SINHA: Of course, I do belong to the Janata Party, but I have never made my paper a party organ. It has been an independent paper. I have made a venture for self-employment of my two graduate sons; I asked them not to go in for a government job but to do a business of their own. I had started a small press and a small paper and have been running it for the last 15 years.

About 14 months back, I was detained by the Government for publishing a story about the pompous marriage of a Congressman. It was supposed to be an objectionable matter for the party in power and, therefore, I was put behind the bars. My sons were in charge of the press and were managing the paper in my absence. Never before have Government given any advertisement or newsprint quota to this paper. After 14 months of detention, I was released about the end of January when I contested the election and I have been fortunate enough to come to this House to put forward the difficulties of the people of Assam who have been neglected all these 25 or 30 years. There has been no development in that area. We have heard another hon. Member speaking about the difficulty in getting drinking water supply. For everything, for a bridge, for a university, for a refinery, for a road, for extension of the broad gauge railway line from Bongaigaon to Gauhati, for everything, the people of Assam have to organize agitations. Without agitation, the people of Assam have got nothing. For the refinery at Gauhati, the people of Assam agitated. We were

sent to jail for six months for making the demand before the Deputy Commissioner's office. Only thereafter we got a small refinery at Gauhati. The bigger one was given to Barauni in Bihar. Subsequently, one was however, installed at Bongaigaon.

Assam is connected to the rest of India by a forty mile corridor over the North Bengal area. For a broad gauge line, the people of Assam have been agitating for the last ten years. This is the position there. I come from such a backward area.

Now, I would tell you what happened about the press. For anything that we wanted to publish during the emergency, a Sub-Inspector of Police would be sitting in the press to censor that material. He may be barely a matriculate or who may not have any idea of the principles and science of censorship and national security, but all the same, he was there. I publish a story about the fact of a Congress MLA having celebrated a pompous marriage. My idea was to focus the attention of the people on the need of austerity. The result, however, was that I was detained because that was considered something objectionable. There has thus been a lot of repression of the press during the emergency. There are a few papers in our area and there are also a few lakhs of readers. We have not been able to bring about any development in this regard. On the top of that, there were so many restrictions.

I happened to see a small book published by DAVP about the freedom of press in India. It has been stated in that book that the freedom of press is ensured under Article 19 of the Constitution of India and that the Government have never interfered with the functioning of the press. Unfortunately, I have not brought that book with me today; I read it yesterday. As we know, during Emergency, there were a lot of restrictions on the press, but after the

elections were announced, the press has enjoyed a little freedom. Thus, during emergency, whatever is contained in Article 19 of the Constitution, was being violated.

Now, it is very good that the Janata Party Government has initiated action to repeal all those black laws. With these words, I support this Bill which is intended to restore the principles and objectives of the Feroze Gandhi Act.

SHRI J. RAMESHWAR RAO (Mahboobnagar): Mr. Deputy-Speaker, Sir, I would like to make it clear at the outset that I am not opposing this Bill. But while protection is given for publication of parliamentary proceedings, this protection imposes an obligation and responsibility on the press of correct reporting. There should be no *suppressio veri* and *suggestio falsi*. While the Government should not censor press reporting of Parliament proceedings, the press or press owners should not censor or distort what is said by any member in the House. In reporting statements made by Members on the floor of the House, there should be no attempt to tear them out of context or deliberately to give a wrong twist or interpretation, otherwise it would be misusing this privilege.

To give only yesterday's example, I was quoted as having said that we would support all that the Prime Minister said in his broadcast. This gives a totally wrong impression. What I said was quite different. I said I agreed with what the Prime Minister said adding that there was nothing new he had said.

SHRI L. K ADVANI: Whose report was it?

SHRI J. RAMESHWAR RAO: All the papers.

We had all been saying the same things even when he was a member of the Congress Party and Deputy

[Shri J. Rameshwar Rao]

Prime Minister. Only implementation had been tardy. Now that he has changed his Congress Party label to Janata Party label, I hoped there would be implementation. Further I did say that freedom of the press was essential for survival of democracy. But I also said yellow journalism is a danger to democracy. The two do not go together. But the first part was reported and the second part omitted.

13 hrs.

I have sat here these ten days hearing the constant abuse of the Congress Party and my colleagues, from Government Benches. I know the hon. Members of the former Opposition who have been used to constantly abusing the Congress may find it difficult to adjust themselves to their new role of sitting on government Benches, but it is they who have to help maintain the dignity of the House. Surely, Mr. Deputy Speaker, we should not allow this House to degenerate into a House of Abuse. They are abusing us to their heart's content outside this House, and the Press is giving enough publicity to this abuse, but let us at least maintain the dignity and decorum of this House.

The other day there was a lecture by the hon. Prime Minister on 'non-violence, Satyagraha and the Gandhian Tradition.' He is not the only heir to the Gandhian Tradition. We are also heirs to the Gandhian tradition. My first interest in politics—I am sorry to be a little bit autobiographical—was roused in 1936, 1937 and 1938 through Netaji Subhas Chandra Bose and the controversy of his second election as Congress President and also by reading Jawaharlalji's autobiography. My Baptism of fire came during the 1942 movement under the inspiration of Jayaprakash Narayan. I consider him as one of the great men of this

country. Later I learnt practical political action at the feet of Mahatma Gandhi, and respect for human values like tolerance, freedom and liberalism working under Jawaharlal Nehru. Gandhi became real to me, in emotional and practical terms, in 1967 when I started organizing agricultural labour unions in my constituency when all the opposition parties, apart from my own Party, opposed my work. The only person who supported me was Shri Ram Manohar Lohia. Shri Ram Manohar Lohia published notes about my work in his journal *Mankind*.

The purpose of my saying all this is to emphasize that no one individual or group in this country can arrogate to himself or themselves the attitude of being the sole representative of the urges and aspirations of the people of India or the sole heir of any aspect of our complex national tradition. We are all heirs to a common tradition. We all represent the people of India.

The hon Members of the Janata Party speak of their mandate. They are not yet a party. As of to-day they are still a coalition of parties. The Janata Party, I learn, is to be born on the 1st of May. I hope it will imbibe some of the traditions of the First of May. We too who have been elected also have a mandate from the people. If the mandate of those who occupy the Government benches comes from a region we also have a mandate from more than one region, in this large and diverse country. As to who has the real mandate of the people, only history will tell. But in a democracy one accepts the numbers as that is the only working arrangement possible.

The other day, the members opposite objected to my colleague, Shri Subramaniam, speaking of differences in the voting pattern in different parts of the country. But when the Prime Minister gave an unasked for assurance to the south, I suppose we

are expected to be dutifully grateful. There must be some consistency somewhere.

So, Mr Deputy Speaker, let not the avalanche of abuse continue. I am surprised that an independent member like my friend Mr. Purushottam Mavalankar—he is not here at the moment—has also been infected with the contagion of abusing us. Let him think of his great father and the traditions set by him. Let him think of his great father's illustrious predecessor in office, Shri Vithalbhai Patel, and the traditions laid down by him. I have great affection for Purushottam and it hurts me to find fault with him.

We, on this side of the House, have promised constructive co-operation and responsible functioning. We have not done so because we are weak or because we are defeated. We have done so because we want to set an example in functioning like a responsible and constructive opposition. But let me warn the members on the Government benches, please do not take us for granted. We can give constructive co-operation only when there is give and take from the Government benches also both in policies and programmes. I would like to request them not to try to drive us to the wall because we too can hit back. Let me also remind the members opposite—there are many amongst them who have skeletons in their cupboards—while Jayaprakash Narayan walks this country like a colossus, persons from Bihar had to come to terms with him for their very survival. Am I to believe that these actions were prompted by idealism?

Speaking about the Bill under discussion, there is just one lacuna. I wish to point out. I pointed this out to Shri Feroz Gandhi when he first introduced his Bill—I can say what I like in this House about anyone, even a person who is not a member of this House—things for which I may normally be sued for libel or defama-

tion, if I had said it outside this House—what I say in the House can be printed and published with impunity by the press under this Act and the person against whom things have been said has no remedy except to challenge me to come and say the same thing outside the House. In a country like India where what is reported in the press is generally considered true, especially if it is defamatory, great damage would have been done. How does Government propose to protect the innocent individual against his kind of blackmail? As I said earlier, I am not opposing this Bill. I wish to conclude by requesting the Government to give some thought on how best we can prevent the misuse of this privilege.

13.08 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha reassembled after Lunch at four minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

PARLIAMENTARY PROCEEDINGS (PROTECTION OF PUBLICATION) BILL—Contd.

श्री लक्ष्मी नारायण नायक (खड़ा राहो) : मैं ननीय उपाध्यक्ष महोदय, सूचना तथा प्रसारण भंडी ने जो विधेयक यहां रखा है, मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ। इस देश में, जहां प्रजातन्त्र है, अपनी वाणी कहने की आजादी थी लेकिन इसी देश में कांग्रेसी हुकूमत द्वारा एक ऐसा काला कानून बनाया गया जिससे संसद में जो भी लोक सभा मेम्बर अपने विचार व्यवत करते हैं, वह अखबारों में प्रकाशित नहीं हो सकते हैं। ऐसा काला कानून बनाकर देश के लिए बहुत ही आघात किया गया था।

उपाध्यक्ष महोदय, मैं आपके माध्यम से यह बात कहना चाहता हूँ कि इस सदन में जब भी कार्यवाही चलती है तो वैधानिक

[श्री लक्ष्मी नारायण नायक]

तरीके से जो भी सदस्य अपने विचार प्रकट करते हैं, अगर वह अनुचित होते हैं या गैरवाजित होते हैं तो आपके द्वारा और सदस्यों के द्वारा भी आपत्ति लगा दी जाती है। कभी-कभी सदस्यों को गलत और अशोभनीय बातें वापस भी लेनी पड़ती हैं, कभी याचना करनी पड़ती है या खेद प्रकट करना पड़ता है। यह लोक सभा की मर्यादा है।

लेकिन अपने शासन की रक्षा के लिए कांग्रेसी हुकूमत ने लोक सभा के सदस्यों द्वारा प्रकट किये गये विचारों के प्रकाशन पर भी पारंपर्य लगा दी। प्रजातन्त्र में हो अपने विचारों को व्यक्त करने की जो स्वतन्त्रता मिली थी, पिछले शासन ने उस स्वतन्त्रता को छीन लिया था। देश के सभी लोग यह जानना चाहते हैं कि लोक सभा में क्या कार्यवाही हो रही है और हमारे चुने हुए प्रतिनिधि किस तरह अपने विचार प्रकट करते हैं। समय-समय पर यहां कई महत्वपूर्ण प्रश्नों का निपटारा होता है और कई महत्वपूर्ण विधेयकों तथा संकल्पों पर विचार होता है, जिन का प्रकाशित होना बहुत जरूरी होता है। लेकिन कांग्रेसी हुकूमत ने यहां पर माननीय सदस्यों द्वारा व्यक्त किये गये विचारों को प्रकाशित करने पर पारंपर्य लगा दी। इस तरह उसने देश की जनता के अधिकारों पर एक कुठाराधात किया।

माननीय सदस्यों की भी यह आकांक्षा होती है कि उनके द्वारा व्यक्त किये गये विचार न केवल देश में, बल्कि सारी दुनिया में, प्रसारित किये जायें, लेकिन पिछली सरकार ने इस पर पारंपर्य लगा दी। इसका स्पष्ट अर्थ यह है कि पिछली सरकार अपने कुकर्मों और अनुचित कार्यवाहियों पर पर्दा डालना चाहती थी। इमर्जेंसी के दौरान, जिसको लगाने की कोई आवश्यकता नहीं थी, अगर विरोधी पक्ष के नेता और माननीय सदस्य, या कांग्रेस के कुछ सदस्य, सरकार द्वारा की गई गलत कार्यवाहियों और दमन

की इस सदन में आलोचना करते से, तो उन को समाचारपत्रों में प्रकाशित नहीं किया जा सकता था। इस प्रकार की बन्दिश लगा कर पिछली सरकार से समाचारपत्रों का मुंह बन्द कर दिया। यह बड़े सन्तोष की बात है कि अब जनता पार्टी की सरकार उस अनुचित पारंपर्य को समाप्त कर रही है।

मंत्री महोदय ने जो विधेयक पेश किया है, मैं उसका तहे दिल से स्वागत करता हूँ और सभी माननीय सदस्यों से निवेदन करता हूँ कि वे इस को अपना हार्दिक समर्थन देकर इस को पास करें।

SHRI VAYALAR RAVI (Chirayinkil): Mr. Deputy Speaker, Sir, I support this Bill. The Parliament is supreme. It is the supreme body of this country. It can not only define but also decide the fate of the nation. The people of this country must know what happens in Parliament so that they can judge the performance of their representative whom they have elected to Parliament.

The much lauded Bill introduced by the late veteran Feroze Gandhi had been moulded and the proceedings of this House had not been projected properly to the outside world. Now, who were helped in this process? It helped the monopoly houses, exploiters and the multi-nationals.

Mr. Deputy Speaker, Sir, this House has been constantly and all the time vigilant to see that such policies are followed as will encourage the public sector and restrict the growth of the monopolies. Sir, under the cover of the present law, which was introduced during the Emergency, the misdeeds or the offences committed by the monopoly houses could not be projected to the outside world although these issues were raised on the Floor of this House. As such, these monopoly houses could escape from the public criticism. I would like to admit that even questions sent to the

Parliament Secretariat in respect of monopoly houses had not been admitted all the time. I myself faced this difficulty.

Sir, this House had the privilege to expose the misdeeds of the monopoly houses, for example, Mundhra deal. The name of Shri H. M. Patel, the present Finance Minister had figured in the Chagla Commission report concerning Mundhra deal. This House had deliberated extensively on the Mundhra deal. This subject had been brought before this House by late Shri Feroze Gandhi and many Ministers as well as officers—of which Mr. Patel is one—were exposed. So, Sir, I would like to submit that whatever we say in Parliament should be known to the people at large and they be given an opportunity to decide and make their own judgement.

In this connection I would also like to submit that during the Emergency many officers might have done certain things. There should not be any witch-hunting against such officers. These officers might have done these things under a certain political direction. You should not hang these officers for that. They will obey you also as they have to obey the political authority. If you go on persecuting the officers on every minor point then, I think, it will be harmful to you also as you will be demoralising the Administration. Now, take the example of 1947. At that time we knew the ICS officers were the collaborators with the British Raj. They had persecuted the freedom fighters beyond their capacity. Mr. Patel was also one of such ICS officers. I am not blaming Shri H. M. Patel but let him examine his own old position under British Raj. Later on he was associated with Mundhra deal.

But let him make an examination as to what happened and I hope being a Minister of the Cabinet rank he will not agree for a witch-hunting of the officers who have done something during the emergency. It is a

political decision. Thus I will make an appeal to the hon. Minister.

In this connection, I may also point out that on the earlier occasion hon. Members on this side drew the attention of the Government regarding the railway accident. Mr. Madhu Dandavate is a friend of mine, I am not blaming him. After the accident, we found a name in the newspaper, one Mr. Balakrishnan. The brother of another Member of this House, Mr. Kadanapalli Ramachandran is Mr. Balakrishnan who was expected to come by that train. They were a little panicky because it was shown in the list as 'Balakrishnan Kannanore'. Then I rank up Mr. Dandavate's office. The Minister was not available. So I talked to his Private Secretary who was there. I said, "It is a very serious matter that the brother of the hon. Member, Mr. Balakrishnan appeared in the paper. Do you have any information?" The next day, I found, to my regret, there was no information, no addresses of the people who were involved in the accident, who were killed or injured. The Railway Minister must have the facts before him when such a serious accident occurred in the southern part of the country and the relatives of the people—some of them are from our constituency—may ask us about it. Of course, I know Mr. Madhu Dandavate may be new to the Cabinet. It may be his initial error, he may correct it later on. But to my surprise the hon. Minister....

SHRI S. KUNDU (Balasore): When did the accident occur?

SHRI VAYALAR RAVI: Last week.

DR. HENRY AUSTIN (Ernakulam): Even the hon. Members do not know about the accident. 30 people met with a very serious accident. It is a West Coast Railway accident.

SHRI VAYALAR RAVI: I am telling the importance of what I am speaking about in the House. I am only pointing out this kind of thing be-

[Shri Vayalar Ravi]

cause I have to bring this to the notice of the House. Let the Ministers correct themselves.

Sir, when the earlier accidents occurred Shri Mohd. Shafi Qureshi, the then Railway Minister, knew what was happening and he used to rush to the House and inform. I am sorry my friend, Mr. Madhu Dandavate could not find time to visit the people who were serious in the hospital. Of course, they have got a massive mandate.

SHRI MADHU LIMAYE (Banka): This is not very relevant to the subject...

SHRI VAYALAR RAVI: I am glad that senses came to Mr. Madhu Limaye. Lastly, I should say there is a proverb in Malayalam: 'Puthan achi theru perukum'. That means, the new bride cleaning the house and also the surroundings. This government coming with all new proposals and all through with enthusiasm announcing every day, this is all like the new bride. But the thing is, they have got a massive mandate, yet there was rigging of the election. The whole purpose of my speaking in the House is because they think they get a good propaganda. But on rigging of election we never spoke of it. We accepted the defeat. We have been defeated in this part of the country. But we never said as a propaganda that there was rigging. (Interruptions)

I have got a paper with me. I am prepared to produce that paper. In my election I have seen a postal ballot sent by a military officer containing an appeal from the Marxist Communist Party's candidate. It has been sealed and sent and I sent a complaint to the Election Commissioner. I have got that Communist appeal with me. It is printed in red. In my constituency I had to ask two polling officers to get out. Two ballot papers were given—one was the Assembly one and the other was that of Parliament. In my constituency 7,000 blank ballot papers appeared and in Palghat where we

captured a seat of veteran leader, Mr. Gopalan....

SHRI JYOTIRMOY BOSU: On a point of order. It should have some relevance to the subject he is discussing.

SHRI VAYALAR RAVI: I am saying that this is relevant because the whole intention of the government was that this forum should not be used for political propaganda.

AN HON. MEMBER: What are you doing?

SHRI VAYALAR RAVI: You have done that; you are doing the same thing that is what I am saying. In this House itself there was a lot of criticism. I am not saying that it should be used for political propaganda. See the whole history of Parliament. It was welcomed by the people; it has been praised by the people and it has been useful to the people. They speak about Jayaprakash Narain. I have nothing personal against him. He said that the RSS should be banned immediately after the murder of Mahatma Gandhi.

SHRI GAURI SHANKAR RAI (Ghazipur): On a point of order.

Mr. Deputy-Speaker is this relevant to the Bill. There must be the remotest sense of proportion.

MR. DEPUTY-SPEAKER: I will take care of that. Most Members are not adhering to that principle; it cuts both ways.

SHRI S. KUNDU: On a point of order. You will be pleased to permit me to make a request to the hon. Minister Advani that he could move an amendment to the Bill that only relevant portions of the speech can be published....(Interruptions).

MR. DEPUTY-SPEAKER: Order, order. It is not a point of order.

SHRI VAYALAR RAVI: When the hon. Member there was speaking he was abusing the former Prime Minister Indira Gandhi and the former government... (Interruptions) I agree; I am only sorry that J. P. has changed his stand on the banning of the RSS; he is absolving those people now, who are now in the Janata Party. One of the constituents of the Janata Party, the Jan Sangh has not expressed any regret for what happened in 1948 namely, the murder of Mahatma Gandhi. J. P. wanted to ban the RSS in 1948; he has changed and he is now defending the RSS.... (Interruptions).

I am saying that this Bill is good for the country and people must know what is happening in the House. I welcome the Hon-Minister's attitude to this matter and I congratulate him on that.

श्री केशवराय धोंडगे (नान्देड) : जनाव डिप्टी स्पीकर साहब, यह विल जो यहां पर पेश हुआ है, उसके बारे में मैं मिनिस्टर साहब का शुक्रिया अदा करने के लिए खड़ा हुआ हूँ। हिन्दुस्तान के अन्दर हम जम्हरियत की वात करते हैं, लेकिन 30 साल की आज दी के बाद जम्हरियत को जिस तरह से जिवह किया गया है, मैं समझता हूँ दुनिया में ऐसी मिलाल नहीं मिलेगी। लिहाजा जो विल इस बक्त आपने सामने पेंग है, वह जम्हरियत की इज्जत है, आप पन्निक की शान है और जनता पाठी और दूसरी सारी पार्टियों की कामयाबी का तोहफा है—प्रगर मैं ऐसा कहूँ तो यह गलत नहीं होगा। हम लोग जो यहां पर आये हैं, कोई गलत बात कहने के लिए नहीं आये हैं और अगर कोई गलत बात कहते हैं तो आप हां माजूद हैं और पार्लियामेंट के कानून है। पिछले दिनों में पालियामेंट के सुप्रिम होमे के बबूद भी पालियामेंट का मुह बंद किया जा रहा था। हम लोगों के नूमाइन्दे यहां होने के बाबूद भी हमको खुल्लम-

खुल्ला नुकताचीनी करने का हक्क नहीं था, हमको गंगा बना दिया गया था। लिहाजा, इस दुनिया के अन्दर, इस राज के अन्दर, इस मुल्क के अन्दर असेम्बली गूँगी की जाती है। ऐसे छ्याल से यह जम्हरियत नहीं है, यह जम्हरियत का भुर्दा है। उस मुर्दे को जिन्दा बना कर यह बिल लाया गया है। मैं इसका अनुमोदन करता हूँ। सदर साहब, इस बात के लिए हम गवर्नरमेंट की जितनी तारीफ करें करें है।

मैं वीस साल तक असेम्बली का मैम्बर रह चुका हूँ। अगर हम कुछ छपवाना चाहते हैं तो छपवा नहीं सकते थे। प्रगर इसकी कोशिश की जाती थी तो हम पर जुर्म लग दिया जाता था, हम पर जुर्माना कर दिया जाता था। मैं “जनक्रांति” माताहिक का एडीटर हूँ। मुझे भी डिटेन किया गया। दस-बारह महीने तक मैं जेल में रहा। उसके बाद जब मैं असेम्बली में हाजिर हुआ। मैं अपनी हाजिरी के बारे में कहना चाहता था, यह कहना चाहता था कि मैं छुट गया हूँ वह भी मैं नहीं कह सका। हम लोगों की मुश्किलात बयान करना चाहते थे लेकिन हक्कमत ने हमें वह भी बयान करने की इजाजत नहीं दी। हमें यह नहीं कहने दिया गया कि हम मर चुके हैं कि जिन्दा हैं। लेकिन हम जिन्दा रहे। हम में आजादी की लगन लगी हुई थी लेकिन हम इस आजाद मुल्क की खिदमत नहीं कर सकते थे, सदर साहब, यह कौन-सा जनतंत्र है?

सदर साहब, जयप्रकाश नारायण को बड़नाम किया जाता है कि वह अधिनायक-शाही की बात बोलता है, वह मिलिट्री के बारे में बोलत है, इस बजह से देश में एमजैसी आयी है। मैंने असेम्बली में कहा था कि कौन कहता है कि जयप्रकाश जो को बजह से एमजैसी आयी, इसके लिए जयप्रकाश जो जिम्मेदार नहीं है। कोई कहता है कि इसके

[श्री केशवराव धोंडगे]

लिए हमारे हिन्दुस्तानी जिम्मेदार है, गुजरात के सारे लोग जिम्मेदार हैं। वे ऐसा फैसला नहीं करते तो एमरजेंसी नहीं आती। सिन्हा साहब की वजह से हम एमरजेंसी लाए हैं। कोई कहता है कि हम पब्लिक के लोग, आरा०एस०एस० के लोग, किसान मजदूर पार्टी के लोग इसके लिए जिम्मेदार हैं। इस के लिए राजनारायण जी जिम्मेदार है। अगर वे इलैक्शन पिटीशन नहीं करते तो उनकी जीत नहीं होती। सिन्हा साहब ने कहा कि इस के लिए प्राइम मिनिस्टर जिम्मेदार है, अगर वे चुनाव में खड़ी नहीं होतीं तो ऐसा नहीं होता। इसके लिए जयप्रकाश जी जिम्मेदार नहीं हैं, राजनारायण जी जिम्मेदार नहीं हैं। मैंने असेम्बली में कहा कि इसके लिए राजा राममोहन राय जिम्मेदार है।.... मुझ से कहा गया कि एमरजेंसी का राजा मोहन राय से क्या ताल्लुक है, उन्हें तो मरे हुए सौ साल हो गए? अगर वह नहीं होते तो यह सती की रस्म बन्द नहीं होती। अगर सती की रस्म बन्द नहीं होती तो यह एमरजेंसी नहीं आती।

जो चीज मैंने असेम्बली में कही, वह बाहर नहीं आ सकती थी। यह कौनसी आजादी है? आप आजादी के खास पैगम्बर बनते हैं, जम्मूरियत के खास पैगम्बर बनते हैं। इसके बावजूद जो हम इस पार्लियामेंट में, असेम्बली में बात करते हैं वह शाया नहीं हो सकती। आप महिलाओं को बात करते हैं और उनके लिए आव ज उठाने वालों को आप जेल में डालते हैं। इस चीज के लिए तो आपका आजादी थी, मगर जम्मूरियत को बचाने के लिए अगर कोई नुमाइन्दा कुछ कहता था तो उसको शाय करने की उसको आजादी नहीं थी।

लिहाजा मैं हिन्दुस्तान की जनता का और बहादुर मतदाताओं का शुक्रिया अदा करता

हूं कि उसने चुनाव के अन्दर बता दिया कि दुनिया की कोई ताकत लोगों को गुलाम नहीं कर सकती, दुनियां की कोई ताकत, दुनियां का कोई डिक्टेटर हमको आजाद रहने से नहीं रोक सकता। हम इंसान हैं, इंसानों की हैसियत से जिन्दा रहना चाहते हैं। जनता ने जनता पार्टी को जिता कर उन सारे क ले कानूनों को ठुकरा दिया। इसके बावजूद आप कहते हैं यह कानून ठीक था। दूसरी तरफ आप जनता की बात करते हैं, जम्मूरियत की बात करते हैं। पार्लियामेंट जनता की सुप्रीम बाड़ी है। लिहाजा यहां पर हम जो बात कहते हैं वह बात जनता को मालूम होनी चाहिए। जनता को बेवकूफ समझ कर राज करने के अव जमाना नहीं रहा। लिहाजा जो बिल लाया गया है उसका ताईद करके मैं आपका शुक्रिया अदा करता हूं।

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, we heard with interest the speech of Shri Vayalar Ravi who has got back his freedom to speak, though of course, he was talking with his tongue in his cheek. The only thing he has not explained is why he supported so strongly the Bill which was brought to commit an outrage on parliamentary democracy in this country. We are glad that another atrocity which was committed against the democratic set-up in this country is being nullified today, like the Bill we passed yesterday.

The previous Government, being afraid of exposure of their misdeeds and being sensitive to even constructive criticism made in this House tried to create a hiatus between the Parliament and the people. They wanted to ring down a curtain between the people's representatives and the people so that what was done here would not reach the people. All the cherished principles were repudiated with a vengeance to consolidate the position of an individual and a family. All norms of a democratic way of life were polluted in this country to

bolster up a make-believe situation to justify their perversion, namely, the so-called emergency. They repudiated Jawaharlal Nehru when they took away the freedom of the press and brought forward the most Draconian preventive detention law in this country. No wonder they repudiated Feroze Gandhi by nullifying his greatest contribution towards the development of parliamentary democracy in this country and sustenance of the freedom of speech. When the Bill was considered in this House in 1956, the then Law Minister, Mr. Pataskar, said:

"I think this is a very good Bill with a very good objective. I commend the effort of my friend, Shri Feroze Gandhi, who has so ably put forward the Bill of such an important nature. I commend this to the acceptance of this House and I really appreciate the efforts he has put into a very right and important Bill."

That support which was given to Feroze Gandhi's Bill was withdrawn, not surprisingly because the Congress of 1976 was much different from the Congress of 1956. They had strayed from the path of democratic process and devalued all norms of democratic life in this country. One thing we used to hear so many times during the last House was that the Parliament was supreme. Parliamentary supremacy was sought to be made clear by the way they were exercising the powers which the people had given to them. They justified all the Draconian laws on the basis of the 'massive mandate' which they always reminded us during the last House, they had received. But how they misused the powers which they had received from the people! This Parliament was made a rubber-stamp Parliament, I repeat. They came back to the House in 1971 with the slogan of 'garibi hataao'. The first thing they removed in 1971 was the personal liberty of this country by passing that

black law called MISA. The Parliament became their hand-maid. All sorts of Draconian laws like the Election Law Amendment Act, 42nd Constitution Amendment, Additional Enrolments Act, Press Laws etc. were put in the Ninth Schedule, knowing that they were unconstitutional and would be struck down if challenged before the courts. This was all done in the name of maintaining parliamentary supremacy in this country! Parliamentary supremacy according to them was the supremacy of an individual whose election must be upheld at all costs! When everything was sought to be done in the name of the people, they really hoodwinked the people because the people were their real target. The people lost their freedom and liberty. The people's representatives lost their freedom to speak. That was the way they gave lip sympathy to the concept of parliamentary supremacy. Today we have seen the Leader of the Opposition who has said openly that they will oppose the Constitution (Amendment) Bill which has been introduced in the House today. They want to perpetuate their illegal rule in different States by extending the mandate which the people had given them in 1971. From five years, they have raised it to six years. Now, they are afraid of facing the people. Today, they want to take shelter under that illegal, unconstitutional bill which was bulldozed through this House taking the advantage of people like Mr. Vayalar Ravi, our good friend, who is now talking so much eloquently about the freedom of the press and the Feroze Gandhi Act. The only thing they have not explained is that why they have shown cowardice during that period. If they had any sense of loyalty to the Constitution and any sense of loyalty to the people who had elected them, they would have opposed that. They had lost their sense and they had lost their conscience to a person who had acted as a political marauder in this country during the last 20 months.

[Shri Somnath Chatterjee]

Feroze Gandhi while piloting the Bill had said that the people have a right to know what their chosen representatives say and do. The people of the country have the minimum right to know what their representatives are doing, whether they are justifying the confidence reposed in them, whether they are putting forth before the Government the real issues before the country and whether their hopes and aspirations are reflected through their representatives or not. That dialogue was stopped and that source of information was dried up by the previous Government which have no courage to face the people now. They repudiated Jawaharlal Nehru; to them Feroze Gandhi was much lesser a man. The public conduct of every public man in a matter of public concern. Therefore, we are accountable to the people and how do we make the people know except through newspapers and mass media?

One thing ought to be remembered that the Feroze Gandhi Act did not give immunity or unwarranted liberty to the press. There has been complete misapprehension when they say that by this Act the press people are getting complete immunity; they are getting a free licence to print whatever they like, this is absolutely misleading. The statute only extended to publishers of parliamentary proceedings a qualified privilege and not an absolute privilege. The report must be substantially true and publication must be for the public good and made without malice. To claim immunity a report must satisfy all these three tests which have been laid in the law. But see the anomaly that was created. Under Article 105(2) of the Constitution what we say in this House is our privilege but what we say, if that is published, is not a privilege. Therefore, what was the necessary corollary of 105(2) of the Constitution, namely, immunity given to Members of the House, was not being

extended in a practical sense to make it effective privilege and effective immunity.

During the last debate, Shri Shukla, guilty of dishonourable conduct tried to justify that draconian law, the repealing Act by saying: "This Bill is meant to uphold the honour of this House and the honour of the Members of this House and also the honour of the citizens of the country by removing unwarranted immunity and privilege given to editors, printers, publishers of newspapers who can malign you in any manner they like." Persons guilty of dishonourable conduct who had perverted all notions of honour in this country were talking of the honour of the citizens and honour of the Members of this House. The immunity was not necessary for the Press or the Members as such. What they wanted was an immunity from the exposure of the misdeeds of the last Government and its Ministers. They wanted that those thing should not go to the people and reach the people. The immunity was sought for corrupt, inefficient and sycophant Ministers and the Queen Empress. That was the immunity which they wanted. They deliberately misled and gave a wrong and misleading picture to the people of this country and bulldozed that black law through this House, with the active support of friends like Mr. Vayalar Ravi. This is a House of the people. We are here because of the people. We cannot operate in isolation, cut away from the people. We are thought to be the people's mouth-piece, whether Mr. Lakkappa likes it or not. By gagging the proper publication of the parliamentary proceeding, the previous government really gagged the people of this country. The dialogue was lost. That is why we feel that the present repealing bill which has been brought to revive the Feroze Gandhi Act is a very welcome bill. And we always knew, we believe and we have found that generally, the Press in this

country has behaved with responsibility. Mr. Ravi has not been able to point out, nor the Members on the other side have been able to point out, any act or any publication which was protected as a result of the Feroze Gandhi Act. The laws of this country are sufficient to deal with any erring journals or any erring reporter. Certainly, such draconian laws are not necessary to deal with the publication of that kind. I support the bill. I only wish that the support from the other side was a sincere one. For the time being, they have realized that it is necessary to support this repealing bill. But the performance today of the Leader of the Opposition shows that they have not changed very much. They are out to declare a war on the people.

MR. DEPUTY-SPEAKER: There is no time allowed for this Bill. I suppose we have to finish this Bill today. There are 4 Bills, 2 Resolutions and 2 Discussions. I do not see how we can go through all of them, with people going on sending chits that they want to speak. I have received at least a dozen names, apart from those submitted by the Whips. I think we can fix a time for this Bill.

SHRI K. RAGHU RAMAIAH (Guntur): You can fix any time; we will cooperate. But we are not sitting beyond 6 p.m.

MR. DEPUTY-SPEAKER: It is up to the House. Shall we fix a time for this bill? We have already spent 40 minutes on this.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): I think we should complete this by 3 p.m.

SHRI SOUGATA ROY (Barrackpore): Yesterday we from the Opposition raised a demand that the bill be passed yesterday itself. The Minister of information and Broadcasting then was particular that the discussion may be continued, so that the Opposition party can be castigated.

SHRI L. K. ADVANI: I said so yesterday, because some Members were insisting that they would speak.

MR. DEPUTY SPEAKER: Now I feel that with chits coming from so many Members that they would like to speak, it will be difficult. I think we can conclude at 3-30 p.m.

SHRI C. M. STEPHEN (Idukki): Mr. Deputy-Speaker, if I am joining in this debate, it is purely to put in focus certain important aspects concerning parliamentary proceedings. It appears there is a feeling, or there is an impression, that conventionally it has been a part of the privilege of the House of Commons, or of this Parliament, that the publication of whatever has taken place in Parliament has immunity. I would like to emphasize for whatever purpose it be that that is not the case. If you go through the history of the development of privilege and the publication of parliamentary proceedings, you will find that in the initial stages, coming up to the beginning of the 20th century, the early part of the 20th century, the stand of the House of Commons has always been that the publication of the speeches and the proceedings of the House is a breach of privilege, not the non-publication. The House of Commons has been repeatedly passing resolution forbidding the publication and warning that the publication of the proceedings would be a breach of privilege. It was only in 1909 by an Act of Parliament the position was changed... (Interruptions) What I am saying is a historical fact which Shri Advani is corroborating. It is only later, finding that this prohibition of the publication of parliamentary proceedings will not be in the interest of the public good, may be, that the Parliament came out with an Act, permitting its publication, apart from the further law which protected such publication. What I am saying is, from the parliamentary point of view, the Mother of Parliament has been taking this view for

[Shri C. M. Stephen]

several years, may be for reasons obtaining at that time, that the publication of proceedings is not a privilege. Anyway, that was the old position which has no relevance today, when the publication is freely allowed, it is even televised. So, we have now come to that particular stage. What I am saying is the old story. I am only saying that let us not get away with the idea that it is an elementary principle. It is one thing that is good and it is another thing whether it is a matter of privilege. I am only saying that it is not a part of the parliamentary privilege that the proceedings be published. It may be that from the point of view of the common good it must be published; may or may not be, opinions can differ.

Now, coming to this Bill, it seeks to protect certain things which previously, had it not been for this Bill, would be actionable. Let us see what exactly is that area where this protection is required. It comes under the law of libel, slander and all that, it comes under the law of defamation. What exactly is that category of things which need special protection?

Let us look to the penal law, the Penal Code. What are the items of defamation? Section 499 is there. There are many sections and some exceptions have also been mentioned. For instance, it is not a defamation to impute anything which is true concerning any person, if it be for the public good. Now the Bill before us says that even if it is not true, whatever it be, it can have protection only if it is for public good; not otherwise. Even if you pass this Bill, not any publication gets protection; you get protection only if it is for public good. So, the first exception is that it must be true and it must be for public good, in which case it is no defamation. The second exception is that it is no defamation to express in

good faith any opinion whatever about a public servant, in his conduct as a public servant. You can attack any public servant. It need not necessarily be true, it will still not be defamatory. For the publication of that no special protection is necessary. Thirdly, it is not defamation to express in good faith any opinion whatever in the conduct of any person touching any public question. Therefore, so far as a public servant is concerned, you can criticise him and no special protection is necessary. It is not defamatory, even if your criticism happens to be untrue. So far as a non-public servant is concerned, you can criticise him on his behaviour with respect to public questions. There also it is not defamation. It may be defamatory in the literal sense, but not in the legal sense, and no special protection is necessary.

Again, according to section 499, you can criticise a public judgment, it is not defamatory.

So, what exactly is the class of cases which needs special protection? This is the point that I want to emphasize, to which I want to draw the attention of the House.

The class of cases which needs special protection is not attack against a public servant, is not attack on a politician on a question of public importance, but on a person who does not come under any of these classes, an unfortunate fellow against whom you may be making some statement. If that statement is true then also it is protected. If it is untrue, then alone special protection becomes necessary.

Therefore, the point is; is it to be a part of the privilege of this House that you attack a private citizen who has nothing to do with public conduct, who is not a public servant at all and attack him with allegations which are untrue, which are proved to be untrue, and you carry on that attack?

SHRI S. KUNDU: Who proved it?

SHRI C. M. STEPHEN: Which is substantially untrue. If it is true, you are safe, it is not defamatory. If it is untrue, then alone it becomes defamatory.

SHRI S. KUNDU: It cannot be.

SHRI C. M. STEPHEN: If the attack is against a non-politician, a non-public man, if the attack is against, a non-Government servant, non-public servant, if the attack is against a private individual and the allegation is not true, then the publication becomes actionable, coming within the definition of section 499. That alone needs protection.

The simple question I am putting before the House is; is that sort of allegation to be encouraged? I would beseech Mr. Advani to point out a case other than that which I have mentioned for the publication of which special protection is necessary. This is the only case as far as my information goes.

Therefore, because there is a Parliament here, because we have immunity here, you can make an attack, nobody stands in the way, and that can go into the publication of this Parliament, but if it goes into the newspapers, what is the protection of that individual? That individual has absolutely no protection, there is no action which he can take. Is that the state of affairs to be permitted? Is that to be encouraged? Is that contributory to the common weal? That is the simple question that I am putting forward. I am inviting your attention to rule 353 of our Rules of Procedure.

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply."

In my experience, and I hope I will be sustained by the other Members of this House this provision is as good as dead. If you want to make an attack against a non-entity who does not come under the categories I have mentioned, the rule says that you should give notice to the Speaker and the Minister concerned about the allegation that you are going to make about that non-entity. What is the investigation that the Minister is going to make, how is he interested in replying to it, how is the individual to be protected? The only protection is the Petitions Committee. The Committee investigates, the thing is filed, nobody cares to publish it because it is after a year or so, and no further proceedings are available to us. When we pass this Bill, I want to urge the feelings of a large number of people who may come in for malignment. We are 542 Members here. How many of us are indulging in that sort of thing? I can point out one or two; not more than that, who are specialising in this sort of blackmail and you want to give him protection. You are not concerned about the common man, the public man, the public concern maligned on the Floor of this House and that malignment campaign getting round with the result that that man is 'murdered' in the public. What I wish to emphasise is that you pass this Bill in all good faith, but I do not understand what public interest is served.

You should take care about other cases also. You should think of certain provisions to protect the other persons also, and if necessary, the Rules of Procedure may be amended. If a petition comes before the Committee on Petitions, that matter may be published and that may get much publication than the previous one. Let us protect the common man and the simple man of this country who is now being brought under malignment campaign for no fault of his own. For another purpose, *prima*

[Shri C. M. Stephen]

facie, there is nothing objectionable thing about this Bill. But, according to me, this is a mischief that can creep in against him behind the cover for which some protective measures are called for.

डा० राम जी सिंह (भागलपुर) : उपाध्यक्ष महोदय, हमारे प्रतिपक्ष के मित्रगण भी यह साहस नहीं कर सके कि जो हमारी स्वतंत्रता के सम्बन्ध में आधात हुआ था उसका वे विरोध करते। जिस विधेयक का प्रावधा, और जिसकी प्रेरणा श्री फीरोज़ गांधी द्वारा हई थी उसको न्यस्त कर दिया गया। उसका इमर्जेंसी से कोई सम्बन्ध नहीं था। वह संविधान की एक स्वतंत्र धारा में अनुबन्ध हो गया था। यह बिल जिसको हमारे सामने न्यस्त किया जा रहा है, अगर वह रहता तो उससे केवल समाचार पत्र की स्वतंत्रता पर ही आधात नहीं होता बल्कि सदन के सांदों की स्वतंत्रता पर भी आधात होता। सबसे बड़ा आधात जो होता वह यह कि सत्य प्रकट नहीं हो सकता था। यह सदन न तो आप का है और न मेरा है बल्कि यह सदन भारत वर्ष की 62 करोड़ जनता का है और इसलिए हम यहां जो बोलते हैं वह जनता के सामने जाना चाहिए। इस बीच जनता और सदन के बीच में जो दीवार खड़ी करने का दुष्कर और पड़यंत्र किया गया, आज बहुत खुशी है कि आपके सहयोग से उसको हम न्यस्त कर रहे हैं। अभी आपके सामने कहा गया कि ब्रिटिश पालियामेंट में भी ऐसी बात नहीं थी। यह सौभाग्य की बात है कि ब्रिटिश पालियामेंट में भी एक स्वतंत्र सदस्य ने ही यह प्रश्न उठाया था और भारतीय संसद में भी एक स्वतंत्र सदस्य श्री फीरोज़ गांधी—ने इस प्रश्न को उठाया था। इस के सम्बन्ध में कई आरोप लगाये जाते हैं—यह कहा जाता है कि यहां हम लोग जो बुँदुक बोलते हैं उस को सही-सही अखबारों में नहीं छापा जाता है। हमारे दो मित्रों

ने कुछ उद्वरण भी दिये। लेकिन अभी हमारे मित्र चैटर्जी साहब ने बतलाया कि इस की धारा 3, उपधारा 2 में तीन बातों का उल्लेख है—जो भी रिपोर्ट पब्लिश की जाय वह सब्स्टेंशली टू हो। यहां पर हम देखते हैं कि एक शब्द भी गलत नहीं होता है और उस के बाद शुद्ध करने के लिये भी दिया जाता है। इस लिये इस में कोई गलत बात होने की गुंजाइश ही नहीं है। इस में एक बात यह भी है कि किसी प्रकार का पूर्वाग्रह नहीं है। जब इतनी बात है तब इस सदन की कार्यवाही हमारे अखबारों में न आये—यह उचित नहीं है। उपाध्यक्ष महोदय, हम जो भारतवर्ष के प्रतिनिधि यहां पर बैठे हैं और जो सौचते हैं कि हमारा जो चिन्तन होता है, वह हमारी जनता के पास जाना चाहिये—पिछले कानून से वह सम्भव नहीं हो पा रहा था। अब जनता के पास मही स्थिति पहुँच सकेगी।

15 hrs.

हमारे प्रतिपक्ष के एक मित्र ने बतलाया कि जो अनुपस्थित लोग हैं, उनके विषय में जो आरोप लगाये जाते हैं, उनका डिफेन्स लेने वाला यहां कोई नहीं होता है। उपाध्यक्ष महोदय, हमें सोचना चाहिये कि प्रत्येक व्यक्ति का सार्वजनिक जीवन में अपना व्यक्तित्व होता है, उसका व्यक्तित्व एक दर्पण के समान होता है। सार्वजनिक जीवन का कोई भी व्यक्ति अगर यह सोचे कि हम घटाटोप में रहे तो ऐसा नहीं हो सकता है। उस का जीवन पारदर्शी-दर्पण के समान चमकना चाहिये। इस लिये सचमुच में हमारे सामने ऐसी कोई बात नहीं है।

जब पुराने बिल पर पिछली लोक सभा में विचार हो रहा था, उस समय हमारे पिछले मंत्री ने कहा था कि हमारे मीदी साहब सी. आई. ए. के एजेन्ट हैं या

के० जी० बी० के एजेन्ट हैं—मैं ऐसा समझता हूं कि ऐसी आमक बातें कहने से जनता पर कोई असर नहीं पड़ता है। जब भारतवर्ष का जनतन्त्र इतना परिपक्व हो रहा है कि वह इस तानाशाही को हटा सकता है तो वह इस प्रकार के आमक सत्य और क्षूठ में भी विभेद कर सकता है कि मोदी साहब सी आई ए० के एजेन्ट हैं या के जी बी० के एजेन्ट हैं।

अध्यक्ष महोदय, हिन्दुस्तान के प्रैस के सम्बन्ध में कहा गया है कि गैर-जवाबदेह हैं। मैं कहना चाहता हूं कि आप थोड़ा प्रैस कमीशन की एन्वायरी रिपोर्ट को पढ़िये—उस से आप को सब कुछ स्पष्ट हो जायगा। उस में बताया गया है कि सचमुच भारत वर्ष का प्रैस समूची दुनिया में अधिक-से अधिक उत्तरदायी प्रैस रहा है। इस लिये प्रैस की स्वतंत्रता पर आधात करना देश की स्वतंत्रता पर आधात करना होगा। यहां पर कहा गया कि यह बिल तुरन्त नहीं आया था। लेकिन अभी एक माननीय सदस्य ने कहा कि ब्रिटिश पार्लियामेंट में भी बहुत दिनों के बाद आया था। यहां भी यह बिल एकाएक नहीं आया था, इस के पीछे कुछ पृष्ठभूमि है—1956 में पी. टी. आई. ने मौदीनगर की बेज के बारे में बहुत कुछ लिखा था, नेहरू जी ने सावरकर के विषय में बहुत कुछ कहा था, फीरोजगांधी जी ने आर० क० डालमिया पर बहुत से आरोप लगाये थे—लेकिन इन सब बातों को छापने की अखबारों की हिम्मत नहीं हुई थी। अमीं चन्द प्यारे लाल के बारे में बहुत सी बातें रिपोर्ट में आईं लेकिन वे भी अखबारों में पूरी तरह से छप नहीं सकीं इस लिये इस कानून की ज़रूरत पड़ी। उपाध्यक्ष महोदय, अगर इस सदन की कार्यवाही अखबारों में नहीं छापी जा सकती तो सत्य ढका हुआ रहेगा। इस लिये यह बिल सचमुच में सत्य का उपभाग है।

उपाध्यक्ष महोदय, हमें बहुत खुशी है कि हमारे प्रतिपक्ष के मित्रों ने इस का समर्थन किया, लेकिन थोड़ा दबी हुई जबान में। मेरी इतनी ही प्रार्थना थी, अगर दिल खोल कर समर्थन करते तो उन का पुण्य हम लोगों के साथ होता। इस तरह के समर्थन से तो उन के हृदय की काली-भावना प्रकट हो रही है। जो कुछ भी कहा जाय, उन्मुक्त हृदय से कहा जाय। इतना ही कह कर मैं आप को बहुत धन्यवाद देता हूं।

SHRI C. K. CHANDRAPPAN (Cannanore): I rise to support this Bill. Immediately after Emergency was declared, the Government had brought forward two obnoxious Bills. One was the repeal of the Feroze Gandhi Act and the other was the Prevention of publication of Objectionable Matter Act. At that time also we made it clear that our Party was opposed to this measure and we made it clear because of the very fact that in a democracy the functioning of Parliament should not be kept a secret from the people. The people should come to know what is happening in Parliament and the Press should be able to report without fear what are the demands voiced by the representatives of the people in Parliament. We feel that this Act prevented the Press from discharging its responsibility.

Now, it was stated by my Hon. friend Shri Stephen that even in the British Parliament, in the ancient days, reporting of Parliamentary proceedings was considered to be a matter of breach of privilege. In those days perhaps democracy as we understand it today was not existing. Today, if the representatives of the people who are elected to Parliament come here and misbehave, then I am sure that the greatest guarantee is that the people will not elect them again bill

[Shri C. K. Chandrappan]

send them back to Parliament. So, if the representatives of the people are unworthy of becoming representatives of the people, that fact should also be reported to the people—that there are certain Members behaving in a manner which is not worthy of the position they are enjoying.

While supporting this Bill I would like to make one thing clear, that in a democratic system it is absolutely essential that the people should know what is happening in the Parliament and the Press should be able to convey this information to the people. That was prevented when the former Government repealed the Feroze Gandhi Act. Today, I must say that if the Congress is forced to sit in the Opposition, one of the greatest contributory factors is these two Bills: because, in the name of protecting the dignity of Parliament and in the name of protecting the dignity of Members of Parliament, what was done was to keep the country in darkness as to what was happening in the Parliament. This was not a thing which was expected when Emergency was declared. While misusing the powers bestowed under the Emergency, with a kind of arrogance, they tried to arrogate themselves to a position of being protected from everything. The people rejected this and that rejection should come as a lesson to those who are in power and those who are in the Opposition. In this country our people are mature enough to understand how the Parliament should function in a democratic set-up and what should be the responsibility of the Members of Parliament. This Bill, in my opinion offers a proper balance so that the representatives of the people who come to this House will speak freely whatever opinions they would like to voice in this Parliament on behalf of the people while the Press will be free from fear in reporting it. That is the greatest contribution of this Bill. The press will be free from fear to report back to the people that this is what

their representatives are doing in Parliament.

Mr. Stephen was saying that there are other laws by which the freedom of the press could be protected. They are not enough. In a democracy, if the press has to report and then all the time they have to keep themselves under fear whether there will be a defamation case, I do not think that the press will be able to discharge its duties. This was exactly the argument the Member was advancing when the Bill was introduced during Emergency; this was exactly the defence put forward by the then Minister, Shri V. C. Shukla, that the press could report and then face the proceedings in the court if they violated the law of the land. That should not be the case of the press in a democracy. That is why, we support this Bill. This is the greatest guarantee that what we are doing in this House will be reported to the people fearlessly by the press.

Another point I would like to make in this connection is this. Now the press will be free—after we have enacted this legislation. I do not know whether it is a fact, but I hear from some pressmen that the Lok Sabha Secretariat is often imposing several restrictions on the press when they are reporting matters about the proceedings of the House. I request the hon. Minister to look into that, because, that would be some kind of a harassment of the press. If it is not true, he may make it clear....

MR. DEPUTY-SPEAKER: As far as the Lok Sabha Secretariat is concerned, it is for the Speaker to look into it.

SHRI C. K. CHANDRAPPAN: You may kindly look into it, Sir. It is not that I am making a complaint, but if such a thing is happening, it will not help fair reporting of the proceedings of the House.

MR. DEPUTY-SPEAKER: I do not think there are any restrictions.

SHRI C. K. CHANDRAPPAN: With these words, I would like to support this Bill. I once again extend my congratulations to the hon. Minister, Shri L. K. Advani, for having brought forward this Bill.

PROF. P. G. MAVALANKAR (Gandhinagar): Mr. Deputy-Speaker, Sir, I wish to congratulate the hon. Minister doubly; I had done it yesterday and I wish to do so today also with great pleasure, and in doing so, may I take the opportunity to pay my tribute to late Shri Feroze Gandhi for the manner in which he fought for this right of the press which is really the right of Parliament, because we sitting in this House have a right to reach our voters, and we reach the voters only through the press. It was late Shri Feroze Gandhi who, with his very characteristic outlook of independence and his characteristic sense of understanding of democracy at the grass-root level and at the national level, was responsible for bringing the original Bill in 1956, and I must pay my tribute to him once again. I had the privilege of knowing him closely, and I am sure, his spirit and soul will rejoice on our having brought this measure back on the Statute Book.

The great tragedy was that the previous Government brought their Bill and got it rushed through in such a mad hurry that, although some of us on this side of the House, i.e. the Opposition, opposed it, they were not mindful of any opposition; they were completely drowned, I would say, in the arrogance of power; they were more than drunken in that mentality of absolute power. Their Bill meant a kind of barrier between Parliament and the people, because the press was being gagged; it was an unbearable, unpardonable and unjustifiable wrong. I am glad that that wrong has now

been righted by the present Minister of Information and Broadcasting.

The word 'Parliament' has come from parley which means 'to talk'. I remember, the late Deputy Prime Minister of Britain, Herbert Morrison, —under the Labour Government of Prime Minister Clement Attlee—once described the British Parliament as a talking shop, not in the sense that we talk shop here. We do not just talk shop; we talk here business, meaning people's interests and welfare, so that the business goes back to the people, and people bring their own business back to us which we bring to the notice of the Government. We talk here so that it is reported there in the homes and huts of the countless people of our country, and that work is done through the press media. We are the spokesmen, we are the *rachaspatis*, of our voters, of our masters, and if what the *rachaspatis* or the spokesmen talk here is not reported back to the masters in their huts and homes, then what is the point in having this sovereign Parliament?

I would conclude by saying that the Members of Parliament and their constituencies, and the Members of Parliament and our country, can be combined only by a process of communication and contact and this communication and contact between the rulers and the ruled is possible only if full and continuous courtesy and consideration are extended to the citizens of our Republic, who are both our voters and masters.

Lastly, I cannot resist the temptation of paying tribute to many of those journals, both underground and on the surface, which carried the message of several of us in Parliament, even though it was a truncated Parliament, even though it was a subservient Parliament, to the people. Some of us, may I say in all humility, had the privilege even in that kind of Parliament to say things fearlessly, without any fear or favour, openly and fully, and our message was sent out

[Prof. P. G. Mavalankar]

during those blackest, most difficult and dangerous days of the long period of emergency of 19 months. At that time, the mass media for us were absent and silent, and this job was done continuously and well by the invisible and visible media of persons and certain journals. People were fed by the open and underground journals which were kept vigorously alive. I mentioned some papers yesterday and I would like to mention today a few more, like *The Statesman* from Delhi and Calcutta, *Mainstream Weekly*, *Freedom First*, edited by our old friend and colleague Shri Minoo Masani, *Janata Weekly* from Bombay, edited by, another of our old and esteemed colleagues, Shri N. G. Goray, and Gujarati papers like *Bhumiputra*, *Nirikshak* and *Prabudhha Jeevan*, and in Marathi the *Manus weekly*, *Kartavya*, an occasional miscellany and many others, which carried on the work of reporting Parliamentary speeches in spite of the repeal of the Feroze Gandhi Act. I want to pay my tribute to all these underground and surface agencies and journals who did such a good job.

Sir, we would be very happy as long as this country and this House has the guarantee that the debate continues in Parliament and outside. When I say this, I am reminded of a BBC programme under the title "Debate Continues"! Perhaps, Shri Advani could do something on those lines. Years ago, I remember listening regularly to that programme, Princess Indira of Kapurthala giving an account of what happened in the House of Commons and the House of Lords back to British people and the world at large through the overseas service of BBC. A debate should continue in the Parliament as also through the press media outside Parliament.

We are grateful to Shri Advani and the present Janata Government, who have sought a repeal of the bad Act and have brought in this Bill to revive the Feroze Gandhi Act. I wish to

congratulate Shri Advani once again for that.

SHRI SOUGATA ROY (Barrackpore): Mr. Deputy-Speaker, Sir, as Yesterday, today also I rise not in opposition of the Bill. As we have said a number of times from this side, our job is not to defend the indefensible. Our leader, Shri Chavan has admitted that the verdict of the people against the Congress was due to some excesses committed during Emergency. We shall not, therefore, speak about that. The hon. members from the ruling party in these few days of Parliament session have spoken *ad nauseum* about their bravado and courage during Emergency. There is no need to go back to all those things; let us think together constructively of a new India, in which we will have better future for all the citizens. I am very glad that today in this House we have heard such eulogising remarks about Shri Feroze Gandhi and today Shri Advani by this enactment is going to put again into operation the Feroze Gandhi Act. That Act was, in fact, a great Act in order to defend the fourth Estate of democracy, namely the press. That will also complete the privileges of Parliament given under Article 105 (2) of the Constitution. I do not know whether it is out of real respect for Shri Feroze Gandhi or in an effort to denigrate his spouse, Shrimati Indira Gandhi, our former Prime Minister that all this eulogy has been placed here. But the relation of the ruling benches to Feroze Gandhi does not end with again putting into operation the Feroze Gandhi Act. If I remember right, it was in this House that Shri Feroze Gandhi made an impassioned appeal for an inquiry into the Mundhra affair and on his appeal, the Chagla Commission was appointed and among the various persons which that Chagla Commission named was Mr. H. M. Patel, the present Finance Minister and here, the present Government relates itself to Feroze Gandhi in various ways, not only in the Press Act but also with regard to his efforts to unveil the Mundhra mystery.

I have just heard Mr. Chatterjee also, our eminent colleague from Bengal, doyen of Bengal lawyers and son of one of the topmost lawyers in the country, speak about Shri Feroze Gandhi. I think his Marxist colleagues will not agree with every thing he has said. Possibly they will say that he has not properly declassed himself and that is why he went out so much to praise the Congress in 1956. If Mr. Somnath Chatterjee will take the care of going into what the Marxists used to say in 1956 about Pandit Jawaharlal Nehru, I think he would have said differently from what he has said to-day. But I will not go into what the Marxists said in 1956 about Jawaharlal Nehru. But what I want to remind Mr. Chatterjee is that he has so eloquently spoken about the responsibility of the Press in this country. If my memory serves me right, in 1969 when the United Front Government was in power in West Bengal and Mr. Jyoti Bosu of Mr. Chatterjee's Party was the Home Minister, crowds of CPM Youth organisation went and ransacked the *Ananda Bazar Patrika*'s office and then they offered no apologies for what was done at that time. It is good that Mr. Chatterjee's attitude towards the Press and the Patrikas has changed in the meantime. . . .
(Interruptions).

You attacked *Ananda Bazar Patrika*'s office. Don't forget. You are talking about democracy. Mr. Somnath Chatterjee is talking about democracy. He is speaking so eloquently about releasing the Naxalite prisoners. If my memory serves me right, Mr. Jyoti Bosu, the then CPM Home Minister of West Bengal, sent the Eastern Frontier Rifles to Gobindballabhpur and Debra to quell the Naxalites' revolt there. And, to-day, suddenly they have become democratic and are speaking in eulogy of the democratic processes. If this great country has succeeded in making the Marxists democratic, once again we bow our heads to this great country.

It is not so much due to Somnath Babu's great flexibility and malleability but due to the pressurising effect of the great democratic people of this country that this has been done.

I again submit, as I said Yesterday, this Bill like the Yesterday's Bill was a corollary of the emergency and when the emergency has been lifted, this Bill should be repealed along with that and, besides, there is no necessity of this Bill to-day because all the members in fear of whom this law had to be enacted, are all sitting on the ruling benches. If my memory serves me right, I was not a member of Parliament at that time. You were in the Rajya Sabha at that time. How many times did it happen that you found Mr. Raj Narain lying on the floor of the Rajya Sabha and being carried by the Marshals of the House outside? How many times did it happen that here in the Lok Sabha the proceedings were interrupted by Mr. Jyotirmoy Bosu, such an eloquent supporter of the ruling benches and Mr. Madhu Limaye who is such an eloquent supporter of the ruling benches? For three months the session of Parliament could not go on on a single scandal of Rs. 70,000. You know yourself one day's session of Parliament costs the State Exchequer more than Rs. 1 lakh and for three months it was held up because they wanted to find out about some scandals. If the Congress Opposition which is bigger than what the Opposition was at that time takes the same attitude, what will happen? I am younger than either Shri Madhu Limaye or Shri Jyotirmoy Bosu. If I use my lung power at the same level, the Government cannot go on. All legislative business will come to a stop. Even on the floor of the House if I make vituperative things against the Minister, if I find out skeleton from the cover of every Minister, what will happen?

While I support the Bill, I want to remind the Members that it should be the effort of all of us whether in

[Shri Sougata Roy]

the ruling party or in the Opposition to enhance the honour and the dignity of this august House which is the true representative of the people of this great country. It is in this channel that our efforts should be directed.

For the last two days I have been hearing too much about the BBC and the praise of the American Press. I beg of every member with folded hands, let us not model the White Hall or the White House democracy. Ours is a poor country, but country with a great past and with a great heritage. Let us not imitate the White Hall democracy which Prof. Mavalankar or Mr. Subramaniam Swamy or anybody of the ruling benches want to emulate. Let us build up Indian model of democracy with our great tradition of tolerance, with great tradition of listening to other people and have respect for the feelings of other persons. Whatever has happened in the past... . (Interruptions) . . .

Mr. Kundu, I was not there. Let us bring a good future.

SHRI S. KUNDU: The wounds are still raw. (Interruptions)

MR. DEPUTY-SPEAKER: Please take your seat now. This is not the way to interrupt. I have been hearing so many interruptions. But this is not the way to interrupt. (Interruptions).

SHRI SOUGATA ROY: In all humility I may say that it is good that the ban on the press has been lifted and that the press can publish anything that will be spoken in the Parliament. But, as I said yesterday, there is no real freedom possible under capitalism. If I speak today against some owner, some business magnate who happens to give advertisements stating facts to big newspapers, it will not be printed in the paper. I spoke the other day on the floor of this House

about the need to nationalise all jute mills, none of the papers printed it. The reason is simple. It is because the big monopoly house papers get advertisement from big jute mill owners. Not only that, the jute mill owners themselves are the owners of the press and publications.

While I support the Bill, I will again implore Shri Advani to think over this matter. There will be no real freedom of the press unless you diffuse the ownership of the press, unless the working journalists have a share in the ownership of the press, unless real socialist ownership takes part in the press and the press is freed out of the clutches of the new jute mill owners, landlords and monopolists in this country.

SHRI S. KUNDU: When shall I get the chance to speak?

MR. DEPUTY-SPEAKER: Mr. Kundu, I must remind you now. You must give your name to the whip. I have called all the persons whose names were given. About others, if time permitted, I could have called.

SHRI S. KUNDU: We have to take all the whips, including your whip.

The point I am urging is that at about 3 O'clock, you said it will conclude at 15.40 and you will give each speaker not more than five minutes.

But the speaker who just concluded his speech, spoke for more than 11 minutes or 12 minutes. We are waiting and some speaker whose name is not in the list has been called.

MR. DEPUTY-SPEAKER: You must know there are very few speakers from the Congress benches and the time consumed by the entire Congress benches is less.

SHRI S. KUNDU: You have your discretion. I am not disputing your discretion. But the discretion should always be judicious.

MR. DEPUTY-SPEAKER: I have been very judicious, Mr. Kundu. Just because you could not get a chance, I cannot help. I have been very judicious. I have tried to accommodate as many groups as possible and I have tried to accommodate as many speakers from the Janta Party as possible. So, you should have no complaint on that account.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): I deem it a singular good fortune that both the legislative measures that I have had to pilot in this session have received unanimous support from the House. From a majority of the members the support has been enthusiastic and unreserved. But by some members—yesterday there was one person today perhaps, two—there have been some reservations expressed and even though they have supported the Bill, they have voiced certain misgivings about what would happen if the Bill is passed. First of all I would like to refer to two speeches, one, that of Mr. Stephen and the other that of Mr. Songata Roy. While Mr. Stephen said that this kind of immunity will work against people who are not public servants, not members of this House, who are outside this House, and it is essentially for them that this immunity was sought to be given, my friend Mr. Songata Roy raised a contrary point and said that if he or any member speaks against the jute press etc. or against capitalists, that is not reported. He was more concerned with seeing what he says in the House about non-members being reported, saying, it should not be left to them to report or not to report.

15.31 hrs.

[SHRI S. D. PATIL in the Chair]

I find myself unable to accept these arguments so far as this Bill is concerned. It is a simple Bill as the Statement of Objects and Reasons indicates. Going through the entire debate that took place on the last Bill and this one, I am not able to find an

iota of justification to show how the original immunity was in any way abused. The allegations which used to be made on the floor of the House against the Ministers were all published. It may be Mr. Madhu Limaye or Mr. Jyotirmoy Bosu or Mr. Raj Narain. They were published. They wanted to see that this should not be published. Mr. Songata Roy says that this was because during the emergency this was necessary. The same argument which was made yesterday was repeated today also. I would again repeat that neither of these Bills had anything to do with emergency.

As I said while moving the previous Bill. I regard it as the previous Government's attempt to institutionalise the press curbs which could normally be imposed only during the emergency. It was an attempt to perpetuate this control. If this had continued on the statute book the Indian Press would have been fettered, the Indian Press would have been a shackled press, they would never be able to express the voice of the people. The other Bill that repealed the Feroze Gandhi Bill had nothing to do with emergency. During the emergency the proceedings of Parliament were censored and blacked-out. This was something unheard of in the history of democracy. My friend was eloquent and objected to references being made to BBC and American experience. I am ready to benefit by the experience of everyone. I am proud of the fact that India has tried to build up a tradition of its own. It has got a heritage of its own in the field of functioning of Parliamentary Democracy. But, I am certainly not at all proud of it. I feel ashamed when I find that during this period of thirty years, there is a period of dark and dismal phase that started on 26th of June, 1975 and that ended only with the installation of this new Government. I cannot think that, that is also going to be a part of my Indian democratic heritage.

I would like to forget it altogether. But, if my friends on the opposite

[Shri L. K. Advani]

side, continue to swear by it and continue to hold that all that took place during that time was necessary, was good, was beneficial for the country, and was beneficial for democracy, then, I am sorry to say that the rapport that I am keen to build up will not be built up. We have to move away from this dark past; we have to forget that and you can help to make us forget it. There had been several friends on that side who are conscious of it and some are rather hesitant to express freely. But, I would appeal to them to be frank and forthright. So far as Mr. Stephen's arguments were concerned, as like yesterday, they were painfully laboured. He himself said that there had been perhaps two or three instances. He named a couple of names and, lesser instances may be found out, where, because of the immunity given to the press, non-members have been seriously affected and, on the basis of that, you want to put the whole press in situation where for every single line or word that he writes, he has to wait to see if it is going to land him in trouble or not? Democracy is based upon public opinion and the highest forum for the ventilation of public opinion is this Lok Sabha. The representatives of the people are here and the opinion expressed here can be regarded in a way, as representative public opinion. And this has to guide us. And if we were to talk amongst ourselves and only a few in the press gallery or in the visitors' gallery are to listen to us and not the entire world outside, then the democracy cannot function in a healthy manner. If some of us say: something wrong, whether on this side or that side, I would say that it is the right of the people to know what wrong do we say. It is only after listening to what wrong that we say that they will be able to judge how our representatives here are functioning.

Sir, yesterday my esteemed friend, Shri Mavalankar, reminded me of a phrase of Jefferson. He said that when Jefferson was once asked whether, if he had a choice between a

government without a free press and a free press, without a government, what would he choose, he said that he would choose the latter—a free press without Government. I regard it is remarkable. This kind of statement was made by a person who had been the subject of what is known as vilification and character assassination of the worst kind from the American Press. It was his experience when he was in Government. When he became the president or even before that, he had to face a barrage of criticisms and even vilifications from the press. Even then he maintained it because he held that, by and large, political parties can be of two kinds, broadly speaking, one which trusts the people and the other that distrusts the people.

This Janata Government that has come into being, if I were to identify an important characteristic of it, is this. I would say that the basic characteristic of this Government will be that it starts from the position of trust. It trusts the people; it trusts every single institution of democracy; it trusts the press; it trusts the judiciary; it trusts the Parliament. You have a brief glance at the number of laws and the constitutional amendments that were enacted during the last twenty months by the previous Government. You will find that they betrayed distrust of the press. And this is one of the Bills that is sought to restore now this trust of Parliament.

Some of the provisions of the Forty-Second (Amendment) Act betrayed distrust even of Parliament and of the judiciary. Almost a series of laws can be cited where the judiciary powers are sought to be shut out. They should not be justiciable. All told, they added to our distrust of the people as a whole and, I would say that, if today, the Congress has been rejected or if the Congress has come to the present pass, one of the reasons was that the Government in office distrusted even its own party; even the

Congress Party was distrusted by the government in office. So, this distrust has been the main reason for the debacle of the party in opposition today which was in government till yesterday. So, we start from the position of trust. This Bill that I have commended to you believes that the press can be fully trusted to perform its role.

Sir, here I would also like to say that it is an earnest of our faith that we for the first time in the 30 years started with saying that the Prime Minister should address the nation and on the next day the leader of the Opposition should address the nation. This is a measure of our earnest.

Sir, as Mr. Mavalankar was pointing out, it is not sufficient to pass laws. Something more is needed and what more needed is this kind of trust. Because of this trust we will be able to gradually shed the powers that you have accumulated. Look at these bills? What do they amount to? They amount to entrusting the government with lot of power. When we pass these laws we are shedding the power that has been concentrated in this government. We think by doing this we are strengthening democracy; we are strengthening the people; we are strengthening the Parliament and thereby strengthening the government. With these words I thank you again for having given unanimous support to this Bill.

MR. CHAIRMAN: The question is:

"That the Bill to protect the publication of reports of proceedings of Parliament, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now, we take up clause-by-clause consideration of the Bill. There are no amendments.

The question is:

--- "That clauses 2 to 4 stand part of the Bill".

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1—(Short title, extent and Commencement).

MR. CHAIRMAN: Now, I will take up clause 1. There is one amendment in the name of Shri Samar Guha. He is absent. The second amendment is in the name of Shri Lakhman Lal Kapoor.

श्री लखनलाल कपूर (पूर्णिया) : सभा-पति महोदय, मैं क्लाज 1 में अपना निम्नलिखित संशोधन पेश करना चाहता हूँ —

"Page 1, lines 7 and 8,—

for "25th day of March, 1977" substitute "8th day of December, 1975" (2)

मेरे इस संशोधन का तात्पर्य यह है कि आप ने इस बिल में 25 मार्च, 1975 के जिक्र किया है, जब कि मैं चाहता हूँ कि इस : 8 दिसम्बर, 1975 से लागू किया जाए। इस बीं वजह यह है कि बहुत से प्रैस या लोगों के ऊपर पिछले कानून का असर हुआ होगा, कुछ लोगों को टण्ड भी मिले होंगे, उन को नक्सान भी हुए होंगे। इस लिए यदि इस में 8 दिसम्बर, 1975 रख दिया जाए तो ऐसे बहुत से लोगों को जो इस से प्रभावित हुए हैं, उन को मुक्ति मिल सकती है। मैं समझता हूँ कि संत्री महोदय को इसे स्वीकार करने में कोई उज नहीं होना चाहिए—यह बहुत ही साधारण सी बात है।

श्री लाल कृष्ण अडवानी : इस सम्बन्ध में मेरा निवेदन है—आप इस के उपयोग रिट्रास्पैक्टिव करना चाहते हैं, 25 मार्च, 1977 की बजाय 8 दिसम्बर, 1975 से कराना चाहते हैं। लेकिन उस समय सेन्सर निप लागू थी, इस लिए कोई भी व्यक्ति उस से प्रभावित नहीं हुआ है। यह केवल भावना की बात है। अभी हम जो कर रहे हैं वह व्यावहारिक रूप से कर रहे हैं—25 मार्च से, जब से कि संसद का अधिवेशन शुरू हुआ तब

[श्री लाल कृष्ण अडवानी]

से लेकर आज तक जो कार्यवाही हुई है, उसे लिए एमनेस्टी रहेगी—यह एक व्यावहारिक कदम हम ने लिया है। इस लिए मैं आप से अनुरोध करूंगा कि आप अपने संशोधन को वापस ले लें।

MR. CHAIRMAN: Do you press your amendment?

SHRI LAKHAN LAL KAPOOR: I seek leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

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

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

5.45 hrs.

STATEMENT RE. ENQUIRIES
AGAINST 'AVARD' AND SOME
OTHER ORGANISATIONS

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Sir, on receipt of

certain complaints, enquiries were initiated by the Income Tax Department against the Association of Voluntary Agencies for Rural Development, the Gandhi Peace Foundation and the Gandhian Institute of Studies, Varanasi. Pending completion of these enquiries, instructions were issued on 31st July, 1976 to all State Governments and Union Territory Administrations as well as all Ministries and Departments of the Central Government prohibiting grant of any financial assistance to these organisations. Although the enquiries have not yet been completed, we have received interim reports from the income tax authorities which seem to indicate that appropriate action for violations of income tax laws can be taken under the relevant law and there is no need to continue the restrictions on financial assistance imposed earlier. In view of this position, the instructions issued in this regard are being withdrawn and the income tax authorities are being advised to take such action under law as may be found necessary as a result of their investigations.

I would add that the interim reports that have been received by Government so far indicate that there was no diversion of funds for political purposes.

PROF. P. G. MAVALANKAR (Gandhinagar): I suppose, Chaudhuri Charan Singhji was replying to Shri Jyotirmoy Bosu's point raised earlier.

MR. CHAIRMAN: He is making a *suo moto* statement. It is not in reply to that.

15.47 hrs.

STATUTORY RESOLUTION RE.
INCREASING THE EXPORT DUTY
ON COFFEE, GROUNDNUT KER-
NEL, GROUNDNUT IN SHELL AND
CARDAMOM

THE MINISTER OF FINANCE
AND REVENUE AND BANKING
(SHRI H. M. PATEL): I beg to move
the following Resolution:—

"That in pursuance of sub-section (2) of section 8, read with sub-section (3) of section 7 of the Customs Tariff Act, 1975 (51 of 1975), this House approves the following Notifications of the Government of India in the Department of Revenue and Banking, namely:—

- (a) No. G.S.R. 870(E), dated the 6th November, 1976, increasing the export duty on coffee from Rs. 300 per quintal to Rs. 1300 per quintal,
- (b) No. G.S.R. 877(E), dated the 13th November, 1976, increasing the export duty on groundnut kernel from Rs. 800 per tonne to Rs. 1500 per tonne and on groundnut in shell from Rs. 600 per tonne to Rs. 1125 per tonne, and
- (c) No. G.S.R. 13(E), dated the 12th January, 1977, levying an export duty on cardamom at the rate of Rs. 50 per kilogram under the new Heading No. 22 in the Second Schedule to the said Act,

from the date of each of the notifications aforesaid."

Following the steep increase in the international coffee prices in the latter half of 1975, the export duty on coffee had been increased from Rs. 50 per quintal to Rs. 300 per quintal on 12 February 1976. The current price of Uganda Robusta Coffee in the London market in February 1976 was around £ 850 per tonne. From April 1976 world coffee prices again began to increase rapidly. The shortage of stocks appeared also to

be compounded by the operation of speculative forces, which resulted in the price increase. The price situation in regard to coffee was kept under watch. It could not, however, be said with reasonable certainty whether the increased prices would be sustained. After climbing to a level of nearly \$ 1,600 at the end of June 1975 there was a sharp break in the price in July when it again fell to £ 1,100. Thereafter the price once again increased. Taking note of the increase in world prices, the export duty on coffee was raised on 6 November 1976 from Rs. 300 per quintal to Rs. 1,300 per quintal under notification GSR No. 870 (E).

Prior to 13 November 1976 there was an export duty of Rs. 800 per tonne on groundnut kernel and Rs. 600 per tonne on groundnut in shell. In November 1976 when an export duty of 50,000 tonnes was allowed by the Commerce Ministry, the rate of export duty was reviewed. Prices of groundnut kernels in the domestic market then ranged between Rs. 3000 and Rs. 3,500 per tonne depending upon the quality and the size. On the other hand, the likely realisation from exports of HPS groundnut (kernels) was estimated to be over \$600 per tonne. Having regard to the level of internal and international prices of groundnut it was decided to increase the export duty on groundnut kernel from Rs. 800 to Rs. 1,500 per tonne and on groundnut in shell from Rs. 600 to Rs. 1,125.

Cardamom prices, which were fairly steady in the international market till about August 1976, began to increase rapidly during the last quarter of the year. Alleppey green variety of cardamom was quoted in London market between £ 2.70 and £ 3 per pound during the period March to August 1976. By December, 1976 the price climbed up to £ 6.75 per pound. The question of a levy of export duty on cardamom was, therefore, examined with reference to prevailing domestic and international prices and it was decided on 12 January 1977 to levy a duty of Rs. 50

[Shri H. M. Patel]

per kg. on cardamom under notification No. GSR No. 13(E). A low priced variety of cardamom known by the botanical name of *Amomum Subulatum* was however exempted from this levy.

Immediately after the notification levying export duty was issued, representations were received from the exporters of cardamom about their inability to bear this export duty. They represented that much of the last cardamom crop had been sold out to traders, who, in turn, had entered into export contracts. They also represented that neither would their normal margin allow them to absorb this amount of export duty nor would they be able to pass on the duty to the foreign buyers as there were no alternative sources of supply. This resulted in the export trade virtually coming to a standstill and action had to be taken to ensure that the country's exports were not adversely affected. Further, it was necessary to safeguard the interests of the grower, whose crop had been affected by the poor monsoons, by seeing that the balance of the crop still with him fetched a reasonable price. The export duty was accordingly reduced after careful consideration to Rs. 10 per kg. with effect from 24 February 1977 by notification GSR No. 84(E).

MR. CHAIRMAN: Resolution moved:

"That in pursuance of sub-section (2) of section 8, read with sub-section (3) of section 7 of the Customs Tariff Act, 1975 (51 of 1975), this House approves the following Notifications of the Government of India in the Department of Revenue and Banking, namely:—

(a) No. G.S.R. 870 (E), dated the 6th November, 1976, increasing the export duty on coffee from Rs. 300 per quintal to Rs. 1,300 per quintal.

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800 per tonne to Rs. 1,500 per tonne and on groundnut in shell from Rs. 600 per tonne to Rs. 1,125 per tonne, and

(c) No. G.S.R. 13(E), dated the 12 January, 1977, levying an export duty on cardamom at the rate of Rs. 50 per kilogram under the new Heading No. 22 in the Second Schedule to the said Act.

from the date of each of the notifications aforesaid."

SHRI D. B. CHANDRE GOWDA (Chikmagalur): I should like to draw the attention of the hon. Finance Minister to certain points arising out of the raise in export duty. The first announcement came on 10 February 1976 and the second announcement came on 6 November 1976. The point for consideration here is that both the export duties which have been raised were raised keeping in view the new budget proposal. Sir, that apart, I would like to submit that this is a storm in the coffee cup which has a crippling effect on the coffee industry as a whole. The grower is the sufferer, not the exporter or the importing countries. We should look into the reasons why the international prices have gone up. There was a price rise in the international market. The reason for this price hike in the international market is that there was a frost in Brazil in July 1975, which destroyed about 70 per cent of the coffee crop. The civil war in Angola and the earthquake in Guatemala, floods in Columbia and Mexico and drought in South Africa are some of the major contributory factors for the decline in coffee production. Hence the international price of coffee went up. We took the best advantage of these prevailing situations outside the country and we could sell our coffee at higher prices. But the redeeming feature was when the coffee export duty was raised in February 1976 to Rs. 300 per quintal, at that time about 4765 tonnes of coffee was already in the

pipeline. The duty which was raised in February 1976 did not cover the quantity of coffee which was already in the pipeline; neither the exporter nor the country which was importing coffee did accept to bear the increased export duty. Then came the question as to what is to be done with this quantity of coffee which was already in the pipeline. May I remind the House that inspite of these things, the internal market price of coffee had been maintained for such a long time and it was one-fourth of the price that was prevailing in the international market.

Now, the question arises as to who should bear the increased export duty so far as the coffee in the pipeline is concerned. When the export duty was increased, this point was not considered and the exporters were caught unawares of this situation. The matter came up before the Coffee Board for discussion and ultimately it was decided that about Rs. 1.25 crores had to be borne by the exporters themselves. Again when there was a second enhancement of the duty, the matter again came up for discussion, it was decided that this second enhanced duty was to be paid out of the Coffee Board's Pool Funds. This fund was to be made available only to the growers. But the difference of increase in the export duty for the coffee which was in the pipeline was also paid out of this Pool Funds. Otherwise this fund would have gone to the coffee planters. This means that the planters had to pay the enhanced export duty through their nose and not the exporters. This decision was taken outside the purview of the Coffee Act. The Pool Funds were made available to the planters to make good the rise in export duty. I would like to know why there was a crippling effect on the coffee industry. Neither the exporters nor the importing countries would bear this heavy burden of enhanced export duty, from Rs. 50.0 to Rs. 300.0 per quintal; in other words, it has gone up from Rs. 3,000

to Rs. 13,000 per tonne and therefore the exporter quotes less price in the auction. He keeps in mind the increased export duty, when quoting the price in the auction.

16 hrs.

Whatever be the reasons, the grower is hit. Don't think of the few rich growers numbering 300 to 400. Remember that there are about 80,000 small growers in India. Coffee is a hot foreign exchange earning commodity. The reasons for enhancement of export duty are just a passing phase. If you can abolish the export duty on tea and reduce the export duty on cardamom from Rs. 50 to Rs. 10 per kg., coffee has a better case for reduction of export duty. I would beg of the Finance Minister to kindly reconsider this. For the last so many years, the internal consumption is at a standstill between 37000 to 39000 tonnes. Coffee grown in India is not sufficient for our internal consumption. Still, to help the country earn foreign exchange, we are exporting coffee and the performance has been quite good. The coffee board is functioning just like a cooperative society. It should be said to its credit that the coffee board has been working well for the last so many years. This duty coming like a bolt from the blue has hit the entire industry and I have no hesitation in saying that it will hamper the growth of coffee production in India. I want to ask the Finance Minister, if the export market price comes down, are you going to create any reserve fund to help the small growers at the time of crisis or will you leave them to themselves? In fact, in February when the first rise in export duty came, there was representation from all sides, particularly from the growers that this duty should be levied on an *ad valorem* basis. This was also supported by the Chairman of the Coffee Board and by the Board itself. Keeping in mind all these considerations, I request the Finance Minister to reconsider the increase of duty in one jump from Rs. 3,000 to Rs. 13,000 per tonne.

[Shri Chandre Gowda]

which will have a crippling effect on the industry. He should kindly consider reducing the rate and also give some assistance to make good the losses which the coffee board has suffered so far as the coffee in the pipeline is concerned which has been agreed to be exported and which the coffee board has to make good from the pool payments. This loss should be made good by the Government of India. In the interest of boosting up the export, I request the Minister to see that some bargain is struck. If the duty is to be raised, it should be raised periodically so that the production of coffee is not hampered and the image we have built up in the export markets is not tarnished.

SHRI A. C. GEORGE (Mukandapuram): Sir, this Resolution which the hon. Finance Minister is placing before the House will have far reaching effects on the farmers. I am sure, Mr. Patel may have the temptation in his reply to take the plea that these notifications were issued much before he came into the Government. So, I humbly seek of him to review the situation so that a healthy agricultural set up is ensured in the southern States of India.

As my good friend, Mr. Chandre Gowda has pointed out, Tamil Nadu, Karnataka and Kerala are the three States which contribute almost hundred per cent of the coffee and cardamom. Of late, there has been some attempt by Sikkim for cardamom. The whole logic behind this decision at one time, I am sure and I have no hesitation to reassure you, was in the context of certain transient and passing phases. In 1971—73, the coffee crop was around 100 thousand tonnes and we had great difficulty in finding the export markets at that time. We had to make great efforts then and we were able to export 23 thousand tonnes of coffee and our realisation was less than Rs. 18 crores. But in a period of four or five years with the enormous efforts made both by the Coffee Board as well as by

the Commerce Ministry, we were able to push up the market for Indian coffee in 1975-76. If I remember aright, the realisation was nearly 66 crores and our export was to the tune of 60 thousand tonnes. We are just now able to establish the foothold for Indian coffee. Brazil is the most important producer of coffee. They had a frost and their crop was almost destroyed. Actually if you go into the statistics you will find that Indian crop is only 10 per cent of what is produced in Brazil. Just because the Brazilian crop is affected even to some extent which is a huge quantity, perhaps it may look as if Indian coffee is getting higher return. It is just getting out of frost which is a natural phenomenon. If you base our financial policy on certain passing phases, it will have disastrous affect on the farming community. From 3000 to 13,000 per tonne is a very drastic increase and it will have a crippling effect.

There is a notion prevailing among many of our friends that coffee is a planters' item. It is not so. It is a farmers' item. There are 280 big planters in this country and 66 per cent of the coffee is produced by more than 86000 small holders and so let us not be under any illusion that this duty will be passed on to the exporters. It will come straight on the head of the coffee farmers. I would request the hon. Finance Minister to review the whole position so that a market which we have built up with great effort is not lost. In 1970-71, we had a great glut but today our coffee is pushed up and has established a foothold in the international market.

Coming to cardamom, there is also a very interesting situation. In coffee, 70 per cent of the production is in Karnataka, 20 per cent in Kerala and 10 per cent in Tamil Nadu. In the case of cardamom 70 per cent of the crop is in Kerala, 20 per cent in Karnataka and 10 per cent again in Tamil Nadu. So, this is a crop which is somehow or the other shared between

the 3 Southern States. It was only in 1972 that there was a general clamour from the farmers to have a support price for cardamom. It is only recently that because of the 'karte' disease, about which the Cardamom Board is trying its level best to find a solution, the crop has come down. What used to be a crop of 3600 tonnes per year, exporting to the tune of 2500 or 2600 tonnes, has come down to 2000 tonnes. In regard to these two items, if you try to take advantage of the temporary phenomenon, it will not be in the interests of the country. We are really killing the goose which is laying the golden egg. I would request the Finance Minister to take a whole view of the situation and not to take the plea that it was not he who ordered this.

It may look very innocuous: i.e. when you say that it is Rs. 50 per kg. I was really confused when I read these 3 notifications. In one case it is per quintal; in the other, it was per tonne; and when you came to cardamom, you put it in kilograms. Rs. 50 per kg. came to Rs. 50,000 per tonne. In these 3 notifications, there is confusion about the various gradations. Rs. 50,000 per tonne is absolutely unbearable. If the Finance Minister goes into the mechanism of cardamom selling, he will find that there is a traditional and peculiar system prevailing in it. Even when the crop passes from the hands of the farmer, he does not realize it. Only when the exporter gets the money after the L.C., does the buyer pay him. Ultimately the farmer gets the money. Till then he is in a market limbo, where nobody wants and nobody works. I request that the whole position may be reviewed. As the Finance Minister pointed out, there were so many representations, about both coffee and cardamom. If I remember correct, at one time there was a feeling in the Finance Ministry that this was a bit too much and that

amelioratory measures have to be taken. The Finance Minister mentioned something about Rs. 10 per kg. and also about the quantity which was in the pipeline. In the whole international market situation, these two items, viz. coffee and cardamom are basically small producers' items. I would request the Finance Minister to review the whole situation and see that the farmers are benefitted and that the international market is not spoiled.

*SHRI DHARMASINH BHAI PATEL (Porbandar): Mr. Chairman, Sir, the hon. Finance Minister, Shri Patel, has selected three items: (1) Coffee (2) Groundnut and (3) Cardamom. So far as Coffee and Cardamom are concerned, Hon'ble Members have already spoken earlier and as such I am not going to take any more time of the House. I have to say about the export of groundnut only.

Sir, our country i.e. country of Bharat is primarily an agriculture-based country and 50 per cent share of the national income is derived from agriculture and the rest 50 per cent share from other commodities. It is the policy of our new Government that the agricultural produce should be increased and more and more commodities should be exported. So far as Coffee and Cardamom are concerned, two members have already spoken earlier and as such, I shall not discuss about them....

MR. CHAIRMAN: The difficulty is that there is no arrangement for translating speeches in Gujarati here. We will get the translation afterwards. The difficulty is that at present there is no arrangement.

SHRI VAYALAR RAVI: I believe that any Member can speak in his mother tongue. But he should inform the Secretariat one hour earlier. They can arrange it.

*The original speech was delivered in Gujarati.

SHRI DHARAMSINGH BHAI PATEL: ...and so, I shall speak about groundnut only. Sir, about 45 lakh tonnes of groundnut is produced in our country. Out of this 45 tonnes, one-third share, that is 15 lakh tonnes of groundnut, is produced by only one of the regions of Gujarat. It is, therefore, essential that the produce of groundnut is increased and then the surplus stock should be exported. Now the duty of Rs. 800/- has been raised to Rs. 1500/- and thus the increase in duty is raised by Rs. 700/- per tonne. Thus it is doubled straightaway. So far as groundnut without husk is concerned, the duty of Rs. 600/- has been raised to Rs. 1125/-. Thus the duty is doubled. This is not proper. Sir, after thirty years of independence, the quantity of one lakh tonnes of gram is exported and 50,000 tonnes of groundnut with husk is being exported now-a-days after a lapse of 30 years period by the former Government.

Sir, it is the assumption of the Government that whatever prices a commodity fetches they go to the benefit of the producer or cultivator. This assumption of the Government is incorrect; this policy of Government is wrong. For any commodity produced in the country and exported at higher prices, the producer or cultivator would get the higher price—this policy of Government is quite wrong and incorrect. I shall request this hon. Finance Minister that the dates fixed i.e. 6-1-76 for coffee, 13-1-76 for groundnut and 12-1-76 for cardamom and the duty that has been decided to be imposed need sanction. The sanction may be given in future only after reducing the duty on the three items, that is coffee, groundnut and cardamom, which has been increased. The cultivators have no big industry in this country. They are producing these commodities by applying costly fertilisers, costly irrigation and through hard labour. Some quantity is exported by the cooperative societies, some quantity by the merchants and

some by the cultivators and producers themselves directly. I, therefore, urge the hon. Finance Minister not to raise the duty which has been proposed to be raised.

SHRI C. M. STEPHEN (Idukki): My hon. friend, Mr. George, has dealt with this question very effectively. I want to put in a few words because 70 per cent of the Indian production of cardamom is in my constituency of Idukki. I know the difficulties and the financial constraints under which the cardamom grower is today working.

Mr. George has narrated the history of the ups and downs in the prices of cardamom. In 1972 there had to be a floor price which indicates that the prices were very low. Subsequently there have been ups and downs. Now they have imposed a duty which, as he pointed out, cumulatively comes to Rs. 50,000 per tonne. Even after the reduction, it comes to Rs. 10,160 or so per tonne. That is the present position.

You will realise next year that the production has absolutely crashed. Because of climatic conditions and pests the production has completely crashed. In order to improve production, the farmer is putting in a lot of inputs the price of which is rather high. Time was when cardamom was just a forest growth. That is not the position now. Today, the plant has got to be meticulously taken care of. This is a time when the farmer has to take care of every plant meticulously and money has got to be pumped to sustain the production of these plants. If you impose custom duty merely because there is a spurt in the prices it is rather too unkind. It is due to shortsightedness.

One can understand if you are imposing a sort of *ad valorem* duty. Whether that should be imposed on foreign exchange earning commodity is a different matter altogether. But merely because there is some spurt in prices, you want to collect money and are jumping over the farmer, who

*The original speech was delivered

in Gujarati.

is completely helpless. This is absolutely a cruel approach. The Government of India can afford to forego Rs. 10,000 per tonne. Now, there is a spurt in prices because of the fall in production. The fall in the production has increased because of increase in the cost of inputs and all that. What is the additional care a farmer is taking of about it? What is the net amount that is being collected? That should be the criterion.

If somebody goes into it, he will find that the farmer today is in the red; he is not on the profit side because of the fall in production, because of the increase in the cost of production. The Government of India took a view about bringing down the custom duty from Rs. 50 to Rs. 10. They gave an explanation, a valid explanation, that it became necessary because of the accumulation of stock, because of the non-lifting of the stock and so on. Therefore, that became necessary. I suppose, the position today is that the duty is Rs. 10 and not Rs. 50. Suppose this Statutory Resolution is here purely, because whatever duty has to be imposed, it has to come before Parliament and therefore it has come. But I suppose this takes effect as on that date. What is now in force is, I suppose, Rs. 10 per quintal. If on the other hand Rs. 50 per quintal is to be the duty, it will be outrageous, completely devastating, dangerous and what not. Even that Rs 10 per quintal is quite unbearable

Anyway, I must congratulate the officers who have framed this Notification. In the light of what Mr. George has said, in respect of one commodity, you speak quintal, in respect of other commodity, you speak about kilogram in respect of another commodity, you speak about some other measurement and so on. These different units of measurement give a misleading sense of the burden of the tax. I would plead with my friend Mr. Patel to have a second look at the whole thing

and accept the principle of not rushing into collecting a little money when there is an occasional spurt in the prices. Let us not jump over it; let us not jump over the farmer; let him bring more and more price so that foreign exchange may be increased more and more.

If you do not encourage these small farmers, then how can they prosper. There are about 25,000 small farmers in number. There are no big planters, except one or two. They have got only 3-4 hundred acres. That is what has come to be known as big planters. All the other fellows are having 2-3 acres. It is on these people that the burden will come. Let us have agonizing look at it.

SHRI C. K. CHANDRAPPA (Cannanore): Mr. Chairman, Sir, I share the views expressed by my hon. friends here by bringing forward certain points to the hon. Minister for his kind consideration.

My feeling is that the Government is trying to take advantage of the coffee crisis all over the world. This crisis will not last long. The crisis, as has been pointed out by my hon. friend, Chandre Gowda, is due to certain temporary factors. There was a severe frost in Brazil. The coffee production fell 70 per cent and in terms of quantity. It was a fall to the tune of 7 million bags of coffee. Then, there was a civil war in Angola. It is over now. I think, they will produce more coffee in future. Further, there was flood and drought in certain Latin American countries. All these are certain temporary phenomena which these countries would overcome very soon. All this created a condition of crisis in the world market of coffee. Today, the coffee price has, therefore, gone very high and the Government's only argument which the hon. Minister has put forward is that the exporters are earning more than what they used to earn and that, naturally, a share of it should come to the Government.

[Shri C. K. Chandrappan]

Nobody will object to that. Normally, if there is a windfall of profits to the exporters of coffee, it is very legitimate and we would support the plea that a major share of it should come to the Government. But if you take the official view of it, it is not so. Even the Coffee Board says that. It is true that most of the growers are small growers. They say that the growers may get a return higher than the cost of production but not appreciably higher. I am quoting from the Coffee Board records, from the speech of its Chairman. What does it say? It says that they are getting slightly more than the cost of production; it is not appreciably more. So, the profit is made elsewhere. Utilising the crisis in the coffee market, the profit is made by exporters and that too for the time being. I think, on that basis, the Government should not base its policy.

In one of the coffee producing countries, in Columbia, the Chairman of the Coffee Producers' Federation says that he was sure that the shortage of coffee is temporary. Therefore, the Government should not base their policy on these temporary factors. I would, therefore, appeal to the hon. Minister to reconsider the question of imposing additional excise duty.

Another thing that I would like to bring to the attention of the hon. Minister is that in our country too the production is falling. I do not know whether this has come to the notice of the Government. In Wynad itself, in my constituency in north Malabar, there are 10,000 acres of coffee plantation which is affected by mealy bug, which is described in the *Economic Times* as a deadly parasite. This has brought down the production of coffee in Wynad. In Kerala, Wynad is a centre where a large number of small growers are contributing largely to the coffers of this country by producing coffee. About 2000 to 3000 tonnes of coffee is the annual production loss there today and, in

terms of money, the loss of foreign exchange earnings, it will come to about Rs. 4 crores per year. That is how the internal production has come down. The hon. Minister should also know the magnitude of the fall in production. There used to be the production of 50 to 60 tonnes of coffee in a plantation of one hundred acres. Today, the production has come down to 10 to 15 tonnes. That is the magnitude of the problem resulting from this parasite infection. So, taking this opportunity, I would like to make an appeal to the Government to take certain steps. Firstly, for giving loans and other assistance to the planters, who are largely small planters, to replant their plantations. Secondly, for sending a team of the ICAR to study and propose measures by which they can overcome this crisis. Lastly, for setting up a coffee research centre at Wynad so that a long-term solution can be found for this problem. I am suggesting this because you are now going to tax heavily and get a lot of money. A share of this should go to the producer, the small farmer.

So, my first appeal would be, don't base your policy on a temporary phenomenon and increase the export duty. The Minister may kindly consider this. Secondly, from the amount of duty which you will be getting, a share should go to the small grower so that the country will benefit ultimately because the production of coffee will go up. I hope the hon. Minister will consider this favourably. With this appeal I conclude.

SHRI VAYALAR RAVI (Chirayinkil): This Resolution which is before the House is a decision taken by the previous Government. I am grateful to the Hon. Minister that when we met him last time to represent the grievances of the growers due to the duty imposed on them, he assured us that he would look into it.

My view is that what is harmful to the interests of the growers is

harmful to the interests of the country also as it would ultimately affect the foreign exchange position. I would like to make a suggestion that before taking decisions for imposing duties on such items, you may please consider the views of the Statutory Boards constituted by the Government itself. There is the Coffee Board and the Cardamom Board etc. Your own Government nominees are Chairmen of these Boards and the majority of the Members are also Government officials. So they can represent the views of the Government on these Boards which will make their recommendations. They can at least express their views on the views of the Ministry. I wish that hereafter you would take into account the views of the respective Boards—Coffee, Cardamom, Coir or whatever it may be.

Now, I am not going into the statistics as it has been quoted here already. But I would say that the present situation is due to natural calamities. The condition of the Arabian market, the civil war in Angola etc. were responsible for this rise in the international market. This is not a permanent phenomenon at all. Even Brazil, which is the largest coffee growing country in the world, has contributed very little to the world pool and ultimately the prices went up.

We earned good foreign exchange to the tune of Rs. 65 crores year before last and now we are expecting to get Rs. 100 crores this year. But this will really affect whom? It is not the exporters who will be affected. The Coffee Board has its own system of pooling and auctioning. Even in exports, the Government Board has done good work in the last two years. It has entered into a contract with socialist countries and has captured a market.

Now, there is the Pool Fund which, if I am not wrong, is to the tune of Rs. 12.5 million. We have to pay this duty from the Pool Fund, which will affect about 86000 farmers. So, the

deficit is sought to be made up with the little money that the poor farmers are getting. I request the hon. Minister to take into account these facts and also the difficulties faced by the small growers and to see that this is withdrawn as early as possible. Hereafter the opinion of the Board should be taken into account.

Lastly, so far as cardamom is concerned, at present it has been reduced to Rs. 10. It is a problem concerning the States of Kerala, Karnataka and also Tamil Nadu. I hope, the hon. Minister will stick to Rs. 10 and will not increase it further. It is because of the efficient work done by the Cardamom Board that this position has come. I should give a word of praise to the Cardamom Board for the good work done by them.

Once again I would appeal to the hon. Minister to take into account the fact that, when we increase the price in the international market, our product may not be competitive in the international market and ultimately we may lose foreign exchange because the entire product may come back to the internal market. Especially in the United States, the biggest coffee-consuming country, there is a propaganda that coffee is a luxury item.

I hope and believe that the hon. Minister, being a practical man, will take all these facts into account and help the poor farmers of this country.

श्री नाथराम मिश्र (नागौर) : सभापति जी, माननीय मंत्री जी स्वयंकाश्तकार हैं और उसकी बात जानते हैं। जिस नोटिफिकेशन वा हमने रेटिफाई करना है इस में मूँगफली, मूँगफली के दाने, काफी, इलायची के जिस तरह रेट बढ़ाये हैं वह शार्ट टर्म रेंज में रखा गया है, और लम्बी दृष्टि से उन चीजों की फौरन एक्सचेंज अरनिंग में क्या कंपेसिटी है और उसमें से कितना रुपया काश्तकार को मिलना चाहिए, काश्तकार को पैदा करने में कितनी तकलीफ हो रही है इन कमोडिजीज को कितनी बीमारियों का प्रभाव हो रहा है और काफी

के कितने बगीचे उजड़ रहे हैं और इलायची की बेलों का इस देश में क्या हाल हैं और इसके ऊपर क्या टैक्सेज हैं और किस तरह से ड्यूटी लगाते हैं इन सारी बातों का बहुत गहराई के साथ अध्ययन करके राष्ट्रीय कृषि आयोग ने सरकार के सामने कुछ सुझाव रखे हुए हैं रिपोर्ट के रूप में। कृषि मन्त्रालय का जिसका कि इन के उत्पादन से सम्बन्ध है और कोर्मस मिनिस्ट्री का जो कि एक्सपोर्ट करती है, आपस में इन दोनों का कोई तालमेल नहीं है और ऐडहाक निर्णय ले लिए जाते हैं। नीजा यह होता है कि लम्बी दृष्टि से इन चीजों का उत्पादन बढ़ा कर जो विदेशी मुद्रा कमा सकते हैं वह हमारी क्षमता पूरी नहीं हो पाती है। इसलिए इन बातों को ध्यान में रख कर मैं आप से कहना चाहता हूँ कि जिन तारीखों में यह नौटिफिकेशन आप ने निकाला वह शार्ट रेंज से तो ठीक हो सकता है, पर इतनी ड्यूटी बढ़ा देने से अन्टी रेट असर इस का काश्तकार को मिलने वाली कीमत पर पड़ता है और काश्तकार मायूम हो जाता है, उस का उत्पादन नहीं बढ़ता है, वह बीमारियों का उपचार नहीं कर पाता, बगीचे उजड़ जाते हैं। जो कुछ पीछे हुआ उस को आप रेट फाई करवायें। पर आगे इन चीजों पर एक्साइज ड्यूटी कैसे लगे, दूसरे कर किस प्रधार लगें इन सारी बातों पर गहराई से अध्ययन करके राष्ट्रीय कृषि आयोग ने जो रिपोर्ट दी है उस पर वित्त और कृषि मन्त्रालय ग.र कर के भवित्व के लिए फैसला करे ताकि देश का उत्पादन भी बढ़े, काश्तकार का वाजिब हिस्सा भी मिले और देश आज फौरन एक्सचेंज उसी तरह से कमा सके। मेरा इस बक्त आपसे यही सुझाव है।

16.38 hrs.

[MR. SPEAKER in the Chair]

SHRI M. RAM GOPAL REDDY (Nizamabad): Mr. Speaker, Sir, India is not the only country which is exporting coffee. It is a competitive market, where we have to stand in competition with other countries.

If our coffee becomes costlier, nobody is going to purchase that. Naturally, to make it competitive, we have to reduce the coffee price that is going to be paid to the farmers and when the farmers would get less, they would not produce it. I want to give you two examples of sugar and cotton. The production of sugar was 48 lakh tonnes and when the incentives were withdrawn, and the taxes were raised, immediately it went down to 28 lakh tonnes. It went up again to 48 lakh tonnes when the incentives were given. In the case of cotton the production went up in one year and then in the next year there was a terrible shortage. I do not want that the hon. Minister should create conditions which would lead to shortage of coffee. When the production of coffee goes down, it is impossible to raise it immediately next year as we have done in the case of cotton and sugar. I would, therefore, request him to see that this duty is immediately withdrawn so that we may have competitive position in the international market and may be able to export coffee. Once the market is lost in the international field, it is wellnigh impossible to regain that market. We should keep that in mind always. I would request him to withdraw these suggestions immediately. There is no shortage of money; the previous Government has given you Rs. 3,000 crores of foreign exchange. You should not bother for this small money. I would request him to accede to my suggestions in order to maintain our exports of coffee to the extent of Rs. 50 crores per year as at present.

SHRI H. M. PATEL: Mr. Speaker, Sir, I am afraid, the last speaker has not understood the point. This duty is being levied only because the prices in the market abroad went up. We wanted to take advantage of that. When the prices go up in the international market, the benefit certainly goes to somebody, and the Government intention is that when such a windfall benefit occurs, they should have a share in it. That is the theory in this.

SHRI K. P. UNNIKRISHNAN (Badagara): You have already done that once.

SHRI H. M. PATEL: There is no danger of the exports being affected adversely.

So far as Shri Mirdha's point is concerned, I fully agree with him that whatever recommendations the National Agricultural Commission has made, we should study them and take them into account in future. But I hope that it is not the intention of any hon. Member to suggest that when such a windfall profits occur, Government should not have a share in them. You may say that the sharing should be fair. Therefore, once that principle is accepted, I am quite agreeable to examining every proposition whether in imposing a particular rate of duty, we are reasonable or not.

So far as the subject under discussion is concerned, these duties were imposed in November, 1976—some of them—and one in January, 1977, and there was justification for that.

I would also answer Shri Chandrapan's point that we should not do this when the fluctuation of price is for a short period. So far as coffee is concerned, the disaster that occurred in Brazil is something that is going to endure for more than one year, may be two or three years. Why should we not take advantage of that? It is not going to affect the producer adversely.

SHRI D. B. CHANDRE GOWDA: It does, as I made out.

SHRI H. M. PATEL: The total production that has been recorded with us indicates that the production of coffee has not gone down; it is going up. But I am not entering into argument. I wish merely to point out that the theory underlying the imposition of duties of this nature again

is variable. The moment it is found that the duty is excessive and it may affect the exports, it may immediately be reduced or removed.

In the case of cardamom, for instance, when the imposition of duty was Rs. 50, whatever the argument that influenced the decision then, there were no exports under Rs. 50 and the exports began only when the duty was reduced to Rs. 10 which shows that the subsequent decision of reducing the duty was right.

Now, so far as the question of farmers and others being adversely affected is concerned, I can assure you that nothing can be farther from the truth, because this is a decision of the previous government and I imagine they also proceeded on the same basis and had no intention that small farmers should be adversely affected, nor is it going to be mine and I think we will certainly take into consideration whatever suggestions that have been made by various speakers in regulating this duty in future, but duty will be levied when circumstances warranted it and I hope the House will not grudge it because after all many things have to be met and the money has to come into the Exchequer. So far as groundnut is concerned, I am afraid again the price-rise has been quite considerable. In coffee for instance when the duty was raised from Rs. 50 to Rs. 300, the London price was Rs. 878. It is now Rs. 4015 and when it was raised to Rs. 300, it was Rs. 2600. So you will see that it is not the coffee-grower who is going to suffer. Nobody is going to suffer but the government is wanting a certain share in the windfall profits that come....

SHRI D. B. CHANDRE GOWDA: One point. What happens to the coffee deals which are already in the pipe-line? There may be many deals struck by Indian exporters. What happens to that?

SHRI H. M. PATEL: Some people may get the benefit and some people

[Shri H. M. Patel]

may not get it but they may get it at a later stage.

When it is reduced, somebody is going to get. I do not think those are considerations which should influence the general decision....

SHRI D. B. CHANDRE GOWDA: Crores of rupees will be lost.... I want your indulgence for a minute.

SHRI H. M. PATEL: I am not yielding. Crores of rupees go to whom? It is not a loss to this country.... (*Interruption*). I am yet to complete my reply. If the hon. member is anxious, I shall certainly give full consideration to the point that he has made when imposing or reducing duties in future, but, there is no use starting an argument here. If you wish, I shall try to satisfy you later, but this is not the point. Here, we consider only what the principle underlying imposition of this duty should be.

I think, Mr. Speaker, I have answered most of the points and I may assure the hon. Members that I shall take into account whatever they have said.

SHRI C. M. STEPHEN: I have sought a clarification, whether the passing of this resolution will have the effect of superseding a subsequent notification reducing the cardamom duty from Rs. 50 to Rs. 10.

SHRI H. M. PATEL: The duties become effective from the date when they are notified because the requirement under the Rules and the Act is that when the House is not in session and a notification is issued, then I must immediately place before the House the notification that is issued, within 15 days of the commencement of the session. It is in that context that it is done. But the notification becomes effective from the date when it is notified. The subsequent reduction in duty also becomes effective from that date and it will come in due course before Parliament.

SHRI D. B. CHANDRE GOWDA: My only point is that if the export duties are raised not in the Budget time but after the Budget or before the Budget, what happens? So far as the exporting countries are concerned, the bargains are struck at the rates that prevailed at the time of the Budget. But in between the time of the agreement and the time coffee is received in the importing countries, in that time gap there will be some coffee in the pipeline. The exporter says it should not be met by him because he will not be able to visualise what would be the attitude of the Government. This time the excise duty on coffee which was in the pipeline was met out of the pool fund which ought to have gone to the grower himself. Is the grower responsible for this?

I would request that at least this particular point may be considered.

SHRI H. M. PATEL: I will consider it although the answer is very clear and we will discuss it with you, if necessary.

SHRI A. C. GEORGE (Mukundapuram): I am submitting that the hon. Minister may have a closer look in so far as coffee and cardamom are concerned. It is the exporter who is suffering. The farmer will realise the money because of peculiar auction of cardamom, as well as coffee.

SHRI H. M. PATEL: Shri George should really be much more fully acquainted with this subject than perhaps, I am. Merely because he is sitting on the opposite side of the House he must say something. I can assure him that in the imposition of the duty of this nature, we do take into consideration who benefits and we want to deprive that person because it is a wind fall. The State exchequer has a share in it. It is the most important point. The word is 'share'. We are not taking the whole of it.

MR. SPEAKER: The question is:

"That in pursuance of sub-section (2) of section 8, read with sub-section (3) of section 7 of the Customs Tariff Act, 1975 (51 of 1975), this House approves the following Notifications of the Government of India in the Department of Revenue and Banking, namely—

(a) No. G.S.R. 870(E), dated the 6th November, 1976, increasing the export duty on coffee from Rs. 300 per quintal to Rs. 1300 per quintal,

(b) No. G.S.R. 877(E), dated the 13th November, 1976, increasing the export duty on groundnut kernel from Rs. 800 per tonne to Rs. 1500 per tonne and on groundnut in shell from Rs. 600 per tonne to Rs. 1125 per tonne, and

(c) No. G.S.R. 13(E), dated the 12th January, 1977, levying an export duty on cardamom at the rate of Rs. 50 per kilogram under the new Heading No. 22 in the Second Schedule to the said Act,

from the date of each of the notifications aforesaid."

The motion was adopted.

16.53 hrs.

MESSAGE FROM THE VICE-PRESIDENT ACTING AS PRESIDENT

MR. SPEAKER: I have to inform the House that I have received the following message dated the 6th April, 1977 from the Vice-President acting as President:

"I have received with great satisfaction the expression of thanks by the Members of the Lok Sabha for the Address which I delivered to both Houses of Parliament assembled together on the 28th March, 1977."

16.53½ hrs.

GOVERNMENT OF UNION TERRITORIES (AMENDMENT) BILL

गृह मंत्री (चौधरी बरण सिंह) :

मध्यस्थ महोदय, मैं प्रस्ताव करता हूँ :

"कि संघ राज्यक्षेत्र शासन अधिनियम, 1963 का और संशोधन करने वाले विधेयक पर विचार किया जाए।"

जैसा हम सबको ही मालूम है कांस्टीट्यूशन में यह संशोधन कर दिया गया है कि देश के अन्दर जितनी विधान समाएं हैं उनकी अवधि 5 वर्ष के बजाय 6 वर्ष होगी। तो गवर्नमेंट आफ इंडिया जो अब से पहले देश के चार्ज में थी उस का विचार यह था कि यूनियन टेरिटरीज की विधान सभाओं की मुद्रत भी पांच साल के बजाये 6 साल कर दी जाए। लेकिन क्यों कि लोक सभा डिजाल्व की जा चुकी थी और राज्य सभा सेशन में नहीं थी, उस का इजलास चल नहीं रहा था तो उन्होंने एक आर्डिनेंस के जरिए पांच की जगह 6 साल यूनियन टेरिटरीज की विधान सभाओं की मुद्रत कर दी। लेकिन हम लोग अर्थात् मौजूदा गवर्नमेंट इस 6 साल की मुद्रत के खिलाफ हैं। हम इस को मुनासिब नहीं समझते और उसके लिए अलाहिदा एक विधेयक भी गलिबन प्रस्तुत करने का विचार है या प्रस्तुत किया जा चुका है। वह तो अनग बात है लेकिन इसमें यूनियन टेरिटरीज की भी हम मुद्रत 6 से 5 साल ही चाहते हैं। गवर्नमेंट आफ इंडिया ने आर्डिनेंस के जरिए 5 साल की जगह 6 साल कर दिया था अब हम उसको 5 साल 7 महीने करना चाहते हैं। गोवा, डामन, डूबू और मिजोरम—यह यूनियन टेरिटरीज कहलाती हैं। पहले हमारा विचार था कि गोवा डामन, डूबू में केवल 4 महीने की मुद्रत बढ़ाई जाये। 23 मार्च को मुद्रत खत्म होती थी और 23 जुलाई तक एलैक्शन कराने का विचार था लेकिन मुझ को मालूम हुआ है कि वहां भी जून के आरम्भ में वर्षा आरम्भ हो जाती है जिसका भतलब यह है कि मई के बाद एलैक्शन कराने में कठिनाई होगी। इसलिए

[चौधरी चरण सिंह]

अब हमारा विचार है कि जैसे मिजोरम में 5 साल 7 महीने कर रहे हैं उसी तरह गोवा, डामन, ड्यू में भी 5 साल 4 महीने के बजाए 5 साल 7 महीने की मुदत कर दी जाए। जैसा कि सदन में बिल पेश है, उसमें मुदत 5 साल 4 महीने है लेकिन मैं चाहता हूं 4 की जगह 7 पढ़ा जाए। इस आशय का एक पन्न में आपके पास भज रहा हूं। गवर्नर्मेंट की तरफ से इसको 5 साल 7 महीने समझा जाए। इसका अर्थ यह हुआ कि गोवा, डामन, ड्यू आदि मिजोरम—इन सब टेरिटरीज में मुदत 5 साल 7 महीने होगी। वहां पर वर्षा क़हतु के बाद अक्तूबर, नवम्बर में एलैक्शन कराये जा सकेंगे। मैं समझता हूं यह बहुत सीधा सादा मामला है, कोई कंट्रोवर्शल चीज नहीं है, सदन इसको मंजूर करेगा।

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Government of Union Territories Act, 1963, be taken into consideration."

DR. HENRY AUSTIN (Ernakulam): The Home Minister has brought forward a Bill which *per se* discriminates between State and Union Territory. As is well known the Union Territories are clamouring and trying to come on par with the rest of the States in the country. It has been the practice of the Government of India consistently to bring the Union Territories also to the level of the rest of the States. It is a matter of surprise that the Home Minister is bringing in a Bill where it is said, for Goa it is 4 months, for Mizoram 6 months, etc. It does not fit in with the general ethos of the country and the legislation on the subject. I am not taking a partisan view. The rationale behind the proposal of increasing the term of State Legislatures and Lok Sabha to 6 years has been discussed at length and there was a national dialogue. If you see the debate of those days you will see how the national dailies took a lively interest in this issue which evinced

considerable interest. Legal pandits and constitutional experts have given out their views. Whereas Rajya Sabha has six years, as their normal tenure, why should Lok Sabha which, according to our Constitution, wield more power and authority, should have a lesser period? That was the lacuna. And our framers of the Constitution at that time had a different concept. But, after 25 years of the working of our Constitution, the public opinion felt differently or, if you deny that public opinion was not total in proof of the move, at least concede that a sizeable section of the public opinion favoured this change and, in the Lok Sabha itself, I do not think that many members even in the opposition, objected to this on principle.

17 hrs.

So, this matter was discussed threadbare and I do not want to view the problem as purely partisan, I would request all the hon. Members to consider this aspect objectively on merits. Why should hon. Members on this side of the House have to go through the elections earlier? How hard it is to face the electorate running to ten lakhs of people every five years? It is even degrading to have the Lok Sabha's tenure a little less. (*Interruptions*). This was the aspect which was felt at that time. If you so please, you may bring a bill. In that context, if you read the proceedings at that time, the situation or practice obtaining in different countries, in different Parliament, you will find that in certain countries, they have a seven year term and certain others had even more tenure. So, it was not that only India was having this tenure. Many countries have different tenures for the legislatures as their lifespan. These were the considerations which prevailed at that time in making this suggestion. Later on, it was brought forth in the form of a Bill before the House. But, it was unfortunate that the Fifth Lok Sabha had to be dissolved and the same Bill could not be introduced in relation to the union territories. And,

today, instead of bringing in regular bills, to normalise the situation, it is surprising that the hon. Minister with considerable experience in all this, is bringing in this Bill for the Union Territories. Probably, it is due to climatic reason. I am afraid there may be a political overtone in the sense that you are thinking of elections rather than to normalise the situation. Probably, the prospects of elections seem to be main guiding factor in determining this thing. This is repugnant to the Constitution and the people who had evinced some interest in this matter. I do not think that the people coming from Delhi will approve of this. I had exchanged views with members coming from Delhi. They were asking for enhancement of the status of the Union Territory of Delhi and to make it a regular State. You are trying to perpetuate this thing and giving an inferior status to the Union Territory. I do not think the people of Delhi will take kindly to that suggestion. Therefore, I do oppose this move and I do believe that it is incumbent on the present Government to bring in a bill later on. And it may be revised—that is a different matter, to a six year term for the Union Territories also.

MR. SPEAKER: Government has an amendment. But that has not been circulated. I would request the hon. Home Minister to read it out so that the Members may know that the amendment has been given notice of. It has not been circulated.

CHAUDHURI CHARAN SINGH: My amendment reads as follows:

Pages 1 and 2,
for lines 8 to 15 and lines 1 and 2 respectively,

Substitute—

'Provided further that the provisions of this section shall, in relation to the Legislative Assemblies of the Union Territories of Goa, Daman and Diu and Mizoram, in existence on

the 7th day of February 1977, apply as if for the words "five years", in the two places where they occur, the words "five years and seven months" had been substituted.'"(3)

MR. SPEAKER: In view of this, I do not think the hon. Member Shri Amrut Kasar need move his amendment. He can speak on that.

SHRI AMRUT KASAR (Panaji): Mr. Speaker, Sir, first of all, I thank you for giving me this opportunity of expressing my views before this House. Since this is my maiden speech, let me, in the first instance, make it clear that I support this Bill. The policy of the Janata Government is to have a tenure of the Assemblies and the Lok Sabha for five years instead of six years. As I have promised to my voters, I shall be supporting the Janata Government in amending the Constitution and the Forty-second Amendment, I support this policy of the Government to have the tenure of five years both for Lok Sabha as well as for Assemblies.

As regards my amendment, previously it was or five year and four months but since the hon. Home Minister has already cleared that in both the cases it will be five years and seven months, I do not think that I need to stress that point.

Therefore I am withdrawing it. The Home Minister has promised that in both the cases, it will be five years and seven months. Now, I wanted it to be actually seven months because whenever legislation is passed we must take into consideration the geographical situation of that place. Monsoons are fast approaching. Many of the hon. Members here know that Goa is situated at the feet of western ghats. The rainfall there is more than 120 inches on an average. This heavy rainfall cuts the communication with the villages. Although the communication facilities are good in Panjim—capital of Goa—yet in the surrounding talukas like Parnem and

[Shri Anant Kasar]

Satari the communications are cut. The voters are more in number in these talukas and, therefore, it will affect them. Therefore, I happily accept this move of the Home Minister that it will be seven months so that immediately after the monsoons we are ready to take up elections and as in the manifesto of the Janata Party the aims and purposes of the Bill will be fulfilled.

Mr. Speaker, Sir, at the same time I extend my cooperation to the Janata Party in its policy for decentralisation of power and I would like to say due to the acceptance of the principle of decentralisation of power in the status of Union Territory will be lifted up and it will be granted Statehood. I extend my full cooperation to the party and all the kindness which our Home Minister has shown to us.

SHRI EDUARDO FALEIRO (Mormugao): Mr. Speaker, Sir, it would be in the interest of the Congress party to have elections forthwith in Goa because just now in Goa we have a non-Congress government. It will be in the interest of my party to have elections forthwith in Goa but inspite of that we are opposing this Bill on the general principle and not limiting ourselves to petty considerations. Though it will be in the interest of our party to support this Bill yet we have to oppose it as we want to be faithful to the main principles.

AN HON. MEMBER: What is the Principle?

SHRI EDUARDO FALEIRO: The principle involved is that Union Territories must be put on the same footing as the States.

Sir, I would like to say this much. I fail to appreciate why this extension of seven months? Why seven months and why not eight months? Why seven months and why not four months? If they want to repeal the Ordinance, why not they repeal the

Ordinance forthwith? Why not say that the Assembly stands dissolved immediately? What is the point in giving seven months? There is no legal bar to dissolve the Assembly immediately and hold the elections after the monsoon or before the monsoon. In fact, if they are serious about holding the elections, if they want that popular government should come, they can have elections in the month of May itself because 40 days are remaining now. A notice of 40 days is enough.

The point I want to make is that the Lok Sabha elections have proved that the present government in the Union Territory does not have the support of the people. Out of the 30 Assembly constituencies, 18 constituencies voted in favour of the Congress Party and only 12 voted in favour of the Maharashtra Deva Party. This being the position, there is something more which this government and the hon. Home Minister can do. I would like to say this because it is very important in the interest of our country, in the interest of the Union Territory and in the interest of decent politics in this country.

There are serious allegations of corruption and gross misconduct or misuse of power against the Chief Minister. These charges are before the Home Ministry. These charges deserve to be enquired into. A commission of enquiry should be appointed against the Chief Minister and then necessary action must be taken.

It has been proved by judicial authority how corrupt is the Government of Tamil Nadu. The people in the Union Territory of Goa have compiled the charges against the present Chief Minister in Goa and they have made a tabular statement showing the charges proved against Mrs. Kakodkar and showing what are the charges *prima facie* estab-

[Shri Vijay Singh]

lished against the present Chief Minister of Goa. Now, I may state that in the interests of a clean government in that part of the country, these charges must be enquired into? A commission of enquiry must be appointed forthwith. And then, as Dr. Austin, my hon. colleague, has said, it is high time we put the Union Territories at par with the States though it may be against the interest of the Congress Party as it is in the present case. Though it may be against the interests of Congress Party, we should work on principles. This is what I have got to say for the consideration of the hon. House and the hon. Home Minister.

SHRI AMRUT KASAR: He has made serious charges. I want to reply to them.

MR. SPEAKER: You had your chance. Some other Members can reply to them.

SHRI AMRUT KASAR: The Congress Party itself had granted one year extension.

MR. SPEAKER: It is not as if on Goa Assembly only one can reply, this is the Parliament of India.

SHRI KRISHNA CHANDRA HALDER (Durgapur): We should get our chance also.

MR. SPEAKER: I will call you later. I will now call some new people. I have not called even one from this side. It is becoming impossible for me. I will call you when your turn comes.

****SHRI KRISHNA CHANDRA HALDER:** Mr. Speaker, Sir, the hon. Home Minister has introduced the Government of Union Territories (Amendment) Bill in this House. Earlier the Minister for Law and Company Affairs Shri Shanti Bhushan had introduced the 43rd (Constitution)

Amendment Bill. The substance of the Bill is that elections to the Lok Sabha, Vidhan Sabha and Union Territories should be held after every 5 years instead of 6 years. We support this spirit and extend our support to the present amending Bill that is now before the House for discussion. While introducing this Bill the Hon. Home Minister had made it clear that he seeks to extend the life of the Governments of the Union Territories upto 5 years and 7 months because of the impending monsoon and this is quite understandable. While opposing this Bill, Mr. Henry Austin, who has since changed his place from the ruling side to that of opposition, said that there was a national consensus on the 42nd Amendment of the Constitution as a result of which the life of Parliament, Assemblies, and governments in Union Territories were extended upto 6 years. For his information I may say that when this 42nd Amendment of the Constitution was introduced in the House, we on behalf of the then opposition had stoutly opposed the legislation and the people at large had also opposed it. The government of that time had solicited the support to their Bill through some conferences which were mainly attended by their own puppets. Then the General Elections were held and this 42nd Amendment of the Constitution was made an election issue both by the Janata Party as also by us and other allies of the present Government. What did we see in the elections? The people rejected the very principle of the 42nd Amendment Bill by defeating the Prime Minister, Mr. Swaran Singh who headed the Constitution Amendment Committee and finally rejected the Congress Party and we see that they are in the opposition today. This amply proves that the theory of national consensus had no support of the masses then nor today. Why we support the legislation? We feel that in order to respect democratic principles and to fulfil peoples aspirations, it is necessary that elections should be held after every 5 years because

**The original speech was delivered in Bengali.

[**Shri Krishna Chandra Haider]**

we feel that this period is sufficient enough to implement democratic economic principles. If it is not done their will be a natural tilt towards authoritarianism as we had witnessed in the recent past. I hardly need to mention; Sir, that the 42nd Amendment of the constitution was passed in this House by the Congress Government by clamping down emergency in the country and putting leaders and workers of the opposition parties behind the bar and ignoring public opinion. But as soon as they went to the people for their opinion, they rejected the legislation completely. Through this election they gave a clear verdict that they are opposed to dictatorship and bureaucracy. They have also asserted their faith in individual liberty, right of assembly, right of trade union activities, right of freedom of speech and above all that the democratic norms be maintained in the country. They did not want to face the people.

DR. HENRY AUSTIN: On a point of order. How can the hon. Member maintain his position? Our government decided to hold the elections long before the expiry of the one year extended term. How can he say that we were afraid of facing the people? We could have waited for another year.

MR. SPEAKER: You are only making a second speech. There is no point of order.

SHRI KRISHNA CHANDRA HALDER: I think they even did not like to hold the elections but because of external pressure and other factors which I don't want to go in detail here, they were forced to hold the elections.

The Congress party wanted to stick to power and convert this great country into a big jail. If they had agreed to hold the elections it was after they got intelligence report from their police, the RAW and as is said, they even had gone to the astrologers to know about their fate in elections but all their calculations went wrong and

the masses who live in villages and who are taken as illiterates, have proved to the world beyond all doubt, that they are second to none in their political maturity and their faith to uphold democracy in the country is absolute and unshakable. It was because of the people's faith in democracy that the Janata Government is in power today.

They are trying to restore democracy in their country and as such support the Bill.

Shri Karpoori Thakur (समस्तीपुर) : अध्यक्ष महोदय, माननीय गृह मंत्री ने जो विधेयक इस सदन में उपस्थापित किया है, मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ। गोवा, दमन, दीव और मिजोरम में अक्तूबर, नवम्बर तक चुनाव कराने के उद्देश्य से यह विधेयक सदन में उपस्थित किया गया है। वहां चुनाव कराना अनिवार्य है क्योंकि जो मुदत थी, वह खत्म हो गई है।

जनता ने जब शुरू में चुनाव किया था; तो हमारे देश के संविधान के अनुसार जो उसकी निर्वाचित अवधि थी, वह समाप्त हो गई थी। अपात कालीन स्थिति में तत्कालीन सरकार के द्वारा जो संविधान में संशोधन किया गया, उस समय उस सरकार को संविधान में संशोधन करने का कोई अधिकार नहीं था। वह सरकार अपनी 5 साल की अवधि 1976 के मार्च में ही समाप्त कर चुकी थी। 1971 में जो चुनाव हुआ था, वह 5 साल के लिए हुआ था, न कि 6 साल के लिए। आज का जो विरोधी दल है, उसकी ओर से अक्सर कहा जाता है कि हमने तो आपचारिक रूप से संशोधन कर दिया है। हम वाज प्त अधिकार सम्पन्न थे और उसी अधिकार के अन्तर्गत हमने संविधान का संशोधन किया था। मैं कहता हूँ कि 5 साल की अवधि खत्म हो जाने के बाद संशोधन करने का उनका कोई अधिकार नहीं था।

उन्होंने न केवल मामूली संशोधन किया, बल्कि संविधान का सारा ढांचा बदल दिया।

वृनियादी डांचे ने महान परिवर्तन कर दिया, जिसके लिए जनता ने 1971 में उनको नहीं चुना। अगर चुना था तो 5 साल के लिए चुना था, 6 साल के लिए नहीं चुना था।

अभी-अभी एक माननीय सदस्य ने कहा कि कांग्रेस पार्टी इस बात के लिए बहुत चिन्तित है कि ज़ गोवा, दमन, दीव और मिजोरम या दूसरी यूनियन टेरिटोरीज हैं, वह अन्य राज्यों के समक्ष आ जायें, उनमें एक रूपता स्थापित हो जाए। इस एक रूपता का उपदेश देने का अधिकार अब कांग्रेस पार्टी को नहीं रह गया है। हमारे देहात में एक कहावत है कि 100 चूड़े खा के बिल्ली हज को चली। जिन्होंने एक रूपता को नष्ट कर दिया है, उन्हें एक रूपता का उपदेश देने का क्या अधिकार है?

1967 तक लोक-सभा और राज्य की विधान सभाओं के चुनाव 5,5 साल के लिये साथ-साथ होते थे। लेकिन 1971 में सिर्फ लोक सभा का चुनाव कराया गया। यह चुनाव 4 साल बीत जाने के बाद कराया गया, पांचवें साल के लिये कांग्रेस पार्टी ने इन्तजार नहीं किया। राज्यों की विधान-सभाओं के चुना मन् 1972 के मार्च में हुए। इस तरह से एक रूपता समाप्त हो गई।

अभी भी सिर्फ लोक सभा का चुनाव हो गया, मगर राज्यों की विधान-सभाओं के चुनाव नहीं हुए। अगर वह एक रूपता के हासी हैं, तो उन्हें 1971 में नहीं, वल्कि 1972 में सभी जगह के चुनाव साथ-साथ कराने चाहिये थे। अगर व वास्तव में एक रूपता के समर्थक हैं, तो उन्हें लोक सभा के हाल के चुनावों के साथ साथ विधान सभाओं के चुनाव भी कराने चाहिए थे।

आज जब विधि मंत्री ने छः साल की अवधि को घटा कर पांच साल करने के सम्बन्ध में एक विधेयक पेश किया, तो कांग्रेस पार्टी के नेता ने उस का विरोध किया। मैं समझता हूँ कि वे एक रूपता के समर्थन नहीं, बल्कि अपने राजनीतिक स्वार्थ के समर्थक हैं। विरोधी दल के नेता ने कहा कि इस विधेयक के पीछे कोई राजनीतिक भावना छिपी हुई है, यह राजनीतिक बदनीयती है। अगर 1971 में केवल लोक सभा के चुनाव कराने में कांग्रेस पार्टी के लोगों को राजनीतिक बदनीयती नहीं सूझती थी, अगर इस बार केवल लोक सभा के चुनाव कराने को राजनीतिक बदनीयती देखने के लिए कांग्रेस पार्टी के सदस्यों के पास आखें नहीं थीं, तो आज जो विधेयक गृह मंत्री ने पेश किया है, उसको राजनीतिक बदनीयती देखने पर उन की आखें फूट जानी चाहिए।

मैं कहता चाहता हूँ कि विरोधी दल के सदस्यों को अपना विरोध छप्पस ले लेना चाहिए और इस सदन को माननीय गृह मंत्री द्वारा पेश किया गया विधेयक पारित कर देना चाहिए। चुनाव कराने की अवधि संविधान के द्वारा निर्धारित की जाती है; केवल एक पार्टी के कहने से वह अवधि निर्धारित नहीं होती है। जिस समय संविधान में संशोधन किया गया, उस समय विरोधी दल इस सदन में नहीं था। वह उस समय जेल में बन्द था। गैर-कानूनी आपातकालीन स्थिति लागू कर के विरोधी दलों के सदस्यों को जेल में बन्द कर दिया गया था। कांग्रेस पार्टी की तरफ से कहा गया कि उस संविधान संशोधन के प्रश्न पर एक राष्ट्रीय वाद-विवाद हुआ था। यह गलत है। केवल कांग्रेस पार्टी और भारतीय कम्युनिस्ट पार्टी के सिवा इस देश में किसी भी अन्य दल को अपने विचार व्यक्त करने की आजादी नहीं थी। लाखों की तादाद में उन के नेता और कार्यकर्ता जेलों में बन्द थे। अखबारों के मूह पर ताला लगा दिया गया था। आम सभायें नहीं की जा सकती थीं। उन दिनों में करार था और दो चार रोज के लिए दिल्ली में था श्री कृष्णकान्त ने संयोजक की हैसियत से एकहाल में सैमिनार का आयोजन किया था, लेकिन सरकार की तरफ से इजाजत नहीं दी गई। पूरे देश में यही स्थिति थी।

[श्री कर्मूरी ठाकुर]

ऐसा लगता है कि कांग्रेस पार्टी की नेशनल डायलाग की परिभाषा है एक पार्टी में डायलाग एक पार्टी की मीटिंगें और एक पार्टी के नेताओं के बयान। दुनिया के लोग नेशनल डायलाग को जो अर्थ करते हैं, कांग्रेस पार्टी की डिक्शनरी में उस का वह अर्थ नहीं है। एक पार्टी के अन्दर जो बाद विवाद होता है, कांग्रेस पार्टी के अनुसार, वह नेशनल डायलाग कहलाता है।

अगर दूसरे देशों के संविधान में या सात साल की अवधि है, तो उन को मुबारक हो। लेकिन इस देश में तो कांग्रेस पार्टी ने येन-केन प्रकारेण अपने आप को सत्ता में रखने के लिए और इस देश की जनता की राय और विचारों को पैरों तले रोंदने के लिए पांच साल की अवधि को बढ़ा कर छः साल कर दिया।

इन शब्दों के साथ मैं पूरी शक्ति के साथ कांग्रेस पार्टी के कथन और विचारों का विरोध करता हूँ और चाहता हूँ कि गृह मंत्री का प्रस्ताव बहुमत से, और अगर हो सके तो सर्व-सम्मति से, पारित हो।

PROF. SHIBBAN LAL SAKSENA (Maharajganj): Congress party has said nobody opposed the six year term when the Forty-fourth Constitution (Amendment) Bill was passed. This is utterly false, I was the solitary opponent in the House who opposed every one of the 59 clauses of the Forty-fourth Amendment Bill including the six year term. In fact I gave an amendment that the term should be four years instead of six years. The term of American Congress is also for four years. Members of the Rajya Sabha also retire every two years. So, it is wrong that I wanted six years and not four years.

17.32 hrs.

[PANDIT D. N. TIWARY in the Chair]

श्री नाथ राम मिश्र (नागौर) : सभा-पति महोदय, यह आईडिनेंस जिस को पास

करवाने की जल्दी है उस के संबंध में तथा इसके बाद जो दूसरा कानून है इन दोनों के संबंध में मैं कुछ विचार रखना चाहता हूँ। यह सरकार 6 साल का पीरिप्रिड घटा कर कहीं पर पांच साल चार महीने, कहीं पांच साल सात महीने और अब सभी जगह पांच साल सात महीने करवा चाहती है। इसके बारे में कुछ विशेष आर्गुमेंट तो गृह मंत्री ने दिया नहीं कि वे क्यों ऐसा करना चाहते हैं। अगर वे कुछ समझाते कि ऐसा करना इसलिए जरूरी है और जो पहले 6 साल का फैसला हुम्मा वह इस तरीके से ग़नत है तो हम शायद उन बातों को सुन कर कुछ जवाब देते। खैर, मैं बहुत ग़म्भीरता से गृह मंत्री से निवेदन करना चाहता हूँ कि यह पांच साल से 6 साल करने की बात बहुत हल्केपन से नहीं की गई और सिर्फ एक राजनीतिक दृष्टि से यह नहीं किया गया। इस के पीछे एक बड़ा भारी लौजिक है। वह मैं आप से बता रहा हूँ। आप जरा गौर कीजिए। हमारे देश के विकास और तरक्की की योजना करना हमारे इस सदन का सब से बड़ा लक्ष्य है और देश की जनता की तरक्की योजनाओं से होती है (व्यवधान) . . . एमजैसी जरूरी थी। वार वार आप एमजैसी की बात कहेंगे तो मुझे उस पर ज्यादा कहना पड़ेगा। एमजैसी के लिए मैंने कह दिया कि एमजैसी को मैं जरूरी समझता हूँ। लेकिन अब जो मैं कह रहा हूँ उस को गौर से सुनिए। इस देश का काम होता है विकास योजनाओं से और विकास योजनाएं बनती हैं देश के प्लान से। देश के प्लान की अवधि है पांच बाल। अगर पांच साल की ही अवधि सदन की हो तो एक साल तो इस सदन को जमने में और जो बातें अंदर भरी होती हैं उन को कहने में निकल जाता है। एक साल तो बराबर आप एमजैसी गाएंगे। एक साल तो आप के एमजैसी के पीछे गए (व्यवधान)

श्री कर्मूरी ठाकुर : तीन साल योजना नहीं बनी। चौथे साल में योजना बनी है।

श्री नाथ राम मिश्र : सब योजनाएं चली हैं। आप को ध्यान ही नहीं है।

श्री कर्पूरी ठाकुर : दो दफा योजनाओं की छुट्टी थी। एक दफा तीन साल के लिए, और फिर दूसरी दफा तीन साल के लिए।

श्री नाथ राम मिश्र : आपका ध्याल है यह। योजनायें चल रही थीं इस देश में और हर साल के आंकड़े मौजूद हैं। अंधे होकर आप भत चलिए। (ध्यधान)

मैं गृह मंत्री जी से निवेदन करना चाहता हूँ कि पांच साल की योजनायें बनती हैं और पांच साल की पांच योजनायें हम पूरी करने जा रहे हैं। उसके बाद मैं भी हमारी योजनायें चलेंगी। इस सदन का 6 साल का टर्म करने का यह भतलब था कि पांच साल की योजना के लिए पहले एक दो साल रिसोर्सेंज गिरेलाइन करने में, योजनाओं को फाइनल रूप देने में और चर्चा करने में निकल जाते हैं। वह समय फालतू जाता है। योजना पर दो तीन साल जो काम होता है वह चौथे साल जोर पकड़ जाता है और आखिरी साल उस पर पूरा जोर दिया जाता है। अगर एक साल इस तरह से सारी चीजों को जमाने और रेल की पटरी चढ़ाने के लिए मिल जाये तो पांच साल की योजना 6 साल में अच्छी तरह पूरी हो सकती है। (ध्यधान) ।

मैं बहुत नम्रता के साथ निवेदन करना चाहता हूँ कि अगर इस देण की गंभीरी और बेकारी मिटानी है जिसके लिए आपने दस साल का पीरियड मांगा है उसको अगर आप बजाये 10 से 12 साल में भी पूरा कर दें तो इस देश की जनता का आप बड़ा उपकार करेंगे। इस तरह से आप एक साल अपनी शर्ति और सामर्थ्य योजना को बनाने में लगा सकेंगे और आखिरी साल में उसको पूरा कर सकेंगे। इसलिए मैं चाहूँगा कि आप राजनीति के चक्कर में न पड़ें। 5 की जगह 6 साल सभी जगह हो गए हैं। अगर आप

इसको फिर पांच साल करते हैं तो लोग यही कहेंगे कि आपने राजनीतिक दृष्टिकोण अपनाया। मैं नहीं चाहता कि जनता सरकार इस कलंक को अपने माथे पर ले। (ध्यधान) मैं श्री कर्पूरी ठाकुर जी से कहूँगा कि वे इस पर जरा गहराई से विचार करें। 7 महीने तो आपने मान ही लिए हैं फिर 4 और महीनों में कोई फर्क नहीं पड़ने वाला है। बरसात के बाद किसान अपने खेत में लग जाता है। वह अपने खेत की जोताई करेगा या एलेक्शन में लगेगा। इसलिये मैं बहुत नम्रता के साथ आपने निवेदन करूँगा कि आप 6 साल का समय ही रहने दीजिए। चार महीने में कोई फर्क नहीं पड़ने वाला है। अगर आपके पीछे सही मायने में राजनीतिक ताकत है तो चार महीने के बाद भी अपना असर खोने वाले नहीं हैं, आप फिर से सीटें जीतकर आ सकते हैं। इसलिए मेरी आप मे प्रार्थना है कि आप इस पर गहराई से विचार कीजिये अर इसको राजनीतिक मुद्दा भत बनाइये। आप 6 साल रखकर इस कानून को पास करवा लीजिये। इससे जनता पार्टी और हमारा-दोनों का ही अच्छा असर पड़ेगा। मेरी आपने प्रार्थना है कि आप इस पर गहराई के साथ विचार करें।

गृह मंत्री (चौधरी चरण सिंह) : सभापति, महोदय, दूधर से मेरे दो भित्र जो बोल चुके हैं, उस के बाद मुझे कुछ कहने की जरूरत नहीं है। विरोधी दल के माननीय सदस्यों की ओर से एक भी तर्क ऐसा नहीं दिया गया जिस में जवाब देने की कोई जरूरत हो और इस बात को वे स्वयं अपने दिल में जानते भी थे।

एक नया तर्क यह लाया गया है कि पांच साल की योजना को पूरा करने के बाद एक साल के लिये उसे और बढ़ा दिया जाये। मैं नहीं समझता हूँ कि कहीं भी इस तरह का तर्क दिया गया है कि 5 साल को बढ़ा कर 6 साल कर दिया जाये। आपको जो चीयों

[चौधरी चरण सिंह]

योजना थी, वह 1969 से 1974 तक थी, उसके बाद आपने अगली योजना की तैयारी में 2 साल देर कर दी और अगली योजना 1976 में लागू हुई। अगर आप की दलील इस तरह की है तब तो यह 7 साल होना चाहिए लेकिन मेरा ख्याल है कि अगर योजना 5 साल की है तो पांचवे साल में अगली योजना की तैयारी हो सकती है। आप यह चाहते हैं कि 5 वर्ष योजना चलाई जाये और उस के बाद 1 वर्ष खाली बैठ कर योजना बनाने में एक ऐसी वात है, जिस का जबाब देने की में आवश्यकता नहीं समझता हूँ।

एक माननीय मदम्य बोले कि कहीं पर 7 साल की टर्म भी है मृक्षे नहीं मालम कि किसी असैध्यली की टर्म 7 साल है। अगर 7 साल रखना जरूरी समझते हैं तो फिर 8 साल या 9 साल क्यों न हो — यह क्या वात हुई? मैं नहीं समझता हूँ कि इस में किसी तरीके में जाने की जरूरत है। जैसे मैंने पहले सदन से अर्ज किया था, मेरे इस प्रस्ताव को सदन स्वीकार करें।

सभापति महोदय : प्रस्ताव प्रस्तुत हुआ
“कि संघ राज्य क्षेत्र शासन अधिनियम 1963 का और संशोधन करने वाले विधेयक पर विचार किया जाए।”

The motion was adopted.

सभापति महोदय : अब मैं क्लाज 2 पर रखे गये सरकार के संशोधन को लेता हूँ —

Clause 2—(Amendment of section 5).

Amendment made:

Pages 1 and 2,—

for lines 8 to 15 and lines 1 and 2 respectively, substitute—

‘Provided further that the provisions of this section shall, in relation to the Legislative Assemblies of the Union territories of Goa, Daman and Diu and Mizoram, in existence on the 7th day of February, 1977, apply as if for the words “five years”, in the two places where they occur, the words “five years and seven months” had been substituted.’ (3).

(Chaudhuri Charan Singh)

सभापति महोदय : प्रणयन यह है कि क्लाज 2 संशोधित रूप में विधेयक का अंग बने।

The motion was adopted.

Clause 2, as amended, was added to the Bill.

सभापति महोदय : प्रणयन यह है कि क्लाज 3 विधेयक का अंग बने।

The motion was adopted.

Clause 3 was added to the Bill.

सभापति महोदय : प्रणयन यह है कि क्लाज 1, इनेक्टिंग रूम्ला और टाइटल इस विधेयक के अंग बने।

The motion was adopted.

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

चौधरी चरण सिंह : मैं प्रस्ताव करता हूँ :

“कि इस विधेयक को संशोधित रूप में पास किया जाए।”

सभापति महोदय : प्रणयन यह है :

“कि इस विधेयक को संशोधित रूप में पास किया जाए।”

The motion was adopted.

17.45 hrs.

गृह मंत्री (चौधरी चरण सिंह) : मैं प्रस्ताव करता हूँ :

“कि दिल्ली प्रशासन अधिनियम, 1966 का संशोधन करने वाले विधेयक पर विचार किया जाये।”

सभापति महोदय : इस मे कोई नई बात मुझे नहीं कहनी है। जो पहले कह चुका हूँ, वही बात यहाँ भी लागू होती है। इस मे हम 5 साल 4 महीने का समय करना चाहते हैं, क्योंकि यहाँ पर वर्षा या बरसात की कोई बाधा नहीं है। मैं चाहता हूँ कि इस की मियाद 20 मार्च से लेकर 20 जुलाई तक कर दी जाय। 20 जुलाई तक बढ़ा देने से इलंक्षण कराये जा सकते हैं।

सभापति महोदय : प्रस्ताव प्रस्तुत हुआ :

“कि दिल्ली प्रशासन अधिनियम, 1966 का संशोधन करने वाले विधेयक पर विचार किया जाये।”

DR. HENRY AUSTIN (Ernakulam): For the same reasons when we opposed the earlier Bill, I wish to oppose this Bill also. As I pointed out earlier, this Bill lacks so many things and I don't think the people of this country, particularly the Union Territories, will approve of this Bill. The people of metropolitan cities who do not like to be treated as second-class citizens. Here it is four months whereas in their case, it is one year and I do not want to go into this matter any further. I do not want to make a lengthy speech. I oppose this Bill on principle.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I want to make a submission about the sitting of the House. If you see the Order Paper you will find that the items that follow except item nos. 25 and 26, refer to the legislative notification. These have to be passed today. Other-

wise the ordinances would lapse. The Government is very keen that items other than item nos. 25 and 26, are completed by the House today. I would like to make a special request to the hon. Members opposite to co-operate with the Government. These are not controversial issues and if the House does not legislate on them, the ordinances may lapse and we may be in a difficult position. Through you, Mr. Chairman, I would appeal to the hon. Members to co-operate with the Government to see that these items are completed today. As far as item nos. 25 and 26 are concerned, these may be taken up in the next session.

DR. SUBRAMANIAM SWAMY (Bombay North East): In deference to the wishes of the House, I am in agreement with the proposals made by the Minister of Parliamentary Affairs.

SHRI K. RAGHU RAMAIAH (Guntur): We agree upto 24. But, we do not know whether, according to the rules, item nos. 25 and 26 automatically go to the next session.

SHRI RAVINDRA VARMA: We shall request for permission to raise them during the next session.

SHRI K. RAGHU RAMAIAH: We are not committing to that, but we would help you to carry through upto item No. 24.

DR. SUBRAMANIAM SWAMY: Have you given a decision on item No. 25? I would like to discuss it, with your permission, in view of the statement made by the Minister. I have no objection if it is to be transferred to the first day of the next session. I do not wish to put any obstruction. This is an act of sacrifice on my part.

MR. CHAIRMAN: We shall see that after this Bill is passed.

SHRI K. RAGHU RAMAIAH: All that I am saying is whether under the rules it is permissible to carry on item Nos. 25 and 26 to the next session.

SHRI RAVINDRA VARMA: Fresh notice has to be given.

MR. CHAIRMAN: Government will have to give fresh notice.

SHRI DINEN BHATTACHARYA (Serampore): Are you talking about 25 or 26?

MR. CHAIRMAN: Both.

श्री विजय कुमार मल्होत्रा (दक्षिण दिल्ली) । दिल्ली एडमिनिस्ट्रेशन एकट के टर्म को पांच साल से ढा कर छः साल करने की कोशिश हुई थी। हमारे गृह मंत्री जी ने उसके बजाय इसकी अवधि को पांच साल से बढ़ा कर केवल पांच साल चार महीने करने का प्रस्ताव रखा है। मुझे आश्चर्य है कि इसका भी विरोध हमारे विरोधी दल के लोग कर रहे हैं। दुनिया के इतिहास में किसी भी डैमोक्रेटिक कंट्री में किसी भी डैमोक्रेटिक इदारे में आपने नहीं देखा होगा कि किसी की भी उम्र एक साल इस तरह से बढ़ाई गई हो। मुझे हैरानी होती है कि अपोजीशन के लोग आज भी इतनी भारी डिफीट होने के बाद इस तरह के एक इमारल एकट के साथ जुड़े हुए हैं और कोशिश कर रहे हैं कि इसकी टर्म को बढ़ा कर छः माल कर दिया जाए, पांच से छः साल कर दिया जाए। आप देखें कि आर्गुमेंट वे लोग क्या देते हैं और यह बहुत ही हास्यास्पद है, हैरानी पैदा करने वाली है। और तो कोई आर्गुमेंट उनको नहीं मिली, उन्होंने यह कह दिया कि प्लान के साथ यह मामला जुड़ा हुआ है, प्लान पीरियड इलैक्शन के साथ जुड़ा हुआ है। अब आप देखें कि इलैक्शन तो होता है 1978 में और प्लान 1979 में खत्म होगा। अगला प्लान 1979 में शुरू होगा और 1984 तक जाएगा। उसका कोई ताल्लुक इलैक्शन के साथ नहीं है आर्गुमेंट के तौर पर ही उन्होंने यह बात कह दी है। मैं समझता हूं कि गृह मंत्री की बहुत दड़ी उदारता है कि उन्होंने चार महीने टर्म को बढ़ाने की पेशकश की है। चाहिये तो यह था कि एक दिन का भी एक्सटेंशन

उनको न दिया जाता। आप देखें कि पीपल्ज रिप्रिजेंटेशन एकट ने यह कहा गया है कि टर्म खत्म होने से पहले चुनाव हो जाने चाहिये। लेकिन गृह मंत्री जी ने पांच साल की टर्म खत्म होने के बाद चार महीने इसकी टर्म को बढ़ाने का प्रस्ताव किया है। इस दौरान इलैक्शन हो जायेंगे। वर्ता पीपल्ज रिप्रिजेंटेशन एकट के मुताबिक टर्म खत्म होने से पहले इलैक्शन हो जाने चाहिया थे। कांग्रेस पार्टी ने आर्डिनेंस के जरिये उसकी उम्र को बढ़ा लिया था। अब यह जो लैकूना था इसको दूर करने के लिए जो चार महीने इसकी टर्म को बढ़ाने का प्रस्ताव रखा गया है वह इसलिए रखा गया है कि गोआ में सात महीने किया गया है और वह इसलिए किया गया है क्योंकि उस बीच में वहां पर इलैक्शन नहीं हो सकते थे। इस वास्ते यहां पर भी चार महीने करना पड़ा है। मैं समझता हूं कि फौरी तौर पर इसको डिसाल्व करके चुनाव करवाया जाना जरूरी था। यह इसलिए भी जरूरी था कि एमरजेंसी के दौरान दिल्ली में और देश में बहुत ज्यादा जुल्म, अन्याय और अत्याचार लोगों पर हुए हैं। बहुत बुरी तरह की डिक्टेटरशिप दिल्ली में कायम की गई थी। उस सब के लिए जिम्मेदार यहां कांउसिल के एंग्जीक्यूटिव काउंसिलर थे। प्रधान मंत्री श्रीमती इंदिरा गांधी और संजय गांधी के जो हथियार बने वे यहां दिल्ली के चार एंग्जीक्यूटिव काउंसिलर थे। हजारों लोगों को यहां गिरफ्तार किया गया, जेल में बन्द किया गया, वहां पर तरह तरह से तंग किया गया, दबाई, इलाज की सुविधा उनको नहीं दी गई, बीस लोगों की हत्या कर दी गई। जिस तरह से सारी प्रेस का गला धोंटा गया वह सब को मालूम है। जिस को आया उसको पकड़ कर जेल में डाल दिया गया। यह सब कुछ जिन के कारण हुआ और जो लोग उसके लिए जिम्मेदार थे उसके बावजूद भी जनता पार्टी उनको एक्सटेंशन देने जा रही है। लेकिन शरूसोस की बात यह है कि इसके बावजूद भी हमारे दोस्त इसका विरोध कर रहे हैं, यह बहुत आश्चर्य की बात है।

[श्री विज़ : उमार मल्होत्रा]।

दिल्ली के ऐंगजीक्यूटिव काउंसिलर्ज ने जिन्होंने तुर्कमान गेट पर गोली चलवाई, जिसमें बीस लोगों की जानें गई, जिन्होंने दिल्ली में साढ़े ४० लाख लोगों को उजाड़ कर बीस मील दूर फेंक दिया, अनश्वासथोराइज्ड कालोनीज पर बुलडोजर चलवा दिए, उनके इन का नामों के बावजूद भी जहां उनको और काउंसिल को एक दिन की भी एक्सटेंशन देने की जरूरत नहीं थी, जो इतने क्रिमिनल ऐक्स के लिए जिम्मेदार थे, उनको एक्सटेंशन देने की बात इसलिए हो रही है क्योंकि गोआ की असेम्बली को दिया गया है और ऐसा न लग कि उनके साथ ज्यादती हो रही हैं।

ऐंगजीक्यूटिव काउंसिल में इंतहा दर्ज की बुरप्पशन है, बहुत ज्यादा वहां कुरप्पशन के मामले हैं। स्यूइंग मशीन स्कैडल, ट्रांसपोर्ट स्कैडल, मारुति स्कैडल आदि स्कैडलज में ये सब लोग इनवाल्ड हैं। शराब स्कैडल आदि स्कैडल लगातार होते जा रहे हैं। कांग्रेस पार्टी ने अपनी हार के बाद भी कोई सबक नहीं लिया है। वही कांस्परेसी हो रही है। वह यह है कि जनता पार्टी को बदनाम किया जाए। उसके लिए साजिशें की जा रही हैं। संकेडों फाइलें प्राइम मिनिस्टर हाउस से ले जा कर जलाई गई हैं और जलाई जा रही हैं। दिल्ली एडमिनिस्ट्रेशन की फाइलें भी जलाई जा रही हैं। इसको रोका जाए, इस फाइलों को कावू में करने का इंतजाम किया जाए।

पिछले चार पांच दिनों में जनता पार्टी को बदनाम करने के लिए कई प्रकार के हथकंडे इस्तेमाल में लाए गए हैं। कांग्रेस ने सिमेंट के मिल ओनर्ज से इलैक्शन से पहले साजिश की, उन से रूपया लिया और उसका नतीजा यह है कि आज सारे देश में और दिल्ली में सिमेंट की स्केयरसिटी हो गई है, सिमेंट मिल नहीं रहा है, दिल्ली में उसका मिलना एक तरह से बिल्कुल बन्द हो गया है।

इसी तरह से डालडा कम्पनी के जो मालिक लोग थे उन से कांग्रेस पार्टी ने चुनाव में करोड़ों ८० लिया और आज उस की आर्टिफिशियल स्केयरसिटी पैदा की जा रही है। इसी तरह से क्योंकि अभी तक कारपोरेशन में उन्हीं के लोग हैं इसलिये रेट्रोस्पेक्टिव इफेक्ट से, १९७६ के हिसाब से, १० गुना ज्यादा सेल्स टेक्स यहां पर लागू कर दिया गया है और उस के बिल भेज दिये गये हैं। मैं माननीय गृह मंत्री जी से कहूँगा कि इस ऐंगजीक्यूटिव काउंसिल को अगर नहीं तोड़ा गया तो करप्ट लोगों के हौसले बढ़ेंगे।

मेरा निवेदन है कि दिल्ली को स्टेट असेम्बली का दर्जा देना बहुत जरूरी है। दिल्ली एक वायेबिल यूनिट है। अपने पैसे से नौन-एलान ऐक्सप्रेंडिचर से ४० करोड़ की बचत होती है और इन्कम टैक्स से जो पैसा मिलता है उस में से ४०० करोड़ ८० दिल्ली पे करती है। इस लिए दिल्ली को स्टेट असेम्बली बनाया जाये और ऐंगजीक्यूटिव काउंसिल को तुरन्त तोड़ा जाया।

इन शब्दों के साथ मैं इस का समर्थन करता हूँ।

चौथरी बहु प्रकाश (वाह्य दिल्ली) : सभापति जी, मैं इस बिल की मुख्यालिफत करने के लिये खड़ा हुआ हूँ। मुख्यालिफत का कारण यह है कि यह जो सैट्रोपोलिटन और ऐंगजीक्यूटिव काउंसिल है, जैसा मैंने आज से १० साल पहले भी कहा था जब यह बिल बन रहा था कि दिल्ली के लोगों को बहकाने के लिये यह एक खिलौना दिया जा रहा है और सैट्रोपोलिटन काउंसिल और ऐंगजीक्यूटिव काउंसिल दिल्ली की कोई तसल्ली नहीं कर सकती। और यह बेकार साबित होगी और वह बात आज सही साबित हो गई है। मैं तजवीज करता हूँ कि इस बिल को विद्धा किया जाये और इस को लैप्स होने दिया जाय। जल्दी ही सरकार अगले सेशन के अन्दर दिल्ली स्टेट असेम्बली कायम करने के लिए

एक नया बिल लाये और साथ ही साथ ऐंग्जीकूटिव काउन्सिल को भंग कर दें। इस बास्ते इस बिल को इस बक्त चलाने की कोई जरूरत नहीं है।

आप को मालूम है कि दिल्ली में 1917 से यह मांग चली आ रही है कि दिल्ली के अन्दर असेम्बली हो। पांच साल के लिये 1951 से 1956 तक के लिये यहां असेम्बली कायम हुई और बाद में फिर उस को तोड़ दिया गया। जब कहा गया दिल्ली का शासन थीक से नहीं चल रहा है और यहां बहुत कनफ्यूशन और कैश्यास है ऐंडमिनिस्ट्रेशन के अन्दर, यहां कोई यूनीफाइड आशारिटी नहीं है, यहां जो कारपोरेशन बनाई गई थी वह यहां के सवालों को हल करने में नाकामयाब हुई है, तो उस बक्त यह कहा गया कि दिल्ली के लिये कोई नया दूसरा ऐंडमिनिस्ट्रेशन लाया जाये चूंकि बारबार यह बात कही जाती थी कि दिल्ली असेम्बली नहीं ले, लेकिन आप जो दिल्ली असेम्बली में चाहते हैं वह आप को मिल जायगा, इस पर बहस हुई और मैं यहां इस सदन में दिल्ली की तरफ से रिप्रेजेन्टेटिव था और होम मिनिस्ट्री से बातचीत कर रहा था तो मैंने कहा कि हमें कोई जिद नहीं है कि यहां आप दिल्ली असेम्बली उस का नाम रखें। अगर मोवरेन्टी का कोई हिस्सा आप दिल्ली के दूसरे ढांचे में डाल सकते हैं तो मुझे नाम बदलने में कोई एतराज नहीं होगा। लेकिन वह नहीं डाला जा सका। आखिर बिल पास होने लगा उस बक्त मैं प्रधान मंत्री श्री शास्त्री से मिला और कहा कि यह बिल पास न किया जाये अभी और जब आप रूस से वापस लौटें तो आप के साथ वहस मुवाहिमा कर के उस में कुछ जान डाली जाये। उन्होंने इस बात को स्वीकार किया, हालांकि श्री विद्याचरण शुक्ल जो उस समय डिप्टी होम मिनिस्टर थे और जो हैचमैन समझे जाते थे और बाद में साबित भी हुए, उन्होंने चाहा था कि इस को जल्दी से जल्दी पास कराया

जाय। आप को जैसा मालूम है उस बक्त शास्त्री जी वापस नहीं आ सके और इंदिरा गांधी आर्यों और सब से पहले उन्होंने दिल्ली ऐंडमिनिस्ट्रेशन ऐंट को पास कराने में बुलडोज़र का इस्तेमाल किया और जबरदस्ती इस बिल को उस बक्त पास किया हमारी राय के खिलाफ। नतीजा यह हुआ कि हम पर यह बिल लाद दिया गया। और उस बक्त से एक तरह से शुरूआत होती है इस बात की कि दिल्ली में जो यहां की कांग्रेस थी और और उस बक्त जो यहां की कांग्रेस सरकार थी उन में एक इख्तलाफ हो गया। सदन को मालूम होना चाहिए कि मैं ने उस बक्त भी कहा था कि यह एक खिलौना है, यह दिल्ली को बेजान किया जा रहा है, इस को आप न दें। मैं आज भी यह बात कहता हूं कि इस तर्जुबे को हम न दोहरायें। यहां तक कि कांग्रेस गवर्नरमेंट जो यहां पहले थी वह भी यह बात मान चुकी है कि यह बेकार साबित हो चका है। अब यहां पर दूसरा कोई तरीका सौंचा जायगा कि क्या करना चाहिये।

तो मैं आप के जरिये गूह मंत्री जी से कहना चाहता हूं कि कृपा कर के आप इस बिल को वापस ले लें और इस दिल्ली ऐंडमिनिस्ट्रेशन ऐंट को रिपील कर दें। और दिल्ली असेम्बली का नया बिल लायें ताकि दिल्ली के लोगों के राहत मिले। नहीं तो इस ऐंडमिनिस्ट्रेशन से दिल्ली की मुश्किलें बढ़ेंगी और बहां के लोगों को कोई राहत मिलने वाली नहीं है।

18 hrs.

SHRI K. LAKKAPPA (Tumkur): Mr. Chairman, I think that the Home Minister has already stated that there should not be any repetition. But my Party views it in this way that, surreptitiously, the Government have brought forward these two Bills. It may have been done, according to them, for various reasons, but I can only say that this is being done on political grounds, because the Forty-

Second Constitution Amendment Act was passed by the previous Government, they want to undo that. This is the attitude of this Government. There is no logic in their argument about duration. This was passed when the Forty-Second Constitution Amendment Act was passed, there is lot of substance in that, when the life of Rajya Sabha is six Years, why should it be five years in the case of Lok Sabha? Now, many of my friends on the other side are advocating that the voting age must be 18 years. Do you consider the Constitution to be static? The needs of the society are changing, and according to these changes, certain changes should take place in the Constitution or in the People's Representation Act. The entire society is a changing society. Therefore, changes are inevitable. Therefore, your argument countering the points made on this side has no logic or substance. Do not take such hasty steps as if all the legislations that have been passed by the previous Government have no reasons behind them. People have voted for all these things. In the southern States, people have voted for us and they have supported the Constitution Amendment. We have every reason to say that they have supported us. Should we not say that? Can I betray my people? I wish the economic policy of the Government had been pronounced by this time. I do not know why they are not doing that. It may be due to inner contradictions. It is no use bringing all political and controversial legislations only to hit the other side or take revenge on the previous Government. This type of witch-hunting against the previous Government is very bad. You are creating a very bad precedent by this. After six months or one year, you may go out of office. What will happen to your actions if the other party comes to power? Do not take it for granted that the verdict that has been given is for all time to come. My friends on this side and also our Leader have already said this. Whatever is done reasonably is allright; if there are

valid reasons, then it is allright. But do not take a vindictive attitude by bringing all types of legislation in a day and pushing them through. This should not be the attitude of the Government. We are all agreeable for any change. As a matter of fact, our Party has supported the two Bills which were brought by Shri L. K. Advani. But at the same time, please do not bring any legislation with a motive of political vindictiveness and to see that the other side is humiliated or subjugated. The motive of these two Bills is that you are in a hurry to topple the State Governments. That is clear from what the ruling party and the Prime Minister have been stating. The States are settled and are running. Let there be elections in the States on the due dates. Where is the hurry? After the elections in the States, you can bring forward anything you like. As I said, you should not bring any hasty amendments or legislation for political vindictiveness. These things have been brought only with that motive. There are many important matters which could have been discussed usefully in this House like shortage of many essential commodities, rising prices after the elections, victimisation of Harijans and other minority communities, and the violent activities etc. A lot of things have happened in this short period under this new Government. I would once again request that there should not be any political motive and vindictiveness in bringing forward this and other legislation.

श्री शिव नारायण सरसूनिया (करोल बाग) : सभापति महोदय, दिल्ली की जनता ने जनता पार्टी के हक्के में इतना बड़ा वार्डिक्ट दिया है और कांग्रेस पार्टी को पूरी तरह से रिजेक्ट कर दिया है। उस के बाद भी उन लोगों को और समय देने का अर्थ दिल्ली की जनता के लिए एमरजेंसी की हालत को जारी रखना है। इस समय जो चार महीने की एक्सटेंशन दी जा रही है, उस में भी वे लोग पोलिटिकल

[श्री शिव नारायण सरसूनिया]

मोटी देखते हैं। वास्तव में तो उन को आज ही हटा देना चाहिए। दिल्ली की जनता अब उन को और बदाश्त करने के लिए तैयार नहीं है। दिल्ली की जनता इस बात में बहुत दुखी है कि अभी भी उन लोगों को बिठाये रखा जा रहा है, जिन को देखना भी वह पसन्द नहीं करती है। वह किसी काम के लिए उन के पास नहीं जाती है। वे लोग दिल्ली में एक हैल बनाने पर तुले दुए हैं।

जिन अफसरों ने उन के कहने के अनुसार काम नहीं किया, उन का विकिटमाइजेशन हो रहा है, उन के साथ दुर्व्यवहार हो रहा है, उनकी फाइलों को खराब किया जा रहा है। चूंकि जनता ने उन को वोट नहीं दिया है, इस लिए वे लोग उस को वैर की दृष्टि से देखते हैं। नैतिक दृष्टि से इस बात का कोई औचित्य नहीं है कि उन लोगों को एक दिन भी और दिया जाए। दिल्ली के लोगों का यह निश्चित मत है कि उन को किसी भी तरह से वहां न रहने दिया जाए।

मेरा कहना है कि मैट्रोपोलिटन कौसिल को तोड़ दिया जाए, नये चुनाव कराये जायें और यहां पर विधान सभा की स्थापना की जाए। यहां पर मल्टीप्लिसिटी आफ एथारिटीज होने के बारग दिल्ली की जनता बहुत परेशत है। कुछ एव रिट्रीज केन्द्र के अधीन और कुछ दिल्ली प्रशासन के अधीन होने के कारण दिल्ली की जनता को बहुत तकलीफों का सामना करना पड़ता है। अभी-अभी इन्होंने दस गुना हाउस टैक्स कर दिया है और इसीं कारण कर दिया है कि कांग्रेस को यहां से वोट नहीं मिले। पानी का कर 17 पैसे से बढ़ा कर एकदम से 40 पैसे कर दिया। इसी तरह विजली के पैसे बढ़ा दिए। उन को अब भी बैठाए रखेंगे तो इसी तरह दिल्ली की जनता के साथ वैर भाव रख कर वे ऐसे ही काम करेंगे। इस कारण इस तरह वा जो अन्याय हो रहा है उस को आज दिल्ली की जनता बदाश्त करने के लिए तैयार

नहीं है। इसलिए यह बिल वापस लिया जाय और यहां पर असेम्बली के लिए बिल लाया जाए। दिल्ली की जनता को असेम्बली दी जाए।

श्री किशोर लाल (पूर्व दिल्ली) : सभा-पति महोदय, मैं इस आगस्ट हाउस में पहली दफा बोल रहा हूं। आपने मौका दिया उस के लिए मैं आप का बहुत आभार प्रकट करता हूं।

एक बात मैं कहना चाहता हूं और वह यह कि मेरी समझ में नहीं आता कि दिल्ली के लोग तो इतने अच्छे हैं, आप सब लोगों को इज्जत और मान देते हैं, फिर दिल्ली के लोगों के साथ इतनी ज्यादती क्यों होती जा रही है। हर दफा जो भी ज्यादती होती है तो दिल्ली के लोगों के साथ होती है। और आज एक दूसरे रूप में दिल्ली के लोगों के साथ ज्यादती हो रही है। 1956 में असेम्बली तोड़ी गई। दस साल के बाद फिर विचार कर के 1966 में मैट्रोपोलिटन कौसिल का बिल लाया गया। उसके दस साल बाद दौवारा इस बारे में तय कर रहे हैं और मैं तो यह कहूंग। कि अब तो 1976 भी गुजर चुका। अब 1977 आ चुका है।

दिल्ली के ढांचे के ऊपर जितनी दफा भी विचार हुआ, दस सालों में विचार हुआ और हर दफा विष्वास दिलाया गया कि दिल्ली के ढांचे को सोचा जा रहा है, उस पर विचार कर रहे हैं। इतने महकमे आज दिल्ली में हो गए हैं कि कोई शहरी अगर चांघरी साहब की स्टेट से या किसी दूसरी स्टेट से आता है तो एक छोटे से काम के लिए पता नहीं कितने डिपार्टमेंट्स में उसे अपनी जगह ढूँढ़नी पड़ती है। उस का एक ही इलाज था कि यहां पर कोई एक सिंगल यूनिफाइड एथारिटी होनी चाहिए जिसके पास लोगों की प्रावलम का हल हो सके। आप देखिए कि जिस बक्त म्यूनिसिपल कारपोरेशन दी गई तो स्वर्गीय गोविन्द बल्लभ पंत ने कहा था कि हम आप को ऐसी कारपोरेशन दे रहे हैं जो

अनेकजी का हल होगी । उस कारपोरेशन ने भी हल नहीं किया—1957 में कारपोरेशन को बनाया गया था—तो 1966 में फिर सोचा गया और फिर मेट्रोपोलिटन कौंसिल की बात लायी गई । जब वह लाखी गई उस वक्त भी यह विश्वास दिलाया गया कि यह यहां की प्रावलम्स का हल होगा । लेकिन दस साल में फिर पालियामेंट में वही बात बार बार दौहरायी गई और कहा गया कि इस से भी मसले हल नहीं हो रहे हैं । तब कहा गया कि अब कोई और तरीका होगा । अब दस साल भी पूरे हो गए । फिर भी मेट्रोपोलिटन कौंसिल को एक्सटेंड किए जा रहे हैं । इस तरह एक्सटेंड करते रहेंगे तो मालूम नहीं क्या इस पर ठंडे दिल से सौंचेंगे, कब विचार करेंगे । मैं तो समझता हूँ कि दिल्ली के लोगों के साथ बहुत दिनों से अन्याय होता जा रहा है । इस अन्याय को लोग बर्दाश्त भी करते हैं । लेकिन कभी कभी चीजें बर्दाश्त की सीमा से बाहर भी हो जाया करती हैं । मेरा तो सिर्फ इतना ही कहना है कि इस को एक्सटेंड करने का मतलब क्या है यह कुछ मेरी समझ में नहीं आता । एक तरफ तो कहते हैं कि पांच साल होना चाहिए । फिर हम खुद प्रावलम क्रिएट करते हैं और सात महीने के लिए एक्सटेंड कर के उस को सालव करना चाहते हैं । पहले खुद प्रावलम क्रिएट करें और फिर उस को सालव करें यह कुछ मेरी समझ में नहीं आता । आज जो मेट्रोपोलिटन कौंसिल हैं उधर के लोग तो कह ही रहे हैं कि पोलिटिकल विकिट-माइजेशन हो रहा है, पोलिटिकल मोटिव तो मेरी समझ में नहीं आता कि उन की तरफ से है या इस तरफ से है, मैं तो समझता हूँ कि जनता सरकार की बहुत ज्यादा उदारता है, उस को स्वीकार करने के बजाय वे पोलिटिकल विकिटमाइजेशन उस को कहते हैं जब इन को कहना हो यही है तो हम अपने रास्ते को तो नहीं छोड़ सकते । यह बात तो ठीक है होम मिनिस्टर साहब की । लेकिन एक बात देखनी होगी कि बाकी स्टेट्स और यूनियन टैरिटरीज के साथ इस को कम्बाइन नहीं

किया जा सकता । दिल्ली का अपना एक भलग स्थान, एक अलग जगह है । इसकी प्रावलम्स को हल करने के लिए पिछले सालों में बहुत दफा कमिट्टेंट किया गया है । तो कोई यूनिफाइड एथारिटी इस के लिए बनाई जाए । कोई नाम से हमें बहुत अटैचमेंट नहीं है । लेकिन कोई ऐसी एथारिटी हो जहां उस के सारे मसले हल हों । 60 लाख दिल्ली के लोग हैं । सात पालियामेंट के मैम्बर हैं । आप देखें कि आधे घंटे दिल्ली के इनमें इम्पार्टेंट मामले को बड़ी मुश्किल से मिले हैं । दिल्ली के और भी कितने मसले हैं । ल खों लोग परेशान हैं । ल खों लोगों को वहां से भेजा गया । मुने माफ करेंगे गवर्नमेंट आफ इंडिया का हर एक डिपार्टमेंट, हर अफसर चाहे वह सैक्टरी हो, अंडर सैक्टरी हो या सैक्षण अफसर हो वह दिल्ली के बड़े से बड़े अफसर को और पोलिटिकल आदमी को डायरेक्टर-इण्यु कर सकता है । और जिसको बहुत से लोग हुक्म देने वाले होते हैं उसकी कोई भी प्राब्लम हल नहीं होती है । एक का दूसरे के साथ कोई कोआर्डिनेशन नहीं होता है और मसले एक मिनिस्ट्री से दूसरी मिनिस्ट्री में शोबरलेप करते हैं । एक का हुक्म कुछ होता है तो दूसरे का हुक्म कुछ और होता है ।

अभी 15 तारीख में यू०पी०की सरकार ने एक एक्ट पास कर दिया है । दिल्ली सप्लाई संस्थ को बू०पी०१ लाख लीटर दूध दे सकता है । 6 लाख लीटर दूध वहां से आया करता था लेकिन अब यू०पी से यहां पर दूध नहीं आ सकेगा । 15 तारीख के बाद पता नहीं क्या होगा, दिल्ली के बच्चों को दूध मिलेगा या नहीं ? इस प्रकार की समस्याओं के लिए यही हल हो सकता है कि एक स्टेट गवर्नमेंट दूसरी स्टेट गवर्नर-ट्रिट से बराबरी के आधार पर बात करे । इसी प्रकार से मसले हल हो सकते हैं । लेकिन यू०पी०ने यूनिलैट्सी एक्ट पास कर दिया कि दिल्ली में वर्षा से दूध नहीं आ सकता ।

[श्री किशोर लाल]

इसी तरह से ट्रांसपोर्ट का मसला है। हमारी बसों को वहां जाने से रोक दिया जाता है। इस तरह 'गरीब की जोड़' बाली बत हो जाती है। हरियाणा की सरकार भी हुकम देती है और यू. पी. ० की सरकार भी हुकम देती हैं। संग्रह गवर्नरेंट की सारी मिनिस्ट्रीज को हुकम देती ही है। दिल्ली के लोग आपकी बड़ी इज्जत करते हैं, आपको सिर आंखों पर बिठाते हैं और जो पार्लमेंट के मैम्बर्स हैं उनको बड़ी इज्जत देते हैं। मैं आपके जरिए माननीय गृह मंत्री जी से प्रार्थना करूंगा कि वे इन तमाम मसलों पर कुछ विचार करें और तमाम जितने कमिट्टीमेंट्स वहां पहले किए गए हैं वह पूरे किए जायें। दिल्ली के मसलों के लिए कोई ऐसा हल ढूँढा जाए जिससे दिल्ली के लोगों को बार बार पार्लियामेंट का कीमती समय जाया न करना पड़े। इन शब्दों के साथ मैं आपका आभार प्रकट करता हूँ।

शूह मंत्री (चौधरी चरण सिंह) : चेयरमैन महोदय, अभी अपने माननीय मित्र जो बोल रहे थे उनके भाषण को मुनक्कर मुझे बड़ी तकलीफ हुई। वे यह जाहिर करना चाहते थे और उनका यह मतलब साफ था कि दिल्ली के लोगों के साथ डिस्ट्रिक्ट मिनिशन हो रहा है, इस्तियाज हो रहा है और अन्याय हो रहा है। दिल्ली के लोग बड़े बेचारे हैं और देश के दूसरे लोगों के साथ बड़ा अच्छा बर्ताव हो रहा है बमुकाबले दिल्ली के लोगों के। मेरी समझ में नड़ी आया इसके पीछे उनका क्या तर्क था। उन्हें मालूम नहीं कि दिल्ली की पर-कैपिटा इनकम हायस्ट है। दिल्ली की जितनी आमदनी है और आबादी है उससे बीस गुना आबादी की स्टेट्स पड़ोस में है जिनके आम लोगों की हालत दिल्ली के निवासियों के मुकाबले कहीं ज्यादा खराब है। लेकिन माननीय सदस्य के भाषण से यह मालूम हो रहा था कि दिल्ली बरबाद हो गई है, दिल्ली के साथ गवर्नरेंट डिस्ट्रिक्ट मिनिशन कर रही है और दिल्ली के लिए उसके दिल से कोई दर्द नहीं है।

दिल्ली में म्यूनिसिपल, टैक्स या हाउस

टैक्स कुछ गुने बढ़ गया तो माननीय सदस्य का स्थाल है कि चूंकि यहां पर मेट्रोपोलिटन कौसिल है इसलिए टैक्स बढ़ गया लेकिन ऐसी बात नहीं है। रेट गवर्नरेंट भी टैक्स बढ़ाती है। दिल्ली के पड़ोस में दसदस करोड़ की आबादी की स्टेट है जहां पर दसदस गुना लैंड रेवेन्यू बढ़ा दिया गया। इसलिए चूंकि मेट्रोपोलिटन कौसिल इं उसकी वजह से यह खराबी है और स्टेट गवर्नरेंट हो जायेगी तो सारा मसला हल हो जायेगा मैं उनकी इस बात से सहमत नहीं हूँ।

इसके अलावा जिस तरीके से उन्होंने यह बात कही कि कहां तक लोग वर्दाश्त करेंगे, मैं नहीं समझता यह कहने की भाषा थी वयों कि उस में एक घमकी का इशारा है। सदन में इस तरह की बात कहना खास तौर से जब आप अपनी गवर्नरेंट के सपोर्टर हैं, उस के पाठ हैं मैं नहीं समझता कहां तक शोभा-जनक है। जहां तक इस बात का संबंध है कि असेम्बली बने या न बने यह सवाल इस में उठता नहीं है। अगर बन जाय तो मुझे कोई दिक्कत नहीं है। लेकिन अभी तक मैंने उस पर कोई विचार नहीं किया है और मेरी सरकार ने भी उस पर कोई विचार नहीं किया है। अभी गवर्नरेंट को चार्ज लिए मुश्किल से दस दिन हुए हैं और इस मामले का एक पुराना इतिहास है। जो पहले गवर्नरेंट रह चुकी हैं जिन के जरिए गवर्नरेंट चलती थी उन को हम अपना बुजुर्ग और लीडर मानते थे, उन के सामने यह मसला पेश हुआ इं, उस पर विवाद हुआ है। इस को देखने समझने की जरूरत होगी। अगर दस दिन में असेम्बली कायम नहीं कर सके तो उस का यह नतीजा निकालना जो अभी मेरे मित्र ने निकाला या जिस तरह से चौधरी ब्रह्मप्रकाश जी ने कहा मुझे अफसोस है और उस पर शिकायत है। इस मामले में मेरी एकाध सदस्य से बातचीत हुई। मल्होत्रा जी में भी हुई। लेकिन इस पर विचार करने की जरूरत होगी। एकदम तो असेम्बली नहीं बन सकती है। एकदम बना दें और डिक्लेयर कर

दें बिना पिछने इतिहास को देखे हुए या बिना कुछ विचार किए हुए तो यह मुमकिन नहीं है। इस लिये यह कहना कि वहां विधान सभा नहीं बनीं है, इस लिये बिल को वापस लिया जाय—यह बात मेरी समझ में नहीं आती है। बिल अगर वापस हो जायगा तो वहां वैक्यूम पैंडा हो जायेगा, उस सूरत में हमें कोई कानून तो लाना ही पड़ेगा किसी को एडमिनिस्ट्रेशन तो चलाना ही पड़ेगा। इस समय वहां मैट्रोपोलिटन कान्सिल मौजूद है, उसकी मियाद इस लिये बड़ा रहे हैं ताकि वहां पर इलैक्शन हो सके। अगर इस को खत्म कर देंगे, तो फिर इलैक्शन नहीं हो सकेंगे, 4 महीने की मियाद बढ़ाने से वहां 20 जुलाई, तक इलैक्शन हो जायेंगे।

एक सज्जन ने कहा कि कहीं 4 महीने बड़ा रहे हैं, कहीं 7 महीने बड़ा रहे हैं, जब कि वहां पर 6 माल की व्यवस्था है। हम तो 6 माल नहीं चाहते हैं, केवल 5 साल चाहते हैं, लेकिन 6 का 5 साल नहीं कर पाए रहे हैं, कारण आप जानते ही हैं। यहां हम 5 साल 7 महीने भी नहीं चाहते हैं, क्योंकि यहां मौनमून की मजबूरी नहीं है। इस लिये इस में हमारी नीयत खराब नहीं है या हमारी कोई मुख्ता भी नहीं है। कुछ मजबूरियां हैं, जो फैक्ट्रस हैं वे आप के सामने मौजूद हैं।

जहां तक आलोचनाओं का सवाल है, मैं आलोचनाओं का स्वागत करता हूँ, लेकिन आलोचनाओं के पीछे सद्भावना या अण्डरस्टेपिंग होनी चाहिये। आज इत्तिफाक से मैं होम मिनिस्टर हूँ, कल वहां भी बैठ सकता हूँ। इस लिये यह समझना कि कोई गैर है या मूर्ख है या आप के साथ भला वर्ताव नहीं करना चाहता है या दिल्ली के साथ कोई डिस्क्रीमिनेशन करना चाहता है—मैं इन बातों के खिलाफ प्रोटोस्ट करता हूँ।

एक माननीय सदस्य ने कहा कि इस के पीछे पोलिटीकल मोटिव हैं। इस के पीछे हमा। कोई पोलिटीकल मोटिव नहीं है,

पोलिटीकल मोटिव तो उन लोगों का था, जिन्होंने 5 साल से 6 साल किया, हम तो 6 साल को करैकट करना चाहते हैं, लेकिन उल्टे दोष हम को दिया जाता है। संविधान में शुरू में 5 साल इस लिये रखा गया था कि आम तौर पर दुनिया भर की अमेस्ट्रलीज में यह मियाद 5 साल या 4 साल है। सिर्फ चीन में 6 साल है और कहीं भी नहीं है। हमारे फाउण्डिंग फार्दस ने, हमारे मूल्क के नीडर्स ने, कांस्टीचूणल एक्सपर्ट्स ने, सब ने बहुत सोच-समझ कर इस को 5 साल रखा था। इस लिये जिन्होंने 5 साल से 6 साल किया, उन के सामने पोलिटीकल मोटिव था, लेकिन हम उसे 6 साल से फिर 5 साल में रिवर्ट करना चाहते हैं। इस के लिये यह कहना कि हमारा पोलिटीकल मोटिव है—मैं यही कहूँगा कि हर एक को कहने का हक है, चाहे जो कहे, लेकिन इस बात के पीछे कोई सार नहीं है।

माननीय मल्होत्रा जी ने कहा कि वहां पर फाइलें जनाई गई हैं। मेरी अक्सर मल्होत्रा जी से दिल्ली एडमिनिस्ट्रेशन के बारे में बातचीत होती है और वह इस बात को मानते हैं कि जितनी तेजी से मुमकिन है उतनी तेजी से परिवर्तन किया जा रहा है। अगर वहां फाइलें जल रही हैं, तो ऐसी शिकायत उन्होंने पहले तो मुझ में कभी नहीं की, अगर ऐसा हो रहा है तो मैं एक घन्टे के अन्दर वहां किसी आफिसर को भेज सकता हूँ—यह देखने के लिये कि फाइलें कहां जल रही हैं। मैं यह मानता हूँ कि जो जुलम दिल्ली में हुए हैं, वे शायद और जगहों पर नहीं हुए हैं। वहां का एडमिनिस्ट्रेशन इतना ज्यादा इनएफिशियेन्ट हो चुका है, कि उस को एक दम चेन्ज करना आसान काम नहीं है, इस में थोड़ी देर लगेगी, इस लिये कि इस का केंडर बहुत लिमिटेड है। दिल्ली का एक आफिसर, मान लीजिये, गलती कर रहा है, तो उस को कहां भेजें। अगर बड़ा केंडर हो, मान लीजिये हरियाणा मिला हुआ है या राजस्थान या यूपी से मिला हुआ है तो उस की तहकीकात बाद में करते,

चौधरी चरण सिंह]

लेकिन फौरन उस को मिर्जापुर ट्रांसफर कर सकते थे। लेकिन दिल्ली तो एक शहर है, 6 डिस्ट्रिक्ट के बराबर समझ लीजिये या 7 डिस्ट्रिक्ट के बराबर समझ लीजिये। एक मुहल्ले से दूसरे मुहल्ले में या एक थाने से दूसरे थाने में भेजा जा सकता है। जब एडमिनिस्ट्रेशन टाप से बाटम तक इनएफिशिएन्ट हो, तो उस के सुधारने में यह उम्मीद करना कि एक दम एफिशियेन्ट हो जायगा या एक दम उस में इन्टीग्रिटी आ जायगी, मैं समझता हूँ—यह ज्यादा उम्मीद करना है। मेरी कोशिश होगी कि जो चीज़ भी मेरी नोटिस में आये, उस को जन्द से जन्द ठीक किया जाये।

एक शिकायत यह की गई कि हमें होम मिनिस्टर के यहां मारे-मारे फिरना पड़ता है, कभी फला मिनिस्टर के यहां मारे-मारे फिरना पड़ता है, मैं तो नहीं समझता कि असेम्बली के हो जाने ने यह समस्या हल हां जायगी। जब असेम्बली होगी तो मिनिस्टर वहां भी कई होंगे और किर उस में भी कई मन्त्रीशत्रु होते हैं। असेम्बली हो जाने के बाद भी आवर्गनीयता होता ही है इसी लिये वहां कार्यालयों के रूप में चीफ मिनिस्टर की आवश्यकता होती है।

सभापति महोदय, इन शब्दों के माथ मैं सदन के माननीय सदस्यों से अपील करूँगा कि वे इस विधेयक को पास करें।

सभापति महोदय : प्रश्न यह है :

“कि दिल्ली प्रशासन अधिनियम, 1966 का संशोधन करने वाले विधेयक पर विचार किया जाये।”

The motion was adopted.

सभापति महोदय : प्रश्न यह है कि क्लाज न० 2, 3, 1, इनेक्टिंग फार्मूला और टाइटल विधेयक के अंग बनें।

The motion was adopted.

Clauses 2, 3 & 1, the Enacting Formula and the Title were added to the Bill.

चौधरी चरण सिंह : मैं प्रस्ताव करता हूँ : “कि विधेयक को पारित किया जाय।”

सभापति महोदय : प्रश्न यह है : “कि विधेयक को पारित किया जाय।”

The motion was adopted.

18.26 hrs.

DISPUTED ELECTIONS (PRIME MINISTER AND SPEAKER) BILL

MR. CHAIRMAN: Now, we take up the next item. Shri Shanti Bhushan.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Mr. Chairman, Sir, I beg to move* : “That the 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, be taken into consideration.”

I do not want to make a long speech. The other day, while introducing this Bill, I had stated that it was the Government's intention to do away with Art. 329A of the Constitution which had made a distinction between the Prime Minister and the Speaker on the one hand and the other Members of Parliament on the other hand in regard to the manner in which their elections could be disputed and the election petitions could be tried.

We have already introduced a Bill for the appropriate amendment of the Constitution for the purpose of deleting that Art. 329A from the Constitution. But, as I had stated earlier,

*Moved with the recommendation of the Vice President acting as President.

so long as that Article in the Constitution remains on the statute book, the Government was under some constraint because it had been provided that an authority other than that specified in Art. 329 alone could go into the election disputes relating to a person holding office of Prime Minister or holding Office of Speaker. It was, for that purpose, that this Bill was introduced.

Now, Sir, earlier, an Ordinance had been issued by the previous Government by which they had provided that the authority to go into the election disputes relating to elections to the Parliament of the Prime Minister and the Speaker shall be a Committee consisting of nine members—three representatives of the Lok Sabha, three representatives of the Rajya Sabha and three nominees of the President.

Now, it was considered that such an authority would not command the confidence of the people and, in that connection, Sir, I would like to invite the attention of this House to a passage in *May's Parliamentary Practice* because, in England also, earlier, dispute about elections of Members of Parliament used to be considered by the Parliament itself, by the House of Commons itself and, subsequently by committees of the House. This is what is stated in the *May's Parliamentary Practice* in page 9 with regard to that. I quote:

"Before the year 1770 contested elections were tried and determined by the whole House of Commons, as mere party questions, upon which the strength of contending factions might be tested. In order to prevent so notorious a perversion of justice, the House consented to submit the exercise of its privileges to a tribunal constituted by law, which, though composed of its own Members, should be appointed so as to secure impartiality and the administration of justice according to

the laws of the land and under the sanction of oaths. The principle of the Grenville Act, and of others which were passed at different times since 1770, was the selection by lot of committees for the trial of election petitions. Partiality and incompetence were, however, generally complained of in the constitution of committees appointed in this manner;

"....and, in 1839, an Act was passed establishing a new system, upon different principles, increasing the responsibility of individual Members, and leaving but little to the operation of chance. This principle was maintained, with partial alterations of the means by which it was carried out, until 1868, when the jurisdiction of the House in the trial of controversial election was transferred by statute to the courts of law."

So, Sir, in England also earlier the House used to go into disputes in regard to elections. Later on, the Committees went into such disputes. Even that procedure was found to be unsatisfactory. Thereafter the matter was handed over to the courts. That was the position which was accepted in our Constitution originally. It was only later on that Article 329A was introduced. As I said earlier we have already introduced a Constitutional Amendment Bill for rectifying that position. So far as this Committee was concerned this was not considered a satisfactory authority which would command the confidence of the people. The question was as to which authority should be substituted in its place. We gave anxious consideration to that question and we thought since it was not possible to introduce High Court—as it was ruled out by Article 329A which said it must be some authority other than that specified under Article 329(b)—the only other authority which could command the confidence of the people would be a still superior authority, namely, a judge of the

[Shri Shanti Bhushan]

Supreme Court to be nominated by the Chief Justice of India. That was the reason why this authority has been stipulated in this Bill.

Sir, I would like to say—with your permission—that I am sorry that the other day when I introduced the Bill a question had arisen as to whether against the decision of the single judge of the Supreme Court, a further appeal would lie and under an error I had stated then that perhaps an appeal would lie under Article 136. I referred to the analogy of Article 139 and the Supreme Court decisions on the subject. I am very sorry to say that I had overlooked at that time that under Article 329A there is an express provision saying that the decision of the authority so constituted shall be final. I apologise to the House for having made a statement which was not correct. Since the point was raised at the spur of the moment I had overlooked that provision in Article 329A.

SOME HON. MEMBERS: We appreciate what you say.

SHRI SHANTI BHUSHAN: So I apologise to the House for that. With these few words I commend the Bill to this House.

MR. CHAIRMAN: Motion moved:

"That the 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, be taken into consideration."

SHRI O. V. ALAGESAN (Arakonam): Mr. Chairman, Sir, I am surprised that the learned Law Minister should bother this House with this Bill at this late hour as we are already working overtime.

AN HON. MEMBER: The original Bill was also passed in a hurry.

SHRI O. V. ALAGESAN: Now, Sir, I am on a firmer ground because hon. Members from the opposite side contested even at the introduction stage the principle of this Bill, the manner of introducing it and the very necessity for introducing it.

Now, Sir, in answer to the various objections that were raised by the experienced hon. Members of this House Sarvashri S. N. Mishra, Madhy Limaye, Shri Yadav and also by my friend, Shri Kamath—I am very happy to see Mr. Kamath again in this House—in answer to the various doubts and objections that were raised by the hon. Members, the Minister said that there would be a lacuna and so he is bringing forward this Bill. From what we have seen of the hon. Law Minister in the short period, we have credited him with clear thinking and very precise speech. He comes to this House with a very big legal reputation and I hope he will soon find a berth in this House or in the other House and we will have the benefit of his knowledge and experience and both the House and the nation, I hope, will benefit by his being in this House.

Now, I am really surprised that there is some confusion whether there is really a gap that should be filled. Now we are going through the whole process of this long Bill being enacted by this House. I think it would be simply road rollered because the Minister of Parliamentary Affairs was very anxious to finish the business as quickly as possible. I do not know whether it is necessary to go through the whole process of looking into this Bill and considering this Bill and passing this Bill or not, when you have already introduced your Constitution (Forty-third Amendment) Bill where you have said in clause 6 that you are going to omit Article 329A.

SHRI SOMNATH CHATTERJEE (Jadavpur): Would you support that?

SHRI O. V. ALAGESAN: When it comes, we will see whether we support or oppose. Don't be impatient.

Now, there is a provision in sub-clause (2) of clause 6 where you say election petitions are to be disposed of by the authority that you are now going to create, namely, one of the Supreme Court judges appointed by the Chief Justice for this purpose. Then as soon as this Constitution (Amendment) Bill takes effect, it will abate and you will be reverting to the regular authority, to the original position and the authorities that were there then will come into existence and will be approached by the Election petitioner. Apart from the fact whether there is any election petition against the present Prime Minister and present Speaker, I do not think that there is any necessity to provide in this fashion against all that you have said during the election time, and that is why hon. Members on your side took objection to it. You can easily provide and easily alter sub-clause (2) of clause 6 and say that if any election petition is to be filed, that can be filed, the time can be allowed and that can be filed under the old authority, under the authority to which we will revert if this Constitution (Amendment) Bill becomes law. When that is the case, I do not know why this Bill should be brought and the House should be put to the necessity of going through the process of passing this law.

Sir, I have done.

SHRI HARI VISHNU KAMATH (Hoshangabad): Mr. Chairman, at the outset may I request that instead of hustling the business of the House—these three items are fairly important—the House if it agrees unanimously may sit on Saturday.

AN HON. MEMBER: Next Session only.

SHRI HARI VISHNU KAMATH: The House must agree for the next Session in that case.

Mr. Chairman, I am glad to note that the Minister of Law has admitted that the Bill before the House is

wholly repugnant to the luminous principle of equality before the law, and I am sorry to say that the acceptance of this Bill goes totally against the grain because it appears that we have not yet emerged from the umbra of the emergency into the light of freedom and equality and we are still living in the penumbra of that emergency. The Law Minister the other day also advanced certain pleas for acceptance by the House. In spite of all that he has said, I have still got doubts whether this Bill should have come before the House as it is and as it has been moved by the Law Minister. In the first place, there are two grounds on which I would like to criticise this Bill.

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What does clause (b) of Article 329 say? How does it read? What does article 329(b) say: No election to either House of Parliament or either House of the legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate legislature. I would invite your attention to Directions 19(a) and 19(b) of the Directions of the Speaker. The present Bill seeks to replace the Ordinance with certain modifications. So, it is quite patent that the Bill modifies the Ordinance. So, if you could modify it to a certain extent, why cannot you modify it to a fuller extent and establish the principle of equality before the law on as high a pedestal as we can because the House will agree that the Speaker of the House and the Prime Minister who were holding the offices at the time of elections are on a different footing from those who were elected Prime Minister and Speaker after the elections were over. Therein lies the rub, because this Bill seeks to provide for both contingencies.

[Shri Hari Vishnu Kamath]

I now invite your attention to clause 5 of the Bill, the proviso thereto:

"Provided that a petition calling in question the election of a person who does not hold the office of Prime Minister or, as the case may be, Speaker of the House of the People at the time of such election and who is appointed or chosen to that office, after such election but before the expiry of the time for presenting such election petition, may be presented within forty-five days from the date on which such person was appointed as the Prime Minister or chosen as the Speaker of the House of the People."

Could this not have been deleted, because the Ordinance is sought to be modified? Could this not have been included in the modification? It is wholly repugnant. I do not know why the hon. Law Minister wants to insist upon this provision. Imagine a person who fights the election as an ordinary candidate. A, B, C are all equals on the battle-field of the ballot. The hon. Law Minister has tremendous experience because he conducted the election petition of Shri Raj Narain against the then Prime Minister after the 1971 election. A person who holds the office of the Prime Minister at the time of election is in a different category. Because the Prime Minister can exploit the advantages accruing to him on account of wealth money, or position and other things. But consider a person who fights the election as an ordinary candidate like most of us who fought the election now,—we have fought elections in the past also,—and if after the election a person is elected as Prime Minister or Speaker, how does it entitle him to be placed in a different category from other persons who fought the elections on the same battle field? I hope the hon. Minister will throw some light on this matter because it is a very important matter; not that it is probable but it is not beyond the realms of possibility, that within a certain period of time, the party which has

come to power may elect somebody as speaker or Prime Minister and within a few days, the candidate who opposed him might file an election petition against him, but within the next few days either due to an act of God or may be for other reasons, the person chosen as Speaker or Prime Minister no longer may be holding that office. Again that means therefore, the petition will have to be filed against the new incumbent before a proper authority. This proviso, I think, should be wholly deleted. It is a repugnant, undesirable, unhealthy anti-equality proviso. Generally speaking, the entire Bill is against the principle of democratic equality. We can accept it only on the solemn assurance of the Law Minister that no stone will be left unturned to see, to ensure, that the principle of equality has been established under the Constitution with regard to elections and also further reinforced by the Peoples Representation Act of 1951; that principle is again upheld and a new law, a new Bill is brought before the House at the earliest possible date, seeking to delete all these inequality provisions with regard to the Speaker, with regard to the Prime Minister from the Statute that provides for challenging elections to persons who have been elected to such offices or who were holding such offices before the elections.

Now, I would refer to another matter and that is: here it is stated in the Statement of the Minister that the Ordinance was passed in February 1977 and the Ordinance promulgated provided for a Council of 9 Members, 3 Members of this House, 3 Members of the other House and 3 other Members. Now, I made the point the other day when it was introduced that either it could have been allowed to lapse or the Council of Ministers could advise the President to withdraw the Ordinance. Neither of these two courses was adoptd. The Law Minister then said on that occasion that there might be a vacuum if that course had

been adopted, because of Article 329A. I would request him, because he is a legal luminary, to throw some light on this particular point. Suppose the Ordinance had lapsed or suppose the Ordinance had been withdrawn by the President, Article 329A provides for the constitution of authority of 9 Members—of Council of Members. Suppose the House refused to appoint 3 Members from this House, then there would have been no vacuum. The old law would have taken effect, under the R.P. Act of 1951; and because the House refused to cooperate in this matter and refused to appoint 3 members of this House in the Council, the Council would have been defunctus officio more or less *ab initio*. There would have been no body under Article 329A. And therefore, this point might be considered by the Law Minister and he might throw some light as to whether this could not have been attempted or this could not have been tried before bringing this inequality Bill before the House. I have tabled some amendments, and I will take them up at the appropriate stage.

Morarji Desai's election. Who the really intended beneficiary of article 329(a) was is obvious. As I said, the Speaker was brought in to keep company only. The real person who was intended to be saved from judicial decision was the then Prime Minister, who thought she was the permanent Prime Minister of this country. But the people have given their verdict. The previous government was afraid of judicial scrutiny. So they tried to conceive of a method for deciding the election disputes in respect of two individuals in this country, however high position they might be made to occupy and they were intended to be put above the law. A special class was created for two persons in this country to whom the legal processes will not apply. My friends here do not feel ashamed that they had supported that law. Today they are giving advice to the Law Minister why this Bill should or should not have been brought. It has to be brought, because otherwise there will be a gap, which has to be filled up. I am sure the Law Minister is not happy to hold the deformed child of a diseased progenitor. This is an atrocity committed on the Constitution. I am thankful that he has done at least one thing. So long as it will remain on the statute book—I hope it will not be used at any point of time—at least the obnoxious features of the ordinance have been deleted. The original provision was, there will be a body of 9 persons to be handpicked. She thought it will be a captive Parliament as it was in the past. Through the so-called process of election with 3 members of the Lok Sabha, 3 members of the Rajya Sabha and a captive bureaucracy and handpicked ex-judges etc. a unique body of 9 persons would be formed who would decide her election petition on the basis of partisan policies. This atrocity was committed on the Constitution for the sake of one individual in this country, but before a judicial tribunal had an opportunity to deal with her election, the people have dealt with her election properly and rejected her outright.

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir. I do not envy the Law Minister who has to pilot an obnoxious Bill like this, but I quite appreciate that he has no option because there cannot be a gap until article 329(a), an aberration which was incorporated in the Constitution, is set right. I hope the opposition will have at least that much of sense to support the deletion of article 329(a) when the matter comes before the House. I am sure it was incorporated in the Constitution with the expectation that Shrimati Indira Gandhi will be returned to this House and made Prime Minister again. If she could have understood the minds of the people and realised the effects of the actions of the previous government during the last 20 months, they would not have taken the trouble of amending the Constitution. Surely, they had no concern about Shri

[Shri Somnath Chatterjee]

As I said, I must thank the Law Minister that that sort of authority has not been continued in this Bill. Under this new Bill which he has brought, a Supreme Court judge is to be nominated by the Chief Justice and he will be the authority to try the election petition. We do not know whether an election petition will be filed or not. When Mr. Kamath objected to this proviso to clause 5, he might not have noticed that article 329(a) itself has made a provision that even if subsequently a person is appointed as Speaker or Prime Minister, the previous election petition, even if filed against him or her, would abate. Therefore, this proviso has to be inserted here and it cannot be helped. I know Mr. Kamath would feel outraged at this atrocity but it has been done. The Constitution has been defiled and raped by a power-hungry executive at that time. They wanted to perpetuate their hegemony in this country by all sorts of Draconian laws and outrageous provisions put into the Constitution. In the name of bringing about the paramountcy of Parliament, they defiled the Constitution and they defiled this House. They insulted the people's intelligence. This is what had happened. Therefore, a judicial body, a hand-picked body as was contemplated in the Constitution, was selected for the obvious and ulterior motive of keeping her in office. She knew that she could remain in office only through these people and not otherwise. But the peoples' judicial authority had found it out and given its judgment. I do hope that there will be no occasion to use this law in future in this country. We wish at least to get rid of 329(A) if we do not get rid of other provisions of the Constitution. I only wish that some good sense will down on this Opposition and they will behave according to the wishes of the people which have been very clearly manifested during the last elections.

1 श्री हरिकेश बहादुर (गोरखपुर) :
मननीय सभापति महोदय, इस सदन में

जो बिल हमारे माननीय ला मिनिस्टर ने प्रस्तुत किया है मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ। पुरा मुल्क इस बात को जानता है कि 12 जून, 1975 को जब इलाहाबाद हाईकोर्ट ने तत्कालीन प्रधान मंत्री श्रीमती इन्दिरा गांधी के एलेक्शन को सेट एसाइड कर दिया तो उस समय इस मुल्क के अन्दर एक बहुत बड़ी चेतना जागृत हुई और इस देश की जनता ने कहा कि प्रधान मंत्री को अपने पद से इस्तीफा दे देना चाहिए। नैतिकता की मांग भी थी कि प्रधान मंत्री अपने पद से इस्तीफा दे देती। लेकिन बजाय इसके कि वे इस्तीफा देतीं उन्होंने सबसे पहले इस मुल्क के अन्दर जो कांग्रेस के लोग ये इस पालियामेंट में उन से एक प्रस्ताव करवाया कि उनके बिना मुल्क नहीं चल सकता है। इस से भी आगे बढ़कर जब एक रैली हो रही थी उसमें कांग्रेस अक्षयक ने एक गीत गाया। प्रधान मंत्री के लिए वह गीत था कि तुम्हारी सुबह की जय, तुम्हारी शाम की जय तुम्हारे नाम की जय, तुम्हारे काम की जय। इस तरह की बातें कहने के बाद इस मुल्क में इमर्जेंसी लागू की गई। तमाम लोगों को गिरफ्तार किया गया। पीपुल्स रेप्रेजेन्टेशन एक्ट में अमेंडमेंट कर दिया गया और उस से भी आगे बढ़कर संविधान में संशोधन कर दिया गया। प्रधान मंत्री को जुड़िशियरी की सीमा से बाहर कर दिया गया। यह इस देश की जनता के साथ लोकतंत्र के साथ बहुत बड़ा अन्याय था। ये बहुत गलत काम हुए। डेमोक्रेसी की जो सब से ज़रूरी बात है ईक्वलिटी बिफोर ला जो कि लोकतंत्र को जीवंत रखने के लिए ज़रूरी होता है उस को समाप्त करने की कोशिश की गई। चूंकि हमारा मुल्क एक लोकतांत्रिक मुल्क रहा है, जब आजादी मिली उसी समय देश के सभी महान नेताओं ने फैसला किया कि इस देश में लोकतंत्र की स्थापना होनी चाहिए और जनता के विचार

से, जनता की राय से सरकार चलनी चाहिए, इस लिए आर्टिकल 14 में ईक्वलिटी बिफोर ला की बात कही गई थी, लेकिन इन सारों बातों को ताक में रख कर जो कानून बनाया गया और जो संविधान में संशोधन किया गया उस से साफ जाहिर होता है कि प्रधान मंत्री को जुडिशियरी की सीमा से बाहर रखने की साजिश की गई। केवल एक व्यक्ति के लिए, स्पीकर का नाम तो ऊपर से जोड़ दिया गया, ये सारी चीजें की गई। आज जो संविधान में आर्टिकल 329(ए) है, यह हमारे संविधान के लिए एक बहुत बड़ा ब्लाट है, इसको जल्दी समाप्त करना चाहिए।

आनंदेबिल ला मिनिस्टर ने हमारे सामने जो बातें दो दिन पहले कहीं थीं, उन को दृष्टि में रखते हुए न केवल हम बल्कि हमारे विरोधी दल के सभी माननीय सदस्य जल्दी समझते होंगे कि यह जो बिल आया है, इस को जल्दी पास किया जाय। लेकिन एक बात मैं अवश्य कहना चाहता हूँ—हम अपनी सरकार के बहुत आभारी हैं, जिन्होंने इस बिल को यहां ला कर यह साबित किया है कि जनता पार्टी की यह सरकार लोकतन्त्र में और इस देश की जुडिशियरी में गहरी आस्था रखती है।

19 hrs.

श्री शिवनन्दन (बस्ती) : सभापति महोदय, मैं ला मिनिस्टर साहब को धन्यवाद देना चाहता हूँ—12 जून, 1975 को जिस मुकदमे को लड़ कर इन्होंने जीता था—उस से इस मुल्क में डेमोक्रेसी की नींव मजबूत हुई। इन का और इलाहाबाद के जस्टिस जगमोहन लाल सिन्हा का नाम हमेशा के लिए इस देश के इतिहास में अमर हो गया। उसी का यह परिणाम

है कि इस देश की जनता ने आप को यहां लाकर बैठा दिया और पुरानी प्राइम मिनिस्टर, जो अपने आप सुपर-ह्यूमन बनना चाहती थी, उन को 1, सफदरजंग रोड में ले जा कर बैठा दिया।

मैं ला मिनिस्टर से रिक्वेस्ट करूँगा कि आर्टिकल 329(ए) को जल्द से जल्द संविधान से निकाल दिया जाय, इस के निकलने से बाद हमारा संविधान शुद्ध हो जाएगा। आज आप से बड़ा कांस्टीट्यूशनलिस्ट हमारे पास कोई नहीं है, आप कानून के महान पण्डित हैं, मैं आप की सराहना करता हूँ, आप की हर आज्ञा का पालन करूँगा। इस देश में डिसिप्लिन आप ही ला सकते हैं, ये सामने बैठने वाले कुछ नहीं कर सके, केवल अपना ढोल ही बजाते रहे। इन के कारनामों ने ही इन को वहां बैठाया है। हम ने डेमोक्रेटिक सेट-अप का जो नक्शा बनाया है, अपनी जनता से जो वायदे हम ने किए हैं—उन को हमें पूरा करना है।

आज 10 दिन के बाद मुझे बोलने का अवसर मिला है—1970 के बाद आज पहली दफा मैं इस सदन में बोल रहा हूँ। मैं आप को धन्यवाद देता हूँ—आप ने मुझे बोलने का अवसर दिया। हमारी जनता की लालसा है कि किस दिन आप अमेंडमेंट पास कर के इस को पांच साल करें और पुराने काले कानून को समाप्त करें।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

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

[Shri Shanti Bhushan]

would like to thank the hon. Member Mr. Alagesan for the kind words that he has said about me. I would also thank the hon. Members Mr. Kamath, Mr. Somnath Chatterjee, Mr. Harkesh Bahadur; and particularly the hon. Member Mr. Sheo Narain for the very kind words that he has said about me. The point which has been raised by the hon. Member Mr. Alagesan is as to why, at this late hour, this Bill is being brought and if the Bill was not brought, how would Heavens have fallen. All that I would like to say is that I do not know I cannot forecast and I am not a fortune-teller as to whether anybody is going to question the election of Mr. Morarji Desai or Mr. Sanjiva Reddy. But the whole question is: if the law of the land was in such a shape that even if a person wanted to challenge the election of Mr. Morarji Desai or of Mr. Sanjiva Reddy—if he had no forum to go to, what will be the face of this democratic country before the whole world? As it is, it is highly unfortunate that an election petition against these two persons cannot be filed before the same authority before whom election petitions can be filed against the other Members of Parliament. But we had to recognize the constraints of Article 329-A. Hon. Member Mr. Kamath has raised the point as to whether, if there had been a gap, would not the position under the Representation of People's Act have been reverted to, and an election petition laid in the High Court, as is usual in the case of other Members of Parliament. With the utmost humility at my command, I would like to invite the hon. Member's attention to the very clear words in Article 329-A. The words are not capable of being construed in two ways at all. It is well known that in laws sometimes two interpretations are possible. In fact, two courts sometimes differ on the interpretation, but there are certain situations in which two interpretations are not

possible, and this is a situation of that kind, because the words are:

"(b) no election to....of.... shall be called in question, except before such authority [not being any such authority as is referred to in clause (b) of article (329) or body and in such manner....'

So, the provision is very clear that the election of a person who has become the Prime Minister or Speaker shall not be questioned before any authority which is specified in the law of Parliament and such authority shall be different from the one which is specified in article 329(b).

SHRI HARI VISHNU KAMATH: Does clause (b) refer specifically to High Court Judges? I do not think so.

SHRI SHANTI BHUSHAN: Article 329(b) refers to an authority, such authority as may be provided for by or under any law made by Parliament. Therefore, the authority which is specified in article 329(b) is the authority which is specified in the appropriate law of Parliament, namely, the Representation of the People Act. The authority which is referred in article 329(b) is, therefore, the High Court. So, it was not possible under article 329(A) to specify the High Court as the authority which would deal with the election petitions regarding the election of the Speaker and the Prime Minister.

As I said earlier, with the utmost humility and great deference to the experience of the hon. Member, Shri Kamath, here he seems to be on slippery ground because it would not be possible for any counsel in a High Court to advance an argument of that kind.

SHRI HARI VISHNU KAMATH: Not even an eminent counsel like you.

SHRI SHANTI BHUSHAN: Therefore, these were the constraints.

It is true that there is a distinction and that is why we took care to substitute the High Court not by a district Judge, not by a lower authority, but by a higher judicial authority, namely, a Supreme Court Judge. So, I would say that there cannot be really any objection to this Bill.

So far as article 329 is concerned, as I stated earlier, we have already introduced the Bill today for the deletion of the entire article. Of course, we cannot take this august House or the other House for granted. Obviously that Constitutional (Amendment) Bill will have to be discussed both in this House and in the other House and as and when it becomes law, automatically this Bill which is being enacted will fall through, will become infructuous. Till then, because the result of the elections have already been declared, any person is entitled today to file an election petition before some authority.

SHRI K. LAKKAPPA (Tumkur): The other amendment will apply.

SHRI SHANTI BHUSHAN: As soon as the Constitution (Amendment) Bill is adopted. Until then this would be the position. Today that has not been adopted. It has merely been introduced. Till then the gap cannot be there because every person is entitled to file an election petition today. There must be some forum. The forum provided for by the Ordinance was that Committee. We thought that was not a desirable thing. It was in that connection that I referred to the history in England also. It was for that reason that a Supreme Court Judge has been substituted by this Bill.

With these words I commend the Bill to the House.

SHRI HARI VISHNU KAMATH: On a point of clarification. May I ask if, in view of the constraints of article 329A, a Bench of two High Court Judges could not have been

visualised as then there would have been no violation of the Constitutional provision?

SHRI SHANTI BHUSHAN: So far as two judges are concerned, the Representation of the People's Act provides for the High Court. The election petition has to be presented to the High Court. Even a bench of the High Court is a part of the High Court and one cannot say when the petition is presented to the High Court authority, it is not being presented to the High Court. Of course, there could be other difficulties. When I come to the amendments which have been moved, then I shall explain.

Whenever there is an original trial in which the evidence has to be recorded, witnesses have to be examined, it becomes complicated if a bench of more than one judge has to try that original case at the appeal stage. Arguments have to be heard. When the evidence has to be recorded, witnesses have to be examined, it becomes highly difficult and highly inconvenient if more than one judge sits there. That is why, it is customary that at the stage of the original appeal, it is normally the one judge who tries it.

MR. CHAIRMAN: The question is:

"That the 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, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now, we shall take up clauses. There are amendments by Mr. Kamath against Clause 2. Are you moving them?

SHRI HARI VISHNU KAMATH: In view of the clarification given by the Minister and the constraints

[Shri H. V. Kamath]
which he has now explained before the House, I would not like to move amendments nos. 1, 2 and 3.

MR. CHAIRMAN: There are no amendments to Clause 3

The question is:

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

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

MR. CHAIRMAN: There are amendments by Shri B. C. Kamble and Shri Ram Dhari Shastri against Clause 4.

Are both of you moving your amendments?

SHRI RAM DHARI SHASTRI (Padranna): No.

SHRI B. C. KAMBLE (Bombay South Central): No.

MR. CHAIRMAN: The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(Presentation of petition)

MR. CHAIRMAN: There are two amendments nos. 3 and 4 by Shri Kamath. Are you moving them?

SHRI HARI VISHNU KAMATH: I am moving amendment No. 4.

I beg to move:

"Page 3, line 28,—

for "two thousand" substitute "one thousand" " (4).

When the Government made it clear that the Ordinance is being replaced with certain modifications, I thought it would be more in consonance with the Janata principle of democracy and equality, the Janata Government's shining and luminous ideal of democracy and equality, to reduce the

security deposit of Rs. 2,000 which is provided in Section 117 of the Representation of the People Act, 1951.

It is hightime that this new Government in office did so. The modification could have been inserted in this Bill with no violence to the necessity for such a provision in view of Art. 329A.

Art. 329A does not rule out any such provision with regard to security costs of the petition and there is no reason why the Government should not reduce it. As a matter of fact, it was Rs. 1,000 before the emergency. I do not know when it was amended. I have not been in the House for ten years now. I am not sure. When I filed election petitions, two or three of them—one 10 years ago, one 20 years ago and another 15 years ago—it was only Rs. 1,000. I am not sure when it was raised to Rs. 2,000. It is hightime that the Government gave thought to this matter and reduced the security deposit from Rs. 2,000 to 1,000, because that won't do violence to the intentions of the Government or to the Bill as it is before the House. I think this should be accepted by Government.

SHRI SHANTI BHUSHAN: The hon. Member, Mr. Kamath, was very keen that there should be uniformity in the case of the Prime Minister and the Speaker on the one hand and the other Members of Parliament. It was in deference to his keenness for that uniformity that we had adopted Rs. 2,000 as security because that is the amount of security provided in the Representation of the People Act.

SHRI HARI VISHNU KAMATH: That Act too should be amended then. The relevant provision in the Representation of the People Act may be amended.

SHRI SHANTI BHUSHAN: That does not arise at this stage.

MR. CHAIRMAN: Is Mr. Kamath pressing for it or withdrawing it?

SHRI HARI VISHNU KAMATH: I reluctantly withdraw it.

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

HON. MEMBERS: Yes.

Amendment No. 4 was, by leave withdrawn.

MR. CHAIRMAN: The question is:

"That Clauses 5 to 12 stand part of the Bill."

The motion was adopted.

Clauses 5 to 12 were added to the Bill.

Clause 13—(Answering of criminating motions and certificate of indemnity)

SHRI HARI VISHNU KAMATH: I beg to move:—

Page 6, line 8,—

for "criminate" substitute "incriminate" (5).

Page 6, line 9,—

for "criminate" substitute "incriminate" (6).

Substantially, they are the same because they refer to a linguistic or a verbal change. I looked up the dictionary this afternoon in the Library. I am reminded of what happened in the Third Lok Sabha when you, Sir, and Mr. Ravindra Varma were also Members of the House. It was the word "vermin" which appeared in the Bill as "vermins". I opposed that at that time. But the House decided by vote, not by the dictionary, unfortunately. Now, today I looked up the Oxford Dictionary and I found a little enlightening note on this matter. Both the words "criminate" and 'incriminate' are there

On the word "criminate", the note says that it was an old English word of 1645—the word "criminate" was current at that time—but it became "incriminate" in 1730. That is to say, the word "incriminate" is a more modern English word than the word "criminate". This is according to the Shorter Oxford Dictionary, not Concise.

19.17 hrs.

[SHRI TRIDIB CHAUDHARI in the Chair]

My hon. friend, the Minister of Law, is a very good lover of the English language. I have heard him addressing the Supreme Court. He is a master of the English language. I am sure, he will appreciate the force of this argument, that we should adopt a more modern English word as far as possible. I am not an authority on this matter; I am not a stickler of words either. I take my stand on the Oxford Dictionary that the word "incriminate" is a more modern word having been current from 1730 onwards, whereas the word "criminate" is an older English word which existed in 1648. I admit that both are permissible. But I for one would prefer the word "incriminate" rather than the word "criminate". I do not know what the Law Minister will say.

SHRI SHANTI BHUSHAN: The hon. Member has been rather modest in saying that he does not regard himself as an authority on English language. Because I found that the amendment was in his name, I also had taken the care to consult the dictionary myself. I found that both the words "criminate" and "incriminate" are there. My hon. friend is quite right in saying that one might be an old word and the other might be a modern word. But he would kindly bear in mind that in law, one prefers the older word, the well-tried word which is properly understood by the judges and the lawyers. If you

unnecessarily substitute an old word by a new word, the argument may arise that the change must have been made deliberately and, therefore, the meaning must be different. In order to obviate any such thing and unnecessarily create disputes, litigation, etc, we have chosen to follow the well-used word.

SHRI HARI VISHNU KAMATH: Old is not gold always. (Interruptions).

Since this is a linguistic amendment I think we may consult the dictionary here. I would like to say that, as it is a question of the English language or words, it is not too late even now to get a dictionary and see which is the more current expression—'incriminate' or 'criminate'. 'Incriminate' has a euphonious sound, whereas 'criminate' sounds similar to 'cremate'. I don't like it. 'Incriminate' would be a far better word in this context.

SHRI SHANTI BHUSHAN: I would request the hon. Member not to press it because it will unnecessarily give rise to litigation. I have some experience of such litigations. If you change a word in any area there would be some kind of a litigation.

I may add that for the sake of uniformity also, we have used the same word that has been used in the Representation of the People Act.

SHRI HARI VISHNU KAMATH: If that is so, I would like to withdraw them, though with great reluctance. I seek leave of the House to withdraw them.

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

MR. CHAIRMAN: The question is:

"That Clause 13 stand part of the Bill"

The motion was adopted.

Clause 13 was added to the Bill.
Clauses 14 to 28 were added to the Bill.

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

SHRI SHANTI BHUSHAN: I beg to move:

"That the Bill be passed".

MR. CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted.

19.23 hrs.

FOOD CORPORATIONS (AMENDMENT) BILL

THE MINISTER OF AGRICULTURE AND IRRIGATION (SHRI PRAKASH SINGH BADAL): I beg to move:

"That the Bill further to amend the Food Corporations Act, 1964, as passed by the Rajya Sabha, be taken into consideration".

Sir, the main issue in this Bill is a very limited one. It is proposed to amend Section 12A of the Food Corporation Act which regulates the emoluments, retirement and other benefits to the erstwhile employees of the Food Department who were transferred to the Food Corporation of India, it, thus, seeks to further protect the interests of the Food Corporation employees and does not relate to any major policy issue and I hope that all sides of the House would support the provisions of the Bill.

As the Hon. Members are aware, the Food Corporation of India came into existence in January, 1965, and the functions hitherto discharged by the Food Department, Government of India, relating to purchase, storage, movement, distribution and sale of foodgrains and other foodstuffs, were transferred to this Corporation. Consequently, about 17,000 employees belonging to the Food Department were transferred to the Food Corporation and for safeguarding their interest, a new Section 12A was inserted in the

Food Corporations Act, 1964 by the Food Corporations (Amendment) Act, 1968.

Section 12A of the Food Corporations Act, 1964, envisages the exercise of two options by the employees: firstly, whether they would like to be transferred to the Food Corporation of India or not; and secondly, whether they would like to be governed by the retirement and other terminal benefits in accordance with the rules and orders of the Central Government or of the Food Corporation of India. In the operation of the provisions of Section 12A, certain practical difficulties have arisen which have necessitated a further amendment of Section 12A of the Food Corporations Act, 1964.

The staff of the Department of Food was transferred to the Corporation along with the work in a phased manner and such transfer was completed by 1st March, 1969. However, it took some time to collect the necessary particulars and issue actual notifications with the result that the employees were unable to exercise their options for terminal benefits within a period of six months of their transfer as statutorily required under Section 12A of the Act. Difficulties further arose because some employees died or retired before the issue of transfer notifications or exercising options.

The Food Corporations (Amendment) Bill, 1977, now before the House, seeks to remedy the difficulties mentioned above. The Bill provides that all serving officers will be given a fresh opportunity to exercise an option whether they will like to be governed by the Central Government terminal benefits or by the Food Corporation benefits. It has also been provided that those who are yet to be formally transferred will also have the same right to exercise the option within six months of the notification of transfer. Those who have died or retired obviously cannot make use of the amending provisions. It has accordingly been provided that, where such persons were able to exercise

valid option, these will be respected and followed. In other cases where valid options could not be exercised, the Central Government benefits, which are by and large more advantageous, will be given. There is adequate justification for doing so, as such Food transferees were earlier Central Government employees and in the absence of an opportunity to give an option to the contrary, it is only fitting that they should be given terminal benefits in accordance with the Central Government rules and regulations.

The Bill seeks to cover the administrative difficulties mentioned earlier, and will go a long way towards meeting the legitimate claims of the erstwhile employees of the Food Department who have been transferred to the Food Corporation of India. I would, therefore, request for whole-hearted support from the hon. Members, from all sections of the House.

With these observations, I commend the Bill to the House for acceptance.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Food Corporation Act, 1964, as passed by Rajya Sabha, be taken into consideration."

Mr. Shinde.

SHRI ANNASAHEB P. SHINDE (Ahmednagar): Mr. Chairman, Sir, at the outset, I would like to congratulate Shri Prakash Singh Badal on his taking over this very important portfolio in our economy. Punjab's history of agriculture has been a glorious history not only in Asia but in the whole world. The Punjab farmers have played a great role in this country. Shri Prakash Singh Badal happens to be a progressive farmer, and I wish him all well.

It has been the policy of my Party not to oppose blindly the various Bills or other proposals of the Government but to give constructive cooperation on merits. As far as this Bill is concerned, we are extending our whole-

hearted support to the provision of this Bill for two reasons. First of all, the Food Corporation of India is a very important instrument evolved by this Parliament for the management of the food economy of this country, and employees of the Food Corporation have been playing a very vital role in this. There have been some technical difficulties, and in order to overcome these technical difficulties, this Bill has been brought forward by the Government. At one stage I was associated with negotiations as far as some of these aspects are concerned. There were some apprehensions in the mind of the Government employees of the Food Department at that time. On behalf of the Government, I extended and gave an assurance to the employees that they would not stand to lose on transfer of their services from the Food Department to the Food Corporation of India. I am quite confident that the present Government and Shri Prakash Singh Badal himself will take interest in the well-being of the employees and if in future some problems arise, he will adopt a very sympathetic attitude towards them.

There is not much time and I cannot go into details, but I will only refer to some of the problems. While I was in the Government, I found that there were some problems which we could not tackle, for instance in West Bengal the problem of deputationists who are working in the Food Corporation. They are actually the employees of the West Bengal Government. The problem could not be solved. I hope, the hon. Minister will find time to attend to that.

As far as the Food Corporation is concerned, it is a very big organization and there can be some failures as also some incompetent and bad elements but, by and large, there are very good officers and employees in the Corporation. That is why, this

level a very good competence has been built up in this organization and particularly some of the persons occupying key positions are really competent and able and they would deserve all support from this House and the hon. Minister.

The Food Corporation of India has an important part to play in our country. The real test of management of food economy is when there is a drought and there is a shortage of foodgrains, how shall we manage the food economy of this country, meet the requirements of vulnerable section of our people and also maintain price stability. Unfortunately, in the world food is highly mixed up with politics. I am making this submission for the consideration of the hon. Minister because as I said, the real test of management of food economy is in the period of shortage and drought, but I learn from the newspapers that *ad hoc* policies are likely to be adopted in this matter. I would cautiously submit to the hon. Minister that in the case of management of good economy, adhucism would be very dangerous for this country. We are poor country; a very large segment of population is poor and they deserve all our sympathies and they should get the foodgrains at reasonable prices at all time. Simply because the food situation now is very comfortable, our bufferstocks are large, we should not have *ad hoc* policies in this matter.

Further, a stage has come in the food economy of this country, when it would be possible to manage without imports of foodgrains even in an adverse year. The situation has to be used to our best national advantage. We have been spending a very large amount on import of foodgrains. Only three years ago, we spent more than 700 crores in one year. In future, we can protect our national interest without resorting to import.

As I said, in the world food is highly mixed up with politics. There

ing from a magazine 'Business Week' dated the 15th December, 1975:

"Earl L Butz, the peripatetic Secretary of Agriculture just back from a tour of eight countries tells a story to show how America is waking up to the use of its food power as a diplomatic tool"

Earl L Butz was at one time Secretary of Agriculture in USA.

The same magazine says:

"Nearly everyone agrees that in a world of hunger and over population, the USA can apply its tremendous agricultural capacity as a lever on foreign countries to adopt policies beneficial to this nation".

There is a great danger involved. We are a big nation and we have to see that we are not exposed to the manipulations of the great powers as far as our food economy is concerned. Therefore, I am suggesting this for the kind consideration of the House. The Food Corporation to-day is capable of managing a very big buffer stock but a number of aspects of a big buffer stock need to be looked into. We have never held such a huge buffer stock. So all the implications, the monetary, financial and from the point of general economy have to be gone into and even the preservation of the grain which is to be a part of the bufferstock. With regard to storage capacity we have certain limitations because there are certain inherent difficulties. Despite all that, we should continue to hold a very large buffer stock so that we are not exposed to external dangers.

The Food Corporation of India has been playing an important role in giving marketing support to the farmers of this country. Had there been no Food Corporation in the field—I know there are certain weaknesses and certain failures—but basically, had there been no Food Corporation in the market in a period when there was a bumper harvest, prices would

have been depressed and farmers would have suffered. This instrument of Food Corporation of India needs all our support and strength so that it becomes a very powerful instrument in support of our farmers.

With these few observations I would like to give my whole-hearted support to the provisions of this Bill. I would also like to assure on behalf of my party that as far as the employees of the FCI are concerned,—of course, all sections of the House will agree on that—their interests should be fully protected.

SHRI SAMAR GUHA (Contai): I want to take advantage of this Bill to raise a few points about the attitudes of some of the officers of the Food Corporation about whom Shri Shinde made very commendable remarks. I have no doubt he is right but there are some officers who have proved to be very vindictive, revengeful and I should say, petty-minded.

One of the men who is in high authority in the Food Corporation—I have never seen such a man behaves as if he is a Chief commander of an army. I remember the occasion on August 17, 1973 when Mr. Fakhruddin Ali Ahmed was the Agriculture Minister, when I was having a talk with him, that officer was also there and he behaved in such an offensive manner which I never expected of a subordinate officer and that too, while talking to his Minister. Mr. Fakhruddin Ali Ahmed, you know, was a man of high culture and patience. He kept quiet. Had I been in his place, I would have sacked that officer who dared to behave in such an ugly manner before his Minister. This gentleman and his accomplice, the Zonal Manager of the Eastern Zone of the Food Corporation, Calcutta have taken a vindictive attitude towards 500 employees of the FCI Employees Association's membership. The legitimate trade union movement and activities they wanted to curb and in furtherance of that, they have taken full advantage of the emergency situation.

This Union never resorted to any strike. They were always ready to co-operate with the government. Because this union refused to become their tool, this gentleman sitting in Delhi and the other sitting in Calcutta wanted to stifle it. So, they created another rival union and wanted to play one against the other and during the period of emergency they took many vindictive and revengeful measures. About 500 of the employees have been transferred as a sort of penal measure. Secretary General of the Employees Association was suspended for months together, arrested under DIR, salary impounded for 14 months and he has been transferred to far away Silchar which is the farthest corner in Assam from the Headquarters of the Trade Union, Calcutta and recently a major punishment imposed upon him on T.U. activities. He was responsible to go round the country and organize the trade union activity. Not only that, you will be shocked to know another fact. Just 2 or 3 days before the election results were announced, the Headquarter's office in Calcutta of the union has been forcibly occupied by the Zonal Manager, FCI, Calcutta and the union leaders and workers have been ejected from their office of the Trade union functioning since 1965. I can hardly imagine that a man who is incharge of the FCI, Eastern Zone should have dared to do so. I met the hon. Minister in the morning. As I requested him, necessary action may kindly be taken to look into the case of atrocious behaviour of the FCI Zonal Manager, Calcutta which is with the connivance of police.

52 Assistant Managers have been reverted against all principles of justice and fair play as per FCI statute and have been given lower clerical posts after serving 5 to 8 years as Asstt. Managers. I will urge the hon. Minister to go into their cases and restore them in their former official status. It is learnt that private members of the FCI Board have also advised to the FCI to restore

their status as they felt that the actions of the Management was illegal and against the provisions of the FCI statute. Protection of pay cannot arrest demoralising effect of the employees and as such all Asstt. Managers who have worked for more than one year should be confirmed and regularised in all fairness as demanded through their note submitted to the Board's meeting held on 4th and 5th April, 1977.

I would request that as has been done in the case of Railways, liberal attitude may be taken in the cases of trade union workers of the FCI in Calcutta, Delhi and elsewhere. Liberal attitude has been taken by the P & T Department. I hope that the Food and Agriculture Minister will also act like that in the same Janata Government to avoid discriminating treatment and its aftermath with a view to fulfil ends of justice to these countrymen.

19.41 hrs.

[SHRI M. SATYANARAYAN RAO in the Chair].

SHRI K. LAKKAPPA (Tumkur): I think Shri Shinde has rightly put it that the hon. Minister, Shri Badal, is handling very important portfolio because the entire economy of this country is based on agriculture.

The previous Government has done excellent work in agriculture and has shown good progress. Shri Shinde, an able Minister, has handled the portfolio in a very efficient manner. He got all round appreciation. I hope the same tempo will be maintained.

Shri Subramaniam Swamy was taking a challenge of the economy of this country during the time of emergency. I do not know his logic. He has stated in his anxiety to defend his party. We improved the economy of the country during emergency and before. That should be taken note of. Country's progress, and nation's progress is of paramount importance. We have not to discuss it from any nar-

row angle in this House. It is the most important piece of legislation that has been brought. This has already been passed in the Rajya Sabha and by the previous Government. I think Shri Shinde was responsible for bringing this Bill. I think he has stated very correctly that the employees working in the Food Corporation are efficient and their working conditions have to be ameliorated and certain new measures have to be adopted. The administration has to be revamped. The entire Food Corporation system should be pruned and put in a proper way so that there is no shortage of food in the country. The recruitment system, the promotion of the staff, all these things have to be gone into. The previous Government made certain improvements. I wish that this Government should also go ahead with it further. The branches of the FCI are working in various States and their functioning has to be reexamined. Food control and storage activities are being affected due to shortage of wagons. This should be looked into. As Mr. Shinde has rightly stated, the food policy of this country sometimes tends to be operated by the other countries. It is my request that the present Government should not succumb to such circumstances and it should see that the food situation of the country is improved. Agricultural progress should not be retarded in any manner. Wherever further improvements are to be made, these efforts must be undertaken. This present piece of legislation is a source of strength to the employees working in the Corporation. The Corporation should not only be expanded but its administration and organisation should be improved.

With these words I support the legislative measure which has been brought forward by the hon. Minister. Thank you.

श्री उपरेन (देवरिया) : माननीय चेयरमैन भारत में मंत्री जी से एक-दो बातें ही कहना चाहता हूँ। मैं एक-दो मिनट से ज्यादा नहीं लूँगा।

वाच्य जिम्मे में अरबों रुपए की पूँजी लगी हुई है। जो इसमें मुनाफ़ा हुआ वह सब बड़े बड़े अफसर खा गए। वे अफसर आ गए जो चार-चार हजार तनख्वाह पाने वाले हैं। छोटे कर्मचारियों को कुछ नहीं मिला। जिस तरह से किसी शूगर फैक्ट्री के कर्मचारी होते हैं—उनमें कुछ मोजनन होते हैं और बाद में निकाल दिया जाते हैं उसी तरह से आपके खाते नियम में भी कर्मचारी हैं जो तीन-चौन साल काम किए हैं। क्या आप ऐसे कर्मचारियों को सर्वेश्वर कराएंगे और उन्हें काम देंगे? ऐसी आपसे प्रार्थना है कि आप ऐसे कर्मचारियों को काम दें।

एक बात आपको और बताता हूँ कि जिन्हें भी कारपोरेशन बनाते हैं—चेफ्ट कारपोरेशन हो, एयर कारपोरेशन हो, ट्रॉपोर्ट कारपोरेशन हो—उनमें जो कर्मचारी काम करने के लिए डिपार्टमेंट से आते हैं उनमें तीन साल बाद आप्सन ली जाती है कि वे वहां कहां रहना चाहते हैं। इससे उनके लिए बड़ी मुश्किल हो जाती है। तो यह जो पिटफाल है, इसे भी दूर किया जाए।

बस मैं माननीय मंत्री जी से इतना ही कहूँगा कि कर्मचारियों की जो छंटनी हुई है उसे ठीक किया जाए और कर्मचारियों को काम दिया जाए। करपोरेशन में जो मुनाफ़ा कमाया जाए उसमें कर्मचारियों को भी कुछ हिस्सा मिलना चाहिए। कानून तो जरा मुश्किल चीज़ है, लेकिन आप इनके लिए कुछ व्यवस्था कर लक्ज़ तो कर्मचारियों को काफ़ी राहत मिलेगी। मुझे आशा है कि आप इसके लिए कोशिश करेंगे।

SHRI K. SURYANARAYANA (Eluru): I am very glad about the interest which has been evinced by the hon. Members in regard to his Food Corporation (Amendment) Bill,

Sir, while supporting the Bill I want to make two or three observations.

[Shri K. Suryanarayana]

What we find is that in respect of these matters the Central Government and the State Governments are giving safeguards only to the employees of the Corporation and the consumers.

Sir, the Food Corporation is not taking any interest so far as farmers are concerned or even agricultural labourers. They are not even opening shops in the villages for the purpose of serving the agricultural labourers. Agricultural labourers are really the growers. When they go to the village, there is no stock at all.

I would request the Food Corporation to open the shops even in the remote villages, particularly, for the benefit of agricultural labourers. The pity is that the State Government is entirely depending upon the Central Government for everything. I am not disputing the services rendered by the Food Corporation to the consumers as also the amenities provided for by them to the employees etc. Simultaneously, you should also take care of the interests of the growers as also the agricultural labourers. Politically, they are taking it leisurely. Hereafter at least, the hon. Minister coming from the village, would do everything that he can. He must be knowing the feelings of the consumers in the villages. After two to three months, they sell away the grains. And the consumer is made to pay more and more.

In Andhra Pradesh the paddy is completely discoloured. I have requested the Government of India to allow them to send that paddy to be made use of by other States. But, none will use that discoloured paddy in our State. I would request the Government to consider this point and allow the Food Corporation to open shops or allow the private traders in those places to purchase the grains thereby the State can be benefited.

I hear that the Food Corporation has not taken any interest in the discoloured paddy which is lying in my State. The Food Corporation is giv-

ing benefits only to the consumers and not to the agricultural labourers—agriculturists. I request the Government at least to see that best price is paid to the producers; also the same facilities may be given to the agricultural labourers also. If the Food Corporation depots are opened in the villages, that would benefit the agricultural labourers as well. We have no grievance against the officers as such. I have raised the point last time. Six months back the Food Corporation said that everything was all right so far as storage capacity was concerned. In my opinion the tarpaulin cover will not do. Damage still happens. May be, the overall damage may come to 10 to 15 per cent. They can try the C.A.P. system of covering. That will minimise the damage to grains. At present it is very heavy. Even millers and merchants have told me as also the godown keepers that it is no use covering it by tarpaulin but that can be done by CAP system. With these remarks, I request once again that the hon. Minister may take care of the agricultural labourers and also small farmers, by opening up depots by the Food Corporation.

SHRI SHYAMAPRASANNA BHATTACHARYYA (Uluberia): Sir, I wholeheartedly support the Amending Bill brought forward by the hon. Minister.

Sir, it is reported in the Economic and Political Weekly that some food officers are trying to export foograins worth Rs. 50 crores to which I take exception. I draw the attention of the Minister, who has taken over this department recently, to this thing. What I want to say is that in the case of procurement issue we must see that the cultivators get the remunerative price and they do not become losers after the harvesting period.

Secondly, if the stock is surplus and not required for the year that surplus stock may be utilised for rural development work where in the rural areas semistarved population is there and in the development work they

ean get the chance to work in exchange of food as wages. That arrangement can be made and the objective of the government of rural development and minimising the poverty of the people will be achieved.

SHRI CHITTA BASU (Barasat): Mr. Chairman, as has been stated by the Minister, the object of the Bill is limited. The object of this Bill is to provide for another extension of six months' time for the exercise of option which was given earlier.

Mr. Chairman, Sir, of course this option has been given to a particular section of officers but at this stage I want to mention certain other aspects of the employees employed under the Food Corporation of India. One very salient point has been referred to by Shri Shinde, namely, the problem of deputationists of West Bengal. I am quite thankful to him for having made reference to this aspect. We had an occasion to exchange views on this matter when he was the Minister and I was in the other House. Sir, I am sorry to say that that aspect has not yet engaged the attention of your department.

Apart from that as the Food Corporation of India is a very big organisation spread over all over the country there is a large number of workers who are not permanent. They are not even considered to be quasi-permanent. They are casual or of seasonal nature. Sir, Food Corporation of India is an expanding organisation because it has been put incharge of purchasing, storage and distribution of the food of our country. As a matter of fact it plays a very important role in the management of our food economy. In view of the possibilities of its expansion I do not find any reason as to why these thousands of employees who are treated as casual workers should not be taken as permanent workers and become entitled to the privileges and other benefits being enjoyed by the other permanent workers of this Corporation

I would, therefore, suggest that that point should receive the attention of the hon. Minister.

Mr. Chairman, Sir, the role of the Food Corporation of India is of a decisive nature because it is entrusted with the job of purchasing foodgrains. Today the total production of foodgrains has increased. It has reached to the stage of 110 million tonnes. and a marketable surplus would be, according to me, not less than 20 to 30 million tonnes. That being the case, if it is the duty and if it is the role of the Food Corporation of India to procure more and more, then the staff is to be increased. Therefore, there is no argument in not recognising the services of the casual and other workers who have not yet been taken as permanent workers.

20 hrs.

Sir, there is also criticism that there are certain forces in our country who want that there should not be procurement and that there should be exclusively free trade in food economy. This has created fear and consternation not only among the employees, but also the people of this country. May I request the hon. Minister to really, at this stage, spell out the principle or approach to this particular point because we feel that in order to curb the price rise of the food, the price behaviour of all the commodities can be given full effect to if the public distribution system is to be progressively expanded. That being the case, it is necessary that these doubts particularly raised by the All-India Food Traders Federation etc., that there should be free trade in food economy should be dispelled. I think the hon. Minister should take this opportunity to dispel the doubts and further strengthen the instrument of the Food Corporation of India which can really take us a very long way in the matter of management of food trade and curbing the price rise.

THE MINISTER OF AGRICULTURE AND IRRIGATION (SHRI

PRAKASH SINGH BADAL: Mr. Chairman, Sir, this is a very non-controversial Bill. I am thankful to Mr. Shinde, Mr. Samar Guha, Mr. Lakkappa and Mr. Uggrasen and other Members because as regards the major issues in this Bill they have supported the Bill. I am thankful to Mr. Shinde that he has spoken good words for me and I assure him that whatever he has said I will try my level best to do the job efficiently.

As regards the working of the Food Corporation of India, some suggestions have been made to me. My hon. friends have asked me about the officers' vindictiveness towards the employees of the Food Corporation of India. I have received some representations from the employees association of the Food Corporation of India. I am looking into them and I can assure the Members that if any injustice has been done to employees it will be certainly looked into.

One of our hon. Members asked about the West Bengal State Government deputationists. The West Bengal State Government deputationists who are on deputation with the Corporation cannot be absorbed on account of the time bound agreement between the Food Corporation and the State Government. The State Government also passed laws for their absorption in their Services.

My friend, Mr. Samar Guha has drawn my attention about the Calcutta office and about 52 Assistant Managers. As regards the 52 persons mentioned by him, he should be glad to know that the Board of Directors of the FCI appreciated the hardship faced by them on reversion to their posts after seven years and so at the Board's meeting held on 5-4-1977 it was decided to protect the pay and other emoluments of such *ad hoc* promotees where they have acted as Assistant Managers for at least one year or

more, even on their reversion. This will mitigate their economic hardship.

My attention has also been drawn to difficulties in storage. There is also the fear that during rains the commodities might be spoiled. Government is also worried about this. The storage capacity of the FCI and other government agencies is ~~about~~ 20.7 million tonnes and the ~~Hindi~~ will be glad to know that before long the capacity will be increased to 24.73 million tonnes. We are trying our best to have more capacity. New schemes have been started for hiring accommodation constructed by private parties under a guarantee scheme and banks will be providing loans at concessional rate of 11 per cent interest. With this scheme we hope to have another 2.5 million tonnes of more accommodation. We are also thinking of other ways to remove this hardship.

It was suggested that foodgrain imports should be stopped. Government is also of the view that imports should stop. I think after this year food imports will not be done. I think there are no other items concerning the Bill.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Food Corporation Act, 1964, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The question is:

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

The motion was adopted.

Clauses 2, 3 and 1, the Enacting Formula and the Title were added to the Bill.

SHRI PRAKASH SINGH BADAL:
I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

10.08 hrs.

1. TUTORIAL RESOLUTION RE IN-
-crease in MAXIMUM GUARAN-
-TORY LIMIT IN RESPECT OF
CENTRAL CO-OPERATIVE BANKS
AND TAMIL NADU STATE CO-
OPERATIVE BANK

THE MINISTER OF AGRICUL-
TURE AND IRRIGATION (SHRI
PRAKASH SINGH BADAL): Sir, I
beg to move:

"Whereas the Government of Tamil Nadu have guaranteed the repayment in respect of the Central Co-operative Banks and the Tamil Nadu State Co-operative Bank, the Maximum limit of Short Term Credit, Medium Term Credit and Medium Term Conversion loans to the extent of Rs. 3,870.00 lakhs in the Government of Tamil Nadu, Cooperation Department G.O. Mr. No. 321, cooperation dated 30-6-1971;

And whereas it is considered necessary to increase the maximum guarantee limit in respect of the Central Co-operative Banks and the Tamil Nadu State Cooperative Bank to the extent of Rs. 6,115.00 lakhs;

And whereas the Tamil Nadu Legislative Assembly has been dissolved, the Lok Sabha hereby resolve that the Government of Tamil Nadu may increase the limit of guarantee in respect of the Central Co-operative Banks and the Tamil Nadu State Co-operative Bank to the extent of Rs. 6,115.00 lakhs as required under section 73-D of the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961)."

MR. CHAIRMAN: The Resolution is before the House.

SHRI O. V. ALAGESAN (Arko-nam): While supporting this resolution, I should like to say a few words as to how the co-operative movement suffered and to what depths it sank in Tamil Nadu under the DMK rule. In cooperative movement, the composite state of Madras from which I come and Punjab from which the hon. Mover of the resolution hails, both the states were leading and it was going on healthy lines. Unfortunately, when in Tamil Nadu the DMK party took over the administration, the co-operative movement in Tamil Nadu was one of the worst sufferers. It was distorted, prostituted to benefit private pockets and private parties and partisans of the DMK party. Just as various branches of administration were poisoned, by the corrupt DMK rule, the Co-operative Movement was also poisoned and the poor farmers were helpless. After the Advisers' regime in Tamil Nadu was installed under the President's rule, the non-official bodies, the non-official Boards of Directors were abolished and these Co-operative Banks, Central Banks and other Apex Banks were put under special Officers. At my suggestion in one of the meetings of the Committee of the M.Ps. on Tamil Nadu, the Advisers' regime appointed a Cell to go into the working of the various Central Banks, that is, the District Apex Banks and the enquiry led to startling revelations as to how funds were misappropriated, how reckless was the issue of loans to partymen, and the misuse of official cars. They went on Kashi Yatra and Rameshwaram Yatra. Now, I would like to mention how corruption prevailed in the Co-operative Department. The employees of the various banks were compelled to go on leave and temporary men were recruited and money was taken from them. I can quote an instance where as person became a Minister after he was the President of the Central Bank and he used to steal petrol from the car belonging to the bank, every day sys-

[Shri O. V. Alagesan]

tematically. It was going on even after the gentleman became the Minister of the Tamil Nadu Government. One night when his son was stealing petrol from the car belonging to the Central Bank, it so happened that the petrol tank got fire and the poor young fellow died as a result of the fire. This was the sorry state of affairs in Tamil Nadu. And I hope the Hon'ble Minister will get hold of those reports and try to reform the co-operative sector as much as possible. There was another Minister who created societies over night. All his employees were registered as members of the Co-operative Societies. Over night huge amounts were sanctioned as loans only to be appropriated the next day. I think it is the subject matter of the Enquiry before the Sarkaria Commission. I do not know whether it has completed the enquiry or not. But this is the state into which the Co-operative Movement sank under the DMK rule and the DMK Government. It is a great pity that the co-operative movement which was once so beneficial and developing on healthy lines should have come to this sorry pass under the DMK rule.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): Sir, I support this resolution and at the same time, I want to make some suggestions for the consideration of the minister. The amount mentioned in the statement may appear to be substantial—he seeks to authorise the Tamil Nadu Government to guarantee up to a maximum of Rs. 61 crores for giving loans to the ryots—but the reality is a substantial part of this amount will be used for conversion of the arrears. Consequently for the past four years, there has been serious drought in major parts of Tamil Nadu. Now the situation is much worse because even the delta area has become drought-affected. So, this will not meet the needs of the situation. Even if the monsoon is favourable, the ryot will require at least two years to get repaying capacity. That is why I suggest that all the short-term loans will

have to be converted into medium and long-term loans. Thousands of petitions are pending before the banks for re-conversion. Pressure is mounting on the special officers and collectors. So, instructions may be given to accept liberally proposals for conversion of short-term loans to medium and long-term loans. Even that will not be adequate. Fresh credit must be available to the ryots to meet the situation. Distress sales of land, cattle, etc. are taking place. It is a pitiable sight in the rural areas, specially in regard to small farmers. Even the rich farmers are no better. So, I request the minister to study the problem more closely and give relief.

Mr. Alagesan missed to mention one important point, i.e. bogus loans or benami loans. Benami loans to the extent of several lakhs of rupees were issued during the DMK regime for which the innocent farmers are now harassed. The ryot does not know whether he took the loan or not, but his signature is there and the officers come to attach his land. It is not a stray case. In one district alone benami loans are estimated to be Rs. 30 lakhs. Such things have happened during the DMK regime. That is why the Central Bank elected representatives were removed and the banks were put under the charge of special officers. Several allegations against former Presidents and other office-bearers are under enquiry. So, I suggest that the amount should be increased and real relief should be given to the ryots. At the same time, instructions must be given to deal with complaints properly and relieve the ryots from the burdens of benam loans. Proper enquiry must be conducted into benami loans and the persons responsible for granting such loans and forging the signatures of the ryots must be punished. The innocent ryots must not be harassed.

SHRI PRAKASH SINGH BADAL:
Sir, this is a very routine regulation. As you are aware, as per Section

73-D of the Tamil Nadu Co-operative Societies Act, 1961, the State Government may fix the maximum limit of guarantee of repayment of loan or advance taken by State Co-operative Bank and concerned Central Co-operative Banks and the State Government may increase the maximum limit in consultation with both Houses of the Legislature. It is proposed by the State Government to enhance the maximum limit from Rs. 3870 lakhs to Rs. 6115 lakhs to meet the increased requirements of credit from Reserve Bank of India. Since the Tamil Nadu Legislative Assembly has been dissolved approval of Parliament for enhancement of the maximum limit of guarantee is necessary. Present limit of Rs. 3870 lakhs had been fixed in the year 1971. So, this is entirely in the interest of farmers.

My friend has drawn my attention towards the fact that the maximum short term loan should be changed into medium term. He will be pleased to know that out of this amount Rs. 4375 lakhs is only for this purpose. This is being done keeping in view the drought conditions prevailing in that area.

My attention was drawn towards the cooperative conditions in Tamil Nadu. In that connection, I can only say that we will look into the matter.

MR. CHAIRMAN: The question is:

"Whereas the Government of Tamil Nadu have guaranteed the repayment in respect of the Central Cooperative Banks and the Tamil Nadu State Cooperative Bank, the Maximum limit of Short Term Credit, Medium Term Credit and Medium Term Conversion loans to the extent of Rs. 3,870.00 lakhs in the Government of Tamil Nadu, Co-operation Department G.O. Ms. No. 321, Cooperation dated 30-6-1971;

And whereas it is considered necessary to increase the maximum guarantee limit in respect of the Central Cooperative Banks and the Tamil Nadu State Cooperative Bank to the extent of Rs. 6,115.00 lakhs;

And whereas the Tamil Nadu Legislative Assembly has been dissolved, the Lok Sabha hereby resolve that the Government of Tamil Nadu may increase the limit of guarantee in respect of the Central Cooperative Banks and the Tamil Nadu State Cooperative Bank to the extent of Rs. 6,115.00 lakhs as required under section 73-D of the Tamil Nadu Cooperative Societies Act, 1961 (Tamil Nadu Act 53 of 1961)."

The motion was adopted.

DR. SUBRAMANIAM SWAMY (Bombay North East): On account of the late hour, I agree to postponement of Item No. 25 in my name on the understanding that this will be taken up in the early part of the next session.

SHRI SAMAR GUHA: On account of the late hour, I also agree to postponement of Item No. 26 in my name with the consent of the House on the understanding that this item should get priority in the business agenda in the next session.

MR. CHAIRMAN: Is it the pleasure of the House to postpone these Items or continue with them?

SOME HON. MEMBERS: Postpone.

MR. CHAIRMAN: The House agrees to postpone these items.

The House stands adjourned *sine die*.

20.25 hrs. ---

Lok Sabha then adjourned sine die.